

[LEGAL NOTICE NO. 38]

CITIZENSHIP OF FIJI REGULATIONS 2009

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CITIZENSHIP OF FIJI DECREE 2009

Citizenship of Fiji Regulations 2009

IN exercise of the powers conferred upon me by section 27 of the Citizenship of Fiji Decree 2009, I hereby make these Regulations—

PART 1—PRELIMINARY

Citation and commencement

1.—(1) These Regulations may be cited as the Citizenship of Fiji Regulations.

(2) These Regulations shall be deemed to have come into force at the same time as the Decree.

Interpretation

2. In these Regulations, unless the context otherwise requires—

“approved form” means the form approved by the Minister for the purpose of an application for citizenship pursuant to section 9(1) or 12(1) of the Decree as specified in Schedule 1;

“Decree” means the Citizenship of Fiji Decree 2009;

“certificate of registration” means a certificate issued under section 10 of the Decree and the provisions of these Regulations;

“certificate of naturalisation” means a certificate issued under section 13 of the Decree and the provisions of these Regulations;

“prescribed fee” means a fee prescribed in Schedule 2;

“Secretary” means the Permanent Secretary to the Ministry or any other officer designated by the Minister.

PART 2 – APPLICATIONS FOR CITIZENSHIP BY REGISTRATION

Application to be made on approved form

3. An application for registration as a citizen of Fiji under the provisions of Part 3 of the Decree shall be made to the Minister in the approved form.

Application by a child born abroad of a parent who was then a citizen

4. For the purposes of an application under section 8(1) of the Decree the applicant must submit with the application—

- (a) two (2) recent certified passport-size photographs of the applicant;
- (b) the original of the applicant’s birth certificate;
- (c) certified copies of the birth certificates of both the applicant’s parents;
- (d) the Fiji passport of any parent of the applicant who is a citizen of Fiji;
- (e) where a parent of the applicant who was a citizen of Fiji on the date of the applicant’s birth is either deceased or no longer a citizen of Fiji on the date the application is made, documentary evidence that the parent was a citizen of Fiji on the date of the applicant’s birth;

- (f) a certified copy of the marriage certificate of the applicant's parents; and
- (g) the prescribed fee.

Application by a foreign child adopted by a citizen

5. For the purposes of an application under section 8(2) of the Decree the applicant must submit with the application—

- (a) two (2) recent certified passport-size photographs of the applicant;
- (b) the original of the applicant's birth certificate;
- (c) certified copies of the birth certificates of both the applicant's parents
- (d) a certified copy of the marriage certificate of the applicant's parents;
- (e) the Fiji passport of any parent of the applicant who is a citizen of Fiji;
- (f) where a parent of the applicant is either deceased or no longer a citizen of Fiji on the date the application is made, documentary evidence that the parent was a citizen of Fiji on the date when the adoption took effect;
- (g) a certified copy of the adoption papers relating to the applicant; and
- (h) the prescribed fee.

Application by child who was a minor when a parent acquired citizenship

6. For the purposes of an application under section 8(3) of the Decree the applicant must submit with the application—

- (a) two (2) recent certified passport-size photographs of the applicant;
- (b) the original of the applicant's birth certificate;
- (c) certified copies of the birth certificates of both the applicant's parents;
- (d) a certified copy of the marriage certificate of the applicant's parents;
- (e) the Fiji passport of any parent who is a citizen of Fiji;
- (f) a certified copy of the citizenship certificate of any parent;
- (g) the prescribed fee.

Application on the basis of parentage by an applicant who is an adult

7. Where an application to which subsections (2), (3) or (4) of section 8 of the Decree relates is made by a person who has reached the age of 18, then in addition to the documents required to be submitted under whichever of regulations 4, 5 or 6 is relevant to the applicant, the applicant must also submit evidence that the applicant has been lawfully present in Fiji for a total of at least three (3) years within the five (5) years immediately preceding the application.

