Commencement: 27 January 2023

CITIZENSHIP (CAPITAL INVESTMENT IMMIGRATION PLAN) REGULATION

Order 8 of 2023
Order 58 of 2023
Order 92 of 2023
Order 93 of 2023
Order 202 of 2023
Order 39 of 2024
Order 53 of 2024

ARRANGEMENT OF CLAUSES

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1. Definitions

In this Regulation unless the context otherwise requires:

"applicant" means an applicant for citizenship under the Capital Investment Immigration Plan;

"CIIP" means the Capital Investment Immigration Plan established under section 13C of the Act;

"child" means a natural or lawfully adopted child of an applicant or of the spouse who has not attained 18 years;

"children" is taken to have the same meaning as child;

"Commission" mean the Citizenship Commission established by section 2 of the Citizenship Act [CAP 112];

"FIU" means the Financial Intelligence Unit established under section 4 of the Anti-Money Laundering and Counter-Terrorism Financing Act No. 13 of 2014;

"Office" means the Citizenship Office;

"resident dependant" includes the following:

(a) a natural or adopted son or daughter of an applicant or his or her spouse who is or between the age of 18 to 25 years and is:

  (i) residing with or dependent upon the applicant or his or her spouse; and

  (ii) attending full time education; or

(b) the lawful mother or father of the applicant or his or her spouse who is:

  (i) residing with and is dependent upon the applicant or his or her spouse; and

(ii) over the age of 50 years;

2. Application of this Regulation

(1) The CIIP under this Regulation is to raise revenue to allow for investment in sectors as set out in the Schedule.

(2) Investments under the Schedule must:

(a) provide employment to citizens of Vanuatu in a manner that must be satisfactory to the Government; and

(b) have an impact on the economy of the country, especially through payment of relevant taxes, fees and charges due to the Government.

3. Designated agents for the Capital Investment Immigration Plan

(1) The Commission is to designate agents to promote and market the CIIP worldwide.

(2) The Commission in designating an agent under subclause (1) is to, on the recommendation of the Prime Minister, designate a sector under subclause 2(1) that the agent is to promote and market.

3A. Quota per annum

A designated agent is to achieve a minimum of 6 investors per annum.

4. Procedures for applications for citizenship under the CIIP

(1) The following procedures apply in relation to an application for citizenship under the CIIP:

(a) Upon receiving an application for citizenship under the CIIP, an agent is to provide the Secretary General with a copy of the application which must contain the applicant's valid passport, police or judicial clearance from his or her State of Origin;

(b) the Secretary General is to provide the Commissioner of Police with each application for Interpol checks; to be carried out on the applicant and all persons named in the application;

(c) Once the Secretary General receives a report from the Director on the due diligence checks done on a application, the Secretary General is to provide the Director of the Financial Intelligence Unit to carry out due diligence checks on the applicant and all persons named in the application on matters relating to money laundering;

(d) Once the Secretary General receives a report from the Commissioner on the checks done under paragraph (a), the Secretary General is to provide the Director of the Vanuatu Immigration Services to carry out due diligence checks on the applicant and all persons named in the application on matters relating to border control and security;

(e) Once the Secretary General receives a report from the Director of the Immigration Services on the due diligence checks done under paragraph (d), the Secretary General is to submit the applications and the reports provided under paragraphs (b) to (d), to the Commission to consider and make a decision on the application;

(2) An Institution referred to under paragraphs (1)(b), (c), and (d) may request an applicant to provide such other documents as may be required to ensure that due diligence checks or screening may be completed.

(3) The prescribed fee under subclause 5(1) is to be paid in the following manner:

(a) an applicant must pay 25% of the prescribed fee due under his or her application before the Commission considers his or her application;

(b) an applicant must pay 75% of the prescribed fee due under his or her application before the Commission issues the certificate of citizenship to him or her.

(4) Despite subclause (3), an applicant may pay 100% of the prescribed fee due under his or her application.

(5) If an applicant has been refused by the Commission, the 25% of the prescribed fee that has been paid under paragraph (3)(a) is not refundable to the applicant.

(6) The Commission must not consider the application of a person who has not paid the relevant prescribed fee as required by subclause5(1).

(7) Subject to paragraph (3)(b) and subclause (4), the Commission must issue a citizenship certificate to a person within 90 days after the application is approved.

