



REPUBLIC OF VANUATU

IMMIGRATION ACT NO 17 OF 2010

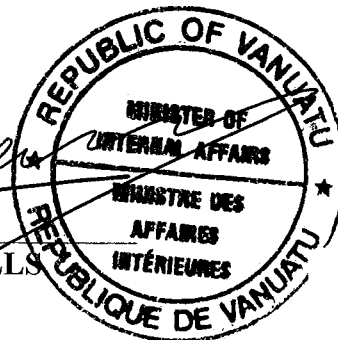
**Immigration Visa Regulation
Order No. 180 Of 2011**

In exercise of the power conferred on me by section 91 of the Immigration Act No. 17 of 2010, I, Honourable GEORGE ANDRE WELLS, Minister of Internal Affairs make the following Regulation.

This Regulation comes into force on the date on which it is made.

Made at Port Vila this 7th day of September, 2011.


Honourable GEORGE ANDRE WELLS
Minister of Internal Affairs



REPUBLIC OF VANUATU

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1 Interpretation

In these Regulations, unless the contrary intention appears:

Act means the Immigration Act No. 17 of 2010;

Crew, for the purposes of clause 5, means a person:

- (i) arriving on a cruise ship or aircraft and approved by the Principal Immigration Officer for an intended visit to Vanuatu of less than 18 hours and who intend to depart Vanuatu on the same cruise ship or aircraft or on a vessel or aircraft operated by the company which operates the crew ship or aircraft; or
- (ii) arriving on cruise ship or aircraft and approved by the Principal Immigration Officer for an intend stay in Vanuatu for less than 72 hours; or
- (iii) who is a member of the crew of the cruise ship or aircraft that arrives in Vanuatu; or
- (iv) who hold identification approved by the Principal Immigration Officer indicating that he or she is a member of the crew of the cruise ship or aircraft.

2 Exempt persons

- (1) For the purposes of paragraph 2(a) of the Act, the countries listed in Item 1 of Column A of Table 1 of the Schedule are prescribed Commonwealth countries.
- (2) For the purposes of paragraph 2(b) of the Act, the countries listed in Item 2 of Column A of Table 1 of the Schedule are prescribed member states of the European Union.
- (3) For the purposes of paragraph 2(c) of the Act, a citizen or national of a country, state, territory, federation or dependency listed in item 3 of Column A of Table 1 of the Schedule is an exempted person.

3 Categories of Extended visitor visa, Residence visa, Student visa and Special category visa

For the purposes of sections 29, 30, 31 and 32 of the Act, the different categories of visas provided for in those sections are set out in Table 2 of the Schedule.

4 Course of study

For the purposes of subsection 31(2) of the Act, **a course of study** means a course of formal study presented at a secondary, tertiary or technical educational

institution operating in Vanuatu according to the relevant laws and regulations of Vanuatu and recognised by the Vanuatu Department of Education as an educational institution.

5 Classes of persons for special category visa

For the purposes of paragraph 32(2)(e) of the Act, Crew is prescribed as a class of persons.

6 Visa application charges

(1) For the purposes of subsection 35(1) of the Act, the prescribed charge for an application for a class of visa is set out under Table 2 of the Schedule.

(2) Despite subclause (1), subject to subclause (3) and for the purposes of paragraph 35(2)(c) of the Act, the following persons are exempted from paying visa application fees:

- (a) a person who is a student at the University of the South Pacific Emalus Campus; or
- (b) a person who is a student at the Australia-Pacific Technical College; or
- (c) a person who has received a scholarship to study at the University of the South Pacific Emalus Campus or at the Australia-Pacific Technical College from the institution itself or the Government of a country listed in Table 3 of the Schedule.

(3) Persons referred to in paragraphs 2(a), (b) and (c) must be citizen or national of a country or territory listed in Table 3 of the Schedule.

7 Criteria for the grant of a visitor visa

(1) In addition to the criteria listed under paragraphs 37(a), (b), (c), (d), (e) and (f) of the Act and for the purposes of paragraph 37 (g), the following are additional criteria for the application of a visitor visa:

- (a) the applicant has a genuine intention of visiting and departing Vanuatu within 30 days of the grant of the visa; and
- (b) the applicant has a ticket or has other satisfactory means of travelling from Vanuatu to a place outside Vanuatu which he or she will be able to enter; and
- (c) if the applicant is under 18 years of age, the applicant's parents or legal guardians have consented to the grant of the visa.

