



REPUBLIC OF VANUATU

OFFICE OF THE OMBUDSMAN

PUBLIC REPORT

ON THE

**DEFECTIVE ADMINISTRATION PRACTICE
BY THE FORMER CITIZENSHIP
COMMISSION AND THE
DEFECTS IN THE CITIZENSHIP ACT**

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**PUBLIC REPORT
ON THE DEFECTIVE ADMINISTRATION PRACTICE
BY THE FORMER CITIZENSHIP COMMISSION
AND THE DEFECTS IN THE CITIZENSHIP ACT**

The Ombudsman is issuing this Public Report to illustrate the defective administrative practice of the former Citizenship Commission under the Chairmanship of Mr Edward Bani and also to outline the defects in the Citizenship Act [CAP 112] which allows for the Citizenship Commission to make decisions that may be deemed to be unlawful.

During the years 2000 and 2001, it was found that the Citizenship Commission, under the Chairmanship of Mr Edward Bani, approved applications that were submitted by Chinese Businessmen and their spouses for Vanuatu citizenship however, these Chinese Businessmen and their spouses were not eligible to apply for and obtain Vanuatu citizenship. These Chinese couples had not lived in Vanuatu for more than 10 years as required by Article 12 of the Constitution and Section 12 of the Citizenship Act.

The decision taken by the former Citizenship Commission under the Chairmanship of Mr Edward Bani to grant these Chinese couples Vanuatu citizenship is deemed to be unlawful and contrary to the laws of citizenship.

It was also found that the minutes of the Citizenship Commission meetings that approved these applications were either not produced or not properly filed away by the former Secretary to the Commission, Mr Kepoue Manwo.

As the minutes could not be located, it is not clear whether the Principal Immigration Officer, who was a member of the Commission then, was present at the Commission meetings to advise on whether the applicants had fulfilled the 10 year requirement. There is therefore a defect in section 3 of the Citizenship Act [CAP 112] in that the Principal Immigration Officer must be a compulsory member of the Citizenship Commission by being an ex-officio member.

Furthermore, there is no documentary evidence such as receipts to show that these Chinese Businessmen paid the prescribed fees for Vanuatu citizenship as permitted by the Citizenship Act [CAP 112].

Lastly, there is a defect in section 12(a) of Form A in Part 1 of the Schedule in the Citizenship Act [CAP 112], this being the application form that needs to be completed by foreigners applying for Vanuatu citizenship. This finding is discussed further in the report.

Due to the above findings, the Ombudsman makes three (3) recommendations which are as follows :

- (1) Those Chinese immigrants and any other foreigners who may have been granted Vanuatu citizenship by the former Citizenship Commission in a manner which was improper or illegal must have their status reviewed by the present Commission under the Chairmanship of Mr Alatoi Ishmael Kalsakau.
- (2) The Minutes of the Citizenship Commission meetings must be produced and properly managed in a filing system by the Secretary General of the Commission. A copy of each minutes must be provided to the Prime Minister.
- (3) The Prime Minister who is responsible for the Citizenship Commission must immediately set up a committee to review the Citizenship Act [CAP 112] generally and specifically sections 3, 12, 24 and various parts and schedules of the said Act and ensure that the Committee forward its review to the State Law Office for preparation of an amendment Bill to Citizenship Act [CAP 112].

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1. JURISDICTION

- 1.1 The Constitution and the Ombudsman Act allow the Ombudsman to look into the conduct of government, related bodies, and Leaders. This includes the Citizenship Commission. The Ombudsman can also look into defects in laws, which includes any defects in the Citizenship Act [CAP 112] that allows for possible maladministration by the Citizenship Commission.

2. PURPOSE, SCOPE OF INVESTIGATION AND METHODS USED

- 2.1 The purpose of this public report is to identify the defects in the Citizenship Act and in the administration practice of the former Citizenship Commission which allows for possible abuse and maladministration to occur.
- 2.2 The scope of this investigation is to establish the facts about the unlawful decision that the former Citizenship Commission took to grant Vanuatu citizenship to certain Chinese businessmen who were not eligible to acquire Vanuatu citizenship. It is also to determine whether the Citizenship Act [CAP112] is defective which therefore results in the defective administrative practice of the Citizenship Commission.
- 2.3 This Office collects information and documents by informal request, summons, letters, interviews and research.

