PART I – PRELIMINARY

§1. Short Title and Commencement.

These regulations may be cited as the "Immigration Regulations of 2009".

§2. Interpretation.

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

(a) **"Application fee"** means the application fee prescribed in Schedule 1 of these Regulations;

(b) **"Administrative error"** has the meaning so defined under section 102 of the Act;

(c) **"Bond"** means the bond as prescribed in Schedule 2 of this regulation;

(d) **"Certified copies"** means a true copy of the original document which has been certified by notary public or other such authorized person and marked with the declaration *"certified as a true and correct copy of the original"* or words to that effect;

(e) **"Curfew hours"** means from 12:00 a.m. to 6:00 a.m;

(f) "**Dependent child"** in relation to any person, means an unmarried child under 18 years of age and including a child who is physically and mentally incapable of supporting himself, who depends on that person, that person being a parent or legal guardian and that person being a non-resident worker.

(g) "**Dependent adult"** in relation to any person, means unmarried child of that person who is over 18 years but below the age of 27, or a parent or parent in law of the person, that person being a non-resident worker;

(h) **"Dependent spouse"** in relation to any person, means any person over 18 years of age with official marriage certificate who depends on that person, that person being a non-resident worker;

(i) **"Exempt persons"** means the category of persons exempted from the requirement to obtain visas prior to entry pursuant to section 113 of the Act;

(j) **"Issuing officer"** means the Director of Immigration or authorized officer issuing the visa, permit or document.

(k) "**Regulated working Hours** "means 8 a.m to 5p.m, or as regulated by Public Service Commission from time to time.

(l) **"Non-resident worker"** means any natural person who is employed, or intends to undertake employment, in the Republic and is not a citizen of the Republic;

(m) **"The Act"** means the Immigration Act 2006;

(2) Expressions defined in the Act have the meanings so defined.

§3. Purpose.

These regulations are hereby promulgated pursuant to section 199 of the Immigration Act, 2006, for the purposes of:

(a) prescribing matters of procedure in relation to applications under the Act:

(b) prescribing conditions attached to visas and permits:

(c) prescribing fees and bonds in respect of any matters under the Act:

(d) prescribing forms for the purposes of the Act:

(e) prescribing Government immigration policy:

(f) prescribing regulatory offences and penalties: and

(g) providing for such other matters as is contemplated by or necessary for giving full effect to the provisions of the Act and for its due administration.

§4. Out-Bound and In-Bound Citizens.

(1) Pursuant to the provisions of Section 103(2) of the Act, out-bound, and in-bound citizens of the Republic are subject to immigration clearance and must present their passports and other travel documents to the Immigration Officials on duty, for purposes of recording their departures from and arrival into the Republic.

(2) Out bound and in bound Citizens of other countries shall be subject to immigration procedures and clearance and must present their passport and other travel documents to the Immigration Official. The Director of Immigration may by written instruction specify categories of persons that are not subject to normal immigration procedures and clearance.

PART II - EXEMPTIONS

§5. Persons Exempt from Visa Requirements.

(1) The following persons shall be exempted from the requirement to hold a visa to enter the Republic:

(a) a person who is for the time being entitled to any immunity from jurisdiction by or under the Diplomatic Privileges and Immunities Act 1988;

(b) a person who is for the time being entitled to any immunity from jurisdiction by or under the International Organizations Immunities Act 1974, or is brought to the Republic by the Government of the Marshall Islands under any assistance program of the Government of the United States of America, or any other country under any similar program approved by the Minister;

(c) a citizen of the United States;

(d) a citizen of Palau or the Federated States of Micronesia;

(e) United States contractor personnel and their official dependents;

(f) a member of a visiting force including its civilian component, and the crew of any craft used to transport them to the Republic while members of that force are in the Republic at the request or with the consent of the Government;

(g) a member of the crew or a passenger on any cruise ship or private vessel carrying passengers between any foreign place and the Republic, who will remain in the Republic for less than 7 days, commencing on the date on which the ship or vessel first arrives in the Republic;

(h) a member of the crew of any commercial aircraft flying between any foreign place and the Republic, who will remain in the Republic for less than 14 days, commencing on the date on which the aircraft first arrives in the Republic;

(i) a person who is under employment contract to enter into the service of the Government of the Republic of the Marshall Islands;

(j) a member of the official staff or household of any person referred to under subparagraph (a);

(k) the spouse or any dependent child of any person referred to under subparagraphs (a) to (i),

(2) All persons exempted from the requirement to obtain a visa prior to entry, are subject to the normal clearance procedures upon arrival and departure.

(3) Where appropriate, the Director of Immigration may request persons described in subsection (1) herein above to produce:

(a) a medical certificate declaring the person free of HIV/AIDS and Tuberculosis (TB) and other contagious diseases as notified by the Ministry of Health from time to time, and

(b) a police clearance report;

(4) Failure to produce the documents under (2)(a) & (b) upon request, the Director shall have the discretion to disqualify the person from the exemption privilege.

§6. Visa upon Arrival.

(1) The following visas may be issued upon arrival:

(a) Diplomatic Visas (including dependents);

(b) Visitor Visas, to citizens of Countries which the Republic has diplomatic ties with. List of such countries are as provided by Ministry of Foreign Affairs from time to time.

(2) Visitor Visas are valid for a period of ninety (90) days. Before issuance of such visa the Director must be satisfied of the following that a person:

(a) must have a return ticket

(b) that the person must provide address while in the Republic, and

(c) any other necessary information the Director of Immigration may require.

§7. Requirement for Visa.

Except as provided under Sections 5 and 6, citizens from all other countries must apply for visa prior to entering the Republic.

§8. Exemptions by the Attorney General under Section 114(1) of the Act.

(1) The Attorney General may in writing exempt a person who is ineligible for visas and permits to enter the Republic under Section 114 of the Act, under the following circumstances:

(a) where such person is applying for a transit visa, and provides evidence of on-ward travel from the Republic;

(b) where the life health and safety of such person may be in danger; and

(c) where an emergency exists;

(2) the exemption under subsection (1) shall not apply to persons described under Section 114 Subsection (1) paragraph (d) and sub-paragraphs (i), (ii) and (v) of the Act.

