



THE ADMINISTRATION OF NORFOLK ISLAND

IMMIGRATION POLICY AND GUIDELINES **(sections 17(2) and 19(2) of the Act)**

Consolidated as at July 11th 2011
Updated October 31st 2011

The law governing entry into Norfolk Island is contained in the Immigration Act 1980. Copies of the Act and the regulations made under it may be purchased from the Legal Clerk, Administration of Norfolk Island, Kingston, Norfolk Island. Further information relating to immigration and residency may be obtained from the Immigration Section, Administration of Norfolk Island, Kingston Norfolk Island (telephone: 6723 22001; fax: 6723 23550).

These guidelines are prepared to provide a guide to the interpretation and application of the Act in dealing with immigration applications. The Minister and Immigration Committee shall have regard to the contents of these Guidelines as one of the relevant factors to be considered.

They are amended to allow for Australian business investors to undertake businesses and self-funded retirees to live in the island as part of the ordinarily resident population. The amended guidelines will be reviewed by July 2012 as part of the Roadmap implementation.

In these Guidelines “the Act” is a reference to the Immigration Act 1980.

OBJECTIVES

- 1.0 Applications for entry into Norfolk Island, or any other matter under the Act shall be dealt with in accordance with the following objectives: -
 - 1.1 To recognise and ensure that Norfolk Island remains principally as a home for the benefit of its permanent residents.
 - 1.2 To ensure compliance with the Immigration Act 1980, the Immigration Regulations made under that Act, these Guidelines, and any policy, motion, or determination made by the Legislative Assembly or the Minister under the Act.
 - 1.3 To ensure compliance with any other applicable or relevant legislation, rules, or regulations operating in Norfolk Island.
 - 1.4 To ensure equity, fairness, and natural justice in dealing with any application or matter under the Act.
 - 1.5 To recognise that there are persons who have a special relationship with the culture, traditions, and community of Norfolk Island, and to deal fairly and equitably with such persons in the establishment of such claims in relation to any application under the Act.
 - 1.6 To ensure a measured and appropriate management of the permanent and temporary population of Norfolk Island having regard to -
 - (a) the fragile environment of Norfolk Island;
 - (b) the culture and heritage of the community;
 - (c) the economic and infrastructure resources of Norfolk Island;
 - (d) the need to sustain a vital and healthy commercial sector within the community;
 - (e) the need to promote or maintain economic growth within the community;
 - (f) any immigration policy promulgated or determined by the Legislative Assembly.
 - 1.7 To ensure that no person is discriminated against on the basis of race, religion, gender, or any other matter where such discrimination offends against any law operating in Norfolk Island.

APPLICATIONS TO ENTER NORFOLK ISLAND
Part III of the Act

2.0 General

Applications for Visitors Permits, Temporary Entry Permits and General Entry Permits, and for decisions to be made in connection with residency, are dealt with by the Minister with responsibility for immigration.

2.1 Applications for Visitors Permits, and Temporary Entry Permits may be dealt with administratively by an officer authorised to act on behalf of the Minister (section 5 of the Act). Applications for General Entry Permits and in connection with residency are referred by the Minister to the Immigration Committee. The Immigration Committee is a body established by the Act in order to make recommendations to the Minister. The Committee is a group of people representative of local residents. Further details on how to apply, and application forms, are available on request. Fees, payable for applications, are not refundable in the event of refusal unless exceptional circumstances exist (see definition of exceptional circumstances).

2.2 Informal assessment for General Entry Permit

Persons considering long-term stay or settlement in Norfolk Island may make, on payment of any prescribed fee, an application for a prima-facie assessment by the Immigration Committee of their prospects for obtaining a General Entry Permit. Special forms are available for these purposes. Supporting documentation is not necessary and regardless of outcome a person must make a formal application under the legislation. A prima-facie assessment under this guideline is designed to alert Applicants to any special problems they may have to deal with in their application, or to any matters which might prevent the success of their application. A prima-facie assessment is not binding on the Minister or the authorised officer.

