

BILL NO. 6 OF 2026

A BILL

FOR AN ACT TO AMEND THE IMMIGRATION ACT 2003

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

- 1.—(1) This Act may be cited as the Immigration (Amendment) Act 2026.
- (2) This Act comes into force on a date or dates appointed by the Minister by notice in the Gazette.
- (3) In this Act, the Immigration Act 2003 is referred to as the “Principal Act”.

Section 2 amended

2. Section 2 of the Principal Act is amended by—
 - (a) in the definition of “child”, deleting “21” and substituting “18”;
 - (b) in the definition of “family”, deleting “21” and substituting “18”; and
 - (c) inserting the following new definitions—

““*advance passenger information*” or “*API*” means the prescribed set of data and includes the details of the flight by aircraft operators and the biographic data of a crew member or passenger available on his or her travel document;”;

““*advance passenger information system*” or “*APIS*” means an electronic communications system where required data elements are collected and transmitted to border control agencies prior to flight departure or arrival and made available on the primary line at the point of entry;”;

““*Alert List*” means a list of persons who may require additional scrutiny by a border control agency or agencies within a clearance zone prior to receiving permission to enter or depart Fiji;”;

““*clearance zone*” means that part of a declared port or other declared place within which immigration, customs, agricultural, public health, and other inspections are undertaken as authorised by law or by international conventions to which Fiji is a party;”;

““*fixed penalty*” means a penalty specified in, and payable on receipt of, an infringement notice”;

““infringement notice” means a notice prescribed by regulations and issued by an immigration officer pursuant to section 66;”;

““*Interpol*” means the International Criminal Police Organization; “*Ministry*” means the ministry responsible for immigration;”;

““*passenger data single window*” means a facility that allows parties involved in passenger transport by air to lodge standardised passenger information, such as API and PNR data, through a single data entry point to fulfil all regulatory requirements relating to the entry or exit of passengers that may be imposed by various agencies of Fiji;”;

““*passenger name record*” or “PNR”, in relation to any person, means the electronic record created by a commercial transportation operator for a journey booked by or for the person, which may include the following information—

- (a) the person’s name;
- (b) the person’s contact details;
- (c) the place where the person, or another person, booked the intended travel;
- (d) the date on which the person, or another person, booked the intended travel;
- (e) the name of any other person with whom the person intends to travel;
- (f) whether the person paid for his or her own intended travel, and the manner of payment;
- (g) the person’s travel movements before the intended travel;

- (h) any change in the person’s travel from the travel originally booked;
- (i) whether the person has checked baggage;”;

““*Regional Organisation*”” means an organisation delegated by the Minister to perform a prescribed function under this Act;”;

““*Regional Watch List*”” means a list that is maintained by a Regional Organisation used to track the current activity or movements of terrorists, those involved in serious criminal activity, criminal deportees, persons who have been found guilty of involvement with stolen and lost travel documents, and other persons of interest to the intelligence and law enforcement community, or those of health concern;”;

- (d) deleting subsection (2) and inserting the following—

“(2) A reference in this Act to a person being unlawfully in Fiji, or to an unlawful non-citizen, is to be construed as a reference to a person who is not an exempted person or a person who does not hold a valid permit issued under this Act.”; and

“(3) Where under this Act, any notice or other document is to be served on any person, or the person’s agent, employer or lawyer, the document is deemed to have been served—

- (a) if served personally, immediately;
- (b) if served electronically, when it becomes capable of being retrieved electronically by the addressee at that electronic address and it has come to the attention of the addressee that the electronic communication has been sent to that address; or
- (c) if the document was sent by post, at the time at which the document would be delivered in the ordinary course of the post.”.

Part 1A inserted

- 3. The Principal Act is amended after section 3 by inserting the following new Part—

“PART 1A—RIGHTS OF CITIZENS OF FIJI

Rights of citizens

3A.—(1) Every citizen of Fiji has, by virtue of that citizenship, the right to be in Fiji at any time.

(2) Notwithstanding subsection (1), all citizens of Fiji are subject to procedures, specified under this Act or by regulations, necessary for recording the movements of all persons and maintaining border security.

(3) A citizen of Fiji may not be removed or deported from Fiji under Part 7.”.

Division 1 of Part 2 inserted

4. The Principal Act is amended in Part 2 after the heading by inserting the following new Division—

*“Division 1—Minister’s Powers**Policy Directions*

3B.—(1) The Minister may give the Permanent Secretary written policy directions, not inconsistent with this Act, as to the exercise of any power, discretion or function or the performance of any duty under this Act, and the Permanent Secretary must comply with the directions and the Permanent Secretary must in writing notify all immigration officers about the directions.

