

MINISTRY OF THE PRIME MINISTER AND
CABINET

Samoa Immigration Code Of Ethics

MPMC
September 2019

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FOREWORD

The Ministry of the Prime Minister and Cabinet in promoting good governance across the whole of government, enhancing the integrity of Samoa Immigration, and ensuring that its services, processes and procedures are efficiently carried out in accordance with the law, this Code is being developed to guide the performance of duties and responsibilities of sworn in Samoa Immigration Officers.

This Code of Ethics has been designed to reflect international best practice for Immigration services and premised on the values and principles of the Samoa Public Service's Code of Conduct stipulated under Part 4 of the Public Service Act 2004.

The Code will guide Immigration sworn in officers and anyone who might be temporarily employed/placed within the Samoa Immigration Division, on how to perform their duties diligently, understand the required standard of integrity and work ethics that they are expected to portray at all times.

The Code will require Immigration Officers to be sworn in prior to the commencement of their duties in the Samoa Immigration Office.

The core principles underpinning this Code of Ethics are:

- ❖ To protect the integrity of Government and immigration processes.
- ❖ To ensure all immigration staff conduct their portfolio responsibilities in accordance with requirements of immigration laws and law enforcement international best practice.
- ❖ Strict observance of immigration laws and policies
- ❖ To maintain public confidence in the services provided by the Ministry through Samoa Immigration.

The Code spells out a clear process for disciplinary action against breach of its requirements. This process mirrors principles of natural justice and good governance in dealing with disciplinary issues.

Samoa Immigration staff are expected to lead by example. They are required to comply with, and to respect this Code in the best interest of Samoa.

We continue to depend on the Lord to provide the ultimate spiritual guidance to equip the users of the Code to perform their duties with diligence, care, honesty and love.

Blessings,



Chief Executive Officer
Ministry of the Prime Minister and Cabinet

1 CITATION AND COMMENCEMENT: This code is called the Samoa Immigration Code of Ethics and commences on the date of Cabinet Approval.

2 REFERENCES: Public Service Act 2004
Public Service Regulations 2008
Immigration Act 2004
Pacific Immigration Development Community (PIDC)
Model Immigration Code of Ethics.

3 APPLICATION: This code of ethics applies to all employees of the Ministry of the Prime Minister and Cabinet employed under the Samoa Immigration Division, who are sworn in Immigration Officers including those temporarily assigned with the Immigration Division within the Ministry.

This Code upon approval by Cabinet together with the code of conduct stipulated under the Public Service Act 2004, will be the guiding principles in the performance of duties and responsibilities of all Immigration personnel.

4 PERFORMANCE OF DUTY

A sworn-in immigration officer of the Ministry of the Prime Minister and Cabinet, shall:

- 4.1 be honest, fair, impartial, competent and efficient in the performance of his/her duties;
- 4.2 perform all duties without favour or affection and shall treat all colleagues and customers equally, with courtesy, respect, consideration, dignity and without harassment;
- 4.3 comply with any lawful and reasonable direction given by a superior or anyone acting on behalf of the Chief Executive Officer who has the authority to give such directions;
- 4.4 comply with policies and legal processes and procedures of the Samoa Immigration Division and undertake all duties accordingly.
- 4.5 maintain the integrity of Samoa Immigration when assigned to represent Samoa on any overseas official duties.;
- 4.6 be present at all times of work and will not be absent without authorization.

- 4.7 present decently and professionally at all times when performing official duties.

5 CONFLICT OF INTEREST

A sworn-in Immigration officer of the Ministry of the Prime Minister and Cabinet (MPMC), shall:

- 5.1 ensure that there is no bias, or perception of bias, in any decision making;
- 5.2 avoid any situation where a conflict of interest may arise or where there may be an appearance of a conflict of interest;
- 5.3 advise the Assistant Chief Executive Officer and Chief Executive Officer immediately if his or her duties for MPMC's Immigration Division involve matters in which he or she, or his or her family or any other affiliation also have an interest;
- 5.4 disclose any apparent or perceived conflict of interest that may hinder the performance of his or her duties.

6 CONFIDENTIALITY

A sworn-in Immigration officer of the Ministry of the Prime Minister and Cabinet (MPMC), shall:

- 6.1 maintain the confidentiality of the work undertaken for the Samoa Immigration Division both within and outside the MPMC;
- 6.2 ensure that information and knowledge gained in his or her employment with the Immigration Division of MPMC will not be used for personal or private gain or any other advantage;
- 6.3 ensure that all official government information is not released without authorization;
- 6.4 not remove, alter or destroy any official records without the reasonable and lawful instructions from the Assistant Chief Executive Officer of the Samoa Immigration Division or Chief Executive Officer of the MPMC.

7 TREATMENT OF GIFTS AND FAVOURS

A sworn-in Immigration officer of the Ministry of the Prime Minister and Cabinet (MPMC), shall:

- 7.1 not personally accept any gifts or favours, whatever their nature and values;
- 7.2 report the delivery or offer of any gifts or favours to the Assistant Chief Executive Officer or Chief Executive Officer who will decide whether it is appropriate to accept the gift or favour;
- 7.3 ensure that the details of all gifts or favours accepted and the method of disposal are entered into the Ministry's asset register kept for that purpose.

8 OTHER PAID EMPLOYMENT

A sworn-in Immigration officer of the Ministry of the Prime Minister and Cabinet (MPMC), shall:

- 8.1 obtain official approval from the Chief Executive Officer of MPMC and the Chairman of the Public Service Commission in accordance with regulation 34 of the Public Service Regulation 2008, prior to engaging in any secondary paid employment;
- 8.2 ensure that any secondary employment does not create a conflict of interest which may affect the performance of his or her duties and responsibilities as an Immigration Officer.