- (2) In addition to the criteria listed under subclause (1), if the applicant is under 18 years of age at the time of his or her prospective entry to Vanuatu and is not a member of an organised tour and will not be accompanied by at least one of his or her parents or legal guardians whilst in Vanuatu, the applicant must stay in Vanuatu with a person who:
- (a) is at least 18 years of age; and
 - (b) is a citizen of Vanuatu or the holder of a visa valid for the duration of the applicant's stay; and
 - (c) has provided an undertaking to the Principal Immigration Officer to provide accommodation, food and be responsible for the general welfare of the applicant, during the applicant's stay; and
 - (d) in the opinion of the Principal Immigration Officer is a person of good character.

8 Criteria for the grant of a student visa

- (1) In addition to the criteria listed under paragraphs 37(a), (b), (c), (d), (e) and (f) and for the purposes of paragraph 37(g) of the Act, the following are additional criteria for the application for a student visa:
- (a) the applicant for the student visa must have a ticket or other satisfactory means of travelling from Vanuatu to a place outside Vanuatu which he or she will be able to enter;
 - (b) if the applicant is under 18 years of age at the time of application the applicant's parents or legal guardians have consented to the grant of the visa.
- (2) In addition to the criteria in subclause (1), if the applicant is under 18 years of age at the time of his or her prospective entry to Vanuatu, the applicant must stay in Vanuatu with:
- (a) a person who is a parent or legal guardian of the applicant; or
 - (b) a person who:
 - (i) is at least 18 years of age; and
 - (ii) is a citizen of Vanuatu or the holder of a visa or permit valid for the duration of the applicant's stay; and
 - (iii) has provided an undertaking to the Principal Immigration Officer to provide accommodation and food to the

applicant, and to be responsible for the general welfare of the applicant, during the applicant's stay; and

- (iv) in the opinion of the Principal Immigration Officer is a person of good character.

9 Criteria for the grant of an interim visa

In addition to the criteria outlined under paragraphs 37(a), (b), (c), (d), (e) and (f) and for the purposes of paragraph 37(g) of the Act, the following are additional criteria for the application for an interim visa:

- (a) for an applicant who intended to carry out business activities in Vanuatu:
 - (i) he or she is recognised as a foreign investor according to the Vanuatu Foreign Investment Promotion Act [CAP 248]; and
 - (ii) his or her application for approval certificated under the Vanuatu Foreign Investment Promotion Act [CAP 248] is pending approval or is approved; or
- (b) for an applicant who intended to work in Vanuatu, he or she has accepted an offer of employment in Vanuatu for less than 12 months.

10 Criteria for the grant of a special category visa

(1) In addition to the criteria outlined under paragraphs 37(a), (b), (c), (d), (e) and (f) and for the purposes of paragraph 37(g) of the Act, the following are additional criteria for the grant of a special category visa:

- (a) the Principal Immigration Officer has received a written recommendation from:
 - (i) the director of the Foreign Affairs Department on the basis of being a diplomatic representative of a country in Vanuatu or a family member of such a person; or
 - (ii) the relevant Commission on the basis of being an employee of a government department or agency, or a family member of such a person; or
 - (iii) the relevant Commission on the basis of being seconded to a government department or agency, or a family member of such a person; or
 - (iv) the head of a prescribed donor agency on the basis of being a member of that donor agency, or a family member of such a person.

- (2) Subclause (1) does not apply to a person who is a member of a prescribed class of persons mentioned under paragraph 6(a).

11 Criteria for the grant of an extended visitor visa

- (1) In addition to the criteria outlined under paragraphs 37(a), (b), (c), (d), (e) and (f) and for the purposes of paragraph 37(g) of the Act, the following are additional criteria for the grant of an extended visitor visa:

- (a) the applicant has a genuine intention of visiting Vanuatu and departing Vanuatu within the period of the grant of the visa; and
- (b) the applicant has a ticket or has other satisfactory means of travelling from Vanuatu to a place outside Vanuatu where he or she will be able to enter; and
- (c) if the applicant is under 18 years of age, the applicant's parents or legal guardians have consented to the grant of the visa.