Application by an adult former citizen who is a citizen of another country

8. For the purposes of an application under section 8(6) of the Decree the applicant must submit with the application—

- (a) two (2) recent passport-sized photographs of the applicant;
- (b) the original of the applicant's birth certificate;
- (c) documentary evidence that the applicant was formerly a citizen of Fiji;
- (d) documentary evidence of the applicant's citizenship of another country;
- (e) where the applicant possesses the status of a Fiji permanent resident under the provisions of the Immigration Act 2003, documentary evidence of that status;

- (f) a police report concerning the applicant from the country or countries in which the applicant has formerly been resident;
- (g) a local police report concerning the applicant;
- (h) subject to section 22 of the Decree, the prescribed fee.

Application by spouse or former spouse of a citizen

9. For the purposes of an application under section 8(7) of the Decree the applicant must submit with the application—

- (a) two (2) recent passport-sized photographs of the applicant;
- (b) the original of the applicant's birth certificate;
- (c) the original of the applicant's marriage certificate;
- (d) documentary evidence to establish that the applicant has been lawfully present in Fiji for a total of at least three (3) years within the five (5) years immediately preceding the date of the application;
- (e) documentary evidence that the applicant's spouse or former spouse is, or if deceased, was a citizen of Fiji;
- (f) the original birth certificates of any children of the applicant;
- (g) the prescribed fee.

Part 3 – APPLICATIONS FOR CITIZENSHIP BY NATURALISATION

Application to be made on approved form

10. An application for the grant of citizenship of Fiji by naturalisation under the provisions of Part 4 of the Decree shall be made to the Minister in the approved form.

Procedure for making application

11. For the purposes of an application to which regulation 10 refers the applicant must submit with the application—

- (a) two (2) recent certified passport-size photographs of the applicant;
- (b) the original of the applicant's birth certificate;
- (c) evidence to establish that the applicant has been lawfully present in Fiji for a total of at least five (5) years within the ten (10) years immediately preceding the date of the application;
- (d) a police report concerning the applicant from the country or countries in which the applicant has formerly been resident;
- (e) a local police report concerning the applicant;
- (f) a medical report on the applicant's health;
- (g) letters of support from three (3) referees who have indicated their willingness to act as such by signing the application form;
- (h) the prescribed fee.

PART 4 – OATH OR AFFIRMATION OF ALLEGIANCE

Evidence of oath or affirmation of allegiance

12.—(1) Where under the Decree it is a condition of granting a certificate of registration or naturalisation that an applicant for citizenship make an oath or affirmation

of allegiance, the applicant may make that oath or affirmation after the applicant has been notified that the Minister is satisfied that the applicant meets all other conditions for granting the certificate.

(2) After an applicant for citizenship has been notified by the Minister in accordance with sub-regulation (1) and has made the required oath or affirmation, the applicant shall submit documentary evidence of having done so to the Minister.

(3) Upon receiving such evidence as is required by sub-regulation (2) the Minister shall grant the applicant a certificate of registration or naturalisation, as the case may be.

PART 5 – RENUNCIATION OF CITIZENSHIP

Procedure for cancelling citizenship documents after renunciation

13. —(1) Where the Minister has served a written notice under section 16(5) of the Decree on a person who has made and registered a declaration of renunciation of citizenship that person must surrender to the Minister any document referred to in the notice within 21 days of receiving that notice.

(2) A document surrendered pursuant to sub-regulation (1) shall be cancelled by the Minister.

PART 6 – DEPRIVATION OF CITIZENSHIP

Procedure for making an order of deprivation of citizenship

14. —(1) Where a person has been served with notice in writing in accordance with section 17(3) of the Decree that the Minister proposes to make an order to deprive the person of his or her citizenship the person has 21 days from the receipt of the notice in which to make any representations to the Minister why the proposed order should not be made.

(2) Upon the expiration of the period referred to in sub-regulation (1) the Minister, after considering any representations submitted pursuant to that sub-regulation, may proceed to make the proposed order.