(2) Once notified of the direction, the Permanent Secretary and enforcement or immigration officer must comply with the direction.

(3) The direction must not relate to an individual.

Directions

3C.—(1) The Minister may give the Permanent Secretary the following written directions, as provided under this Act—

- (a) to direct that the costs for the removal of a prohibited immigrant be paid by the State in accordance with section 48B;
- (b) to direct the manner in which a deportee may be detained pursuant to section 53(2);
- (c) to direct a master of a ship or commander of an aircraft to take necessary steps for preventing the deportee from leaving a ship or aircraft, as provided under section 53(4);
- (d) to direct the collection and use of any money or property found on a deportee as provided under section 55(1).
- (e) to direct the deportation of a deportee serving a sentence of imprisonment before the deportation order had come into effect, as provided under section 54;
- (f) to direct the payment by the State of any expenses of or incidental to deportation as provided under section 55(2); and
- (g) to direct that the Permanent Secretary cancel, for conviction of an offence under section 64(1)(a), (b) and (c), any visa, permit or other document issued to a person under this Act.

(2) Once notified of any directions given under subsection (1), the Permanent Secretary and any immigration or enforcement officer must comply with the directions.

Orders and Regulations

3D. The Minister may make the following orders and regulations, as provided under this Act—

- (a) an order exempting any ship or class of ship or any aircraft or class of aircraft from the requirements under section 6;
- (b) an order specifying classes of nationals or citizens of countries exempted from obtaining a visa before entering Fiji as provided under section 7(2);
- (c) an order specifying the age at which a child of a Fijian citizen may be entitled to enter Fiji without a permit pursuant to section 8(1)(b);
- (d) an order exempting any person or class of persons from the requirement to obtain a permit pursuant to section 8(3);
- (e) an order declaring a person or class of persons as prohibited immigrants under section 13(2)(i);
- (f) a deportation order as provided under section 50 or 51;
- (g) an order specifying the normal office hours for providing immigration clearance services pursuant to section 62;
- (h) an order declaring an authorised airport under section 63; and
- (i) regulations as provided under sections 9(4), 62 and 68.

Miscellaneous powers

3E. The Minister has the following miscellaneous powers as provided under this Act—

- (a) to authorise any person to issue visas on behalf of the Government pursuant to section 7(3);
- (b) to remove the period in which a person may not be allowed to re-enter Fiji as provided in section 11(9);
- (c) to enter into inter-agency information sharing agreements with other prescribed national government agencies under section 12C;
- (d) to authorise a person to share information with an overseas government agency or other recognised agency or international carrier under section 12D;
- (e) to enter into an information sharing agreement with an organisation established to provide an advance passenger information data exchange and assessment service under section 12E;
- (f) to deem a person as one conducting himself or herself in a manner prejudicial to the peace, defence, public safety, order, morality, health, and security or good government of Fiji pursuant to section 13(2)(g);

- (g) to declare that a member of the family and any dependant of a prohibited immigrant is not a member of a prohibited class pursuant to section 13(2) (j);
- (h) to appoint a fit and proper person to hear appeals from reviewable decisions of the Permanent Secretary pursuant to section 58 of this Act and section 31 of the Interpretation Act 1967; and
- (i) to certify disclosures in the public interest pursuant to section 61.

Minister's delegation

3F.—(1) The Minister may delegate the following powers under this Act to the permanent secretary—

- (a) the power to make directions under section 3C(1)(a) and 3C(2), in which case the Permanent Secretary may issue such directions to an immigration or enforcement officer;
- (b) the power to make an order referred to in section 3D(a), (c), (e) (g), (f) and (h); and
- (c) the miscellaneous powers referred to in section 3E (a), (b), (e), (f), (g) and (f).

(2) The delegations may be general or specific to any area in Fiji and may be for such periods or purposes as the Minister may specify in writing.

(3) Notwithstanding subsection (1), the Minister may exercise and perform any powers, functions and duties delegated and may revoke or vary the delegation.

Division 2 of Part 2 inserted

5. The Principal Act is amended after section 3F(3) by inserting the following—

*“Division 2—Permanent Secretary’s Powers”**Section 4 amended*

6. Section 4 of the Principal Act is amended by—

- (a) in the heading, deleting “immigration”;
- (b) in subsection (1) after “immigration”, inserting “or enforcement”;
- (c) renumbering subsection (1) as section 4; and
- (d) deleting subsections (2), (3), (4) and (5).

