

Subsidiary Legislation

Table of Amendments

Immigration Regulations 2007 (LN 5 of 2008) commenced on 4 January 2008, as amended by:

Amending Legislation	Date of Commencement
Immigration (Amendment) Decree 2011 (Decree 30 of 2011)	11 July 2011
Revised Edition of the Laws (Consequential Amendments) Regulations 2016 (LN 99 of 2016)	1 December 2016
Passports (Amendment) Act 2020 (No 36 of 2020) ¹	
Investment Act 2021 (No 5 of 2021)	1 August 2022

¹As at the date of publication of Service 20, the Passports (Amendment) Act 2020 (No 36 of 2020) has not commenced and its amendments have not been incorporated.

PART 1 PRELIMINARY [regs 1, 2]

[IMM 11,135] Short title

1 These Regulations may be cited as the Immigration Regulations 2007.

[IMM 11,140] Interpretation

2 In these Regulations unless the context otherwise requires—

approved form means a form, by whatever name called, that has been approved, in writing, by the Permanent Secretary;

carrier means a ship or an aircraft;

fee means a fee specified in the Schedule to these Regulations;

immigration officer means a person designated or appointed under section 4 of the Act;

Permanent Secretary means the permanent secretary responsible for the administration of the Act;

Permit means a permit prescribed by the Minister pursuant to section 9(4) of the Act, and includes—

- (a) a visitor permit granted under regulation 24; and
- (b) a provisional protection permit granted under regulation 27;
- (c) a protection permit granted under regulation 30;
- (d) a student permit granted under regulation 33;
- (e) a research permit granted under regulation 36;
- (f) an investor permit granted under regulation 39;
- (g) a work permit granted under regulation 42;

- (h) a special purpose permit granted under regulation 45;
- (i) a permit to reside on assured income granted under regulation 48;
- (j) a permanent residence permit granted under regulation 51; and
- (k) a coextensive residence permit granted under regulation 54;

the Act means the Immigration Act 2003;

travel document includes—

- (a) a passport;
- (b) a certificate of identity;
- (c) a refugee travel document;
- (d) a crew identity card;
- (e) a military identity card together with a military movement order, if the holder of the identity card is travelling on duty; and
- (f) a laissez-passer, issued by the United Nations;

Visa means a visa referred to in section 7 of the Act; and

Yacht means any vessel—

- (a) which does not carry cargo for commercial or other purposes;
- (b) is not used for, or involved in, any commercial activity; and
- (c) is not carrying more than 10 persons including crew.

PART 2 VISAS [regs 3–6]

[IMM 11,145] Persons who need visas to enter Fiji etc

3 (1) A person who is not a citizen of Fiji and who is not—

- (a) the holder of a current visa or permit;
- (b) exempted from obtaining a visa before entering Fiji under section 7(2) of the Act; or
- (c) exempted from obtaining a permit to enter, reside and work in Fiji under section 8 of the Act,

must obtain a visa to enter Fiji.

[subreg (1) am Decree 30 of 2011 s 3, effective 11 July 2011]

(2) In this Part “relative” means a member of a person's family (whether such relationship arises from birth, marriage or adoption).

[IMM 11,150] Application for visa

4 An application for a visa shall be made to an immigration officer, shall be made on the approved form and shall be accompanied by—

- (a) a certified copy of the applicant's travel document;
- (b) the fee specified in Part 2 of the Schedule;

- (c) if required by an immigration officer, evidence of a return ticket to a country to which, the immigration officer is satisfied, the applicant is lawfully entitled to return;
- (d) evidence, to the satisfaction of an immigration officer, that the applicant has sufficient funds for the purposes of travelling to, and staying in Fiji; and
- (e) two passport size photographs.

[reg 4 am Decree 30 of 2011 s 3, effective 11 July 2011]

[IMM 11,155] Grant of visas

5 (1) An immigration officer may grant a non-citizen a visa to enter Fiji if the immigration officer is satisfied that—

- (a) the non-citizen intends to travel to Fiji—
 - (i) for the purpose of visiting a friend or a relative or otherwise for the purpose of a holiday;
 - (ii) for the purpose of transiting Fiji for another destination within 72 hours after entry into Fiji; or
 - (iii) as a member of the crew of a carrier;
- (b) the non-citizen is—
 - (i) a representative of a foreign government; or
 - (ii) a relative of a representative of a foreign government; or
- (c) the non-citizen is a person who is likely to be granted arrival immigration clearance under Part 3 of these Regulations.

[subreg (1) am Decree 30 of 2011 s 3, effective 11 July 2011]

(2) If an immigration officer is satisfied that a non-citizen should be granted a visa, the immigration officer may grant the non-citizen—

- (a) a single entry visa which is valid for a single journey to Fiji—
 - (i) within 3 months of the date of grant of the visa; and
 - (ii) for a stay of any period not exceeding 4 months; or
- (b) a multiple entry visa which is valid for multiple journeys to Fiji—
 - (i) within 12 months of the date of grant of the visa;
 - (ii) for a stay of any period not exceeding 4 months on each such journey.

[subreg (2) am Decree 30 of 2011 s 3, effective 11 July 2011]

[IMM 11,160] Refusal of visa

6 An immigration officer may refuse to grant a visa to a non-citizen if the immigration officer is satisfied that—

- (a) the non-citizen is not a person of good character;
- (b) the presence of the non-citizen in Fiji will be prejudicial to the peace, good order, good government or morale of the people of Fiji; or
- (c) if required so to do by the immigration officer, the non-citizen has failed to obtain a certificate of good health from a medical practitioner approved in writing by the immigration officer.