2.3 Commencement of employment and other conditions

Applications may be granted subject to such reasonable conditions, and without limiting the generality of this guideline, may include conditions relating to: -

- (a) Employment and compliance with the employment legislation operating in Norfolk Island by both the Applicant and any prospective employer;

- (b) maintenance guarantees (section 82);
- (c) medical examinations;
- (d) the completion of any contract of sale or purchase;
- (e) the provision of any relevant report or financial assessment;
- (f) the obtaining of an appropriate visa to enter Norfolk Island;
- (g) any other matter provided for in the Act or these guidelines;
- (h) continuing compliance with good character requirements;
- (i) declaration of any pre-existing medical conditions;
- (j) the payment of levies payable under the Healthcare Levy Act 1990

3.0 **Dependent spouses and children**

Applications for permits may be made by the principal Applicant on behalf of a spouse, and dependent children who have not attained the age of 18 years. The term "spouse" includes a person in a de facto relationship in these guidelines referred to as a "couple".

3.1 Evidence to confirm that two persons are a "couple" must be provided with the application for permit including but not limited to evidence establishing the following matters:-

- (a) the person is legally married to another person and is not, in the Minister's opinion (formed as mentioned below), living separately and apart from the other person on a permanent or indefinite basis; or
- (b) all of the following conditions are met:
 - (i) the person has a relationship with a person (in this paragraph called the partner);
 - (ii) the person is not legally married to the partner;
 - (iii) the relationship between the person and the partner is, in the Minister's opinion, a marriage-like relationship;
 - (iv) both the person and the partner are over the age of consent applicable in the State or Territory in which they live or have lived;
 - (v) the person and the partner are not within a prohibited relationship for the purposes of section 23B of the Marriage Act 1961 .

Note: A prohibited relationship for the purposes of section 23B of the Marriage Act 1961 is a relationship between a person and:

- * *an ancestor of the person; or*
- * *a descendant of the person; or*
- * *a brother or sister of the person (whether of the whole blood or the part-blood).*

3.2 **Criteria for forming opinion about relationship as couple**

In forming an opinion about the relationship between 2 people, the Minister is to have regard to all the circumstances of the relationship including, in particular, the following matters:

- (a) the financial aspects of the relationship, including:
 - (i) any joint ownership of real estate or other major assets and any joint liabilities; and
 - (ii) any significant pooling of financial resources especially in relation to major financial commitments; and
 - (iii) any legal obligations owed by one person in respect of the other person; and
 - (iv) the basis of any sharing of day-to-day household expenses;
- (b) the nature of the household, including:
 - (i) any joint responsibility for providing care or support of children; and
 - (ii) the living arrangements of the people; and
 - (iii) the basis on which responsibility for housework is distributed;
- (c) the social aspects of the relationship, including:
 - (i) whether the people hold themselves out as married to each other or in a permanent relationship; and

- (ii) the assessment of friends and regular associates of the people about the nature of their relationship; and
 - (iii) the basis on which the people make plans for, or engage in, joint social activities;
- (d) any sexual relationship between the people;
- (e) the nature of the people's commitment to each other, including:
- (i) the length of the relationship; and
 - (ii) the nature of any companionship and emotional support that the people provide to each other; and
 - (iii) whether the people consider that the relationship is likely to continue indefinitely; and
 - (iv) whether the people see their relationship as a marriage-like relationship.
- 3.3 The Minister must not form the opinion that the relationship between a person and his or her partner is a marriage-like relationship if the person is living separately and apart from the partner on a permanent or indefinite basis at the time of consideration.

VISITORS PERMITS Section 15 of the Act

The Act applies to visitors as if a written visitors permit (valid for 30 days) had been granted on entry and subject to requirements relating to prescribed persons and the obtaining of an appropriate visa (sections 4 and 13 of the Act).