Sections 4A and 4B inserted

7. The Principal Act is amended after section 4 by inserting the following new sections—

“Permanent Secretary’s powers

4A. The Permanent Secretary has the following powers as provided under this Act—

- (a) to issue a visa under section 7(3);

- (b) to extend the grace period, from 30 days up to 3 months, in which an exempted person may be issued a permit under section 8(4)(b);
- (c) to issue a permit to a person to enter, reside and work, study or conduct research in Fiji under section 9 and to impose conditions;
- (d) to extend or vary a permit under section 9(7);
- (e) to cancel a permit under section 11;
- (f) to waive any fee under Part 6, pursuant to section 39(6);
- (g) to determine a claim by an asylum seeker to be recognised as a refugee in Fiji under section 40;
- (h) to refuse a claim for asylum under section 41(2);
- (i) to cancel the refugee status of a person under section 41(4);
- (j) to require an asylum seeker to provide information, documents or personal identifiers or attend an interview under section 42;
- (k) to make a written order to remove a prohibited immigrant from Fiji under section 48A and provide for matters incidental to the removal; and
- (l) to approve the publication of information relating to a prohibited immigrant under section 67.

Permanent Secretary's delegations

4B.—(1) The Permanent Secretary may, except the powers under section 4, delegate in writing all or any of powers, functions or duties conferred on the Permanent Secretary under this Act either generally or in respect of any area in Fiji, or for such periods or purposes as the Permanent Secretary may in writing specify, to any immigration or enforcement officer, and may revoke or vary the delegation.

(2) Notwithstanding subsection (1), the Permanent Secretary may exercise and perform any power, function or duty delegated.

Section 5 amended

8. Section 5 of the Principal Act is amended by—

(a) in subsection (1)—

(i) after paragraph (a), inserting the following new paragraph—

“(aa) without a search warrant, search any person and any item belonging to the person as necessary to discharge the officer’s duties;”;

(ii) in paragraph (b)(ii) after “be”, inserting “an unlawful non-citizen or”;

(iii) in paragraph (b)(iii), deleting “extension or variation of a” and substituting “the issuance, extension or variation of a visa,” and;

- (iv) in paragraph (c), deleting “produce any documents” and substituting “produce or provide any documents or devices, including electronic devices.”;
- (b) after subsection (1), inserting the following new subsection—
 - “(1A) For the avoidance of doubt, a document under subsection (1) (c) includes any evidence of a person’s health status, including medical records and vaccine status, in order to determine whether the person meets prescribed health requirements to enter, remain in, or depart Fiji.”;
 - and
- (c) in subsection (6) after “evidence in”, inserting “other”.

Division 1 of Part 3 inserted

9. The Principal Act is amended after section 5 by inserting the following—

*“Division 1—Entry and Departure Requirements”**Section 6 amended*

10. Section 6 of the Principal Act is amended by—

- (a) in subsection (3), deleting paragraph (a) and substituting—
 - “(a) deliver to the immigration officer, through the passenger data single window, advanced passenger information for each passenger and crew member travelling into or departing from Fiji.”; and
- (b) after subsection (3), inserting the following new subsection—
 - “(3A) The Minister may prescribe the following—
 - (a) the data elements of API that can be collected from aircraft operators;
 - (b) the processing and use of the API by the receiving agencies;
 - (c) the transmission timings and methods for collecting API;
 - (d) applicable data protection safeguards and independent oversight mechanisms; and
 - (e) any other matter necessary or convenient to be prescribed for carrying or giving effect to this section.”.

Section 7 amended

11. Section 7(3) of the Principal Act is amended by deleting “immigration officer” and substituting “the Permanent Secretary”.

Section 8 amended

12. Section 8 of the Principal Act is amended by—

- (a) in subsection (1)—
 - (i) in paragraph (b), deleting “21” and substituting “18”; and

(ii) after paragraph (e), inserting the following—

“(ea) a person entitled to an exemption under section 4 of the Diplomatic Missions and International Organisations Act 2016;”;

(b) in subsection (2) after “(e)”, inserting “, (ea)”;

(c) in subsection (2A), deleting “and (e)” and substituting “, (e) and (ea)”;

(d) in subsection (3), deleting “other”.

Section 9 amended

13. Section 9 of the Principal Act is amended by—

(a) deleting subsection (2) and substituting the following—

“(2) The permit entitles the applicant to enter Fiji under one or more of the following categories—

(a) as a visitor;

(b) as an investor;

(c) to reside;

(d) to reside and work,

on conditions prescribed in relation to a particular permit, which may include conditions imposed on an employer in respect of a work permit.”;

(b) deleting subsection (3) and substituting the following—

“(3) Subject to subsection (3A), a visitor permit entitles the holder to work for a period of up to one month.

