

**LAWS OF KIRIBATI
REVISED EDITION 1998**

CHAPTER 41

IMMIGRATION

(Incorporating amendments up to 1 September 1998)

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10 of 1968 **An Ordinance to make provision for the control of immigration**
2 of 1969
9 of 1971
L.N. 65/68
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L.N. 16/74
L.N. 5/80
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**PART I
PRELIMINARY**

Short title

1. This Ordinance may be cited as the Immigration Ordinance.

Interpretation

2. In this Ordinance, unless the context otherwise requires—

“authorized aerodrome” means any area of land or water designed, equipped or set apart or commonly used for affording facilities for the landing and departure of aircraft, which has been declared by the Minister by notice to be an authorized aerodrome for the purpose of this Ordinance;

"child" means a legitimate or legitimated child or a stepchild or an adopted child (adopted in a manner recognized by the law of Kiribati) or, in relation to its mother, an illegitimate child;

"entry" with its grammatical variations means—

- (a) in the case of a person arriving by sea, disembarking in Kiribati from the vessel in which he arrives;
- (b) in the case of a person arriving by air at an authorized aerodrome, leaving the precincts of such aerodrome; and
- (c) in the case of a person arriving by air at any place other than an authorized aerodrome, landing in Kiribati:

Provided that it shall not include an entry—

- (i) made for the purpose of complying with this Ordinance;
- (ii) expressly or impliedly sanctioned by an immigration officer for the purpose of inquiry;
- (iii) caused solely by stress of weather or the condition of a ship or aircraft, if all such measures as are reasonably practical are taken forthwith to notify such entry to the Principal Immigration Officer;

"family" means wife and children under 18 years of age;

"member of a crew" means any person employed in the working or service of a ship;

"passenger" means any person travelling or seeking to travel on board a ship who is not a seaman;

"passport" means a valid passport issued to a person by or on behalf of the government of a State of which he is a national or a valid passport or other valid travel document issued to a person by an authority recognized by the Republic, such passport or other document being complete having attached to it a photograph of the person to whom it relates and having endorsed on it all particulars, endorsements and *visas* required by the government or authority issuing such passport or document and by the Government or by or under any law of Kiribati;

"permit" includes any kind of permit issued under this Ordinance and includes an exemption stamped on a passport under section 8;

"prohibited immigrant" means a person declared to be a prohibited immigrant by section 11;

"residence" with its grammatical variations, means residence in Kiribati which is not unlawful under this Ordinance;

"seaman" means an officer or member of the crew of a ship;

"ship" includes aircraft and the expression "master of a ship" includes (except in the proviso to section 5 (2)) the commander of an aircraft, or if there be no commander, the pilot thereof;

"visitor" means a person arriving in Kiribati for an intended stay of any period not exceeding 4 months.

Constitutional provision

3. This Ordinance shall be read subject to section 14 (as provision affected by section 119 (4)) of the Constitution.

PART II APPOINTMENT AND POWERS OF IMMIGRATION OFFICERS

Appointment of Principal Immigration Officer and other officers

4. (1) Subject to section 99 of the Constitution, the Minister may appoint a Principal Immigration Officer and such other immigration officers as he may consider necessary for the proper carrying out of the provisions of this Ordinance.
- (2) The Minister may from time to time give to the Principal Immigration Officer directions not inconsistent with the provisions of this Ordinance, as to the exercise of any powers, discretions or functions or the performance of any duties under this Ordinance, and the Principal Immigration Officer and all other immigration officers shall comply with any such directions.

Powers of immigration officers

5. (1) For the purpose of exercising his powers and functions and carrying out his duties under this Ordinance, any immigration officer may—
 - (a) without search warrant, enter upon or into and search any ship or vehicle in Kiribati;
 - (b) interrogate any person who desires to enter Kiribati, or any person whom he has reasonable grounds for believing to be a prohibited immigrant, or any person applying for extension of a permit or for exemption, or the master of any ship whom he reasonably believes can give material information regarding any such person as aforesaid, and may require any such person to produce such documents in his possession as may be necessary to enable the immigration officer to carry out his duties under this Ordinance;
 - (c) require any person who desires to enter or leave Kiribati to make and sign any prescribed form of declaration;
 - (d) require any person who desires to enter Kiribati to submit to be examined by a Government medical officer or any medical practitioner registered under the Medical and Dental Practitioners Ordinance, and to undergo, and to assist in the carrying out of, any test or investigation which such medical officer or practitioner may require;
 - (e) require a deposit or bond or other security to be made or given in respect of any person granted a permit and if any person who enters Kiribati by virtue of such permit, contravenes or fails to comply with any of the terms and conditions on the permit, or to which it is subject, any immigration officer may, without prejudice to proceedings in respect of any offence thereby committed, forfeit any such deposit or in the name of the Principal Immigration Officer sue and recover the amount secured by any

such bond or other security; and any sum so forfeited or recovered shall be paid into the general revenues of Kiribati.

