

BILL NO. 16 OF 2022

A BILL

FOR AN ACT TO AMEND THE CITIZENSHIP OF FIJI ACT 2009

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

1.—(1) This Act may be cited as the Citizenship of Fiji (Revised Budget Amendment) Act 2022.

(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 Citizenship of Fiji Act 2009 is referred to as the “Principal Act”.

Section 11 amended

2. Section 11 of the Principal Act is amended by deleting subsection (2) and inserting the following new subsections—

“(2) In order to qualify for the grant of a certificate of naturalisation under section 13, a person must—

(a) be the holder of a valid permanent residence permit;

- (b) have been lawfully present in Fiji for an aggregate period of 15 years in the 20 consecutive years immediately before the application for naturalisation;
- (c) be of good character;
- (d) intend to continue to reside in Fiji; and
- (e) have adequate knowledge of the English language and of the responsibilities and privileges of Fijian citizenship in accordance with guidelines which may be prescribed by regulations.

(3) For the avoidance of doubt, in calculating the aggregate period in subsection (2)(b) the Minister must—

- (a) not take into account any period in which the applicant was not a holder of a valid permanent residence permit; and
- (b) where the applicant has held more than one permanent residence permit, only take into account consecutive periods in which the applicant has held a permanent residence permit.”.

Section 22A inserted

3. The Principal Act is amended after section 22 by inserting the following new section—

*“Transitional—Citizenship of Fiji (Amendment) Act 2020 and Citizenship of Fiji
(Revised Budget Amendment) Act 2022*

22A.—(1) An application for citizenship lodged with the Fijian Immigration Department on or prior to 31 August 2020 must be assessed under the criteria applicable on that date.

(2) An application for citizenship lodged with the Fijian Immigration Department on or after 1 September 2020 must be assessed under the criteria provided for by virtue of the Citizenship of Fiji (Amendment) Act 2020 and the Citizenship of Fiji (Revised Budget Amendment) Act 2022.”.

Consequential amendment

4. Sections 5 and 9 of the Citizenship of Fiji (Amendment) Act 2020 are deleted.

March 2022

CITIZENSHIP OF FIJI (REVISED BUDGET AMENDMENT) BILL 2022

EXPLANATORY NOTE

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

1.0 BACKGROUND

- 1.1 The Citizenship of Fiji Act 2009 (**‘Act’**) provides *inter alia* for the acquisition, renunciation and deprivation of citizenship in Fiji.
- 1.2 The Citizenship of Fiji (Revised Budget Amendment) Bill 2022 (**‘Bill’**) seeks to amend the Act to *inter alia* require that an applicant must be lawfully present in Fiji for 15 out of the 20 years prior to lodging an application for citizenship by naturalisation.

2.0 CLAUSES

- 2.1 Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the amending legislation will come into force on a date or dates appointed by the Minister by notice in the Gazette.
- 2.2 Clause 2 of the Bill amends section 11 of the Act to amend the criteria for the grant of citizenship by naturalisation. Currently, a person only needs to be lawfully present in Fiji for 5 out of the 10 years prior to lodging an application for citizenship by naturalisation. The Bill seeks to increase the requisite aggregate period prior to lodgement from 5 out of 10 years to 15 out of 20 years.
- 2.3 Clause 3 of the Bill amends the Act to provide for the transitioning of the grant of citizenship from the current criteria to the new criteria. The criteria applicable before 31 August 2020 will be applicable to applicants for citizenship by naturalisation but applications lodged after 1 September 2020 will be assessed under the new criteria proposed by the Bill and the Citizenship of Fiji (Amendment) Act 2020.
- 2.4 Clause 4 of the Bill consequentially deletes sections 5 and 9 of the Citizenship of Fiji (Amendment) Act 2020 to increase the requisite aggregate period.

3.0 MINISTERIAL RESPONSIBILITY

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

A. SAYED-KHAIYUM
Attorney-General