(3A) The Minister may prescribe regulations providing for—

(a) a longer time frame for subsection (3), if the person is in Fiji for the purpose of short term work, business, investment, study, research, volunteer or consultancy work; and

(b) conditions the Permanent Secretary may impose.”;

(c) in subsection (4) after “Minister may”, inserting “by regulations”;

(d) deleting subsection (5) and inserting the following—

“(5) The Minister must prescribe by regulations the validity period for each permit issued under this Act and regulations.

(5A) If a person is removed or deported from Fiji under this Act, a permit that has been issued to that person is immediately voided.”; and

- (e) in subsection (10), deleting “section 9(2)(a) that a person granted a visitor’s permit will not, whilst in Fiji engage in any business, profession or employment, whether for reward or not, except with the approval of the Permanent Secretary” and substituting “section 9(3)”.

Section 11 amended

- 14.** Section 11(8) of the Principal Act is amended by—

- (a) deleting “issued under section 9(2)(a)”; and
 (b) deleting “as a visitor”.

Section 12 amended

- 15.** The Principal Act is amended by deleting section 12 and substituting the following—

“Grant of a visa or permit in accordance with this Act

12. No person is entitled as of right to a visa or permit and any question of whether or not to grant, impose any condition, vary, cancel or revoke a visa or permit is a matter for the decision of the Permanent Secretary in accordance with this Act.”.

Section 13 amended

- 16.** Section 13 of the Principal Act is amended by—

- (a) in subsection (2)—
 (i) in paragraph (g) after “by the Minister”, inserting “in consultation with the National Security Council,”; and
 (ii) in paragraph (i) after “Minister”, and inserting “in consultation with the National Security Council,”;

- (b) deleting subsection (4) and inserting the following—

“(4) A person who enters Fiji—

- (a) in order to be tried by a court of competent jurisdiction;
 (b) to serve a sentence of imprisonment;
 (c) as a victim in proceedings under this Act; or
 (d) to be detained in lawful custody for any other reason,

is not a prohibited immigrant and may enter or remain in Fiji without a permit for so long as is necessary for the purpose.

(5) The Minister may prescribe by regulations a permit category for a person described in subsection 4(c) to enable the person, subject to conditions prescribed, to work and remain in Fiji during or beyond the original purpose.”.

Division 2 of Part 3 inserted

17. The Principal Act is amended after section 12 by inserting the following new Division—

“Division 2—Data collection, use and retention

Confidentiality of information

12A.—(1) Information collected or shared for the purpose of this Act must be held as confidential by a person who has come into contact with such information.

(2) Information collected and stored under this Act may be processed or shared in accordance with agreements made under sections 12B to 12D of this Act for—

- (a) the pre-identification of persons of interest prior to their arrival into or departure from Fiji;
- (b) the prevention, detection, investigation and prosecution of immigration or other offences under the laws of Fiji;
- (c) facilitating the travel of international passengers and crew; or
- (d) reasons relating to national security or public safety.

Collecting, processing, storing and protecting information

12B.—(1) The Permanent Secretary must establish a record or database of information collected for the purpose of this Act in electric form as determined by the Minister.

(2) Except with the authorisation of the Permanent Secretary, a person is prohibited—

- (a) from attempting to access, or accessing a register, information system or database; and
 - (b) from attempting to disclose or alter, or disclosing or altering any information held in a register, information system or database.
- (3) A person who breaches this section commits an offence.

Information shared domestically

12C.—(1) The Minister may enter into inter-agency information sharing agreements with other prescribed national government agencies on a need-to-know basis in accordance with relevant domestic laws and policies applying to data protection and privacy.

(2) The content and conditions applying to the sharing of information under a national inter-agency agreement may be prescribed in the Regulations.

Information shared with overseas agencies and carriers

12D.—(1) In accordance with section 12A(2) of this Act, information may be shared with an overseas government agency or other recognised agency or international carrier—

- (a) by a person authorised by the Minister for the purpose of detecting, preventing, investigating and prosecuting criminal offences in Fiji or the country concerned; or
- (b) by a person authorised by the Minister for the purpose of screening international passengers and crew and facilitating their travel.

(2) The Minister may prescribe the procedures for the sharing of information under this section.

(3) The sharing of information with overseas agencies or carriers regarding the movement of people required by any other Act must be in accordance with this section.

Information exchange with organizations providing API data sharing and assessment service

12E.—(1) The Minister may enter into an information sharing agreement with an organisation established to provide an advance passenger information data exchange and assessment service.

(2) The organisation must comply with prescribed data protection and privacy requirements.

(3) The Minister may prescribe by regulations the procedures for the exchange of information under this section.

Retention of data

12F.—(1) API and PNR data collected or received under this Act or any agreement made under this Division may only be stored for a period of 5 years.

(2) The data must be depersonalised 2 years after it is received.

