



Tuvalu

PASSPORTS ACT

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Tuvalu

PASSPORTS ACT

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Tuvalu

PASSPORTS ACT

AN ACT TO PROVIDE FOR THE ISSUE AND CANCELLATION OF TUVALU PASSPORTS, FOR REQUIRING PERSONS ENTERING OR LEAVING TUVALU TO CARRY AND PRODUCE A PASSPORT AND FOR MATTERS CONNECTED THEREWITH AND INCIDENTAL THERETO¹

Commencement [17th April 1979]

PART I - PRELIMINARY

1 Short title

This Act may be cited as the Passports Act.

2 Interpretation

(1) In this Act, unless the context otherwise requires —

“**cancellation**” in relation to a Tuvalu Passport means that it ceases to be valid for any purpose as a Tuvalu Passport;

“**citizen of Tuvalu**” means a person who is a citizen of Tuvalu either by operation of law or by registration or naturalization, under the provisions of Part III of the Constitution and of the Citizenship Act;

“**connection with Tuvalu**” means such connection with Tuvalu whether by descent, marriage or residence, as would have entitled a person to be deemed to belong to Tuvalu under the provisions of section 16 of Schedule 2 to the Tuvalu Order 1975;

“**entry permit**” means a permit to enter and reside in Tuvalu or a visitor’s permit issued under the provisions of section 8 or 9 respectively of the Immigration Act;

“**holder**” in relation to a passport means the person to whom and in whose name a passport was issued;

the “**overseas representative**” of any Government may be an individual or a class of persons and may be an appointment by office;

“**Passport Officer**” means a person appointed as such under the provisions of section 6(1);

“**Tuvalu Passport**” includes a document issued under section 13(1) or (2) and a Tuvalu Diplomatic Passport;

“**withdrawal**” in relation to a Tuvalu Passport means that it ceases to be valid for such period and in such circumstances as may be prescribed in or under this Act.²

- (2) Where the person required to possess or carry a passport by this or any other Act is a woman or child, it shall be sufficient compliance with such requirement that the woman or child is included in the passport of the husband or parent respectively and that the husband or parent accompanies such woman or child.

PART II - TUVALU PASSPORT

3 Tuvalu Passports

- (1) There shall be provided for the use of citizens of Tuvalu and such other persons as may be specified in this Act, on the terms and conditions specified by or under this Act, a Tuvalu Passport in the form and containing the particulars set out in the Schedule.
- (2) The Minister may by order amend the Schedule, but without prejudice to the rights or duties of any person holding a Tuvalu Passport as set out in or under this Act.

4 Effect of holding a Tuvalu Passport³

- (1) The holder of a Tuvalu Passport shall be entitled —
- (a) to be deemed for all purposes a citizen of Tuvalu, unless he was issued with a Tuvalu Passport under the provisions of section 7(3) hereof, and unless the contrary be proved in a court of law;
- (b) to such consular and other services of every overseas representative of the Tuvalu Government as may be customarily provided for the nationals of any country or as may be specified by the Minister from time to time.

- (2) The possession of a Tuvalu Passport shall not exempt any person from the need to comply with the immigration requirements of any country to which he may travel, including Tuvalu.

5 Tuvalu Diplomatic Passports

- (1) There may be provided for the use of such persons as the Minister may specify by order, being persons entitled under this Act to hold a Tuvalu Passport, a Tuvalu Diplomatic Passport in the form and containing the particulars set out in the Schedule which shall entitle the holder to be treated as a diplomatic representative of the Tuvalu Government in relation to the laws of Tuvalu.
- (2) A person may hold both a Tuvalu Passport and a Tuvalu Diplomatic Passport.

6 Passport Officers

- (1) The Minister shall appoint one or more Passport Officers to exercise the powers and perform the duties conferred upon such officers by or under this Act.
- (2) It shall be the duty of the Passport Officer to issue, refuse, withdraw, suspend or cancel Tuvalu Passports subject to the provisions of this Act and any regulations made hereunder, and subject to any written directions which the Minister may give from time to time.

7 Issue of Tuvalu Passports⁴

- (1) The Passport Officer shall issue a Tuvalu Passport valid for such period and for travel to such countries as may be endorsed thereon to any citizen of Tuvalu who applies for one in the prescribed manner and who fulfils the prescribed conditions, which may include the payment of a fee.
- (2) A Tuvalu Passport may be extended to include the spouse of the applicant, and a passport may be extended to include any child of such applicant.⁵
- (3) The Passport Officer shall issue a Tuvalu Passport endorsed only for travel to Tuvalu from the country where such application may be made to any stateless person who establishes to the satisfaction of the Passport Officer a connection with Tuvalu and who applies for a Tuvalu Passport in the manner specified in subsection (1). Such Tuvalu Passport shall be surrendered upon such person's arrival in Tuvalu.

