

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 16.

Migration Regulation.

ARRANGEMENT OF SECTIONS.

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2. Grant of entry permit.
3. Extension of period of validity.
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9. Return in respect of absent crew member.
10. Requirement of onward ticket, etc.
11. Requirement of deposit.
12. Requirement for maintenance guarantee.
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SCHEDULE 1.—

FORM 1.—Request for Entry Permit.

FORM 2.—Entry Permit.

FORM 3.—Entry Permit Subject to Conditions.

FORM 4.—Request to Extend Period of Validity of an Entry Permit.

FORM 5.—Extension of Period of Validity Stamp.

FORM 6.—Entry Permit Exemption Stamp.

FORM 7.—Arrival Card.

FORM 8.—Departure Card.

FORM 9.—Onward Ticket Stamp.

FORM 10.—Maintenance Guarantee.

*1 APPLICATION FOR ENTRY PERMIT OR EXTENSION OF ENTRY PERMIT.

A person seeking an entry permit shall -

"(a) complete an application in Form 1, and in the case of an entry permit for long term residence, in Form 1A; and"

"(aa) in the case of an APEC Business entry permit, complete an application containing such details as required by an authorized officer; and"

(b) send the application to an authorized officer together with -

(i) his passport; and

(ii) the prescribed fee for an entry permit for the purpose for which his application is made

"(2) An applicant for an entry permit for long term residence shall -

(a) be a holder of a current valid foreign passport; and

(b) be a holder of a current valid entry permit issued under this Regulation; and

(c) be normally resident in Papua New Guinea; and

(d) have a working knowledge of English or any one of the languages spoken in Papua New Guinea; and

(e) be of good character and of good standing in the community where the applicant normally resides; and

(f) not have been convicted of an offence and sentenced, by a court of competent jurisdiction in Papua New Guinea or outside of Papua New Guinea to imprisonment for a term greater than three months; and

(g) provide documentary evidence that the applicant is in one of the class of persons specified in Section 2(3); and

(h) where the applicant is a class of persons referred to in Section 2(3)(a) and (c), include a certificate from the appropriate authority permitting a foreign enterprise to conduct business in Papua New Guinea."

* SEE ATTACHMENT - NEW CLAUSE

*2. GRANT OF ENTRY PERMIT.

(1) Subject to Subsections (2) and (3) and in Subsection (1), an entry permit shall be

(a) in Form 2 and shall be stamped in the holder's passport; or

(aa) in the case of an entry permit for long term residence, in Form 2 and shall be stamped in the holder's passport; or;

"(ab) in the case of an APEC Business entry permit, in the form of an APEC Business Travel Card issued by the holder's country and endorsed for entry into Papua New Guinea by an authorized officer; or"; and

(b) where the entry permit is issued subject to conditions with or without a statement of the purpose for which it is issued in Form 2 and may be stamped in the holder's passport.

(2) An entry permit shall be granted, in the case of -

(a) a tourist/visitor (including the owner/captain or members of the crew of a yacht) - for 60 days; and

(b) a non-resident business visitor - for 12 months with each visit within that period not to exceed 60 days; and

Amended by
S.I. N^o 5 of
2005

Inserted by
S.I. N^o 5 of 2005

Repealed.
replaced by
S.I. N^o 5 of
2005

Inserted by
S.I. N^o 5 of
2005

Repealed
by NO. 13

of 1995

(c) a resident in employment and a non-working spouse of a resident in employment - for a period of three months to three years to accord with the period of employment and shall be valid for multiple entries; and

“(ca) an APEC Business entry permit – for three years, with each visit within that period, not to exceed 60 days, and may be valid for multiple entries; and”;

Inserted by
S.I. N° 5 of
2005

(d) a consultant or specialist - for a period not exceeding three months and may be valid for multiple entries; and

(e) a person determined by the Minister to be in a special category of persons - for a period of one to five years and may be valid for multiple entries

* SEE ATTACHMENT - NEW CLAUSES

“(3) An entry permit for long term residence may be granted to a person –

!!

Added by
S.I. N° 5
of 2005

* SEE ATTACHMENT

(a) who has majority ownership of a business investment in a registered resident business for a least five years with funds and not assets in Papua New Guinea totaling at least K1,000,000.00 as evidenced by certified documentation; or

(b) a person who is a skilled professional ~~in an~~ occupation requiring tertiary level education qualifications and has worked in that professional field in Papua New Guinea for at least five years; or

* SEE ATTACHMENT
NEW WORDING

(c) a citizen of a Melanesian Spearhead Group Country and is engaged in a registered resident business in Papua New Guinea for at least five years; or

* SEE ATTACHMENT

(d) a retired person over 55 years of age (including missionaries) who has worked in Papua New Guinea for at least five years and has access to income to sustain himself; or

* SEE ATTACHMENT

(e) the spouse of a citizen where the marriage still exists and has existed for at least five years; or

* SEE ATTACHMENT
- NEW WORDING

(f) a child aged more than 19 years of a citizen where the child is not a citizen, or

* SEE ATTACHMENT - NEW WORDING

for the life of holder's current foreign passport and may be valid for multiple entries.”

