

**SUPPLEMENT** to the Solomon Islands GazetteTuesday 31<sup>st</sup> December, 2013

S.I. No.60

[Legal Notice No. 110]

**IMMIGRATION ACT 2012****IMMIGRATION REGULATIONS 2013**

IN exercise of the powers conferred by section 90 of the Immigration Act 2012, I, **ELIJAH DORO MUALA**, Minister of Commerce, Industries, Labour and Immigration, do hereby make the following regulations.

**PART 1 – PRELIMINARY****1. Short title and commencement**

These regulations may be cited as the Immigration Regulations 2013 and come into operation on a date to be appointed by the Minister by notice in the *Gazette*.

**2. Definition**

(1) An expression that is defined in the Immigration Act 2012 has the same meaning these regulations as it has in that Act, unless the context otherwise requires.

(2) In these regulations, unless the context otherwise requires:

“Act” means the Immigration Act 2012;

“approved sponsor” means:

(a) for a person applying for an extended stay visitor visa, a person approved under regulation 78 whose approval has not been cancelled under regulation 80; or

(b) for a person applying for a short-term employment visa, a long-term employment visa or a special purpose visa, an entity approved under regulation 81 whose approval has not been cancelled under regulation 83; or

(c) for a person applying for a family relationship visa or a foreign national dependant visa, a person approved under regulation 84 whose approval has not been cancelled under regulation 86;

“close relative” means a relative no more distant than first cousin;

“long stay visa” has the meaning given by regulation 18(4);

“primary applicant”, for a visa application that includes more than one person, means the person identified in the application as the primary applicant;

“primary visa holder” means the holder of a visa who was identified in the visa application as the primary applicant;

“secondary applicant”, for a visa application that includes more than one person, means a person who is the spouse, or a child aged under 18, of the primary applicant;

“secondary visa holder” means the holder of a visa who was identified in the visa application as a secondary applicant;

“specific requirement” means a requirement for the grant of a visa which is described in these regulations as a specific requirement;

“sponsor obligation” means an obligation in regulation 79, 82 or 85;

“standard requirement” has the meaning given by regulation 8.

**PART 2 – CONTROL OF ARRIVALS AND DEPARTURES****3. Prescribed period for person to present to immigration officer**

For the purposes of subsection 6(1)(d) of the Act, the prescribed period is:

- (a) for a person who arrives on a vessel, the period of 24 hours starting at the time the person disembarks the vessel; or
- (b) for a person who arrives on an aircraft otherwise than at a designated airport, the period of 24 hours starting at the time the aircraft lands in Solomon Islands.

**4. Prescribed entry requirements**

For the purposes of section 6(2) of the Act, the prescribed entry requirements for a person of the kind specified in an item in column 1 are the requirements specified in column 2 for that kind of person.

	<b>Column 1 For this kind of person:</b>	<b>Column 2 The prescribed entry requirements are:</b>
1	Solomon Islands citizen	The person presents to the immigration officer a Solomon Islands passport, or other Solomon Islands travel document acceptable to the Director, that belongs to the person and is in effect.
2	Exempt person	The person: (a) presents to the immigration officer a passport, or other travel document acceptable to the Director, that belongs to the person and is in effect; and (b) satisfies the immigration officer that the person is an exempt person.

	<b>Column 1 For this kind of person:</b>	<b>Column 2 The prescribed entry requirements are</b>
3	A person not covered by item 1 or 2 who claims to hold a visa that is in effect	The person: (a) present to the immigration officer a passport, or other travel document acceptable to the Director, that belongs to the person and is in effect; and (b) presents to the officer evidence of the visa that the person claims to hold; and (c) the officer is satisfied that the person holds the visa, that the visa is in force and that the person continues to meet the requirements for the grant of that visa.
4	A person not covered by item 1, 2 or 3	The person: (a) presents to the immigration officer a passport, or other travel document acceptable to the Director, that belongs to the person and is in effect; and (b) the Director is satisfied that the person meets the requirements for the grant of a visa of a particular class; and (c) the Director grants the person a visa of that class.

**5. Permission to depart Solomon Islands**

For the purposes of subsection 8(1)(d) of the Act, the prescribed period is the period of 2 days before the aircraft or vessel departs.

**PART 3 – VISAS****DIVISION 1 - EXEMPTIONS****6. Prescribed exempt persons**

- (1) A person is a prescribed person for the purposes of subsection 11(1)(d) of the Act if:
- (a) all of the following apply:
    - (i) the person is a passenger on a vessel that is a cruise ship or a yacht, or a member of the crew of a vessel; and
    - (ii) the vessel is stopping in Solomon Islands on its way to a destination outside Solomon Islands; and
    - (iii) no more than a month, or another period determined by the Director under sub regulation (2), has passed since the vessel arrived in Solomon Islands; and
    - (iv) the person has not remained in Solomon Islands following the departure of the vessel; and
    - (v) the Director is satisfied that there is no reason to believe there is a character concern about the person within the meaning of section 23 of the Act; and
    - (vi) the Director is satisfied that no restriction period applies to the person under section 42 of the Act; or
  - (b) the person arrived in Solomon Islands by way of traditional passage.
- (2) The Director may determine, by notice published in the *Gazette*, another period for the purposes of sub regulation (1)(a)(iii), in relation to a particular vessel, a class of vessels or vessels generally.

**DIVISION 2 - GENERAL PROVISIONS ABOUT VISAS****7. Classes of visa and requirements for visa**

- (1) For the purposes of section 17 of the Act, the classes of visa listed in column 1 of the table are prescribed. For the purposes of section 18 of the Act, the requirements for a visa listed in column 1 are the requirements set out in column 2 for that visa.

