



CITIZENSHIP BILL 2017

(NO. 8 OF 2017)



CITIZENSHIP BILL 2017

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A

BILL

Entitled

AN ACT RELATING TO CITIZENSHIP OF SOLOMON ISLANDS

ENACTED BY THE NATIONAL PARLIAMENT OF SOLOMON
ISLANDS.

CITIZENSHIP BILL 2017

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CITIZENSHIP BILL 2017

PART 1 PRELIMINARY MATTERS

1 Short title

This Act may be cited as the *Citizenship Act 2017*.

2 Commencement

This Act commences on the day appointed by the Minister by notice in the *Gazette*.

3 Definitions

In this Act:

“birth citizen” means a citizen who became a citizen on the person’s birth and includes a person who has resumed their birth citizenship on application under Part 3;

“citizen” means a citizen of Solomon Islands;

“citizenship certificate” means a certificate issued under section 31;

“Commission” means the Citizenship Commission continued in existence by section 7;

“oath or affirmation of allegiance” means the oath or affirmation of allegiance prescribed in Schedule 1 to the Constitution;

“pledge of citizenship” means the pledge set out in the Schedule;

“primary applicant”, in relation to an application for citizenship, has the meaning given in section 15(1);

“residence requirement” means the requirement to reside in Solomon Islands specified in section 16;

“spousal relationship” has the meaning given in section 4;

4 Meaning of “spousal relationship”

- (1) 2 persons are in a “*spousal relationship*” if they are a man and a woman who are married or in a de facto relationship.
- (2) For subsection (1), 2 persons are in a de facto relationship if:
 - (a) they are not married but have a marriage-like relationship to the exclusion of all others; and
 - (b) neither of the persons is married to anyone else.
- (3) To determine whether 2 persons are in a de facto relationship, all the circumstances of their relationship must be taken into account, including such of the following matters as are relevant in the circumstances of the particular case:
 - (a) the duration of the relationship;
 - (b) the nature and extent of common residence;
 - (c) whether or not a sexual relationship exists;
 - (d) the degree of financial dependence or interdependence between them;
 - (e) the ownership, use and acquisition of property;
 - (f) the degree of mutual commitment to a shared life;
 - (g) the reputation and public aspects of their relationship.

5 Who is a citizen

A person is a citizen if:

- (a) the person:
 - (i) is a citizen by virtue of Chapter III of the Constitution; or
 - (ii) becomes a citizen by adoption under section 17 of the *Adoption Act 2004*; or
 - (iii) becomes a citizen on application under Part 3; or

(iv) became a citizen under the *Citizenship Act* (Cap. 57);
and

(b) the person has not ceased to be a citizen.

6 Act binds Crown

This Act binds the Crown.

PART 2 CITIZENSHIP COMMISSION

7 Continuation of Citizenship Commission

The Citizenship Commission established by section 3 of the *Citizenship Act* (Cap. 57) continues in existence.

8 Membership of Commission

- (1) The Commission consists of at least 5 and not more than 7 members appointed by the Minister by *Gazette* notice.
- (2) A person is not eligible to be a member of the Commission unless the person is a citizen.
- (3) The Minister must appoint one of the members to be the chairperson of the Commission.
- (4) A member of the Commission holds office for the period of up to 3 years specified in the notice of appointment and is eligible for reappointment.

9 Vacation of office

A person ceases to be a member of the Commission if:

- (a) the member resigns by giving written notice to the Minister; or
- (b) the member's term of office comes to an end and the person is not reappointed; or
- (c) the member's appointment is terminated under section 10.

10 Termination of appointment

- (1) The Minister may terminate the appointment of member of the Commission:
 - (a) on the ground of misbehaviour or misconduct; or
 - (b) on the ground of physical or mental inability to satisfactorily perform the duties of the office; or
 - (c) if the person is absent from 3 consecutive meetings of the Commission without leave granted by the chairperson; or
 - (d) the person is convicted of an offence for which the available penalty includes a term of imprisonment; or
 - (e) if the person becomes bankrupt.
- (2) A termination of appointment must be made in writing.

11 Commission Rules

- (1) The Minister may make rules relating to:
 - (a) the procedures of the Commission; and
 - (b) the assessment of applications made under this Act.
- (2) Subject to the rules made by the Minister, the Commission may determine its own procedures.

