

IMMIGRATION GUIDELINES

EXPLANATORY NOTES

These explanatory notes are for the benefit of persons intending to apply for a Residence Permit in Vanuatu and form the basis for the interpretation and application by the Immigration Department of the guidelines issued by the Prime Minister on 14 June 1994.

The guidelines which are incorporated into these Explanatory Notes completely replace all earlier guidelines.

There shall be three types of Residence Permit (see Diagram) with terms and conditions attaching to each.

The three types are:-

- 1) Permits to Investor Applicants;
- 2) Permits to Retiree Applicants; and
- 3) Permits to Employee Applicants.

1. General Conditions applying to all Residence Permits

- a) Application fees for Residence Permits as listed in schedule 1 attached (for whatever duration) are payable at the time that the application form and other documentation is submitted to the Immigration Department office. If the application is refused for any reason and such refusal is upheld on appeal or not appealed a sum of VT10,000 shall be retained by the Immigration Department and the balance of the fees paid, refunded to the applicant.
- b) Residence Permits may be renewed at the end of each period for which they are issued if the conditions applying to such permits are being complied with and the renewal fee is paid. Applications for renewal shall be made on the approved form no less than 6 weeks prior to the date of expiry and shall include the renewal fee.
- c) Renewed Residence Permits will be for the same duration as the expired permit unless conditions have changed. In that case an application for an alteration shall be made setting out the changed conditions and noting the type of Residence Permit now sought.
- d) Dependant children of not more than 18 years of age (or 23 years if a full time student) may be granted Resident Permits expiring on the same date as their parent(s).
- e) In the event that there are prescribed or approved forms provided by the Immigration Department for the completion of applications or renewals then any form in substantially that form or any facsimile thereof will be acceptable to be submitted as the application or renewal, provided such form is duly completed and properly executed.
- f) All applicants for a Residence Permit must submit two recent passport-style photographs of themselves and any dependants included in the application and a police clearance for each adult from the country of citizenship of the applicant and his/her dependants who are over the age of 18 (where applicable) unless any of those persons have not been resident in their country of citizenship for 10 years or more immediately prior to the application in which case the police clearance must be provided from the current country of residency. Where the applicant (and/or dependants over the age of 18) have been resident in a country not that of their

citizenship for less than 10 years then the police clearances must be provided by the current country of residence and the country of citizenship.

In the event that the applicant has been resident in a country that does not issue police clearances then the applicant must obtain a certificate to that effect from an authorised representative of that country.

2. (1) Additional Conditions Applying to all Investors' Residence Permits

- a) Any person wishing to invest in Vanuatu in a business (approved by the Ministry of Finance and confirmed by a letter from the Business Licence Department that either a Business Licence is issued, or will be issued to the applicant upon the issuance of a Residence Permit) - may submit an application for an Investors' Residence permit.
- b) If two or more unrelated joint applicants each intend to invest more than 5 million Vatu in a business then they are all to be treated as separate investors.
- c) If the applicant is a member of a business owned or run by a group (in partnership or otherwise) the business will be deemed to be a combination of self-employed persons and so long as the applicant is included in the business licence for that business he shall be granted a Residence Permit (subject to these Guidelines) for as long as he works for that business.
- d) Married couples may make an application for Residence Permits in joint name if both applicants intend to work in the same business.
- e) Any investment in Vanuatu held by the applicant(s) prior to the applicant(s) applying for a Residence Permit which is otherwise a qualifying investment in accordance with these guidelines shall be counted towards any required investment minimum.
- f) A confirmation in writing from a bank holding a banking licence authorising it to trade within Vanuatu that the required minimum amount of funds has or will be invested in Vanuatu by the applicant must accompany each application for an Investors Residence Permit.
- g)
 - i) If the amount of the investment required for the Residence Permit sought has not already been remitted to Vanuatu when the application is made, the Immigration Department may issue a three month Residence Permit to allow for appropriate arrangements to be made to remit funds to Vanuatu. Upon the receipt by the Immigration Department of a written confirmation from a local bank that not less than the required amount has been received in Vanuatu, the Immigration Department shall issue a replacement Residence Permit, expiring at the end of the period granted.
 - ii) If the nature of the investment is such that the funds for investment will be progressively brought to Vanuatu over a period not exceeding one year, the Immigration Department may issue a one year Residence Permit which will be automatically renewed at the expiry of one year for the balance of the period granted, subject to proof being provided that the committed investment has been remitted to Vanuatu and applied in accordance with the original application (or variation thereof if approved by the Immigration Department).

- iii) There will be no additional charge for the issue of a replacement or renewal permit under this section, and no rebate of fees paid if the committed investment is not made as undertaken by the applicant and the permit is withdrawn.

(2) Small Urban Investors - Special Conditions

- a) The total investment shall be not less than 5 million Vatu and may be applied towards the purchase of an existing business, including the purchase of the goodwill of that business, or may be applied towards the commencement of a new business.
- b) The price of the purchase of an existing business which holds a business licence (or is exempt from so holding) whether they are new shares or capital issued to the applicant or sold by an existing shareholder/owner to the applicant shall be counted towards the 5 million Vatu minimum.
- c) The period of the Residence Permit shall be one year, renewable annually if the conditions remain the same.

