

**LAWS OF KIRIBATI
REVISED EDITION 1998**

CHAPTER 66A

PASSPORTS

(Incorporating amendments up to 1 September 1998)

ARRANGEMENTS OF SECTIONS

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**An Act to make provision for the issue of passports
by persons leaving or entering Kiribati and for matters
connected therewith and incidental thereto**

3 of 1979
12 of 1983
4 of 1996
23 of 1996

Commencement: 1st January 1980

Short title

1. This Act may be cited as the Passports Act.

Commencement

2. This Act shall come into operation on such date as the Minister may, by notice in the Gazette, appoint.

Interpretation

3. In this Act, unless the context otherwise requires -

"appropriate form" means a form approved by the Minister for use in any particular case pursuant to the provisions of this Act;

"foreign investor", notwithstanding any other law, means a person who the Minister, acting in accordance with the advice of the Cabinet, certifies in the prescribed form, is of good character and respects the laws, customs and traditions of Kiribati and has paid fifteen thousand US dollars (US\$15,000) to, and executed a promissory note in the sum of five thousand US dollars (US\$5,000) in favour of, the Republic, or if higher amounts are prescribed by regulations made by the Beretitenti, acting in accordance with the advice of the Cabinet, those higher amounts;

(Definition inserted by No.4 of 1996, s.2)

"immigration officer" means an immigration officer appointed under the provisions of any Act relating to immigration;

"investor passport" means a current valid travel document which is issued by or on behalf of the Government of Kiribati, containing a photograph and personal description of the holder which entitles the investor passport holder to remain for five years in Kiribati from that date of its issue on such island as the Beretitenti, acting in accordance with the advice of the Cabinet, may by order declare;

(Definition of "investor passport inserted by No.4 of 1996, S.2(b) amended by No.23 of 1996 S.3)

"master" includes the pilot of an aircraft;

"overseas representative" means a diplomatic or consular representative of the Republic in any country and includes any person having authority to act as such on behalf of the Republic;

"passport" means a current valid travel document which is issued by or on behalf of the Government of any country, containing a photograph and a person description of the holder which purport to establish the identity and nationality or citizenship of the holder, or which gives a right of re-entry to that country;

"Passport Officer" means the person appointed by the Minister to exercise the powers conferred under this Act and includes any other person designated by the person so appointed;

"vessel" includes an aircraft.

Issue and cancellation of passports

4. (1) The Passport Officer shall, upon application made to him in the appropriate form -

- (a) issue to any citizen of Kiribati who satisfies such conditions as may be prescribed, a passport in an approved form; or
- (b) issue to any foreign investor who satisfies the conditions specified in section 3 and such other conditions as may be prescribed, an investor passport in an approved form.

(S.4(1) amended by No.4 of 1996 S.3)

- (2) Any passport issued under subsection (1) may be withdrawn or cancelled by the Passport Officer upon an order of the Minister if the holder of the passport -

- (a) renounces his citizenship of Kiribati in accordance with provision made under section 28(b) of the Constitution;
- (b) is deprived of his citizenship in accordance with provision made under section 28(d) of the Constitution; and
- (c) in relation to subsection (1)(b) is no longer certified under section 3 as a foreign investor, and thereupon any such passport shall become void.

(S.4(2) amended by No.4 of 1996, S.3)

Investor to return to South Tarawa

4A. The holder of an investor passport within a period of 14 days before the expiration of the period of 12 months from the date of issue of the investor passport and after that period such other period of time as may be prescribed shall -

- (a) be required to return to and visit South Tarawa;
- (b) present himself in person; and
- (c) report to the Minister or other immigration officer as may be authorised by the Minister for the purpose of this section,

on the progress so far of the foreign investor programme referred to in section 3.

(S.4A inserted by No.4 of 1996, S.3, amended by No.23 of 1996, S.4)

Period of Validity of Investor Passport

4B. An Investor Passport shall be valid for a period of 5 years from the date of issue.

