

REPUBLIC OF KIRIBATI
(No. 4 of 1996)

I assent,

Beretitenti
Assented: 5th January 1996

AN ACT TO AMEND THE PASSPORT ACT (CAP. 66A)

Commencement:
1996

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti.

Short title

1. This Act may be cited as the Passport (Amendment) Act 1996.

Amendment of section 3

2. Section 3 of the Passport Act 1979 (No. 3 of 1979) hereinafter referred to as “the principal Act” is amended as follows:

(a) by adding after the definition of “an appropriate form” a new definition as follows:-

Notwithstanding anything contained in the Foreign Investment Act 1985 (No. 3 of 1985) “foreign investor” means a person who the Minister, acting in accordance with the advice of the Cabinet, certifies in the prescribed form, is of good character and respects the laws, customs and traditions of Kiribati and has paid fifteen thousand US dollars (US\$15,000) to, and executed a promissory note in the sum of five thousand US dollars (US\$5,000) in favour of, the Republic or if higher amounts are prescribed by regulations made by the Beretitenti, acting in accordance with the advice of the Cabinet, those higher amounts.”

(b) by adding after the definition of “immigration officer” a new definition as follows –

““investor Passport” means a current valid travel document which is issued by or on behalf of the Government of Kiribati, containing a photograph and personal description of the holder which entitles the investor passport holder to remain for two years in Kiribati from that date of its issue on such island as the Beretitenti, acting in accordance with the advice of the Cabinet, may by order declare.”

Amendment of section 4

3. Section 4 of the principal Act is amended –

- (a) in subsection (1) as follows –
 - (i) by inserting a new paragraph “(a)” between the words “form and “issue” in the second line; and
 - (ii) by repealing the “full stop” at the end of subsection (1) and substituting the word “or”; and
 - (iii) by inserting a new paragraph as follows –
 - “(b) issue to any foreign investor who satisfies the conditions specified in section 3 and such other conditions as may be prescribed, an investor passport in an approved form;”
- (b) in subsection (2) by inserting a new paragraph (c) as follows –
 - “(c) in relation to subsection (1)(b) is no longer certified under section 3 as a foreign investor.”

Insertion of new section 4A

4. The principal Act is amended by inserting a new section between section 4 and section 5 as follows –

“Investor to return to South Tarawa

4A. The holder of an investor passport within a period of 14 days before the expiration of the period of 12 months from the date of issue of the investor passport shall –

- (a) be required to return to and visit South Tarawa;
- (b) present himself in person; and
- (c) report to the Minister or other immigration officer as may be authorized by the Minister for the purpose of this section,

on the progress so far of the foreign investor programme referred to in section 3.”

Amendment of section 5

5. Section 5 of the principal Act is amended by repealing the “full stop” at the end of the section and substituting the words “referred to in section 4(1).”.

Amendment of section 9

6. Section 9 of the principal Act is amended –

- (a) in subsection (1) –
 - (i) by inserting the words “subject to the approval of the Minister in writing” between the word “may” and “issue” in the second line; and
 - (ii) by inserting the words “to citizens of Kiribati or aliens” between the words “document” and “which” in the third line.
- (b) by adding a new subsection (3) as follows –

“(3) A certificate of identity or other travel documents issued under this section shall remain valid for such period not exceeding six (6) months.”

Amendment of section 20

7. Section 20 of the principal Act is amended in subsection (2) –

- (a) by adding the words “and certificates of identity and other documents” to paragraph “(a)”; and
- (b) by inserting the words “certificates of identity and other travel documents” between the words “passports” and “and” in the second line of paragraph “(c)”.

THE PASSPORT (AMENDMENT) ACT 1996

EXPLANATORY MEMORANDUM

1. The principal object of this Act is to create a new passport called an “investor Passport”. And this accords well with the Government’s new policy to establish in Kiribati an investment program for foreign investors who are to be issued with a special Investor Passport. Once this passport is issued the passport holder will then be entitled to remain in Kiribati for a period of two years (Section 2(b)).
2. However before a investor passport is issued to a foreign investor, the Minister and the Cabinet must satisfy themselves by issuing a certificate stating that a foreign investor is of good character and respects the laws, customs and traditions of Kiribati and has also paid to the Kiribati Government US\$15,000 and a deposit (promissory note) of US\$5,000 (section 2(a)) or such other amounts as may be prescribed.
3. A foreign investor will be required to apply for an investor passport to a Passport Officer in the normal manner using such appropriate form as may be required and satisfying the conditions specified in section 3 and such other conditions as may be prescribed (section 2(a) and 3(b)).
4. Another further important condition to be observed by a foreign investor is that he must return to and visit South Tarawa 14 days before the expiration of 12 months from the date of issue of the investor passport in order to report to the immigration authorities.
5. If a foreign investor fails to comply with the conditions of the issuance of an investor passport then the Minister has the power to cancel that foreign investor passport (section 2(b)).
6. It is anticipated that the approved form of an investor passport will almost be similar to the one now issued to Kiribati citizens except that its colour may be green and wherever the words “nationality” or “citizenship” occur in the Kiribati Citizens Passport they should be replaced by the word “status”. And the status of a foreign investor would be that of “resident foreign investor” or merely just “an investor”.
7. An investor passport is renewable like any other passports issued by a Passport Officer (section 4).
8. Section 6 amends section 9 by empowering a Passport Officer with the approval of the Minister in writing to issue certificates of identity or other travel documents not only to citizens of Kiribati but also to aliens. However such documents remain valid only for a period not exceeding 6 months.

9. Section 7 puts beyond doubt that the Minister has power also to prescribe the conditions to be satisfied including the imposition of fees for the issue not only for passports but also for certificates of identity or other travel documents.

Michael N. Takabwe
Attorney General
3 November 1995