* SEE ATTACHMENT - NEW CLAUSES

"3. EXTENSION OF PERIOD OF VALIDITY.

(1) A person seeking an extension of an entry permit, other than an APEC Business entry permit shall

- (a) complete an application form in Form 3; and
- (b) send the application to an authorized officer together with -
 - (i) his passport; and
 - (ii) in the case of an extension of a business visa, supporting documents; and
 - (iii) where the application is made on or before the expiry of the entry permit extension of which is sought - the prescribed extension application fee; and
 - (iv) where the application is made after the expiry of the entry permit extension of which is sought - the prescribed late extension application fee

(2) A permit, other than an APEC Business entry permit, extending the period of validity of an entry permit shall be in Form 5 and shall be stamped in the holder's passport.

"(3) An application for an extension or a renewal of an APEC Business entry permit, shall be made in accordance with Section 1(1)(aa)."

* SEE ATTACHMENT - NEW SUBSECTION (4)

Repealed &
Replaced by
S.I. No. 5
of 2005

Repealed &
Replaced
by No.
13 of 1991

Added by
S.I. No. 5
of 2005

"3A. CHANGES OF EMPLOYMENT OR STATUS.

- (1) The holder of an entry permit who -
- (a) wishes to change the status of the entry permit by reason of -
 - (i) being a legally dependant spouse with teaching, medical or other essential qualifications wishes to obtain employment. or
 - (ii) having while in the country changed his marital status; or
 - (b) being the holder of an entry permit allowing employment with a named employer -
 - (i) having completed or being deemed to have completed his contractual commitment to that employer wishes to obtain employment with another employer; or

(ii) is affected by a legal change of name of the employer, wishes the entry permit changed in respect of the name of the employer, may apply for a change of status of the entry permit or change of name of the employer in the entry permit, as the case may be.

Repealed
Replaced
by NO. 13
of 1995

- "(2) An application under Subsection (1) shall be -
- (a) in writing; and
 - (b) submitted to an authorized person; and
 - (c) accompanied by -
 - (i) the passport of the applicant; and
 - (ii) suitable documentary evidence concerning the change giving rise to the application; and
 - (iii) the prescribed fee."

4. Holder of entry permit to enter within six months.

Unless an authorized person otherwise directs, an entry permit issued to a person not in the country at the time of issue shall become invalid unless the holder enters the country within six months of the issue of the permit.

5. Entry permit exemption stamp.

The stamp which may be placed in the passport of a person permitted to enter and remain in the country without an entry permit shall be in Form 6.

6. Arrival cards.

- (1) A person entering the country from another country shall—
- (a) on arrival, complete an arrival card and hand it to an officer; or

(b) before arrival, complete an arrival card and hand it to a member of the crew of the conveyance on which travel to the country is being made.

(2) An arrival card shall be in Form 7.

7. Departure cards.

(1) A person leaving the country for another country shall before leaving complete a departure card and hand it to an officer.

(2) A departure card shall be in Form 8.

8. Return in respect of person failing to continue his journey.

The person in charge, or the owner or his agent, of a conveyance which brings to the country a passenger whose destination is outside the country, shall, before that conveyance leaves the country, inform an officer at a proclaimed port if that passenger fails to return to the conveyance to continue the journey.

9. Return in respect of absent crew member.

The person in charge, or the owner or his agent, of a conveyance which is leaving the country for another country shall, before that conveyance leaves the country, inform an officer at a proclaimed port if a member of the crew has failed to return to the conveyance.

10. Requirement of onward ticket, etc.

(1) An officer may require a person seeking to enter or remain in the country—

(a) to produce to him a ticket entitling that person to a confirmed passage by sea or air to another country, together with evidence of authority to enter that country; and

(b) to possess that ticket at all times until he leaves the country.

(2) For the purpose of guaranteeing compliance with Subsection (1)(b) an officer may stamp a ticket with a stamp in Form 9.

