

*Citizenship Laws and  
Statelessness*



## Vanuatu

### Overview of Citizenship and Statelessness

**Last Update: 28 December 2020**

#### BACKGROUND

Since becoming a United Nations Member State in 1981, Vanuatu has signed four human rights treaties:

- The *International Covenant on Civil and Political Rights*;
- The *Convention on the Rights of the Child*;
- The *Convention on the Elimination of All Forms of Discrimination Against Women*; and
- The *Convention of the Rights of Persons with Disabilities*.

Vanuatu has not signed the *Convention relating to the Status of Stateless Persons*, or the *Convention on the Reduction of Statelessness* ('1961 Convention').

#### ACQUISITION

##### Descent

Persons of Vanuatuan descent are entitled to citizenship through the *Constitution of Vanuatu* and the *Citizenship Act*.<sup>1</sup> If a child is born in or out of the territory of Vanuatu, in or out of wedlock, citizenship is automatically passed if either parent is a

citizen.<sup>2</sup> A child born outside of Vanuatu who is adopted by citizens is entitled to be registered as a citizen in the same manner.<sup>3</sup>

Foundlings are not recognised under the *Constitution*. This is inconsistent with article 2 of the 1961 Convention.

##### Naturalisation

Persons who are not of Vanuatuan descent are entitled to citizenship by naturalization through four channels: residence, marriage, honorary grant, or investment. A person who applies for citizenship by naturalisation is entitled to hold dual citizenship.<sup>4</sup> A holder of dual citizenship is entitled to undertake investment in Vanuatu and obtain a passport.

##### 1. Residence

The *Constitution* and *Citizenship Act* permit persons who have resided in Vanuatu for at least ten years to apply for citizenship by naturalisation.<sup>5</sup> The applicant must be at least 18 years old and intend to continue residence in Vanuatu. The applicant must make a declaration of loyalty, and have a reasonable knowledge of the rights and responsibilities of citizenship.

<sup>1</sup> *Constitution of Vanuatu 1980* (w amendments to 2006) ('Constitution'); *Citizenship Act 1980 (Chapter 112)* (w amendments to 2006) (Vanuatu) ('Citizenship Act Chapter 112').

<sup>2</sup> *Constitution* (n 1) s 11.

<sup>3</sup> *Citizenship Act Chapter 112* (n 1) s 11.

<sup>4</sup> *Citizenship (Amendment No 39) Act 2013* ('Vanuatu') s 9 ('Citizenship Amendment 2013'); *Citizenship Act Chapter 112* (n 1) s 13A.

<sup>5</sup> *Constitution* (n 1) s 12; *Citizenship Act Chapter 112* (n 1) s 12(2)(a).

The applicant must be of good character, be conversationally fluent in Bislama, English, French or another regional vernacular unless prevented by disability, and have respect for the cultures of the country. The applicant must pass a citizenship test in Bislama. The applicant must be of good health, who is unlikely to become a charge on public funds.

Applicants may include their spouse, or child, on their application for naturalisation and may be granted citizenship at the point in time when the primary applicant acquires citizenship as well. Any spouse included on such an application must be accompanied by a consent to the application for citizenship.

## 2. *Marriage*

A person who is married to a citizen may apply for citizenship by naturalisation.<sup>6</sup> The applicant must have lived with their spouse in Vanuatu for a period of no less than two years. The applicant must pass a citizenship test in Bislama.

## 3. *Honorary Grant*

The President may recommend to the Prime Minister that a person shall be granted citizenship for honorary reasons, with additional privileges or exemptions on the application.<sup>7</sup>

An eligible person must have already or will be likely to contribute to the advancement and development of Vanuatu, or who has been appointed as a representative of the Vanuatu government overseas. A person who is granted honorary citizenship must

not have a criminal record, and must be in high standing in their own community.