- (2) If any immigration or police officer has reasonable cause to suspect that any person has committed an offence against this Ordinance, or that the presence of

any person in Kiribati is unlawful, and if it appears to him to be necessary to arrest such person immediately in order to secure that the ends of justice or the purposes of this Ordinance shall not be defeated, he may arrest such person without a warrant; and the provisions of sections 20, 23 and 24 of the Criminal Procedure Code Ordinance Cap. 17 shall apply in every such case and for the purposes of such application of the said sections an immigration officer shall be deemed to be a police officer:

Provided that where the person arrested is a person whom the immigration or police officer has reasonable cause to suspect of being a prohibited immigrant and such person is a passenger or seaman on a ship, he may, if he consents, be handed over to the custody of the master of the ship until its departure from Kiribati.

(3) Any person who—

- (a) refuses or fails to answer fully and truthfully any question or inquiry lawfully put to him in the course of interrogation under subsection (1) (b); or
- (b) gives any answer which he knows or has reasonable cause to believe to be false or misleading to any such question or inquiry as aforesaid; or
- (c) when required to produce any document under subsection (1) (b), refuses or fails to produce within a reasonable time any such document which it is in his power to produce, or produces any document which he knows or has reasonable cause to believe to be false or misleading, shall be guilty of an offence against this Ordinance.

(4) (a) All answers to questions lawfully put in interrogation and all documents produced under subsection (1) (b), shall be admissible in evidence, in all proceedings under or relating to any matter arising under or connected with this Ordinance.

- (b) Nothing in this subsection shall be construed as rendering any such answer or document inadmissible in evidence in any proceedings in which they would otherwise be admissible.

PART III ENTRY INTO KIRIBATI

Duties of masters of ships and passengers

6. (1) The master of every ship arriving in Kiribati from some place outside Kiribati shall—

- (a) deliver to the immigration officer a complete list in duplicate of all passengers and seamen on the ship;
- (b) not permit any person to disembark from a ship until disembarkation has been authorized by the immigration officer;

- (c) inform the immigration officer if he knows or has reasonable cause for believing any person to be a prohibited immigrant, and prevent such person from disembarking unless authorized by the immigration officer;
- (d) prevent, with such reasonable force as may be necessary, the disembarkation from a ship of any person—
 - (i) who has been given into his custody under the proviso to section 5 (2); or
 - (ii) who does not hold a passport and is not exempt under section 16 (2) from holding a passport; or
 - (iii) in respect of whom to his knowledge a removal order made under section 14 or a deportation order made under this or any other Ordinance is in force; or
 - (iv) in respect of whom he has been notified by the immigration officer that such person is prohibited from landing in Kiribati:

Provided that where the ship is an aircraft the master shall be deemed to have complied with the provisions of this paragraph by ensuring that the person be detained in the custody of an immigration or of a police officer in any place accessible to the airport until such time as the aircraft shall resume its journey.

- (2) Every person entering Kiribati by sea or air from any place outside Kiribati shall appear before the immigration officer at such time and place as the immigration officer may direct and shall furnish him with such information in such manner as the Immigration Officer may require or as may be prescribed.
- (3) If any master of a ship arriving in Kiribati contravenes or fails to comply with any of the provisions of paragraphs (a), (b), (c) or (d) of subsection (1), or furnishes a list of passengers and seamen which he knows or has reasonable cause to believe to be false or misleading, he shall be guilty of an offence against this Ordinance and be liable to a fine of \$400, and if the offence is failure to comply with the provisions of paragraph (b) or paragraph (d) the owner of the ship and any agent of such owner in Kiribati shall also be guilty of a similar offence and be liable to a similar penalty.
- (4) The Minister may exempt the master of any ship or the masters of any class of ships or any person or group or class of persons from any or all of the provisions of this section.

Control of entry into Kiribati

7. (1) No person shall enter Kiribati from any place outside Kiribati unless—

- (a) he is in possession of a valid permit lawfully issued to him under this Ordinance; or
- (b) he is exempted from the provisions of this section under section S.

- (2) Subject to this Ordinance, no person shall remain in Kiribati after the expiry or cancellation of a permit.

Persons entitled to enter without a permit

8. (1) Subject to this section, 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 permit under this Ordinance—
- (a) a person duly accredited as a diplomatic or consular representative to Kiribati, and the family of such person;
 - (b) a person upon whom the immunities and privileges set forth in Part II or Part III of the Schedule to the Diplomatic Privileges Ordinance have been conferred under the Cap. 28 said Ordinance, and the family of such person;
 - (c) any person employed by the Government, and the family of any such person;
 - (d) a member of the official staff of a person mentioned in paragraphs (a) or (b), and the family of such member;
 - (e) a member of the household of a person mentioned in paragraphs (a), (b) or (d) and the family of such member;
 - (f) 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 college, school or other educational establishment;
 - (g) any other person or class or group of persons whom the Minister may by order specify;
 - (h) any seaman exempted by the Principal Immigration Officer under subsection (2).
- (2) The Principal Immigration Officer may exempt any seaman or group or description of seamen from the requirement to obtain a permit to enter Kiribati, and may in like manner at any time cancel any such exemption either generally or in relation to any particular seaman or seamen.
- (3) The burden of proof that any person is a person to whom this section applies shall lie upon that person.
- (4) (a) When any person referred to in subsection (1) or who of was exempt from the provisions of the Immigration Ordinance 1955 by virtue of paragraphs (b), (c), (d), (e) or (J) of section 3 of that Ordinance ceases to hold or enjoy the employment, appointment, status or privileges which entitled him under this section or those paragraphs (as the case may be) to enter Kiribati without a permit, he shall, for the purposes of this Ordinance, 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 if on the expiry of 3 months from such date he shall not have