4.0 Certain categories of entrant are not regarded by the Act as visitors. These include residents, holders of permits issued under the Act, persons whose application for a permit has been refused within 1 year preceding entry, and prohibited immigrants. **Persons whose application for a permit has been refused within 1 year preceding entry, and prohibited immigrants, must apply for a written visitors permit before entry into the Norfolk Island.**

4.1 During the first 30 days of a visit a visitor must apply for a written visitors permit to extend the stay beyond that period. Extensions of a visitors permit may be granted by the Minister or the authorised officer for periods up to, but not exceeding, a maximum period of 120 days, **in consecutive periods of no more than 30 days, from the date of entry and within any one year from that date.**

4.2 In exercising a discretion whether or not to issue or extend a written visitors permit, the Minister, or authorised officer, may take any relevant matter into account, including but not limited to the following: -

- (a) Whether the Applicant is a bona-fide holidaymaker;
- (b) Whether the Applicant is visiting family or friends ordinarily resident in Norfolk Island;
- (c) Whether the Applicant is undertaking non-remunerative research activities;
- (d) Whether there is substantiated evidence that the Applicant is not of good character

4.3 and, in the case of any person mentioned in (b) above who is visiting family, or (c) above, the application shall not be unreasonably refused.

4.4 An application for a written visitors permit or for an extension of a written visitors permit must not be granted if the reason for an extended stay is to seek employment beyond 7 days.

4.5 An application for an extension of a written visitors permit may be refused if the Minister is not satisfied that the reasons for which the permit was originally granted still exists.

4.6 Visitors permits (including the visitors status conferred for 30 days after entry) will not be granted where it would result in a total period of stay of more than 120 days in a year (12 month period from the date of arrival in Norfolk Island).

This requirement may be waived where the Minister is satisfied that there are exceptional circumstances justifying the grant of a fresh permit (see definition of exceptional circumstances).

- 4.7 **Employment or participation in business or a profession is allowed for up to, but not exceeding, 7 days after entry without written application.**
- 4.8 The Minister or authorised officer may allow employment or participation in a business or profession, upon application, for a longer period or for a period commencing after the first 7 days stay. Such applications will be refused where the Minister, or authorised officer consider in their absolute discretion, that the grant of a Temporary Entry Permit would be more appropriate for the activity concerned.

TEMPORARY ENTRY PERMITS Section 16 of the Act
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5.0 Temporary Entry Permits

- 5.1 A Temporary Entry Permit may be granted on application for up to 1 year, and may be extended by periods not exceeding 1 year on each occasion (Subsection 16(2)).
- 5.2 A person **cannot commence employment** under a Temporary Entry Permit until the permit has been granted.
- 5.3 A Temporary Entry Permit or an extension of an existing Temporary Entry Permit will not be granted where approval would result in the Applicant holding a Temporary Entry Permit for more than eight years during any continuous period of ten years.
- 5.4 A period of residence in Norfolk Island as a Temporary Entry Permit holder shall not be deemed a period of ordinary residence for the purposes of seeking a declaration of residency (section 29(1)(c) of the Act).
- 5.5 An application for extension under 5.3 may be refused if the Applicant has, subsequent to his entry, been convicted of an offence in the Norfolk Island or elsewhere where the penalty for such conviction may be six months imprisonment or longer.
- 5.6 Before determining an application for a Temporary Entry Permit or for a renewal of such a permit the Minister, or authorised officer, shall have regard to such matters as they consider to be relevant, and without limiting the generality of that discretion, the following: -
- (a) whether there is already available in Norfolk Island a person able to undertake the employment specified by the Applicant, and whether the proposed employer is willing to engage that person;
 - (b) the qualifications of the Applicant to engage in the desired employment, business or profession;
 - (c) the Applicant's character (including the provision of a police clearance certificate);
 - (d) the effect on local infrastructure resources, were the application to be granted;
 - (e) the health of the Applicant, his or her spouse and children, and whether there are sufficient medical resources to cater for any special medical needs such persons may require;
 - (f) whether the Applicant, or his spouse has maintained up to date membership of the Norfolk Island Health Care Scheme or any other approved health fund;

- (g) whether an unconditional ticket for travel from Norfolk Island is held by the Applicant or on behalf of the Applicant by the Employer (to be evidenced by an unconditional undertaking signed by the Employer) for the Applicant, or if in a family unit for his family as well as him or herself;
- (h) or as an alternative to (g) a cash bond that covers the requirements of (g) has been lodged with the Administration;
- (i) whether the Applicant will have adequate means of support particularly in respect of any family commitments.