(3) Despite subsections (1) and (2), the Minister may, if it is necessary to carry out an investigation to prosecute an offence under this Act or any other written law and to protect border security, authorise—

- (a) the retention of data for more than 5 years; or
- (b) the unmasking of depersonalised data.

(4) The authorisation under subsection (3) may only be for the period required for the investigation and prosecution of the offence and for a further 2 years after the investigation or prosecution concludes.”

Section 15 deleted

18. The Principal Act is amended by deleting section 15.

Section 16 deleted

19. The Principal Act is amended by deleting section 16.

Section 36 deleted

20. The Principal Act is amended by deleting section 36.

Part 7 amended

21. Part 7 of the Principal Act is amended by deleting the heading and substituting—

“PART 7—REMOVAL AND DEPORTATION

Division 1 – Removal by the Permanent Secretary Power to order removal

48A.—(1) The Permanent Secretary may make a written order directing a prohibited immigrant to leave Fiji and remain out of Fiji either indefinitely or for a period specified in the order.

(2) An order under subsection (1) takes effect either on the date of service or, if the person is serving a sentence of imprisonment, on the completion of the sentence of imprisonment, as the Permanent Secretary specifies in the order.

(3) An order made under this section must be carried into effect in such manner as the Permanent Secretary directs in writing, including removal of the person by use of reasonable force if necessary.

(4) A person against whom an order under this section is made may, before leaving Fiji and while being conveyed to the place of departure, be kept in prison, in police custody or in any other place of custody authorised by the Permanent Secretary, and while so kept is deemed to be in lawful custody.

(5) The Permanent Secretary may vary or revoke an order or directions given under this section.

(6) A person against whom a removal order has been made may be removed to the place from where the person came or to the country of which the person is a citizen, or to any other country or place to which the person consents to be removed, if the Government of the country or place agrees to receive the person.

(7) The master of a ship or commander of an aircraft which is proceeding to a country or place to which a person is directed to be removed to must, if required by an immigration officer, receive the person on board the ship or aircraft and afford the person a passage to the country or place and proper accommodation and maintenance during the passage.

(8) If the master of a ship or commander of an aircraft fails to comply with subsection (6), the master, commander, the owner of the ship or aircraft and the owner’s agent each commits an offence.

(9) If a person in respect of whom a removal order is made under this section has been sentenced to a term of imprisonment by a court in Fiji, the person must serve the sentence before the order is carried into effect.

(10) A person in respect of whom a removal order has been made under section 15 who re-enters Fiji while the removal order is in force commits an offence.

Expenses in respect of prohibited immigrants

48B.—(1) Subject to subsection (2), the owner, the owner’s agent and the master or commander of a ship or aircraft from which a prohibited immigrant disembarks are jointly and severally liable for the cost of passage, accommodation, maintenance and medical treatment and any other reasonable cost incurred in connection with the removal of a prohibited immigrant from Fiji.

(2) The Minister may direct that all or part of the expenses mentioned in subsection (1) be paid by the State, and must so direct if at the time of entry the prohibited immigrant was in possession of a permit or visa issued under this Act purporting to authorise him or her to enter Fiji.

*Division 2 – Deportation”**Section 49 amended*

22. Section 49 of the Principal Act is amended by deleting “Part” and substituting “Division”.

Section 55 amended

23. Section 55(1) of the Principal Act is amended by deleting “use any money or, property of the deportee found on the deportee” and substituting “make directions for the collection and use of a deportee’s property.”

Division 3 of Part 7 inserted

24. The Principal Act is amended after section 57 by inserting the following new Division—

*“Division 3 – Voluntary departure**Voluntary departure*

57A.—(1) The Permanent Secretary may allow a prohibited immigrant subject to a removal order to depart Fiji voluntarily, provided that the non-citizen’s permit was not cancelled on character grounds and the person departs Fiji before the end of a period specified by the Permanent Secretary.

(2) The Minister may allow a person subject to a deportation order to depart Fiji voluntarily, provided that the person’s permit was not cancelled on character grounds and the person departs Fiji before the end of a period specified by the Minister.

(3) If a person to whom subsection (1) or (2) applies departs Fiji before the end of the period specified by the Permanent Secretary or Minister, the Permanent Secretary or Minister may direct that the person be deemed not to have been removed or deported from Fiji.

(4) A person to whom this section applies remains subject to any prescribed exclusion period.”

Section 59A inserted

25. The Principal Act is amended before section 60 by inserting the following new section—

“Bank accounts

59A.—(1) The permanent secretary responsible for finance must open at one or more banks in Fiji bank accounts for the performance of the functions of the Ministry.

