



## **PNG IMMIGRATION AND CITIZENSHIP AUTHORITY**

### *Office of the Chief Migration Officer*

#### **MEDIA RELEASE**

#### **CHIEF MIGRATION OFFICER CLARIFIES RE-ENTRY OF KEVIN HE KAI, CHINESE NATIONAL**

The Chief Migration Officer Solomon Kantha clarified the controversial case of Chinese national Mr Kevin He Kai who was deported in 2012. This case was raised in Parliament by Governor for Oro Hon. Garry Juffa earlier this week.

"The removal orders signed against Mr He Kai was rescinded by former Minister who signed the orders. This former Minister had written to then Minister of Foreign Affairs and Immigration stating that the facts of the case were not made available to him at the time he signed the removal orders", said Mr Kantha.

"The former Minister for Foreign Affairs and Immigration wrote to me as acting Chief Migration Officer then to act on the request and facilitate the application for Mr Kai if there was nothing precluding him from returning to the country. Given allegations against Mr Kai's background the Immigration and Citizenship Authority in 2015 wrote to all relevant agencies including NIO, Customs and Police to provide a report with recommendations and if they have any concerns on the return of this person", added Mr Kantha.

"For 2 years Immigration kept following up from these agencies including the Courts if there was any conviction certificate on this person. Our efforts were futile as there were no records of conviction from Police or the Courts", said Mr Kantha.

As instructions were given at the Ministerial level and to accord procedural fairness to the applicant, we wrote again to the Police and they responded in April 2017 that they were unable to locate a copy of the conviction record against this person and that Immigration can make a decision on the person's application based on information we have at our disposal.

Immigration has also written to the State Solicitor who gave advice that once a person is deported that removal order has therefore been exhausted and the person is at liberty to apply for a new entry permit where a decision can be made administratively. This process has been applied to a number of cases where persons who have been deported have returned through this process including the case of a Catholic lay person that was deported last year.

Given remaining concerns on the allegations, although Mr Kai applied for a long term working resident visa this was not granted. He was therefore only issued a short term visa as Immigration received a petition from community leaders in Central Province that Mr Kai has a business in the province and has children to a PNG spouse.

His return was to also give us an opportunity to liaise with Police to interview him and put a formal recommendation to us on any future long term visa applications. This process was concluded recently and Mr Kai will leave the country where a decision will be conveyed to him on whether he is able to return to the country or not.

"Our decisions on re-entry of deported persons are based on nature of the case, severity of offences, facts, evidence, and consultation with all key agencies. It is not an independent decision. We are tightening our processes and have removed many unlawful non-citizens during this short period than any time in our history", said Mr Kantha.

"We are also aware of people with personal interests who have extorted money from foreigners that are using this case to tarnish my reputation and of Immigration and I have sought legal advice to sue these people spreading false and malicious allegations without knowing the facts to this case", said Mr Kantha.

**Solomon Kantha**  
**Chief Migration Officer**

Port Moresby, 13 April 2018

**APPROVED FOR RELEASE**