5.7 The following further detail is provided in relation to the matters listed in paragraph 5.6 (a): -

Availability of local personnel

- 5.7.1 The Minister shall be satisfied that reasonable steps have been taken by the proposed employer of an Applicant to ascertain that no person ordinarily resident in Norfolk Island, of satisfactory skills and relevant qualifications, is reasonably available to enter into the employment specified in the application and is acceptable to the Employer.
- 5.7.2 In respect of any application, a proposed employer shall furnish to the authorised officer or the Minister , a statement which –
- 5.7.3 details the nature of and duties, responsibilities, qualifications, and experience reasonably required for the proposed position (job profile);
- 5.7.4 confirms that an advertisement for the position has been placed in the major Norfolk Island local paper for at least 2 consecutive weeks containing the employer’s name, full contact details and full particulars of the position offered.
- 5.7.5 lists all residents and General Entry Permit holders who applied for the position together with an explanation as to why they were not considered suitable or acceptable;
- 5.7.6 confirms that the employer has consulted the Employment Register prior to employing a Temporary Entry Permit holder and demonstrate that none of the persons on the Register are suitable for the position.
- 5.7.7 outlines in all respects compliance with the employment laws of Norfolk Island with reference to the Applicant, including the provision of unconditional return air-tickets to be held by the Applicant or by the Employer on behalf of the Applicant (to be evidenced by an unconditional undertaking signed by the Employer) or if in a family unit for his family as well as him or herself.

5.8 **Qualifications**

5.8.1 An Applicant shall provide certified copies of appropriate trade or professional certificates reasonably relevant to any trade or profession which it is proposed to pursue in Norfolk Island.

5.9 **Character**

An assessment of an Applicant's character shall be made having regard to: -

- (a) any convictions recorded against the Applicant;
- (b) any convictions received by the Applicant (an offence which could not be dealt with summarily);
- (c) any criminal or statutory charges pending against the Applicant;
- (d) whether the Applicant is a Bankrupt and the circumstances surrounding such bankruptcy ;
 - (i) any personal or business references provided by the Applicant.
 - (ii) the provision of a police clearance certificate.

5.10 A criminal history does not automatically exclude the grant of an entry permit and determination shall be made having regard to the nature, frequency, and date of any convictions, the penalties imposed and any other relevant matters.

Note: Where a person has been convicted of an indictable offence punishable by imprisonment for 6 months or longer that person cannot enter Norfolk Island without first having obtained authorisation from the Minister to do so.

5.11 **Burden on local facilities**

The Minister or authorised officer, in determining any application, shall make an assessment of whether there are sufficient facilities, accommodation, and infrastructure in Norfolk Island to support the potential immigrant, having regard to the employment proposed to be undertaken by the Applicant, and the family situation of the Applicant.

5.12 **Health**

Assessment of an Applicant's health will be made by the medical officer having regard to a detailed medical history provided by the Applicant, tests and examinations carried out by the Medical Superintendent and to the health standards laid down by the Norfolk Island Government. (see separate section on HEALTH REQUIREMENTS).

5.13 **Health insurance**

An Applicant shall undertake to participate in the Norfolk Island Health Care Scheme as a condition of any permit granted to him or her or shall provide evidence of Health or Medical insurance that will qualify the Applicant for an exemption from the Healthcare Levy under section 11A of the Healthcare Levy Act 1990.