	<b>Column 1 Class of visa</b>	<b>Column 2 Requirements for visa</b>
1	visitor visa	all of the standard requirements and the specific requirements set out in regulation 13
2	extended stay visitor visa	all of the standard requirements and the specific requirements set out in regulation 18
3	business visa	all of the standard requirements and the specific requirements set out in regulation 22
4	short-term employment visa	all of the standard requirements and the specific requirements set out in regulation 27
5	long-term employment visa	all of the standard requirements and the specific requirements set out in regulation 32
6	provisional investor visa	all of the standard requirements and the specific requirements set out in regulation 37
7	established investor visa	all of the standard requirements and the specific requirements set out in regulation 43
8	family relationship visa	standard requirements 1, 2, 3, 4, 6 and 7 and the specific requirements set out in regulation 48
9	foreign national dependant visa	standard requirements 1, 2, 3, 4, 6 and 7 and the specific requirements set out in regulation 53
10	student visa	all of the standard requirements and the specific requirements set out in regulation 57

	<b>Column 1 Class of visa</b>	<b>Column 2 Requirements for visa</b>
11	special purpose visa	all of the standard requirements and the specific requirements set out in regulation 63
12	refugee protection visa	standard requirements 1, 2 and 7 and the specific requirements set out in regulation 67
13	trafficked person visa	standard requirements 1, 2, 3 and 7 and the specific requirements set out in regulation 70
14	protected person re-entry visa	standard requirements 1, 2 and 7 and the specific requirements set out in regulation 73
15	border visa	all of the standard requirements and the specific requirements set out in regulation 76

#### **8. Standard requirements for visa**

- (1) The standard requirements for a visa are the following:
- (a) standard requirement 1 is that, if an application form is prescribed for the visa in the circumstances that apply to the person:
- (i) the person applies for the visa using that application form; and
  - (ii) the application is given to an immigration officer; and
  - (iii) the application fee prescribed in the Immigration (Fees) Regulations for that visa is paid; and
  - (iv) if there is a conversion fee prescribed for the circumstances in which the application is made in the Immigration (Fees) Regulations, that conversion fee is paid;

- (b) standard requirement 2 is that the Director is satisfied that there is no reason to believe that there is a character concern about the person within the meaning of section 23 of the Act;
  - (c) standard requirement 3 is that the Director is satisfied that there is not a serious health concern about the person within the meaning of section 24 of the Act;
  - (d) standard requirement 4 is that the Director is satisfied that no restriction period applies to the person under section 42 of the Act;
  - (e) standard requirement 5 is that the Director is satisfied that the application bar in regulation 9 does not apply to the person;
  - (f) standard requirement 6 is that the Director is satisfied that the person has satisfied any financial liability arising under this Act;
  - (g) standard requirement 7 is that the application complies with the onshore change of status rules made under section 18(2) of the Act, if:
    - (i) the application is made in Solomon Islands by a person who is already the holder of a visa; and
    - (ii) the application is for a visa of another class.
- (2) For the purposes of standard requirement 2, even if the Director is satisfied that there is a character concern about a person within the meaning of section 23 of the Act, the Minister may determine in writing that it is in the national interest for the Director to disregard that character concern in making a decision about whether to grant the person a visa. If the Minister does so, the Director must comply.

- (3) If there is a character concern about the person because of a recommendation by a relevant authority under subsection 23(1)(c) of the Act, the Minister must not make a determination under subregulation (2) without the agreement of that relevant authority.
- (4) The Minister does not have a duty to consider whether to make a determination under sub regulation (2).

**9. Application bar**

For the purposes of this Part, the application bar applies to a person who is in Solomon Islands if:

- (a) the person is an unlawful non-citizen; and
- (b) the person has been an unlawful non-citizen for at least 21 days.

**10. Primary and Secondary applicants**

- (1) If the prescribed application form for a visa makes provision for a primary applicant and for one or more secondary applicants:
  - (a) the application must include any person who wants a visa and who is a secondary applicant in relation to the primary applicant; and
  - (b) the standard requirements must be met by both the primary applicant and any secondary applicant; and
  - (c) the specific requirements must be met by the primary applicant but do not need to be met by any secondary applicant.
- (2) If the primary applicant or any secondary applicant included in an application for a visa does not meet an applicable requirement for the grant of the visa, all of the applicants are taken not to have met the requirements for the grant of the visa.

**11. Visa granted to more than one non-citizen**

For the purposes of section 12(3) of the Act, the Director may grant a single visa to two or more non-citizens who are included in a single application in accordance with these regulations, if the non-citizens are included on a single passport.

**DIVISION 3 - VISITOR VISA****12. Application form for visitor visa**

If the person who wants the visitor visa is presenting himself or herself to an immigration officer for the purposes of section 6 of the Act, there is no prescribed application form. Otherwise, the prescribed application form for a visitor visa is the form in Schedule 1.

**13. Specific requirements for visitor visa**

- (1) The specific requirements for a visitor visa are:
  - (a) the Director is satisfied that the person is a genuine visitor; and
  - (b) The Director is satisfied that the person has sufficient means of support during the person's visit to Solomon Islands; and
  - (c) if sub regulation (2) applies to the person who wants the visa, the person holds a letter of authority to travel that is signed by the Director and in effect.
- (2) For the purposes of sub regulation (1)(c), this regulation applies if the person:
  - (a) is presenting himself or herself to an immigration officer for the purposes of section 6 of the Act; and
  - (b) is not travelling on a passport issued by a country included in the list of concessional entry arrangement countries published in accordance with section 3 of the Act.

**14. Terms of visitor visa**

- (1) A visitor visa authorises the holder to enter Solomon Islands once only.
- (2) For the purposes of section 22(c) of the Act, the period of stay for a visitor visa is, unless the visa evidence specifies a different period, the period of 6 weeks starting on the day the visa is granted.

**15. Overall limit on time in Solomon Islands on visitor visas**

For the purposes of section 22(d) of the Act, a non-citizen may remain in Solomon Islands while holding a visitor visa for no more than a single period of, or two or more periods that together amount to, 90 days in any calendar year.

**16. Conditions prescribed for visitor visa**

It is a condition of a visitor visa that the visa holder must not engage in work in Solomon Islands, whether or not for remuneration.

**DIVISION 4 – EXTENDED STAY VISITOR VISA****17. Application form for extended stay visitor visa**

The prescribed application form for an extended stay visitor visa is the form in Schedule 2.