(S.4B inserted by No.23 of 1996, S.5)

Power to renew and endorse passports

5. The Passport Officer shall, upon application made to him in the appropriate form, renew and endorse passports referred to in section 4(1).

(S.5 amended by No.4 of 1996, S.5)

Failure to deliver passport

6. Where a passport has been withdrawn or cancelled under the provisions of section 4, the Passport Officer may require the holder of such passport, by notice in writing served upon him personally, to deliver the passport within such reasonable time as may be specified in the notice, and if he fails to do so without reasonable cause he shall be guilty of an offence.

Obtaining passport by false statement

7. Any person who, for the purpose of obtaining a passport, or a renewal or endorsement in respect thereto, makes any representation or statement which he knows to be false or calculated to mislead in a material particular, or recklessly makes any statement which is false or calculated to mislead in a material particular, shall be guilty of an offence.

Power to take possession of passport

8. (1) It shall be lawful for the Passport Officer, any immigration officer or any police officer to take and retain possession of any passport in any case where he has good reason to believe that the passport is in the wrongful possession of any person, or that the passport or a renewal or endorsement in respect thereto has been obtained by means of any false or misleading representation or of any statement that is false or calculated to mislead in a material particular.
- (2) Any person having in his possession or under his control any such passport shall, on demand, forthwith deliver such passport to the Passport Officer, immigration officer or police officer.
- (3) Any person who fails without reasonable excuse so to deliver any such passport upon demand shall be guilty of an offence.

Power to issue certificates of identity or other travel documents

9. (1) Whenever it is not reasonably practicable to issue a passport the Passport Officer may, subject to the approval of the Minister in writing, issue a certificate of identity or other travel document to citizens of Kiribati or aliens which shall be in the appropriate form.
- (2) The provisions of this Act relating to passports shall, subject to such modifications and adaptations as may be necessary, apply to certificates of identity or travel documents issued under the provisions of the last preceding subsection.
- (3) A certificate of identity or other travel documents issued under this section shall remain valid for such period not exceeding six (6) months.

(S.9 amended by No.4 of 1996, S.6)

Issue of passports by overseas representatives

10. (1) The Minister may, from time to time, authorise any overseas representative to exercise in the country in which he represents the Republic all or any of the powers and functions of the Passport Officer under this Act, and in every such case the provisions of this Act shall, so far as they are applicable and with such adaptations and modifications as may be necessary, apply accordingly.
- (2) In the exercise of any such powers or functions every overseas representative shall act in accordance with such directions, general or special, not inconsistent with the provisions of this Act, as may from time to time be given by the Minister.
- (3) Any authority or directions under this section may be given to a specified person or to persons of a specified class, or may be given to the holder or holders for the time being of a specified office or appointment or class of offices or appointments.

Saving of passports already issued, etc.

11. All passports and all renewals and endorsements in respect of passports issued, made or granted in the former Gilbert Islands Colony or the former Gilbert and Ellice Islands Colony or on behalf of the Government of the former Gilbert Islands Colony or the former Gilbert and Ellice Islands Colony before the commencement of the Constitution, and generally all acts of authority in relation to any such passports, renewals and endorsements which were subsisting or in force at the commencement of the Constitution, shall continue to have effect for a period of 6 months from the commencement of this Act or for such longer period as the Minister may authorise.

Leaving or entering Kiribati without passport

- 12.** (1) Subject to the provisions of subsection (3), no person shall leave or enter Kiribati unless he is in possession of a valid passport issued by or on behalf of the Government of a country of which he is a national or citizen.
- (2) Every person leaving or entering Kiribati shall, on demand by the Passport Officer or any immigration office, produce his passport.
- (3) The Minister may exempt, either conditionally or unconditionally, or upon or subject to such conditions as he may think fit to impose, any person or specified class of persons from compliance with the provisions of subsection (1).

