



REPUBLIC OF NAURU

# NAURU ECONOMIC AND CLIMATE RESILIENCE CITIZENSHIP ACT 2024

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No. 15 of 2024

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An Act to provide for the Nauru Economic and Climate Resilience Citizenship and for other related purposes.

Certified: 20 August 2024

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Enacted by the Parliament of Nauru as follows:

## PART 1 – PRELIMINARY

### 1 Short title

This Act may be cited as the *Nauru Economic and Climate Resilience Citizenship Act 2024*.

### 2 Commencement

This Act commences on the date it is certified by the Speaker.

### 3 Definitions

In this Act:

**‘Agent’** means a natural person or legal entity which has been granted a licence under Part 5 of this Act;

**‘Applicant’** means a person who applies for citizenship under this Act, either as a Principal Applicant or as a Dependent;

**‘application’** means an application for citizenship under this Act;

**‘beneficial owner’** has the same meaning given to it under the *Beneficial Ownership Act 2017*;

**‘citizenship’** means the Economic and Climate Resilience Citizenship of the Republic of Nauru under Section 4;

**‘Citizenship Act’** means the *Naoero Citizenship Act 2017*;

**‘contribution’** means a contribution paid under this Act to the Treasury Fund;

**‘de facto relationship’** has the same meaning given to it under the *Interpretation Act 2011*;

**‘Dependent’** means:

- (a) the spouse of the Principal Applicant in a monogamous marriage or in a de-facto relationship;
- (b) a child, including an adopted child, of the Principal Applicant or of his or her spouse who is less than 18 years of age;
- (c) a child, including an adopted child, of the Principal Applicant or of his or her spouse, who is between the age of 18 and 30 years, who is not married and who is fully supported by the Principal Applicant;

- (d) a child of the Principal Applicant or of his or her spouse, who is at least 18 years of age, is physically or mentally challenged and who is living with and is fully supported by the Principal Applicant;
- (e) a parent or grandparent of the Principal Applicant or of his or her spouse, above the age of 55 years who is fully supported by the Principal Applicant;
- (f) a sibling of the Principal Applicant or spouse who is not married and has never been married;

**'economic and climate resilience citizenship'** means the category of citizenship of the Republic granted under this Act;

**'licence'** means the licence granted to Agents under Section 15;

**'Minister'** means the Minister responsible for Justice and Border Control;

**'police certificate'** means a statement from the national criminal record keeping or law enforcement authority of each country or countries of residence of the applicant and his or her dependants on the status of the applicant and his or her dependants' criminal records;

**'Principal Applicant'** means the person who, either as a single Applicant or as the head of a family, undertakes to pay a contribution and signs the relevant agreements and undertakings on behalf of his or her Dependents;

**'Program'** means the Nauru Economic and Climate Resilience Citizenship Program established under Section 9;

**'Program Office'** means the Nauru Economic and Climate Resilience Citizenship Program Office established under Section 10;

**'Register'** means the Register of Nauruan Economic and Climate Resilience Citizenship established and maintained by the Secretary under Part 8;

**'Registrar'** means the office established under Section 26;

**'Secretary'** means the Secretary for Justice and Border Control; and

**'Treasury Fund'** means the fund referred to in Article 58 of the *Constitution*.

## **PART 2 – ECONOMIC AND CLIMATE RESILIENCE CITIZENSHIP**

### **4 Acquisition of economic and climate resilience citizenship**

A person may acquire economic and climate resilience citizenship of the Republic of Nauru, if he or she has made or intends to make a significant contribution in the

social, economic, industrial, commercial, climate protection or enhancement or any other form of development or benefit in or outside of the Republic.

### **PART 3 – APPLICATION AND REGISTRATION OF CITIZENSHIP**

#### **5 Power to grant citizenship**

- (1) The Minister may, in consultation with the Cabinet, grant citizenship to a person applying for citizenship under this Act.
- (2) A person shall not be granted citizenship where he or she has been involved in any manner whatsoever on matters contained in Section 23(1)(b).

