

REPUBLIC OF KIRIBATI
(No. 12 of 2002)

I assent

(Sgd: Teburoro Tito)
Beretitenti
16/10/2002

AN ACT TO AMEND THE IMMIGRATION ORDINANCE

Commencement:
2002

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti.

Short Title

1. This Act may be cited as the Immigration (Amendment) Act 2002.

New section

2. The principal Ordinance is hereby amended by adding after section 10 the following section -

“Residence permit

10A. (1) There is established under this Ordinance a Commission to be known as the Residency Permit Commission.

(2) The regulations made under section 24 of this Ordinance applies to and with respect to the Commission.

(3) A person of full age, and full capacity may apply in the prescribed manner to the Commission to be granted a residency permit.

(4) Where, on application made pursuant to subsection (3) and as a result of such inquiries (if any) as the Commission may cause to be made, the Commission is satisfied that the person making the application –

- (a) is married to an I-Kiribati and has natural children borne out of that marriage;
- (b) was, on the date of the application, and has been, during the period of 3 years immediately prior to that date, ordinarily resident in Kiribati;

- (c) intends to continue to reside in Kiribati;
- (d) is of good character;
- (e) unless prevented by physical or mental disability is able to speak and understand Kiribati language for normal conversational purposes;
- (f) has a respect for the customs and traditions of Kiribati; and
- (g) has the means of support for himself and his dependants,

then the Commission shall make recommendations to the Minister regarding the application, and the Minister, acting in accordance with the advice of Cabinet, may grant the application, but otherwise shall refuse it.

10B. (1) A residence permit entitles the holder of the permit to -

- (a) be in Kiribati indefinitely;
- (b) undertake employment in Kiribati;
- (c) undertake any course of study or training in Kiribati.

(2) The Minister, acting in accordance with the advice of the Cabinet, may cancel a residence permit if he is satisfied that the holder -

- (a) is not a person to whom a residence permit ought to have been issued;
- (b) has become incapable of supporting himself or his dependants;
- (c) has behaved in a manner prejudicial to the peace and good order of Kiribati; or
- (d) is in breach of any of the conditions of his permit or to which it is subject.

(3) Where a residence permit is cancelled under subsection (4), the presence of the holder of the residence permit in Kiribati becomes unlawful, and the provisions of section 14 of this Ordinance shall apply.

Amendment of section 24

3. The principal Ordinance is hereby amended at section 24 by -

- (a) inserting after paragraph (f) the following new subparagraph
 - “(g) prescribing the composition, functions and powers of the Residency Permit Commission;”;
 - and
- (b) by renumbering subparagraph “(g)” as “(h)”.

IMMIGRATION (AMENDMENT) ACT 2002

EXPLANATORY MEMORANDUM

The amendment in section 2 seeks to insert a new section 10A regulating the granting of a residence permit to a foreigner. A permit shall be in a form prescribed by an amendment to the Regulations made under section 24 of this Ordinance. A person applying for a residence permit must comply with all the criterias set out under subsection (2), which are in all respects similar to those required of an applicant for citizenship under our Citizenship Act. Subsection 3 specifies the entitlements of the holder of a residence permit. And subsection 4 specifies the grounds upon which a residence permit may be cancelled, the effect of which enables the Minister under subsection (5) to remove the holder out of Kiribati under section 14 of the Ordinance.

Titabu Tabane
Attorney General
15 April 2002

