

# BILL NO. 8 OF 2026

## A BILL

### FOR AN ACT TO AMEND THE CITIZENSHIP OF FIJI ACT 2009

ENACTED by the Parliament of the Republic of Fiji—

*Short title and commencement*

- 1.—(1) This Act may be cited as the Citizenship of Fiji (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 Citizenship of Fiji Act 2009 is referred to as the “Principal Act”.

*Section 3 amended*

2. Section 3 of the Principal Act is amended by—
  - (a) in the definition of “commencement date”, deleting “and”;
  - (b) in the definition of “Permanent Secretary”, deleting “the Immigration Department.” and substituting “immigration; and”; and
  - (c) inserting the following new definitions—

““Banaban community” has the meaning given in section 2 of the Banaban Settlement Act 1970;”;

““Ministry” means the ministry responsible for immigration;”;

““permanent residence permit” means a permanent residence permit which entitles a person to reside and work in Fiji as prescribed by the Minister pursuant to section 9(4) of the Immigration Act 2003;”;

““special purpose permit” means a permit to enter Fiji for a special purpose as prescribed by the Minister pursuant to section 9(4) of the Immigration Act 2003.”.

*Section 8 amended*

**3.** Section 8 of the Principal Act is amended by—

- (a) in subsections (2), (3), (4) and (5) after “18”, inserting “years”; and
- (b) deleting subsection (7) and substituting the following—

“(7) An application for citizenship by registration made by an adult who is or has been married to a citizen must be granted if the applicant complies with the conditions prescribed by subsections (8) and (9) and—

- (a) on and after the commencement of the Citizenship of Fiji (Amendment) Act 2026 but before 1 January 2030, has been lawfully present in Fiji for a total of 3 of the 5 years immediately before the application; or
- (b) on and after 1 January 2030, is the holder of a permanent residence permit and has been lawfully present in Fiji under a permanent residence permit for a total of 3 of the 5 years immediately before the application.”.

*Section 10 amended*

**4.** Section 10 of the Principal Act is amended by—

- (a) deleting the heading and substituting “Grant of certificate of registration”;
- (b) in subsection (2) after “18”, inserting “years”; and
- (c) after subsection (2), inserting the following new subsection—

“(3) The Minister may refuse to grant a certificate of registration if the applicant fails to satisfy the Minister that the applicant is of good character.”.

*Section 11 amended*

**5.** Section 11 of the Principal Act is amended by deleting subsection (2) and inserting the following new subsections—

“(2) On and after the commencement of the Citizenship of Fiji (Amendment) Act 2026 but prior to 1 January 2035, a person may only qualify for the grant of a certificate of naturalisation under section 13, if the person—

- (a) has been lawfully present in Fiji for a total of 8 of the 10 years immediately before the application for naturalisation;

- (b) is of good character;
- (c) intends to continue to reside in Fiji; and
- (d) has adequate knowledge of the English language and of the responsibilities and privileges of Fijian citizenship in accordance with rules and guidelines which may be prescribed by regulations.

(3) On and after 1 January 2035, a person may only qualify for the grant of a certificate of naturalisation under section 13, if the person—

- (a) is the holder of a valid permanent residence permit;
- (b) has been lawfully present in Fiji for a total of 8 of the 10 years immediately before the application for naturalisation;
- (c) is of good character;
- (d) intends to continue to reside in Fiji; and
- (e) has adequate knowledge of the English language and of the responsibilities and privileges of Fijian citizenship in accordance with rules and guidelines which may be prescribed by regulations.

(4) For the avoidance of doubt, in calculating the period in subsection (3)(b), the Minister must—

- (a) not take into account any period in which the applicant was not a holder of a valid permanent residence permit; and
- (b) where the applicant has held more than one permanent residence permit, only take into account consecutive periods in which the applicant has held a permanent residence permit.”.

*Section 12 amended*

**6.** Section 12(2) of the Principal Act is amended by deleting “An” and substituting “Subject to section 22(2), an”.

*Part 8 deleted*

**7.** The Principal Act is amended by deleting Part 8.

*Section 22 amended*

**8.** The Principal Act is amended by deleting section 22 and substituting the following—

*“Transition – Citizenship of Fiji (Amendment) Act 2026*

22.—(1) At the commencement of the Citizenship of Fiji (Amendment) Act 2026, any application for citizenship by naturalisation, the processing of which had not been completed, is to be processed under this Act in force prior to the commencement of the Citizenship of Fiji (Amendment) Act 2026.

(2) At the commencement of the Citizenship of Fiji (Amendment) Act 2026 and for a period of 5 years after commencement, an application for naturalisation by a member of the Banaban community residing in Fiji is not subject to the prescribed fee.”.

*Section 23 amended*

**9.** Section 23(a) of the Principal Act is amended by—

(a) deleting subparagraph (iii) and substituting the following—

“(iii) was present in Fiji pursuant to a visitor, study, research or training permit issued under the Immigration Act 2003;”; and

(b) after subparagraph (iv), inserting the following new subparagraphs—

“(v) was present in Fiji pursuant to a special purpose permit issued under the Immigration Act 2003; or

(vi) was present in Fiji pursuant to a co-extensive residence permit issued in relation to a student permit under the Immigration Act 2003.”.