[reg 6 am Decree 30 of 2011 s 3, effective 11 July 2011]

PART 3 IMMIGRATION CLEARANCE [regs 7–15]

[IMM 11,165] Arrival immigration clearance

7 (1) Subject to subregulation (4), persons entering Fiji must—

- (a) if arriving by sea, be arrival immigration cleared before disembarking the ship; or
- (b) if arriving by air, be arrival immigration cleared immediately after disembarking the aircraft.

[subreg (1) am Decree 30 of 2011 s 3, effective 11 July 2011]

(2) For the purposes of this regulation, a person is arrival immigration cleared if, subject to subregulation (4), that person personally presents to an immigration officer—

- (a) an arrival card completed in the English language;
- (b) the person's travel document;
- (c) in the case of a non-citizen, evidence that the non-citizen has a valid visa or a valid permit; and
- (d) to be given by the Act or these Regulations to an immigration officer, or which an immigration officer, in a particular case, may reasonably require.

(3) A person who is not arrival immigration cleared as required by subregulation (1) shall be refused entry into Fiji.

[subreg (3) am Decree 30 of 2011 s 3, effective 11 July 2011]

(4) The provisions of subregulations (1) and (2) may be waived by an immigration officer in the case of a person who, the immigration officer is satisfied—

- (a) is the representative of a foreign government;

- (b) is a relative of a representative of a foreign government;
- (c) is a person in relation to whom the Minister responsible for Foreign Affairs has sought a waiver of those subregulations; or
- (d) for reasons beyond that person's control, unable to personally present the documents specified in that subregulation.

(5) A person who presents himself or herself for arrival immigration clearance must remain with an immigration officer until that person has been arrival immigration cleared.

[IMM 11,170] Exit immigration clearance

8 (1) Subject to subregulation (4), persons departing Fiji shall not be exit immigration cleared unless they present themselves for exit immigration clearance to an immigration officer at least 30 minutes, or such other period as the immigration officer may specify, prior to their scheduled departure from Fiji.

[subreg (1) am Decree 30 of 2011 s 3, effective 11 July 2011]

(2) A person who is not exit immigration cleared as required by subregulation (1) shall not be allowed to depart Fiji.

[subreg (2) am Decree 30 of 2011 s 3, effective 11 July 2011]

(3) For the purpose of these Regulations, a person is exit immigration cleared if that person personally presents to an immigration officer—

- (a) departure card in respect of that person completed in the English language;
- (b) the person's travel document; and
- (c) any information required to be given by the Act or these Regulations to an immigration officer, or which an immigration officer, in a particular case, might reasonably require.

(4) A person must not be exit immigration cleared if a Government department or other Government agency in exercise of a power conferred by a law that—

- (a) complies with a provision of section 21(6) or (7) of the Constitution of the Republic of Fiji,
- (b) is applicable to that person,

authorises the arrest, detention or other restriction on the movement of that person.

[subreg (4) am LN 99 of 2016 reg 103, effective 1 December 2016]

(5) The provisions of subregulation (3) may be waived by an immigration officer in the case of a person who, the immigration officer is satisfied—

- (a) is the representative of a foreign government;
- (b) is a relative of a representative of a foreign government;
- (c) is a person in relation to whom the Minister responsible for foreign affairs has sought a waiver of that subregulation; or
- (d) is, for reasons beyond that person's control, unable to personally present the documents specified in that subregulation.

(6) A person who presents himself or herself for exit immigration clearance must remain with an immigration officer until that person has been exit immigration cleared.

[IMM 11,175] Restrictions on movement of persons exit immigration cleared

9 (1) For the purposes of this Act and the Regulations, a person who is exit immigration cleared by an immigration officer is deemed to have departed Fiji and, except with the prior approval of an immigration officer, shall not leave the ship or, in the case of an aircraft, the transit lounge of the airport except to board an aircraft.

[subreg (1) am Decree 30 of 2011 s 3, effective 11 July 2011]

(2) The crew of a carrier must take such steps as are reasonable to prevent a person who has been exit immigration cleared and who has boarded a carrier from disembarking that carrier.

(3) The master of a ship or the commander of an aircraft shall inform an immigration officer immediately if a person who has been exit immigration cleared, without the approval of an immigration officer, disembarks the ship or the aircraft.

(4) A person who fails to comply with subregulation (1) commits an offence.

(5) A person who assists or authorises another person who has been exit immigration cleared to leave a ship or, in the case of an aircraft, the transit lounge of the airport, without the approval of an immigration officer, commits an offence.

(6) Where a carrier is unable to leave Fiji as scheduled, all persons—

- (a) in the case of a ship, on board the ship, who wish to disembark; or
- (b) in the case of an aircraft, in the transit lounge of the airport who, except to board the aircraft, wish to leave the transit lounge, must be arrival immigration cleared.

[subreg (6) am Decree 30 of 2011 s 3, effective 11 July 2011]

[IMM 11,180] Master of ship to obtain certificate of clearance before departure

10 (1) The master of a ship shall not, except after being issued by an immigration officer with a certificate of clearance in the approved form, cause the ship to depart Fiji.

[subreg (1) am Decree 30 of 2011 s 3, effective 11 July 2011]

(2) An immigration officer shall not, in respect of a ship, issue a certificate of clearance, unless that ship is scheduled to depart Fiji immediately after the issue of the certificate of clearance and under the supervision of that immigration officer.

[subreg (2) am Decree 30 of 2011 s 3, effective 11 July 2011]

[IMM 11,185] Special procedures relating to yachts

11 (1) The owner or master of a yacht shall, as soon as is reasonably practicable after arriving in Fiji, lodge with an immigration officer an application for a visitor's permit on behalf of every non-citizen on board the yacht who does not have lawful authority to be present in Fiji.

