

# BILL NO. 32 OF 2016

## A BILL

FOR AN ACT TO AMEND THE PASSPORTS ACT 2002

ENACTED by the Parliament of the Republic of Fiji—

*Short title and commencement*

**1.**—(1) This Act may be cited as the Passports (Amendment) Act 2016.

(2) This Act comes into force on a date or dates appointed by the Minister by notice in the Gazette.

(3) In this Act, the Passports Act 2002 is referred to as the “Principal Act”.

*Section 2 amended*

**2.** Section 2 of the Principal Act is amended by—

(a) in subsection (1), inserting the following new definitions—

““disciplined force” means—

(a) the Republic of Fiji Military Forces;

(b) the Fiji Police Force; or

(c) the Fiji Corrections Service;

“Fijian official passport” means a passport issued under section 9A;

“peacekeeping duty” means any peacekeeping or peace enforcement mission sanctioned by the Government;” and

- (b) in subsection (2), inserting “and a Fijian official passport” after “emergency passport”.

*New sections 9A, 9B, 9C, 9D and 9E inserted*

3. The Principal Act is amended by inserting the following new sections after section 9—

*“Fijian official passport*

9A.—(1) A passport officer may, upon receipt of an application—

- (a) made in the approved form; and  
 (b) endorsed by the Commander of the Republic of Fiji Military Forces, Commissioner of Police or Commissioner of the Fiji Corrections Service, as the case may be,

issue a Fijian official passport to a member of the disciplined force travelling on peacekeeping duties.

(2) A person issued with a Fijian official passport under subsection (1) must be a citizen of Fiji.

*Use of Fijian official passport*

9B.—(1) The Director of Immigration must, by notice in the Gazette, prescribe a list of countries within which a Fijian official passport may be used.

(2) A member of the disciplined force must not use his or her Fijian official passport for the purpose of travelling to a country that is not included in the list of countries prescribed by the Director of Immigration under subsection (1).

(3) A member of the disciplined force must not use his or her Fijian official passport for any personal travel within any of the countries prescribed under subsection (1).

(4) A member of the disciplined force who contravenes subsection (2) or (3) shall be subject to such disciplinary action as may be determined by the Commander of the Republic of Fiji Military Forces, Commissioner of Police or Commissioner of the Fiji Corrections Service, as the case may be.

*Return of Fijian official passport at the end of peacekeeping duties*

9C.—(1) Upon the completion of his or her peacekeeping duties, a member of the disciplined force must submit his or her Fijian official passport to the Department of Immigration upon arrival at the first point of entry in Fiji.

(2) The Department of Immigration shall, reissue a Fijian official passport that has been submitted under subsection (1) to the relevant member of the disciplined force, upon receipt of written request by the Commander of the Republic of Fiji Military

Forces, Commissioner of Police or Commissioner of the Fiji Corrections Service, as the case may be, which includes —

- (a) the name of the member of the disciplined force that will be engaged in the peacekeeping mission;
- (b) the proposed duration of his or her peacekeeping duty; and
- (c) the country within which the peacekeeping duty will be based.

(3) A member of the disciplined force who contravenes subsection (1) shall be subject to such disciplinary action as may be determined by the Commander of the Republic of Fiji Military Forces, Commissioner of Police or Commissioner of the Fiji Corrections Service, as the case may be.

*Cancellation of a Fijian official passport*

9D.—(1) A Fijian official passport may be cancelled by the Director of Immigration where a person who was issued with a Fijian official passport ceases to be a member of the disciplined force.

(2) A Fijian official passport cancelled in accordance with subsection (1) shall become void immediately.

*Offences*

9E. Any person who—

- (a) makes any unauthorised alteration, addition, deletion to or in any Fijian official passport issued under this Act;
- (b) issues a Fijian official passport without lawful authority;
- (c) issues or produces a document that is false with the intent that the false document should be used, acted on or accepted as a Fijian official passport; or
- (d) uses or issues the Fijian passport to any other person or for any other purpose contrary to the intention of section 9A,

commits an offence and is liable upon conviction to a fine not exceeding \$10,000 or to a term of imprisonment of 2 years, or to both.”