- (2) In addition to the criteria in subclause (1), if the applicant is under 18 years of age at the time of his or her prospective entry to Vanuatu and is not a member of an organised tour and will not be accompanied by at least one of his or her parents or legal guardians whilst in Vanuatu, the applicant must stay in Vanuatu with a person who:

- (a) is at least 18 years of age; and
- (b) is a citizen of Vanuatu or the holder of a visa or permit valid for the duration of the applicant's stay; and
- (c) has provided an undertaking to the Principal Immigration Officer to provide accommodation and food to the applicant, and to be responsible for the general welfare of the applicant, during the applicant's stay; and
- (d) in the opinion of the Principal Immigration Officer is a person of good character.

12 Criteria for the grant of a residence visa

- (1) In addition to the criteria outlined under paragraphs 37(a), (b), (c), (d), (e) and (f) and for the purposes of paragraph 37(g) of the Act, the criteria outlined from subclause (2) to (7) are additional criteria for the grant of a residence visa.

- (2) The applicant is an employee or has accepted an offer of employment in Vanuatu for a period of at least 12 months.

- (3) The applicant satisfies one of the following criteria:
- (a) the applicant:
 - (i) on the commencement of this Regulation, was the holder of a residence permit on the basis of being a self funded retiree; or
 - (ii) is a person with an income certified by a bank operating in Vanuatu of at least VT150,000 per month or VT300,000 per month if the applicant included his wife or her husband or partner in the application for the visa; and
 - (b) the applicant is a person with an income certified by a bank operating in Vanuatu of at least VT250,000 per month, or VT500,000 per month if the applicant has included his wife or her husband, or partner in the application for the visa.
- (4) In the case of a foreign investor, the applicant:
- (a) has been issued with an approval certificate by the Vanuatu Investment Promotion Authority as a foreign investor within the meaning of the Vanuatu Foreign Investment Promotion Act [CAP 248]; and
 - (b) has provided a certified copy of the approval certificate issued by the Vanuatu Investment Promotion Authority to the Principal Immigration Officer; and
 - (c) has a business licence to operate in his or her business in Vanuatu; and
 - (d) has provided a certified copy of the business licence to the Principal Immigration Officer.
- (5) In the case of a leasehold holder, the applicant:
- (a) is a person who has leasehold ownership of property in Vanuatu certified by a bank operating in Vanuatu, a chartered accountant or a registered valuer to be of a value of VT10 million or more; and
 - (b) is a person with an income certified by a bank operating in Vanuatu of at least VT250,000 per month for each person included in the application up to a maximum of 1 million Vatu.

- (6) In addition to subclause (1) and for the purpose of granting residence visa set out in item 12 of Table 2 of the Schedule:
- (a) the applicant's company must be registered with the Vanuatu Financial Service Commission; and
 - (b) the applicant must provide a Certificate of registration of the said company issued by the Vanuatu Financial Service Commission; and
 - (c) the applicant must provide a proof of income and assets validated by the Vanuatu Financial Service Commission and approved by the Principal Immigration Officer; and
 - (d) the applicant must pay the required fee specified under column D of Table 2 of the Schedule; and
 - (e) the applicant must provide a certified letter of undertakings from the relevant Vanuatu Trade Commission Office.
- (7) Subclause (4) does not apply to an investor who owns or operates an offshore company.

13 Conditions of a student visa

- (1) In addition to the general conditions of granting a visa under paragraphs 44(a), (b), (c) and (d) and for the purposes of paragraph 44(e) of the Act, the holder of a student visa must continue to undertake the program of study which is the subject of the granting of the student Visa.
- (2) Despite subclause (1), if the holder of the student visa changes his or her programs of studies, he or she must inform the Principal Immigration Officer in writing about the change of the program of study.

14 Conditions of an interim visa

In addition to the general conditions of granting a visa under paragraphs 44(a), (b), (c) and (d) and for the purposes of paragraph 44(e) of the Act, the following are additional conditions for granting an interim visa:

- (a) the Principal Immigration Officer is satisfied that, during the period of validity of the interim visa, the applicant will continue to undertake the activities or employment specified in his or her application for residence visa or special category visa; and
- (b) if not previously cancelled under paragraph 47 of the Act, the visa will cease 14 days after the date of determination of the application for review under subsection 58(4) of the Act.