5.14 **Air travel ticket**

The Applicant must satisfy the Minister that he or she holds and possesses a fully paid open ticket for air travel (for him/her and his/her family if applicable) from Norfolk Island to a destination at which entry is not likely to be refused, and that such ticket is not subject to any lien or bailment, or other condition of employment or otherwise. The fully paid open ticket for air travel may be held by the Employer on behalf of the Applicant (to be evidenced by an unconditional undertaking signed by the Employer) or if in a family unit for his/her family as well as him or herself. Alternatively a cash bond that covers the cost of air travel (for him/her and his/her family if applicable) from Norfolk Island to a destination at which entry is not likely to be refused.

5.15 **Means of support**

In determining any application, the Minister, or authorised officer is entitled to obtain details of the income to be received by any Applicant in Norfolk Island, or the independent means of the Applicant, and shall assess whether such income is sufficient for the support of the Applicant and his or her family (if any), having regard to the cost of living in Norfolk Island.

5.16 **Extension of an existing permit**

Where a Temporary Entry Permit holder applies for an extension of an existing permit the application will be dealt with, subject to the Act and these guidelines, as if it were a new application. Such application shall be however subject to any waiver of requirements under 4.6 given by the Minister.

GENERAL ENTRY PERMITS Sections 18, 19, and 20 of the Act

6.0 Applications

6.1 General Entry Permits are granted for a period of 5 years and 6 months. Applications for General Entry Permits are referred by the Minister to the Immigration Committee. The Act provides that when considering the application the Committee will have regard to such matters as it considers to be relevant, and in particular:

- (a) the Applicant's reasons for wishing to live in Norfolk Island;
- (b) the Applicant's intentions with respect to his or her livelihood in Norfolk Island, and whether they are likely to be realised taking into account their proven ability and expertise to enhance any business activity which forms part of their application;
- (c) the Applicant's character and capacity to integrate into a small remote community;
- (d) the Applicant's health and any pre-existing medical conditions; and
- (e) the Applicant's financial position including assets and liabilities which in the Minister's opinion disclose sufficient financial resources to live in Norfolk Island.

6.2 The Committee reports to the Minister, who grants (or refuses to grant) the General Entry Permit.

6.3 An assessment of relevant factors will normally be made as follows: -

Reasons for proposed immigration

An Applicant shall demonstrate an intention to take up permanent ordinary residence in Norfolk Island. Such intention shall be demonstrated by reference to:-

- (a) whether the Applicant or spouse has business interests in Norfolk Island, and the nature of those business interests;
- (b) The proposed employment of the Applicant and spouse in Norfolk Island;
- (c) The proposed immigration as a self-funded retiree.

6.4 An Applicant must either intend to be:

- (a) engaged in a remunerative occupation or if a member of a couple with or without children, has a partner or spouse who intends to be engaged in a remunerative occupation in Norfolk Island; or
- (b) enter as a business investor or:-
- (c) enter as a self-funded retiree

- 6.5 An Applicant must undertake to participate in the Norfolk Island Health scheme as a condition of the permit or shall provide evidence of Health or Medical insurance that will qualify that Applicant for an exemption from the Healthcare Levy under section 11A of the Healthcare Levy Act 1990.
- 6.6 Subject to 6.7 "family reunion" entry is not a relevant factor in assessing an application.
- 6.7 The Committee and the Minister may consider an application for a General Entry Permit which is sponsored by a permanent resident on "humanitarian" grounds. Such Sponsors are expected to provide evidence that their financial, health, age or other circumstances are such that they need support and close care and attention and that such needs cannot be met by other family members who are already in Norfolk Island.
- 6.8 Any application granted on these grounds shall be subject to such conditions as to maintenance and medical cost guarantees as the Minister sees fit to ensure there is no burden on the resources of the Norfolk Island Administration.
- 6.9 **Business Investors**
Where an Applicant proposes to operate a business, evidence shall be provided that the business is viable.
- 6.10 The form of evidence that may be provided could include:-
- (a) A statement of agreed funding from a bank or other recognised financial institution for the operation of the business; or
 - (b) documented proof from a bank or other financial institution of adequate immediately available unencumbered funds sufficient to allow the business to be established and support the Applicant and any dependants for a minimum of two years after start up;
 - (b) A business plan that is endorsed as viable from a licensed financial adviser, a certified practising accountant or a chartered accountant.
- 6.11 Where the business is currently either not profitable or not returning sufficient profit to support the Applicant and his or her family the Applicant should detail (in an business plan) what measures are proposed to make the business sufficiently profitable to support the Applicant and his/her family and show he/she has the resources to implement these measures.
- 6.12 **Employment proposal**
Where an Applicant proposes to undertake employment, an Applicant must provide evidence of skills or qualifications on the basis of which the Applicant claims an assurance of continued stable employment. Evidence in the form of references from former or current employers, copies of contracts of employment, copies of formal qualifications may be requested by the Committee or the Minister.