## **PASSPORTS (AMENDMENT) BILL 2016**

### **EXPLANATORY NOTE**

*(This note is not part of the Bill and is only intended to indicate its general effect)*

#### **1.0 BACKGROUND**

- 1.1 Currently in the Middle East, Fijians who are members of the disciplined force, specifically the Republic of Fiji Military Forces, are deployed as peacekeepers in Iraq, Sinai, Syria, Lebanon and the Golan Heights (buffer zone between Israel and Syria).
- 1.2 If a Fijian soldier is to be based in the Golan Heights, his or her passport will be stamped with the Israeli visa upon arrival. On the other hand, if a Fijian soldier is to be based in one of the Arab countries i.e. Iraq, Sinai, Syria or Lebanon, his or her passport will be stamped with a visa from that particular country.
- 1.3 As part of their service as peacekeepers in the Middle East, Fijian soldiers regularly travel from one country to another, crossing borders between Israel and the Arab countries to administer supplies, logistics and inspect the conditions of the troops and camps of fellow Fijian soldiers based in other countries within the Middle East.
- 1.4 Given the hostility between Israel and the Arab countries, any movement between the borders of Israel and the Arab countries poses a great security risk for Fijian soldiers whose passports have been stamped with either an Israeli visa or a visa from an Arab country.
- 1.5 A Fijian soldier presenting an Israeli stamped passport at the border of an Arab country or vice versa, is likely to have their travel documents seized, or be delayed and subjected to further scrutiny at the border. On some occasions, the soldiers are turned back and not allowed to enter that country and they also face the risk of being detained at the border.

- 1.6 Therefore, in order to ensure the safety of our Fijian soldiers, it is prudent to amend the Passports Act 2002 (**‘Act’**) through the Passports (Amendment) Bill 2016 (**‘Bill’**) to enable the introduction of a new category of passports to be called the Fijian official passport, which will be used by Fijian soldiers and other members of the disciplined force, to travel safely between the borders of hostile countries.

## **2.0 CLAUSES**

- 2.1 Clause 1 of the Bill provides the short title and commencement of the Bill.
- 2.2 Clause 2 of the Bill amends section 2(1) of the Act by inserting the definitions of “disciplined force”, “Fijian official passport” and “peacekeeping duty”.
- 2.3 Clause 2 of the Bill also amends section 2(2) by inserting the words “and a Fijian official passport” to cater for the inclusion of Fijian official passport in every provision within the Act that regulates the issuance and administration of passports.
- 2.4 Clause 3 of the Bill amends the Act by inserting new sections 9A, 9B, 9C, 9D and 9E which provide for the issuance of Fijian official passports to members of the disciplined force, guidelines of the use of these passports, and cancellation of these passports where the holder of the passport ceases to be a member of the disciplined force.
- 2.5 To further elaborate, under the new sections introduced under clause 3 of the Bill, in addition to the normal Fijian passports, the Fijian official passports will be issued to members of the disciplined force travelling on peacekeeping duties, which includes officers of the Fiji Corrections Service and Fiji Police Force who face the same dilemma when travelling on peacekeeping missions to countries such as Sudan, Sinai, Kosovo and Timor-Leste.
- 2.6 The Director of Immigration will issue a list by notice in the Gazette prescribing the countries in which the Fijian official passports can be used. Where a member of the disciplined force completes his or her peacekeeping mission, he or she must handover the passport to the Department of Immigration upon arrival in Fiji.
- 2.7 To minimise any misuse of the Fijian official passport, members of the disciplined force will be subject to disciplinary action by the Commander of the Republic of Fiji Military Forces, Commissioner of Police or Commissioner of the Fiji Corrections Service, as the case may be, for the use of the Fijian official passports for personal travel within the prescribed countries, for using the passports for travel outside the prescribed countries and for failure to hand in the Fijian official passport upon arrival in Fiji.

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2.8 The Fijian official passports may be cancelled by the Director of Immigration where a person issued with such a passport is no longer a member of the disciplined force or for any other reason that warrants the cancellation of a passport under the Act.

2.9 Conclusively, under this Bill any person may be held liable for the misuse, falsification or issuance of a Fijian official passport to any other person or for any other purpose contrary to the intention of section 9A.

### **3.0 MINISTERIAL RESPONSIBILITY**

3.1 The Act comes under the responsibility of the Minister responsible for immigration.

A. SAYED-KHAIYUM  
Attorney-General