been granted a permit under this Ordinance, his presence and the presence of his family and dependents in Kiribati shall there upon become unlawful:

Provided that this paragraph does not apply to any dependent or member of the family of any such person, if the dependent or member is in possession of a valid permit lawfully issued to him under this Ordinance.

- (b) When any person referred to in sub-paragraph (g) or sub-paragraph (h) of subsection (1) contravenes or fails to comply with any of the terms and conditions of an order under sub-paragraph
- (c) or of an exemption granted under subsection (2), as the case may be, enabling him to enter Kiribati, or when his exemption from the requirement to obtain a permit is cancelled under the said subsection (2), without prejudice to any offence thereby committed or penalty thereby incurred, his presence in Kiribati shall forthwith become unlawful.

Permits to enter and reside

9. (1) The Principal Immigration Officer may issue a permit in the prescribed form authorizing any person to enter and reside in Kiribati, upon such conditions as to the security to be furnished, the profession or occupation which such person may exercise or engage in and the employer or employers by whom he may be employed within Kiribati, and to any other matter whether similar to the foregoing or not, which the Principal Immigration Officer may deem fit to impose or as may be prescribed and may at his discretion vary any such condition.
- (2) The Principal Immigration Officer may, at his discretion, extend a permit issued under subsection (1).

Visitor's permit

10. (1) The Principal Immigration Officer may, subject to such terms and conditions as he may therein specify, issue a visitor's permit in the prescribed form to a visitor if he is satisfied that the visitor has a ticket or other means of travelling from Kiribati to some other country which he will be able to enter.
- (2) A visitor's permit shall, subject to the provisions of this Ordinance, entitle a visitor to remain in Kiribati for a period or periods in the aggregate, not exceeding 4 months in any period of 12 months.
- (3) An immigration officer may cancel a visitor's permit if he is satisfied that the visitor—
- (a) is not a person to whom a visitor's permit ought to have been issued;
 - (b) has become a prohibited immigrant;
 - (c) has become incapable of supporting himself or his dependants;
 - (d) has behaved in a manner prejudicial to the peace and good order of Kiribati;

or

- (e) is in breach of any of the conditions of his permit or to which it is subject.

Prohibited immigrants

11. (1) Any person who—

- (a) is not a person entitled to enter Kiribati without a permit g under section 8 (1); and
- (b) is a member of any of the prohibited classes as defined in subsection (2),

shall be a prohibited immigrant and, save as otherwise hereinafter expressly provided, his presence in Kiribati shall be unlawful, notwithstanding any permit he may hold.

(2) The following persons are members of the prohibited classes—

- (a) any person who, not being exempt, is not the holder of a valid permit issued or deemed to have been issued under this Ordinance;
- (b) any person in respect of whom a deportation order, made under this or any other Ordinance, or a removal order under this Ordinance is in force;
- (c) any person who at the time of entry into Kiribati is unable to show that he has the means of supporting himself and his family and dependents (if any) or that he has definite employment awaiting him or who is likely to become a pauper or a charge on the public;
- (d) any person—
- (i) who refuses to submit to an examination by a Government medical officer or a medical practitioner after being required to do so under section 5 (1) (d), or to undergo, or to assist in the carrying out of, any test or investigation which such medical officer or practitioner may require; or
 - (ii) who at the time of his entry into Kiribati is certified by the Government medical officer or medical practitioner to be suffering from a contagious or infectious disease which makes his presence dangerous to the community; or
 - (iii) in respect of whom at the time of his entry into Kiribati the Government medical officer or medical practitioner certifies that he is suffering from mental disorder or is a mental defective, and that his presence in Kiribati would be a danger to the community;
- (e) any person who, not having received a free pardon, has been convicted by a court outside Kiribati of an offence which, if committed within Kiribati, is punishable with imprisonment for a term of more than 2 years and who in respect of such offence has been sentenced to imprisonment for a term of 1 year or more, or who has been convicted by courts outside Kiribati of two or

more offences, which if committed within Kiribati would have been punishable by imprisonment, and in respect of such convictions has been sentenced to imprisonment for terms amounting in the aggregate to 18 months or more:

Provided that the Principal Immigration Officer, with the prior approval of the Minister, in the case of a person whose last sentence of imprisonment expired more than 5 years before the date upon which he desires to enter Kiribati, may direct that such person shall be exempted from the provisions of this paragraph and any person in respect of whom such exemption is granted shall not thereafter be held to be a prohibited immigrant by reason only of his having been so convicted and sentenced;

- (f) any person who prior to his entry into Kiribati or within 1 year thereafter, in consequence of information received from any Government, through official or diplomatic channels, or from any other source deemed by the Minister to be reliable, is declared by the Minister to be an undesirable immigrant;
 - (g) any person who is a member of any class or group of persons declared by the Minister by order, to be a prohibited class for the purposes of this section;
 - (h) any member of the family and any dependent of a prohibited immigrant, unless the Minister declares that such member of the family or such dependent is not a member of this prohibited class.
- (3) The burden of proof that any person is not a prohibited immigrant shall lie upon that person; and in any case where an immigration officer refuses to allow any person to enter Kiribati on the ground that such person is a prohibited immigrant he shall, if so requested by such person, inform him of the class of prohibited immigrant of which in the opinion of the immigration officer he is a member.

Issue of permits to be discretionary

12. Subject to this Ordinance and to any directions issued by the Minister thereunder, the Principal Immigration Officer shall have complete discretion as to the persons to whom permits may be granted under this Ordinance, and to the extension of such permits.

Effect of expiration or cancellation of a permit

13. It shall be unlawful for any person to remain in Kiribati after the expiration or cancellation of any permit issued or deemed to be issued to or in respect of him under this Ordinance unless he is otherwise entitled or authorized to remain in Kiribati under this Ordinance.

PART IV REMOVAL OF UNLAWFUL IMMIGRANTS FROM KIRIBATI

Power to remove persons unlawfully in Kiribati

14. (1) The Minister may make an order directing that any person who is unlawfully present in Kiribati shall, on the expiry of such period, as the Minister may specify from the date of service of the order on such person or on the completion of any sentence of

imprisonment which he may be serving, be removed from and remain out of Kiribati, either indefinitely or for a period to be specified in the order.

(S.14 amended by No.11 of 1983 S.2)

- (2) An order made under this section shall be carried into effect in such manner as the Minister may direct.
- (3) A person against whom an order under this section is made may, if the Minister so directs, while awaiting removal and while being conveyed to the place of departure, be kept in prison or in police custody, and while so kept shall be deemed to be in lawful custody.
- (4) A person against whom a removal order has been made may be removed to the place whence he came, or, with the approval of the Minister to—
 - (a) a place in the country to which he belongs; or
 - (b) any place to which he consents to be removed, if the Government of that place consents to receive him.
- (5) The master of a ship which is proceeding to a place to which a person is directed to be removed and who is required by the Principal Immigration Officer to do so shall receive a person against whom a removal order has been made on board the ship and afford him a passage to that place and proper accommodation and maintenance during passage; and except as provided by section 15, the cost of such passage, accommodation and maintenance shall be paid by the person removed and the Minister may apply any money or property of the person removed in payment of the whole or any part of such cost, or if the Minister thinks fit, the whole or any part of such cost shall be paid out of the Consolidated Fund.
- (6) If any master of a ship fails to comply with subsection (5) he shall be liable to a fine of \$400, and the owner of the ship and any agent of such owner in Kiribati shall be guilty of a similar offence and liable to a similar penalty.
- (7) If a person in respect of whom a removal order is made under this section has been sentenced to any term of imprisonment, such sentence shall be served before the order is carried into effect unless the Minister otherwise.
- (8) The making of a removal order by the Minister shall not be subject to hearing, review or appeal by any person, court or tribunal.

(S.14(8) inserted by No.11 of 1983 S.2)

Liability for expenses incurred in respect of a prohibited immigrant

- 15.** The master and the owner and the agent of any ship from which any prohibited immigrant disembarks shall be jointly and severally liable to pay to the Republic all expenses incurred by the Republic in connection with the care, maintenance or treatment of such prohibited immigrant and his removal or conveyance from Kiribati; and the amount of any such expenses as aforesaid shall be recoverable by action in a magistrates' court brought by or in the name of the Principal Immigration Officer:

Provided that—

- (a) in no case shall the amount for which the master, owner or agent of the ship is liable in respect of such deportation or conveyance from Kiribati exceed the cost of removing or conveying the said person to the place from which he was brought by the ship concerned;
- (b) the Minister may, if he thinks fit, direct that the whole or any part of such expenses shall be paid out of the Consolidated Fund;
- (c) the provisions of this section shall not apply in the case of a person who is a prohibited immigrant by reason of being declared by the Minister, after his entry into Kiribati, to be in the class of undesirable immigrants under section 11 (2); and
- (d) the provisions of this section shall not apply in any case where the prohibited immigrant is at the time of entry in possession of a permit purporting to authorize him to enter Kiribati and to be issued under this Ordinance.

PART V PASSPORTS

Prohibition of entry without passport

16. (1) Subject to section 14 (as affected by section 119 (4)) of the Constitution no person other than a citizen of Kiribati shall enter Kiribati without a passport.

