

# **Immigration (Amendment) Act 2013**

**REPUBLIC OF VANUATU**

**IMMIGRATION (AMENDMENT) ACT NO. 15 OF 2013**

## **Arrangement of Sections**

- 1 Amendment
- 2 Commencement

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**REPUBLIC OF VANUATU**  
**Assent: 14/10/2013**  
**Commencement: 04/11/2013**  
**IMMIGRATION (AMENDMENT) ACT NO. 15 OF 2013**

An Act to amend the [Immigration Act](#) No. 17 of 2010.

Be it enacted by the President and Parliament as follows-

## **1 Amendment**

The [Immigration Act](#) No. 17 of 2010 is amended as set out in the Schedule.

## **2 Commencement**

(1) Subject to subsection (2), this Act comes into force on the day on which it is published in the Gazette.

(2) Item 5 commences on a date to be prescribed by the Minister.

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## **SCHEDULE** **AMENDMENTS OF THE [IMMIGRATION ACT](#) NO. 17 OF 2010**

### **1 References to Principal Immigration Officer**

Delete all references in the Act to “Principal Immigration Officer”, substitute “Director”

### **2 Section 1**

Insert in its correct alphabetical position

“**Director** means the Director of the Vanuatu Immigration Services;”

**3 Subparagraph 21(1)(b)(i)**

Delete “or other evidence of the person’s identity approved by the Principal Immigration Officer”

**4 After section 23**

Insert

**“23A Power to prevent person from entering Vanuatu**

(1) The Director may refuse permission for a person to board a vessel or aircraft that is bound to enter Vanuatu if the Director has obtained reliable information from a relevant agency that:

(a) the person is suspected to be a member of or connected to an organised criminal group or terrorist group as defined in the [Counter Terrorism and Transnational Organised Crime Act](#) [CAP 313]; or

(b) is the leader of a cult whose presence in Vanuatu is likely to cause public disorder.

(2) For the purposes of this section, **relevant agency** means any of the following:

(a) the Vanuatu Immigration Services;

(b) the Vanuatu Police Force;

(c) the International Criminal Police Organization.

(3) The Director may also use information obtained from the regional law enforcement database to refuse permission under subsection (1).”

**5 After subsection 25(3)**

Insert

“(4) To avoid doubt, a controller of an appointed airport or port must not charge rent or lease out any accommodation, facility or space located within the vicinity of the appointed airport or port, that is being used by the Vanuatu Immigration Services for the purposes of carrying out its duties and functions under this Act.

(5) For the purposes of this section:

**accommodation** means any:

(a) premises; or

(b) office space; or

(c) area; or

(d) room; or

(e) hall.

**facility** means electricity, water, air conditioning, internet, toilets and washrooms.”

**6 After paragraph 27(c)**

Insert

“(ca) a permanent residence visa;”

**7 After section 30**

Insert

### **“30A Permanent residence visa**

(1) A permanent residence visa is to be granted for a period not exceeding 10 years.

(2) If a person is the holder of a permanent residence visa (“the holder”), a member of the family of the holder may subject to sections 37 and 38, be granted a permanent residence visa .”

### **8 Subsection 31A(1)**

Delete “4 months”, substitute “30 days”

### **9 Subsection 31A(2)**

Delete “is likely to undertake a specified employment in Vanuatu.”, substitute “:

(a) has submitted an application for a residence visa ; and

(b) is likely to undertake a specified employment in Vanuatu.”

### **10 After section 31A**

Insert

### **“31B Business visa**

(1) A person wishing to obtain a business visa is to apply to the Director in the approved form pursuant to section 34.

(2) If the Director is satisfied that an application made under subsection (1) complies with the requirements of this Part, he or she may grant a business visa to the applicant.

(3) A business visa is valid for a period not exceeding 10 months.

(4) The Director must not grant a business visa unless he or she is satisfied that the applicant is:

(a) carrying out a business activity with a Vanuatu based business organisation; or

(b) conducting business negotiations; or

(c) carrying out an exploratory business visit.

(5) If a person is the holder of a business visa (the ‘holder’), then subject to sections 37 and 38, a member of the family of the holder may be granted a business

visa for a period that is the same as the period for which the holder's business visa has been granted.”

## **11 After section 50**

Insert

### **“50A Publication of information on prohibited immigrants**

(1) The Director may approve the publication of information relating to a prohibited immigrant if the Director is satisfied that the prohibited immigrant is in Vanuatu.

(2) Publication of information under subsection (1) includes, but is not limited to:

(a) the name or known aliases of the prohibited immigrant; and

(b) the address of the prohibited immigrant; and

(c) the nationality of the prohibited immigrant; and

(d) the photograph of the prohibited immigrant.



(3) Publication of information of a prohibited immigrant under this section may be made on newspaper, television, radio, internet or any other means by which information may be disseminated.”

**12 Subsection 63(1)**

Delete “together with any interest paid on the security”

**13 Subsection 63(2)**

Delete “and interest”

**14 After subsection 63(2)**

Insert

“(3) Interest accrued from a security that is refunded or returned under this section is to be paid to the Government.”