

## CHAPTER 112

### CITIZENSHIP

JR 16 of 1980  
Act 16 of 1983  
Act 8 of 1987

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## CITIZENSHIP

To provide for citizenship by naturalization, renunciation of citizenship, and the establishment of a Citizenship Commission.

### PART 1 – PRELIMINARY

#### 1. *Interpretation*

- (1) In this Act unless the context otherwise requires –
- "Commission" means the Citizenship Commission established by section 2;
  - "child" means a person who has not attained 18 years;
  - "citizen" means a citizen of Vanuatu;
  - "Constitution" means the Constitution of Vanuatu;
  - "dual citizenship" means a person with the status as a citizen of two countries."
  - "oath of allegiance" means the oath of allegiance prescribed in Schedule 1;
  - "Vanuatu" means the Republic of Vanuatu;
- (2) For the purpose of this Act –
- (a) a person is of age if he has attained the age of 18 years; and
  - (b) a person is not of full capacity if he is a mentally disordered or defective person, so found and not discharged as sane, under the provisions of any Act relating to mental treatment.

### PART 2 – CITIZENSHIP COMMISSION

#### 2. *Establishment of Citizenship Commission*

There is hereby established a commission to be known as the Citizenship Commission.

#### 3. *Membership of the Commission*

- (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 Committee from amongst the members.
- (2) Subject to subsection (1) members of the Commission shall hold office for a period of 3 years and shall be eligible for reappointment.
- (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. Resignation and removal of members of the Commission**

- (1) A member of the Commission may resign his office by notice in writing signed by him and delivered to the President.
- (2) The President may remove a member of the Commission with effect from a date notified by him in the Vanuatu Gazette.

**5. Functions and powers of the Commission**

- (1) The Commission shall carry out such functions as are provided for it in this or any other Act.
- (2) The Commission shall have such powers as are conferred on it specifically or by necessary implication by this or any other Act and shall generally in addition have such powers as shall enable it to exercise any of its functions.
- (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.

**6. Ministerial directions and requests**

- (1) The Prime Minister may give directions to the Commission of a general nature concerning the exercise of its functions or powers and the Commission shall comply with such directions.
- (2) The Prime Minister may in writing require the Commission to advise him on any matter relating to citizenship and the Commission shall comply with such requirement.

**7. Meetings and procedure**

- (1) The Commission may convene not more than 12 ordinary meetings and 4 extraordinary meetings in a year.
- (2) The quorum for meetings shall be the chairman and half the other members of the Commission.
- (3) If the chairman for good cause cannot attend a meeting the Prime Minister shall appoint a member to act as chairman for that meeting.
- (4) The Commission shall decide matters before it by a simple majority of the members present and voting. In cases of equality of voting the chairman shall have a casting vote.
- (5) Subject to such rules as the Prime Minister may make by Order the Commission may determine its own procedure with regard to the convening and conduct of meetings.

**8. Allowances**

Members of the Commission who are not public officers shall be paid such allowances and expenses as the Prime Minister may determine after consultation with the Minister responsible for finance.

**“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.

**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.”

**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.”

### **PART 3 – CITIZENSHIP BY ADOPTION AND NATURALIZATION**

#### **9. Application**

This part applies only to a person who is not, or who is no longer, eligible to become a citizen by virtue of article 10 of the Constitution.

#### **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.

#### **11. Adopted children**

A child adopted under the provisions of any Act relating to the adoption of children after the commencement of this Act and who is not a citizen on the day of adoption becomes a citizen on that day if the adopter or, in the case of a joint adoption the male adopter, is a citizen on that day.

#### **12. Application for, and granting of, citizenship by naturalization**

- (1) A person of full age and capacity may apply in the prescribed manner to the Commission to be naturalized as a citizen.
- (2) 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) is, on the date of application, and has been during a period of 10 years immediately prior to that date, ordinarily resident in Vanuatu;
  - (b) intends to continue to reside in Vanuatu;
  - (c) is of good character;
  - (d) 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;
  - (e) has a respect for the culture and the ways of life of Vanuatu;
  - (f) is not or is unlikely to become a charge on public funds;
  - (g) has a reasonable knowledge and understanding of the rights, privileges, responsibilities and duties of citizens;

- (h) has renounced or agreed to renounce any citizenship which he may possess; and
- (i) has taken and subscribed to an oath of allegiance or made a solemn affirmation in the form set out in Schedule 1; and
- (j) has sat and passed a Citizenship test in Bislama.
- (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 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,”

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

- (3) Subject to subsection (4) if a person requests when applying for citizenship that –

- (a) his spouse; or
- (b) any child of the person named in the application,

becomes a citizen by naturalization, any such person named in the request shall become a citizen when the applicant becomes a citizen by naturalization.

- (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.

- (4) A spouse shall not become a citizen in accordance with subsection (3) unless the application includes a statement by the spouse that he or she wishes to become a citizen.

- (5) When an application made pursuant to subsection (1) is granted the Commission shall register the applicant as a citizen, issue a certificate of naturalization in the form in Schedule 2 to the applicant and to any person who also becomes a citizen pursuant to subsection (3).

- (6) A person to whom a certificate of naturalization is issued becomes naturalized as a citizen on the date stated in the certificate.

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

- (8) For the purpose of determining the period of residence in Vanuatu of any person –

- (a) any period during which the person has been in custody awaiting deportation or removal from Vanuatu shall be disregarded; and
- (b) a period shall not be disregarded by reason only that the person resided in Vanuatu during that period without having complied with any law relating to immigration.