[subreg (1) am Decree 30 of 2011 s 3, effective 11 July 2011]

(2) For the purposes of subregulation (1), the master of a yacht arriving in Fiji shall—

- (a) submit to an immigration officer—
 - (i) an approved yacht arrival form completed in duplicate;
 - (ii) a completed arrival card; and
 - (iii) a travel document, in respect of every person on board the yacht; and
- (b) retain the original approved yacht arrival form and produce it to an immigration officer immediately prior to the departure of the yacht from Fiji.

[subreg (2) am Decree 30 of 2011 s 3, effective 11 July 2011]

(3) If a member of the crew of a yacht wishes to disembark the yacht in Fiji and does not intend to rejoin the crew of the yacht—

- (a) the master of the yacht and that crew member, in the presence of an immigration officer, shall complete and sign, in duplicate, an approved crew disembarkation form; and
- (b) the master of the yacht shall retain a copy of that completed form and shall produce it to an immigration officer immediately prior to the departure of the yacht from Fiji.

[subreg (3) am Decree 30 of 2011 s 3, effective 11 July 2011]

(4) If a member of the crew of a yacht wishes to depart from Fiji on board a yacht other than the yacht on which he or she arrived in Fiji—

- (a) the masters of both yachts and the crew member, in the presence of an immigration officer, shall complete and sign, in triplicate, an approved change of yacht form; and

- (b) the master of that other yacht shall retain a copy of that completed form and shall produce it to an immigration officer immediately prior to the departure of that other yacht from Fiji.

[subreg (4) am Decree 30 of 2011 s 3, effective 11 July 2011]

(5) If a person, other than a member of the crew, wishes to join a yacht—

- (a) the master of that yacht and that person, in the presence of an immigration officer, shall complete and sign, in duplicate, an approved crew sign on form; and
- (b) the master of the yacht shall retain a copy of that form and shall produce it to an immigration officer immediately prior to the departure of that yacht from Fiji.

[subreg (5) am Decree 30 of 2011 s 3, effective 11 July 2011]

[IMM 11,190] Lists of passengers etc provided pursuant to section 6 of the Act

12 (1) An officer, crew member, passenger (including a passenger in transit) or other person who is not included in the list required to be given to an immigration officer pursuant to section 6(2) and (3)(a) of the Act shall not be arrival immigration cleared or exit immigration cleared by an immigration officer.

(2) The list provided to an immigration officer pursuant to section 6(2) and (3)(a) of the Act must identify any passenger on board the carrier who will enter Fiji as a passenger but who will depart Fiji as a member of the crew of that carrier.

[subreg (2) am Decree 30 of 2011 s 3, effective 11 July 2011]

[IMM 11,195] Authority to board to be issued before boarding ship

13 No person, other than a person lawfully authorised so to do in the course of his or her duties, shall, except with the permission of an immigration officer, board a ship that has arrived in Fiji.

[reg 13 am Decree 30 of 2011 s 3, effective 11 July 2011]

[IMM 11,200] Endorsements on travel documents

14 An immigration officer may make such endorsements on a travel document, including writing, marking or affixing stamps or labels, as the immigration officer considers appropriate.

[IMM 11,205] Removal of re-entry restrictions

15 An application made to the Minister pursuant to section 11(9) of the Act to remove a re-entry restriction period shall be accompanied by—

- (a) the fee specified in Part 3 of the Schedule; and

- (b) a statement in writing setting out the reasons why the re-entry restriction period should be removed.

PART 4 PERMITS [regs 16–56]

[IMM 11,210] Application for grant of permit

16 An application for a permit shall be made on the approved form and shall be accompanied by—

- (a) the appropriate application fee specified in Part 1 of the Schedule to these Regulations; and
- (b) such of the following documents, or information, as the Permanent Secretary may specify, that is to say—
 - (i) two passport size photographs;
 - (ii) a certified copy of the applicant's passport;
 - (iii) evidence of a valid return ticket to a country that the applicant is, in the opinion of the Permanent Secretary, lawfully authorised to enter;
 - (iv) evidence of sufficient funds for the purposes of travel to, and stay in, Fiji; and
 - (v) such other information as the Permanent Secretary may require.

[reg 16 am Decree 30 of 2011 s 3, effective 11 July 2011]

[IMM 11,215] Bonds and security

17 (1) The Permanent Secretary may require a non-citizen applying for a permit, prior to the grant of the permit, to provide a sum of money as a bond or security.

(2) Where—

- (a) a non-citizen breaches any of the conditions of his or her permit; or
- (b) the non-citizen, without lawful authority, remains in Fiji after the expiration of his or her permit,

the bond or security shall, unless the Permanent Secretary, in the special circumstances of a particular case otherwise decides, be forfeited to the State.

[subreg (2) am Decree 30 of 2011 s 3, effective 11 July 2011]

(3) Except as provided in subregulation (2), a bond or security must be returned to the non-citizen as soon as is reasonably practicable after the expiration of the non-citizen's permit.

[IMM 11,220] Refusal of permit

18 (1) The Permanent Secretary may refuse to grant a non-citizen a permit if the Permanent Secretary is satisfied that the non-citizen is not a person of good character.

(2) The Permanent Secretary—

- (a) may require that before a permit is granted to a non-citizen, the non-citizen must be certified, by a medical practitioner approved in writing by the Permanent Secretary, to be in good health; and
- (b) may refuse to grant a permit to a non-citizen who is not so certified.

[IMM 11,225] Waiver of conditions

19 The Permanent Secretary may—

- (a) grant a permit without attaching any terms or conditions to the permit; or
- (b) on application in the approved form by the holder of a permit, waive any one or more term or condition subject to which the permit was granted.

[IMM 11,230] Waiver of application fee

20 The Permanent Secretary may, on application by a non-citizen who is applying for a permit, waive the payment of the application fee.