6.13 **Self-funded Retirees**

A General Entry Permit may be granted to persons who are assessed as satisfying the requirements of entry on the basis that they are self-funded retirees.

6.14 The application should satisfy the following requirements:

- (a) health:- be of a good standard of health consistent with their age,, and any known or pre existing health issues to be adequately covered by the level of health services available in Norfolk Island without regular reference to specialist services off island. [see clause 6.18 and 7.0]
- (b) in receipt of a life pension, annuity or regular income from sound investments;
- (c) the applicant must take up residence in Norfolk Island and either purchase a house, a unit or apartment; build their own home, or undertake secure long term rental, within a period of nine months of the grant of a General Entry Permit.
- (d) employment whilst holding a General Entry Permit based on self-funded retirement will be considered with respect to advantageous skills brought to the Island.
- (e) satisfy all other requirements for the grant of a general entry permit.

6.15 **Income**

An Applicant must provide evidence of an adequate on-going level of personal income, having regard to the cost of living in Norfolk Island and to the liabilities and financial commitments of the Applicant (including any liabilities and financial commitments related to the family situation of the Applicant).

6.16 **Financial position**

Applicants must provide evidence of adequate personal solvency. The documentation required to enable this assessment to be made will include a statement of personal assets and liabilities and other documentary proof where requested. Such a statement must be verified by a competent third party who has knowledge of the Applicant's financial affairs, e.g., bank manager, accountant or solicitor.

6.17 Where it is proposed to buy an existing business or new business that is approved by the Minister, the onus is on the Applicant to, through full disclosure of assets and liabilities, demonstrate an ability to complete the proposed purchase.

6.18 **Health**

Assessment of an Applicant's health will be made by the Norfolk Island Government Medical Officer having regard to detailed medical history provided by the Applicant, tests and, where required, examinations carried out by the

Government Medical Officer to the health standards laid down by the Norfolk Island Government including the assessment of the impact of any existing of any pre-existing conditions. (see separate section on HEALTH REQUIREMENTS)

6.19 Character

An Applicant is expected to demonstrate a good character and a capacity to integrate into the Norfolk Island community.

6.20 An assessment of an Applicant's character shall be made having regard to: -

- (a) any convictions recorded against the Applicant;
- (b) any convictions received by the Applicant (an offence which could not be dealt with summarily);
- (c) any criminal or statutory charges pending against the Applicant;
- (d) whether the Applicant is a Bankrupt and the circumstances surrounding such bankruptcy ;
- (e) any personal or business references provided by the Applicant.
- (f) the provision of a police clearance certificate.

6.21 A criminal history does not automatically exclude the grant of an entry permit and determination shall be made having regard to the nature, frequency, and date of any convictions, the penalties imposed and any other relevant matters.

Note: Where a person has been convicted of an indictable offence punishable by imprisonment for 6 months or longer that person cannot enter Norfolk Island without first having obtained authorisation from the Minister to do so.

6.22 A character assessment will also be made having regard to character references and any other material relating to the Applicant's participation in community affairs.