Procedure for cancelling citizenship documents after deprivation of citizenship

15. —(1) Where the Minister has served on a person who has been deprived of his or citizenship a notice pursuant to section 17(6) the Decree, that person must surrender to the Minister within 21 days of receiving that notice any Fiji passport or emergency travel document of current validity and any certificate of registration or naturalisation which he or she holds.

(2) A document surrendered pursuant to sub-regulation (1) shall be cancelled by the Minister.

PART 7 – REGISTERS

Form of registers

16. Any register maintained for the purposes of section 20 of the Decree may be kept—

- (a) in writing;
- (b) in the form of information stored by electronic means and readily retrievable;
or
- (c) in a combination of methods (a) and (b).

SCHEDULE 1

Approved forms



GOVERNMENT OF FIJI
IMMIGRATION DEPARTMENT
APPLICATION FOR CITIZENSHIP OF FIJI

Photograph
2 copies of a recent full face photograph of the applicant should be attached here. The reverse of one copy should be endorsed by an adult (not the applicant) as being a correct likeness

APPLICANT'S FULL NAME	SURNAME	GIVEN NAMES
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INSTRUCTIONS: A number of categories of persons are entitled to be or may apply to be registered/naturalised as Fiji citizens. This form is to be used for all such applications which are categorised below. Please tick the category under which you are applying and complete the relevant Sections of the form as indicated.

CATEGORIES1. REGISTRATION

- | | | | |
|-----|---|--|--------------------------|
| [a] | Child of a Fiji citizen born outside Fiji
[Decree, section 8(1)] | Complete sections A, B, C & I
& Certificate A | <input type="checkbox"/> |
| [b] | Adopted foreign child of a Fiji citizen
[Decree, section 8(2)] | Complete sections A, B, D & I
& Certificate A | <input type="checkbox"/> |
| [c] | A child either of whose parents becomes a
Fiji citizen
[Decree, section 8(3)] | Complete sections A, B & I
& Certificate A | <input type="checkbox"/> |

[Note: Applicants under categories [a], [b] or [c] who are 18 years old or over must also complete section G. However, such applicants are not required to complete Certificate A.]

- | | | | |
|-----|--|--|--------------------------|
| [d] | Former citizen
[Decree, section 8(6)] | Complete sections A, E & I
& Certificate B | <input type="checkbox"/> |
| [e] | An adult who has been married to a Fiji
citizen
[Decree, section 8(7)] | Complete sections A, B, F & I
& Certificate B | <input type="checkbox"/> |

2. NATURALISATION

- | | | | |
|-----|---|--|--|
| [a] | An adult who has been lawfully resident in
Fiji for a total of 5 of the 10 years immediately
before the application for naturalisation is made.
[Decree, section 11] | Complete sections A, H, & I
& Certificate B | |
|-----|---|--|--|

WARNING

THE INCLUSION OF FALSE INFORMATION ON THIS FORM OR IN SUPPORT
OF THIS APPLICATION CAN LEAD TO IMPRISONMENT OR A FINE.

COMPLETED FORMS SHOULD BE SUBMITTED WITH APPROPRIATE FEES TO: THE DIRECTOR OF IMMIGRATION, IMMIGRATION DEPARTMENT, SUVA. OR POST TO: P O BOX 2224, GOVERNMENT BUILDINGS, SUVA, FIJI.

NOTES

1. The application must be made by a person who is 18 years of age or over.
2. For the purposes of categories 1[a], 1[b] and 1[c], where the applicant is a minor (i.e. under the age of 18 years), the form should be completed by the applicant's parent or guardian.
3. Present nationality: Evidence of the applicant's present citizenship or nationality status must be attached (e.g. birth certificate, passport, citizenship certificate, etc.)
4. Where a question in a particular section you are answering does not apply to you please put NONE or N/A as appropriate.
5. Declaration and Certificates (pages 8 & 9): The declaration on page 9 of this form (Certificate B, Part C) is only required of an applicant who is not a Commonwealth citizen or a British Protected Person. If it does not apply to you, delete it by putting a diagonal line through it.

