REPUBLIC OF VANUATU

CITIZENSHIP ACT [CAP 112]

Citizenship (Capital Investment Immigration Plan) Regulation Order No. 8 of 2023

In exercise of the powers conferred on me by subsections 13C (1) and (3) of the Citizenship Act [CAP 112], I, the Honourable MAA'U KORO MOLI TAMBE URE VIRA TAMBE LAVISE VAHE ALATOI ISHMAEL KALSAKAU , Prime Minister, make the following Regulation.

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) This Regulation applies as a part of the CIIP and does not affect the operation of the Immigration Visa Regulation (Capital Investment Immigration Plan) Order No. of 2023.

(2) The CIIP under this Regulation is targeted at raising revenue to allow for investment in a strata tourism development that will:

(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 Appointment of agents

The Commission is to appoint a Master Agent to market and promote the CIIP.

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 application 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 subclause 5(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 Master 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 Master Agent for persons applying under the CIIP is USD200,000.

(2) The master agent must pay USD20,000 to the designated government account.

(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 USD1,700 is payable by the Master 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 5,000USD for each child or resident dependant.

6 Failure to complete investment

If the Master Agent fails to ensure that an investment under subclause 2(2) is completed within a period of 2 years from the date of granting of citizenship to an investor, the Master Agent must pay to the designated government account USD70,000.

7 Delivery of original citizenship certificates

(1) The Master Agent or a person authorised by the Master 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 Master Agent or a person authorised by the Master Agent upon completion of the oath of allegiance procedure by the citizen.

8 Commencement

This Regulation commences on the day on which it is made.

Made at Port Vila this 27th **day of** January **, 2023.**

REPUBLIC OF VANUATU PRIME MINISTER LONG GOD YUMI STANDIM PREMIER MINISTRE REPUBLIQUE DE VANUATU

Honourable MAA'U KORO MOLI TAMBE URE VIRA TAMBE LAVISE VAHE ALATOI ISHMAEL KALSAKAU
Prime Minister