## 4. *Investment*

A person who has resources, capital, and the commitment to invest in the economy in a manner which creates employment and teaches skills to citizens, is eligible to apply for citizenship by naturalisation.<sup>8</sup>

An applicant under this section must have respect for the culture of Vanuatu; be of good character; have a reasonable knowledge of the rights and duties of citizens; and, must take an oath of allegiance. Applicants for citizenship by investment are not required to have specific language skills to be eligible for application. Applicants for citizenship by investment may apply for their spouse and child, similar to applications for naturalisation.

Further, citizenship by investment requires the Minister to take into account the applicant's compliance with the requirements of the Capital Investment Immigration Plan ('CIIP') for the 24 months following their application.<sup>9</sup>

This requires the investor to: apply for citizenship within nine months of the date of their application for a residence permit under the CIIP; at the time of their application they are compliant with the CIIP; waives the repayment of any Vanuatu Government bonds issued to the investor under the CIIP; and, must donate a further 25% of their investment to the Vanuatu Government under the CIIP.

Citizenship by investment has since been expanded to include investment by real

<sup>6</sup> Citizenship Amendment No 39 2013 (n 4) s 7; Citizenship Act Chapter 112 (n 1) s 10(1).

<sup>7</sup> Citizenship Act Chapter 112 (n 1) s 20.

<sup>8</sup> Citizenship Amendment 2013 (n 4) s 9; Citizenship Act Chapter 112 (n 1) s 13B.

<sup>9</sup> Citizenship Amendment 2013 (n 4) s 9; Citizenship Act Chapter 112 (n 1) s 13C(1)(a).

estate, and the 'Development Support Program'.

## RENUNCIATION

A person may not renounce their citizenship until they have reached the age of 18.<sup>10</sup>

The *Constitution* stipulates that a person may not renounce their citizenship unless they hold another citizenship or nationality;<sup>11</sup> or the renunciation is done for the purpose of obtaining another nationality or citizenship. Further, a person may not renounce their citizenship during a time of war. This is consistent with article 7 of the 1961 Convention.

### Regaining Citizenship

If a person loses their citizenship as a result of their marriage to the national of another country, which resulted in their renunciation of Vanuatuan citizenship, they may apply to regain their citizenship.<sup>12</sup> Further, this applies only where that marriage has broken up. This is consistent with article 5 of the 1961 Convention.

## LOSS

If it is discovered that citizenship was successfully acquired by fraud, misrepresentation, or concealment of fact, citizenship will be lost within 30 days, unless the Minister is satisfied that the offence was minor.<sup>13</sup> This is consistent with article 8 of the 1961 Convention.

A person who has reached the age of 18 and is of full mental capacity may automatically lose their citizenship if they do or adopt any act which results in their

acquiring the citizenship or nationality of another country,<sup>14</sup> or if they participate in any election or political process in another country. If that person takes an oath of allegiance to another country or Head of State, or serves in the military of another country without the express consent of the Prime Minister, they may automatically lose their citizenship.<sup>15</sup> This is consistent with article 2 of the 1961 Convention.

No provision relating to the automatic loss of citizenship will apply to an act done under the compulsion of the law of another country.<sup>16</sup> These provisions are consistent with article 6 of the 1961 Convention.

A person who acquires citizenship by naturalisation may lose that citizenship if they travel across a border using a foreign passport.<sup>17</sup> Further, the Prime Minister may deprive citizenship from a person who is sentenced to a prison term of 10 years or more.

## UNHCR Representation in Canberra

**Note:** *This factsheet only provides information of a general nature. It should not be relied on for any other purpose. This factsheet should be read in light of the last date on which it was updated.*

<sup>10</sup> Citizenship Act Chapter 112 (n 1) s 17(1).

<sup>11</sup> Ibid s 17(2)(a).

<sup>12</sup> Citizenship Amendment No 39 2013 (n 4) s 12; Citizenship Act Chapter 112 (n 1) s 18(1)(b).

<sup>13</sup> Citizenship Act Chapter 112 (n 1) s 14(2).

<sup>14</sup> Ibid s 14(1)(b).

<sup>15</sup> Ibid s 14(1)(c).

<sup>16</sup> Ibid s 14(3).

<sup>17</sup> Ibid s 15.