12 Remuneration

Commission members are entitled to the remuneration prescribed by the Minister by *Gazette* notice.

PART 3 ACQUIRING CITIZENSHIP

13 Application for citizenship

- (1) A person may apply to the Commission to become a citizen.
- (2) The application must be:

- (a) in the form approved by the Commission; and
- (b) accompanied by the prescribed fee.

14 Eligibility for citizenship

- (1) A person is eligible to be a citizen if the person meets the criteria specified in subsection (2), (3), (4), (5), (6) or (7).
- (2) A person is eligible to be a citizen if the Commission is satisfied that the person:
 - (a) is aged 18 or over at the time the person applies for citizenship; and
 - (b) is ordinarily resident in Solomon Islands at the time of the application; and
 - (c) meets the residence requirement; and
 - (d) is likely to continue to reside in Solomon Islands or to maintain a close and continuing relationship with Solomon Islands; and
 - (e) understands the nature of the application; and
 - (f) is of good character; and
 - (g) possesses a knowledge of English, Pidgin or a vernacular of Solomon Islands that is sufficient for normal conversational purposes; and
 - (h) respects the culture and way of life of Solomon Islands; and
 - (i) understands the rights, privileges, responsibilities and duties of citizenship.
- (3) A person is eligible to be a citizen if the Commission is satisfied that the person:
 - (a) is aged 18 or over at the time the person applies for citizenship; and
 - (b) is ordinarily resident in Solomon Islands at the time of the application; and

- (c) meets the residence requirement; and
 - (d) is likely to continue to reside in Solomon Islands or to maintain a close and continuing relationship with Solomon Islands; and
 - (e) is of good character; and
 - (f) has a permanent or enduring physical or mental incapacity that means the person:
 - (i) is not capable of understanding the nature of the application; or
 - (ii) is not capable of demonstrating that the person meets the requirements mentioned in subsection (1)(g), (h) or (i).
- (4) A person who has lost or renounced their birth citizenship is eligible to resume their birth citizenship.
- (5) A person is eligible to be a citizen if the Commission is satisfied that:
- (a) at least one of the person's parents, grandparents or great grandparents is or was a birth citizen; and
 - (b) the person is aged 18 or over at the time the person applies for citizenship; and
 - (c) the person is likely to reside in Solomon Islands or to maintain a close and continuing relationship with Solomon Islands; and
 - (d) the person is of good character.
- (6) A person is eligible to be a citizen if the Commission is satisfied that:
- (a) on the day the person applies for citizenship:
 - (i) the person is in a spousal relationship with a birth citizen; and
 - (ii) the person has been in the spousal relationship for a continuous period of 5 years; and

- (b) the person is aged 18 or over at the time the person applies for citizenship; and
 - (c) the person is likely to reside in Solomon Islands or to maintain a close and continuing relationship with Solomon Islands; and
 - (d) the person is of good character.
- (7) A person is eligible to be a citizen if:
- (a) the person is included in an application for citizenship under section 15; and
 - (b) the primary applicant's application for citizenship is approved.

15 Inclusion of child in application

- (1) A person who applies for citizenship under section 13 (the "**primary applicant**") may include in the application a child of the person who is under the age of 18 at the time of the application.
- (2) In this section:
- "**child**", of a person, means a child of the person by birth or by adoption under the *Adoption Act 2004*.

16 Residence requirement

- (1) A person meets the residence requirement if the person was:
- (a) ordinarily resident in Solomon Islands for a total period of 5 years within the 10 year period immediately before the day the person applies for citizenship; and
 - (b) the person was not present in Solomon Islands as an unlawful non-citizen (within the meaning of the *Immigration Act 2012*) at any time during the 10 year period.
- (2) For this section, a person is ordinarily resident in Solomon Islands if the person:
- (a) has made Solomon Island's the person's home, whether or not the person also lives somewhere else; and

- (b) has a degree of continuity of residence in Solomon Islands except for temporary absences.

17 Decision on application for citizenship

- (1) The Commission must approve or refuse to approve an application for citizenship.
- (2) The Commission may only approve the application if the person is eligible to be a citizen under section 14.
- (3) The Commission may refuse the application despite the person being eligible to be a citizen under section 14 on the grounds of public policy or the national interest.

