

**SUPPLEMENT** to the Solomon Islands Gazette

Friday 20th February

S.I. NO. 5

[Legal Notice No. <sup>21</sup>~~20~~ ]

THE IMMIGRATION ACT 1978

(No. 27 of 1978)

THE IMMIGRATION (PERMIT) REGULATIONS 1998

ARRANGEMENT OF REGULATIONS

Regulation:

1. Citation.
2. Definiton.
3. Application for permit.
4. Permit to reside.
5. Amendment of Permit.
6. Interim Permit.
7. Transit Permit.
8. Visitor's Permit.
9. Extension of Permit.
10. Con~version of Permits.
11. Interim Permit.
12. Inclusion of Children in application.
13. Conditions of Permit to enter and reside and Students Permit.
14. Exemption.

[Legal Notice No. 21 ]

THE IMMIGRATION ACT 1978

(No. 27 of 1978)

THE IMMIGRATION (PERMIT) REGULATIONS 1998

IN exercise of the powers conferred by section 19 of the Immigration Act, 1978, I, DANIEL ENELY KWANAIRARA, Minister of Commerce, Employment and Tourism, do hereby make the following regulations

Citation

1. These Regulations may be cited as the Immigration (Permit) Regulations 1998.

Definition

2. In these Regulations unless the contrary intention otherwise requires

"Director" means the Director of Immigration.

"holder" means a person to whom a permit is granted.

Application for permit

3. Every person applying for a permit to enter and reside in Solomon Islands shall forward to the Director of Immigration -

(a) an application form (Form 1) duly completed by the applicant and accompanied with a recent passport size photograph of the applicant;

(b) a covering letter in support of the applicant by an employer or sponsor;

(c) a letter of indemnity in case of a reputable company or organisation, or in other case a certificate of an interest bearing deposit of a sum equivalent to the airfare from Solomon Islands to the country which the applicant is a national or citizen, in any Commercial Bank in Solomon Islands to which consent of the Director of Immigration shall be obtained prior to its withdrawal.

(d) an original of a Police Certificate written in English or where the original Police Certificate is not written in English, it shall be accompanied by a certified translation in English.

(e) a Marriage Certificate where the applicant is married.

(f) a certified copy of a Medical Certificate or report certifying the applicants health and medical condition; and

(g) a certified copy or original of a birth certificate if a child is to be included in the application;

(h) in the case of an application in respect of a students permit, additional information required include :-

(i) a letter from the institution accepting the applicant, duration of training or instruction;

(ii) letter from the applicant or from his sponsors showing documentary evidence of applicant having sufficient financial means to sustain himself and pay for his training or instruction fees.

(i) in the case of a person who wish to undertake research, a research permit issued under the Research Act.

Permit to  
reside

4. (1) Where a permit to enter and reside is granted, the Director shall require the holder to pay a sum of money determined by the Director as Security bond.

(2) Such security Deposit shall be refundable if the holder is not in breach of any condition of his permit. Where the holder is in breach of any condition of his permit the security bond shall be forfeited by the Director and paid into the Consolidated Fund.

(3) A permit to enter and reside in Solomon Islands may be granted to -

(a) any person employed by any business or organisation or any person who wish to undertake any profession in Solomon Islands;

(b) any person legally married to a citizen of Solomon Islands or any legal child of a Solomon Islands citizen above 18 years;

(c) an investor or members of his family intending or who is investing in any business activity in Solomon Islands with the approval of the Foreign Investment Board and the Commissioner of Labour.

(d) a business executive or a Director of a business whose business or part of his business is carrying on business activity in Solomon Islands;

(e) a family member of a Solomon Islands citizen who desires to spend six months or more in Solomon Islands under the care and responsibility of the family member who is a Solomon Islands citizen;

(f) any person who desires to undertake all or part of his research in Solomon Islands pursuant to the Research Act;

(g) any person contracted or hired to undertake any business or profession in Solomon Islands.