DIVISION B INTERPRETATION [regs 21–23]

[IMM 11,235] Meaning of “spousal relationship”

21 A non-citizen is in a spousal relationship with a citizen of Fiji if the Permanent Secretary is satisfied that—

- (a) the non-citizen is lawfully married to a citizen of Fiji and they have a mutual commitment to a shared life as husband and wife to the exclusion of all others;
- (b) the relationship between the non-citizen and the citizen is genuine and continuing; and
- (c) the non-citizen and the citizen live together or do not live separately and apart on a permanent basis,

and “spouse” shall be construed accordingly.

[reg 21 am Decree 30 of 2011 s 3, effective 11 July 2011]

[IMM 11,240] Meaning of “member of family unit”

22 A person is a member of the family unit of another person who holds a permit (“the permit holder”) if the person—

- (a) is a spouse of the permit holder; or

- (b) is a dependent child of the permit holder; or
- (c) is a person specified as such by order made by the Minister.

[IMM 11,245] Meaning of “dependent child”

23 For the purposes of this Part “dependent child” means any child including a child born out of wedlock, a stepchild, and an adopted child, who is wholly or substantially dependent on a permit holder, and who—

- (a) is under 21 years of age; or
- (b) is 21 years of age or over, but who is unmarried.

DIVISION C CLASSES OF PERMITS, CONDITIONS OF GRANT ETC [regs 24–56]

[IMM 11,250] Criteria for grant of visitor permit

24 The Permanent Secretary may grant a visitor permit to a non-citizen if the Permanent Secretary is satisfied that the non-citizen seeks to visit Fiji—

- (a) as a tourist;
- (b) for sporting or other recreational activities;
- (c) for the purpose of visiting a relative, or a friend, who is a citizen of Fiji;
- (d) to attend a conference or meeting;
- (e) for the purpose of transiting Fiji; or
- (f) as a member of a crew of a carrier.

[reg 24 am Decree 30 of 2011 s 3, effective 11 July 2011]

[IMM 11,255] Conditions of grant of visitor permit

25 The following conditions apply to the grant of a visitor permit, that is to say, that the holder of the permit agrees—

- (a) not to behave in a manner that is prejudicial to the peace, good order, good government or morale of the people of Fiji;
- (b) except with the written approval of the Permanent Secretary—
 - (i) not to engage in any business, profession or employment, whether or not for reward;
 - (ii) not to engage in any religious vocation; and
 - (iii) not to engage in research or study; and

- (c) not to breach any other condition that the Permanent Secretary may, in writing, impose.

[reg 25 am Decree 30 of 2011 s 3, effective 11 July 2011]

[IMM 11,260] Duration of visitor permit

26 The Permanent Secretary may grant a visitor permit for a period not exceeding 4 months beginning on the date of grant of the permit, and may, from time to time and upon payment of the fee specified in Part 1 of the Schedule to these Regulations extend such permit for a further period not exceeding 2 months.

[IMM 11,265] Criteria for grant of provisional protection permit

27 The Permanent Secretary may grant a non-citizen a provisional protection permit if, pursuant to Part 6 of the Act, the non-citizen has signified to an immigration officer his or her intention to seek to be protected or recognised as a refugee in Fiji.

[reg 27 am Decree 30 of 2011 s 3, effective 11 July 2011]

[IMM 11,270] Conditions of grant of provisional protection permit

28 The following conditions apply to the grant of a provisional protection permit, that is to say, that the holder of the permit agrees—

- (a) not to behave in a manner that is prejudicial to the peace, good order, good government or morale of the people of Fiji;
- (b) not to engage in any religious vocation except with the written approval of the Permanent Secretary; and
- (c) not to breach any other condition that the Permanent Secretary may, in writing, impose.

[reg 28 am Decree 30 of 2011 s 3, effective 11 July 2011]

[IMM 11,275] Duration of provisional protection permit

29 A provisional protection permit is valid for a period of 4 months beginning on the date that the non-citizen signifies his or her intention under regulation 27, and may, from time to time and upon payment of the fee specified in Part 1 of the Schedule to these Regulations be extended for such further period as the Permanent Secretary considers appropriate.

[IMM 11,280] Criteria for grant of protection permit

30 The Permanent Secretary may grant a non-citizen a protection permit if, pursuant to Part 6 of the Act, the Permanent Secretary determines that the non-citizen is an asylum seeker who should be recognised as a refugee in Fiji.

[reg 30 am Decree 30 of 2011 s 3, effective 11 July 2011]

[IMM 11,285] Conditions for grant of protection permit

31 The following conditions apply to the grant of a protection permit, that is to say, that the holder of the permit agrees—

- (a) not to behave in a manner that is prejudicial to the peace, good order, good government or morale of the people of Fiji;
- (b) not to engage in any religious vocation except with the written approval of the Permanent Secretary; and
- (c) not to breach any other condition that the Permanent Secretary may, in writing, impose.

[reg 31 am Decree 30 of 2011 s 3, effective 11 July 2011]

[IMM 11,290] Duration of protection permit

32 A protection permit is valid for a period of 3 years beginning on the date that the Minister determines that the non-citizen in relation to whom the protection permit is sought should be recognised as a refugee in Fiji, and may, upon payment of the fee specified in Part 1 of the Schedule to these Regulations, be extended for such further period as the Permanent Secretary considers appropriate.

[reg 32 am Decree 30 of 2011 s 3, effective 11 July 2011]

[IMM 11,295] Criteria for grant of student permit

33 The Permanent Secretary may grant a non-citizen a student permit if the Permanent Secretary is satisfied that—

- (a) the non-citizen—
 - (i) is enrolled in, or has a letter of acceptance for enrolment in; and
 - (ii) is a genuine student who intends to undertake, a course of study at a secondary, or tertiary institution which is registered with the Ministry of Education in Fiji; and
- (b) the non-citizen has sufficient funds to support himself or herself and any accompanying family members while resident in Fiji.