**18. Specific requirements for extended stay visitor visa**

- (1) The specific requirements for an extended stay visitor visa are:
  - (a) the applicant is in Solomon Islands and is the holder of a visitor visa; and
  - (b) the Director is satisfied that the applicant should be allowed an extended stay because of compelling special circumstances; and
  - (c) the Director is satisfied that an extended stay because of those compelling special circumstances is not inconsistent with policy in relation to visitors and would not have any adverse impact;
  - (d) the Director is satisfied that the applicant has sufficient means of support during the period of the extended stay; and
  - (e) the Director is satisfied that the extended stay is not for the purposes of employment; and

- (f) if the applicant is applying for the visa in order to spend more time with a close relative who is a Solomon Islands citizen, an exempt person or the holder of a long stay visa within the meaning of sub regulation (4), the requirements in sub regulations (2) and (3) are met.
- (2) For the purposes of sub regulation (1)(f), the close relative (or one of the close relatives) must be an approved sponsor for the applicant.
- (3) For the purposes of sub regulation (1)(f), the approved sponsor must have lodged a bond as required by the Director if, taking into account time the applicant has spent in Solomon Islands while holding a visitor visa together with the proposed period of stay for the extended stay visitor visa, the applicant will be in Solomon Islands for a continuous period of more than 6 months.
- (4) A visa is a long stay visa unless it is a visitor visa, an extended stay visitor visa, a business visa or a short-term employment visa.

**19. Terms of extended stay visitor visa**

- (1) An extended stay visitor visa authorises the holder to stay in Solomon Islands. It does not authorise the holder to enter Solomon Islands.
- (2) For the purposes of section 22(c) of the Act, the period of stay for an extended stay visitor visa is the period specified in the visa evidence, which must be such that the total period the holder spends in Solomon Islands, taking into account time spent holding a visitor visa together with an extended stay visitor visa, does not exceed a continuous period of:
  - (a) 12 months, if there is an approved sponsor; or
  - (b) 6 months if no sponsor

**20. Conditions prescribed for extended stay visitor visa**

It is a condition of an extended stay visitor visa that the visa holder must not engage in work in Solomon Islands, whether or not for remuneration.

**DIVISION 5 – BUSINESS VISA****21. Application form for business visa**

If the person who wants the business visa is presenting himself or herself to an immigration officer for the purposes of section 6 of the Act, there is no prescribed application form. Otherwise, the prescribed application form for a business visa is the form in Schedule 3.

**22. Specific requirements for business visa**

- (1) The specific requirements for a business visa are:
  - (a) the Director is satisfied that the purposes of the applicant's visit to Solomon Islands is short-term business; and
  - (b) the Director is satisfied that the applicant has sufficient means of support during the applicant's visit to Solomon Islands; and
  - (c) if sub regulation (2) applies to the person who wants the visa, the person holds a letter of authority to travel that is signed by the Director and in effect.
- (2) For the purposes of sub regulation (1)(c), this regulation applies if the person:
  - (a) is presenting himself or herself to an immigration officer for the purposes of section 6 of the Act; and
  - (b) is not travelling on a passport issued by a country included in the list of concessional entry arrangement countries published under section 3 of the Act.

**23. Terms of business visa**

- (1) A business visa authorises the holder to enter Solomon Islands once only.
- (2) For the purposes of section 22(c) of the Act, the period of stay for a business visa is, unless the visa evidence specifies a different period, the period of 6 weeks starting on the day the visa is granted.

**24. Overall limit on time in Solomon Islands on business visas**

For the purposes of section 22(d) of the Act, a non-citizen may remain in Solomon Islands while holding a business visa for no more than a single period of, or two or more periods that together amount to, 90 days in any calendar year.

**25. Conditions prescribed for business visas**

It is a condition of a business visa that the visa holder must not take up employment in Solomon Islands.

**DIVISION 6 – SHORT-TERM EMPLOYMENT VISA****26. Application form for short-term employment visa**

- (1) The prescribed application form for a short-term employment visa is:
  - (a) if there is an authorised electronic system and the person who wants the visa is outside Solomon Islands, an electronic application for a short-term employment visa made using the authorised electronic system; or
  - (b) if there is an authorised electronic system and the person who wants the visa is in Solomon Islands, the form in Schedule 4.

- (2) **To avoid doubt, if there is no authorised electronic system then no person can apply for or be granted a short-term employment visa.**

**27. Specific requirements for short-term employment visa**

- (1) The specific requirements for a short-term employment visa are:
- (a) there is an approved sponsor for the applicant; and
  - (b) the Director is satisfied that the employment is genuine; and
  - (c) the Director is satisfied that the applicant is skilled and that the applicant's skills are relevant to the employment; and
  - (d) the Director is satisfied that the employment is not in an occupation listed by the Minister under sub regulation (2); and
  - (e) if the application is made in Solomon Islands, both:
    - (i) the person is already the holder of a short-term employment visa; and
    - (ii) the person has applied for a long-term employment visa and the application has not been refused.
- (2) The Minister may, by notice published in the *Gazette*, make a list of occupations for the purposes of sub regulation (1)(d).
- (3) A reference in this regulation to employment includes a reference to any kind of arrangement referred to in regulation 81(b).

**28. Terms of short-term employment visa**

- (1) A short-term employment visa may authorise the holder to enter Solomon Islands once only or multiple times, as specified in the visa evidence.

- (2) For the purposes of section 22(a) of the Act, the period of entry validity for a short-term employment visa granted on application made outside Solomon Islands is the period of 6 weeks starting on the day the visa is granted, unless the visa evidence specifies a different period.
- (3) For the purposes of section 22(c) of the Act, the period of stay for a short-term employment visa is, unless the visa evidence specifies a different period, the period of 6 weeks starting on:
  - (a) either:
    - (i) if the visa is granted on application made outside Solomon Islands, the day the holder first enters Solomon Islands with the visa; or
    - (ii) otherwise, the day the visa is granted; and
  - (b) if the visa authorises the holder to enter Solomon Islands multiple times, each subsequent day on which the holder enters Solomon Islands with the visa.

**29. Overall limit on time in Solomon Islands on short-term employment visas**

For the purposes of section 22(d) of the Act, a non-citizen may remain in Solomon Islands while holding a short-term employment visa for no more than a single period of, or two or more periods that together amount to, 90 days in any calendar year.

**30. Conditions prescribed for short-term employment visa**

It is a condition of a short-term employment visa that:

- (a) the visa holder must continue to work for the visa holder's approved sponsor; and
- (b) the visa holder must not work other than for the visa holder's approved sponsor and in accordance with the arrangement referred to in regulation 81(b) in respect of which the sponsor was approved.

**DIVISION 7 – LONG-TERM EMPLOYMENT VISA****31. Application form for long-term employment visa**

The prescribed application form for a long-term employment visa is the form in Schedule 5.