PART III - APPLICATIONS FOR VISAS

§9. General matters relating to applications.

(1) Subject to the exemption provisions of the Act, a person who:

(a) intends to enter the Republic of the Marshall Islands; or

(b) intends to extend the currency of any visa;

shall first apply to the Director of Immigration for the necessary visas, permits and or extensions on the prescribed application form, after the payment of the prescribed fees.

(2) The applicant must ensure that the form is completed in English to the extent necessary for the application being made, and must sign the application. Where there is only one applicant, and he or she is under the age of 18 years, the application must be signed by a parent or guardian of that applicant.

(3) Every application should be submitted with the supporting documentation required under Section 15 of this Regulation.

(4) Payment of the application fee does not of itself constitute approval of the application.

(5) Applications may be submitted electronically.

(6) Upon receipt of an application, the Immigration Division shall issue acknowledgement of receipt, by way of written or electronic notice to the applicant or authorized representative.

§10. Types and currency of visas:

(1) Pursuant to section 130 and 140 of the Act, the Director of Immigration may issue the following visas:

(a) Diplomatic visas (D-1) shall be valid for a period of up to two (2) years with multiple entries;

(b) Business visas (B-1) shall be valid for a period of up to two (2) years with multiple entries. Business visas shall be issued to a person who has a Foreign Investment Business license (FIBL) and a work permit.

(c) Provisional Business Visa (B-2) shall be valid for 3 months with single entry and shall be issued to a person who is intending to seek business in the Republic but does not have a FIBL. Upon the issuance of the FIBL, that person may apply for a Business Visa.

(d) Work visas (E-1) shall be valid for a period of up to two (2) years, or a lesser period which correspond to the length of work permit, with multiple entries. Before the issuance of Work visa a person must possess a valid work permit.

(e) Student visas (S-1) shall be valid for a period of up to twelve (12) months with multiple entries. A person applying for such visa must obtain a visa before coming into the Republic. Before the issuance of such visa the Director of Immigration must be satisfied that person has been accepted to an academic institution. Student visa shall only be issued to a person intending to attend college level. The holder shall not be allowed to seek or to be engaged in any employment and business activities in the Republic,

(f) Visitor visas (V-1) shall be valid for a period of up to ninety (90) days with a single entry. The holder shall not allow to seek or to be engaged in any employment, business, research or educational related activities in the Republic.

(g) Transit visas (T-1) shall be valid for a period of up to three (3) days with a single entry. The holders shall not allow to seek or to be engaged in any employment, business, research or educational related activities in the Republic.

(h) General visa (G-1) shall be valid for a period of up to two (2) years with multiple entries. The holder is prohibited to engaged in any business, activities in the Republic. Persons who are eligible for a General Visa:

(i) legal spouse;

(ii) dependent child.

(i). Dependent Adult Visa (DA – 1) shall be valid for up to two (2) years with multiple entries. The holder is prohibited to seek or to be engaged in any employment or business activities in the Republic.

(j) Temporary work visa (TE-1) shall be valid for a period of up to six (6) months with multiple entries; and

(k) Cruising Visa (C -1) shall be valid for a period of twelve (12) months with single entry . The holder is prohibited to seek or to be engaged in any employment, business or educational related activities in the Republic.

(2) All visas issued under these Regulations are subject to the provisions of Section 22 of these Regulations and relevant provisions of the Act.

§11. Renewal or Extension of Visas.

(1) Visas issued under these Regulations may be renewed or extended to the maximum period allowable under the Act, by application to the Director of Immigration, in the prescribed form.

(2). The following visas shall not be renewed or extended:

(a). visitors visa (V-1)

(b). Transit visa (T-1)

(c). Cruising Visa (C-1)

(d). Temporary Work Visa (TE-1)

(e). Provisional Business Visa (B-2)

§12. Change of Visa/Immigration Status Not Permitted While in the Republic.

(1) A person who has been granted any of the following visas is prohibited from changing his/her status while in the Republic:

(a). Visitors visa (V-1)

(b). Transit visa (T-1)

(c). Cruising Visa (C-1)

(d). Temporary Work Visa (TE-1)

(e). Student Visa (S-1)

(f). Dependent Adult Visa (DA-1)

§13. Visas to be obtained before entry.

(1) Subject to the exemption provisions of the Act, all visa applications must be submitted to the Director of Immigration and the relevant visas must be approved and issued prior to the applicant entering the Republic.

(2) Subject to section 110 of the Act or a special direction of the Minister, a person who arrives in the Republic without a valid visa must leave on the aircraft or vessel on which that person arrived.

(3) A person that arrives in the Republic without a valid visa, the owner or agent of the aircraft or vessel on which that person arrived may be subject to such administrative and or other penalties as prescribed by the Act or these regulations.

§14. Application for a visa.

(1) An application for a visa shall consist of:

(a) a completed and signed application in the form prescribed; and

(b) the applicant's passport or certificate of identity,

(c) birth Certificate, and

(d) two recent passport-sized photographs of the applicant; and

(e) a copy of the applicant's itinerary, where applicable; and

(f) a health certificate certifying that the applicant is free from HIV/Aids or Tuberculosis or any other contagious diseases as notified by the Ministry of Health from time to time, and

(g) the applicant's current police record, and

(h required evidence of the applicant's financial ability to fund his or her stay in the Republic, and

(i) such other information and evidence as may be required by the Director of Immigration; and

(j) proof of payment of the necessary application fees such as a receipt from the Ministry of Finance indicating payment of the appropriate application fee. Or, in a case where a person is applying from outside the Republic, a prescribed fees must accompany the application either in a money order or cashier check which is payable to Secretary of Finance, Republic of the Marshall Islands.

(2) Where the Director of Immigration, in his discretion, is of the opinion that requiring the applicant to forward the original documents anticipated in paragraph (b) above is not practicable, the Director may request electronic copies or facsimile copies of same, for review and approval.

