

BILL NO. 17 OF 2023

A BILL

FOR AN ACT TO AMEND THE IMMIGRATION ACT 2003

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

1.—(1) This Act may be cited as the Immigration (Amendment) Act 2023.

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

Section 8 amended

2. Section 8 of the Immigration Act 2003 is amended after paragraph (f) by inserting the following new paragraph—

“(g) a person who is registered in the *Vola ni Kawa Bula* maintained by the iTaukei Lands Commission under the iTaukei Lands Act 1905.”.

July 2023

IMMIGRATION (AMENDMENT) BILL 2023

EXPLANATORY NOTE

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

1.0 BACKGROUND

- 1.1 The Immigration Act 2003 ('Act') provides for *inter alia* the regulation of people entering or transiting through Fiji and the purposes for such travel.
- 1.2 Under the Act, a person who is not a Fijian citizen cannot enter Fiji unless he or she is a holder of a current visa or permit or is exempted by the Minister responsible for immigration or exempted under section 8 of the Act.
- 1.3 Section 8 of the Act currently lists the categories of people who are entitled to enter, reside and work in Fiji without having to obtain a permit under the Act as follows:
 - (a) a citizen;
 - (b) a child of a citizen, being a child who is under the age of 18 years, or such lesser age as the Minister, by order, specifies, and who is not, and has never been, married;
 - (c) a member of the military forces of another country entering Fiji for an authorised military exercise, training or secondment;
 - (d) a person to whom immunities and privileges have been extended in Fiji under any written law relating to diplomatic or consular immunities and privileges;
 - (e) a person who is on the official staff of a person to whom the immunities and privileges mentioned in paragraph (d) have been extended; and
 - (f) a person employed in the service of the Government of the Republic of Fiji or the Government of any country or territory entering Fiji in the course of his or her duty.

- 1.4 This listing however does not include a person who is not a Fijian citizen and who is registered in the *Vola ni Kawa Bula* from being entitled to enter, reside and work in Fiji without a permit, as was previously covered under section 8 of the Act prior to its removal in 2007.
- 1.5 The Immigration (Amendment) Bill 2023 (**‘Bill’**) therefore seeks to amend the Act to now allow a person who is not a Fijian citizen but who is registered in the *Vola ni Kawa Bula* to enter, reside and work in Fiji without obtaining a visa or permit.

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 appointed by the Minister by notice in the Gazette.
- 2.2 Clause 2 of the Bill amends section 8 of the Act to allow a person who is not a Fijian citizen but whose name is registered in the *Vola ni Kawa Bula* to enter, reside and work in Fiji without obtaining a visa or permit.

3.0 MINISTERIAL RESPONSIBILITY

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

S. TURAGA
Attorney-General