**32. Specific requirements for long-term employment visa**

- (1) The specific requirements for a long-term employment visa are:
  - (a) there is an approved sponsor for the applicant; and
  - (b) the Director is satisfied that the employment is genuine; and
  - (c) the applicant holds a work permit granted by the Commissioner for Labour under the Labour Act.
- (2) A reference in this regulation to employment includes a reference to any kind of arrangement referred to in regulation 81(b).

**33. Terms of long-term employment visa**

- (1) A long-term employment visa authorises the holder to enter Solomon Islands multiple times.
- (2) For the purposes of section 22(a) of the Act, the period of entry validity for a long-term employment visa granted on application made outside Solomon Islands is the period of 3 months starting on the day the visa is granted, unless the visa evidence specifies a different period.
- (3) For the purposes of section 22(c) of the Act, the period of stay for a long-term employment visa is, unless the visa evidence specifies a different period, the period of 2 years starting on:
  - (a) if the visa is granted on application made outside Solomon Islands – the day the visa holder first enters Solomon Islands with the visa; or
  - (b) otherwise, the day the visa is granted.

**34. Conditions prescribed for long-term employment visa**

It is a condition of a long-term employment visa that:

- (a) the primary visa holder must continue to work for the visa holder's approved sponsor; and
- (b) the primary visa holder must not work other than for the visa holder's approved sponsor and in accordance with the arrangement referred to in regulation 81(b) in respect of which the sponsor was approved; and
- (c) the primary visa holder must continue to hold a work permit under the Labour Act; and
- (d) a secondary visa holder must not engage in work in Solomon Islands, whether or not for remuneration, unless he or she holds a work permit under the Labour Act.

**DIVISION 8 – PROVISIONAL INVESTOR VISA**

**35. Definitions**

An expression used in this Division that is defined in the Foreign Investment Act 2005 has the same meaning in this Division as it has in that Act.

**36. Application form for provisional investor visa**

The prescribed application form for a provisional investor visa is the form in Schedule 6.

**37. Specific requirements for provisional investor visa**

- (1) The specific requirements for a provisional investor visa are:
  - (a) the assessing officer is satisfied that the applicant is, or has an interest in, a foreign investor in relation to an investment activity that is registered under the Foreign Investment Act 2005; and

- (b) the assessing officer is satisfied that the activity will involve investment in Solomon Islands of at least \$1 million in the first 12 months of the activity; and
  - (c) if a points test is in force under regulation 38 – the assessing officer is satisfied that the applicant passes the points test; and
  - (d) the Director is satisfied that no other person holds a provisional investor visa or an established investor visa in relation to the same investment activity; and
  - (e) the applicant had lodged an undertaking in the form approved by notice published in the *Gazette* by the Director to provide information specified in the form in relation to the investment activity.
- (2) For the purposes of sub regulation (1)(a) and without limitation, the assessing officer may form the opinion that the applicant has an interest in a foreign investor if:
- (a) the applicant holds shares in the investor; or
  - (b) the applicant is a director of the investor.
- (3) For the purposes of sub regulation (1)(b), the assessing officer must not take account of the following kinds of expenses in determining whether at least \$1 million will be invested:
- (a) expenses incurred in connection with settlement and living expenses for the applicant or the applicant's family;
  - (b) any other expenditure of a private nature incurred by the applicant.

**38. Points test**

- (1) The Director may, by notice published in the *Gazette*, establish a points test for the purposes of regulation 37(1)(c).
- (2) The points test must specify:
  - (a) criteria for assessing an investment activity to which an application relates and the applicant in relation to that investment activity; and
  - (b) the number of points to be awarded if a criterion is met; and
  - (c) the number of points required to pass the test.
- (3) The Director may vary or revoke the test by notice published in the *Gazette*.

**39. Terms of provisional investor visa**

- (1) A provisional investor visa authorises the holder to enter Solomon Islands multiple times.
- (2) For the purposes of section 22(a) of the Act, the period of entry validity for a provisional investor visa granted on application made outside Solomon Islands is the period of 3 months starting on the day the visa is granted, unless the visa evidence specifies a different period.
- (3) For the purposes of section 22(c) of the Act, the period of stay for a provisional investor visa is, unless the visa evidence specifies a different period, the period of 2 years starting on:
  - (a) if the visa is granted on application made outside Solomon Islands, the day the holder enters Solomon Islands with the visa; or
  - (b) otherwise, the day the visa is granted.

**40. Conditions prescribed for a provisional investor visa**

It is a condition of a provisional investor visa that:

- (a) the primary visa holder must give the Director a report in the prescribed form, in the month before the first and second anniversary of the date of grant of the visa, in relation to the relevant preceding year; and
- (b) the primary visa holder must comply with the Foreign Investment Act 2005; and
- (c) the primary visa holder must only engage in work in Solomon Islands that relates to the relevant investment activity or to an investment activity that meets the requirements of regulation 43(3)(b).

**DIVISION 9 – ESTABLISHED INVESTOR VISA****41. Definitions**

An expression used in this Division that is defined in the Foreign Investment Act 2005 has the same meaning in this Division as it has in that Act.

**42. Application form for established investor visa**

The prescribed application form for an established investor visa is the form in Schedule 7.

**43. Specific requirements for established investor visa**

- (1) The specific requirements for an established investor visa are:
  - (a) the applicant is the holder of a provisional investor visa or an established investor visa in relation to an investment activity that is registered under the Foreign Investment Act 2005; and
  - (b) the applicant is conducting an investment activity that meets the requirements in sub regulation (3); and

- (c) the applicant has complied with the terms and conditions of the visa the applicant currently holds; and
  - (d) the Director is satisfied that the investment activity being conducted by the applicant is continuing to operate; and
  - (e) The Director is satisfied that the applicant has maintained and continues to maintain a management interest in the investment activity being conducted.
- (2) To avoid doubt, a reference in sub regulation (1) to a provisional investor visa or established investor visa includes a reference to a permit in force before the commencement of the Act that, because of section 5 of the Schedule to the Act, is taken to be such a visa.
- (3) For the purposes of sub regulation (1)(b), an investment activity meets the requirements in this regulation if:
- (a) the Director is satisfied that it is the activity in respect of which the visa the applicant currently holds was granted; or
  - (b) if it is a different activity:
    - (i) the different activity is registered under the Foreign Investments Act 2005; and
    - (ii) the assessing officer is satisfied that the applicant is, or has an interest in, a foreign investor in relation to the investment activity; and
    - (iii) the assessing officer is satisfied that the amount invested by the applicant in the different activity is similar to or more than the amount the applicant proposed investing in the activity in respect of which the visa the applicant currently holds was granted; and

- (iv) the assessing officer is satisfied that the different activity is providing ongoing employment to Solomon Islands citizens or generating significant export activity.
- (4) Regulation 37(2) applies for the purposes of making a determination under sub regulation (3)(b)(ii) that an applicant has an interest in a foreign investor.