[reg 33 am Decree 30 of 2011 s 3, effective 11 July 2011]

[IMM 11,300] Conditions of grant of student permit

34 (1) The following conditions apply to the grant of a student permit, that is to say, that the holder of the permit agrees—

- (a) to attend at least 80% of the contact hours scheduled for each term and each semester of the course that the holder is enrolled in;
- (b) to achieve an academic result in the course that the holder is enrolled in which is certified by the education institution to be at least satisfactory;
- (c) to continue to be enrolled at an educational institution in Fiji;
- (d) to notify the Director of Immigration of any change of educational institution that the holder of the permit intends to make;
- (e) not to behave in a manner that is prejudicial to the peace, good order, good government or morale of the people of Fiji;
- (f) not to engage in any religious vocation except with the written approval of the Permanent Secretary; and
- (g) not to breach any other conditions that the Permanent Secretary may, in writing, impose.

[subreg (1) am Decree 30 of 2011 s 3, effective 11 July 2011]

(2) The person in charge of the education institution at which the holder of the student permit is enrolled must forthwith inform the Permanent Secretary—

- (a) if the holder of the permit discontinues the course of study in which he or she was enrolled; or
- (b) if the holder of the permit has been expelled by, or is otherwise prevented from continuing the course of study at, the education institution.

[IMM 11,305] Duration of student permit

35 The Permanent Secretary may grant a student permit for a period not exceeding 3 years beginning on the date of grant of the permit.

[IMM 11,310] Criteria for grant of research permit

36 The Permanent Secretary may grant a non-citizen a research permit if the Permanent Secretary is satisfied that—

- (a) the proposed research activities have been approved by the Minister responsible for education; and
- (b) the non-citizen has sufficient funds to support himself or herself and any dependants while he or she is present in Fiji.

[reg 36 am Decree 30 of 2011 s 3, effective 11 July 2011]

[IMM 11,315] Conditions of grant of research permit

37 The following conditions apply to the grant of a research permit, that is to say, that the holder of the permit agrees—

- (a) not to behave in a manner that is prejudicial to the peace, good order, good government or morale of the people of Fiji;
- (b) not to engage in any business, profession or employment, whether or not for reward;
- (c) not to engage in any religious vocation except with the written approval of the Permanent Secretary; and
- (d) not to breach any other condition that the Permanent Secretary may, in writing, impose.

[reg 37 am Decree 30 of 2011 s 3, effective 11 July 2011]

[IMM 11,320] Duration of research permit

38 The Permanent Secretary may grant a research permit for a period not exceeding 18 months beginning on the date of the grant of the permit.

[IMM 11,325] Criteria for grant of investor permit

39 The Permanent Secretary may grant a non-citizen an investor permit if the Permanent Secretary is satisfied that the non-citizen—

- (a) is a foreign investor; or
- (b) is the representative of a foreign investor,

who has been granted a Foreign Investment Certificate pursuant to the Foreign Investment Act 1999.

[IMM 11,330] Conditions of grant of investor permit

40 The following conditions apply to the grant of an investor permit, that is to say, that the holder of the permit agrees—

- (a) not to behave in a manner that is prejudicial to the peace, good order, good government or morale of the people of Fiji;
- (b) not to engage in any profession or employment, whether or not for reward;
- (c) not to engage in any religious vocation except with the written approval of the Permanent Secretary;
- (d) not to engage in research or study; and

- (e) not to breach any other condition that the Permanent Secretary may, in writing, impose.

[reg 40 am Decree 30 of 2011 s 3, effective 11 July 2011]

[IMM 11,335] Duration of investor permit etc

41 (1) Subject to subregulation (4), the Permanent Secretary may grant an investor permit for a period not exceeding 3 years beginning on the date of grant of the permit.

(2) Subject to subregulations (3) and (4), the Minister may grant an investor permit for a period not exceeding 7 years beginning on the date of grant of the permit.

(3) The Minister may not grant an investor permit referred to in subregulation (2) unless the foreign investor undertakes to invest and maintain in a business an amount of not less than \$250,000 or such other amount as the Minister may, from time to time, determine.

(4) Notwithstanding subregulations (1) and (2), an investor permit shall become void on the cancellation of a Foreign Investment Certificate and the holder of such a permit shall forthwith surrender it to the Permanent Secretary.

[IMM 11,340] Criteria for grant of work permit

42 The Permanent Secretary may grant a non-citizen a work permit if the Permanent Secretary is satisfied that—

- (a) the non-citizen has signed a written contract of employment with an employer in Fiji for the provision of services by that non-citizen and those services cannot be provided by a citizen of Fiji;
- (b) the non-citizen is an ordained minister, a priest or a religious worker and the non-citizen will be working only as a religious worker in Fiji;
- (c) the non-citizen intends to teach at an educational institution in Fiji and his or her employment has been approved by the Permanent Secretary of the Ministry of Education;
- (d) the non-citizen intends to work in the medical field in Fiji and his or her employment has been approved by the Permanent Secretary of the Ministry of Health;
- (e) the non-citizen is a qualified member of a profession and intends to practise in that profession and the Permanent Secretary is satisfied that the non-citizen's employment in Fiji in his or her specified profession will be beneficial to the interests of Fiji; or

- (f) the non-citizen is a volunteer and will be engaged in work that the Permanent Secretary is satisfied is for a charitable purpose and is required in Fiji.