For office use only

	Tick	File page
i] Birth certificate of applicant or equivalent		
ii] Birth certificate of parent/husband		
iii] Marriage certificate:		
iv] Death certificate of husband:		
v] Passport:		
vi] Certificate of registration of citizenship:		
vii] Medical report		
viii] Other		

PARTICULARS OF APPLICANT

SECTION A (All Applicants must complete this Section)

A1. Surname

A2. Given names

A3. Date of birth

A4. Country of birth

A5. Present nationality

A6. Passport No.

A7. Sex

MALE FEMALE

A8. Marital status

A9. Residential address

Telephone No.: _____

A10. Postal address

Telephone No.: _____ Email _____

A11. Occupation

SECTION B

B1. SURNAME : _____ GIVEN NAMES: _____

B2. Date of birth _____ B3. Country of Birth _____

B4. Present nationality _____ B5. Passport No. _____

B6. Do you hold citizenship of another country? Yes No

If yes, of which country or countries?

SECTION C**CHILD BORN OUTSIDE FIJI**

C1. Was at least one of the child's parents a Fiji citizen at the date of the child's birth? Yes No
[Attach documentary evidence]

C2. Did either parent hold citizenship of another country at the date of the child's birth? Yes No
[Attach documentary evidence]

SECTION D**FOREIGN CHILD ADOPTED BY A FIJI CITIZEN**

D1. Has the child been legally adopted either in Fiji or Overseas? Yes No

D2. Date of adoption _____

D3. Court Order Number _____

D4. Name of Court/Authority granting adoption _____

D5. Name of person in whose favour adoption was granted.

SECTION E**FORMER CITIZEN****PARTICULARS OF APPLICANT'S PRESENT CITIZENSHIP**

E1. Country of citizenship

E2. Date obtained

PARTICULARS OF APPLICANT'S PREVIOUS FIJI CITIZENSHIPE3. How obtained
(Birth/Naturalisation/Registration)E4. Date obtained
Day Month YearE5. Provide proof of your former citizenship e.g.
passport.E6. Have you been convicted of any
crime?YES NO **SECTION F****AN ADULT WHO IS OR HAS BEEN MARRIED TO A FIJI CITIZEN****PARTICULARS OF APPLICANT**

F1. Date of first entry into Fiji

 DAY / MONTH / YEARF2. Type of permit granted
(e.g. visitor/residential/work/exemption)

F3. Date of marriage

 DAY / MONTH / YEAR

F4. Place of marriage

SECTION G

CITIZEN BY REGISTRATION

(This section must be completed by all applicants under categories 1[a], 1[b] and 1[c] who are 18 years of age or over)

DETAILS OF APPLICANT

G1. Date of first entry into Fiji
(Provide proof, e.g. passport)

G2. Type of entry permit issued on arrival
e.g. visitor, residential, exemption

G3. Date first work/residence/exemption
permit issued

G4. Give details of all work/residence permits held during the last five years.

ADDRESS	DATE FROM	DATE TO

SECTION H

CITIZENSHIP BY NATURALISATION

(THE APPLICANT MUST BE AN ADULT PERSON WHO HAS BEEN RESIDENT IN FIJI FOR A TOTAL OF 5 OF THE 10 YEARS IMMEDIATELY BEFORE THE APPLICATION FOR NATURALISATION IS MADE)

DETAILS OF APPLICANT

H1. Date of first entry into Fiji
(Provide proof e.g. passport)
[]

H2. Type of entry permit issued on arrival
eg. visitor/residential/work/exemption
[]

H3. Date first visitor/residential/work/exemption
permit issued
[]

H4. Employer/Organisation
[]

H5. Any change/variation of permit/employer
Yes No
If Yes, give details
[]

H6. Have you ever been convicted of a crime?
Yes No
If Yes, give details.
[]

H7. Have you ever suffered from any
contagious or infectious disease?
Yes No
If yes, give details.