**44. Terms of established investor visa**

- (1) An established investor visa authorises the holder to enter Solomon Islands multiple times.
- (2) For the purposes of section 22(a) of the Act, the period of entry validity for an established investor visa granted on application made outside Solomon Islands is the period of 3 months starting on the day the visa is granted, unless the visa evidence specifies a different period.
- (3) For the purposes of section 22(c) of the Act, the period of stay for an established investor visa is, unless the visa evidence specifies a different period, the period of 5 years starting on:
  - (a) if the visa is granted on application made outside Solomon Islands, the day the holder enters Solomon Islands with the visa; or
  - (b) otherwise, the day the visa is granted.

**45. Conditions prescribed for an established investor visa**

It is a condition of established investor visa that:

- (a) the primary visa holder must give the Director a report in the prescribed form, before the end of the period of 2 months starting at the end of each financial year; and
- (b) the primary visa holder must comply with the Foreign Investor Act 2005; and

- (c) the primary visa holder must only engage in work in Solomon Islands that relates to the investment activity in respect of which the visa was granted or to an investment activity that meets the requirements of regulation 43(3)(b).

**DIVISION 10 – FAMILY RELATIONSHIP VISA**

**46. Application form for family relationship visa**

The prescribed application form for a family relationship visa is the form in Schedule 8.

**47. Kinds of family relationship visa**

There are 2 kinds of family relationship visa:

- (a) family relationship visa (spouse); and
- (b) family relationship visa (child)

**48. Specific requirements for family relationship visa**

- (1) The specific requirements for a family relationship visa are:
  - (a) there is an approved sponsor for the applicant; and
  - (b) for a family relationship visa (spouse), the Director is satisfied that:
    - (i) the applicant is married to the sponsor; and
    - (ii) the relationship between the applicant and the sponsor is current, exclusive and ongoing; and
  - (c) for a family relationship visa (child), the Director is satisfied that:
    - (i) the applicant is the natural child, the legally adopted child or the stepchild of the sponsor; and
    - (ii) the applicant is aged under 18 at the time the application is made; and
    - (iii) the entry of the applicant to Solomon Islands will not breach the rights of any other person entitled to lawful custody of the applicant; and
    - (iv) the sponsor intends to, and has sufficient means to, care for the applicant.

**49. Terms of family relationship visa**

- (1) A family relationship visa authorises the holder to enter Solomon Islands multiple times.
- (2) For the purposes of section 22(a) of the Act, the period of entry validity for a family relationship visa granted on application made outside Solomon Islands is the period of 3 months starting on the day the visa is granted, unless the visa evidence specifies a different period.
- (3) For the purposes of section 22(c) of the Act, the period of stay for a family relationship visa is, unless the visa evidence specifies a different period, the period of 3 years starting on:
  - (a) if the visa is granted on application made outside Solomon Islands, the day the holder first enters Solomon Islands with the visa; or
  - (b) otherwise, the day the visa is granted.

**50. Conditions prescribed for family relationship visa**

It is a condition of a family relationship visa that the visa holder must not engage in work in Solomon Islands, whether or not for remuneration, unless he or she holds a work permit under the Labour Act.

**DIVISION 11 – FOREIGN NATIONAL DEPENDANT VISA****51. Application form for foreign national dependant visa**

The prescribed application form for a foreign national dependant visa (spouse) or a foreign national dependant visa (child) is the form in Schedule 9.

**52. Kinds of foreign national dependant visa**

There are 2 kinds of foreign national dependant visa:

- (a) foreign national dependant visa (spouse); and
- (b) foreign national dependant visa (child).

**53. Specific requirements for foreign national dependant visa**

The specific requirements for a foreign national dependant visa are:

- (a) there is an approved sponsor for the applicant; and
- (b) for a foreign national dependant visa (spouse), the Director is satisfied that:
  - (i) the applicant is married to the sponsor; and
  - (ii) the relationship between the applicant and the sponsor is current, exclusive and ongoing; and
- (c) for a foreign national dependant visa (child), the Director is satisfied that:
  - (i) the applicant is the natural child, the legally adopted child or the step child of the sponsor; and
  - (ii) the applicant is aged under 18 at the time the application is made; and
  - (iii) the entry of the applicant to Solomon Islands will not breach the rights of any other person entitled to lawful custody of the applicant; and
  - (iv) the sponsor intends to, and has sufficient means to, care for the applicant.

**54. Terms of foreign national dependant visa**

- (1) A foreign national dependant visa authorises the holder to enter Solomon Islands multiple times.
- (2) For the purposes of section 22(a) of the Act, the period of entry validity for a foreign national dependant visa granted on application made outside Solomon Islands is the period of 3 months starting on the day the visa is granted, unless the visa evidence specifies a different period.
- (3) For the purposes of section 22(c) of the Act, the period of stay for a foreign national dependant visa is, unless the visa evidence specifies a different period, the period ending on the last day of the period of stay for the visa held by the visa holder's sponsor.

**55. Conditions prescribed for foreign national dependant visa**

It is a condition of a foreign national dependant visa that the visa holder must not engage in work in Solomon Islands, whether or not for remunerations, unless he or she holds a work permit under the Labour Act.

**DIVISION 12 – STUDENT VISA****56. Application form for student visa**

The application form for a student visa is the form in Schedule 10.

**57. Specific requirements for student visa**

The specific requirements for a student visa are that the Director is satisfied that:

- (a) the educational institution with which the applicant is intending to study has completed and lodged a Student Nomination Form approved under regulation 58; and
- (b) the applicant is a genuine student; and

- (c) the applicant has approved acceptable evidence of arrangements for the applicant's material support for the proposed period of stay in Solomon Islands; and
- (d) if the applicant is aged under 18, the entry of the applicant to Solomon Islands will not breach the rights of any person entitled to lawful custody of the applicant; and
- (e) if the applicant is aged under 18, there are appropriate arrangements in place for care of the applicant.