(3) Where an application for a visa has been approved by the Director of Immigration on the basis of electronic or facsimile copies of documents anticipated in paragraph (b) above, the Director may issue a letter of authorization to persons concerned, authorizing the boarding and or entry of the applicant into the Republic of the Marshall Islands. The necessary visas and permits may then be issued to the applicant upon arrival.

§15. **Supporting documents required.**

(1) In addition to the application requirement under section 14 of these Regulations, the applicant must submit the following documents:

(a) if applying for a diplomatic visa, a diplomatic note stating purpose and duration of visit;

(b) if applying for a business visa, evidence that a Foreign Investment License and a work permit has been granted;

(c) if applying for a Provisional Business Visa, a letter indicating purpose and duration of visit with supporting evidence.

(d) if applying for a work visa, a letter from the Labor Division indicating that a work permit has been issued:

(e) if applying for a student visa, a letter from the academic institution in the Republic stating the name of the course, duration, and confirmation that the applicant has been accepted for the next academic year. Student visa shall only be issued to a person attending college level.

(f) if applying for a visitor's visa, a letter indicating duration of the visit:

(g) if applying for a transit visa, a letter indicating the duration and date of transit.

(h) if applying for a temporary work visa, a letter indication duration of the stay and a granted letter from Labor Division

(i) if applying for Cruising Visa, Name of vessel, no of crews and letter indicating the duration of stay in the Republic,

(j). Dependent Adult Visa, letter from the person who is responsible for Dependent Adult, and evidence proving that person relationship to the dependent adult.

§16. General requirements for supporting documents.

(1) A police record or health certificate must have been issued within three months of the date that the application is submitted.

(2) A supporting document must be the original or certified copy of the original.

(3) Any document which is written in a foreign language must be translated into the English language by an official, translation company or organization acceptable to the Immigration Division.

(4) The Director of Immigration shall be responsible for ensuring that all passports and or supporting documentation provided by an applicant are kept in secure storage until such time as they are required to be returned to the applicant or authorized representative.

PART III – CRITERIA FOR THE ISSUANCE OF VISAS

§17. Criteria for the issuance of visas.

(1) The Director of Immigration or an authorized officer may only issue a visa if satisfied that the applicant:

(a) is of an acceptable standard of character; and

(b) is of an acceptable standard of health; and

(c) has not been deported or removed from the Republic; and

(d) has not been deported or removed from any other country; and

(e) has not been convicted of an offence that is punishable by the Courts to a term of imprisonment of 12 months or more, and

(f) has not violated any terms of a visa previously issued, and

(g) does not adhere to any organization or group of people that has engaged in, or has claimed responsibility for, or is likely to engage in an act of terrorism in the Republic or any other country;

(h) is able to support himself/herself, or to support his/her dependents whilst in the Republic, and

(i) is of sound mind, or is not mentally defective, or is not a chronic alcoholic, or is not addicted to the use of any narcotic drug, and

(j) is not certify to be carrying a disease which would make it undesirable for medical reasons to admit such person into the Republic, and

(k) is not a prostitute, procurer or person living on the earning of the prostitution of others, and

(l) is not a stowaway on the aircraft or ship or vessel, or other any mode of transportation that enabled such person to enter the Republic; and

(m) is carrying a passport that will be expiring no less than six months from the expiry date.

(2) The Director of Immigration may, before approving the application, and subject to the exemption provisions of the Act, require the applicant to:

(a) pay a bond in accordance with Schedule 2, if there is a determinable risk that the applicant may not adhere to the terms of the visa;

(b) produce travel tickets or evidence of onward travel;

(c) produce such other information, evidence or documents as necessary to determine the application;

(d) appear for an interview either in person or by telephone, and

(e) undergo such further medical examination as may be required.

(3) The Director of Immigration shall not issue a visa to any person who:

(a) is disqualified under section 114 of the Act; or

(b) fail to meet the criteria set out in Section 17(1) and (2) of these Regulations.

(4) A decision whether or not to grant a visa shall be made by the Director of Immigration within 21 working days of the receipt of the complete application. The Director of Immigration shall state reasons why a visa application is denied.

§18. Visas to be in prescribed form.

(1) A visa shall be in the prescribed form and endorsed on the applicant's passport.

(2) A visa shall be valid for the period and purpose for which the visa was granted.

(3) Before endorsing a visa, the Director must ensure that the applicant has, in the appropriate cases, paid the appropriate bond.

(4) An application to have a current visa transferred from an expired passport or travel document onto a valid travel document must be made to the Director and be accompanied by the prescribed fee.

§19. General Conditions of visas

(1). The Director of Immigration may attach to a visa, where applicable, the following conditions:

(a) a person not to engage in any business, profession or employment, whether for reward or not,

(b) engage in research or educational activities, unless approved by the Director.

(c) a person will not behave in a manner prejudicial to peace, good order, good government or public morality.

§20. Registers to be kept by the Director of Immigration.

(1) The Director of the Immigration shall record and maintain a register of names and appropriate details of all persons who enter and leave the Republic. Information shall include but not be limited to the following:

(a) name and address:

(b) type of visa or permit issued:

(c) visa or permit number:

(d) date of issue and expiry:

(e) special conditions, if any, attached to a visa or permit:

(f) fees, charges and bonds that have been paid or are outstanding:

(g) mode and date of arrival and departure.

(h) names of employers;

(2) The Director of the Immigration shall record and maintain a register of names of all unsuccessful applicants for visas. Information shall include, but not be limited to the following:

(a) reason for the denial:

(b) deportation or removal orders:

(c) criminal record:

(d) health record:

(e) criminal or terrorist organizations to which the applicant has been associated.

(3) For the effective administration and enforcement of the Act and regulations, appropriate information on the register may be made available to authorized officers in the Ministry of Foreign Affairs, Attorney General's Office, Department of Public Safety, Ministry of Health and the Ministry of Finance.

PART IV – ISSUANCE OF PERMITS

§21. Permits to be issued on arrival.

(1) Upon arrival in the Republic, a person holding a valid visa, or a person who is eligible for a visitor visa upon arrival, shall be issued with a corresponding permit.

(2) The permit shall be in the prescribed form and must be endorsed on the applicant's passport.

(3) Every permit shall be valid for the period stated therein and shall entitle the holder to remain in the Republic for the duration and purposes set out in the permit.

