

REPUBLIC OF KIRIBATI
(No. 12 of 1983)

I assent,

N. Taki
Beretitenti.
12/18/1983.

AN ACT TO AMEND THE PASSPORT ACT
(Cap. 66A)

Commencement:
15/9/1983.

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

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| Short title. | 1. This Act may be cited as the Passports (Amendment) Act, 1983. |
| Amends section 14(1) of the Principal Act (Cap. 66A). | 2. Section 14(1) of the Principal Act is amended by inserting at the commencement before the words 'no person' the following words 'Subject to the provisions of S.14 (as affected by S.119(4)) of the Constitution'. |
| Amends section 14(1) of the Principal Act (Cap. 66A). | 3. Section 14(1) of the Principal Act is further amended by inserting after the words 'provisions of subsection (2)' the following words 'or exempted under subsection (3)'. |
| New section 14(3) of the Principal Act. | 4. Section 14 of the Principal Act is further amended by the insertion of a new Section 14 subsection (3) and by amending the present section 14(3) and Section 14(4) as to numbering only to read Section 14(4) and Section 14(5) respectively. |

The new Section 14(3) reads as follows:

S.14(3)(i) Subject to this subsection, a person who satisfied the Principal Immigration Officer that he comes into any of the following categories shall be entitled to enter Kiribati from any place outside Kiribati without having obtained a visa under this Act:

- (a) a person duly accredited as a diplomatic or consular representative to Kiribati, and the family of such person;

- (b) a person upon whom diplomatic immunities and privileges have been conferred under the laws for the time being of Kiribati, and the family of such person;
 - (c) any person employed by the Government, and the family of any such person;
 - (d) a member of the official staff of a person mentioned in paragraphs (a) to (b), and the family of such member;
 - (e) a member of the household of a person mentioned in paragraphs (a), (b) or (d) and the family of such member;
 - (f) a student of any age both of whose parents are or whose only parent is resident in Kiribati, who is re-entering on vacation from or on completion of studies at a university, university college, school or other educational establishment;
 - (g) any other person or class or group of persons whom the Minister may by order specify with or without conditions;
 - ~~(h) any seaman or seamen or group or description of seamen exempted by the Principal Immigration Officer unless such exemption is cancelled by him;~~
- (ii) The burden of proof that any person is a person to whom this section applies shall lie upon that person.
- (iii) The Minister may by order modify or amend whether by deletion or addition the said categories, of persons referred to in Section 14(3)(i), with or without conditions.
- (iv) (a) When any person referred to in Section 14(3)(i) ceases to hold or enjoy the employment, appointment, status or privileges which entitled him under this section or those paragraphs (as the case may be) to enter Kiribati without a visa he shall, for the purposes of this Act, be deemed to be a person seeking to enter with effect from the date when he ceases to hold such employment or appointment or enjoy such status or privileges as the case may be; and

if on the expiry of three months from such date he shall not have been granted a visa under this Act, his presence and the presence of his family and dependants in Kiribati shall thereupon become unlawful;

PROVIDED that this paragraphs does not apply to any dependant or member of the family of any such person, if the dependant or member is in possession of a valid visa issued to him or her under this Act.

- (b) When any person referred to in sub-paragraph 'g' or 'h' of subsection (i) contravenes or fails to comply with any of the terms and conditions of an order or exemption under this Act as the case may be, enabling him to enter Kiribati, or when such exemption is cancelled as provided, without prejudice to any offence thereby committed or penalty thereby incurred, his presence in Kiribati shall forthwith become unlawful.

This printed impression has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on 9th August, 1983, and is found by me to be a true and correctly printed copy of the said Bill.

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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.

THE PASSPORTS (AMENDMENT) ACT 1983

EXPLANATORY MEMORANDUM

The Passports Act (Chapter 66A) has been found to be defective in certain respects, and this Amendment Act is designed to cure such defects.

A novel provision of Cap. 66A was to require all persons seeking to enter Kiribati to have a visa (Section 14). For the sake of clarity and to confirm that this provision does not extend to I-Kiribati including Banabans, Section 14(1) of Cap. 66A is amended so as to refer to S.14 and S.119(4) of the Constitution (which preserve the rights of I-Kiribati including Banabans to enter without restriction).

The main defect in Cap. 66A was that the visa requirements extended to all persons including for example, diplomats, Government employees, families of such etc.

The Immigration Ordinance Cap. 41 however clearly and expressly exempted such persons and to ensure uniformity between the two pieces of legislation and to cure the said defect, S.14 of Cap. 66A has been amended in terms similar to the Immigration Ordinance.

R.L. Davey
Attorney General

LEGAL REPORT

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

R.L. Davey
Attorney General