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DE

VANUATU

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ORDER

IMMIGRATION ACT NO. 17 OF 2010

- IMMIGRATION VISA REGULATION
(AMENDMENT) ORDER NO. 31 OF 2014



REPUBLIC OF VANUATU

IMMIGRATION ACT NO. 17 OF 2010

Immigration Visa Regulation (Amendment) Order No. 31 Of 2014

In exercise of the powers conferred on me by paragraph 37(g) and section 91 of the Immigration Act No. 17 of 2010, I, the Honourable PAUL BARTHELEMY TELUKLUK Minister of Internal Affairs, make the following Order.

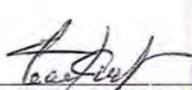
1 Amendments

The Immigration Visa Regulation Order No. 180 of 2011 is amended as set out in the Schedule.

2 Commencement

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

Made at Port Vila this 04 day of March, 2014.


Honourable PAUL BARTHELEMY TELUKLUK
Minister of Internal Affairs



Immigration Visa Regulation (Amendment) Order No.31 of 2014

SCHEDULE

AMENDMENTS OF THE IMMIGRATION VISA REGULATION ORDER NO. 180 OF 2011

1 Reference to Principal Immigration Officer

Delete all references to "Principal Immigration Officer" wherever occurring in the Immigration Visa Regulation Order No. 180 of 2011, substitute Director of the "Vanuatu Immigration Services"

2 Paragraph 12(4A)(d)

Delete "Principal Immigration Officer" substitute "Director of the Vanuatu Immigration Services"

3 Subclauses 12(4A), (4B) and (4C)

Repeal the subclauses, substitute

“(4A) In the case of a foreign investor under the Capital Investment Immigration Plan, who wishes to benefit from the Road Map as set out in Schedule 2, the criteria for the grant of a residence visa are as follows:

- (a) the applicant must establish a Vanuatu international company having a paid up capital of not less than US\$260,000 of which the applicant is the registered and beneficial owner of not less than 50% of the equity and whose share of the equity has a value of not less than US\$260,000; and
- (b) the applicant must deposit with a Vanuatu Financial Institution, in the name and for the account of the applicant's company, a sum in ready money of not less than US\$100,000 to be applied partly as investment and partly as fees as provided in clause 5(a) of the Road Map; and
- (c) the applicant must satisfy the Vanuatu Financial Services Commission, that the source of the deposited funds and the further funds to be deposited is legitimate; and
- (d) the applicant must satisfy the Principal Immigration Officer that he or she has no criminal record in either the country of his or her nationality or (if different) the country of his or her residence and that he or she is a person of good moral standing; and

- (e) the applicant and the applicant's company must have submitted to the Vanuatu Financial Services Commission, a letter or letters in a form approved by the Vanuatu Financial Services Commission undertaking:
 - (i) to pay the remaining instalments required by the Road Map at the specified times or sooner; and
 - (ii) not to withdraw or seek to withdraw any of his or her or the company's deposited funds from Vanuatu for a period of 7 years from the date of grant of a visa under this Regulation unless the applicant or his or her company has waived repayment of the government bonds and made the donation required by section 13C of the Citizenship Act; and
- (f) the applicant must pay the fee prescribed in Item 12A in Table 2 of Schedule 1; and
- (g) the applicant must submit to the Principal Immigration Officer for approval:
 - (i) the Certificate of Incorporation and Constitution of the applicant's company;
 - (ii) the share certificate(s) evidencing his or her equity interest;
 - (iii) the certificate of deposit of the funds issued by Vanuatu Registry Services Ltd;
 - (iv) the letter of undertaking certified by:
 - (A) a Commissioner or Deputy Commissioner appointed by the Minister of Trade and Commerce, the Minister of Foreign Affairs or the Vanuatu Financial Services Commission; or

(B) an Ambassador, High Commissioner, Consul General or Honorary Consul of the Republic of Vanuatu.