§22. Revocation of Visas or Permits.

(1) The Director of Immigration or an authorized Officer may, during the currency of a visa or permit, revoke that visa or permit by issuance of a Notice of Revocation after being presented with evidence that the holder of the visa or permit has:

(a) subsequently been convicted of an offence under the Immigration Act 2006 or any other laws in the Republic; or

(b) provided false or misleading information related to the application, or

(c) used forged documents in respect of or in support of an application, or

(d) breached any conditions of a visa, or

(e) fail to comply with any requirement of the Act and these Regulations, or

(f) behave in a manner prejudicial to peace, good order, good government or public morality.

(g) has been convicted outside the Republic of an offence punishable by 12 months imprisonment or more.

(h) any other reason contemplated or provided for under the Act.

(2) A Notice of Revocation shall, upon service, take effect immediately.

PART V – ALIEN REGISTRATION CARDS

§23. Every non-resident to hold an alien registration card.

(1) Every person issued with a visa who intends to remain in the Republic for a consecutive period of more than six (6) months; must apply for and obtain an alien registration card.

(2) An application for an alien registration card shall consist of:

(a) a completed application in the prescribed form;

(b) supporting documentation:

(i) employment contract

(ii) work permit

(iii) copy of passport, and

(iv) other documentation as may be further required by Director of Immigration.

(c) a receipt from the Ministry of Finance, indicating payment of the prescribed fee in schedule 1.

(3) An alien registration card shall be:

(a) in the prescribed form prescribed by the Director of Immigration from time to time and issued by the Director of Immigration;

(b) replaced if lost or stolen, after the payment of the prescribed fee;

(c) valid for one year and renewable annually.

(4) All alien registration cards shall expire on December 31 every year.

(5) Alien registration shall be made within the period from November 1 until December 31.

(6) The Director of Immigration, with the concurrence of the Attorney General, may where the circumstances warrant, extend the period of registration to a date certain, beyond December 31st.

(7) All late registrations will be charged a fee of $55 for each application.

(8) Alien registration card shall be carried by the holder at all times, and shall upon request, be presented to an immigration officer or authorized officer.

(9) Failure to produce the alien registration card to an Immigration officer or authorized officer, shall be liable to $25.00.

PART VI – PROCEDURE FOR PROCESSING OF PERSONS ENTERING AT SEA PORTS OF ENTRY

§24. Persons entering at Seaports, Shore Passes

(1) Shore passes shall be issued by Director of Immigration or authorized officer to every crew member entering at seaports:

(a) A general shore pass will entitle the holder to go on land before the curfew hour and will be valid for the period stated on the pass.

(b) A temporary shore pass will entitle the holder to go on land during the curfew hours for the following circumstances;

(i) medical purposes;

(ii) family reunion;

(iii) loss in the family; or

(iv) other emergency matters.

(2) An overnight shore pass will be issued to all officers to go on land during the curfew hours without restrictions, and if in the public interest, the Division may apply the curfew hours to officers of any vessel.

(3) All shore passes shall be carried on the person at all times when present on land. Failure to present a shore pass when requested by an enforcement officer shall be liable to a fine of $100.00.

(4). The issuance and administration of shore passes shall be governed by the provisions of Part IV of the Act.

(5) All shore passes issued under these provisions shall be returned to the RMI Ports Security upon departure, and shall be reported in to the Director of Immigration or any Immigration officer on duty.

§25. Entry and Departure of Vessels

(1) A vessel that enters the Republic must submit a 24 hours notice prior to arrival and departure. A vessel that does not comply with this notice period shall be charged a fee of $150.00.

(2) A vessel that enters or departs the Republic without any prior notice as stated in subsection (1), the owner or agent or master of the vessel shall be liable to a fine of $5,000

(3) A vessel entering the Republic shall not enter into designated port not later than 6 a.m and 7 p.m. unless other times specifically authorized by the Director of Immigration or where there emergency exist. If a vessel intends to enter the Republic outside the above times, the owner or agent of a vessel must seek authorization from Director of Immigration or authorized officer. The owner, agent or a master of a vessel, which enters the Republic prior to the authorized times, shall be liable to a fine of $5,000.00

(4) A person, crew and an officer of a vessel, which enters the Republic, must not disembark from the vessel until all have been cleared and authorized by Immigration. The owner, agent or master of a vessel shall make sure that no one disembarks before that person has been cleared or authorized by immigration. The owner, agent or master of a vessel commits an offence if a person disembarks before being cleared by Immigration, and shall be liable to, in addition to a criminal liability, a fine of $50,000.

(5) A violation of subsection (2), (3) and (4) shall subject a vessel concerned to be detained at port. The vessel shall not be allowed to depart the port until payment of

fine imposed has been paid or a reasonable bond has been paid. Upon payment of fine or bond the vessel shall be released without an unnecessary delay.

(6) A vessel or an aircraft entering and departing the Republic outside of the regulated working hours shall be charged a fee of $100.

(7) Cruise ship entering and departing the Republic outside the regulated working hours, shall be charged with a fee of $100 on every Immigration officer attending. If a Cruise ship requested immigration clearance before entering the Republic, the owner or agent shall be responsible for any necessary expenses that may be incurred.

(8) The owner or agent of a vessel shall be liable to a fine of $10,000.00 whenever:

(a) All officers and crew members are not on board the vessel at the time of arrival and/or departure, or

(b) If it is later found that an officer or a crew member jumped ship upon arrival or after departure.

(4) Every Transiting crew- member shall be charged a fee of $50.00. Transiting crew for the purpose of this subsection is a crew that arrives in the Republic for the purpose of boarding the vessel.

PART VII – REGISTER FOR REQUIREMENTS OF ENTRY INTO THE REPUBLIC

§26. Director of Immigration Division to maintain Register of Entry.

(1) The Director of the Immigration shall establish and maintain a Manual known as the Manual for Requirements of Entry into the Republic (MROE).

(2) The MROE shall identify requirements and or restrictions for entry into the Republic of all foreign nationals.

(3) The MROE shall be updated annually after appropriate consultation with the Minister, Attorney General and with the approval of Cabinet.