18 Notice of decision on application for citizenship

- (1) The Commission must give an applicant for citizenship written notice of its decision on the application as soon as practicable after making the decision.
- (2) If the Commission approves the application and the applicant is required under section 19 to take the oath or affirmation of allegiance and the citizenship pledge, the notice must include instructions for doing so.
- (3) If the Commission refuses the application, the notice must include:
 - (a) the reasons for the refusal; and
 - (b) information about the applicant's right to review of the decision under section 28.

19 Requirement to take oath or affirmation and pledge

- (1) A person whose application for citizenship is approved is required to take the oath or affirmation of allegiance and the citizenship pledge in accordance with the prescribed requirements.
- (2) Subsection (1) does not apply if:
 - (a) the person has a permanent or enduring physical or mental incapacity that means the person:

- (i) is not capable of understanding the nature, content or effect of the oath or affirmation or the pledge; or
 - (ii) is not capable of taking the oath or affirmation or the pledge; or
- (b) the person was included on the application under section 15 and is under 18 at the time the application is decided.

20 When citizenship begins

A person whose application for citizenship is approved becomes a citizen:

- (a) if the person is required under section 19 to take the oath or affirmation of allegiance and the citizenship pledge – on the day the person does so; or
- (b) if the person is not required to take the oath or affirmation of allegiance and the citizenship pledge because of section 19(a) – on the day the Commission approves the person's application for citizenship; or
- (c) if the person is not required to take the oath or affirmation of allegiance and the citizenship pledge because of section 19(b) – on the day the primary applicant for citizenship takes the oath or affirmation of allegiance and the citizenship pledge.

PART 4 CESSATION OF CITIZENSHIP

21 How a person ceases to be a citizen

A person ceases to be a citizen if:

- (a) the Commission decides under section 23 to approve the person's application to renounce their citizenship; or
- (b) the person's citizenship is revoked under section 26.

22 Application to renounce citizenship

- (1) A person may apply to the Commission to renounce the person's citizenship.

- (2) The application must be:
 - (a) in the form approved by the Commission; and
 - (b) accompanied by the prescribed fee.

23 Decision on application for renunciation

- (1) The Commission must, by writing, approve or refuse to approve the person renouncing his or her citizenship.
- (2) Subject to subsection (3), the Commission must approve the application if the Commission is satisfied that:
 - (a) the person is aged 18 or over at the time the person applies for renunciation; and
 - (b) the person:
 - (i) is a national or citizen of another country; or
 - (ii) needs to renounce his or her citizenship of Solomon Islands in order to become a national or citizen of another country, and will become a national or citizen of the other country immediately after the approval.
- (3) The Commission must not approve the application during a time in which Solomon Islands is engaged in a war unless the Minister consents to the renunciation.

24 Notice of decision on application for renunciation

- (1) The Commission must give an applicant for renunciation of citizenship written notice of its decision on the application as soon as practicable after making the decision.
- (2) If the Commission refuses the application, the notice must include:
 - (a) the reasons for the refusal; and
 - (b) information about the applicant's right to review of the decision under section 28.

25 Grounds for revocation of citizenship

- (1) It is a ground for revoking a person's citizenship if:
 - (a) the person became a citizen on application under Part 3; and
 - (b) the person is convicted of an offence of giving false or misleading information to the Commission under section 29; and
 - (c) the Commission is satisfied that, had the person not given the false or misleading information, the Commission would have refused the person's application for citizenship.
- (2) It is a ground for revoking a person's citizenship if the person enters or serves in the armed forces of another country, unless:
 - (a) the person does so with the prior consent of the Minister; or
 - (b) the person is compelled to do so under the law of the other country.
- (3) To avoid doubt, subsection (2) applies to all citizens, including citizens by birth.

26 Decision to revoke citizenship

- (1) If the Commission believes a ground exists to revoke a person's citizenship, the Commission must give the person a notice that:
 - (a) informs the person of the proposed revocation; and
 - (b) states the ground for the proposed revocation; and
 - (c) states the facts and circumstances that form the basis for the Commission's belief that the ground exists; and
 - (d) invites the person to make written representations to the Commission, within a specified time of at least 7 days and not more than 28 days, as to why the person's citizenship should not be revoked.
- (2) After considering any written representations made by the person, the Commission may revoke the person's citizenship if the

Commission is satisfied that:

- (a) a ground exists to revoke the person's citizenship; and
- (b) if the Commission revokes the person's citizenship, the person will not become a person who is not a national or citizen of any country; and
- (c) the person is aged 18 or over.