3. RELEVANT LAWS

- 3.1 Relevant parts of the following laws are reproduced in the following Appendices:
Appendix 'A' – Constitution of the Republic of Vanuatu
Appendix 'B' – Citizenship Act [CAP 112]

4. OUTLINE OF EVENTS

- 4.1 Between year 2000 and 2001, it was found that the Citizenship Commission approved for certain Chinese businessmen and their partners to obtain Vanuatu citizenship even though they had not resided in the country for more than 10 years as required by Article 12 of the Constitution (Appendix 'A') and section 12 (2) (a) of the Citizenship Act [CAP 112] (Appendix 'B'). During this period, the Citizenship Commission consisted of the following people:
- (a) Edward Bani – Chairman
 - (b) Ronald Joseph
 - (c) Santus Mael
 - (d) Van Than Dinh
 - (e) Sebeti Tanga
 - (f) Guillaume Leingkone

The Principal Immigration Officer, Mr Lesley Garae was later appointed on 24 March 2000 as a member of the Citizenship Commission by the President, His Excellency Father John B. Bani.

The minutes of the Citizenship Commission meeting approved citizenship for the Chinese businessmen during this period cannot be found in the appropriate files in the Citizenship Office. It is not clear whether these minutes were ever produced or whether they were misplaced.

- 4.2 Following the approval of the Citizenship Commission, the certificates for citizenship for these Chinese businessmen were produced by the former Secretary General of the Citizenship Commission, Mr Kepoue Manwo (now deceased).
- 4.3 Schedule 1 to 4 of the Citizenship (Application Forms) (Fees and Charges) Order [Order 9 of 1985] states the prescribed fees and charges for citizenship application forms and matters connected therewith (please refer to **Appendix 'B'**). This payment is made directly to the Secretary of the Commission. On going through the files of these Chinese businessmen kept by the Citizenship Commission, there is no documentary evidence such as receipts to show that these Chinese businessmen actually made any payment to acquire Vanuatu citizenship as required by law.
- 4.4 The Commission had documentary evidence such as copies of residency permits from the Immigration Department to show that these Chinese businessmen had not lived continuously in Vanuatu for more than ten (10) years however, their applications for citizenship were approved. This may be because the applications submitted by these Chinese businessmen were supported by some chiefs and other ni-Vanuatu living in Port Vila.

Section 11 of the Citizenship Act states that only "a child 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."

Vanuatu does not have any Act relating to the adoption of children therefore Common Law is applied in cases where a ni-Vanuatu wants to adopt a person of another nationality for the purposes of the Citizenship Act [CAP 112]. This means that a formal process through the court is followed for a child or person to be legally adopted.

The chiefs and other ni-Vanuatu who had supported the applications submitted by these Chinese businessmen did not specify their names clearly. For example, in one particular application, a ni-Vanuatu who supported the application simply signed his name as "Chief, Freshwota III" without even stating his name. Furthermore, these ni-Vanuatu did not provide evidence from the court that they had legally adopted these Chinese businessmen to be part of their family. Even if these ni-Vanuatu did not legally adopt these Chinese, they should at least state how long they have known the Chinese concerned with prove of this relationship.

The Citizenship Commission at that time went ahead to accept the application forms submitted by these Chinese Businessmen even though some information in their application forms were irregular or contrary to the law of citizenship.

- 4.5 On 24 June 2005, the Ombudsman issued a Working Paper on this issue. This Working Paper was issued to the following people:
 - (i) former Commission members mentioned above with the exception of Mr Santus Mael whom the Office of the Ombudsman could not locate,
 - (ii) the present members of the Citizenship Commission who are,

- (a) Mr Alatoi Ishmael Kalsakau, Chairman,
 - (b) Mr David Esrom, Member,
 - (c) Mr Solomon Mangou, Member,
 - (d) Mr Pechou Meltetamat, Member,
 - (e) Mr Obi Mial, Member,
 - (f) Mr Reuben Seru, Member and
 - (g) Mr Titus Taripu, Member.
- (iii) the former and present Principal Immigration Officer, Messrs Lesley Garae and Vake Rakau, respectively;
 - (iv) the present Secretary of the Citizenship Commission, Mrs Glenda Herrominly;
 - (v) the Director General of Finance, Mr Simeon Athy;
 - (vi) the Honourable Prime Minister Ham Lini Vanuaroroa and
 - (vii) the Attorney General, Mr Sampson Endehipa.

