

**EXTRAORDINARY
GOVERNMENT OF FIJI GAZETTE SUPPLEMENT**

No. 7

WEDNESDAY, 3rd FEBRUARY

2021

[LEGAL NOTICE NO. 7]

CITIZENSHIP OF FIJI ACT 2009

Citizenship Appeals Tribunal Rules 2021

IN exercise of the powers conferred on it by section 21(4) of the Citizenship of Fiji Act 2009 and with the approval of the Chief Justice, the Tribunal hereby makes the following Rules—

Short title and commencement

- 1.—(1) These Rules may be cited as the Citizenship Appeals Tribunal Rules 2021.
- (2) These Rules come into force on the date of publication in the Gazette.

Interpretation

2. In these Rules, unless the context otherwise requires—

“Act” means the Citizenship of Fiji Act 2009;

“counsel” means a legal practitioner and includes any other person authorised in writing by a party to be his or her representative;

“legal practitioner” has the meaning given by the Legal Practitioners Act 2009;

“notice of appeal” means a notice of appeal referred to in rule 3;

“notice of hearing” means a notice of hearing referred to in rule 4;

“Tribunal” means the Citizenship Appeals Tribunal established under section 21(2) of the Act; and

“Tribunal Registry” means the Civil Division Registry of the High Court of Fiji, Government Buildings, Suva.

Notice of appeal

3.—(1) Pursuant to section 21(1) of the Act, a notice of appeal must be lodged with the Tribunal Registry within 14 days of being notified of the Minister’s decision.

- (2) The notice of appeal must be in the Form in the Appendix.

(3) The notice of appeal must be served by the appellant or his or her counsel to the Minister within 14 days after lodgement of the notice of appeal by serving the notice of appeal on the Minister by leaving it at the Office of the Minister.

(4) The appellant must lodge with the Tribunal Registry, an endorsement for service of the notice of appeal on the Minister within 5 days from the date of such service.

- (5) A notice of appeal lodged under this rule must be accompanied by the prescribed fee.

(6) If the appellant fails to comply with rule 3(3) and 3(4) the appeal is deemed abandoned.

(7) The appellant may apply in writing to the chairperson of the Tribunal for extension of time for service under rule 3(3) prior to expiry of the 14-day period prescribed in rule 3(3) and the chairperson may extend the time for service if the chairperson considers the extension of time to be reasonable.

Notice of hearing

4. After the notice of appeal has been served on all interested parties, the Tribunal must issue a notice of hearing setting out the date, time and place of hearing.

Representation

5. At the hearing of an appeal, a party to a proceeding may appear in person or be represented by counsel.

Evidence

6.—(1) In the conduct of an appeal, the Tribunal is not bound by strict rules of evidence applicable in a court of law but must—

- (a) accord natural justice to the parties to the appeal;
- (b) maintain a written record of its proceedings; and
- (c) give reasons for its decisions.

(2) In performing its functions, the Tribunal must endeavour to combine fairness to the parties with economy, informality and speed.

Hearing

7. The Tribunal may allow evidence to be adduced at a hearing by means of any communication facilities and in such a manner as would provide for a full and proper hearing and to dispose of the appeal in an expeditious manner including—

- (a) the filing of affidavits and other documentary evidence;
- (b) the presentation of written or oral arguments or both;
- (c) the calling, questioning and cross-examination of witnesses; and
- (d) the testimony of any party.

Non-appearance

8.—(1) If a party fails to appear before the Tribunal on the date fixed for hearing of the appeal, the Tribunal may adjourn the hearing of the appeal to a later date or dismiss the appeal subject to application by a party to restore the appeal.

(2) Any application to restore an appeal must be accompanied by the prescribed fee and must be made within 21 days from the date of the dismissal.

(3) If the appellant or his or her counsel fails to appear before the Tribunal for hearing at the first date fixed for the hearing and subsequently at the later date referred to under paragraph (1), the appeal is deemed to have been abandoned by the appellant.

(4) An appellant or his or her counsel is not entitled to restore an appeal which is deemed to have been abandoned under rule 8(3).

Postpone and adjournments

9.—(1) Before the commencement of a hearing, a party may apply to the Tribunal in writing to have the hearing postponed.

(2) Before the resumption of a hearing, a party may apply to the Tribunal in writing, to have the hearing adjourned.

(3) A party whose application for a postponement or adjournment was denied may reapply orally at the commencement or resumption of the hearing.

(4) The Tribunal, in determining whether a hearing should be postponed or adjourned, where applicable, must take into account the following factors—

- (a) whether the postponement or adjournment would unreasonably impede the proceedings;
- (b) the nature and complexity of the issues relevant to the proceedings;
- (c) the efforts made by the parties to be present at the hearing;
- (d) the nature of the evidence to be presented, and the likelihood of causing injustice to any party by proceeding in the absence of that evidence;
- (e) the efforts made by the parties to proceed expeditiously.

Register

10.—(1) The Tribunal Registry must maintain a register or other similar means for the recording of every document that is submitted to or produced by the Tribunal in relation to an appeal.

(2) A party to an appeal is entitled to have access to any document kept in the register or similar means in respect of the appeal to which the person is a party to.

Application of Magistrates' Court Rules 1945

11. If there is no provision in these Rules to meet the circumstances arising in any matter, the Tribunal may be guided by any relevant provision in the Magistrates' Court Rules 1945.

Made at Suva this 26th day of January 2021.

A. WATI
Chairperson
Citizenship Appeals Tribunal

Approved this 26th day of January 2021.

K. KUMAR
Acting Chief Justice

APPENDIX
FORM

IN THE CITIZENSHIP APPEALS TRIBUNAL
SUVA

Citizenship Appeal No. _____ of 20 _____

IN THE MATTER of an appeal under section 21 of the
Citizenship of Fiji Act 2009 from the decision of the
Minister for _____ and
the Director of Immigration.

NOTICE AND GROUNDS OF APPEAL

APPELLANT (fill all details)		
Name		
Address – Residential		
– Postal		
Phone contact	Landline:	Mobile:
Email address		
Nationality		Passport No:
Status in Fiji (if in Fiji)		
Category:	Birth/Naturalisation/Registration (delete ones not applicable)	
RESPONDENT		
INTERESTED PARTY		
DATE OF DECISION OF MINISTER		
IMMIGRATION CASE REFERENCE NO.		
DECISION (Attach copy if available)		
GROUNDS OF APPEAL		
(use additional sheets if more space needed)		
DATE	Dated this _____ day of _____, 20 _____	
SIGNED	Appellant: _____ Or Solicitor: _____	
(For Solicitor or Firm : Please place rubber stamp)		