6.23 At least 3 character references shall be required from persons of standing in the Applicant's community who have known the Applicant for at least 3 years. The references should set out the basis of the referee's association with the Applicant, an estimation of the Applicant's character and known particulars of the Applicant's community involvement and periods of residence in small, remote communities, if any. References which show evidence of being in a common form or from persons who are related by blood or marriage are not considered adequate for the purposes of this assessment.

6.24 **Quota**

The grant of new General Entry Permits is subject to a quota fixed by the Minister in accordance with a resolution of the Legislative Assembly. The quota determines the number of General Entry Permits that may be granted during a specified period.

6.25 **Subsisting Applications**

An Applicant whose application has been refused solely for quota reasons may request in writing that their application subsist and be reconsidered when a new or future quota is determined. General Entry Permit applications are ranked for quota purposes on a system of priority established by reference to the date and time of receipt of each application.

6.26 The Minister may reconsider a subsisting General Entry Permit application if he or she becomes aware of further matters that are relevant to that application. In such cases the Minister may substitute a new decision on the application.

6.27 An Applicant who has previously requested that their General Entry Permit application subsist may, by written notice to the Minister, withdraw that request.

6.28 **Special Relationship with Norfolk Island**

If an Applicant satisfactorily demonstrates a special relationship with Norfolk Island or is the spouse or dependent child of such a person or is the spouse or dependent child of a resident (within the meaning of the Immigration Act 1980), a General Entry Permit may be granted without having regard to the quota.

6.29 Applications on the basis of a special relationship are referred by the Minister to the Immigration Committee for consideration and a report. The Committee will consider whether a special relationship exists according to the following criteria -

- a) The closeness of the Applicant's relationship to a resident family;
- b) The extent of the resident family's sponsorship of, and representations on behalf of, the Applicant;
- c) The extent of that resident family's ties with, and involvement in, the Norfolk Island community;
- d) The length of the Applicant's period of residence in Norfolk Island, where applicable;
- e) The extent of the Applicant's integration into the Norfolk Island community during any period of residence, where applicable;
- f) The extent of the Applicant's knowledge of, familiarity with, and exposure to Norfolk Island's culture and traditions.

6.30 Applicants will be expected to provide sufficient information to enable this consideration to be adequately assessed. Statements by persons other than the

Applicant, who are of recognised standing in the Norfolk Island community may be requested by the Committee or the Minister.

6.31 Notwithstanding the existence of a special relationship with Norfolk Island, the Minister may refuse to grant a permit on this basis if a General Entry Permit previously granted under the special relationship provisions had been cancelled or is deemed to be cancelled or has expired.

6.32 **Variation of a General Entry Permit condition.**

The Minister may require that an application for variation of a General Entry Permit be treated as a new application in his or her absolute discretion.

HEALTH REQUIREMENTS Temporary and General Entry Permits
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7.0 The need for Medical and X-ray Examination

Applicants for Temporary Entry Permits or General Entry Permits, including members of the family unit, must have a medical examination. This is to prevent the introduction of disease into Norfolk Island or to indicate where special treatment or care might be required. Any pre-existing medical condition must be declared. In providing a report under these guidelines a Government Medical Officer is acting on behalf of the Administration of Norfolk Island.

7.1 Chest X-rays may be required where the Applicant or family member is over 45 years of age, or otherwise depending on the country of recent residence. The Government Medical Officer will determine whether or not a chest X-ray is required.

8.0 Forms

An Applicant and members of his or her family shall complete a medical examination form, certified and completed by a qualified Australian or New Zealand medical practitioner, and if completed offshore such examination must be dated within one month of the application.

8.1 Medical reports and examination results will not be retained by immigration officials but will be held by a Government Medical Officer.