(3) A person who, without the consent of an officer or authorized person—

(a) cancels, varies, or transfers a ticket stamped in accordance with Subsection (2); or

(b) accepts a cancellation, or allows a variation or transfer of a ticket stamped in accordance with Subsection (2); or

(c) obtains or gives a refund in respect of a ticket stamped in accordance with Subsection (2),

is guilty of an offence.

11. Requirement of deposit.

(1) An officer or authorized person may require a person seeking to enter or remain in the country to deposit a sum not exceeding K1 000.00 with the State.

(2) A sum, or its balance, deposited under Subsection (1), shall be refunded when an officer or authorized person considers it is no longer necessary to retain it.

12. Requirement for maintenance guarantee.

(1) An officer or authorized person may, in respect of a person seeking to enter or remain in the country, require some other person to enter into a maintenance guarantee, with or without sureties, in a sum not exceeding K1 000.00.

(2) A maintenance guarantee shall be in Form 10.

(3) A maintenance guarantee shall remain enforceable until an officer or authorized person is satisfied that the State can incur no liability in respect of a person covered by it.

(4) A maintenance guarantee shall have effect notwithstanding that it is under the hand of the guarantor and not sealed.

13. Offences and penalties.

(1) A person who fails to comply with an obligation under this Regulation is guilty of



STATUTORY INSTRUMENT

Migration (Amendment) Regulation 2011

Being a Regulation to amend the ***Migration Regulation*** (Chapter 16),

MADE by the Head of State, acting with, and in accordance with, the advice of the National executive Council, under the ***Migration Act*** (chapter 16).

1. APPLICATIONS FOR ENTRY PERMIT OR EXTENSION OF ENTRY PERMIT (AMENDMENT OF SECTION 1).

Section 1 of the Principal Regulation is amended in Subsection (2) by adding after Paragraph (h) the following new paragraph;

“(i) lodge his application which shall be personally approved by the Minister on the recommendation of the Chief Migration Officer.”.

2. GRANT OF ENTRY PERMIT (AMENDMENT OF SECTION 2).

Section 2 of the Principal Regulation is amended –

(a) in Subsection (2) : –

(i) by adding after the end of Paragraph (b) the following words:-

“without further extensions beyond the 60 day stay period with each entry permit granted offshore”; and

(ii) by adding after Paragraph (e), the following new paragraphs: –

Migration (Amendment) Regulation 2011

- “(f) Single Business Entry permit for a period of 30 days without further extensions.”; and
- “(g) a Work and Holiday Entry Permit – for a period as agreed in accordance with arrangements as determined by the Memorandum of Understanding (MOU) signed between Papua New Guinea and Australia effective only for the duration of the MOU or unless revoked by either party, whichever occurs earlier and if the MOU is not signed, or at any time revoked, that entry permit ceases to be valid.”; and

(b) in Subsection (3) : –

(i) by repealing and replacing Paragraph (a) with the following:-

“(a) who has majority ownership of a business investment in a registered resident business for at least five years:-

- (i) with funds totaling at least K2,000,000.00; and
- (ii) with funds in property investments with a net value of at least K 10,000,000.00;”.

in Papua New Guinea as evidenced by certified documentation.

(ii) in Paragraph (b) by repealing the words “in an occupation” and replacing them with the following words:-

“who is a medical doctor, specialist or educationist”; and

(iii) by repealing Paragraph (c); and

(iv) by repealing and replacing Paragraph (d) with the following: –

“(d) a retired person over 55 years of age who has worked in Papua New Guinea for at least five years and has demonstrated access to income of not less than K50, 000 per annum to sustain himself.”; and

(v) in Paragraph (e) by

(A) inserting before the word “spouse”, the following :-
“legally married”; and

(B) adding at the end of Paragraph (e), the following words :-

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“who produces documentary evidence to that effect”; and

(vi) by adding at the end of Paragraph (f) the following words: –

“provided that the individual is working in a voluntary capacity at a community or social level.”; and

(vii) by adding after Paragraph (f) the following new paragraphs: –

“(g) a Chief Executive Officer of a company with a work force of at least 250 employees and an annual turnover of K10 million or more, where the company is registered and has been operating in Papua New Guinea for more than five years.”; and

“(h) retired missionary or religious worker who has worked in Papua New Guinea for at least five years and has access to income of not less than K25, 000 per year or a guarantee of financial support from a registered religious organization or church.”; and

(c) by adding after Subsection (3) the following new subsection: –

“(4) An entry permit may be granted to a dependent of a holder of a Resident (Long Term) Entry Permit but only for the purpose of residing in Papua New Guinea with the substantive resident permit holder and that the dependent shall not seek or be engaged in any employment.”.

MADE this

day of

, 2011

GOVERNOR GENERAL