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Prime Minister and Minister for iTaukei Affairs and Sugar Industry

Parliamentary Written Question No. 181/2019

Parliament of Fiji
Government Buildings, Suva

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Hon. Niko Nawaikula to ask the Hon. Prime Minister and Minister for iTaukei Affairs and Sugar Industry – Can the Hon. Prime Minister inform Parliament as to the measures undertaken by the Department of Immigration to monitor compliance with visa conditions by foreigners?

Response

Mister Speaker Sir, Fiji's Immigration programs allow people from any country to apply for a visa to travel to Fiji, provided that they meet the requirements of the immigration law. To date, citizens of 109 countries are not required to obtain a visa to enter Fiji, however, citizens from the remaining 86 countries, visa is mandatory. (The list of 109 countries is attached as Appendix A.)

Visas support people travelling to Fiji for specific purposes, example: 1) given Fiji's Tourism industry, Fiji provides tourist visas; 2) in order to address shortage of skills in the labour market, Fiji provides visa for employment purposes or work permits; and 3) given that Fiji is the hub of the Pacific and hosts the University of the South Pacific main campus and other regional training centers, Fiji provides visa for education purposes.

The Department of Immigration ("the department") is the entity that is responsible for the administration of Fiji's immigration service and protection of our borders through the enforcement of the Immigration Act 2013, Passport and Citizenship Acts.

Mister Speaker, within the Department is a section called **Compliance and Investigation**. The core responsibility of the Section is to manage visa holders' compliance with their visa conditions. The Section is also tasked with carrying out investigations into persons of interest. Visa holders become persons of interest when they overstay their permitted stay period in Fiji; or undertake unauthorized employment when their visa class does not entitle them to do so; person with criminal records or criminal affiliation; and those who have entered or remained in the country

by resorting to forged or false documents or by contrived arrangements.

The Section is also responsible for the Department's response to allegations or suspicions of organized immigration-related malpractice such as document fraud, people smuggling and trafficking and identity fraud, organization of illegal worker activity and any other activities that support circumvention of Immigration law or policy.

Mister Speaker, this dedicated Section itself is a measure put in place by the Department of Immigration to monitor compliance with visa conditions by foreigners.

Further, the Department of Immigration, collaborates with its networks to achieve an integrated approach to managing compliance of visa conditions. The Department has a Memorandum of Understanding in place with the Fiji Revenue and Customs Service (FRCs); the Fiji Police Force; the National Combined Law and Security Agencies group (NCLASA) and most recently with INTERPOL, to share information and intelligence which would help the Department analyse information about persons, places, objects

and activities that may have relevance in the context of immigration malpractice.

With visa scams and immigration malpractice happening globally, the Department of Immigration is currently working with the Solicitor General's Office to update our current immigration laws.

In addition, the Department collaborates with the Australian and New Zealand Governments in the continuous up-skilling of staff from the Compliance and Investigation Section in the following areas:

- Foundation of Intelligence Training;
- Interviewing Techniques;
- Document examination and Profiling;
- Human Trafficking Indicators;
- Surveillance & Investigation Techniques; and
- Investigator's Workshop.

Mister Speaker in addition to the measures mentioned above, under each category of visa type, be it tourist visa, work permit, student permit or investor permit, the Department has further targeted measures in place to manage compliance of visa conditions.

Mister Speaker Sir, I will provide an example from work permits.

- A work permit for a “non-citizen skilled contracted worker” means a Permit granted to a non-citizen to be employed by a locally established business, organization or institution. The Authority to issue a work permit is provided under Section 9(2) (c) of the Immigration Act, 2003. Work permits are considered for those occupations where skills shortages exist. The Department assesses applications against a list provided by the Fiji Commerce and Employers Federation which outlines the occupations in various sectors where there are skills shortages.
- Mister Speaker, the Department also has a work permit checklist with specific criteria to gather information on applicants and reach a decision on the applications. An example of a criteria in the checklist, is the need to have certified documentation to support the application. In instances where documentations are provided in a foreign language, it is mandatory to have English translated versions of the said document(s), which must be either certified by a JP in the applicant’s country or a local JP who understands the language provided in the document.

The Permanent Secretary, Office of the Prime Minister makes the final decision on the applications.

- Mister Speaker, as a control measure, work permit validity is only granted for the duration of the work required, with three years validity being the maximum number of years endorsed by the Department.
- The Compliance and Investigation Section conduct routine and surprise site inspections on permit holders to assess compliance of work permit conditions. Permits are cancelled if a holder breaches the conditions to which it was issued. The employer of the permit holder is given 21 days to appeal the cancellation. If the appeal is declined, the individual becomes a prohibited immigrant in Fiji thus the Compliance and Investigation Section in accordance with Section 15 of the Immigration Act 2003 issues a removal order on the individual.

In conclusion, Mister Speaker, managing compliance of visa conditions by foreigners is a complex service around the world and the Fiji Department of Immigration has in place a dedicated section with the responsibility of managing compliance of visa conditions by foreigners and is guided by the Immigration Act of 2013.

The Department has an integrated approach to managing compliance of visa conditions through collaboration with networks under a Memorandum of Understanding. In addition, up-skilling of staff remains a priority in the Department to meet emerging challenges in the area of immigration malpractice. The Department continuously undertakes research to determine best practices, improvements and innovative methods to address emerging trends in visa deceptions.

I thank you, Mr Speaker, Sir.