*Section 26 amended*

**10.** Section 26 of the Principal Act is amended by deleting “save that the power to make regulations under section 27 may only be delegated to the Director of Immigration”.

*Repeal*

**11.** The Citizenship of Fiji (Amendment) Act 2020 and Citizenship of Fiji (Revised Budget Amendment) Act 2022 are repealed.

## **CITIZENSHIP OF FIJI (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 Citizenship of Fiji (Amendment) Bill 2026 (**‘Bill’**) seeks to amend the Citizenship of Fiji Act 2009 (**‘Act’**) to update the rules for acquiring Fijian citizenship by naturalisation and registration, ensuring the integrity and value of Fijian citizenship, as well as for other technical and related matters.
- 1.2 The Bill modernises Fiji’s citizenship framework by updating administrative structures, redefining key terms, and revising pathways to citizenship. It establishes the Ministry of Immigration as the responsible authority and introduces permanent residence and special purpose permits as new categories supporting the acquisition of citizenship other than by birth.
- 1.3 The Bill sets clearer and more consistent requirements for citizenship by registration and naturalisation, linking eligibility to lawful residence and, from 2030 onward, to holding a permanent residence permit. It removes fees for members of the Banaban community, clarifies that temporary permits do not count toward residence requirements, and ensures that pending applications are processed under the provisions of the Act efficiently.
- 1.4 The Bill also streamlines the Act by removing overlapping provisions already covered by the Immigration Act 2003 and prohibiting the delegation of regulation-making powers below ministerial level, while repealing two uncommenced amendment Acts to consolidate the legal framework.

#### **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 3 of the Act to provide for the administrative change of the former Department of Immigration to the Ministry of Immigration and to insert new definitions to give effect to the new citizenship framework. These include definitions for permanent residence and special purpose permits, which will be an integral stepping stone for the acquisition of citizenship other than by birth.
- 2.3 Clause 3 of the Bill amends section 8 of the Act to provide new qualifying criteria for citizenship by registration for a person married to a citizen. An adult who is or has been married to a citizen may apply for citizenship by registration, and the application must be granted if the applicant satisfies the existing conditions as well as one of the following residence requirements:
- (a) for applications made on or after the commencement of the Citizenship of Fiji (Amendment) Act 2026 but before 1 January 2030, the applicant must have been lawfully present in Fiji for a total of three of the five years immediately preceding the application; or
  - (b) for applications made on or after 1 January 2030, the applicant must hold a permanent residence permit and must have been lawfully present in Fiji under that permit for a total of three of the five years immediately before the application.
- 2.4 Clause 4 of the Bill amends section 10 of the Act to clarify the heading of the section and to insert the word “years” after “18”.
- 2.5 Clause 5 of the Bill amends section 11 of the Act to set out the new rules for acquiring citizenship by naturalisation in Fiji. From the commencement of the Citizenship of Fiji (Amendment) Act 2026 until 1 January 2035, a person qualifies for naturalisation if they have lawfully lived in Fiji for a total of eight years within the ten years immediately before applying, are of good character, intend to continue residing in Fiji, and have adequate knowledge of the English language and of the duties and privileges of citizenship.
- 2.6 However, from 1 January 2035 onwards, applicants must also hold a valid permanent residence permit, in addition to meeting the same residence, character, intention, and knowledge requirements. When calculating the qualifying period, only time spent lawfully in Fiji while holding a valid permanent residence permit is counted, and only consecutive periods of such residence are included.
- 2.7 Clause 6 of the Bill amends section 12(2) of the Act to clarify that the payment of the application fee is subject to the transitional arrangement inserted by clause 8.

- 2.8 Clause 7 of the Bill deletes Part 8 of the Act as it is already adequately covered by the Immigration Act 2003, which is the appropriate law for the rules of residence in Fiji.
- 2.9 Clause 8 of the Bill amends the Act to replace the current section 22, which is a spent transitional provision, with a new transitional provision. Upon commencement of the Citizenship of Fiji (Amendment) Act 2026, any pending applications for naturalisation must continue to be processed under the laws that applied before the amendment came into force. In addition, for the first five years after commencement, members of the Banaban community residing in Fiji may apply for naturalisation without being required to pay the prescribed application fee.
- 2.10 Clause 9 of the Bill amends section 23 of the Act to clarify that in calculating the period a person is present in Fiji for the purposes of determining whether the person qualifies for citizenship, the Minister must not take into account the time spent under a visitor, study, research or training permit, special purpose permit or coextensive residence permit as these are intended to be temporary in nature.
- 2.11 Clause 10 of the Bill amends section 26 of the Act to remove the power to delegate regulation making authority under the Act, as this is not best practice standards. The power to make subsidiary legislation must not be delegated to an operational level.
- 2.12 Clause 11 of the Bill repeals the Citizenship of Fiji (Amendment) Act 2020 and Citizenship of Fiji (Revised Budget Amendment) Act 2022, both of which have not commenced.

### **3.0 MINISTERIAL RESPONSIBILITY**

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

S. D. TURAGA  
Acting Attorney-General