

REPUBLIC OF KIRIBATI
(No. 11 of 1983)

I assent,

V. Tabai
Beretitenti.

15/8/1983.

AN ACT TO AMEND THE IMMIGRATION ORDINANCE
(Cap. 41)

Commencement:

15/8/1983.

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti.

- Short title. 1. This Act may be cited as the Immigration (Amendment) Act, 1983.
- Amends section 14 of Cap. 41. 2. Section 14(1) of the Immigration Ordinance is amended -
- (a) by repealing the words "has been convicted of the offence of being unlawfully present" and substituting the words "is unlawfully present";
 - (b) by repealing the words and figures "14 days or such longer period" and substituting the words "such period";
 - (c) by adding the following subsection -
"(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".


This printed impression has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on 8th August 1983, and is found by me to be a true and correctly printed copy of the said Bill.

Au I


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Clerk to the Maneaba
ni Maungatabu.

Published by exhibition --

- (a) at the Public Office of the Beretitenti on
15th August 1983.


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Secretary to Cabinet.

- (b) at the Maneaba ni Maungatabu on
15th August, 1983.


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Clerk to the Maneaba
ni Maungatabu.

IMMIGRATION (AMENDMENT) ACT 1983

EXPLANATORY MEMORANDUM

Certain difficulties have in practice arisen with the workings of the Immigration Ordinance i.e. the power to deport an undesirable alien. The Ordinance was drafted very much in favour of such an alien, as a removal order could only be made by the Minister against a person convicted (i.e. by a court of law) of the offence of being unlawfully present in Kiribati. The Ordinance laid down a set of appeal procedures for such a person, enabling him to achieve, if he so wished, substantial delay.

The object of the amending Act is to restore to the Minister the discretion whether to make a removal order. The amending Act also provides that such an order shall be non-justiciable i.e. it cannot be reviewed by any person or Court. It should be read in conjunction with the Deportation Ordinance as proposed to be amended.

The Immigration (Amendment) Act amends Cap. 41 (Section 14) so as to remove the requirement that an alien must be convicted before a removal order is made, and provides that a removal order may be made if the person 'is unlawfully present'.

R.L. Davey
Attorney General

LEGAL REPORT

I hereby certify that in my opinion none of the provisions of the above Act conflict with the provisions of the Constitution and that the Beretitenti may properly assent to the Act.

R.L. Davey
Attorney General