8 Obtaining a Tuvalu Passport by a false statement

Any person who, for the purpose of obtaining a Tuvalu Passport, or a renewal or endorsement of a Tuvalu Passport, makes any representation or statement which he

knows to be false or which is calculated to mislead in a material particular, or recklessly makes any representation or statement which is false or misleading in a material particular, shall be guilty of an offence.

9 Cancellation, withdrawal and suspension of Tuvalu Passports

- (1) The Passport Officer may, and on the written direction of the Minister shall, withdraw or cancel a Tuvalu Passport held by any person who —
- (a) ceases to be a citizen of Tuvalu;⁶
 - (b) obtained the Tuvalu Passport by means of an offence under section 8; or
 - (c) is subject to the procedures prescribed by law in any of the circumstances referred to in paragraphs (a), (b), (c) or (f) of section 26(3) of the Constitution,

and any Tuvalu Passport which has been unlawfully altered or defaced, but without prejudice to the right of any person to apply for the issue of a new Tuvalu Passport.

- (2) The Passport Officer may suspend pending enquiries any Tuvalu Passport which he has reasonable cause to suspect —
- (a) is held by any person referred to in paragraphs (a) or (c) of subsection (1); or
 - (b) was obtained by means of an offence under section 8.

Such Tuvalu Passport shall be either restored, withdrawn or cancelled on completion of such enquiries.

10 Settlement of disputes⁷

Any dispute as to a person's right to be issued with a Tuvalu Passport or as to the withdrawal or cancellation of a Tuvalu Passport shall —

- (a) if as to whether he is a citizen of Tuvalu, be referred to the Citizenship Committee established under the Citizenship Act, and any appeal therefrom shall be dealt with in like manner as an appeal under that Act;
- (b) if in relation to an alleged offence under section 8 be dealt with by any court which tries the alleged offence;
- (c) if in relation to the exercise of any of the powers referred to in paragraph (c) of section 9(1) be dealt with as if it were an appeal in relation to the exercise of such powers.

11 Delivery up of Tuvalu Passport

- (1) Where a passport has been withdrawn or cancelled under the provisions of section 9(1) or suspended under the provisions of section 9(2) the Passport Officer may require the holder thereof, by notice in writing served on him personally, to deliver up the Tuvalu Passport within such time as may be specified in the notice and any person who having received such notice fails to comply therewith without reasonable excuse shall be guilty of an offence.
- (2) It shall be lawful for the Passport Officer, an immigration officer or any police officer to take from any place where or any person on whom it may be and to retain any Tuvalu Passport which he reasonably suspects to be in the wrongful possession of any person or which has been cancelled, withdrawn or suspended by the Passport Officer and not delivered up by a person ordered to deliver it.

12 Renewal or endorsement of Tuvalu Passport

The Passport Officer shall, upon application made by the holder of a Tuvalu Passport in the prescribed manner and upon fulfilment by such holder of the prescribed conditions, which may include the payment of a fee, renew a Tuvalu Passport for such period as may be prescribed and endorse or alter the endorsement of a Tuvalu Passport in respect of countries for which it is valid and such other matters as may be prescribed:

Provided that a Tuvalu Passport issued under the provisions of section 7(3) shall not be renewed.

13 Certificates of Identity

- (1) Whenever it is not practicable to issue a Tuvalu Passport, or if the applicant is proposing to travel only to countries which accept such a document in place of a passport, the Passport Officer may issue a certificate of identity or other travel document in the prescribed form.
- (2) Citizens of Tuvalu serving as merchant seamen on ocean-going vessels may be issued with Seamen's Certificates of Identity and Nationality valid under the provisions of International Labour Organisation Convention Number 108 and shall not be required to replace them with a Tuvalu Passport for so long as they are serving at sea. Such Certificates shall be issued by the Passport Officer on application in the same manner as Tuvalu Passports.

14 Overseas representatives

- (1) The Minister may authorise and require any overseas representative of the Tuvalu Government to exercise all or any of the powers and perform all or any of the duties of the Passport Officer under this Act for any particular

country or area and in every such case the provisions of this Act shall apply with such adaptations and modifications as may be necessary.

- (2) In the exercise of any such powers or duties every overseas representative of the Tuvalu Government shall act in accordance with such directions, general or special, consistent with the provisions of this Act, as may be given from time to time by the Minister.