Power to order passports to be delivered up

- 13.** (1) Any person who is required to produce his passport under the provisions of section 12 shall, if so required, and subject to such directions as may be given by the Minister, deliver his passport to the Passport Officer or immigration officer before leaving the vessel in which he enters Kiribati or at any time while he is in Kiribati.
- (2) Any passport delivered to the Passport Officer or immigration officer under the provisions of subsection (1) shall, subject to such directions as may be given by the Minister, be returned to the person who delivered it on such person leaving Kiribati.
- (3) Any person who fails without reasonable cause to deliver his passport as and when required in accordance with the provisions of this section shall be guilty of an offence.

Visas

- 14.** (1) Subject to section 14 and section 119(4) of the Constitution, no person other than a national or citizen of any country specified in an order made under the provisions of subsection (2) or exempted under subsection (3) shall enter Kiribati unless he is in possession of a valid and current visa.
(S.14(1) amended by No.12 of 1983, S.2,3)
- (2) The Minister may, by order published in the Gazette, specify countries the nationals or citizens of which shall be exempted from obtaining a visa before entering Kiribati.
- (3) (a) Subject to this subsection, a person who satisfies the Principal Immigration Officer that he comes into any of the following categories shall be entitled to enter Kiribati from any place outside Kiribati without having obtained a visa under this Act:
- (i) a person duly accredited as a diplomatic or consular representative to Kiribati, and the family of such person;
 - (ii) a person upon whom diplomatic immunities and privileges have been conferred under the laws for the time being of Kiribati, and the family of such person;
 - (iii) any person employed by the Government, and the family of any such person;
 - (iv) a member of the official staff of a person mentioned in paragraphs (a) to (b), and the family of such member;
 - (v) a member of the household of a person mentioned in paragraphs (a), (b) or (d) and the family of such member;

- (vi) a student of any age both of whose parents are or whose only parent is resident in Kiribati, who is re-entering on vacation from or on completion of studies at a university, university college, school or other educational establishment;
 - (vii) any other person or class or group of persons whom the Minister may by order specify with or without conditions; and
 - (viii) any seaman or seamen or group or description of semen exempted by the Principal Immigration Officer unless such exemption is cancelled by him;
- (b) The burden of proof that any person is a person to whom this section applies shall lie upon that person.
 - (c) The Minister may by order amend the categories of persons referred to in subsection (3)(a), with or without conditions.
 - (d) Subject to paragraph (e) -
 - (i) when any person referred to in subsection (3)(a) ceases to hold or enjoy the employment, appointment, status or privileges which entitled him under this section to enter Kiribati without a visa shall, for the purposes of this Act, be deemed to be a person seeking to enter with effect from the date when he ceases to hold such employment or appointment or enjoy such status or privileges as the case may be; and
 - (ii) if on the expiry of three months from such date he shall not have been granted a visa under this Act, his presence and the presence of his family and dependants in Kiribati shall thereupon become unlawful;
 - (e) Paragraph (d) does not apply to any dependant or member of the family of any person referred to subsection (3)(a), if the dependant or member is in possession of a valid visa issued to him under this Act.
 - (f) When any person referred to in subsection (3)(a)(vii) or (viii) contravenes or fails to comply with any of the terms and conditions of an order or exemption under this Act as the case may be, enabling him to enter Kiribati, or when such exemption is cancelled as provided, without prejudice to any offence thereby committed or penalty thereby incurred, his presence in Kiribati shall forthwith become unlawful.
- (4) A stateless person or a national or citizen of any country not exempted under the provisions of subsection (2) shall not be allowed to enter Kiribati unless he has previously obtained a visa from the Passport Officer, an overseas representative or such other person as may be authorised by the Minister to issue visas on behalf of the Government of Kiribati.
 - (5) Nothing in this section shall be construed as exempting any person entering Kiribati from compliance with any law relating to immigration in force at the time he enters Kiribati.
- (s.14(3) inserted by No.12 of 1983, S.4)*

Alteration, etc., of passport

15. (1) Any person, other than the Passport Officer or any person acting under the authority of the Minister, who knowingly makes any alteration, addition, deletion or erasure to or in any passport issued under the provisions of this Act shall be guilty of an offence.
- (2) A passport shall be invalid if any page has been removed therefrom or if any unauthorised alteration, addition, deletion or erasure has been made thereto or therein.

