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THE IMMIGRATION ACT
(Cap. 60)

THE IMMIGRATION (PERMIT) REGULATIONS 1999

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THE IMMIGRATION ACT

(Cap. 60)

THE IMMIGRATION (PERMIT) REGULATIONS 1999

IN exercise of the powers conferred by section 19 of the Immigration Act, I, DANIEL ENELE 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 1999.
- Definition. 2. In these Regulations unless the contrary intention otherwise requires -
- "holder" means a person to whom a permit is granted.
- Application for permit. 3. (1) Every person applying for a permit to enter and reside in Solomon Islands shall forward to the Principal Immigration Officer -
- (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 cases a certificate of an interest bearing deposit of a sum equivalent to the air-fare 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 Principal Immigration Officer 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) if the applicant is married, a married certificate or a certified copy thereof;

(f) a work permit issued by the Commissioner of Labour where the applicant is applying for a permit to enter and reside for the purpose of employment in Solomon Islands;

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

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

(i) 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, specifying the 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.

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

(2) Where the applicant intends to reside, in Solomon Islands, or undertake studies or instructions in any institutions in Solomon Islands for a period not exceeding six months, the Director of Immigration may, where he deems it fit, dispense with any requirements in these Regulations.

Permit to reside.

4. (1) Where a permit to enter and reside is granted, the Principal Immigration Officer shall require the holder to pay a sum of money determined by the Principal Immigration Officer as security deposit.

(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 Principal Immigration Officer and paid into the Consolidated Fund

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

(a) any person employed in any business or any 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 Investment Board and the Commissioner of Labour.

(d) 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;

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

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

(g) any other person whom the Principal Immigration Officer may deem appropriate.

(4) A permit to enter and reside in Solomon Islands may be granted to any person for a period not exceeding five years or for any such period such person may be permitted by any other law to carry out any work or research or undertake educational instruction or studies or for such shorter period as may be determined by the Principal Immigration Officer.

(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 Principal Immigration Officer before the expiry date of his permit, unless the Principal Immigration Officer in his discretion approves of his application made on or after the expiry date of his permit.

5. (1) 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 Principal Immigration Officer where a holder changes his business activity, employment or profession.

Amendment of
Permit.

(2) In amending a permit under subregulation (1) the Principal Immigration Officer may impose such condition as he thinks appropriate.

6. (1) Where a person is not entitled to be granted an extension or renewal to his permit to enter and reside in Solomon Islands, the Principal Immigration Officer may in his discretion grant an Interim Permit to that person to enter and reside notwithstanding such person is already present in the country, in 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 or cases as the Principal Immigration Officer may deem fit.

(2) An interim permit when granted shall not be valid for more than one year from the date of issue.

Visitor's Permit.

7. (1) Every person applying for a visitor's permit shall make an application to an Immigration Officer at a declared port of entry or to the Principal Immigration Officer providing some or all of the following -

(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 aggregated period in a twelve month period.

(2) In the case of an application for a visitor's permit to the Principal Immigration Officer, 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 in any twelve month period.

8. (1) An application to extend a visitor's permit shall be made to the Principal Immigration Officer in the prescribed form together with information required in regulation 7(1) (a) to (d) excluding the proviso thereto and sub regulation (2) and the reasons why an extension is required.

Extension of
Permit.

(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 application for an extension to a Visitor's Permit shall be made during the 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 re-entry permit, and the period of stay in Solomon Islands will be the number of days left in the period of extension.

(6) The Principal Immigration Officer may delegate his powers to consider and approve an application to extend a visitors permit to any Immigration Officer.

9. (1) Where an applicant has been issued with a permit to enter and reside and a students permit and such permit is about to expire or to be cancelled, the Principal Immigration

Conversion of
Permits

Officer 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 Principal Immigration Officer in any of the following:-

(a) that the approval subsequent granting of a permit to enter and reside or a student's permit is done during the validity of a Visitor'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 Investment Board.

Interim Permit. 10. (1) The Principal Immigration Officer may grant an Interim Permit to an 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 Principal Immigration Officer;

(b) seeks to take action available to him before a court to obtain redress against the decision of an immigration officer; 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.

11. (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.

Inclusion of
Children in
application.

(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.

12. Subject to the Act and to this Regulation the Principal Immigration Officer 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 -

Conditions of
Permit to enter
and reside and
students Permit.

(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 not show disrespect to the customs 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 in the event that he is dismissed from employment or from the institution he undertakes to study or receive instructions or upon him being convicted by a court in Solomon Islands; or

(h) other conditions as may be imposed by the Principal Immigration Officer.

Cancellation of permit.

13. The Principal Immigration Officer may cancel a permit to enter and reside or a student's permit after satisfying himself that the holder has breached any of the condition under regulation 12 or any condition imposed by the Principal Immigration Officer.

Exemption.

14. (1) Applications for exemption from any permit requirements shall be made to the Minister through the Principal Immigration Officer and accompanied by -

(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 application for a permit to enter and reside form with 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 these applicants shall comply with other requirements for the grant of a permit to enter and reside required of the applicant as prescribed in the Regulations.

15. The Immigration (Permit) Regulations 1998* is hereby revoked. Revocation.

Dated at Honiara this twenty-ninth day of March 1999.

DANIEL ENELY KWANAIRARA
Minister of Commerce, Employment and Tourism

*L.N. 21/98.