#### **6 Application for citizenship**

- (1) An application for citizenship shall be made to the Program Office in the prescribed form.
- (2) The applicant shall pay the prescribed fee when making an application for citizenship.
- (3) A person is eligible to apply for citizenship, if he or she:
  - (a) is at least 18 years of age;
  - (b) has made or proposes to make a contribution; and
  - (c) meets the requirements of the Program.
- (4) The Cabinet may prescribe such other requirements or criteria for the granting of citizenship.

#### **7 Dependent eligible for citizenship**

- (1) A Dependent of a Principal Applicant may apply for citizenship concurrently with the Principal Applicant or at any time after the Principal Applicant has been granted citizenship.
- (2) The Dependent shall meet all the requirements of the Program and this Act.

#### **8 Application to be lodged by an Agent**

- (1) An application for citizenship under this Act shall be made to the Program Office through an Agent on payment of the prescribed application fee and due diligence fees.
- (2) The Program Office shall not consider an application under subsection (1)

if it is not made through an Agent.

#### **PART 4 – NAURU ECONOMIC AND CLIMATE RESILIENCE CITIZENSHIP PROGRAM**

##### **9 Nauru Economic and Climate Resilience Citizenship Program**

- (1) The Nauru Economic and Climate Resilience Citizenship Program is hereby established.
- (2) The Program shall be administered by the Program Office.
- (3) The objective of the Program is for the economic development and climate resilience for the Republic, which permits any foreign national to pay a contribution in accordance with the amounts prescribed by the Cabinet.
- (4) Subject to Part 3, a person who makes a contribution for the purposes of the Program under subsection (3) is eligible to acquire economic and climate resilience citizenship of the Republic.
- (5) The contribution under subsection (3), following a deduction of the Agent fee under Section 19, shall be paid into the Treasury Fund by the Program Office before the conferment of the Certificate of Citizenship.

##### **10 Establishment of the Program Office**

- (1) The Nauru Economic and Climate Resilience Citizenship Program Office is hereby established.
- (2) The Program Office is responsible to the Minister.
- (3) The Program Office shall provide the records of persons granted citizenship under the Program to the Registrar:
  - (a) when a citizenship is conferred on an applicant; and
  - (b) a cumulative list of all citizenships granted on an annual basis on or before 31 July of each successive year.
- (4) A branch, subsidiary or sister company of the Program Office may be established outside the Republic, which office shall be responsible to the Minister through the Program Office in the Republic.
- (5) The Program Office established in the Republic shall provide a current list of the branches, subsidiaries or sister companies of the Program Office established outside of the Republic to the Minister on an annual basis.

- (6) The arrangement between the Program Office in the Republic and the branch, subsidiary or sister company of the Program Office is exclusively amongst them and shall not in any manner or form involve the Republic.
- (7) The application for citizenship under Section 6 shall be provided to the Minister by or through the Program Office established in the Republic.

## **11 Functions of the Program Office**

The functions of the Program Office are to:

- (a) administer the Program;
- (b) receive and process an application made under this Act;
- (c) conduct due diligence on the Applicant;
- (d) assess, evaluate and collate all information in respect of an application;
- (e) make recommendations to the Minister for the grant or rejection of an application;
- (f) assess, evaluate and conduct due diligence on the engagement and granting of licence to agents;
- (g) collect fee and process payment for an application;
- (h) issue guidelines, circulars, codes of conduct, codes of ethics and any other similar documents for the purposes of this Act; and
- (i) any other functions which may be given to the Program Office by the Cabinet, Minister or necessary for the purposes of giving effect to this Act.

## **12 Chief Executive Officer and staff of the Program Office**

- (1) The Chief Executive Officer of the Program Office shall be appointed by the Minister.
- (2) The Program Office may employ such staff for the purposes of carrying out the functions or exercising the powers of the Program Office on terms and conditions determined by the Chief Executive Officer.
- (3) Where the Chief Executive Officer is not able to perform the functions or exercise the powers given to him or her, the Minister may appoint a member of the staff to act as the Chief Executive Officer during the period of the absence of the Chief Executive Officer.