The responses to this Working Paper can be viewed in section 5 below.

5. RESPONSES TO THE WORKING PAPER OF 24 JUNE 2005

- 5.1 On 29 June 2005, the Ombudsman received a response from the present Chairman of the Citizenship Commission, Mr Alatoi Ishmael Kalsakau. In his response, Mr Kalsakau stated that he did not necessarily agree that there are defects in law when the clear and unambiguous expressions in the Law require a service of a period of ten (10) years prior to the entitlement to be afforded citizenship.

Secondly, he is in agreement that all fees in relation to citizenship must be paid directly to the Treasury and proof thereof be given to the Commission for its consideration.

Furthermore, the charges and fees that are scheduled in the Act should be amended to reflect today's standards and to reinforce in the eyes of the people of Vanuatu and to interested applicants that obtaining Vanuatu citizenship is a privilege and not just an administrative process.

He also advised that the current Commission has formed a policy whereby it is a requirement for interested applicants to be first admitted into a community by a ceremonious gesture so that the Chiefs supporting their application must take some sort of responsibility over the applicant and the applicant being conscientious of an affiliation with the culture of Vanuatu prior to being offered the privilege of being accepted as ni-Vanuatu.

Mr Kalsakau concluded by requesting that the list of the names of the illegal Chinese immigrants be forwarded to him so that his Commission may consider their status according to the avenues open under the Act to address such unlawfulness.

Upon receiving this request, the Ombudsman took the liberty to provide Mr Kalsakau with the names of the Chinese businessmen concerned in this investigation.

- 5.2 On 30 June 2005, the Ombudsman received a response to the Working Paper from a present member of the Citizenship Commission, Mr Pechou Meltetamat.

In his response, Mr Meltetamat stated that the members of the Citizenship Commission under the Chairmanship of Mr Edward Bani had in fact, breached Article 12 of the Constitution and the Citizenship Act when they took the decision to approve citizenship for the Chinese immigrants.

He further stated that he believes that there may be other individuals and even leaders who are involved in this illegal Act. Furthermore, these individuals and leaders may have been bribed by these Chinese immigrants which is probably why the Commission was able to grant them citizenship.

Mr Meltetamat also stated in his response that Mr Kepoue Manwo is one of his nephews from Atchin island. The communities of Atchin knew that Mr Manwo would be taken to court regarding this same issue. He was supposed to appear in court on a Monday however, on Sunday, Mr Manwo passed away.

Mr Manwo had been investigated by a Commission of Enquiry that was appointed by the Prime Minister then, Honourable Edward Natapei so this Commission of Enquiry will have more information on this issue that may be of assistance to the Ombudsman.

Lastly, Mr Meltetamat concluded by stating that the present Commission of which he is a member, has introduced new policies that will see some changes in the work of the Citizenship Commission. Such policies are listed as follows:

- (i) Minutes of Citizenship Commission meetings will have in it resolutions and the Prime Minister's Office will have copies.
- (ii) The current application form that is being used will have some amendments made to it.
- (iii) Applicants applying for Vanuatu citizenship must have a police clearance from their country of origin.
- (iv) A Working Committee will be appointed to review decisions taken by past Commissions to grant Vanuatu citizenship to foreigners.

- 5.3 On 30 June 2005, the Ombudsman received a response from a former member of the Commission under the Chairmanship of Mr Edward Bani, Mr Dinh Van Than.

Mr Than advised that while he was a member of the Citizenship Commission, there were some applications that they had rejected as the applicants were not eligible for Vanuatu citizenship. However, the Secretary of the Commission then, Mr Kepoue Manwo, would change the minutes of the Commission meetings. He would then place the name of the applicants who were disapproved by the Commission meeting on a list and take it to the Chairman for his signature. Mr Than gave an example of a Chinese businessman whose application for Vanuatu citizenship had not been approved by the Commission. This Chinese businessman met Mr Than sometime later and thanked him for

approving his application citizenship however, Mr Than specifically remembers that his application was rejected by the Commission.

Mr Than further stated that there was an Immigration Officer who was also present at Commission meetings to advise them but this Officer was also involved in this corrupt dealings so he has been dismissed by the Immigration Department.

Mr Than concluded by advising that the Commission that he was a member of only met three (3) or four (4) times and then they were terminated from their positions.

- 5.4 On 22 July 2005, the Ombudsman received a response from the former Chairman of the Citizenship Commission, Mr Edward Bani.