(h) any other person whom the Director may deem appropriate.

(4) A permit to enter and reside in Solomon Islands may be granted to any person coming under -

(a) subregulation (3)(a), (e), (f) and (g) of this regulation for a period not exceeding two years; or

(b) subregulation (3)(b), (c) and (d) of this regulation for a period not exceeding five years.

(5) Any person who has been granted a permit to enter and reside in Solomon Islands shall, if he so wish, to extend or renew such a permit, apply to the Director before the expiry date of his permit, unless the Director in his discretion approves of his application made on or after the expiry date of his permit.

5. A permit to enter and reside in Solomon Islands granted to any person in respect of any business or employment or profession may be amended by the Director where a holder changes his business activity, employment or profession.

Amendment  
of Permit

6. Where a person is not entitled to be granted an extension or renewal to his permit to enter and reside in Solomon Islands, the Director may in his discretion grant an Interim Permit to enter and reside notwithstanding that the person is already present in the country, if any of the following circumstances:

Interim  
Permit

(a) where a person is required to remain in Solomon Islands to prosecute, defend or be a witness to a court case pending in any court in Solomon Islands;

(b) where a person is on medical grounds unable to leave Solomon Islands immediately on the expiry of his permit; or

(c) other special circumstances as the Director may deem fit.

Transit  
Permit.

7. (1) Every person applying for a transit permit shall make an application thereto at a declared port of entry to an Immigration Officer.

(2) An Immigration Officer after considering the application may grant the application or may refuse it.

(3) Where an Immigration Officer refuses an application for a transit permit, the applicant shall be refused entry into Solomon Islands.

(4) Any person applying for a transit permit to enter Solomon Islands in order to board a ship or aircraft shall make an application in writing to the Director with the following:-

(a) details of Passport or other travel documents.

(b) details of travel itinerary

(c) name of ship, yacht or aircraft he will board in Solomon Islands.

(d) a letter from the master, owner, charterer or agent of the ship, yacht or aircraft in Solomon Islands confirming that such person will travel on their ship, yacht or aircraft when transiting Solomon Islands

8. (1) Every person applying for a visitor's permit shall make and application to an Immigration Officer at a declared port of entry or to the Director providing some or all of the followings:-

(a) details and validity of Passport or other travel documents that will allow the applicant to travel to some other country from Solomon Islands.

(b) details of travel itinerary or onward or return ticket;

(c) address of residence in Solomon Islands; or

(d) length of time he is expected to remain in Solomon Islands; provided such time is not more than three months at any period or any aggregate period in a twelve month period.

(2) In the case of an application for a visitor's permit to the Director, the following shall be provided in addition to the information required in sub-regulation (1)(a) (b) and (c) -

(i) that the applicant shall not enter Solomon Islands until approval is granted; and

(ii) that the applicant must show he has sufficient funds to sustain him whilst in Solomon Islands.

(3) Where an application is approved, the approved length of time the applicant intends to stay in Solomon Islands shall be endorsed on the applicants passport or travel document by an Immigration Officer.

(4) An application for a visitor's permit shall not be granted if the applicant has used up his entitlement to it in any twelve month period.

Extension of  
Permit.

9. (1) An application to extend a visitor's permit shall be made to the Director in the prescribed form together with information required in regulation 8(1) (a) to (d) excluding the proviso thereto and subregulation (2) and the reasons why an extension is required.

(2) Where an application for extension is approved the length of time the applicant intends to stay in Solomon Islands shall be endorsed on the applicant's passport or travel document by an Immigration Officer.

(3) Any applicant for an extension to a visitor's permit shall be made during subsistence of the applicant's visitor's permit.

(4) An extension to a visitor's permit shall not be approved if the applicant has used up his entitlement to it in any twelve month period .

(5) A holder of an extended visitor's permit may return to Solomon Islands during the validity of the extension provided he has

(a) a re-entry permit; and

(b) the period of stay in Solomon Islands will be the number of days left in the period of extension.

