



REPUBLIC OF VANUATU

IMMIGRATION (AMENDMENT) ACT NO. 16 OF 2018

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REPUBLIC OF VANUATU

Assent: 06/07/2018
Commencement: 10/07/2018

IMMIGRATION (AMENDMENT) ACT NO. 16 OF 2018

An Act to amend the Immigration Act No. 17 of 2010.

Be it enacted by the President and Parliament as follows-

1 Amendment

The Immigration Act No. 17 of 2010 is amended as set out in the Schedule.

2 Commencement

This Act commences on the day on which it is published in the Gazette.

SCHEDULE

AMENDMENTS OF THE IMMIGRATION ACT NO. 17 OF 2010

1 After section 26

Insert

“26A Visitor visa upon arrival

The Minister may by Order, on the approval of the Council of Ministers, prescribe countries whose citizens may obtain a visitor visa on arrival in Vanuatu.

26B Exemption from visa

- (1) The Minister may by Order, prescribe classes of persons who are exempt from visa requirements under this Act.
- (2) An Order under subsection (1) may include the following:
 - (a) the criteria which apply to each classes of persons; and
 - (b) the conditions for such exemptions; and
 - (c) the period of time for which such exemptions are to apply.
- (3) An exemption under this section ceases to have effect if:
 - (a) the person benefiting from the exemption fails to comply with any of the prescribed conditions; or
 - (b) the person remains in Vanuatu beyond the prescribed period of time under paragraph (2)(c).
- (4) The Director may revoke a non-citizen’s exempt status if it comes to the attention of the Director that, the person is a character of concern.

- (5) If a non-citizen's exempt status ceases to have effect under subsection (4) or is revoked under subsection (5), that person is deemed to be a prohibited immigrant.
- (6) For the purposes of subsection (5), **character of concern** means a person who:
- (a) has committed an offence against:
 - (i) a law of Vanuatu for which the maximum penalty is a fine not less than VT1,000,000 or imprisonment for a term not less than 12 months; or
 - (ii) a law of another country that, if the relevant act or omission had occurred in Vanuatu, would be an offence against the laws of Vanuatu, for which the maximum penalty is imprisonment for a term not less than 12 months; or
 - (b) is a risk to national security; or
 - (c) incites or has incited disorder in a community in Vanuatu ; or
 - (d) is a danger to a community in Vanuatu by way of being involved in activities that are, violent, disruptive to or that threaten harm to, that community; or
 - (e) in the opinion of the Director, after considering that person's past and present conduct (including but not limited to criminal conduct), the person is not of good character.”

2 Paragraph 27(g)

After “visa”, insert “;

- (h) any other class of visa prescribed by the Minister by Order, which serves the purpose of facilitating:
- (i) tourism and social visits; or
 - (ii) study in Vanuatu; or

- (iii) cultural and sporting exchange; or
- (iv) skilled employment in Vanuatu in line with labour market requirements; or
- (v) investment in Vanuatu in line with national development objectives; or
- (vi) certain forms of family reunion; or
- (vii) long term and permanent stay subject to prescribed requirements; or
- (ix) entry for a range of special purposes; or
- (x) temporary stay of recognised refugees and victims of trafficking; or
- (xi) any other outcomes of national interest.”

3 Section 34

Repeal the section, substitute

“34 Application

- (1) An application for a visa must be:
 - (a) made to the Director in the approved form; and
 - (b) accompanied by the prescribed fee.”

4 Paragraph 39(1)(b)

Insert

- “(ba) the applicant has not provided any false or misleading information or documents in his or her application; and”

4A After paragraph 53(1)(d)

Insert

“(da) the person has breached any condition of his or her visa on three different occasions; or”

4B Paragraph 53A(1)(aa)

Delete “that will cause political instability”

4C After paragraph 53A(1)(aa)

Insert

“(ab) is a prohibited immigrant under this Act; or”

5 After paragraph 91(2)(b)

Insert

“(ba) make provision for all or any of the following:

- (i) the criteria which apply to each visa class;
- (ii) the conditions which apply to each visa class;
- (iii) the characteristics of each visa class including but not limited to the duration of stay and entry validity;
- (iv) where an applicant must be located at the time of visa grant;
- (v) whether a particular class of visa can be extended;
- (vi) rules relating to change of status in Vanuatu;
- (vii) fees which apply to each visa class and any exemptions from paying those fees.”