(2) The Minister may, subject to such conditions as he may specify, exempt any person or class of persons from the requirements of subsection (1).

Unlawful disembarkation

17. (1) If any person contravenes section 16 (1) he shall be liable to a fine of \$400 and be liable, pursuant to an order of the embarkation Minister, to be deported from Kiribati.

(2) Upon a deportation order being made under subsection (1) the Minister may order that the person to be deported be detained in custody in such place as may be appointed by the Minister for the period pending deportation.

Masters and owners of ships liable for expenses

18. The master and the owner and the agent of any ship from which any person disembarks in contravention of section 16 (1), for expenses 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 the Republic by action in a magistrates' court.

Expenses of return

19. (1) When a deportation order is made by the Minister under section 16 (1) the master of the ship in which the person is brought to Kiribati and also the master of any ship belonging to the same owner shall receive such person on board his ship and afford him free of charge a passage to the place at which such person embarked and proper accommodation and maintenance during the passage:

Provided that such master shall not be liable as aforesaid unless such deportation order shall have been made by the Minister within 3 months from the date upon which such person disembarked in Kiribati.

- (2) If the master of a ship fails to comply with the provisions of this section he shall be liable to a fine of \$400.

Possession of passport vests no right to enter

20. The possession of a passport, whether or not such passport bears a valid visa for Kiribati, shall not entitle the holder to enter Kiribati, nor, if permission or authority to enter is given under this Ordinance, shall it entitle the holder to remain in Kiribati for a period other than that permitted or authorized under this Ordinance.

PART VI MISCELLANEOUS

No suit or damages maintainable for things done in good faith under this Ordinance

21. No suit or other legal proceedings for damages shall be instituted in any court of law against the Government or any immigration officer or any other officer or any other person for or on account of or in respect of any act, matter or thing done or omitted to be done or purported to be done or omitted to be done, in good faith, in the performance or exercise or intended performance or exercise of any duty or power imposed or conferred by or under this Ordinance; and the provisions of this section shall extend to the protection from liability as aforesaid of any person deputed by delegation under this Ordinance or under any other law for the time being in force to perform or exercise any such duty or power as aforesaid.

Appeals

22. (1) Any person aggrieved by a decision of an immigration officer under this Ordinance may, within 7 days of such decision, in writing record his reasons for being so aggrieved and require the matter to be referred to the Principal Immigration Officer and the immigration officer shall so refer such matter within 7 days and may grant an interim permit to such person and to any member of the family and to any dependent of such person to enter and remain in Kiribati or to remain in Kiribati for a period not exceeding 7 days pending the decision of the Principal Immigration Officer, and the Principal Immigration Officer may confirm, vary or overrule the decision of the immigration officer.
- (2) Any person aggrieved by a decision of the Principal Immigration Officer under this Ordinance may appeal against such decision to the Minister, who may confirm, vary or overrule the decision of the Principal Immigration Officer; and the appeal shall be by way of petition in writing and shall be made within 14 days of the decision appealed

against or, where the aggrieved person is resident in Banaba or outside Kiribati, within 28 days of such decision.

- (3) The Principal Immigration Officer may grant to any person who intends to appeal to the Minister, and to any member of the family and to any dependent of such person, an interim permit allowing him to enter and remain in Kiribati or to remain in Kiribati pending the determination of such appeal.
- (4) An immigration officer shall not grant an interim permit under this section unless he is satisfied that the person is unlikely to become a charge on the public during the currency of the permit; and any such permit may be cancelled by an immigration officer if the person concerned appears likely to become a charge on the public or if the appeal is not prosecuted with all due dispatch and, if not cancelled, shall expire on the giving of a decision by the Principal Immigration Officer or on the determination of the appeal, as the case may be.

Offences and penalties

23. (1) Any person who—

- (a) for the purpose of obtaining for himself or for any other person or of assisting any other person to obtain any permit, exemption or other advantage under this Ordinance or, with intent to deceive any immigration officer, makes or causes to be made any declaration, return or statement which he knows or has reasonable cause to believe to be false or misleading, or uses any forged or unlawfully altered birth certificate, marriage certificate or any other forged or unlawfully altered document whatsoever (whether or not of the like sort) or any passport which or in which any *visa*, entry or endorsement has been forged or unlawfully altered, knowing or having reasonable cause to believe such certificate, document, passport, *visa*, entry or endorsement to be forged or unlawfully altered; or
- (b) otherwise than with the authority of the Principal Immigration Officer (the burden of proof whereof shall be upon the accused person) alters, or wilfully defaces, any permit or any entry or endorsement in any passport issued or made under or in pursuance of the provisions of this Ordinance, or any official or certified copy of any such permit, entry or endorsement; or
- (c) resists, hinders or obstructs any immigration officer or other officer or person in the lawful execution of his duty, or in the lawful exercise of his powers, under this Ordinance; or
- (d) knowingly misleads or attempts to mislead any immigration officer in relation to any matter material to the performance or exercise by any immigration officer of any duty, function, power or discretion under this Ordinance; or
- (e) unlawfully uses or without lawful authority (the burden of proof whereof shall be upon the accused person) has in his possession any forged or unlawfully altered permit or other document issued or purporting to have been issued under this Ordinance; or