(3) Major Investors - Special Conditions

- a) Persons investing in excess of 15 million Vatu in Vanuatu are considered major investors and may apply for long term Residence Permits.
- b) Upon request to the Ministry for Economic Affairs, or the Ministry of Finance or the Ministry of Agriculture by an applicant, the relevant Ministry may recommend that any applicant investing or having previously invested between 15 million Vatu and 100 million Vatu by way of new development or purchase of some existing enterprise be granted a longer term Residence Permit up to a maximum of 15 years duration. In deciding whether to make any such recommendation the relevant Ministry shall take account of the total size of the investment, the extent of expenditure on new development and the nature of the investment. Such recommendation shall be accepted by the Department of Immigration provided all other relevant provisions of these Guidelines are complied with.
- c) Investors investing in excess of 25 million Vatu shall be granted long term residence permits which shall be for a minimum of 5 years provided all other relevant provisions of these Guidelines are complied with. Investments qualifying for maximum duration Residence Permits are limited and include:-
 - 1. Subscription for new shares (to be) issued by a company holding a local business licence;
 - 2. Investment in a new business which has been granted an approval for the issuance of a business licence or an exemption confirmation that no business licence is required.
 - 3. Investment in undeveloped real estate property.
 - 4. Investment in the improvement of agricultural land.
 - 5. Investment in the redevelopment of urban developed land.

(4) Agriculture Investors - Special Conditions

The rules applying to investors in the agriculture sector are the same as for the Small Investors or Major Investors except that approval shall first be granted by the Ministry of Agriculture (and Lands Department if any transaction relating to land is involved). Usually applicants wishing to invest in agriculture are exempt from having to hold a Business Licence but such exemption must be acknowledged in writing and accompany the application. Where a land transaction is part of the proposed investment the signed consent of the Lands Department to the transaction will be sufficient documentation for immigration purposes.

3. Retirees

- a) To apply for a Residence Permit as a retiree, the applicant must have ceased to be employed in any capacity whatsoever.

Retiree Permits are issued for 10 years and are renewable every 10 years thereafter.

- b) Initial applications and renewal applications must be accompanied by:-
- i) An original copy of a certificate stating his status as a retired citizen of his country of origin or any other officially recognised document establishing his status of retirement;
 - ii) Proof that the applicant receives or is entitled to receive Social Security or other retirement payments from another country; or
A Statutory Declaration that the applicant has retired;
and
 - iii) A certificate from a local bank in the prescribed form that the retiree has not less than VT300,000 available per month receivable in Vanuatu.
- c) Retiree Residence Permits preclude the Retiree from taking paid employment in Vanuatu, but a Retiree may make passive investments in Vanuatu so long as he/she does not work in the business in which they invest.
- d) A Retiree may convert to an Investor if he/she wants to work in the business in which they invest. In such cases a fresh application must be made and will be dealt with on its merits. If granted, fees still paid in advance for the Retiree Residence Permit will be credited on a pro-rata basis towards the fees payable in the investor category. If there is a surplus of prepaid fees, they will be refunded to the applicant less a VT10,000 administration fee.

4. Residence Permits attached to Work Permits (Employee Applicants)

Residence permits of a duration ending on the expiry of a work permit may be issued to expatriates who are authorised under their Work Permits to be employed in Vanuatu. The issuing of this type of permit shall be made in accordance with policies from time to time governing work permits. If the Labour Department issues a 12 month work permit ending on a particular day 12 months in the future, then the Immigration Department will issue a Residence Permit for the same 12 month period, provided all other requirements are complied with. If the Labour Department issues a Work Permit for longer than 12 months, then the Immigration Department may issue a Residence Permit for the same period up to a maximum of three years, provided all other residency requirements are complied with.

FEES PAYABLE
SCHEDULE
AMENDMENTS TO THE IMMIGRATION (FEES)
REGULATION ORDER NO. 2 OF 1989

<i>Column A</i>	<i>Column B</i>
(a) A permit to enter and reside in Vanuatu for one year	VT40,000
(a)(1) A permit to enter and reside in Vanuatu for three years	VT110,000
(a)(2) A permit to enter and reside in Vanuatu for five years	VT180,000
(b) An extension of a permit to reside in Vanuatu for one year	VT40,000
(b)(1) An extension of a permit to enter and reside in Vanuatu for three years	VT110,000
(b)(2) An extension of a permit to enter and reside in Vanuatu for five years	VT180,000
(c) A permit to enter and reside in Vanuatu for one year for children under 18 years of age	VT2,000
(d) An extension for a permit to reside in Vanuatu for one year for children under 18 years of age	VT2,000
(e) The replacement or alteration of a permit or change of immigration status	VT10,000
(f) The preparation of any other certificate or document	VT5,000
(g) Yacht Immigration Clearance (per person)	VT2,000
(h) A permit to enter and reside in Vanuatu for one year for those engaged in full time study	VT10,000
(i) An extension of a permit to reside in Vanuatu for one year for those engaged in full time study	VT10,000
(j) A permit to enter and reside in Vanuatu for one year for those 55 years of age or over and who do not hold either a current work permit or current business licence	VT30,000
(k) An extension of a permit to reside in Vanuatu for one year for those 55 years of age or over and who do not hold either a current work permit or current business licence	VT30,000