- (9) For the purposes of subsection (2)(i) an oath of allegiance may be administered by, and a solemn affirmation may be made before –

- (a) any person authorised to administer oaths under the law; or

- (b) a secretary of a Local Government Council; or
- (c) a District Commissioner.

#### 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.

#### **13. Retention by Commission of citizenship certificate**

The Commission may retain a certificate issued in accordance with section 12(5) until it is satisfied that the person named therein has renounced any other citizenship or nationality he may have at the time of issue of the certificate.

#### “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), the provisions of Section 13C apply to an application by an investor under the Capital Investment Immigration Plan.
- (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 (6) if a person requests when applying for citizenship that:
- (a) his or her spouse; or
- (aa) any of his or her dependant, aged 18 to 21 years; 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.
- (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.
- (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**            *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

**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.

**PART 4 – LOSS AND RENUNCIATION OF AND REGAINING OF CITIZENSHIP**

**14. Loss of citizenship**

- (1) In addition to the reasons set out in article 13 of the Constitution a citizen who is of age and of full capacity shall lose his citizenship if he –
  - (a) takes an oath or makes a declaration or affirmation of allegiance to another country or to the Sovereign or Head of State of another country;
  - (b) does, agrees to or adopts any act by which he becomes a national or citizen of another country;
  - (c) enters or serves in the armed forces of another country except with the express approval of the Prime Minister acting in accordance with the advice of the Council of Ministers; or
  - (d) except as permitted by any Act, votes in a national, provincial, state or local election, or accepts elective office, of another country.
- (2) A person who is found by a court to have obtained citizenship by any false representation, fraud or concealment of a material fact on his part shall cease to be a citizen 30 days after such finding unless the Prime Minister being satisfied that the offence was of a minor nature and that the revealing of the true facts would not have affected the grant of naturalization or citizenship publishes a declaration confirming that person's citizenship in the Vanuatu Gazette within such 30 days.
- (3) The provisions of this section shall not apply to any act done under compulsion of law of another country.
- (4) Subsection (1) does not apply to a person who holds dual citizenship.

**15. Loss of citizenship in other cases**

A person who has acquired citizenship by naturalization shall lose that citizenship if he travels across a national boundary making use of a passport of any foreign state.

**16. Deprivation of citizenship**

The Prime Minister may deprive a citizen by naturalization of his citizenship by declaration in the Vanuatu Gazette within 15 days of that person being sentenced to a term of imprisonment of 10 years or more.

**17. Renunciation of citizenship**

- (1) Subject to subsections (2) and (3), a citizen who is of age and full capacity may, in the prescribed manner renounce his citizenship.
- (2) A person may not renounce his citizenship unless –
  - (a) he already holds some other nationality or citizenship; or
  - (b) the renunciation is for the purpose of his obtaining some other nationality or citizenship.
- (3) During a time of war, citizenship may not be renounced without the prior consent of the Prime Minister.

**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.

**PART 5 – GENERAL**

**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 person eligible to be conveyed honorary citizenship are:
  - (a) a person who has or 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, organisation, society or country.

**21. Registers**

- (1) The Commission shall cause to be kept and maintained a register or registers, in such form as the Prime Minister shall consider appropriate in which shall be recorded the particulars of all persons who –
  - (a) become citizens;

- (b) regain citizenship;
  - (c) lose or renounce citizenship;
  - (d) have dual citizenship.
- (2) [Repealed]
- (3) The registers referred to in subsection (1) shall be open for inspection to the public in such manner and on the payment of such fees as may be prescribed.
- (4) Extracts from the registers referred to in subsection (1) may be certified and issued to an applicant on payment of the prescribed fee.
- (5) Extracts issued in accordance with subsection (4) shall be accepted by the courts as evidence of what is stated in them.

#### **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.

#### **22. Offence and penalty**

- (1) Any person who, for the purpose of being registered or obtaining the registration of any other person as a citizen under this Act, knowingly gives any false information to any person commits an offence and shall be liable on conviction to a fine not exceeding VT1,000,000 or to imprisonment for a term not exceeding 5 years or to both.
- (2) A member or former member of the Commission or Citizenship Office or another person 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 VT2,000,000 or imprisonment for a term of 10 years or both.
- (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.

#### **23. Regulations**

The Prime Minister may by Order, not inconsistent with this Act, prescribe all matters that may be required to be prescribed by this Act or for the better carrying out or giving effect to its provisions.

**24. Fees**

Without derogating from the generality of section 23 the Prime Minister may by order prescribe fees to be charged in respect of forms and other matters required or necessary for the better carrying into effect the provisions of the Act.

**SCHEDULE 1**

(Section 12(2)(i))

**REPUBLIC OF VANUATU**

Citizenship Act, Cap. 112

**OATH OF ALLEGIANCE**

I, .....

do this ..... day of ..... 20 ..... swear that I will be faithful and bear true allegiance to the President and the Republic of Vanuatu, So help me God.

Signed .....

**SOLEMN AFFIRMATION**

I, .....

do this ..... day of ..... 20 ..... solemnly affirm that I will be faithful and bear true allegiance to the President and the Republic of Vanuatu.

Signed .....

**SCHEDULE 2**

(Section 12(5))

**REPUBLIC OF VANUATU**

Citizenship Act, Cap. 112

**CITIZENSHIP CERTIFICATE**

IT IS HEREBY CERTIFIED THAT .....

..... was on the ..... day of ..... 20.....

granted Citizenship in accordance with the Constitution and section 12 of the Citizenship Act,  
Cap. 112.

.....  
Chairman  
Citizenship Commission

.....  
Member  
Citizenship Commission