15 Conditions for a special category visa

In addition to the general conditions of granting a visa under paragraphs 44(a), (b), (c) and (d) and for the purposes of paragraph 44(e) of the Act, the following are additional conditions for granting a special category visa:

- (a) the holder of the visa must not cease to undertake the activity on the basis of which his or her visa was granted; and
- (b) the holder of the visa must not engage in any employment or commercial or business activities unless the employment or business or commercial activities are the basis of which his or her visa was granted.

16 Conditions of a residence visa

In addition to the general conditions of granting a visa under paragraphs 44(a), (b), (c) and (d) and for the purposes of paragraph 44(e) of the Act, the following conditions are prescribed for a residence visa:

- (a) in the case of a person mentioned in subclause 13(2), the holder of the visa:
 - (i) continues to be an employee of the employer on which basis the visa was granted; and
 - (ii) has been given permission to commence or to continue working in Vanuatu under the Labour (Work Permits Act) [CAP 188];
- (b) in the case of a person mentioned in subclause 13(3), the holder of the visa continues to receive the monthly income mentioned in that subclause;
- (c) in the case of a person mentioned in subclause 13(4), the holder of the visa:
 - (i) continues to hold a foreign investor approval certificate issued by the Vanuatu Investment and Promotion Authority; and
 - (ii) if applicable, continues to hold a valid business licence mentioned in subclause 13(5);
- (d) in the case of a person mentioned in subclause 13(6), the holder of the visa continues to have a leasehold ownership of property with a value mentioned in that subclause and to receive the monthly income mentioned in that subclause;
- (e) in the case of a person mentioned under item 12 of Table 2 of the Schedule, the holder must:

- (i) continue to receive the monthly income as specified in his or her application; and
- (ii) continue to hold a Certificate of registration of his or her company issued by the Vanuatu Financial Service Commission.

17 Conditions for Extended Visitor Visa

In addition to the general conditions of granting a visa under paragraphs 44(a), (b), (c) and (d) and for the purposes of paragraph 44(e) of the Act, the following conditions are prescribed for an extended Visitor visa:

- (a) the holder of the visa is undertaking a holiday and will continue his holiday or visit for up to four (4) months according to the duration of the visa;
- (b) the holder of the visa must not engage in any employment, commercial or business activities.

18 Grounds for cancelling a visa

In addition to paragraphs 47(1) (a), (b), (c), (d), (e), (f), (g), (h), (i) and (j) and for the purposes of paragraph 47(k) of the Act, the following are prescribed grounds for cancelling a visa:

- (a) the holder of the visa has asked the Principal Immigration Officer to cancel the visa; or
- (b) the holder of the visa is less than 18 years of age and the parents or legal guardians of the holder ask the Principal Immigration Officer to cancel the visa; or
- (c) the person is a prohibited immigrant.

19 Prescribed class of prohibited immigrant

For the purposes of paragraph 50(1)(l) of the Act, the following classes of persons are prescribed prohibited immigrants:

- (a) a person who, without a compelling reason and without making a valid application for a visa, remains in Vanuatu for a period of more than 30 days after the expiry of the term of validity of a visa or permit granted or issued, or deemed to have been granted or issued, under the *Immigration Act [CAP 66]* or the *Immigration Act No. 17 of 2010*;
- (b) a person designated by resolution of the United Nations Security Council as a person, or a member of a class of persons, whose entry and stay in Vanuatu should be prevented.

20 Debt to the Vanuatu Government

For the purposes of paragraphs 84(1)(a) and 85(1)(d) of the Act, the prescribed amount of debt is VT10,000.

21 Payment of charges

All charges prescribed by this Regulation must be paid in Vatu and are not refundable.

22 Change of status

- (1) A person who has a valid visa may change the status of his or her visa by lodging an application for the change to visa status to the Principal Immigration Officer.
- (2) An application for change of status under subclause (1) must be accompanied by a charge of VT100,000.

23 Commencement

This Regulation come into force on the day on which they are made.