9 MEDIA RELATIONS

A sworn-in Immigration officer of the Ministry of the Prime Minister and Cabinet (MPMC), shall:

- 9.1 not discuss Immigration matters with any member of the news media unless he or she is authorized to do so;
- 9.2 direct all media enquiries to the Assistant Chief Executive Officer of Samoa Immigration;
- 9.3 not comment publicly on the policies of any foreign government while he or she is offshore unless authorized to do so;
- 9.4 not make public statements to the media, on social media or any other form of public domain that will or may tarnish the reputation of the Samoa Immigration Division and the Ministry as a whole.

10 DRUGS AND ALCOHOL

A sworn-in Immigration officer of the Ministry of the Prime Minister and Cabinet (MPMC), shall, in accordance with regulation 36 of the Public Service Regulation 2008:

- 10.1 not work while affected by alcohol, drugs or any other intoxicants, or when his or her ability to work competently and safely is affected by the use of medication; and
- 10.2 advise his or her supervisor if prescribed medication may impair his or her performance.

11 PURCHASING AND TENDERING

A sworn-in Immigration officer of the Ministry of the Prime Minister and Cabinet (MPMC), shall:

- 11.1 not create any liability on behalf of the Samoa Immigration Division beyond his or her delegated authority;
- 11.2 purchase goods or services for the Samoa Immigration Division impartially and in accordance with standard procedures;
- 11.3 act with diligence to ensure he or she does not expose him or herself to allegations of unfair purchase practices.

12 DRESS CODE

A sworn-in Immigration officer of the Ministry of the Prime Minister and Cabinet (MPMC), shall:

- 12.1 ensure that his or her full immigration uniform is presentable and worn neatly at all times while performing official duties;
- 12.2 maintain the professionalism of Samoa Immigration by ensuring that his or her sets of uniforms are clean and well looked after at all times.

13 IDENTIFICATION

A sworn-in Immigration officer of the Ministry of the Prime Minister and Cabinet (MPMC), shall:

- 13.1 always wear his or her official identification and name tag at all times during the performance of his or her duties;

13.2 not use his or her immigration identification in any manner that is, or appeared to be unlawful.

14 USE OF GOVERNMENT PROPERTIES.

A sworn-in Immigration officer of the Ministry of the Prime Minister and Cabinet (MPMC), shall:

14.1 treat all government properties with care and use them only for official purposes;

14.2 not remove any government property from the workplace without authorization;

14.3 return all government properties when he or she resigns or leaves the Ministry;

14.4 not misuse the government properties for personal matters.

15 SECURITY AND APPROPRIATE USE OF ELECTRONIC SYSTEMS

A sworn-in Immigration officer of the Ministry of the Prime Minister and Cabinet (MPMC), shall:

15.1 not disclose his or her authorized **password** for Samoa Immigration systems or any other official government system to another employee or any other person authorized by his or her Assistant Chief Executive officer;

15.2 not access social media sites during working hours unless authorized;

15.3 not release or disclose any work related information to any second party unless authorized;

15.4 not use or apply any software or hardware that may affect Immigration systems;

15.5 not abuse Samoa Immigration Systems in any way for personal use.

16 PROCESS FOR MANAGING THE CODE OF ETHICS.

- 16.1 This process is in line with requirements under section 44 of the Public Service Act 2004 which reflects principles of natural justice and fairness for all. The process for managing the Immigration's code of ethics mirrors the process by the Public Service Commission in managing a breach of the code of conduct stipulated under sections 19 and 44 of the Public Service Act 2004.
- a. Any Officer who fails to comply with this code of ethics or any lawful directive shall be asked to explain their actions. Should their conduct be contrary to the Code requirements, and where it does not involve an honest mistake; a preliminary investigation will be launched by the Chief Executive Officer or the Chief Executive Officer's delegate to either
 - i. charge the officer in writing with a breach of the Code of Ethics; or
 - ii. give the officer a warning; or
 - iii. take no further action.
 - b. If the Officer is charged, the Officer is to reply within seven (7) days of receipt of charge(s). If the Officer fails to do so, he/she is deemed to have admitted to the charge(s) and the Chief Executive Officer will decide on the penalty as outlined in Section 45 of the Public Service Act 2004. If however the Officer admits to the charges, no investigation is required but the Officer is **obligated** to submit a **written letter**, stating his/her admission to the charges to the Chief Executive Officer. Upon receipt of written submission from the Officer, the Chief Executive Officer will decide on the appropriate penalty/ies for the Officer as outlined under section 45 of the Public Service Act 2004.
 - c. If the Officer denies the charge(s), an investigation is to be conducted and an Investigating Officer (IO) will be appointed from another Ministry to carry out the investigation.
 - d. Upon completion of the investigation and charge(s) against the Officer is/are not proven, the Officer will continue on with their work.
 - e. If however upon completion of investigation and charge(s) is/are proven, the Officer will be given the opportunity to be heard on the outcome of the investigation by submitting his/her written reply to the Investigating Officer's findings within fourteen (14) days upon receipt of material.
 - f. Having regard to any submissions made by the officer, the Investigation Officer will submit the investigation report with any relevant materials and make recommendations to the Chief Executive Officer on whether the charges are proven or not proven;

- g. If the charges are proven, the Officer will be subject to one or more of the penalties outlined in Section 45 of the Public Service Act 2004 which may include termination from the Ministry.

Process for Managing Breaches of the Code of Ethics.