Mr Bani stated all the certificates for Citizenship that he had signed in his capacity as the Chairman of the Board was done according to the advice that he received from the Secretary of the Commission, Mr Kepoue Manwo and the PIO, Mr Lesley Garae.

He further stressed that all the minutes of the Commission meetings that he was the Chairman of were produced. Mr Manwo was responsible for taking the minutes of the meetings and typing them up. Before all Commission meetings begin, the minutes of the previous meeting is approved. All members of the Commission sight the minutes before they give their approval.

Mr Bani also stated that the PIO was always present at the Commission meetings. In the event that he was not available, another Immigration officer who was the Deputy PIO then would represent him.

Mr Bani concluded by stating that there were some applicants who applied for Vanuatu citizenship but they lived in Vanuatu for short periods, return overseas and reside there for awhile then return to Vanuatu again. In these cases, his Commission granted these applicants Vanuatu citizenship as per the advice that they received from the PIO and Mr Manwo.

- 5.5 On 3 August 2005, the Ombudsman received a response from the present Secretary General of the Citizenship Commission, Mrs Glenda Herrominly.

Mrs Herrominly stated that when Mr Manwo was the Secretary General, she was appointed by the Public Service as his Secretary Typist however, Mr Manwo did his own typing. She only did his filing but she recalls that for past Commissions, she filed the minutes of their meetings but during the term of Mr Edward Bani's Commission, she never filed the minutes of their meetings. After Mr Manwo was suspended, she became the Acting Secretary of the Commission and she was able to file the minutes of the Commission meetings that were held under the Chairmanship of Mrs Audrey Luen.

Mrs Herrominly also advised that in the past, they only used a type writer. A computer was purchased later and was only used by her. A computer was purchased later for Mr Manwo.

She concluded by stating that all the minutes of the Commission meetings were confidential therefore minutes were never sent out to members of the

Commission. When the Commission has its next meeting, the minutes of the previous meeting is then given to the members for their approval before the meeting commences. The minutes are then collected by the Secretary General after the meeting to be filed away.

- 5.6 On 11 August 2005, the Ombudsman received a response from the former PIO, Mr Lesley Garae.

Mr Garae stated that as the issue occurred three (3) or four (4) years ago, he does not recall if he was at the Commission meetings that approved these applications. He is also unsure of who the Chinese businessmen are.

He also stated that the primary role of the Principal Immigration officer in the Citizenship Commission meeting is to provide information on residency status of any foreigners who reside in the country to assist the Commission before any decision is taken to grant Vanuatu citizenship or not.

Mr Garae concluded by stating that at times when the PIO is not available, another Senior Immigration Officer represents the PIO at Commission meetings. He cannot make a clear statement because he does not have a clear understanding of this case.

- 5.7 The Ombudsman did not receive any other responses from those whom the Working Paper was sent to.

Further complaint received after the Working Paper was issued.

- 5.8 On 20 July 2005, the Ombudsman received another complaint against the former Citizenship Commission for granting Vanuatu citizenship to some other Chinese businessmen even though they had not satisfied the Constitutional requirement to live in Vanuatu for ten (10) continuous years before applying for Vanuatu citizenship.

As this same issue was currently under investigation, the names of the said Chinese businessmen who were not eligible to acquire Vanuatu citizenship will be forwarded to the present Commission for review if the Immigration Department confirms that they did not satisfy Article 12 of the Constitution.

6. FINDINGS

- 6.1 **Finding 1: THE CITIZENSHIP COMMISSION UNDER THE CHAIRMANSHIP OF MR EDWARD BANI ACTED CONTRARY TO ARTICLE 12 OF THE CONSTITUTION**

The Citizenship Commission under the Chairmanship of Mr Edward Bani approved the applications submitted by certain Chinese businessmen for Vanuatu citizenship even though they were not eligible to acquire Vanuatu citizenship by Article 12 of the Constitution and section 12 (2) (a) of the Citizenship Act [CAP 112]. Furthermore, these Chinese businessmen were not legally adopted as per section 11 of the Citizenship Act [CAP 112] (Appendix 'B') so as to exempt them from the requirement under Article 12 of the Constitution and section 12 (2) (a) of the Citizenship Act.