(4) Ongoing changes to the MROE shall become effective upon promulgation by Cabinet.

PART VIII – REGULATORY VIOLATIONS AND CIVIL PENALTIES

§27. Violations and Penalties.

(1) The following acts shall constitute a violation under these Regulations:

(a) entering in the Republic without a valid visa;

(b) transporting, boarding or facilitating the entry into the Republic of a person who has not complied with the provisions of the Act;

(c) jumping ship after the vessel or aircraft has been cleared by the Immigration Officials to depart;

(d) providing false or misleading information related to the application for a visa;

(e) using forged documents in respect of or in support of an application;

(f) remaining in the Republic for a period of three (3) months without an alien registration card issued by the Director of Immigration;

(g) remaining in the Republic for a period of one month without applying to re-new his or her alien registration card;

(h) applying for a change of visa/immigration status without exiting the Republic (except as provided for under Section 189 (1) and (2) of the Act);

(i) remaining in the Republic after the expiry of Visa or Permit;

(j) transports passengers by vessels;

(k) obstructing, assaulting, or harassing immigration officers in the exercise of their official duties;

(l) breach of any curfew hours imposed by the Director of Immigration on crew-members or officers of vessels entering the Republic;

(m) disorderly behavior whilst ashore, by crew-members or officers of vessels entering the Republic;

(n) any other violations that may be added by amendment to these Regulations or the Act.

(2) A person who commits any of the acts set out under subsection (1) herein above shall, in addition to any criminal penalties that may be applicable, shall be liable to pay a civil penalty in manner set out in Section 28 of these Regulations.

(3) A person who violates any of the provisions of these regulations shall be served with a notice of Infringement which shall state the following:

(a) violation committed;

(c) the provisions of these Regulations that have been violated

(b) penalty imposed;

(c) date by which the fine must be paid:

(d) appeal process, if any;

(4) A person who is served with a Notice of Infringement shall pay the full amount of the penalty to the Ministry of Finance within the time or period provided in the Notice.

§28. Civil Penalties.

(1) The following civil penalties shall be imposed on persons acting in violation of these Regulations:

(a) a person that arrives in the Republic without a valid visa, the owner or agent of a vessel or aircraft on which that person arrived shall, in addition to criminal liability, be liable to pay civil penalties in the amount of $2,000.00, and shall be responsible for all related expenses to have that person send back to his/her home country or his/her last port of departure.

(2) A person who is found to have provided false or misleading information related to the application for a visa shall, in addition to criminal penalties, be liable to pay a civil penalty in the amount of $2,000.00,

(3) A person who is found to have used forged documents in respect of or in support of an application shall, in addition to criminal penalties, be liable to pay a civil penalty in the amount of $2,000.00,

(4) A person issued with a visa, and who remains in the Republic for a period of three (3) months without an alien registration card issued by the Director of Immigration shall, in addition to criminal penalties, be liable to pay a civil penalty in the amount of $200.00. Failure to apply for an alien registration card maybe a ground to revoke visa or permit.

(5) A person who is issued with a valid visa and remains in the Republic for a period of 3 months without applying to re-new his or her alien registration card, shall in addition to criminal penalties, shall also be liable to pay a civil penalty in the amount of $200.00,

(6) A person who remains in the Republic after 14 days from the expiry of a visa or Permit, shall in addition to criminal penalties, be liable to pay a civil penalty in the sum of $500.00,

(7) A crew-member of a vessel entering the Republic who violates any curfew hours, for the first time, shall be liable to pay a civil penalty in the amount of $100.00,

(8) A crew-member or an officer who commit disorderly behavior whilst ashore shall, in addition to criminal penalties, shall be liable to civil penalty in the amount of $500.00

(9) a person who obstructs, assaults, or harasses any immigration inspection officers in the exercise of their official duties shall, in addition to criminal penalties, be liable to pay a civil fine in the amount of $500.00.

§29. Appeal to the Attorney General and Waiver of penalty.

(1) A person who commits any of the violations set out in Part VIII and any other violation of these Regulations, may appeal in writing to the Attorney General, and may seek for a waiver of all, or part of the penalty.

(2) The Attorney General shall consider the application within three days of receipt of the appeal, and shall give written reasons when approving or denying the appeal.

(2) The Attorney General may, where the circumstances warrant and good cause appearing, waive all or part of the penalty in writing.

(3) The Attorney General shall notify the Director of Immigration, in writing of the decision to grant a waiver.

PART IX – INITIATION OF LEGAL PROCEEDINGS

§30. Initiation of legal proceedings.

(1) In addition to assessing civil or administrative penalties against violators, the Director of Immigration, may where he or she is presented with reasonable evidence that:

(a) an offence or violation has been or is being committed under the Act and regulations; or

(b) an employer has violated a provision of the Act or regulations which warrants the deportation of the non-resident worker; or

(c) a non-resident worker has breached a provision of the Act or regulations which warrants his or her deportation;

Request that the Attorney General to initiate legal and or removal or deportation proceedings.

§31. Amnesty Proceedings

(1) Any person who, prior to the effective date of the Act:

(a) entered the Republic illegally, or

(b) remained in the Republic illegally;

May file an application with the Director of Immigration, in the prescribed form for a visa under the Act.

(2) Where the application is granted, the person may continue to reside in the Republic on the basis of the new visa. However, where the application is denied, the person shall leave the Republic immediately.

(3) A person who has been convicted of an offence shall not be entitle to the amnesty provide herein.

(4) The Amnesty provided herein does not extend to persons who entered the Republic after the effective date of the Act.

§32. Matters Not Provided for Under the Act.

(1) Where a matter arises concerning border security or any other aspect of immigration, and such matter is not provided for under the Act, or the Regulations, the Minister shall, acting on the advice of the Director of Immigration, seek a Cabinet direction on a proper course of action.

(2) Any course of action directed by Cabinet shall be consistent with the Act and the Immigration policy of Government.

PART X – FORMS

§33. Forms prescribed under these regulations

(1) The following forms shall be prescribed under these regulations:

(a) Application form..... form [1] in Schedule [3];

(b) Notice of Revocation..... form [2] in Schedule [3];

(c) Notice of Infringement..... form [3] in Schedule [3].

