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Citizenship (Amendment) Act 2013

REPUBLIC OF VANUATU

CITIZENSHIP (AMENDMENT) ACT NO. 39 OF 2013

Arrangement of Sections

- 1 Amendment
- 2 Commencement

Assent: 16/01/2014

Commencement: 21/01/2014

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

(1) Subject to subsection (2), this Act commences on the date on which it is published in the

Gazette.

(2) Items 1, 9, 11 and 16 commence on the date on which item 1 of the Constitution (Sixth) (Amendment) Act No. 27 of 2013 takes legal effect.

SCHEDULE
AMENDMENTS OF CITIZENSHIP ACT [CAP 112]

1 Subsection 1(1)

Insert the definition in its correct alphabetical order;

““dual citizenship” means a person with the status as a citizen of two countries;”

2 Subsection 3(1)

Repeal the subsection, substitute

“(1) The Commission is to consist of the following members appointed by the President after consultation with the Prime Minister:

(a) 2 members nominated by the Prime Minister; and

(b) 1 member nominated by the Malvatumauri Council of Chiefs; and

(c) 1 member nominated by the National Council of Women; and

(d) 1 member nominated by the Vanuatu Christian Council.

(1A) The President after consultation with the Prime Minister is to appoint a Chairperson of the Commission from amongst the members.

3 Subsection 3(3)

Repeal the subsection, substitute

“(3) A person is eligible to be appointed as a member of the Commission if he or she:

(a) is a citizen of Vanuatu and does not hold dual citizenship; and

(b) has no previous criminal record; and

(c) is of good standing in the community.

(4) the Prime Minister may prescribe other criteria for appointment as a member of the Commission.

(5) Despite paragraph 3(3)(a), an indigenous or naturalised citizen who holds dual citizenship may be appointed as a member of the Commission.

4 After subsection 5(2)

Insert

“(3) Without limiting the generality of subsection (2), the Commission has the following powers:

(a) to consider and approve applications for citizenship; and

(b) to revoke a citizenship that has been granted if:

(i) the citizenship was granted in a fraudulent manner; or

(ii) the citizenship was granted contrary to the provisions of this Act or the Constitution; or

(iii) the person after being granted citizenship is not complying with the restrictions provided in this Act.”

5 Subsection 7(1)

Repeal the subsection, substitute

“(1) The Commission may convene not more than 6 ordinary meetings and 2 extraordinary meetings in a year.”

6 After Part 2

Insert

“PART 2A- SECRETARY GENERAL, OFFICERS AND COMMITTEES**8A. Appointment of Secretary General and other staff**

The Secretary General and other staff of the Citizenship Office are to be appointed by the Public Service Commission.

8B. Functions of the Secretary General

The Secretary General has the following functions:

- (a) to act as the Chief Executive Officer of the Commission; and
- (b) to advise the Commission on matters related to the exercise of the functions of the Commission; and
- (c) to notify members of the Commission of meetings; and
- (d) to ensure meetings are organised within the annual budget ceiling of the Commission; and
- (e) to take minutes of all meetings of the Commission; and
- (f) to issue letters of certification of citizenship; and

- (g) to liaise with foreign embassies and foreign governments on matters of citizenship; and
- (h) such other functions as may be conferred on it by this Act or any other Act.

8C. Internal Screening Committee

(1) The Prime Minister is to appoint an Internal Screening Committee for the purpose of screening applications made in accordance with subsection 12(2) and Part 3A, before the applications are considered and approved by the Commission.

(2) The Committee consists of the following persons:

- (a) the Secretary General as the Chairperson; and
 - (b) the Compliance Officer of the Citizenship office; and
 - (c) the Director of Immigration Services; and
 - (d) the Principal Passport Officer; and
 - (e) 1 legal officer from the State Law Office nominated by the Attorney General.”
- (3) The quorum of a meeting of the Committee is 3 members present at that meeting.

(4) The Committee is to meet 3 days before the meeting of the Commission to consider the applications.”

7 Section 10

Repeal the section, substitute

“10. Application for citizenship by a non citizen married to a citizen of Vanuatu

(1) A non citizen who is married to a citizen of Vanuatu may apply in the prescribed manner for citizenship if he or she has lived with his or her spouse in Vanuatu for a period of not less than 2 years.

(2) The applicant must sit and pass a Citizenship test in Bislama.

7A Paragraph 12(2)(i)

After “;” insert “and

7B After paragraph 12(2)(i)

Insert

“(j) has sat and passed a Citizenship test in Bislama,”

7C Subsection 12(3)

(a) Delete “male applicant” substitute “person”;

(b) Delete “wife” substitute “spouse”

(c) Delete “his” substitute “the person”

7D Subsection 12(4)

(a) Delete “wife” substitute “spouse”

(b) Delete “her” substitute “the spouse”

(c) After “that” insert “he or”

8 After section 12

Insert

“12A Issuing of citizenship certificate

A citizenship certificate must:

(a) be signed by the Chairperson and a member of the Commission in the presence of the Secretary General; or

(b) be signed by the Prime Minister and a member of the Commission in the presence of the Secretary General if there is a vacancy in the office of the Chairperson.”

9 After Part 3

Insert

“PART 3A- DUAL CITIZENSHIP**“13A Application of Part 3A**

This Part applies to a person who intends to apply for Vanuatu citizenship and hold dual citizenship as recognised by subarticle 13(1) of the Constitution of the Republic of Vanuatu.