- (4) The Chief Executive Officer and the staff of the Program Office shall be deemed not to be holding an office of profit in the service of Nauru.
- (5) The remuneration and other benefits of the Chief Executive Officer and the staff including the expenses of the Office shall be paid by the Program Office.

**13 Powers of the Program Office**

The Program Office, Chief Executive Officer and the staff shall have the power to do all things necessary or convenient in carrying out functions and for the purposes of achievement of the objectives of this Act.

**14 Independent auditor of the Program**

- (1) An annual audit shall be conducted of the Program in accordance with international auditing standards.
- (2) For the purposes of subsection (1), an independent auditor shall be appointed by the Minister within 1 month after the end of each financial year to conduct an annual audit of the Program.
- (3) The fees and remuneration of the independent auditor shall be paid by the Program Office.
- (4) The Cabinet may prescribe matters which may be necessary to be included in the report by the independent auditor.

**PART 5 – APPOINTMENT AND LICENCING OF AGENTS**

**15 Licencing of Agent**

- (1) No person shall carry out any function or power of the Program Office under this Act without:
  - (a) being appointed as an Agent; and
  - (b) having obtained a licence for that purpose.
- (2) A person seeking to act as an Agent shall make an application to the Program Office for a licence.
- (3) An application for a licence under subsection (2) shall be:
  - (a) in the prescribed form;
  - (b) provide the relevant information;



- (c) provide copies of relevant documents;
  - (d) provide any other information, document or details required by the Program Office;
  - (e) accompanied by the prescribed fee; and
  - (f) in compliance with such other matters as the Cabinet may prescribe.
- (4) A person who contravenes subsection (1) commits an offence and upon conviction is liable:
- (a) in the case of an individual to a fine not exceeding \$10,000 or to a term of imprisonment not exceeding 2 years or to both; or
  - (b) in the case of a body corporate, to a fine not exceeding \$50,000.
- (5) Where an offence has been committed by a body corporate, a person who at the time of the commission of the offence was a director, manager, secretary, officer or partner of a body corporate or was purporting to act in such capacity, commits an offence and is liable under subsection (4)(a) where the following is deemed to have occurred:
- (a) the act or omission constituting the offence took place with the actual knowledge or reckless disregard of the director, manager, secretary, officer or partner; and
  - (b) the director, manager, secretary, officer or partner, by act or omission, gave his or her authority, permission or consent to the act or omission constituting the offence.
- (6) Where a person residing outside of the Republic contravenes this Section, the Program Office may issue a civil or any other permissible form of proceedings against such person, or in the case of a company or other legal person to the directors or individuals exercising management and control of such legal person, in accordance with the laws of the foreign jurisdiction.

## **16 Granting of licence to an Agent**

- (1) The Program Office may grant a licence to an Agent, where it is satisfied that the requirements under this Act are met.
- (2) The licence granted to or any arrangement entered between the Program Office and the Agent is exclusively between them and shall not in any manner or form involve the Republic.

## **17 Annual licence fees to be paid by an Agent**

An Agent who has been granted a licence under Section 15 shall:

- (a) pay the prescribed annual fee to the Program Office; and
- (b) comply with all the terms and conditions of his or her licence.

**18 Revocation of licence**

The Program Office shall revoke a licence issued to an Agent if:

- (a) the Agent has acted in an unethical or unprofessional manner below the standards required of Agents;
- (b) the Agent commits a serious breach of any guidelines, codes of conduct or codes of ethics issued by the Program Office specifically for Agents; or
- (c) the annual fee specified in Section 17 remains unpaid for a period of 30 days after it is due.

**19 Payment of an Agent's fees by the Program Office**

- (1) Where an Agent has been successful in making an application for citizenship under this Act, the Agent shall be paid such prescribed fees.
- (2) The Agent shall submit the claim for payment of the fee in the prescribed form.