(d) Certificate of an Immigration Officer.....must be in forms [4] and [5] in Schedule [3].

(e) Deportation Order ....form [6] in Schedule [3].

(f) Removal Order ....form [7] in Schedule [3].

(g) Notice of Cancellation of Removal Order..... ..form [8] in Schedule [3].

(h) Warrant of Commitment .....form [9] in Schedule [3].

PART XI – FEES

§34. Fees prescribed under these regulations.

Fees payable under the Act and these regulations are set out in Schedule 1. All fees must be paid to the Ministry of Finance and are non-refundable.

PART XII – BONDS

§35. Exemption from the Requirement to post Bond.

(1). A person described in section 113(1) (a) – (e) is exempted from posting bond.

(2). A person, other than a person described in subsection (1), who is to stay in the Republic for more than 90 days, the Director of Immigration may impose a bond as set out in Schedule 2, before issuing a visa.

§36. Bonds prescribed under these regulations.

Bonds payable under the Act and these regulations are set out in Schedule 2. The bonds are refundable in accordance with the Act and these regulations.

§37. Refund of a bond.

(1) A person wishing to apply for a refund of a bond must submit a letter to the Director of the Immigration Division in writing, requesting a refund of the bond.

(2) The request shall state the name of the person, the visa number and the details of entry and departure from the Republic.

(3) The following supporting documents must also be provided:

(a) certified copy of passport showing identification page, and dates of entry

and departure, copy of airline ticket;

(b) the receipt indicating payment of the bond;

(c) any other information requested by the Director of the Immigration Division.

(4) A person applying for refund must apply within 12 months after expiry of a visa, or forfeit the bond to the Government.

(5 The Director of Immigration shall ensure that the refund of the bond is paid to the applicant or authorized representative within 30 calendar days of the complete application being received.

PART XIII – DOCUMENNT/CERTIFICATE OF IDENTITY

§38. Documents and certificates of identity prescribed under these regulations.

(1). The Attorney General or authorized person may issue a certificate of identity to a:

(a) citizen of the Republic where that person does not have a current passport and that person does not have time to obtain a passport before coming into or exiting the Republic, or where emergency exist,

(b) citizen of any foreign nationals where that person does not have a current passport and he is facing removal or deportation from the Republic, or in emergency cases, where that person is travelling outside the Republic.

(2) The Republic of the Marshall Islands (RMI) shall recognize documents and certificates of identity from other foreign countries only under the following circumstances:

(a) Reciprocity: Where there is reciprocal recognition of RMI's

documents/certificates of identity by the foreign country.

(b) Compassionate grounds: In emergency cases where death or serious illness is likely to lead to death of an immediate family member (i.e. father, mother, husband, wife and siblings) where the person's government is not represented in the Republic and it is not possible to obtain a passport in time to meet the emergency needs. The person must provide a statement from a medical authority confirming the situation.

PART XIV – PROMULGATION AND EFFECTIVE DATE

§39. Effective Date.

These Regulations come into force on the date of promulgation herein set-forth below.

§40. Promulgation.

I, David Kramer:

(a) by the powers vested in me as the Minister for Justice, pursuant to Section 199 of the Immigration Act, 2006 , AND;

(b) by the authority of Cabinet, pursuant to Cabinet Minute_____(09), hereby promulgate, on this_____day of ..... 2009, the above Regulations to provide for the effective administration of the provisions of the Immigration Act, 2006

SCHEDULES

SCHEDULE 1

FEES

(Regulation 24(1))

APPLICATION TYPE	FEE	RECEIVING OFFICE
Application for a diplomatic visa	Free of charge	
Application for a business visa	USD 300.00	Ministry of Finance
Application for a work visa	USD 200.00	Ministry of Finance

Application for a visitor's visa	USD 100.00	Ministry of Finance
Application for a student visa	USD 150.00	Ministry of Finance
Application for a transit visa	USD 50.00	Ministry of Finance
Temporary work visa	USD 150.00	
Application for transfer of a visa to new passport or identity document	USD 100.00	Ministry of Finance
Abstract/Clearance Fees	$20.00	Ministry of Finance
Late Registration	$55	Ministry of Finance
Application for Cruising visa Adult Dependent	$200 $200	Ministry of Finance Ministry of Finance

Lost Alien Registration	$50.00	Ministry of Finance

Card		
Alien Registration Card	$50.00	Ministry of Finance
Provisional Business Visa	$150	
Crew Transit Fees	$30.00	Ministry of Finance

Lost Shore Pass	$10.00	Ministry Of Finance
Vessel Not complying with Notice period	$200.00	Ministry of Finance
Vessels, cruise line & aircrafts entering/Departing after working hours	$100.00	Ministry of Finance

SCHEDULE 2

BOND FOR ISSUANCE OF VISAS

(Regulation 25(1)(a))

REGION OF ORIGIN	BOND	RECEIVING OFFICE
The Pacific region French Polynesia .	Depends on the fare to a particular island.	Ministry of Finance

	1,000	
The Caribbean and Iceland	1,200	Ministry of Finance
Asia, Japan, Indonesia, the Philippines.	1,500	Ministry of Finance
The United Kingdom	2,000	Ministry of Finance
Western Europe, Eastern Europe, Middle East, India, Pakistan, Africa	2,500	Ministry of Finance

SCHEDULE 3

OFFICIAL FORMS

Form 1.

APPLICATION FOR ENTRY INTO THE REPUBLIC:

[to complete form 1]

Form 2

NOTICE OF REVOCATION OF VISA OR PERMIT

Section [], Immigration Act 2006

TO: .....
[Name of holder]

OF: .....
[Address]

You are notified, pursuant to the relevant provisions of the Immigration Act 2006, that the visa/permit issued to you on .....*[Date]* is hereby revoked with effect on and from the date of this notice.