It was therefore found that the Citizenship Commission under the Chairmanship of Mr Bani may have acted contrary to law in their decision to approve the applications submitted by Chinese businessmen for Vanuatu citizenship. Their decision is deemed to be unlawful. Even though Mr Bani claims that he approved citizenship based on the advice he received from the PIO and Mr Manwo, Article 12 of the Constitution and section 12 (2) (a) of the Citizenship Act [CAP 112] cannot be ignored.

6.2 Finding 2: DEFECT IN SECTION 3 OF THE CITIZENSHIP ACT [CAP 112]

Since the minutes of the Citizenship Commission meeting that approved Vanuatu citizenship for these Chinese businessmen are not available, it is not clear whether the Principal Immigration Officer (PIO), Mr Lesley Garae (or a representative of the Immigration Department) was present at these meetings as he was a member of the Commission then. However, it is the opinion of the Ombudsman that the PIO must be present in such meetings to advise on whether persons applying for Vanuatu citizenship have complied especially with Article 12 of the Constitution and section 12 (2) (a) of the Citizenship Act [CAP 112].

Section 3 of the Citizenship Act does not make it a requirement for the PIO or his or her representative to be a permanent member of the Commission by being an ex-officio member. Thus, recommendation 3 is made accordingly to rectify this flaw.

6.3 Finding 3: IMPROPER SYSTEM TO COLLECT FEES BY THE FORMER CITIZENSHIP COMMISSION

Section 24 of the Citizenship Act [CAP 112] states that "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."

Citizenship (Application Forms) (Fees and Charges) Order 9 of 1985 (Appendix 'B') states the fees that are to be charged in respect of the forms contained in the Citizenship Act.

These fees are paid directly to the Secretary of the Citizenship Commission according to the administrative practice of the Commission. During our investigation into the improper granting of Vanuatu citizenship to Chinese businessmen, it was found that there are no documentary evidence such as receipts to show that these Chinese businessmen actually paid any fee to the former Secretary, Mr Manwo. This administration practice used by the past Commission for paying fees directly to the Secretary allows for possible misuse of the funds and/or abuse of the system.

To prevent this issue from happening in the future, recommendation 3 below is made so that this issue will be taken into consideration when reviewing the Citizenship Act [CAP 112].

6.4 Finding 4: DEFECT IN SECTION 12 (a) OF THE FORM A IN PART 1 OF THE SCHEDULE IN THE CITIZENSHIP ACT [CAP 112]

Form A in Part 1 of the Schedule in the Citizenship Act [CAP 112] is the "Application for the granting of Citizenship by Naturalisation pursuant to section 12" (please refer to **Appendix 'B'**). Section 12 (a) of this form requires the application to be witnessed by three persons, all of whom must be indigenous citizens of Vanuatu; two (2) of whom must be persons of high standing with the community in which the applicant proposes to reside.

It was found in this enquiry that since this section does not precisely and specifically state that these persons must clearly state their names and positions in the community they come from, some of the people who signed as witnesses in the application forms submitted by Chinese businessmen did not state their full name and even their addresses. There is also no evidence to prove that the Commission consulted these witnesses when considering the applications submitted by the Chinese businessmen and their partners.

This flaw in the above stated form contributes to the Citizenship Commission making unlawful decisions to grant Vanuatu citizenship to persons who are not eligible to acquire it.

It is the opinion of the Ombudsman that the following details should be found in the form so that applicants must :

- (i) be well versed with Vanuatu culture and tradition and providing proof of this such as any personal relationship with an indigenous ni-Vanuatu family;
- (ii) have their applications supported by indigenous ni-Vanuatu of high standing within the community who must provide their full name, address and other contact details such as phone numbers and e-mail addresses;
- (iii) provide a police clearance from their country of origin;
- (iv) prove that they can communicate fluently in Bislama, English, French or a vernacular language of Vanuatu. The Citizenship Commission should ensure proof of this by interviewing applicants in the language that they specify that they are fluent in and
- (v) show proof of their financial status such as bank statements if they are investors who are applying for Vanuatu citizenship.

Thus, recommendation 3 is made accordingly so that this issue will also be considered when reviewing the Citizenship Act [CAP 112] which will prevent such malpractices from happening in the future.

6.5 Finding 5: MINUTES OF THE CITIZENSHIP COMMISSION MEETINGS UNDER THE CHAIRMANSHIP OF MR EDWARD BANI WERE EITHER NOT PRODUCED OR NOT FILED PROPERLY

It was found in this enquiry that the minutes of the Citizenship Commission meetings that approved the applications submitted by the Chinese businessmen were not properly filed away by the former Secretary to the Commission, Mr Manwo and were therefore not available for this enquiry.