SCHEDULE

TABLE 1 – PRESCRIBED COUNTRIES IN RELATION TO EXEMPT PERSONS

(Clause 2)

Item	Column A
1	Bangladesh, Ghana, Mozambique, Nigeria, Pakistan, Rwanda, Sierra Leone, Sri Lanka, Uganda
2	Romania
3	<p>Andorra, Argentina, Azerbaijan, Bahrain, Belarus, Brazil, Chile, China (People's Republic of) ¹, Croatia, Cuba, Denmark ², France ³, Israel, Japan, Korea (Republic of), Kuwait, Liechtenstein, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Netherlands ⁴, Norway, Oman, Palau, Peru, Philippines, Qatar, Russian Federation, San Marino, Saudi Arabia, Serbia, Switzerland, Taiwan ⁵, Thailand, Turkey ⁶, Tunisia, Ukraine, United Arab Emirates, United Kingdom ⁷, United Arab Emirates, United States of America ⁸, Uruguay, Vatican City (Holy See)</p> <p>¹ includes Hong Kong Special Administrative Region and Macau Special Administrative Region</p> <p>² Overseas administrative divisions, including Greenland</p> <p>³ Overseas collectivities, departments and territories of France</p> <p>⁴ Overseas divisions of the Netherlands</p> <p>⁵ Does not include Official and Diplomatic passport holders</p> <p>⁶ Does not include Turkish Republic of Northern Cyprus (Kuzey Kıbrıs)</p> <p>⁷ United Kingdom Dependencies and overseas territories, including British National (Overseas)</p> <p>⁸ includes United States territories</p>

TABLE 2 – CATEGORIES OF VISA AND VISA APPLICATION CHARGES

(Clauses 6 and 7)

Column A Item	Column B Class of Visa	Column C Circumstance	Column D Charge (in Vatu)
1	Visitor visa	the applicant is not an exempt person	3,600
2	Extended Visitor visa	the applicant has applied for an extended visitor visa of less than 4 months	6,000
3	Extended Visitor visa	the applicant has applied for an extended visitor visa of 4 months or more but less than 7 months	12,000
4	Extended Visitor visa	the applicant has applied for an extended visitor visa of 7 months or more;	18,000
5	Extended Visitor visa	a person granted an extended visitor visa pursuant to section 43 of the Immigration Act No. 17 of 2010	Nil
6	Residence visa	each applicant if the applicant is 18 years of age or over and has applied for a residence visa for a period of 1 year	57,600
7	Residence visa	each applicant if the applicant is 18 years of age or over at the time of application and has applied for a residence visa for a period of more than 1 year but not more than 3 years;	158,400
8	Residence visa	each applicant if the applicant is 18 years of age or over at the time of application and has applied for a residence visa for a period more than 3 years but not more than 5 years	259,200
9	Residence visa	each applicant if the applicant is 18 years of age or over at the time of application and has applied for a residence visa for a period of more than 5 years but not more	511,200

		than 10 years	
10	Residence visa	each applicant who is less than 18 years of age at the time of application, for each year for which the residence visa has been applied for	2,880
11	Residence visa	each applicant, for each year for which the residence visa has been applied, if the applicant is 55 years of age or over at the time of application and, either: was born in Vanuatu; or was a resident in Vanuatu on or before 30 July 1980 and has remained a resident of Vanuatu since that date	14,400
12	Residence visa	each applicant who is the owner of a "Vanuatu Offshore company", for a period of 5 years or more but not more than 10 years, this does not include other charges e.g bank charges	300,000
13	Student visa	the applicant is less than 18 years of age at the time of application and is not a member of an exempt class of persons listed at Regulation 16(2)	2,880
14	Student visa	the applicant is 18 years of age or over at the time of application and is not a member of an exempt class of persons listed at Regulation 16(2)	14,400
15	Transit Visa	the applicant is not an exempt person	1,800
16	Interim Visa	The applicant will continue to undertake the employment or activities for the duration of the visa.	10,000
17	Special Category Visa	Crew	Exempted

**TABLE 3 – COUNTRIES EXPEMPTED FROM PAYING
VISA APPLICATION CHARGES**

(Clause 7)

1	Cook Islands
2	Federated States of Micronesia
3	Fiji
4	Kiribati
5	Marshall Islands
6	Nauru
7	Niue
8	Palau
9	Papua New Guinea
10	Samoa
11	Solomon Islands
12	Tokelau
13	Tonga
14	Tuvalu