15 Saving for existing passport

- (1) All passports and all renewals and endorsements thereof, issued to British subjects claiming connection with Tuvalu or to citizens of Tuvalu, whether in Tuvalu or elsewhere, by or on behalf of the Government of Tuvalu or Her Majesty's Government of the United Kingdom before the commencement of this Act shall be deemed to be Tuvalu Passports issued under this Act but shall continue to be valid only for a period of 6 months from the commencement of this Act or such longer period as the Minister may specify by order.
- (2) Notwithstanding the amendments effected by Act 12 of 2008, a Tuvalu Passport issued before 1 January 2009 shall continue to be a valid Tuvalu Passport for the period of its validity unless earlier cancelled under the Passports Act.⁸

16 Ownership of Tuvalu Passport

- (1) Every Tuvalu Passport remains the property of the Government of Tuvalu, and not of the holder thereof.
- (2) Any person other than the holder who finds a Tuvalu Passport which has evidently been lost or abandoned shall return the same to the nearest convenient police station or Government office and if he fails to do so shall be guilty of an offence.

PART III - GENERAL

17 Meaning of "passport"

- (1) For purposes of this Part a "passport" means a current valid travel document issued by or on behalf of the Government of any country which is recognized by the Government of Tuvalu, containing a photograph or, in the case of a Certificate of Identity, a left thumb-print and personal description of the holder and which purports to establish his identity and nationality or citizenship, or which gives a right of re-entry to that country.

- (2) In relation to a citizen of Tuvalu, a “passport” for the purposes of this Part means a Tuvalu Passport.⁹

18 Diplomatic passports of other countries

The holder of a diplomatic passport of any other country shall be entitled in Tuvalu to be treated as a diplomatic representative of such country, for purposes of the immigration laws, customs laws, the Diplomatic Privileges Act and or in the alternative the Consular Conventions Act, as the case may be:

Provided that the Minister may by order withdraw such privileges from any person on information being received from such other country that such person is not entitled to such privileges.

19 Possession and production of passports

- (1) Subject to the provisions of subsection (3), no person shall enter or leave Tuvalu unless he is in possession of a passport valid for the duration and purpose of the proposed visit or journey.
- (2) Every person leaving or entering Tuvalu shall, on demand by the Passport Officer or any immigration officer, produce his passport for inspection.
- (3) The Minister may exempt, either unconditionally or upon such conditions as he may reasonably impose, any person or class of persons from the requirements of subsections (1) or (2).

20 Delivery up of passports

- (1) Any person who is required to produce his passport under the provisions of section 19(2) shall, if so required, deliver his passport to the Passport Officer or immigration officer before leaving the vessel or aircraft by which he entered Tuvalu or at any time while he is in Tuvalu.
- (2) Any passport delivered up to the Passport Officer or an immigration officer under subsection (1) shall be returned to the holder thereof upon such person leaving Tuvalu, subject to any written directions of the Minister.
- (3) The Minister may require in writing any person to deliver up a passport issued or purporting to be issued by the Government of another country on a request to that officer from such other Government.
- (4) Any person who fails to deliver up his passport in accordance with the provisions of subsection (1) or (3) without reasonable excuse shall be guilty of an offence.

21 Entry requirements

- (1) The possession of a passport by any person seeking to enter Tuvalu shall not of itself confer on such person a right of entry, which shall be determined by reference to the relevant provisions of the Immigration Act, including but not limited to the grant and refusal of entry permits.
- (2) It shall not be a requirement of entry into Tuvalu for any person to possess in his passport a visa issued by or on behalf of the Tuvalu Government, but any person who seeks to enter Tuvalu without having ascertained that he will be granted an entry permit may be refused permission to enter.

22 Alteration etc. of passports

- (1) Any person, other than a Passport Officer or any person acting under the written authority of the Minister, who knowingly makes any alteration, addition, deletion or erasure to or in any passport shall be guilty of an offence:

Provided that this section shall not apply to the endorsement of a Tuvalu Passport or the insertion of a visa therein by the proper authority of another country.
- (2) A passport to or in which any unauthorised alteration, addition, deletion or erasure has been made shall not be valid.

PART IV - OFFENCES AND MISCELLANEOUS

23 Offences and penalties

- (1) Every person who contravenes the provisions of this Act or of any regulations made hereunder shall be guilty of an offence and liable on conviction to a fine of \$1,000 and to imprisonment for one year.
- (2) Any person who incites or aids and abets any other person to commit or harbours any person whom he knows or ought to know has committed an offence against or under this Act shall be liable on conviction to a fine of \$1,000 and to imprisonment for one year.
- (3) Where any person is tried for an offence against or under this Act the offence shall be deemed to have been committed either at the place where it was in fact committed or at the place where the offender is found.