Minutes of Commission meetings must be produced and thereafter signed by the Chairman and the Secretary of the Commission as the true record of the

meeting. A copy of the approved minute must be properly filed and kept for future reference.

The administrative practice of the former Secretary General of the Commission not to keep minutes in a proper filing system is a defective administration practice and should not be encouraged in an important organisation as the Citizenship Commission.

Thus, recommendation 1 is made accordingly.

7. RECOMMENDATIONS

Following the above findings, Ombudsman makes the following recommendations that are to be implemented by the respective Government institutions.

Recommendation 1

- 7.1 All those Chinese businessmen and their spouses and any other immigrants who were granted Vanuatu citizenship by the former Citizenship Commission in an improper or illegal manner must have their status reviewed by the present Commission under the Chairmanship of Mr Alatoi Ishmael Kalsakau.

Recommendation 2

- 7.2 The present and future Citizenship Commissions must ensure that minutes of the Commission meetings are produced and properly managed in a filing system by the Secretary General of the Citizenship Commission. The Prime Minister must be given a copy of the minutes which shall then be kept at the Prime Minister's Office for future reference.

Recommendation 3

- 7.3 The Prime Minister who is responsible for the Citizenship Commission must immediately set up a committee to review the Citizenship Act [CAP 112] generally and specifically sections 3, 12, 24 and various parts and schedules of the said Act and ensure that the Committee forward its review to the State Law Office for preparation of and amendment Bill to Citizenship Act [CAP 112].

Dated this 16th day of December 2005



Peter K.TAURAKOTO
OMBUDSMAN OF THE REPUBLIC OF VANUATU

- 8. INDEX OF APPENDICES**
- A** Constitution of the Republic of Vanuatu
- B** Citizenship Act [CAP 112]

APPENDIX 'A'

CONSTITUTION OF THE REPUBLIC OF VANUATU

CHAPTER 3

CITIZENSHIP

NATURALISATION

12. A national of a foreign state or a stateless person may apply to be naturalised as a citizen of Vanuatu if he has lived continuously in Vanuatu for at least 10 years immediately before the date of the application.

Parliament may prescribe further conditions of the eligibility to apply for naturalisation and shall provide for the machinery to review and decide on applications for naturalisation.

APPENDIX 'B'

CITIZENSHIP ACT [CAP 112]

PART II

CITIZENSHIP COMMISSION

MEMBERSHIP OF THE COMMISSION

3. (1) The Commission shall consist of a chairman and not less than four nor more than six other members all appointed by the President on the advice of the Prime Minister.
- (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 shall not be eligible to be appointed a member of the Commission unless he is a citizen of Vanuatu

PART III

CITIZENSHIP BY ADOPTION AND NATURALIZATION

ADOPTED CHILD

11. 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.

APPLICATION FOR, AND GRANTING OF, CITIZENSHIP BY NATURALISATION

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

SCHEDULE

Part 1

Form A

REPUBLIC OF VANUATU

Citizenship Act, Cap. 112

**APPLICATION FOR THE GRANTING OF CITIZENSHIP BY NATURALISATION
PURSUANT TO SECTION 12**

Section A

Full name of applicant:

.....

Place and date of birth:

.....

Address:

.....

.....

.....

.....

*Recent photograph
of applicant*



Occupation

.....

Academic or professional qualification (if any) or past employment
record (if any)

.....

.....

Religion (if any, give brief description):

.....

.....

Marital Status (Please tick where appropriate):

Married

Living together (but not legally married)

Single

separated: (Please tick where appropriate)

Judicial

Customary

Desertion

<input type="checkbox"/>
<input type="checkbox"/>

Section B

If you wish to apply for citizenship for your wife and children, you are required to complete this section. Your wife will not be granted citizenship if she does not sign the statement requesting it.

Maiden name of wife:

Recent photograph of wife

.....

Place and date of Birth:

.....

Nationality:

.....

Occupation:

.....

Academic or professional qualification (if any) or past employment record (if any)

.....

.....

Religion (if any, give brief description):

.....

.....

I,(name) request to become a citizen of the Republic of Vanuatu when my husband is granted citizenship.

.....