(2) Money received by the Ministry or by any officer or employee on behalf of the Ministry, must, as soon as practicable after it has been received, be paid into the bank account.

(3) The withdrawal or payment of money from the bank account must be—

- (a) authorised by the Permanent Secretary prior to withdrawal or payment; or
- (b) submitted to the Permanent Secretary for confirmation as soon as practicable after the withdrawal or payment.

(4) The withdrawal or payment of money from the account may be made only by a person the permanent secretary for finance authorises.”

Section 62A inserted

26. The Principal Act is amended after section 62 by inserting the following new section—

“Fees and charges non-refundable

62A. All fees and charges payable under this Act and Regulations are non-refundable.”

Section 63A inserted

27. The Principal Act is amended after section 63 by inserting the following new section—

“Authorised electronic systems

63A.—(1) The Minister may, by notice published in the Gazette, approve an authorised electronic system for the purposes of recording and sharing information, and making applications and decisions in relation to visas or permits under this Act.

(2) If a system authorised under subsection (1) is used to make a decision, the decision is taken to have been made by the person appointed or delegated to make the decision under this Act unless proven otherwise.”

Section 65A inserted

28. The Principal Act is amended after section 65 by inserting the following new section—

“Proceedings conducted by Ministry

65A.—(1) The Permanent Secretary may authorise an immigration officer to—

- (a) conduct any prosecution in court of any offence under this Act, Travel Documents Act 2002 and the Citizenship of Fiji Act 2009;

(b) appear in any civil proceedings in court for the recovery of any fee, levy, bond or financial obligation under this Act, Travel Documents Act 2002 and the Citizenship of Fiji Act 2009.

(2) The Permanent Secretary may only authorise an immigration officer if the officer is a legal practitioner with a valid practising certificate issued under the Legal Practitioners Act 2009.”.

Section 66 amended

29. The Principal Act is amended by deleting section 66 and substituting the following—

“Infringement notices

66.—(1) Subject to this Division, where an immigration or enforcement officer has reason to believe that a person has committed an offence specified in Schedule 3 or as prescribed by regulations, the immigration or enforcement officer may issue an infringement notice to the person.

(2) An infringement notice must—

- (a) name the person to whom the infringement notice is issued;
- (b) specify the particulars of the offence;
- (c) specify the fixed penalty that the person named on the infringement notice is required to pay; and
- (d) specify any other information prescribed by regulations.”

Section 68 amended

30. Section 68 of the Principal Act is amended by—

(a) in subsection (1)—

- (i) deleting paragraphs (i) and (l); and
- (ii) deleting paragraph (n) and inserting the following—
 - “(n) for the storage, handling, and management of evidence collected in relation to offences under this Act, Passport Act 2002 and the Immigration Act 2003;
 - (o) for the establishment of the laboratories for the analysis and examination of documents and other evidence collected under this Act Passport Act 2002 and the Immigration Act 2003; and
 - (p) any other matter required to be prescribed for the purposes of this Act.”; and

(b) after subsection (1), inserting the following new subsections—

“(1A) The regulations may prescribe matters that are required to be prescribed or are necessary or convenient to be prescribed for the issuance of infringement notices under section 66, including—

- (a) additional offences for which infringement notices may be issued;
- (b) the fixed penalties for prescribed offences;
- (c) the manner, form and timeframes for which infringement notices are to be issued;
- (d) the actions a person may undertake after receiving an infringement notice; and
- (e) other penalties that a person to whom an infringement notice has been issued may be liable to, including—
 - (i) a late payment fee; and
 - (ii) notwithstanding anything contained in any written law, the closure of a business.

(1B) The Regulations may prescribe matters in relation to API data and passenger details or records, including—

- (a) the data elements of API that are to be collected;
- (b) the timing, content and procedures for collecting and providing information under sections 12A to 12E;
- (c) the processing and use of API by receiving agencies under sections 12A to 12F;
- (d) data protection safeguards and independent oversight mechanisms;
- (e) offences for failure to comply with the requirements of paragraphs (a) and (b);
- (f) penalties for failure to comply with the requirements of paragraphs (a) and (b), which may be—
 - (i) for a natural person, a fine of \$25,000; or
 - (ii) for a body corporate, a fine of \$100,000.
- (g) acceptable defences and circumstances under which a carrier, operator and master may claim an exemption from the requirements of section 6; and
- (h) fees for API and PNR processing, including a service fee for the Ministry.”; and

(c) in subsection (3), deleting “any other”.

Section 68A inserted

31. The Principal Act is amended after section 68 by inserting the following new section—

“Act to prevail

68A. Notwithstanding the provisions of any other written law, this Act has effect, and where there is any inconsistency between this Act and any other written law, this Act prevails to the extent of the inconsistency.”