**58. Approved Student Nomination Form**

- (1) For the purposes of regulation 57(a), the Director may approve, by notice published in the *Gazette*, a Student Nomination Form.
- (2) The form approved by the Director must provide for the person completing the form:
  - (a) to give details about the proposed content of a course, the duration of a course; and
  - (b) to make a signed statement that the person is satisfied about the arrangements made by an intending student to pay the course fees (if any).

**59. Terms of student visa**

- (1) A student visa authorises the holder to enter Solomon Islands multiple times.
- (2) For the purposes of section 22(a) of the Act, the period of entry validity for a student visa is the period of 3 months starting on the day the visa is granted.
- (3) For the purposes of section 22(c) of the Act, the period of stay for a student visa is the period specified in the visa evidence, which must not be more than one month longer than the expected duration of the course of study.

**60. Conditions prescribed for student visa**

It is a condition of a student visa that:

- (a) the visa holder must not engage in work in Solomon Islands, whether or not for remuneration; and
- (b) the visa holder must continue to undertake the course of study to which the Student Nomination Form lodged in accordance with regulation 57(a) relates.

**DIVISION 13 – SPECIAL PURPOSE VISA****61. Application form for special purpose visa**

The prescribed application form for a special purpose visa is the form in Schedule 11.

**62. Kinds of special purpose visa**

There are 4 kinds of special purpose visas:

- (a) special purpose visa (volunteer);
- (b) special purpose visa (research);
- (c) special purpose visa (exchange);
- (d) special purpose visa (other).

**63. Specific requirements for special purpose visa**

- (1) The specific requirements for a special purpose visa are:
  - (a) for a special purpose visa (volunteer):
    - (i) there is an approved sponsor for the applicant; and
    - (ii) the Director is satisfied that the applicant is a volunteer, having regard to sub regulation (2); and
    - (iii) The Director is satisfied that the grant of the visa is in all the circumstances appropriate and consistent with the development objectives of the Government; and

- (b) for a special purpose visa (research), the applicant has been granted a research permit under the Research Act; and
  - (c) for a special purpose visa (exchange), the Director is satisfied that the applicant has provided acceptable evidence of an exchange program arrangement, including proposed activities and arrangements for the material support of the applicant; and
  - (d) for a special purpose visa (other), the Director is satisfied that it is appropriate in all the circumstances to grant a visa.
- (2) For the purposes of sub regulation (1)(a)(ii):
- (a) a person cannot be a volunteer if he or she is a full-time employee of a church based in Solomon Islands or a non-government organisation; and
  - (b) a person can be a volunteer even if the person receives money for his or her living expenses from an overseas organisation.

**64. Terms of special purpose visa**

- (1) A special purpose visa may authorise the holder to enter Solomon Islands once only or multiple times, as specified in the visa evidence.
- (2) For the purposes of section 22(a) of the Act, the period of entry validity for a special purpose visa is the period of 3 months starting on the day the visa is granted, unless the visa evidence specifies a different period.
- (3) For the purposes of section 22(c) of the Act, the period of stay for a special purpose visa is the period specified in the visa evidence.

**65. Conditions prescribed for special purpose visa**

It is a condition of a special purpose visa that:

- (a) for a special purpose visa (volunteer):
  - (i) the primary visa holder must continue to work for the visa holder's approved sponsor; and
  - (ii) the primary visa holder must not engage in work in Solomon Islands otherwise than for the visa holder's approved sponsor and in accordance with the arrangement referred to in regulation 81(b) in respect of which the sponsor was approved; and
- (b) for a special purpose visa (research):
  - (i) the only work the primary visa holder may engage in while in Solomon Islands is in relation to the research in respect of which the visa was granted; and
  - (ii) the primary visa holder must continue to hold a research permit under the Research Act; and
- (c) for a special purpose visa (exchange):
  - (i) the only work the primary visa holder may engage in while in Solomon Islands is in relation to the exchange program in respect of which the visa was granted; and
  - (ii) the primary visa holder must continue to participate in the exchange program; and
- (d) in any case, a secondary visa holder must not engage in work in Solomon Islands, whether or not for remuneration, unless he or she holds a work permit under the Labour Act.

**DIVISION 14 – REFUGEE PROTECTION VISA****66. Application form for refugee protection visa**

The prescribed application form for a refugee protection visa is the form in Schedule 12.

**67. Specific requirements for refugee protection visa**

The specific requirements for a refugee protection visa are either:

- (a) a determination by the Permanent Secretary that the person qualifies for refugee status is in force; or
- (b) the person is an eligible dependant of a person to whom sub regulation (a) applies and is included in that person's application for a refugee protection visa.

**68. Terms of refugee protection visa**

- (1) A refugee protection visa authorises the holder to stay in Solomon Islands. It does not authorise the holder to enter Solomon Islands.
- (2) For the purposes of section 22(c) of the Act, the period of stay for a protection visa is, unless the visa evidence specifies otherwise, the period of 2 years starting on the day the visa is granted.
- (3) The holders authorisation to stay in Solomon Islands is not affected by any period of absence during which the holder also holds a protected person re-entry visa, if the holder re-enters Solomon Islands in accordance with the terms of that re-entry visa.

**DIVISION 15 – TRAFFICKED PERSON PROTECTION VISA****69. Application form for trafficked person protection visa**

The prescribed application form for a trafficked person protection visa is the form in Schedule 13.

**70. Specific requirements for trafficked person protection visa**

- (1) The specific requirements for a trafficked person protection visa are that the Director or the Commissioner of Police has determined in writing that the person is a victim of people trafficking
- (2) A determination may be made whether or not someone has been convicted of a people trafficking offence in relation to the person. It is sufficient that the Director or Commissioner has reasonable grounds to believe that the person is a victim of people trafficking within the meaning of the Act.