**PART 6 – CERTIFICATE AND OATH OR AFFIRMATION OF CITIZENSHIP**

**20 Certificate of Citizenship**

- (1) Where the Minister grants Citizenship to any person under this Act, the President shall confer a Certificate of Citizenship in the prescribed form.
- (2) The Certificate of citizenship shall be conferred to a person after he or she has taken the oath or affirmation of allegiance.
- (3) A Certificate issued under this Section is conclusive evidence that the person is a citizen.
- (4) A duly certified copy of the Certificate shall be produced for the purposes of the issuance of a Nauruan travel document.
- (5) The Program Office shall ensure that the part of the contribution payable to the Government paid to the Program Office by a successful Applicant, is paid into the Treasury Fund prior to the conferment of the Certificate of Citizenship.

- (6) The Program Office shall obtain from and the Secretary for Finance shall issue in writing a confirmation of receipt of payment in the prescribed form.

**21 Oath or affirmation of allegiance**

- (1) Any person who is granted citizenship under this Act shall take an oath or make an affirmation of allegiance as prescribed.
- (2) Where a person is not able to take an oath or affirmation of allegiance in person, he or she may take such an oath or affirmation of allegiance:
- (a) by audio-visual link; or
  - (b) before a notary public or any other person prescribed to administer oath or affirmation in any other jurisdiction.
- (3) Where the person takes an oath or affirmation of allegiance in accordance with subsection (2)(a) or (b) he or she shall execute the prescribed oath or affirmation and provide it to the Program Office.

**PART 7 – RENUNCIATION OR LOSS OF CITIZENSHIP**

**22 Renunciation of citizenship**

- (1) A person over the age of 18 years may make a declaration of renunciation of his or her citizenship in writing to the Minister.
- (2) The Minister may cause every declaration made under subsection (1) to be registered in the Register and from the date of that registration, the person shall cease to be a citizen.
- (3) The Minister may decline to register a declaration for renunciation where the person provides no evidence that he or she is a citizen of another country.

**23 Cancellation of citizenship**

- (1) The Minister in consultation with the Cabinet may cancel a citizenship on the following grounds:
- (a) the citizenship was obtained by:
    - (i) fraud;
    - (ii) bribery;
    - (iii) misrepresentation;

- (iv) providing false or inaccurate information; or
  - (v) concealment of any material fact; or
- (b) after being granted citizenship:
- (i) engages in terrorism or terrorist and proliferation financing related activities;
  - (ii) is convicted of an offence against the *Anti-Money Laundering and Targeted Financial Sanctions Act 2023*;
  - (iii) is convicted of an offence against the *Counter Terrorism and Transnational Organised Crime Act 2004*;
  - (iv) is convicted of a sexual offence involving a child;
  - (v) becomes a citizen of a foreign country which is listed in the United Nations Security Council Resolution as a high risk country;
  - (vi) the person himself or herself is designated as a person for targeted financial sanctions by the United Nations Security Council or its committees under a resolution;
  - (vii) the person is a shareholder or a beneficial owner of an entity designated for targeted financial sanctions by the United Nations Security Council or its committees under a resolution; or
  - (viii) such other circumstances as the Cabinet may prescribe.
- (2) Before a decision is made to cancel the citizenship of a person, the Registrar shall:
- (a) serve a notice in writing to the person informing him or her of the grounds or reasons on which the cancellation is to be considered; and
  - (b) require the person to show cause as to why the citizenship should not be cancelled.
- (3) Where a person fails to comply with subsection (2) within 7 days after the service of the notice, the Minister shall in consultation with the Cabinet shall make his or her decision without any further notice to the person.
- (4) The person ceases to be a citizen on the date the decision is notified in the Gazette.
- (5) Where the citizenship is cancelled, the:

- (a) Certificate of Citizenship is deemed to be annulled and is of no effect; and
  - (b) person shall forthwith return the Certificate of Citizenship to the Registrar.
- (6) The Registrar shall require the person to deliver the Certificate of Citizenship where the certificate is not returned within 30 days of the cancellation of the citizenship.
- (7) A person whose citizenship is cancelled under subsection (1) shall not be entitled to a refund of any fees or contribution made under this Act.