Consequential amendments

32. The Customs Act 1986 is amended by—

(a) in section 2(1), deleting the definition of “biometric information”, “commercial transportation operator”, “passenger name record” or “PNR”, and “personal information”; and

(b) deleting Part 5B.

May 2026

IMMIGRATION (AMENDMENT) BILL 2026

EXPLANATORY NOTE

(This note is not part of the Bill and is intended only to indicate its general effect)

1.0 BACKGROUND

- 1.1 The Immigration (Amendment) Bill 2026 (**‘Bill’**) seeks to amend the Immigration Act 2003 (**‘Act’**) to streamline compliance and align it with Constitution of the Republic of Fiji (**‘Constitution’**) and international standards.
- 1.2 Key changes include reducing the age of a child from 21 to 18 years, introducing new definitions related to passenger information and security systems, and mandating the submission of advance passenger information (API) and biometric data.
- 1.3 The Bill also clarify admissibility of evidence, entitlements for exemptions under diplomatic provisions, and expand visitor permits to include work, volunteering, and short-term study for up to one month.
- 1.4 The Bill also creates a framework for protecting victims of human trafficking, enable the Fiji Immigration Department to manage its own bank account, and introduce an infringement notice system for specified offences.
- 1.5 Additionally, provisions for confidentiality and information-sharing in passenger data systems are established, empowering regulations are introduced for penalties and operational efficiency and Certificates of identity are removed, shifting their management to the Travel Documents Act 2002.

2.0 CLAUSES

- 2.1 Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the amending legislation will come into force on a date or dates appointed by the Minister by notice in the Gazette.
- 2.2 Clause 2 of the Bill amends section 2 of the Act to decrease the age of a child from 21 years to 18 years in line with the Constitution. It also inserts new definitions, for terms such as the advance passenger information system, Alert List, Regional Watch List and infringement notices.

- 2.3 Clause 3 inserts a new Part 1A establishing that every Fijian citizen has the inherent right to be in Fiji at any time. It clarifies, however, that citizens remain subject to lawful procedures for recording movements and maintaining border security. Most notably, it provides absolute protection against the removal or deportation of Fijian citizens under any circumstances, enshrining a statutory right of entry and immunity from expulsion.
- 2.4 Clause 4 introduces a new Division in Part 2 setting out the Minister’s overarching powers. It allows the Minister to issue written policy directions to the Permanent Secretary and immigration officers (section 3B); to make specific operational directions regarding deportation, detention, and financial matters (section 3C); to issue orders and regulations such as visa exemptions, prohibited-immigrant declarations, or authorised airports (section 3D); to exercise miscellaneous powers like authorising visa issuers or approving data-sharing arrangements (section 3E); and to delegate selected powers to the Permanent Secretary (section 3F). Collectively, these provisions codify and expand the Minister’s administrative and regulatory authority within the immigration system.
- 2.5 Clause 5 reorganises Part 2 of the Act by introducing a new Division 2 heading, clearly separating the Permanent Secretary’s operational powers from those of the Minister. It serves primarily to structure the Act and provide administrative clarity.
- 2.6 Clause 6 revises section 4 to provide for immigration and enforcement officers, recognising dual enforcement functions under the Act. It also deletes the former subsections (2)–(5), simplifying the section to focus on the Permanent Secretary’s administrative control over officers.
- 2.7 Clause 7 inserts new provisions comprehensively defining the Permanent Secretary’s powers, including issuing and cancelling visas and permits, granting refugee status, removing prohibited immigrants, appointing appeal officers, and approving publication of prohibited-immigrant details. It also inserts a new section 4B which empowers the Permanent Secretary to delegate most of these powers to immigration or enforcement officers, ensuring administrative flexibility while preserving accountability.
- 2.8 Clause 8 expands officers’ powers by authorising searches of persons and their belongings without a warrant, including electronic devices, to discharge official duties. It clarifies that “documents” include health records and vaccine status to assess compliance with health-entry requirements.
- 2.9 Clause 9 adds a new title—“Division 1: Entry and Departure Requirements”—to improve the structural organisation of provisions dealing with immigration clearance and travel documentation.