**71. Terms of trafficked person protection visa**

- (1) A trafficked person protection visa authorises the holder to stay in Solomon Islands. It does not authorise the holder to enter Solomon Islands.
- (2) For the purposes of section 22(c) of the Act, the period of stay for a trafficked person protection visa is, unless the visa evidence specifies otherwise, the period of 6 months starting on the day the visa is granted.
- (3) The holder's authorisation to stay in Solomon Islands is not affected by any period of absence during which the holder also holds a protected person re-entry visa, if the holder re-enters Solomon Islands in accordance with the terms of that re-entry visa.

**DIVISION 16 – PROTECTED PERSON RE-ENTRY VISA****72. Application form for protected person re-entry visa**

The prescribed application form for a protected person re-entry visa is the form in Schedule 14.

**73. Specific requirements for protected person re-entry visa**

The specific requirements for a protected person re-entry visa are that:

- (a) the applicant is the holder of a refugee protection visa or a trafficked person protection visa; and
- (b) the Minister is satisfied that the person's reasons for wishing to depart and re-enter Solomon Islands are reasonable and not in conflict with the interests of Solomon Islands.

**74. Terms of protected person re-entry visa**

- (1) A protected person re-entry visa authorises the holder to enter Solomon Islands once only.
- (2) For the purposes of section 22(a) of the Act, the period of entry validity for a protected person re-entry visa is the period starting on the day the person departs Solomon Islands and ending on the day specified in the visa evidence.

**DIVISION 17 – BORDER VISA**

**75. No application required for border visa**

There is no prescribed application form for a border visa.

**76. Specific requirements for border visa**

- (1) The specific requirements for a border visa are:
  - (a) the person is presenting himself or herself to an immigration officer for the purposes of section 6 of the Act; and
  - (b) the Director is satisfied that any of the following applies:
    - (i) the person arrived in Solomon Islands as a crew member on a commercial flight and will depart Solomon Islands as a crew member on a commercial flight within 3 days of the person's arrival;

- (ii) the person arrived in Solomon Islands to join a vessel that will depart Solomon Islands within 3 days of the person's arrival and has documentation to this effect issued by the vessel's owner, operator or agent;
  - (iii) the person arrived in Solomon Islands on a vessel from which the person is separating, will depart Solomon Islands by air or on another vessel within 3 days of the person's arrival, and has documentation to this effect issued by the aircraft or vessel's owner, operator or agent;
  - (iv) the person arrived in Solomon Islands on an aircraft or vessel that was compelled to land by stress of weather, the condition of the aircraft or vessel or an air, maritime or medical emergency;
  - (v) the person holds a valid letter of authority to travel signed by the Director, stating that the person is eligible for the grant of a visa of a specified class (other than a visitor visa or a business visa);
  - (vi) the requirements in sub regulation (2) are met;
  - (vii) the grant of a border visa is appropriate having regard to any special or particular circumstances.
- (2) For the purposes of sub regulation (1)(b)(vi), the requirements in this regulation are met if:
- (a) there is an authorised electronic system; and
  - (b) the person is travelling on a passport issued by a country that is included in the list of concessional entry arrangement countries published under section 3 of the Act; and

- (c) the person is a genuine visitor or the purpose of the person's visit to Solomon Islands is short-term business; and
- (d) there is no reason why the person could not apply for a visitor visa or business visa after the person is authorised to enter Solomon Islands.

**77. Terms of border visa**

- (1) A border visa authorises the holder to enter Solomon Islands once only.
- (2) For the purposes of section 22(c), the period of stay for a border visa is, unless the visa evidence specifies a different period:
  - (a) if regulation 76(b)(i), (ii), (iii) or (vi) applies, the period of 3 days starting on the day the visa is granted; or
  - (b) if regulation 76(b)(iv) applies, the period of 7 days starting on the day the visa is granted; or
  - (c) if regulation 76(b)(v) applies, the period of 14 days starting on the day the visa is granted; or
  - (d) if regulation 76(b)(vii) applies, the period determined by the Director.

**PART 4 – SPONSORS****DIVISION 1 – EXTENDED STAY VISITOR SPONSORS****78. Approval of extended stay visitor sponsors**

For the purposes of regulation 18(2), the Director may approve a person as a visa applicant's sponsor if:

- (a) the Director is satisfied that the intending sponsor is a close relative of the applicant who is:
  - (i) a Solomon Islands citizen; or
  - (ii) an exempt person; or
  - (iii) the holder of a long stay visa within the meaning of regulation 18(4); and
- (b) the intending sponsor has completed a sponsorship form approved by notice published in the *Gazette* by the Director for an extended stay visitor visa, and submitted it in the way (if any) approved by notice published in the *Gazette* by the Director for that visa; and
- (d) if the intending sponsor has previously been or is currently the sponsor of another person, the Director is satisfied that the intending sponsor complied with or is complying with its sponsor obligations in relation to that person; and
- (e) the Director is satisfied that the intending sponsor will comply with its sponsor obligations in relation to the applicant.

**79. Extended stay visitor sponsor obligations**

An approved sponsor under regulation 78 must fulfil any undertaking made by the sponsor in the approved sponsorship form referred to in regulation 78(b).

**80. Cancellation of approval of extended stay visitor sponsor**

The Director may cancel an approval of a person as a visa applicant's sponsor under regulation 78 if the Director is satisfied that:

- (a) a requirement in regulation 78 has ceased to be met or was never met; or
- (b) the person has failed to comply with a sponsor obligation.

**DIVISION 2 – EMPLOYMENT AND SPECIAL PURPOSE SPONSORS****81. Approval of employment and special purposes sponsors**

For the purposes of regulations 27(1)(a), 32(1)(a) and 63(1)(a)(i), the Director may approve an entity as a visa applicant's sponsor if:

- (a) the entity is any of the following:
  - (i) a company (whether registered in Solomon Islands or elsewhere);
  - (ii) a public body;
  - (iii) an international organisation to which section 6 of the Diplomatic Privileges and Immunities Act applies;
  - (iv) a non-government organisation with which the Government has a cooperation agreement, memorandum of understanding or like arrangement;
  - (v) an incorporated association (whether incorporated in Solomon Islands or elsewhere);
  - (vi) an educational institution;
  - (vii) a church body;
  - (viii) an entity approved by the Director by notice published in the *Gazette*; and

- (b) the Director is satisfied that there is an arrangement between the entity and the applicant under which the applicant is to work for the entity in Solomon Islands, whether or not the entity is to be responsible for the applicant's remuneration or, in the case of a special purpose visa (volunteer), whether or not the applicant is to be remunerated; and
- (c) the entity has completed an approved sponsorship form for the visa the applicant is applying for, and submitted it in the way (if any) approved by notice published in the *Gazette* by the Director for that visa; and
- (d) if the entity has previously been or is currently the sponsor of another person, the Director is satisfied that the entity complied with or is complying with its sponsor obligations in relation to that person; and
- (e) the Director is satisfied that the entity will comply with its sponsor obligations in relation to the applicant.