27 Notice of revocation

- (1) The Commission must give a person whose citizenship is revoked written notice of the revocation as soon as practicable after making the decision.
- (2) The notice must include:
 - (a) the reasons for the revocation; and
 - (b) information about the person's right to review of the decision under section 28.

**PART 5 REVIEWS, ENFORCEMENT AND
ADMINISTRATIVE MATTERS**

28 Review of decisions

- (1) A Review Board consisting of the following persons is established:
 - (a) the Permanent Secretary of the Ministry responsible for home affairs;
 - (b) the Permanent Secretary of the Ministry responsible for justice;
 - (c) the Permanent Secretary of the Ministry responsible for immigration;
 - (d) the Attorney-General;
 - (e) the Director of Civil Affairs within the of the Ministry responsible for home affairs.

- (2) Subject to this section, the Review Board may decide its own procedures.
- (3) A person may apply to the Review Board for a review of a decision by the Commission to:
 - (a) refuse the person's application for citizenship under section 17; or
 - (b) refuse the person's application for renunciation of citizenship under section 23; or
 - (c) revoke the person's citizenship under section 26.
- (4) An application for review must be made within 30 days the person receives notice of the decision.
- (5) The Review Board must consider any relevant information submitted by the applicant for review.
- (6) The Review Board may, on a review of a decision:
 - (a) affirm the decision; or
 - (b) rescind the decision; or
 - (c) substitute the decision with a decision that the Review Board considers appropriate.
- (7) The Review Board must give the applicant written notice of the decision on the review and the reasons for the decision.

29 False or misleading information

- (1) A person commits an offence if:
 - (a) the person gives information to the Commission under this Act; and
 - (b) the person knows the information is false or misleading.

Maximum penalty: 100,000 penalty units or imprisonment for 10 years, or both.

- (2) A person commits an offence if:
- (a) the person gives a document to the Commission under this Act; and
 - (b) the person knows the document contains false or misleading information.

Maximum penalty: 100,000 penalty units or imprisonment for 10 years, or both.

- (3) Subsection (2) does not apply if the person, when giving the document:
- (a) draws the false or misleading aspect of the document to the attention of the Commission; and
 - (b) to the extent to which the person can reasonably do so – gives the Commission the information necessary to remedy the false or misleading aspect of the document.

- (4) In this section:

“false or misleading information” means information that is false or misleading in a material particular or because of the omission of a material particular.

30 Failing to comply with Act

A person commits an offence if:

- (a) in exercising a power or performing a function conferred on the person by this Act, the person fails to comply with this Act; or
- (b) the person fails to exercise a power or perform a function when required to do so by this Act.

Maximum penalty: 100,000 penalty units or imprisonment for 10 years, or both.

31 Citizenship certificates

- (1) The Commission must issue a citizenship certificate to a person

who becomes a citizen on application under Part 3 for no fee.

- (2) The Commission must issue a citizenship certificate to any citizen who applies for one on payment of the prescribed fee.
- (3) A citizenship certificate:
 - (a) must be in the form approved by the Commission; and
 - (b) is evidence of the matters stated in it in the absence of proof to the contrary.
- (4) A citizenship certificate issued to a person is automatically revoked if the person ceases to be a citizen under section 21.

32 Citizenship register

The Commission must keep a register of each person who becomes or ceases to be a citizen under this Act.

33 Regulations

The Minister may make regulations under this Act.

PART 6 TRANSITIONAL MATTERS AND CONSEQUENTIAL AMENDMENTS

Division 1 Transitional matters

34 Definitions

In this Division:

“repealed Act” means the *Citizenship Act* (Cap. 57) as in force immediately before the repeal date;

“repeal date” means the date section 35 commences.

35 Repeals

- (1) The *Citizenship Act* (Cap. 57) is repealed.
- (2) The *Citizenship (Appeal Procedures) Regulations 1998* (LN 118 of

1998) are repealed.

36 Continuation of subsidiary legislation

- (1) Subject to section 35(2), subsidiary legislation made under the repealed Act that is in force immediately before the repeal date continues in force until it is repealed or revoked.
- (2) A reference in subsidiary legislation continued in force under this section to a provision of the repealed Act must be read as a reference to the corresponding provision of this Act.