10. (1) Where an applicant has been issued with a permit to enter or reside or a student's permit and such permit is about to expire or to be cancelled, the Director may issue a visitor's permit for such period as he deems fit provided that the period is not more than three months.

(2) A conversion of a visitor's permit to a permit to enter and reside or a student's permit may be granted by the Director in any of the following:-

(a) where the approval and subsequent granting of a permit to enter and reside or a student's permit is done during the validity of a visitor's permit holder's permit;

(b) where the nature of business, employment or profession required by the visitor's permit holder requires his remaining in the country pending the processing and approval of his application for a permit to enter and reside or for his student's permit; or

(c) where the visitor's permit holder is required to proceed to implement his investment for which he has already obtained approval from the Foreign Investment Board.

11. (1) The Director may grant an Interim Permit to Immigrant, where that person:-

(a) at the time of him being declared a prohibited immigrant was residing in Solomon Islands intends to appeal to the Minister against a decision of an Immigration Officer or the Director;

Conversion  
of Permits.

Interim  
Permit

(b) seeks to take action available to him before a court to obtain redress against the decision of an Immigration Officer or the Director; or

(c) is unlikely to become a charge on the public.

(2) An interim permit granted, if not cancelled shall expire on the date of giving of a decision by the Minister.

Inclusion of children in application.

12. (1) Any person who applies for a permit to enter and reside in Solomon Islands or for a students permit shall accompany with his application information of any of his children under the age of 18 years who he desires to reside with him in Solomon Islands.

(2) Where an application for a permit to enter and reside in respect of any person including his children under 18 years is approved, the particulars of the children shall be included in the Permit to Enter and Reside issued to the person making the application.

Conditions of Permit to enter and reside and Students Permits.

13. Subject to the Act and to this Regulation the Director may impose on any permit to enter and reside in Solomon Islands or students permit issued to any person all or any of the following conditions -

(a) that the permit holder shall not engage in any activity not stated in his permit unless approval of any relevant authorities in Solomon Islands whom the Director may mention has been obtained;

(b) that the permit holder shall not engage in acts considered detrimental to national security or the good Government of Solomon Islands;

(c) that the permit holder shall not engage in activities that will cause or is likely to cause a breach of the peace;

(d) that the permit holder shall show respect to the culture and current customary usage of Solomon Islands or of any part of Solomon Islands where he will reside;

(e) that the permit holder shall not engage in or encourage the commission of criminal offences or other acts intended to defraud the Government of Solomon Islands in taxes or other levies;

(f) that the permit holder shall not engage in activities that can give rise to disharmony amongst other church organisations in Solomon Islands;

(g) that the permit holder's permit shall be cancelled should he be dismissed from employment or from the institution he undertakes, studies or instructions or upon him being convicted by a court in Solomon Islands; or

(h) other conditions as may be imposed by the Director.

14. (1) Applications for exemption from any permit requirements shall be made to the Director and accompanied by -

Exemption

(a) An agreement between the applicant or his employer or agent and the Solomon Islands Government which obliges the Solomon Islands Government to exempt the applicant from any permit requirements;

(b) an original Police Certificate or other acceptable documents where a Police certificate cannot be furnished due to justifiable reasons in the applicants country of origin or to which he is a citizen or to which the applicant has been residing for the last twelve months prior to making any application; or

(c) information as to the length of time the applicant applies to be exempted.

(2) Where an application for exemption has been approved, an Immigration officer may endorse on the passport or other travel document of the applicant an exemption as provided for in the prescribed forms in the Immigration (Fees and Forms) Regulation 1978.

(3) Where an agreement referred to in sub regulation (1) above only require exemption to certain matters only such as multi-entry permit, those matters only will be exempted and the applicant shall comply with other requirements for the grant of a permit required of the applicant as prescribed in the regulations.

Dated at Honiara this tenth day of February 1998.

DANIEL ENELY KWANAIRARA  
Minister of Commerce, Employment and Tourism