8.2 The medical examination form may require the inclusion or addressing of the following –

- (a) a recent photograph;
- (b) the review of the medical assessment by a Government Medical Officer;
- (c) referral of the health circumstances of an Applicant or the Applicant's family member or members to a case conference convened by the Minister and two Government Medical Officers;
- (d) the nature and availability of suitable health services in Norfolk Island ;
- (e) a form of indemnity having regard to the nature of Health services in Norfolk Island and its isolation;
- (f) the transfer of medical information from one medical practitioner to another;
- (h) existing or pre-existing conditions.
- (i) A report in the prescribed form shall be furnished to the Immigration Committee.

9.0 Cost of Examination

The cost of medical and X-ray examination must be borne by the Applicant. However, the Minister or authorised officer processing the particular application has the discretion to defer medical examination until prima-facie suitability has been otherwise established.

10.0 Duties and Responsibilities

Medical and chest X-ray standards are determined by the Norfolk Island Government in consultation with a Government Medical Officer;

10.1 all medical and radiological reports received by immigration officers from overseas Applicants shall be referred to a Government Medical Officer;

10.2 a Government Medical Officer shall medically examine Applicants sent by immigration officers or shall examine the medical and radiological reports sent by immigration officers and advise the immigration officers whether particular cases satisfy the medical standards. The Government Medical Officer shall also advise immigration officers in writing the reasons why particular cases fail to meet or fail to continue to meet the health standards.

11.0 Standards

In advising the reasons why particular cases fail to meet the required standards a Government Medical Officer shall address the following questions:

- (a) would the person be a danger to others by reason of a serious transmissible disease?
- (b) would the person be a danger to others by reason of any other contagious or infectious disease?
- (c) is the person suffering from any condition which could produce hereditary defects?
- (d) is the person, because of a mental or physical condition, permanently incapacitated to the extent of being unable to take adequate care of himself or herself?
- (e) would the person require immediate treatment in hospital?
- (f) would the person be in recurrent attendance at the hospital out-patient department?

- (g) is the person suffering an illness or condition which cannot be appropriately treated by medical resources in Norfolk Island and/or which prevents employment?
- (h) is the person suffering a disease or physical or mental condition for which treatment is not readily available in the Island or for which special treatment and care may be required and is not available in the Island?

11.1 A Government Medical Officer's report shall detail any positive findings and shall also include whether the person fails to meet the specified standards listed .

11.2 Subject to any exceptional circumstances, an entry permit or permanent residency will not be granted where an Applicant has any prescribed diseases or medical conditions.

12.0 **Decisions**

Decisions shall take into account the potential charge to public funds, including social welfare, medical and hospital costs.

12.1 If a Government Medical Officer advises that a particular case does not satisfy the medical standards detailed in these guidelines the relevant application will be referred to the Minister for consideration in consultation with a Government Medical Officer.

RESIDENCY
Part IV of the Act

13.0 Establishing Residency

Residency is established by birth or declaration.

13.1 Residency by declaration

Declarations of residency may be applied for by General Entry Permit holders who have lived in the Island for at least 5 years during the period of 7 years immediately preceding the making of the application while holding a General Entry Permit. In accordance with the provisions of the Act the Minister will have regard to the following in respect of an application for declaration of residency –

- (a) Demonstrated commitment to permanent residence in Norfolk Island by reference to employment and family situation;
- (b) Assimilation into the Norfolk Island community;
- (c) Character to be determined by reference to the same matters outlined for a General Entry or Temporary Entry Permit;
- (d) Family and community support networks available to the Applicant;
- (e) Financial stability by reference to employment, assets, and liabilities
- (f) Ordinary residence in Norfolk Island, not including time spent as a Temporary Entry Permit holder, and Visitors Permit.

Exceptional Circumstances

14.0 The Minister, the Committee, or the authorised officer, may determine that exceptional circumstances exist in relation to an application where –

- (a) there is substantiated evidence to show that refusal of the application would cause extreme hardship to the Applicant or a member of his or her family;
- (b) there are compassionate, or humanitarian grounds which would support the granting of an application;
- (c) the refusal or granting of an application would, in all of the circumstances provide an absurd result which would be inconsistent with the objects of the guidelines.