(4B) 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 residence visa:

- (a) the holder of the residence visa must continue to hold shares in the applicant's company representing the share of equity specified in paragraph 4A(a) until and unless the applicant or his or her company has waived repayment of the government bonds and made the donation required by section 13C of the Citizenship Act.;
- (b) the applicant's company pays in a timely manner its annual renewal and other fees from time to time due to the Vanuatu Financial Services Commission and remains in good standing;
- (c) the applicant and the applicant's company comply with the laws of the Republic of Vanuatu .

(4C) To avoid doubt, subclause (4) and paragraph 16(e) do not apply to an investor under the Capital Investment Immigration Plan."

4 Paragraph 16(e)

Repeal the paragraph, substitute

“(e) in the case of a person mentioned in item 12 of table 2 of Schedule I, the holder must continue to receive monthly income as specified in his or her application.”

5 SCHEDULE 1, Table 2

Delete item 12A, substitute

12A	Residence Visa	An applicant who fulfils the criteria and meets the conditions set out	500,000
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Immigration Visa Regulation (Amendment) Order No. 31 of 2014

		in subclauses 12(4A) and (4B), the spouse and dependants of the applicant under the age of 21-7 years with right of renewal	
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6 Schedule 2 –ROAD MAP OF THE CAPITAL INVESTMENT IMMIGRATION PLAN

(a) Subparagraph 3.(b)(ii)

Repeal the subparagraph, substitute

- “(ii) the right to be granted citizenship of Vanuatu within a period of 9 months from the grant of a CIIP residence permit upon complying with the conditions of paragraph 13C(1)(b) of the citizenship Act [CAP 112].”

(b) Paragraph 4.(a)

After “section 5,” insert “or sooner”

(c) Subparagraph 4.(b)(ii)

Delete “5,000” substitute “5,320”

(d) Subparagraph 4.(b)(iii)

Delete “3,000” substitute “2,680”

(e) Subparagraph 4.(b)(iv)

Delete “2,000” substitute “1,600”

(f) Subparagraph 4.(b)(v)

Delete “.” Substitute “;”

(g) After subparagraph 4.(b)(v)

Insert

- “(vi) Fee for application of citizenship-US\$250;
- (vii) Fee for Passport US\$150.”

(h) Paragraph 4.(c)

Repeal the paragraph substitute

“(c) Expedition Fee:

If the applicant wishes to be granted citizenship within 9 months from the grant of the residence permit under paragraph 13C(1)(b) of the Citizenship Act [CAP 112], the applicant must waive repayment of one half of the applicant’s investment, namely the face value of US\$130,000 as therein provided.”

(i) Paragraph 4.(e)

Repeal the paragraph.

(j) Paragraph 4.(f)

- (a) Delete “have been” substitute “be”
- (b) After “30 days” insert “at some time”
- (c) After “permit and” insert “36 months following”

(k) Paragraph 4.(g)

After “applicant”(second occurring) insert “over the age of 12 years”

(l) Clause 5

After “instalments” insert “or sooner”

(m) Paragraph 5.(a)

Repeal the paragraph substitute

“(a) upon submission of the application –US\$150,000 comprising US\$100,000 of investment and US\$50,000 of fees;”

(n) Paragraph 5.(c)

- (a) Delete “80,000” substitute “85,000”
- (b) Delete “20,000” substitute “15,000”

(o) Paragraph 6.(c)

Delete “the managers of the CIIP marketing team representing investors” substitute “Vantu Bank Ltd”

(p) Clause 7

- (a) Delete "or enjoyed until the new citizen has been ordinarily resident in Vanuatu for a period of 10 years" substitute "so long as the citizen is the holder of dual nationality"
- (b) Delete "The privileges dependant upon 10-years' residence are-"
- (c) Repeal paragraphs (a) to (f).

7 After Clause 4

Insert

"4A Fees for marketing agents

Marketing agents in contract with VRS may charge additional fees for their ancillary services provided that the total cost shall not exceed US\$350,000."