The visa/permit has been revoked due to the following reason(s):

(1) You are exempt from the requirement to hold a visa or permit; or
(2) You are not eligible for a visa under section_____of the Act; or
(3) You are not eligible for a permit under section_____of the Act; or
(4) You were issued with a visa/permit contrary to the Government Immigration Policy which was applicable at the time of issuance; or
(5) You were granted a visa/permit for a period of time exceeding the prescribed period for this type of permit; or
(6) You were granted with a type of visa/permit other than that issued to you.
(7) You submitted false/forged documentation in support of your application for visa.

You are requested to:

(1) Immediately visit the Office of the Immigration Division, Majuro; or
(2) Leave the Republic of the Marshall Islands
by:.....*[at least 14 days after service of this notice]*

Failure to comply with this Notice shall result in the removal and or deportation proceedings under the Act.

Signed: .....
Director of Immigration.
Republic of the Marshall Islands

Date: .....

Form 3

Infringement Notice (see attached form)

Form 4

CERTIFICATE OF IMMIGRATION OFFICER INDICATING THAT THE OFFICER HAS GOOD CAUSE TO SUSPECT THAT A PERSON IS IN THE REPUBLIC UNLAWFULLY

Section [ ], Immigration Act 2006

(This certificate is to be completed in duplicate. The original may be retained by the person receiving this notice for the purposes of recording the fact that any information given was in response to this certificate. The duplicate copy is to be retained by the Chief of the Immigration Division.

TO: .....*[Name of person or other body]*

I, ...*[Name]*, a Immigration Officer holding warrant of designation No. ....., issued by the Minister of Justice, certify that I have good cause to suspect that
.....*[Name]* also known as
.....*[alias]* is in the Republic unlawfully.

In terms of section [ ] of the Immigration Act 2006, I call on you to produce for my inspection and allow me to copy any record or other information held by and reasonably available to your organization that tends to establish the present whereabouts of the person named above or that person's whereabouts at any time in the past.

Section [ ] of the Immigration Act 2006 provides that your obligation to provide the information that I seek applies notwithstanding any enactment or rule of law to the contrary.

Signature: .....*[Immigration Officer]*

Date: .....

Form 5

CERTIFICATE OF IMMIGRATION OFFICER INDICATING THAT THE OFFICER HAS GOOD CAUSE TO SUSPECT THAT ANY PARTICULAR PREMISE IS OR HAS BEEN OCCUPIED BY A PERSON WHO IS IN THE REPUBLIC UNLAWFULLY

Section [ ], Immigration Act 2006

(This certificate is to be completed in duplicate. The original may be retained by the person receiving this notice for the purposes of recording the fact that any information given was in response to this certificate. The duplicate copy is to be retained by the Chief of the Immigration Division.

TO: .....*[Name of person or other body]*

I, ...*[Name]*, a Immigration Officer holding warrant of designation No. ....., issued by the Minister of Justice, certify that I have good cause to suspect that
.....*[Name]* also known as
.....*[alias]* is in the Republic unlawfully.

In terms of section [ ] of the Immigration Act 2006, I call on you to produce for my inspection and allow me to copy any record or other information held by and reasonably available to your organization that tends to establish the present whereabouts of the person named above or that person's whereabouts at any time in the past.

Section [ ] of the Immigration Act 2006 provides that your obligation to provide the information that I seek applies notwithstanding any enactment or rule of law to the contrary, and that no person is liable to any civil or criminal proceedings in respect of anything done in compliance with section [ ].

Signature: .....*[Immigration Officer]*

Date: .....

Form 6
REQUEST FOR SURRENDER OF DOCUMENT FROM THIRD PARTY

Section [], Immigration Act, 2006

TO: .....*[Name of Person]*

OF: .....*[Address]*

I have good cause to suspect that you are in possession of a passport or certificate of identity relating to .....*[Name]*, who I have good cause to suspect is in the Republic unlawfully and is liable to be removed from the Republic under Part [] of the Immigration Act 2006.

If you are in possession of the above document, then pursuant to section [ ] of the Act, I require you to surrender it to me by delivering it in person to the following address within 7 days:

Immigration Division
Office of Attorney General
Capital Building
MAJURO

If you are the holder of the above document and you do not surrender it to me in accordance with this request, you are liable to prosecution and fine under the Immigration Regulations 2006.

Surrendering the document in accordance with this request does not expose you to any legal liability because, under section [ ] of the Act, no action may be brought in any court in respect of your surrender of the above document, despite anything in any other Act or rule of law.

Signed: .....*[Immigration Officer]*

Name: .....

Date: .....

Form 7

DEPORTATION ORDER

Section [ ], Immigration Act 2006

TO: .....*[Person to be removed]*

AND TO: .....[Spouse]*

*AND TO: the following unmarried dependent children under 17 years of age:

(1) .....
(2) .....
(3) .....
(4) .....

*Delete if not applicable

Acting pursuant to scction [] of the Immigration Act 2005, I ..... (full name), a Immigration Officer designated by the Minister of Justice, am satisfied that YOU (and the named dependent child/children) ARE IN THE REPUBLIC UNLAWFULLY on the grounds that you-

i. are not a citizen of the Republic; and
ii. do not hold a valid visa; and
iii. do not hold a valid permit; and
iv. are not exempt under the Immigration Act 2006 from the requirement to hold a visa or permit:

AND THAT YOU ARE LIABLE TO BE REMOVED FROM THE REPUBLIC under Part [] of the Immigration Act 2006 on the grounds that –

(a) you have been in the Republic unlawfully for a period of longer than 42 consecutive days and you do not have an appeal pending before the Deportation Review Board; or

(b) you have lodged an appeal to the Deportation Review Board and the Board denied your appeal and you are still in the Republic 7 days after that decision was notified to you; or

(c) you are in the Republic while a previously executed removal order is still in force in respect of you.

SINCE YOU (AND THE NAMED DEPENDENT CHILD/CHILDREN) HAVE NOT RESPONDED VOLUNTARILY TO THE OBLIGATION TO LEAVE THE REPUBLIC CONTAINED IN SECTION [] OF THE IMMIGRATION ACT 2006, YOUR REMOVAL WILL NOW BE EFFECTED BY THE GOVERNMENT.