37 Applications for citizenship

If, on the repeal date, an application for citizenship under the repealed Act has not been decided, it must be decided under the repealed Act as if the repealed Act remained in force.

38 Members of Citizenship Commission

A person who was a member of the Citizenship Commission immediately before the repeal date continues to be a member of the Commission.

39 Transitional regulations

The Minister may make regulations providing for a matter of a transitional nature:

- (a) because of the enactment of this Act; or
- (b) to allow or facilitate the transition from the operation of the repealed Act to the operation of this Act.

Division 2 Consequential amendments

40 Amendment of Passports Act 2012

Section 11(2)(c) of the *Passports Act 2012* is repealed.

Schedule Citizenship pledge

Section 3, definition of “*citizenship pledge*”

I pledge my loyalty to Solomon Islands and respects its rights and freedoms. I will uphold its democratic values. I will respect, uphold and obey its laws and fulfil my duties as a Solomon Islands citizen.

CITIZENSHIP BILL 2017

EXPLANATORY MEMORANDUM

Part 1 provides for the short title and commencement of the Act, and defines key terms used in the Act. An important definition is that of “**spousal relationship**”, which is a relationship between a man and a woman who are married or in a de facto relationship. A de facto relationship is a marriage-like relationship between where neither of the de facto partners are married to anyone else. Part 1 also outlines the circumstances in which a person is a Solomon Islands citizen – that is, if they are a citizen by virtue of Chapter III of the Constitution (such as birth citizens), if they become a citizen by adoption, or if they become a citizen under Part 3 of the Act.

Part 2 continues the Citizenship Commission (which was established under the *Citizenship Act* (Cap. 57)) in existence. The composition of the Commission is unchanged – it consists of between 5 and 7 members appointed by the Minister. Part 2 makes provisions for how members vacate office, including the circumstances in which they can be terminated. The Minister is empowered to make rules in relation to the procedures of the Commission and the assessment of applications for citizenship, but the Commission is otherwise able to regulate its own procedures.

Part 3 outlines how a person can acquire citizenship by application to the Citizenship Commission. A person may be eligible for citizenship in the following circumstances:

- if the person has lawfully been a Solomon Islands resident for 5 years
- if the person has lost or renounced their birth citizenship
- if one of the person's parent, grandparent or great grandparent is or was a birth citizen
- if the person is in a spousal relationship with a birth citizen, and has been for 5 years
- if the person is a child who is included in their parent's application for citizenship

There are several additional criteria that apply to different categories of

CITIZENSHIP BILL 2017

OBJECTS AND REASONS

The object of this Bill is to repeal and replace the Citizenship Act (Cap. 57). The Bill defines who is a Solomon Island citizen and sets clear and non-discriminatory criteria for regaining citizenship by Solomon Islanders by birth and for becoming citizens by naturalisation. The Bill retains the current Citizenship Commission. It removes Ministerial discretion from the citizenship process and establishes a Review Board of senior public office holders with relevant knowledge and experience to review the decisions of the Board. The Bill allows eligible citizens to retain or regain their citizenship even if they are, or become citizens of another nation.

The policy objective of the Bill is to allow Solomon Islanders by birth who have lost their citizenship to regain their citizenship and reconnect with their country of origin. The Bill facilitates the reintegration and return of Solomon Islanders by ancestry and their children who have lost their citizenship through marriage, naturalisation or displacement due to forced labour. The Bill also provides clear, transparent and non-discriminatory criteria and procedures for long term residents of Solomon Islands to obtain citizenship by naturalisation.

**HON. MANASSEH MAELANGA
MINISTER OF HOME AFFAIRS**

applicants. For example, character requirements, language requirements and residence requirements may apply.

The Commission is empowered to refuse an application for citizenship even if a person meets the eligibility criteria, on the grounds of public policy or the national interest. If an application is refused, the applicant is entitled to apply to a Review Board for a review of the decision.

A person whose application for citizenship is approved does not become a citizen until they take the oath or affirmation of allegiance and the citizenship pledge, unless the person is prevented from doing so by a disability, or the person is under 18.

Part 4 outlines the circumstances in which a person ceases to be a citizen – if the person renounces their citizenship, or if their citizenship is revoked.

A person can only renounce their citizenship by application to the Commission. This is so the Commission can ensure that the person is over 18 and is not going to become stateless on the renunciation. A person whose application for renunciation is refused is entitled to apply to a Review Board for a review of the decision.