- (f) knowingly uses or has in his possession any unlawfully issued or otherwise irregular permit or other document issued or purporting to have been issued under this Ordinance; or
- (g) refuses or fails to submit to a medical examination, or to undergo or assist in carrying out any test or investigation in connection with a medical examination when so required under section 5 (1) (d); or
- (h) having arrived in Kiribati as a passenger by sea or air from any place outside Kiribati fails to appear before an immigration officer as directed by him, unless exempt under section 6 (4); or
- (i) unlawfully enters or is unlawfully present in Kiribati; or
- (j) refuses or fails to comply with any notice issued to him under this Ordinance or any regulations made thereunder, with which he is required by this Ordinance or such regulations to comply; or
- (k) contravenes or refuses or fails to comply with any lawful term or condition subject to which any permit or exemption is or has been issued to him under this Ordinance; or
- (l) harbours any person whom he knows or has reasonable cause to believe to be a person whose presence in Kiribati is unlawful; or
- (m) uses any certificate, permit or exemption issued under this Ordinance to or in respect of any other person as if it has been issued to or in respect of himself; or
- (n) gives, sells or parts with possession of any such certificate, permit or exemption in order that, or intending or knowing or having reasonable cause to believe that, it may be used in contravention of paragraph (m) of this subsection; or
- (o) having been directed by any order made under section 13 to remain out of Kiribati, fails so to do in contravention of such order;

shall be guilty of an offence against this Ordinance and shall, except in the case of an offence under paragraph (o), be liable to a fine of \$400 and to imprisonment for 6 months.

- (2) For the purposes of any proceedings for an offence under subsection (1) (a) a declaration, return or statement to which that paragraph relates shall be deemed to have been made, or, as the case may be, the causing thereof to be made shall be deemed to have been done, at the time and place at which the same was received by the officer or person to whom it was addressed.
- (3) For the avoidance of doubt, it is hereby declared that the presence of any person within Kiribati under or in pursuance of a permit, exemption or other authority which is or was obtained by, or is or was issued, granted or conferred as a result or by reason of fraud, misrepresentation, concealment or non-disclosure, whether intentional or inadvertent, of any material fact or circumstance, is unlawful presence.

- (4) Where any person is convicted of an offence under subsection (1) (a) the court may, in addition to any penalty imposed for such offence, cancel any permit which was issued in consequence of such false declaration, return or statement, or the use of any forged or unlawfully altered certificate, document, passport, *visa*, entry or endorsement as is mentioned in that paragraph.
- (5) Where any person is convicted of an offence under subsection (1) (k) the court shall, in addition to any penalty imposed for such an offence, cancel the permit or exemption in respect of which the offence was committed.
- (6) Any person who is convicted of an offence under subsection (1) (o) shall be liable to a fine of \$1000 and to imprisonment for 3 years.
- (7) Where any prohibited immigrant enters Kiribati on or from any ship, whether or not with the knowledge of the owner or master or of any agent therefor, such owner and master and such agent shall each be guilty of an offence and shall be liable to a fine of \$400 and the ship may, by order of the court, be detained until provision has been made by the owner or master or agent, as the case may be, to the satisfaction of an immigration officer for the conveyance out of Kiribati of such prohibited immigrant:

Provided that this subsection shall not apply in any case where the prohibited immigrant is at the time of entry in possession of a permit purporting to authorize him to enter Kiribati, and to be issued under this Ordinance.

- (8) Where any fine is imposed under this Ordinance upon any owner, agent or master of any ship, such ship may, by order of the court, be detained until such fine has been paid and it shall be lawful for the court when imposing any such fine to order execution against such ship in satisfaction of such fine.
- (9) In any proceedings for an offence under this section a person shall be deemed to know the contents of any declaration, return or statement which he has signed or marked, whether he has read such declaration, return or statement or not, if he knows the nature of the document.

Power to make regulations

24. The Beretitenti, acting in accordance with the advice of the Cabinet, may make regulations for all or any of the following matters—

- (a) the procedure to be followed by persons applying for permits to enter Kiribati, the particulars or documents to be supplied by them, and the persons through whom applications may be made;
- (b) the forms to be used for the purposes of the Ordinance, and the stamps to be used by immigration officers;
- (c) the amount of the security which the Principal Immigration Officer may require to be furnished by persons entering Kiribati;

- (d) further terms and conditions upon which permits may be issued;
- (e) the procedure to be followed by persons entering Kiribati;
- (f) the fees to be charged for anything done, and for any permit, exemption or document issued, granted, renewed, extended or replaced under this Ordinance; and
- (g) generally, the carrying into effect of the provisions of this Ordinance.