[reg 42 am Decree 30 of 2011 s 3, effective 11 July 2011]

[IMM 11,345] Conditions of grant of work permit

43 (1) The following conditions apply to the grant of a work permit, that is to say, that the holder of the permit agrees—

- (a) not to behave in a manner that is prejudicial to the peace, good order, good government or morale of the people of Fiji;
- (b) not to engage in any business, profession or employment, whether or not for reward, other than the business, profession or employment that the non-citizen nominated in his or her application for a work permit;
- (c) if the non-citizen is granted a work permit because he or she will be an employee of an employer in Fiji, to work only for the employer nominated in his or her application for a work permit;
- (d) except in the case of a non-citizen who has been granted a work permit under regulation 55(b), not to engage in any religious vocation except with the written approval of the Permanent Secretary;
- (e) not to engage in research work; and
- (f) not to breach any other conditions that the Permanent Secretary may, in writing, impose.

[subreg (1) am Decree 30 of 2011 s 3, effective 11 July 2011]

(2) The Permanent Secretary may also impose on the employer who engaged the non-citizen, such conditions as the Permanent Secretary considers appropriate, including a condition that the employer puts in place a training programme to train a citizen of Fiji to do the work in respect of which the non-citizen has been granted a work permit.

[subreg (2) am Decree 30 of 2011 s 3, effective 11 July 2011]

[IMM 11,350] Duration of work permit

44 The Permanent Secretary may grant a work permit for any period not exceeding 3 years beginning on the date of grant of the permit.

[IMM 11,355] Criteria for grant of special purpose permit

45 The Permanent Secretary may grant a non-citizen a special purpose permit if the Permanent Secretary is satisfied that the non-citizen should be allowed entry into Fiji for a specific period or until a certain date, while the non-citizen has a certain status, or on such other ground as the Permanent Secretary considers appropriate.

[reg 45 am Decree 30 of 2011 s 3, effective 11 July 2011]

[IMM 11,360] Conditions of grant of special purpose permit

46 (1) The grant of a special purpose permit shall be subject to the condition that the holder of the permit shall not behave in a manner that is prejudicial to the peace, good order, good government or morale of the people of Fiji.

[subreg (1) am Decree 30 of 2011 s 3, effective 11 July 2011]

(2) The Permanent Secretary may, in respect of a special purpose permit holder, impose any one or more of the following conditions, that is to say, that the permit holder—

- (a) shall not engage in any business, profession or employment, whether or not for reward;
- (b) shall not engage in any religious vocation except with the written approval of the Permanent Secretary;
- (c) shall not engage in research or study; and
- (d) shall not breach any other condition that the Permanent Secretary may, in writing, impose.

[IMM 11,365] Duration of special purpose permit

47 The Permanent Secretary may grant a special purpose permit for a period not exceeding 3 years beginning on the date of grant of the permit.

[IMM 11,370] Criteria for grant of permit to reside on assured income

48 The Permanent Secretary may grant a non-citizen a permit to reside on assured income if the Permanent Secretary is satisfied that—

- (a) the non-citizen is a person who has at his or her disposal outside Fiji, such available assets as are sufficient to ensure that the person will not become a charge on public funds;
- (b) the non-citizen is not such a person as is likely to seek employment in Fiji; and
- (c) the non-citizen is a retired person or is otherwise within an age group approved by the Permanent Secretary for the purposes of this regulation.

[reg 48 am Decree 30 of 2011 s 3, effective 11 July 2011]

[IMM 11,375] Conditions of grant of permit to reside on assured income

49 The following conditions apply to the grant of a permit to reside on assured income, that is to say, that the holder of the permit agrees—

- (a) not to behave in a manner that is prejudicial to the peace, good order, good government or morale of the people of Fiji;
- (b) except with the written approval of the Permanent Secretary—
 - (i) not to engage in any profession or employment, whether or not for reward;
 - (ii) not to engage in any religious vocation; and
 - (iii) not to engage in any research or study; and
- (c) not to breach any other condition that the Permanent Secretary may, in writing, impose.

[reg 49 am Decree 30 of 2011 s 3, effective 11 July 2011]

[IMM 11,380] Duration of permit to reside on assured income

50 The Permanent Secretary may grant a non-citizen a permit to reside on assured income for any period not exceeding 3 years beginning on the date of grant of the permit.

[IMM 11,385] Criteria or grant of permanent residence permit

51 (1) The Permanent Secretary may grant a non-citizen a permanent residence permit if the Permanent Secretary is satisfied that—

- (a) the non-citizen considers his or her home to be in Fiji;
- (b) the non-citizen is a person whose presence in Fiji will be beneficial to the interests of Fiji or to a citizen or citizens of Fiji; and
- (c) the non-citizen has physically and lawfully resided in Fiji for a period of 5 years.

[subreg (1) am Decree 30 of 2011 s 3, effective 11 July 2011]

(2) Notwithstanding subregulation (1) the Permanent Secretary may grant a former Fijian citizen, including his or her spouse or dependant a permanent resident permit if the Permanent Secretary is satisfied that the former Fijian citizen, including his or her spouse or dependant will undertake activities that will be beneficial to the interests of Fiji or to a citizen or citizens of Fiji.

[subreg (2) am Decree 30 of 2011 s 3, effective 11 July 2011]

[IMM 11,390] Conditions of grant of permanent residence permit

52 The following conditions shall apply to the grant of a permanent residence permit, that is to say, that the holder agrees—

- (a) not to behave in a manner that is prejudicial to the peace, good order, good government or morale of the people of Fiji; and
- (b) not to breach any other condition that the Permanent Secretary may, in writing, impose.

[reg 52 am Decree 30 of 2011 s 3, effective 11 July 2011]

[IMM 11,395] Duration of permanent residence permit

53 A permanent residence permit is valid for a period of 5 years beginning on the date of grant of the permit.

[IMM 11,400] Criteria for grant of coextensive residence permit

54 (1) Subject to subregulation (2), the Permanent Secretary may grant a non-citizen a coextensive residence permit if the Permanent Secretary is satisfied that the non-citizen is a member of the family unit of a person who has been granted a permit, other than a special purpose permit or a coextensive residence permit, under these Regulations.