24 Deportation

- (1) Every person who contravenes the requirements of section 19(1) or (2), other than a citizen of Tuvalu, shall in addition to the penalties prescribed in section 23 (1) be liable to be deported by order of the Minister and the Minister may

further order than any such person shall be detained in custody of the police for such period as may be necessary to make arrangements for his departure.

- (2) Any person ordered to be deported under subsection (1) may be placed on board any suitable vessel or aircraft by a police officer and detained thereon for so long as such vessel is within the territorial waters of Tuvalu or such aircraft is on the ground in Tuvalu.

25 Liability of master of vessel etc.

- (1) The master, owner and agent of any vessel from which any person lands in Tuvalu contrary to the provisions of this Act shall be jointly and severally liable for all expenses incurred by the Government of Tuvalu in detaining and maintaining such person and such expenses shall be recoverable as a debt due to the Crown from the master, owner or agent respectively or jointly.
- (2) The master of a vessel may use all necessary and reasonable means, including force, to prevent any person landing in Tuvalu contrary to the provisions of this Act.
- (3) The master of any vessel in which a person ordered to be deported under the provisions of section 24 arrived in Tuvalu, or the master of any vessel belonging to the same owners shall, if required in writing by the Minister within 3 months of such person's arrival in Tuvalu, receive such person on board his vessel and carry him free of charge to the port at which such person embarked, and any master who fails to comply with such a request shall be guilty of an offence.
- (4) In this section, the words "master", "vessel" and "port" shall be construed in the case of a person arriving in Tuvalu by air as if they were "pilot", "aircraft" and "airport" respectively.

26 Regulations¹⁰

The Minister may make regulations for carrying the provisions of this Act into effect, including but not limited to regulations —

- (a) prescribing the form of application for a Tuvalu Passport;
- (b) prescribing the conditions to be satisfied for the issue of Tuvalu Passports, including conditions relating to the inclusion of a wife or a child;
- (c) regulating the renewal and endorsement of Tuvalu Passports;
- (d) prescribing the procedure for replacing Tuvalu Passports and action to be taken in relation to lost or damaged Tuvalu Passports;
- (e) for the imposition and recovery of fees for the issue, renewal or endorsement of Tuvalu Passports;

- (f) exempting any person or class of persons from the payment of such fees;
- (g) prescribing the persons or classes of persons who may hold a Tuvalu Diplomatic Passport;
- (h) exempting any person or class of persons from the requirement to carry and produce a passport on entering or leaving Tuvalu;
- (i) for calling in, validating or replacing existing passports held by citizens of Tuvalu;
- (j) prescribing the form of Certificates of Identity.

SCHEDULE

(Sections 3 and 5(l))

**FORM AND PARTICULARS OF TUVALU PASSPORT AND TUVALU
DIPLOMATIC PASSPORT¹¹**

1. The Tuvalu Passport shall consist of a booklet 125 mms x 88 mms containing 64 pages, plus the front and back covers, which shall be of azure stiffened material, or red in the case of a Tuvalu Diplomatic Passport.
2. The front of the Passport shall show the Tuvalu Crest blocked in gold, and the words "Tuvalu Passport" or "Tuvalu Diplomatic Passport" as the case may be.
3. On the inside front cover shall appear the following —

TUVALU

**PASSPORT/DIPLOMATIC PASSPORT [as the case may be]
PASSEPOR/PASSEPORT DIPLOMATIQUE**

SPACE FOR PHOTO

TYPE/*TYPE* _____

ISSUING STATE CODE

CODE DE L'ETAT EMETTEUR _____PASSPORT NO/*NO. DU PASSEPORT* _____SEX/*SEXE* _____SURNAME/*NOM* _____GIVEN NAMES/*PRENOMS* _____NATIONALITY/*NATIONALITE* _____DATE OF BIRTH/*DATE DE NAISSANCE* _____PLACE OF BIRTH/*LIEU DE NAISSANCE* _____DATE OF ISSUE/*DATE DE DELIVRANCE* _____

DATE OF EXPIRY/*DATE DE EXPIRATION* _____

SIGNATURE OF HOLDER/*SIGNATURE DE TITULAIRE* _____

AUTHORITY
AUTORITE

4. On the following page, numbered 1, shall appear —

"The Governor-General of Tuvalu hereby requests and requires in the name of the Sovereign of Tuvalu all those whom it may concern to allow the holder of this passport to pass freely, without hindrance or delay, and in case of need to give the holder all lawful aid and protection.