H8. Indicate any language(s) which you can
read and write.
[]

H9. If this application is approved, do you intend to continue living in Fiji?
Yes No

H10. In your opinion, what do you regard as some of the responsibilities of a Fiji citizen?
a.

b.

H11. Give details of any work/residence permit held during the last five years.

ADDRESS	DATE FROM	DATE TO

SECTION I

Declaration

I hereby declare that the information I have supplied in this form is complete, truthful and correct.

Signature of Applicant Date []

CERTIFICATES

Certificate A

(To be completed only where the applicant is under 18 years of age by the applicant's parent or guardian.)

I, _____ the + parent/legal guardian of _____

hereby apply for his/her registration as a citizen of Fiji.

If the legal guardian, I am authorised (a) by the Court at _____ to act, or (b) by the minor's

+ father/mother whose consent to my acting is attached.

Signed

Certificate B

(To be completed by persons acting as the applicant's referees.)

A

Referee's surname _____ Forenames _____

Title _____

Full residential address _____

I, the undersigned, hereby state that I am a citizen of Fiji, and that I am not a barrister and solicitor or agent or relative of the applicant _____

_____ . I support this application from my personal knowledge and close acquaintance with the applicant for _____ years [not less than 3 years].

I vouch for the applicant's good character and loyalty and I am prepared to furnish, full details of my knowledge of and acquaintance with the applicant. I have read the warning on the front of this form.

(Signed)

(Date)

B

Referee's surname _____ Forenames _____
Title _____

Full Residential address

I, the undersigned, hereby state that I am a citizen of Fiji, and that I am not a barrister and solicitor or agent or relative of the applicant _____ . I support this application from my personal knowledge and close acquaintance with the applicant for _____ years [not less than 3 years]. I vouch for the applicant's good character and loyalty and I am prepared to furnish full details of my knowledge of and acquaintance with the applicant. I have read the warning on the front of this form.

(Signed)

(Date)

(A third referee is only required where the applicant is NOT a Commonwealth citizen or British Protected Person)

C

Referee's surname _____ Forenames _____
Title _____

Full Residential address

I, the undersigned hereby state that I am a citizen of Fiji and that I am not a barrister and solicitor or agent or relative of the applicant _____ . I support this application from my personal knowledge and close acquaintance with the applicant for _____ years [not less than 3 years]. I vouch for the applicant's good character and loyalty and I am prepared to furnish full details of my knowledge of and acquaintance with the applicant. I have read the warning on the front of this form.

(Signed)

(Date)

SCHEDULE 2

Table of prescribed fees

The fees prescribed for or in connection with applications for the grant of citizenship by registration and naturalisation are as set out in the following table—

	Citizenship by registration	Fee (\$)	VAT (\$)	Total Fees (\$)
1	Application for registration under section 8(1), (2) and (3) of the Decree	217.00	31.00	248.00
2	For applicants under the above sections who are 18 or over, making oath or affirmation of allegiance	120.00	15.00	135.00
3	Grant of certificate	120.00	15.00	135.00
4	Application for registration by a former citizen under section 8(6) of the Decree: - application fee - making oath or affirmation of allegiance - grant of certificate - application for passport	3,000.00	375.00	3,375.00
5	Application for registration by a spouse or former spouse of a citizen under section 8(7) of the Decree:	217.00	31.00	248.00
6	Making of oath or affirmation of allegiance	120.00	15.00	135.00
7	Grant of Certificate	120.00	15.00	135.00
	Citizenship by naturalisation	Fee (\$)	VAT (\$)	Total Fees (\$)
8.	Application for naturalisation under section 11 of the Decree:- - application fee - making oath or affirmation of allegiance - grant of certificate - application for passport	5,000.00	625.00	5,625.00
	Others	Fee (\$)	VAT (\$)	Total Fees (\$)
9	Issue of replacement certificate	120.00	15.00	135.00
10	Search fee	10.67	1.33	12.00

Dated this 6th day of July 2009

RATU EPELI GANILAU
Minister for Defence, National Security,
Disaster Management and Immigration