**24 Deprivation of citizenship prohibited in certain circumstances**

- (1) A Dependent spouse granted citizenship under this Act shall not be deprived of his or her citizenship upon remarrying a non-Nauruan after a divorce or on the death of the Principal Applicant.
- (2) A Dependent shall not be deprived of or forfeit their citizenship as a result of a widow or widower of a Principal Applicant, remarrying a non-Nauruan after a divorce or on the death of the Principal Applicant.

**25 Seizure, cancellation and return of Nauruan travel documents**

- (1) Where a person has renounced or has had his or her citizenship cancelled, the person shall not be eligible to obtain or retain a travel document issued under the *Passports Act 2011*.
- (2) Any travel document issued to a person shall be seized or cancelled immediately upon renunciation or cancellation of citizenship, by the Secretary under the *Passports Act 2011*.

**PART 8 – REGISTRAR AND REGISTER OF CITIZENSHIP**

**26 Registrar of Nauru Economic and Climate Resilience Citizenship**

- (1) There shall be a Registrar of Nauru Economic and Climate Resilience Citizenship.
- (2) The Secretary shall be the Registrar.

**27 Register of Nauru Economic and Climate Resilience Citizenship**

- (1) The Registrar shall be responsible for establishing and maintaining a Register of Nauru Economic and Climate Resilience Citizenships under this Act.
- (2) The Register shall contain the details of the:
  - (a) grant of citizenships;
  - (b) renunciation of citizenships; and
  - (c) cancellation of citizenships.
- (3) For the purposes of subsection (2), the Register shall contain the following details of a person as part of the records:
  - (a) name;
  - (b) address;
  - (c) age;
  - (d) gender;
  - (e) in case of children, the details of the legal guardian;
  - (f) date of granting, renunciation or cancellation of citizenship; and
  - (g) in case of the granting of citizenship:
    - (i) the date of the conferment of the Certificate of Citizenship; and
    - (ii) when the oath of allegiance or affirmation is taken or made.
- (4) The Registrar shall also keep and maintain a copy of a Certificate of Citizenship conferred to a person.

## **PART 9 – MISCELLANEOUS**

### **28 Record keeping by the Program Office**

- (1) The Program Office shall keep and maintain the following records:
  - (a) applications for citizenship;
  - (b) applications for Agents;
  - (c) list of applications for which citizenship was conferred;
  - (d) list of applications which are declined or deferred;

- (e) financial records; and
  - (f) any such other matters which may be required by any written law or as prescribed.
- (2) The records shall be kept and maintained in:
- (a) electronic form or digital form; and
  - (b) manual Register or in case of electronic or digital form, capable of being produced in printed form.
- (3) The records shall be kept and maintained for a period of 7 years from the date of the conferment of the Certificate of Citizenship.
- (4) The Program Office shall not disclose or share information with any third party except where it is required for a law enforcement agency, for any other official purpose, by the Republic or any proceedings.
- (5) The Program Office shall provide the records required to be kept under this Act to the Registrar in the event the Program Office were to cease operations in the Republic, the cessation of the Program or the repealing of this Act.
- (6) Any information provided to the Republic under this Act, shall not be disclosed to any other person without the prior consent or approval of the Program Office, except where the information is required as exhibits or evidence in court.

**29 Records to be kept and maintained by the Registrar**

The Registrar shall keep and maintain the records of all the documents and information he or she received and including any information provided by the Program Office during the whole period of the Program and continue to do so on the cessation of the Program.

**30 Regulations**

- (1) The Cabinet may make regulations prescribing all matters necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) Without limiting subsection (1), the regulations may provide for:
- (a) the procedure for submission, processing and approval of applications;
  - (b) any forms that are required under this Act;
  - (c) the fees for any applications or services that are required to be paid under this Act; and

(d) any other matters.