

[LEGAL NOTICE NO. 83]

IMMIGRATION ACT 2003

Immigration (Exemption by Descent) Order 2023

IN exercise of the powers conferred on me by section 8(3) of the Immigration Act 2003, I hereby make this Order—

Short title and commencement

- 1.—(1) This Order may be cited as the Immigration (Exemption by Descent) Order 2023.
- (2) This Order is deemed to have come into force on 10 October 2023.

Interpretation

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

“Act” means the Immigration Act 2003;

“official records” means a birth certificate, marriage certificate, death certificate, court order or any other official document or any other approved document required for an exemption application made under this Order;

“exemption” means the exemption from the requirement to obtain a permit under the Act; and

“principal citizen” means a person who was considered a citizen of Fiji on 10 October 1970.

Persons eligible for exemption

- 3.—(1) A person is entitled to enter, reside and work in Fiji without having to obtain a permit under the Act, if the person is—

(a) a foreign citizen;

- (b) not eligible for registration in the *Vola ni Kawa Bula* maintained by the iTaukei Lands Commission under the iTaukei Lands Act 1905;
- (c) not a member of the prohibited class under section 13(2) of the Act; and
- (d) a member of the classes of people who are considered direct descendants of a principal citizen.

(2) For the purpose of paragraph (1), the following classes of people are considered direct descendants of a principal citizen—

- (a) the children of a principal citizen;
- (b) the grandchildren of a principal citizen; or
- (c) the great grandchildren of a principal citizen.

(3) A person who intends to enter, reside and work in Fiji must make an application for exemption and the application must—

- (a) be made in the approved form; and
- (b) be accompanied by official records and any other information to establish that the person is eligible for an exemption.

(4) An application made under paragraph (3) which contains falsified, forged or misleading official records or information or which is not accompanied by official records or any other information to establish that a person is eligible for an exemption, may result in—

- (a) the application being refused;
- (b) the immediate cancellation of any exemption issued; or
- (c) prohibition from making any future application in relation to exemptions.

Exemption

4.—(1) Where an application for exemption is approved, a person is to be issued with an exemption approval letter.

(2) Where an application for exemption is refused, a person is to be issued with an exemption refusal letter.

(3) An exemption—

- (a) is valid for a period not exceeding 3 years, beginning on the date of the granting of the exemption;
- (b) may be used for multiple entries during the 3-year period; and
- (c) is subject to any condition expressly provided.

Exemption conditions

5. A person who has been granted an exemption, must—

- (a) not behave in a manner that is prejudicial to the peace, good order, good government or morale of the people of Fiji;
- (b) comply with the laws of Fiji; and

(c) not breach any other condition that the Minister may, in writing, impose.

6. An exemption may be cancelled if the holder is not the person to whom the exemption ought to have been issued.

7. Where a person fails to comply with any exemption condition—

- (a) the exemption issued may be cancelled;
- (b) the person may be prohibited from making any future application in relation to exemptions; or
- (c) the person must make arrangements to immediately depart the country or immediately apply for a permit under the Act.

Made this 11th day of October 2023.

P. TIKODUADUA
Minister for Home Affairs and Immigration