(2) Notwithstanding subregulation (1) the Permanent Secretary shall not, except with the prior written approval of the Minister, grant a coextensive residence permit to a dependent child referred to in regulation 23(2).

[IMM 11,405] Conditions for grant of coextensive residence permit

55 The following conditions apply to the grant of a coextensive residence permit, that is to say, that the holder of the permit agrees—

- (a) not to behave in a manner that is prejudicial to the peace, good order, good government or morale of the people of Fiji;
- (b) not to engage in any business, profession or employment, whether or not for reward;
- (c) not to engage in any religious vocation except with the written approval of the Permanent Secretary;
- (d) not to engage in research or study; and
- (e) not to breach any other condition that the Permanent Secretary may, in writing, impose.

[reg 55 am Decree 30 of 2011 s 3, effective 11 July 2011]

[IMM 11,410] Duration of coextensive residence permit

56 A coextensive residence permit is valid for a period not exceeding the duration of the permit of the permit holder in respect of whose dependent the coextensive residence permit was granted.

PART 5 MISCELLANEOUS [regs 57–61]

[IMM 11,415] Notification of decisions

57 (1) For the purpose of section 10(1) (notification of refusal of permit etc by the Permanent Secretary) and section 58(6) (notification of Minister's decision on appeal) of the Act, the Permanent Secretary shall cause the notice to be sent to the last known address of the person affected by the decision, as supplied by that person to the Permanent Secretary and service at that address shall be deemed to be notification of the decision of the Permanent Secretary or of the Minister, as the case may be.

(2) If a person (the first person) gives the Permanent Secretary written notice of the name and address of another person (the authorised recipient) authorised by the first person to receive documents on behalf of the first person, service of any documents at the address of the authorised recipient shall be deemed to be service on the first person.

[IMM 11,420] Form of appeal

58 An appeal made to the Minister pursuant to section 58(2) of the Act shall be lodged together with the fee specified in Part 1 of the Schedule to these Regulations and a copy of the decision, the subject of the appeal, at the office of the Minister responsible for immigration.

[IMM 11,425] Fees and forms

59 (1) A fee specified in the second column of the Schedule to these Regulations opposite a matter specified in the first column of that Schedule shall, unless waived by the Permanent Secretary, be paid in respect of that matter.

(2) Fees paid under a provision of this Act or the Regulations are not refundable or transferable.

(3) For the purposes of these Regulations, the Permanent Secretary may, in writing, approve such forms as he or she considers appropriate.

[IMM 11,430] Referral of person by immigration officer during immigration clearance

60 (1) An immigration officer may, if he or she is satisfied that it is appropriate so to do, refer a person who is being exit, or arrival, immigration cleared to a police officer, a customs officer, or other person, exercising a statutory function or power.

(2) For the avoidance of doubt, it is hereby declared that a referral pursuant to subregulation (1) does not constitute detention of the person referred by the immigration officer.

[IMM 11,435] Offences and penalties

61 A person who contravenes regulation 10(1), 11(1), 11(2), 13 or 17(1) commits an offence and is liable on conviction to a fine not exceeding 20 penalty units or to a term of imprisonment not exceeding 2 years, or to both such fine and imprisonment.

[IMM 11,535] SCHEDULE (Regulation 59) CLASSES OF PERMITS AND VISAS

PART 1 PERMITS

Type of permit etc	Fee (VEP) \$
Application for permanent residence	413.33
Issue of permanent resident permit to former Fijian citizen or his or her spouse or dependant (Fee is based on the currency of the country of citizenship of the applicant or if the currency rate is less than Fijian currency, Fijian currency shall be charged)	
Application for permit to enter, reside and work	413.33
Application for student permit	120.89
Application for permit other than those specified above	413.33
Application to extend or vary a permit	413.33
Issue of a permit other than a visitor or permanent resident permit	164.44
Extension or variation of permit	164.44
Application to extend visitor permit	82.67
Issue of replacement permit	120.89
Appeal fee under section 58 of the Immigration Act 2003	825.78
Issue of an authority to work under section 9 of Immigration Act 2003	164.44
Search fee	10.67

PART 2 VISAS

Type of Permit etc	Fee (VEP) \$
Application for visa — single entry	82.67
Application for visa — multiple entry	164.44
Search fee	10.67

PART 3 REMOVAL OF ENTRY RESTRICTION

Type	Fee (VEP) \$
Application for removal of entry restriction under regulation 5	164.44

Table of Amendments

Immigration Directions 1971 (LN 66 of 1971) commenced on 21 May 1971, as amended by:

Amending Legislation	Date of Commencement
Immigration (Amendment) Directions 1982 (LN 40 of 1982)	7 May 1982
Immigration (Amendment) Directions 1984 (LN 25 of 1984)	16 March 1984
Immigration (Amendment) Directions 1996 (LN 9 of 1996)	17 January 1997

IMMIGRATION DIRECTIONS 1971

Table of Amendments

[IMM 10,005] Short title

1 These Directions may be cited as the Immigration Directions 1971.

[IMM 10,010] Interpretation

2 In these Directions, unless the context otherwise requires—

exempt persons means persons who are entitled to enter Fiji without obtaining a permit under the provisions of the Act; and

Permanent Secretary includes any immigration officer to whom the Permanent Secretary has delegated any of his or her powers.

Last Updated: 17 January 1997

[IMM 10,015] Application

3 (1) These Directions shall not apply to any exempt persons.

(2) These Directions apply to the grant of permits to enter and reside or to reside and, unless the context otherwise requires, to the extension of such permits.