- 2.10 Clause 10 amends section 6 of the Act to mandate electronic submission of advance passenger information (API) through a single-window system for all travellers entering or leaving Fiji. It also empowers the Minister to prescribe by regulation the specific data elements, processing rules transmission methods, data-protection safeguards, and oversight mechanisms for API, modernising Fiji’s border-management framework.
- 2.11 Clause 11 amends section 7 of the Act to transfer the authority to issue visas from “an immigration officer” to the Permanent Secretary, consolidating decision-making power at the senior administrative level.
- 2.12 Clause 12 amends section 8 of the Act to lower the age at which a child of a Fijian citizen may enter without a permit from 21 to 18 and extends automatic entry exemptions to persons covered under the Diplomatic Missions and International Organisations Act 2016. Related cross-references are updated accordingly.
- 2.13 Clause 13 amends section 9 of the Act to clarify the categorisation of permit types to cover visitors, investors, residents, and those residing to work. It allows limited short-term work rights under visitor permits (one month, or longer as prescribed by regulation), requires regulations to define permit validity periods, and voids permits automatically upon deportation. It also updates wording to align with these structural changes.
- 2.14 Clause 14 amends section 11 of the Act for clarity.
- 2.15 Clause 15 substitutes a new section 12 of the Act affirming that the grant, variation, or cancellation of a visa or permit is at the discretion of the Permanent Secretary, thereby eliminating any perception of entitlement and reinforcing administrative discretion.
- 2.16 Clause 16 amends section 13 of the Act to replaces references to the “Minister” with “Permanent Secretary,” adds exceptions allowing persons entering Fiji for trial, imprisonment, or as victims or detainees to remain without permits, and authorises regulations for temporary work or stay permits for such individuals. It updates the prohibited-immigrant framework to align with modern humanitarian and procedural standards.
- 2.17 Clause 17 introduces new sections 12A–12F establishing a data-governance framework for immigration information. It provides rules on confidentiality, data processing, inter-agency and international information-sharing agreements, cooperation with advance-passenger-data organisations, and strict limits on data retention (five years, with depersonalisation after two). It also allows temporary extensions of data retention for investigations, modernising Fiji’s border-security and privacy regime.

- 2.18 Clauses 18 to 20 repeal obsolete provisions to streamline the Act, removing redundant procedural or administrative content that is now superseded by the new structure.
- 2.19 Clause 21 retitles Part 7 to “Removal and Deportation,” distinguishing between removal (administrative action by the Permanent Secretary) and deportation (executive order by the Minister) and inserts sections 48A and 48B giving the Permanent Secretary authority to issue removal orders against prohibited immigrants, prescribe procedures for custody and transportation, and allocate financial responsibility for removal costs between carriers and the State. It also details enforcement mechanisms and offences for non-compliance by carriers.
- 2.20 Clause 22 amends section 49 of the Act to correct the cross-referencing based on the new structure.
- 2.21 Clause 23 amends section 55 of the Act to clarify that the Permanent Secretary may direct the collection and use of deportees’ property.
- 2.22 Clause 24 inserts a new section 57A that allows the Permanent Secretary or Minister to permit voluntary departure instead of enforced removal or deportation, provided certain conditions are met. Persons departing voluntarily may, by direction, be deemed not to have been removed or deported, though they remain subject to exclusion periods. This introduces a humane, discretionary alternative to forced expulsion.
- 2.23 Clause 25 inserts a new section 59A which allows the Ministry to maintain official bank accounts for all monies received and spent under the Act. It prescribes authorisation and accountability procedures for withdrawals, embedding financial-management safeguards.
- 2.24 Clause 26 inserts a new section 62A which declares that all fees and charges payable under the Act or its regulations are non-refundable, ensuring cost recovery and administrative clarity.
- 2.25 Clause 27 inserts a new section 63A which empowers the Minister to approve electronic systems for immigration applications, decisions, and data recording, and provides that any decision made through an authorised system is legally valid as if made by the authorised officer, facilitating e-governance and digital transformation.
- 2.26 Clause 28 of the Bill inserts new section 65A of the Act.
- 2.27 Clause 29 replaces section 66 with a new provision which introduces a new infringement-notice regime allowing immigration or enforcement officers to issue fixed-penalty notices for specified offences. It defines required notice contents and procedural details, simplifying enforcement for minor infractions.
- 2.31 Clause 30 amends section 68 and significantly expands regulation-making

authority to cover infringement-notice procedures, penalties, late-payment fees, business closures, and comprehensive provisions for API data management, privacy, offences, and carrier compliance, including substantial fines for individuals and corporations.

- 2.28 Clause 31 inserts a new section 68A which establishes that the Act overrides any inconsistent written law, giving it primacy in immigration-related matters and eliminating legal ambiguity.
- 2.29 Clause 32 consequentially amends the Customs Act 1986 to delete definitions and Part 5B of that Act concerning biometric and passenger-data provisions, as these are now consolidated within the Act. This ensures legislative coherence and avoids duplication between customs and immigration frameworks.

3.0 MINISTERIAL RESPONSIBILITY

- 3.1 The Act comes under the responsibility of the Minister responsible for immigration.

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