**82. Employment and special purpose sponsor obligations**

An approved sponsor under regulation 81 must comply with the following obligations:

- (a) the sponsor must inform the Director of any change in the arrangement referred to in regulation 81(b), in writing and within 2 weeks of the change;
- (b) the sponsor must comply with any written request made by the Director to provide information about the arrangement referred to in regulation 81(b);
- (c) the sponsor must fulfil any undertaking made by the sponsor in the approved sponsorship form referred to paragraph 81(c).

**83. Cancellation of approval of employment or special purpose sponsor**

The Director may cancel an approval of an entity as a visa applicant's sponsor under regulation 81 if the Director is satisfied that:

- (a) a requirement in regulation 81 has ceased to be met or was never met; or
- (b) the entity has failed to comply with a sponsor obligation.

**DIVISION 3 – FAMILY AND FOREIGN NATIONAL DEPENDANT SPONSORS****84. Approval of family or foreign national dependant sponsors**

For the purposes of regulation 48(1)(a) or 53(a), the Director may approve a person as a visa applicant's sponsor if:

- (a) the Director is satisfied that:
  - (i) for a family relationship visa, the intending sponsor is a Solomon Islands citizen; or
  - (ii) for a foreign national dependant visa, the intending sponsor is the holder of a long-term employment visa, a provisional investor visa, an established investor visa or a special purpose visa; and
- (b) the Director is satisfied that the intending sponsor intends, and has sufficient means, to comply with the sponsor obligations; and
- (c) the intending sponsor has completed a sponsorship form approved by notice published in the *Gazette* by the Director for the visa the applicant is applying for, and submitted it in the way (if any) approved by notice published in the *Gazette* by the Director for that visa; and

- (d) if the intending sponsor has previously been or is currently the sponsor of another person, the Director is satisfied that the intending sponsor complied with or is complying with its sponsor obligations in relation to that person; and
- (e) the Director is satisfied that the intending sponsor will comply with its sponsor obligations in relation to the applicant.

**85. Family or foreign national dependant sponsor obligations**

An approved sponsor under regulation 84 must fulfil any undertaking made by the sponsor in the approved sponsorship form referred to in regulation 84(c).

**86. Cancellation of approval of family or foreign national dependant sponsor**

The Director may cancel an approval of an entity as a visa applicant's sponsor under regulation 84 if the Director is satisfied that:

- (a) a requirement in regulation 84 has ceased to be met or was never met;
- (b) the intending sponsor has failed to comply with a sponsor obligation.

**PART 5 – UNLAWFUL NON-CITIZENS**

**87. Daily fine for unlawful non-citizen**

- (1) For the purposes of section 29(1) of the Act, the prescribed amount is USD\$20.
- (2) If, immediately before a person became an unlawful non-citizen, the person was the holder of a short-term employment visa or a long-term employment visa, the approved sponsor for the person in relation to that visa is jointly and severally liable for the purposes of section 29(2) of the Act.

**88. Requirement for unlawful non-citizen to lodge a bond**

- (1) For the purposes of section 30(1)(a) of the Act, the maximum amount of a bond that an unlawful non-citizen may be required to lodge is \$10,000.
- (2) For the purposes of section 30(1)(a) of the Act, the bond must be lodged by paying it into a bank account in accordance with arrangements specified by the Director.

**PART 6 – AIRCRAFT AND VESSELS****89. Notice of arrival of aircraft operating scheduled commercial passenger service**

- (1) For the purposes of sections 43(1)(a) and (b) of the Act, the master of an aircraft that is operating a scheduled commercial passenger service into Solomon Islands must:
  - (a) prepare a passenger manifest that lists the full names, birth dates and passport numbers of all passengers and crew; and
  - (b) email the manifest to the address specified by the Director, unless the Director has authorised in writing another means of supplying the manifest.
- (2) For the purposes of section 43(1)(b) of the Act, the passenger manifest referred to in sub regulation (1)(a) must be supplied:
  - (a) if the flight time to Solomon Islands is more than 2 hours, at least one hour before the flight arrives at the designated airport; or
  - (b) otherwise, at least half an hour before the flight arrives at the designated airport.

**90. Notice of arrival of yacht**

- (1) For the purposes of section 43(1)(b) of the Act, the master of a yacht that is arriving at a designated port must:
  - (a) if the master gave the Director a maritime entry advance notification using an authorised electronic system before the yacht arrived in Solomon Islands and that notification was approved, give an immigration officer a copy of the notification and the approval; or
  - (b) otherwise, give an immigration officer a completed form in accordance with Schedule 17.
- (2) For the purposes of section 43(1)(b) of the Act, the notice required under sub regulations (1)(a) or (b) must be given to an immigration officer before the end of the first business day after the yacht arrives at the designated port.

**91. Aircraft and vessels exempt from section 43(1)(a) of Act**

For the purposes of section 43(2) of the Act, the following aircraft and vessels are prescribed:

- (a) an aircraft or vessel which the Director is satisfied is arriving in Solomon Islands as part of an official bilateral visit;
- (b) an aircraft or vessel which another law of Solomon Islands makes exempt from immigration laws.

**PART 7 – MISCELLANEOUS**

**92. Administrative review of decisions**

- (1) For the purposes of section 90(4)(b) of the Act, the prescribed fee is \$500.
- (2) For the purposes of section 90(4)(c) of the Act, the prescribed period is 14 days from the date on which the person was given notice of the reviewable decision.
- (3) For the purposes of section 90(5) of the Act, the prescribed period is 14 days from the date on which:
  - (a) the application was made; or
  - (b) if the Minister is reviewing a decision referred by the Director under section 90(7) of the Act, the decision was referred by the Director.

DATED AT HONIARA this twentieth-ninth day of November, 2013.

HON. ELIJAH DORO MUALA  
Minister for Commerce, Industries, Labour and Immigration

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