[IMM 10,020] Permits to enter and reside or to reside

4 (1) Permits to enter and reside or to reside or to work in Fiji for a period of 3 years or for such further period as the Permanent Secretary may deem appropriate may be granted to the following—

- (a) subject to subparagraph (4), officers and ordained priests and ministers of the churches and religious bodies and groups specified in the Schedule;
- (b) members of any Anglican or Roman Catholic religious order, being under religious vows who intend to undertake nursing, teaching or charitable or social work in Fiji, provided that a permit shall not be issued to any such person who—
 - (i) intends to teach in Fiji unless recommended by the permanent secretary responsible for education;
 - (ii) intends to nurse in Fiji unless recommended by the permanent secretary responsible for health;
- (c) members of professions recognised as such by the Minister who have recognised professional qualifications and intend to practise their professions in Fiji during the period for which application is made;
- (d) persons entering Fiji to undergo or who are under medical treatment upon the certificate of a medical practitioner being produced to the Permanent Secretary to the effect that such treatment is to be carried out in Fiji, provided that the duration of any such permit shall be limited to the period to be stated in such medical certificate during which such person is anticipated to be under medical treatment in Fiji;

- (e) persons under written contracts of employment with local employers and for whose services there is a reasonable demand which cannot be met satisfactorily within Fiji, provided that no such person shall be granted any such permit except upon the instructions of the Permanent Secretary;
- (f) persons who—
 - (i) have established or intend to establish in Fiji a business, trade or undertaking approved by the Minister; or
 - (ii) undertake to introduce and to maintain adequate capital or assets to the satisfaction of the Permanent Secretary into such a business, trade or undertaking; or
 - (iii) have assets, realisable to the satisfaction of the Permanent Secretary, outside Fiji at their disposal of an amount sufficient to ensure that they will not become a charge upon public funds.

[subpara (1) am LN 40 of 1982 para 2, effective 7 May 1982; LN 25 of 1984 para 2, effective 16 March 1984]

(2) Without limiting the generality of subparagraph (1), permits to enter and reside or to reside or to work in Fiji for a period of 7 years may be granted to persons who undertake to introduce into, and maintain in, a business, trade or undertaking approved by the Minister capital or assets amounting to not less than \$250,000.

[subpara (2) insrt LN 40 of 1982 para 2, effective 7 May 1982; am LN 9 of 1996 para 2, effective 17 January 1997]

(3) A permit granted in pursuance of subparagraph (2) may be extended, by instrument in writing under the hand of the Permanent Secretary, for such period as is approved by the Minister and specified in the instrument.

[subpara (3) insrt LN 40 of 1982 para 2, effective 7 May 1982]

(4) A permit shall not be granted pursuant to subparagraph (1)(a) to an officer or ordained priest or minister of a church or religious body or group specified in Part B of the Schedule unless the application for the permit is received from the Fiji Council of Churches.

[subpara (4) insrt LN 25 of 1984 para 2, effective 16 March 1984]

[IMM 10,025] Research workers

5 Permits to enter and reside or to reside for a period not exceeding 6 months at any time may be issued to persons entering Fiji for the purpose of *bona fide* research studies or projects and who the Permanent Secretary is satisfied are in possession of an adequate assured income from sources outside Fiji.

[IMM 10,030] Dependants of persons on permits

6 (1) Permits to enter and reside or to reside coextensive with those of their husbands shall be issued to wives of persons to whom permits to enter and reside or to reside have been issued.

(2) Permits to enter and reside coextensive with those of their parents or until they attain the age of 21 years, which ever is the shorter period, shall be issued to the dependent unmarried children under the age 21 years of persons to whom permits to enter and reside or to reside have been issued.

[IMM 10,035] General

7 The Minister may, in case of any person who does not come within the provisions of any of the preceding directions, in his or her discretion authorise the granting of a permit to such person to enter and reside or to reside in Fiji.

[IMM 10,135] SCHEDULE (Paragraph 4(a)) CHURCHES AND RELIGIOUS BODIES AND GROUPS

[Sch 1 insrt LN 25 of 1984 para 3, effective 26 March 1984]

PART A

Item

- 1.Anglican Church
- 2.Congregational Christian Church
- 3.Methodist Church
- 4.Presbyterian Church
- 5.Roman Catholic Church
- 6.The Salvation Army
- 7.Assemblies of God
- 8.Bible Baptist Church
- 9.Church of Christ
- 10.Fiji Baptist Mission
- 11.Fiji Gospel Church (Brethren)
- 12.Pentecostal Church

- 13. Seventh-Day Adventists
- 14. South Pacific Evangelical Fellowship
- 15. Fiji Muslim League
- 16. Arya Prathinidi Sabha of Fiji
- 17. Sanatan Prathinidi Sabha of Fiji
- 18. The Sikhism
- 19. Episcopal Conference of the Pacific
- 20. Pacific Conference of Churches
- 21. Pacific Theological College
- 22. Pacific Regional Seminary
- 23. Mormons — Church of the Latter Day Saints of Jesus Christ
- 24. Bible Society in the South Pacific
- 25. World Vision International
- 26. Young Men's Christian Association
- 27. Young Women's Christian Association

PART B

- 28. Ambassador for Christ
- 29. Child Evangelism Fellowship of Fiji
- 30. Fiji Campus Crusade for Christ
- 31. Gideons International
- 32. Pacific Students for Christ (Students Christian Fellowship)
- 33. Scripture Union of Fiji
- 34. Student Christian Movement
- 35. Youth with a Mission
- Subsidiary Legislation

Immigration (Exemption by Descent) Order 2023

TABLE OF AMENDMENTS

Immigration (Exemption by Descent) Order 2023 (LN 83 of 2023) commenced on 10 October 2023, as amended by:

Amending Legislation	Date of Commencement
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[IMM 13,005] 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.

[IMM 13,010] 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.

[IMM 13,015] 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.

[IMM 13,020] 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.

[IMM 13,025] 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.

[IMM 13,030] Cancellation of exemption

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

[IMM 13,035] Failure to comply with exemption condition

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.