The holder of this passport has the right to enter and reside in Tuvalu.

“Te Kovana o Tuvalu e akai fakamolemole mai lalo o te igoa o te Ulu o te Atufenua o Tuvalu ke fakasaoloto te tino io ia te tusi folau tenei ke fano saoloto e aunoa mo se fakalavelave, kae I taimi e manakogina iei se fesoasoani ke tuku atu ki tino tenei te fesoasoani mo te puipuiga tau.

Te tino io ia te tusi folau tenei e saoloto o nofo tumau i Tuvalu.”,

On page 2 shall appear —

DESCRIPTION OF HOLDER

PROFESSION

COLOUR OF EYES

COLOUR OF HAIR

HEIGHT

SPECIAL PECULIARITIES

CHILDREN INCLUDED IN PASSPORT:

NAME _____

DATE AND PLACE OF BIRTH _____

SEX. _____

6. On page 3 shall appear –

DESCRIPTION OF SPOUSE INCLUDED IN PASSPORT

SPACE FOR PHOTO

NAME _____

DATE AND PLACE OF BIRTH _____

PROFESSION _____

COLOUR OF EYES _____

COLOUR OF HAIR _____

HEIGHT _____

SPECIAL PECULIARITIES _____

SIGNATURE _____

7. On page 4 shall appear a statement of the countries for which the passport is valid, and the number of pages it contains.
8. Page 5 shall be headed "**RENEWALS/RENOUVELLEMENTS**".
9. The remaining pages shall be headed "**VISAS**".
10. Every page other than the covers shall be numbered and printed in feint with the Tuvalu Coat of Arms and the words "Tuvalu Passport" or "Tuvalu Diplomatic Passport" as the case may be.
11. On the inside back cover shall appear the following: —

NOTICE

1. This passport is the property of the Tuvalu Government. In no circumstances should any alteration or addition be made to it except by a competent authority.
2. This passport is a valuable document and should be looked after with great care. If it is lost or destroyed, the circumstances should be reported immediately either to the undersigned or to the nearest Tuvalu Government representative or to the nearest British authority, and to the local Police. A new passport can be issued only after full enquiries have been made.
3. The possession of a Tuvalu passport does not exempt the bearer from compliance with any immigration regulations in force in any country nor from the need to obtain a visa where necessary.

Principal Immigration Officer

Funafuti

Tuvalu

FAKAPULAGA

1. Te pasipoti tenei se mea totino a te Maloo o Tuvalu. E seai lele se solooga io mese fakaopoopoga e fai kiei vaagana se fakasaolotoga mai tino in sose taimi.
2. Te pasipoti tenei se pepa taaua kae tau o tausi fakalei. Kafai e galo io me ko masei, te mea tena e tau o fakailoa fakavave ki tino ten a e tusi atu tena igoa mai lalo, me ki te sui ote Maloo o Tuvalu pilo atu io me ki te Maloo o Peletania pili me ko pulisimani. Te pasipoti foou e mafai fua 0 tuku atu mai tua o se sukesukega tela ko oti ne fai kiei.
3. Te maua ote pasipoti o Tuvalu e se fai pela mese saolotoga mai tulafona olo-malaga kola e fakaoga i sose fenua io me mai te manakogina o maua se saolotoga i koga e tau ei.

Principal Immigration Officer

Funafuti

Tuvalu

ENDNOTES

¹ Acts 1 of 1979; LNs 11/1979 and 8/1987

Amended by Act 6 of 1997, commencement 4 September 1997 by LN 11/1997

Amended by Act 12 of 2008, commencement 1 January 2009 (LN 5/2010)

² Subsection amended by Act 12 of 2008

³ Amended by Acts 6 of 1997, Act 12 of 2008

⁴ Amended by Act 12 of 2008

⁵ Amended by Act 6 of 1997

⁶ Amended by Acts 6 of 1997, 12 of 2008

⁷ Amended by Act 12 of 2008

⁸ Transitional provision in section 4 of Act 12 of 2008

⁹ Amended by Acts 6 of 1997 and 12 of 2008

¹⁰ Amended by Acts 6 of 1997 and 12 of 2008

¹¹ Amended by Act 6 of 1997, which provided as a transitional provision —

“5. Notwithstanding the amendment to the form and particulars of a Tuvalu Passport effected by this Act, a Tuvalu Passport issued before the date on which this Act comes into force and having the form and particulars prescribed in the Schedule to the Passports Act before that date shall continue to be a valid Tuvalu Passport for the period of its validity unless earlier cancelled under the Passports Act.”