Offences, penalties, etc.

16. (1) Every person who is guilty of an offence against this Act, or contravenes the provisions of this Act or any regulations made thereunder, shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 1 year, or to both such fine and imprisonment.
- (2) Any person who incites or aids and abets any other person to commit or harbours any person whom he knows or has reasonable grounds for believing to have committed an offence against this Act shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 1 year, or to both such fine and imprisonment.
- (3) Where any person is tried for an offence against this Act, the offence shall be deemed to have been committed either at the place where the offence has actually been committed or at any place in which the offender may be found.
- (4) Every person who contravenes the requirements of section 12(1) or (2) shall, in addition to the penalties prescribed under this section, be liable to be deported by order of the Minister, and it shall be lawful for the Minister to order that any such person be detained either in prison or elsewhere for such period as may be necessary for the purpose of making arrangements for his deportation.
- (5) Any person who is ordered to be deported under the provisions of subsection (4) may be placed on board a suitable vessel by a police officer, and may be lawfully detained on board so long as the vessel is within the territorial waters of Kiribati.

Masters and owners of vessels liable for expenses

17. The master, owners and agents of any vessel from which any person lands in Kiribati contrary to the provisions of this Act shall be jointly and severally liable for all expenses incurred by the Republic in detaining and maintaining such person pending deportation, and such expenses shall be recoverable as a debt due to the Republic from the master, owners and agents of such vessel.

Master may prevent landing

18. The master of a vessel may use all necessary and proper means, including force, to prevent any person landing in Kiribati contrary to the provisions of this Act.

Expenses of deportation

19. (1) When a deportation order is made by the Minister under the provisions of section 16, the master of the vessel in which the person is brought to Kiribati or the master of any vessel belonging to the same owners shall, if required in writing by the Minister, receive such person on board his vessel and afford him free of charge a passage to the port at which such person embarked.
- (2) If the master of a vessel fails to comply with the provisions of this section he shall be liable on summary conviction to a fine of \$1,000.

Regulations

20. (1) The Minister may make regulations for carrying the provisions of this Act into effect.

(2) In particular and without prejudice to the generality of the foregoing power such regulations may be made -

- (a) prescribing the conditions to be satisfied for the issue of passports and certificates of identity and other documents; and
- (b) regulating the issue, renewal or endorsement of passports; and
- (c) prescribing the procedure for replacing passports and the action to be taken in relation to lost or damaged passports; and
- (d) regulating the issue of visas; and
- (e) the imposition and recovery of fees in relation to the issue, renewal or endorsement of passports and certificate of identity and other travel documents and grant of visas; and
- (f) exempting any class of persons or nationals or citizens of any country from payment of fees.

(S.20 amended by No.4 of 1996, S.7)

NOTES

1. The Passports Act No.3 of 1979 commenced 1 January 1980.
2. The Revised Edition 1998 of the Passports Act incorporates the following amendments:
 - (1) 12 of 1983
Commenced: 15 August 1983
Assent date: 15 August 1983
 - (2) No.23 of 1996
Commenced: 11 December 1996
Assent date: 6 December 1996
 - (3) No.4 of 1996
Commenced: 9 January 1996
Assent date: 5 January 1996

REPUBLIC OF KIRIBATI**REVISED EDITION OF THE LAWS ORDINANCE (CAP. 92)**
(Section 15(4))**PASSPORTS ACT****(REVISED EDITION 1996) NOTICE 1996**

In exercise of the power conferred upon me by section 15(4) of the Revised Edition of the Laws Ordinance (Cap. 92) I hereby give notice that the booklet attached herewith and containing -

The Passports Act (Revised Edition 1996) (Cap. 66A) shall be, without any question in all courts of justice and for all purposes whatsoever, the sole and only proper law of Kiribati in respect of the Passport Act.

Dated this day of October, 1996.

TEBURORO TITO
Beretitenti

Published by exhibition at the public office of the Beretitenti this day of 1996.

Secretary to the Cabinet