THIS REMOVAL ORDER AUTHORISES ANY MEMBER OF THE POLICE TO TAKE YOU(AND THE NAMED DEPENDENT CHILD/CHILDREN) INTO CUSTODY AND PLACE YOU AND YOUR DEPENDENTS ON BOARD ANY CRAFT THAT IS LEAVING THE REPUBLIC, FOR THE PURPOSE OF EFFECTING YOUR REMOVAL FROM THE REPUBLIC IN ACCORDANCE WITH SECTION [] OF THE IMMIGRATION ACT 2006.

THIS REMOVAL ORDER REMAINS IN FORCE FOR 5 YEARS (UNLESS YOU ARE UNDER 17 YEARS OF AGE, IN WHICH CASE IT REMAINS IN FORCE UNTIL YOU ARE REMOVED FROM THE REPUBLIC).

Dated this .....day of....., ...

Signed: .....
Attorney General
Republic of the Marshall Islands

NOTE: You have the right to contact a solicitor or attorney or other adviser.

This removal order was served on
.....*[Name]*

By personal service on
.....*[Date]*

At
.....*[Plac e]*

Signed:.....*[Immigrati on Officer]*

Form 8

REMOVAL ORDER

Section [ ], Immigration Act 2006

TO: .....*[Person to be removed]*

AND TO: .....[Spouse]*

*AND TO: the following unmarried dependent children under 18 years of age:

(1) .....
(2) .....
(3) .....
(4) .....

*Delete if not applicable

Acting pursuant to section [] of the Immigration Act 2006, I ..... (full name), a Immigration Officer designated by the Minister of Justice, am satisfied that YOU (and the named dependent child/children) ARE IN THE REPUBLIC UNLAWFULLY on the grounds that you-

(1) are not a citizen of the Republic; and
(2) do not hold a valid visa; and
(3) do not hold a valid permit; and
(4)are not exempt under the Immigration Act 2006 to hold a visa or entry permit-

AND THAT YOU ARE LIABLE TO BE REMOVED FROM THE REPUBLIC under Part [] of the Immigration Act 2006 on the grounds that –

(a) you have been in the Republic unlawfully for a period of longer than 42 consecutive days and you do not have an appeal pending before the Deportation Review Board; or

(b) you have lodged an appeal to the Deportation Review Board and the Board denied your appeal and you are still in the Republic 7 days after that decision was notified to you; or

(c) you are in the Republic while a previously executed removal order is still in force in respect of you.

SINCE YOU (AND THE NAMED DEPENDENT CHILD/CHILDREN) HAVE NOT RESPONDED VOLUNTARILY TO THE OBLIGATION TO LEAVE THE REPUBLIC CONTAINED IN SECTION [] OF THE IMMIGRATION ACT 2006, YOUR REMOVAL WILL NOW BE EFFECTED BY THE GOVERNMENT.

THIS REMOVAL ORDER AUTHORISES ANY MEMBER OF THE POLICE TO TAKE YOU(AND THE NAMED DEPENDENT CHILD/CHILDREN) INTO CUSTODY AND PLACE YOU AND YOUR DEPENDENTS ON BOARD ANY CRAFT THAT IS LEAVING THE REPUBLIC, FOR THE PURPOSE OF EFFECTING YOUR REMOVAL FROM THE REPUBLIC IN ACCORDANCE WITH SECTION [] OF THE IMMIGRATION ACT 2006.

THIS REMOVAL ORDER REMAINS IN FORCE FOR 5 YEARS (UNLESS YOU ARE UNDER 17 YEARS OF AGE, IN WHICH CASE IT REMAINS IN FORCE UNTIL YOU ARE REMOVED FROM THE REPUBLIC).

Dated this .....day of....., ...

Signed: .....
Attorney General
Republic of the Marshall Islands

NOTE: You have the right to contact a solicitor or attorney or other adviser.

This removal order was served on
.....*[Name]*

By personal service on
.....*[Date]*

At
.....*[Place]*

Signed.....*[Immigration Officer]*

Form 9

NOTICE OF CANCELLATION OF REMOVAL ORDER

Section [], Immigration Act 2006

TO: .....
[Name of person named in removal order]
OF: .....
[Address]

You are notified, pursuant to section [] of the Immigration Act 2006, that the removal order served personally on you on .....*[Date]* is cancelled with effect on and from the date of this notice.

Signed: .....
Minister of Justice
Republic of the Marshall Islands

Date: .....

Form 10

WARRANT OF COMMITMENT

Section [], Immigration Act 2006

To every member of the Police (or To: .....*[Full name,* member of the Police*]*, and to .....*[the person in charge of any specified premises],*
.....*[Name of person arrested]* of
.....*[Address of person arrested]* was arrested under Part [] of the Immigration Act 2006 and brought before me pursuant to sections [] of the Act.

I HEREBY ORDER that the subject be detained for a period of ..... days, unless earlier ordered to be released by any court, or

unless earlier required to be delivered up by any member of the Police for the purpose of executing a removal order or for the purpose of any court appearance, and I DIRECT YOU, the said member(s) of the Police to deliver the subject to:

.....*[Specified premise or penal institution]*

and you, the said ....*[Person in charge or Superintendent]*

to receive the subject into your custody and detain the subject until so ordered to be released or required to be delivered up.

Dated at:....., this.....day of.....,

.....

.....

High Court Judge

Subject brought before me on –.....and warrant extended for a further.....days until .....

.....

High Court or District Court Judge

Jack

FILE

REPUBLIC OF THE MARSHALL ISLANDS

CONFIDENTIAL

C.M. 189 (2009)

FOR ACTION
Minister of Justice

FOR INFORMATION
All Cabinet Ministers

SUBJECT: Approval of Immigration Regulations 2009

At its meeting on December 15, 2009, the Cabinet:

1)**approved** the attached Immigration Regulations 2009; and

2)**authorized** the Minister of Justice to comply with the Notice of procedure as laid out in Section 104 of the Administrative Procedure Act (6 MIRC 1) before promulgating the regulations.

Y. Lodge
Clerk of the Cabinet

Brenson S. Wase
Acting President

[Reference – C.P. 6252(2009)]
Signed by the Acting President on December 16th, 2009.