Signature of wife

<i>Names of Children</i>	<i>Date of Birth</i>	<i>Nationality</i>	<i>Sex</i>
.....
.....
.....
.....
.....
.....
.....

Section C

Applicants are required to answer truthfully all questions in this section.

1. (a) Have you during a period of 10 years immediately preceding this application been ordinarily resident in Vanuatu?
.....
 - (b) If so, please state the date of your arrival (delete if not applicable)
.....
 - (c) Have you at any time within the period of 10 years immediately preceding this application gone out of Vanuatu?
.....
 - (d) If so, please indicate the length of stay abroad.
.....
 - (e) For what purpose or purposes did you travel abroad?
 - (i)
 - (ii)
 - (iii)
 - (iv)
2. Have you ever been convicted of a criminal offence?
If so, please give details:
.....
.....
.....
.....

3. Are you fluent in any of the following languages-
Bislama, English, French or a vernacular language of Vanuatu?
Please indicate which language or languages.

.....
.....

4. (a) Are you familiar with the customs, culture and ways of life of Vanuatu?

.....

(b) If not, are you prepared to learn, respect and adjust to the customs, culture and
ways of life of Vanuatu?

.....

5. (a) Are you presently engaged in gainful employment?
If so, please give name of employer.

.....

(b) If self-employed, please specify the nature of your business.

.....

(c) If you are not in gainful employment, give reasons thereof and how you are
able to maintain a living in Vanuatu.

.....

.....

6. Have you suffered from any physical or mental handicaps?
If so, please give details.

.....

.....

.....

.....

7. (a) Do you have reasonable knowledge and understanding of the rights, privileges,
responsibilities and duties of citizens of Vanuatu?

.....

(b) Are you prepared to assume those rights, privileges responsibilities and duties
on your becoming a citizen of Vanuatu?

.....

8. (a) Are you at present a citizen or national of another country?

.....

(b) If so, state which country and provide evidence thereof.
.....

(c) Specify how you obtained this nationality or citizenship.
.....
.....
.....

(d) Since when have you been a national of this country
.....

9. If the answer to question 8(a) is yes, do you agree to renounce such citizenship or nationality in the event of your being granted Vanuatu citizenship?
.....

10. (a) Do you intend to continue residing in Vanuatu?
.....

(b) If so, please indicate on which island you intend to live on.
.....

(c) Are you prepared to assist and serve towards the development of the country?
.....

11. Give 4 reasons in order of importance, why you wish to become a Vanuatu citizen-
(i)
(ii)
(iii)
(iv)

12. (a) This application must be witnessed by three persons all of whom must be indigenous citizens of Vanuatu, and at least two of whom must be persons of high standing within the community in which the applicant proposes to reside.

1. 2.
(Name) (Name)

Address: Address:
.....
.....

Signature: Signature:

3.
(Name)

Address:
.....
.....
.....

Signature:

(b) You are also required to attach to this form references in writing made on your behalf by the three persons who witnessed your application.

These references must be made in their own handwriting and signature.

Date: Signature of applicant

SUBSIDIARY LEGISLATION

CITIZENSHIP (APPLICATION FORMS) (FEES AND CHARGES) ORDER

Order 9 of 1985

To prescribe fees and charges for citizenship application forms and matters connected therewith.

FEES

In respect of the several matters contained in Schedules 1, 2, 3, and 4, there shall be paid to the Government of the Republic of Vanuatu the several sums for the fees specified therein.

SCHEDULE 1

APPLICATION FORMS

1.	Form A	VT
	(a) For every first application	200
	(b) For every second, third, etc. applications where the first application has been refused	300
2.	Form B	50

3.	Form C	50
4.	Form D	100

SCHEDULE 2

Fees chargeable for certificates

		VT
1.	(a) For each certificate of registration issued	2,000
	(b) For each new certificate issued in the event of a lost or damaged certificate	2,500
	(c) If loss or damage was caused or done due to the bearer's negligence	3,000

SCHEDULE 3

Fees chargeable for inspection of registers

		VT
1.	For persons other than a person employed in the public service (flat rate)	100
2.	For every extract of the registers certified and issued to a person other than a person employed in the public service (flat rate)	300

SCHEDULE 4

Certificate fee

		VT
1.	(a) For each certificate of entitlement issued	1,000
	(b) For each new certificate issued in the event of a lost or damaged certificate	1,500
	(c) If loss or damage was caused or done due to the bearer's negligence	2,000

