

REPUBLIC OF VANUATU
CITIZENSHIP (AMENDMENT)
ACT NO. 40 OF 2014

Arrangement of Sections

- 1 Amendment
- 2 Commencement

REPUBLIC OF VANUATU

Assent: 19/12/2014
Commencement: 23/01/2015

CITIZENSHIP (AMENDMENT)
ACT NO. 40 OF 2014

An Act to amend the Citizenship Act [CAP 112].

Be it enacted by the President and Parliament as follows-

1 Amendment

The Citizenship Act [CAP 112] is amended as set out in the Schedule.

2 Commencement

This Act commences on the day on which it is published in the Gazette.

SCHEDULE

AMENDMENTS OF THE CITIZENSHIP ACT [CAP 112]

1 Subsection 7(1)

- (a) Delete “6”, substitute “12”
- (b) Delete “2”, substitute “4”

2 After paragraph 8B(f)

Insert

“(fa) to inform the applicant on the decision of the Commission

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regarding the person's application for citizenship; and"

3 After section 8B

Insert

"8BA Failure to take and subscribe to an oath of allegiance or make solemn affirmation under Schedule 1

(1) A person who has had his or her application approved by the Commission must pay the citizenship fee and take and subscribe to an oath of allegiance or make a solemn affirmation under Schedule 1 within 3 months of being informed by the Secretary General of the approval of his or her application.

(2) If the person fails to comply with subsection (1), the approval by the Commission of his or her application for citizenship expires.

(3) Despite subsection (1), a person may with reasonable excuse, in writing request the Secretary General for a further period of 2 months prior to the expiry of the period referred to in subsection (1).

(4) If upon the expiry of the period referred to in subsection (3), the person has failed to comply with subsection (1), the approval by the Commission of his or her application for citizenship expires.

(5) To avoid doubt, the person must submit a new application to the Commission if he or she intends to apply again for citizenship."

4 Paragraph 12(2)(j)

Delete “,”, substitute “;”

5 After paragraph 12(2)(j)

Insert

“(k) has not been involved in the financing of a terrorist act;

(l) has not been involved in the funding of political instability in Vanuatu;

(m) has not been removed from Vanuatu under section 53A of the

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Immigration Act No. 17 of 2010;

(n) has not been convicted of any offence carrying a maximum penalty of imprisonment for 12 months or more in Vanuatu or in another jurisdiction,”

6 After subsection 12(3)

Insert

“(3A) A person may make an application for citizenship for any of his or her child that has not been named in his or her application for citizenship.

(3B) The person must pay the prescribed application and citizenship fee.”

7 Subsection 13B(2)

Repeal the subsection, substitute

“(2) Subject to subsection (3), the provisions of section 13C apply to an application by an investor under the Capital Investment Immigration Plan.”

8 Subsection 13B(2A)

Repeal the subsection.

9 Subsection 13B(5)

Delete “(5)” substitute “(6)”

10 Paragraph 13B(5)(a)

After “his”, insert “or her”

11 After paragraph 13B(5)(a)

Insert

“(aa) any of his or her dependant, aged 18 to 21 years; or

12 After paragraph 13B(5)

Insert

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“(5A) A person may make an application for citizenship for any of his or her child that has not been named in his or her application for citizenship.

(5B) The person must pay the prescribed application and citizenship fee.”

13 Section 13C

Repeal the section substitute

“Application for citizenship by an investor under the Capital Investment Immigration Plan

(1) The Minister is to prescribe by Regulation:

(a) the requirements for an application for citizenship by an investor under the Capital Investment Immigration Plan; and

(b) subject to subsection (2), additional fees to be paid by a child of the applicant and a dependant of an applicant who is aged 18, 19, 20 or 21 years.

(2) To avoid doubt, the fee payable by an applicant under the Capital Investment Immigration Plan only covers the applicant, his or her spouse and 1 child.

(3) The Commission is to approve and grant a citizenship within 3 months of receiving an application under this section.”

14 Section 13CA

Repeal the section.

15 Subsection 21(2)

Repeal the subsection.

16 Subsection 22(2)

(a) After “member”, insert “or former member”

(b) After “Office”, insert “or another person”

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17 At the end of section 22

Add

“(4) A person who obtains citizenship in a fraudulent manner or a manner which is not approved by the Commission commits an offence and is liable on conviction to a fine not exceeding VT5,000,000 or imprisonment for a term not exceeding 10 years, or both.”