Savings 7 of 1955

- 25.** (1) All directions issued (save in so far as they may be inconsistent with this Ordinance) under the Immigration Ordinance 1955 shall continue in force and have effect as if issued or made under this Ordinance unless and until revoked or replaced under this Ordinance.
- (2) Any permit issued under the said Ordinance and still valid and operative immediately before the commencement of this Ordinance which authorized the person to or in relation to whom the permit was issued to enter and reside or remain, or to remain within Kiribati, shall be deemed to be a permit to the same effect issued under this Ordinance and shall be subject to any limitations or conditions imposed in respect thereof by or under the said Ordinance as if they had been imposed under this Ordinance.

SUBSIDIARY LEGISLATION

Appointment by reference to office of immigration officers under section 3 (1)

G.N. 106/72

The person for the time being holding the office of Secretary to the	<i>G.N. 106/72</i>
Minister of Home Affairs has been appointed to be the Principal	<i>L.N. 20/76</i>
Immigration Officer and any person for the time being holding any office	<i>L.N. 5/80</i>
in the Police has been appointed an immigration officer.	<i>G.N. 25/80</i>
The District Officer, Kanton, has been appointed an immigration officer.	<i>G.N. 36/80</i>

Regulations under section 24

- (1) Immigration Regulations
- (2) Immigration (Fees) Regulations

(1) IMMIGRATION REGULATIONS G.N. 126/55

1. These Regulations may be cited as the Immigration Regulations G.N. 126/55
G.N. 86/58
2. Every person applying for a permit to enter Kiribati for an intended stay of more than 4 months shall fill in and sign an application in Form 1 of the Schedule and shall forward the application to the Principal Immigration Officer, Tarawa. G.N. 229/60
L.N. 30/63
L.N. 5/80

Provided that application for a permit to enter Kiribati by a person who is about to leave Kiribati with the intention of returning thereto may be made in person or in writing to the Principal Immigration Officer and the applicant shall in such a case give the Principal Immigration Officer such information as he may reasonably require.

3. A permit to enter and reside in Kiribati shall be in Form 2 of the Schedule and shall be subject to the conditions specified thereon:

Provided:-

- (a) that the Principal Immigration Officer may in his discretion strike out all or any of the aforesaid conditions; and
 - (b) that in the case of an application made under the proviso to regulation 2 the permit may be issued in such form as the Principal Immigration Officer may deem fit, or may be stamped upon the passport or other travel document of the applicant.
4. The notification referred to in section 5 (1) (d) (iv) shall be in Form 3 of the Schedule.
 5. Every passenger arriving in Kiribati by sea or air shall in compliance with section 5 (2) furnish to the immigration officer, in addition to such further information as shall be lawfully required, a duly completed Disembarkation Card in Form 4 of the Schedule.
 6. (1) Where a person is required to give security as a condition of his entry into Kiribati under the provisions of section 8 the amount of such security shall not exceed \$1000.
(2) Security may, in the discretion of the immigration officer, be accepted in the form of a deposit of cash, or of the furnishing of a security bond.
(3) Where a person has furnished security by a deposit of cash, such deposit may be retained by the immigration officer for such period not exceeding 5 years as such person remains in Kiribati by virtue of any permit issued to him by, or under the authority of, the Principal Immigration Officer.
 7. Notwithstanding any other provision of these Regulations, the Principal Immigration Officer may in the case of the wife or dependent children of a person residing in Kiribati give a permit in such form and upon such application as he may deem fit.
 8. Forms 5, 6 and 7 in the Schedule shall be used for the purposes indicated thereon. Any bond whereby security is furnished pursuant to the provisions of the Ordinance or

regulations made thereunder shall be in Form 7 in the Schedule and shall be signed, sealed and delivered by the persons to be bound thereby.

SCHEDULE
FORM 1

IMMIGRATION ORDINANCE

APPLICATION FOR A PERMIT TO ENTER AND RESIDE IN KIRIBATI
(*Regulation 2*)

This form, when completed, is to be sent to:

THE PRINCIPAL IMMIGRATION OFFICER
TARAWA
KIRIBATI

Each person applying for a permit to enter and reside must make a separate application, except that children under 16 years of age may be included in an application by a parent or guardian. The applicant should not leave for Kiribati until notification is received that the application has been approved.

I (full name)
of..... (full postal address)

do hereby make application for a permit to enter and reside in Kiribati. I submit the following particulars concerning myself:

1. (a) Passport number:

(b) Place and date of issue:

(c) Valid until:

2. Place and date of birth:

3. (a) Present nationality (country of which citizen or subject):

(b) Previous nationality (if any)

(c) Reason for and date of change:

4. Parents: FULL NAME COUNTRY OF BIRTH NATIONALITY

(a) Father:

(b) Mother:

5. (a) Marital state (Single, Married, Divorced or Widowed):

(b) (If married) Full name of husband:

or

Full name and maiden name of wife:

6. Children under 16 years of age accompanying applicant:

NAME	DATE OF BIRTH	SEX
------	---------------	-----

7. Racial origin (e.g. European, Asian, Polynesian, Melanesian, etc.):

8. Personal description:

Colour of complexion:

Sex:

Colour of hair:

Colour of eyes:

Height: feet inches Weight:

9. Last country of permanent residence:

(Permanent residence means residence for 12 months or longer.)