13B Application for citizenship

(1) A person of full age and capacity may apply to the Commission in the prescribed form for citizenship.

(2) Subject to subsection (3), in the case of an applicant who is an investor under the Capital Investment Immigration Plan—an application may be granted if the applicant complies with the requirements set out under section 13C.

(3) Where on an application made pursuant to subsection (1) and as a result of such inquiries as the Commission may cause to be made, the Commission is satisfied that the person making the application:

(a) has a respect for the culture and the ways of life of Vanuatu;

(b) is of good character;

(c) unless prevented by physical or mental disability, is able to speak and understand sufficiently for normal conversational purposes, Bislama, English, French or a vernacular of Vanuatu;

(d) has a reasonable knowledge and understanding of the rights, privileges, responsibilities and duties of citizens;

(e) has taken and subscribed to an oath of allegiance or made a solemn affirmation in the form set out in Schedule 1,

the Commission may grant the application, but otherwise shall refuse it.

(4) Paragraph (3)(c) does not apply to an applicant referred to under subsection (2).

(5) Subject to subsection (5) if a person requests when applying for citizenship that:

(a) his spouse; or

(b) any child of that person named in the application,

becomes a citizen under this Part, any such person named in the request becomes a citizen when the applicant becomes a citizen under this Part.

(6) A spouse of a person under subsection (4) must not become a citizen in accordance with subsection (4) unless the application includes a statement by him or her that he or she wishes to become a citizen.

(7) When an application made pursuant to subsection (1) is granted the Commission is to register the applicant as a citizen, issue a certificate of citizenship to the applicant and to any person who also becomes a citizen pursuant to subsection (4).

(8) A person to whom a certificate of citizenship is issued becomes a citizen on the date stated in the certificate.

(9) For the purposes of this section, the date of an application is the date on which it is lodged with the Commission.

13C Requirements for application of a citizenship by an investor under the Capital Investment Immigration Plan

(1) An investor under subsection 13B (2) may apply for and be granted citizenship if:

(a) the investor complies with the requirements of the Capital Investment Immigration Plan for a period of 24 months from the date of submission of his or her application for a residence permit under the Plan in the Immigration Visa Regulation No. 180 of 2011; or

(b) the investor:

(i) applies within the period of 9 months from the date of submission of his or her application for a residence permit under the Plan; and

(ii) is at the time of the application and the grant of citizenship in compliance with the requirements of the Plan; and

(iii) waives repayment of the Vanuatu Government bonds issued to that investor under the Plan; and

(iv) donates to the Vanuatu Government a further 25% of his or her investment made under the Plan.

(2) In addition to subsection (1), for the first 500 applicants –citizenship will be granted within 3 months after an application has been approved by the Commission.

(3) If an application is granted within the period stated in subsection (2), the investor waives 50% of his or her investment made under the Plan.”

13D Privileges of a citizen

The holder of dual citizenship will have the following privileges:

- (a) the right to undertake investment in Vanuatu; and
- (b) the right to have access to a Vanuatu Passport upon being granted a citizenship certificate.

10 Subsection 14(2)

After “naturalization” insert “or citizenship”

11 At the end of section 14

Add

“(4) Subsection (1) does not apply to a person who holds dual citizenship.”

12 Section 18

Repeal the section, substitute

“18. Regaining of citizenship

(1) A person who has renounced or loses his or her Vanuatu citizenship may make an application in the prescribed manner to the Commission to regain his or her citizenship.

(2) The Commission is to consider the application and decide whether or not to grant the citizenship.”

13 Section 19

Repeal the section.

14 Section 20

Repeal the section, substitute

“20. Honorary citizenship

(1) The President may on the advice of the Prime Minister convey honorary citizenship on any person with such privileges or exemptions as may be prescribed.

(2) The categories of persons eligible to be conveyed honorary citizenship are:

(a) a person who has or who will contribute to the advancement and betterment of the development process in Vanuatu; and

(b) a person who has been appointed under the Foreign Service Act No. 19 of 2013 as a representative of the Government overseas.

(3) Notwithstanding subsections (1) and (2), the Commission must assess the person and advise the Prime Minister if he or she is eligible to be conveyed honorary citizenship.

(4) In addition to subsection (3), the person:

(a) must not have any criminal record; and

(b) is of high standing in his or her community, organization, society or country.”

15 Paragraph 21(1)(c)

Delete “.” substitute “;”

16 After paragraph 21(1)(c)

Insert

“(d) have dual citizenship.”

17 After section 21

Insert

“21A Evaluation and Report

(1) For the better performance of the functions of the Commission, the Prime Minister may appoint a qualified person to evaluate the performance of the Commission.

(2) The terms and conditions of the appointment of a person under subsection (1) are to be determined by the Prime Minister.”

18 Subsection 22(1)

Delete “75,000”, substitute “1,000,000”

19 Subsection 22(2)

Repeal the subsection, substitute

“(2) A member of the Commission or Citizenship Office who facilitates the granting of citizenship contrary to the provisions of this Act or Constitution commits an offence and is liable on conviction to a fine not exceeding VT1,000, 000 or imprisonment for a term of 5 years or both.

(3) An applicant who attempts to be granted citizenship by way of bribing the Chairperson or any member of the Commission or any staff of the Citizenship Office commits an offence and is liable on conviction to a fine not exceeding VT 2,000,000 or imprisonment for a term not exceeding 10 years or both.”

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