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CHAPTER 108

PASSPORTS

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PASSPORTS

To make provision for the issue and the production of passports and matters connected therewith.

1. Interpretation

In this Act unless the context otherwise requires –

"Minister" means the Minister for the time being responsible for home affairs;

"passport" means a passport issued by or on behalf of a Government of the country of which the person to whom it relates is a subject or citizen and which by means of an attached photograph and otherwise identifies that person and which is still in force;

"passport holder" means a person in whose name and to whom a passport has been issued;

"Principal Passport Officer" means the Principal Passport Officer appointed under section 2 or any other immigration officer or other officer acting under the authority of the Principal Passport Officer.

2. Appointment of Principal Passport Officer

The Minister shall appoint in writing a person as he may think fit to be the Principal Passport Officer who shall be responsible for carrying out the duties of the Principal Passport Officer under this Act.

3. Issue of passports

(1) A citizen of the Republic of Vanuatu shall be issued with a passport if he makes application either himself or by his parent or lawful guardian to the Principal Passport Officer on the prescribed form.

(2) An applicant for a passport under subsection (1) shall provide such evidence of his entitlement to citizenship as may be prescribed.

4. Endorsement of name of young persons

The Principal Passport Officer may endorse the name and particulars of a person under the age of 16 years on the passport of the parent or lawful guardian of that person.

5. Certificates of identity or travel documents

(1) When for any reason it is not practicable to issue a passport to a citizen the Principal Passport Officer shall if he considers that the citizen has urgent need to travel issue him with a certificate of identity or travel document.

(2) The Principal Passport Officer may issue a certificate of identity or travel document to a person who, he is satisfied, is either a stateless person or a refugee.

6. Persons entering or leaving Vanuatu to be in possession of valid current passports

(1) Subject to section 7 all persons entering or leaving Vanuatu shall be in possession of a valid current passport.

(2) All persons entering or leaving Vanuatu shall on demand by the Principal Passport Officer produce their passport for inspection and endorsement by him.

7. Discretion of Principal Passport Officer to permit persons to enter without passports

(1) The Principal Passport Officer may in his discretion permit persons to enter or leave Vanuatu who carry a certificate of identity or travel document.

(2) The Principal Passport Officer may in his discretion permit a person to enter Vanuatu without a passport or a current passport if he is satisfied that –

(a) the passport of that person has been lost on his journey to Vanuatu or because of a genuine mistake expired during that journey; and

(b) a new passport or renewal of passport can be obtained before the end of the period in which that person is lawfully permitted to remain in Vanuatu.

8. Principal Passport Officer may require person to deliver passport for retention

(1) The Principal Passport Officer may require any person entering Vanuatu or who is present in Vanuatu but not a resident therein to deliver his passport to the Principal Passport Officer for retention by him.

(2) The Principal Passport Officer shall return a passport delivered to him in accordance with subsection (1) when the person to whom it was issued leaves Vanuatu.

9. Power of court to order delivery to it of passport in criminal proceedings

(1) A court may order any person to deliver to it the passport of any non-citizen who is granted bail, remanded in custody or sentenced to a term of imprisonment or a fine.

(2) The court shall return the passport to the passport holder or the person claiming lawful custody thereof when the passport holder is no longer subject to criminal proceedings, has completed his term of imprisonment or paid his fine.

(3) A court may make an order under subsection (1) on its own motion or on application by a person conducting the prosecution of the passport holder.

10. Power of court to order delivery to it of passport in civil proceedings

(1) A court may on its own motion or on the application of any person order any person to deliver to it the passport of any non-citizen as security for payment of a judgment debt including an order for periodic payments.

(2) A court shall not make an order under subsection (1) if the passport holder provides other adequate security.

(3) The court shall return a passport delivered to it under subsection (1) when either adequate security has been provided to it or it is satisfied that security is no longer required.

11. Power of Principal Passport Officer to take possession of passports in certain circumstances

(1) The Principal Passport Officer may take possession of any passport which he reasonably believes is in the wrongful possession of a person or has been issued or renewed by means of any wilfully false or misleading statement.

(2) A person having in his possession or control a passport to which subsection (1) applies shall on demand deliver it without unreasonable delay to the Principal Passport Officer.

12. Confiscation of passports of citizens

Subject to section 11 a passport issued in accordance with this Act may only be taken from a citizen –

(a) in accordance with emergency regulations made under article 69 of the Constitution; or

(b) by order of a court made in the same circumstances and in the same manner as is provided for the passports of non-citizens in sections 9 and 10.

13. Offences

A person who wilfully –

(a) refuses or neglects to comply with a lawful request or demand made pursuant to this Act;

(b) makes any false statement for the obtaining of a passport, certificate of identity or travel document;

(c) makes any false statement or representation to the Principal Passport Officer in connection with section 7;

(d) knowingly and unlawfully makes any alteration, addition, deletion or endorsement in any passport, certificate of identity or travel document;

(e) in any other manner contravenes the provisions of this Act; or

(f) aids or abets any person to do or neglect to do as the case may be any of the aforementioned,

is guilty of an offence and on conviction shall be liable to imprisonment for 5 years or to a fine of VT 100,000 or to both such fine and imprisonment.

14. Regulations

The Minister may by Order make regulations not inconsistent with this Act prescribing any thing that may be required to be prescribed including the form of passports to be issued under this Act and the fees payable on applications made under this Act.