10. (a) Occupation at time of application:

(b) Name and address of employer:

11. Intended occupation, name of employer (if any) and place of proposed residence in Kiribati:

12. Proposed date of departure by air/sea for Kiribati:

13. Names and addresses of not more than two friends or relatives (if any) who are resident in Kiribati:

(1)

(2)

14. If previously resident in Kiribati, give place of residence and dates of arrival and departure:

15. Have you ever been deported from or refused entry to Kiribati?

16. Have you ever been convicted of any offence before any court?

If so, state in which court, the offence of which you were found guilty and the sentence:

17. Have you ever been a patient in a mental hospital or home? If so, give full particulars:

I declare that the particulars set out in this application are true and correct in every respect.

Date: Signature of Applicant:

Signed by the applicant in my presence at

on
Signature of Witness to Declaration

FORM 2

IMMIGRATION ORDINANCE
PERMIT TO ENTER AND RESIDE IN KIRIBATI
(Regulation 3)

No.
Permission to enter and reside in Kiribati is hereby granted to of
.....
subject to compliance with the following conditions:—

1. That security in the sum of \$..... be deposited, or a Security Bond for that sum be lodged by [Name and address].
2. That he engage only in the following occupation or profession:—
3. That on arrival in Kiribati he will be employed by and will report to the Principal Immigration Officer if he ceases to be so employed.
4. This permit will expire on.....unless previously renewed.

Kiribati 19.....

Signature of permit holder Principal Immigration Officer

NOTE: The Principal Immigration Officer may strike out all or any of these conditions.

FORM 3

IMMIGRATION ORDINANCE
NOTICE TO MASTER
(Regulation 4)

Take notice thatnow upon the vessel named the
.....is prohibited from landing in Kiribati.

Dated this day of..... 19.....

To the Master or other person in charge of the vessel named the

Date:

Immigration Officer

FORM 4

KIRIBATI

IMMIGRATION ORDINANCE

DISEMBARKATION CARD

(All passengers must complete Part I and sign this card)

(to be completed by all

passengers)

Part I

Aircraft Registration Name of Ship..... Date

.....

Mr

Full Name Mrs

Miss (surname first, in block letters)

Place of Embarkation.....

Final Destination.....

(transit passengers need not complete

this part)

Part II

Nationality (as given in passport)

Passport No:.....

Valid until:

Place and Date of Issue

Country and Date of Birth

Marital State (*single, married, widowed or divorced*)

Country of Last Permanent Residence (12 months or longer)

.....

Intended Length of Stay

Address in Kiribati

Signed

NOTE: Details of accompanying children under 16 years of age must be given in the back of this card.

(Reverse)

Accompanying children under 16 years of age:—

NAME

DATE OF BIRTH

SEX

FOR OFFICIAL USE ONLY

Port

Visa found correct

Permitted to enter for: months

Remarks:

Date: Signed:

Rank
(Immigration Officer)

FORM 5

IMMIGRATION ORDINANCE
AUTHORITY TO LAND PASSENGERS
(Regulation 8)

To the Master of the

I hereby authorise you to land all passengers from the which arrived this day with the exception of any passengers in respect of whom a notice prohibiting landing has been served on you.

19.....

Immigration Officer

FORM 6

IMMIGRATION ORDINANCE
ORDER BY PRINCIPAL IMMIGRATION OFFICER
TO LEAVE KIRIBATI
(Regulation 8)

Whereas you, [Name and address] of entered Kiribati under the provision of section 8 (1) of the Immigration Ordinance on the day of 19..... ex S.S.....

And whereas you have

I do hereby order you to leave Kiribati forthwith.

Dated atthis day of 19

FORM 7

IMMIGRATION ORDINANCE
BOND

KNOW ALL MEN by these presents that we acknowledge ourselves jointly and severally bound unto the Republic of Kiribati in the sum of to be paid to the Republic for which payment we bind ourselves and each of us, the whole of our and each of our heirs, executors and administrators firmly by these presents.

SEALED with our Seals.

Dated theday ofone thousand nine hundred and

L.S.

L.S

WHEREAShas been permitted to enter and reside in Kiribati upon and subject to the conditions contained (inter alia) in a certain Permit bearing date the day of 19..... and numbered

NOW THE CONDITION of the above-written obligation is that if the said shall keep observe and comply with each and every one of the conditions contained in the said Permit and with the provisions of the law elating to immigration for the time being in force in Kiribati then this Bond shall be void and of no effect otherwise the same shall stand and remain in full force and effect.

Signed, sealed and delivered }
by the above-mentioned }
in the presence of: }

Name of witness

Address of witness

Occupation of witness

Signed, sealed and delivered }
by the above-named }
in the presence of: }

Name of witness

Address of witness

