

ACT NO. 35 OF 2020

I assent.

J. K. KONROTE
President

[4 September 2020]

AN ACT

TO AMEND THE CITIZENSHIP OF FIJI ACT 2009

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

- 1.**—(1) This Act may be cited as the Citizenship of Fiji (Amendment) Act 2020.
- (2) This Act comes into force on a date or dates appointed by the Minister by notice in the Gazette.
- (3) In this Act, the Citizenship of Fiji Act 2009 is referred to as the “Principal Act”.

Section 3 amended

- 2.** Section 3 of the Principal Act is amended by—
- (a) in the definition of “commencement date”, deleting “and”;
 - (b) in the definition of “Permanent Secretary”, deleting “.” and substituting “; and”;
 - (c) inserting the following new definitions—
 - ““permanent residence permit” means a permit to permanently reside and work in Fiji as prescribed by the Minister pursuant to section 9(4) of the Immigration Act 2003;”;
 - and

““special purpose permit” means a permit to enter Fiji for a special purpose as prescribed by the Minister pursuant to section 9(4) of the Immigration Act 2003.”.

Section 8 amended

3. Section 8 of the Principal Act is amended by—

- (a) in subsections (2), (3), (4) and (5) after “18”, inserting “years”; and
- (b) in subsection (7)(a) after “Fiji”, inserting “under a permanent residence permit”.

Section 10 amended

4. Section 10 of the Principal Act is amended by—

- (a) deleting the heading and substituting “Grant of certificate of registration”; and
- (b) in subsection (2) after “18”, inserting “years”.

Section 11 amended

5. Section 11 of the Principal Act is amended by deleting subsection (2) and inserting the following new subsections—

“(2) In order to qualify for the grant of a certificate of naturalisation under section 13, a person must—

- (a) be the holder of a valid permanent residence permit;
- (b) have been lawfully present in Fiji for an aggregate period of 10 years in the 15 consecutive years immediately before the application for naturalisation;
- (c) be of good character;
- (d) intend to continue to reside in Fiji; and
- (e) have adequate knowledge of the English language and of the responsibilities and privileges of Fijian citizenship in accordance with guidelines which may be prescribed by regulations.

(3) For the avoidance of doubt, in calculating the aggregate period in subsection (2)(b) the Minister must—

- (a) not take into account any period in which the applicant was not a holder of a valid permanent residence permit; and
- (b) where the applicant has held more than one permanent residence permit, only take into account consecutive periods in which the applicant has held a permanent residence permit.”.

Section 12 amended

6. Section 12(1) of the Principal Act is amended after “form” by inserting “at least 3 months immediately before the permanent residence permit expires”.

Section 13 amended

7. Section 13 of the Principal Act is amended by—

- (a) deleting the heading and substituting “Grant of certificate of naturalisation”;
- (b) in subsection (1), deleting “has been met, but subject to subsection (2), may” and substituting “have been met, must”; and
- (c) deleting subsection (2) and substituting the following—

“(2) If the Minister is not satisfied that the conditions prescribed by section 11(2) have been met, the Minister must refuse to grant to the applicant a certificate of naturalisation.”.

Section 15 amended

8. Section 15(a) of the Principal Act is amended after “18” by inserting “years”.

Section 22A inserted

9. The Principal Act is amended after section 22 by inserting the following new section—

“Transitional—Citizenship of Fiji (Amendment) Act 2020

22A.—(1) An application for citizenship lodged with the Fijian Immigration Department on or prior to 31 August 2020 must be assessed under the criteria applicable on that date.

(2) An application for citizenship lodged with the Fijian Immigration Department on or after 1 September 2020 must be assessed under the criteria provided for by virtue of the Citizenship of Fiji (Amendment) Act 2020.”.

Section 23 amended

10. Section 23(a) of the Principal Act is amended by—

- (a) in subparagraph (iii) after “;”, deleting “and”;
- (b) after subparagraph (iv), inserting the following new subparagraphs—
 - “(v) was present in Fiji pursuant to a special purpose permit issued under the Immigration Act 2003; or
 - (vi) was present in Fiji pursuant to a co-extensive residence permit issued in relation to a student permit under the Immigration Act 2003.”.

Passed by the Parliament of the Republic of Fiji this 3rd day of September 2020.