(8) The Commission must not issue a citizenship certificate to a person who has not made the full payment of the prescribed fees under this Regulation.

(9) The Commission may accept applications from applicants from any restricted country if the applicant shows that he or she:

(a) has not resided in the restricted country for the last 5 years; and

(b) provides evidence of permanent residency abroad.

(10) The Commission must not approve the application of a person who has had a criminal conviction for an offence carrying imprisonment for 12 months or more.

(11) The Citizenship Office must notify the designated agent of the approval in principle of an application, within 48 hours of the approval in principle being made by the Commission.

(12) An application may only be refused by the Commission if the application does not meet the requirements set out under the Act and this Regulation.

5. Prescribed fees

(1) The prescribed fee payable to the designated agent for persons applying under the CIIP is USD100,000 or AUD150,000.

(1A) An application under subclause (1) will include the applicant's spouse and 2 children.

(2) The designated agents must pay USD50,000 or AUD76,000 to the designated Government account.

(2A) The designated agent must invest USD50,000 or AUD76,000 in a sector for investment set out in the Schedule.

(2AB) The designated agent must pay to the designated Government account, the percentage of revenues raised from the relevant sector for investment that the designated agent has agreed to invest in, as set out in the table:

SECTORS FOR INVESTMENT	PERCENTAGE TO PAY GOVERNMENT	PERIOD PAYMENT DUE TO GOVERNMENT
strata tourism development sector	30%	3 years
productive sector (value added)	30%	3 years

commodities:		
kava	30%	5 years
coffee	30%	4 years
sandalwood	30%	15 years
cocoa	30%	6 years
infrastructure sector	30%	3 years
marine sector	30%	5 years

(3) A person applying for citizenship under the CIIP, must pay an application fee of VT5000 to the Commission for his or her application.

(4) The fee of USD5,000 or AUD7,000 is payable by the designated agent for each of the due diligence checks carried out under paragraphs 4(1)(b), (c) and (d), on each application made.

(5) The fee set out under subclause (3) is to be paid to the respective institutions referred to under paragraphs 4(1)(b), (c) and (d).

(6) A person who has been granted citizenship under the CIIP must pay a certificate fee of VT10,000 for each certificate that is granted under his or her application.

(7) For any other dependant apart from the spouse, 2 children and a resident dependant, the applicant must pay a fee of USD5,000 or AUD7,000 for each child or resident dependant.

6. ***(****Repealed****)***

7. Delivery of original citizenship certificates

(1) The designated agent or a person authorised by the designated agent, may deliver to the citizen abroad (if such situation is necessary), the citizenship certificate in accordance with the prescribed guidelines for delivery of such document.

(2) A citizenship certificate must only be provided to the designated agent or a person authorised by the designated agent upon completion of the oath of allegiance procedure by the citizen.

7A. Requirement to provide report

The Commission must provide a quarterly report to the Prime Minister on matters relating to CIIP

SCHEDULE

SECTORS FOR INVESTMENT

(a) strata tourism development sector; and

(b) productive sector (value added); and

(c) commodities – kava, coffee, sandalwood, cocoa (non-value added); and

(d) infrastructure sector; and

(e) marine sector.

Table of Amendments

2	*Substituted by Order 39 of 2024*	*5(2A), (2AB)*	*Inserted by Order 53 of 2024*
2(2)	*Inserted by Order 93 of 2023*	*5(4)*	*Amended by Orders 58 of 2023, 39 of 2024*
2(2)	*Amended by Order 93 of 2023*		
3	*Substituted by Orders 93 of 2023, 39 of 2024*	*5(7)*	*Amended by Order 58 of 2023*
		6	*Repealed by Order 58 of 2023*
3A	*Inserted by Order 39 of 2024*	*7A*	*Inserted by Order 39 of 2024*
5(1)	*Amended by Orders 58 of 2023, 92 of 2023, 39 of 2024*	*Schedule*	*Inserted by Order 39 of 2024*
		Reference to Master Agent	Amended by Order 93 of 2023
5(1A)	*Inserted by Order 39 of 2024*		
5(2)	*Amended by Orders 58 of 2023, 202 of 2023, 39 of 2024*	*Master Agent and other Agents*	*Amended by Order 39 of 2024*