The Commission can revoke a person's citizenship in the following circumstances:

- if the person became a citizen on application and is later convicted of the offence of giving false or misleading information to the Commission that resulted in their application being approved
- if the person enters or serves in the armed forces of another country without the consent of the Minister

However, the Commission cannot revoke a person's citizenship if it will render the person stateless, or if the person is under 18.

A person is entitled to be given notice of a proposed revocation, and an opportunity to make representations to the Commission as to why their citizenship should not be revoked. If the citizenship is revoked, the person is entitled to apply to a Review Board for review of the decision.

Part 5 provides for review, enforcement and administrative matters. A Review Board is established, consisting of 5 members. The Board is empowered to review decisions of the Commission and affirm or rescind the decision or substitute its own decision.

Part 5 includes an offence of giving false or misleading information to the Commission.

Part 5 also requires the Commission to issue citizenship certificates, and gives such certificates evidentiary value. It also requires the Commission to keep a citizenship register.

Part 6 provides for transitional matters and consequential amendments. The *Citizenship Act* (Cap. 57) is repealed, but most subsidiary legislation under that Act remains in force. Applications for citizenship made before the Act was repealed must be decided in accordance with the repealed Act. Members of the Citizenship Commission before the repeal date continue to hold office as members under the new Act.

The *Passports Act 2012* is amended to remove a provision that allows a person's passport to be cancelled if they also hold a passport of another country. This is because a person is now able to hold dual nationality.

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- (b) the application is recommended by the Minister of Foreign Affairs.

6. The identity, age and citizenship condition is that the applicant must provide evidence to the satisfaction of the Passport Officer of the applicant's identity, age and Solomon Islands citizenship.

Identity, age and
citizenship
condition

7. The underage consent condition is that, if the applicant is aged under 18, the applicant must provide evidence to the satisfaction of the Passport Officer that –

Underage consent
condition

- (a) consent to the applicant being issued a passport has been given by each person who is legally responsible as a parent or guardian for the applicant; or
- (b) a court has ordered that the applicant be issued a passport; or
- (c) there are special and urgent circumstances that mean that the applicant should be issued a passport and, in the circumstances, it is not reasonable to require consent under paragraph (a) or a court order under paragraph (b).

8. The law enforcement condition is that a stop travel request made by a competent authority under section 14 is not in force in relation to the applicant.

Law enforcement
condition

9. The no fraud condition is that the Passport Officer is satisfied that there is no reason to believe that the application is based on false or misleading information.

No fraud condition

10. A passport ceases to be in effect if –

Cessation of
passport

- (a) the passport is cancelled under section 11; or
- (b) the passport expires under section 12; or
- (c) the passport becomes invalid under section 13.

11. (1) The Passport Officer must cancel a passport held by a Solomon Islands citizen if –

Cancellation of
passport

- (a) the citizen is issued another Solomon Islands passport of the same classification; or
- (b) the Officer becomes aware that the passport has been lost or stolen; or

- (c) the Officer becomes aware that the citizen has died; or
- (d) prescribed circumstances apply.

(2) The Passport Officer may, on the order of the Minister, cancel a passport held by a Solomon Islands citizen if –

- (a) a stop travel request by a competent authority is in force under section 14 in relation to the citizen; or
- (b) the Minister is satisfied that a condition referred to in section 4 has ceased to be met or was never met; or
- (c) the Minister is satisfied that the passport holder also holds a passport issued by a foreign country; or
- (d) prescribed circumstances apply.

Expiry of passport

12. A passport that has not been cancelled expires at the end of the prescribed period.

Passport rendered invalid by unauthorised action

13. A passport becomes invalid if any page is removed from the passport or if any alteration, addition, deletion or erasure is made to the passport.

Stop travel request

14. (1) A competent authority may, by notice in writing given to the Director, request that a person be stopped from travelling internationally if the authority is satisfied that –

- (a) there is a warrant for the arrest of the person in relation to an offence against a law of Solomon Islands that is a felony; or
- (b) a court order requires that the person be stopped from travelling internationally.
- (c) prescribed circumstances apply.

(2) The competent authority may, by notice in writing given to the Director, withdraw the request at any time and must withdraw the request if the authority ceases to be satisfied that subsection (1)(a), (b) or (c) applies.