

CITIZENSHIP REGULATION No. 16/80

1980

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Citizenship Certificate

Regulation
RESOLUTION No. 16 OF 1980

To provide for Citizenship by naturalisation, renunciation of Citizenship, and the establishment of a Citizenship Commission.

The Representative Assembly at its sitting on the day of
1980 hereby resolves and decides in accordance
with Article 23 of the Schedule to the Exchange of Notes
of the 15th September 1977 to adopt the following measures:-

PART 1 - PRELIMINARY

Interpretation.

1. (1) In this Regulation unless the context otherwise requires -
 - "Commission" means the Citizenship Commission established by section 2;
 - "child" means a person who has not attained 18 years;
 - "citizen" means a citizen of Vanuatu;
 - "Constitution" means the Constitution of Vanuatu;
 - "oath of allegiance" means the oath of allegiance prescribed in Schedule 2;
 - "Vanuatu" means the Republic of Vanuatu;
- (2) For the purpose of this Regulation -
 - (a) a person is of age if he has attained the age of 18 years; and
 - (b) a person is not of full capacity if he is a mentally disordered or defective person, so found and not discharged as sane, under the provisions of any law relating to mental treatment.

PART 2 - CITIZENSHIP COMMISSION

Establishment of
Citizenship
Commission.

2. There is hereby established a Commission to be known as the Citizenship Commission.

Membership
of the
Commission.

3. (1) The Commission shall consist of a Chairman and not less than 4 nor more than 6 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.

Resignation and
removal of
members of the
Commission.

4. (1) A member of the Commission may resign his office by notice in writing signed by him and delivered to the President.

- Functions and powers of Commission.
5. (1) The Commission shall carry out such functions as are provided for it in this or any other law.
- (2) The Commission shall have such powers as are conferred on it specifically or by necessary implication by this or any other law and shall generally in addition have such powers as shall enable it to exercise any of its functions.
- Ministerial Directions and Requests.
6. (1) The Prime Minister may give directions to the Commission of a general nature concerning the exercise of its functions or powers and the Commission shall comply with such directions.
- (2) The Prime Minister may in writing require the Commission to advise him on any matter relating to citizenship and the Commission shall comply with such requirement.
- Meetings and Procedure.
7. (1) The Commission shall hold such meetings as its Chairman shall consider necessary.
- (2) The quorum for meetings shall be the Chairman and half the other members of the Commission.
- (3) If the chairman for good cause cannot attend a meeting the Prime Minister shall appoint a member to act as chairman for that meeting.
- (4) The Commission shall decide matters before it by a simple majority of the members present and voting. In cases of equality of voting the Chairman shall have a casting vote.
- (5) Subject to such rules as the Prime Minister may make by order the Commission may determine its own procedure with regard to the convening and conduct of meetings.
- Allowances.
8. Members of the Commission who are not public officers shall be paid such allowances and expenses as the Prime Minister may determine after consultation with the Minister responsible for Finance.

PART 3 - CITIZENSHIP BY ADOPTION AND NATURALIZATION

- Application.
9. This part applies only to a person who is not, or who is no longer, eligible to become a citizen by virtue of Article 10 of the Constitution.
- Application for citizenship by woman married to a citizen.
10. Any woman who after the Day of Independence is married to a citizen shall be entitled on making application in the prescribed manner to be registered as a citizen.
- Adopted children.
11. A child adopted under the provisions of any law relating to the adoption of children after the commencement of this Regulation 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 age and full 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 ten years immediately prior to 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 the oath of allegiance in Schedule 1 the Commission may grant the application, but otherwise shall refuse it.
- (3) Subject to subsection (4) if a male applicant requests when applying for citizenship that -
 - (a) his wife or
 - (b) any child of his named in the application become a citizen by naturalization, any such person named in the request shall become a citizen when the applicant becomes a citizen by naturalization.
- (4) A wife shall not become a citizen in accordance with sub-section (3) unless the application includes a statement by her that she wishes to become a citizen.
- (5) When an application made pursuant to subsection (1) is granted the Commission shall register the applicant as a citizen, issue a certificate of naturalization in the form in Schedule 2 to the applicant and to any person who also becomes a citizen pursuant to subsection (3).

- (6) A person to whom a certificate of naturalization is issued becomes naturalized as a citizen on the date stated in the certificate.
- (7) For the purposes of this section, the date of an application is the date on which it is lodged with the Commission.
- (8) For the purpose of determining the period of residence in Vanuatu of any person -
 - (a) any period during which the person has been in custody awaiting deportation or removal from Vanuatu shall be disregarded and
 - (b) a period shall not be disregarded by reason only that the person resided in Vanuatu during that period without having complied with any law relating to immigration.

Retention by
Commission of
Citizenship
Certificate.

- 13. The Commission may retain a certificate issued in accordance with Section 12 (5) until it is satisfied that the person named therein has renounced any other citizenship or nationality he may have at the time of issue of the certificate.

PART 4 - LOSS AND RENUNCIATION OF AND REGAINING OF
CITIZENSHIP

Loss of
Citizenship.

- 14. (1) In addition to the reasons set out in Article 13 of the Constitution a citizen who is of age and of full capacity shall lose his citizenship if he:-
 - (a) takes an oath or makes a declaration or affirmation of allegiance to another country or to the Sovereign or Head of State of another country;
 - (b) does, agrees to or adopts any act by which he becomes a national or citizen of another country;
 - (c) enters or serves in the armed forces of another country except with the express approval of the Prime Minister acting in accordance with the advice of the Council of Ministers; or
 - (d) except as permitted by any law, votes in a national, provincial, state or local election, or accepts elective office, of another country.
- (2) A person who is found by a court to have obtained citizenship by any false representation, fraud or concealment of a material fact on his part shall cease to be a citizen 30 days after such finding unless the Prime Minister being satisfied that the offence was of a minor nature and that the revealing of the true facts would not have affected the grant of naturalization publishes a declaration confirming that persons citizenship in the Vanuatu Gazette within such 30 days.
- (3) The provisions of this section shall not apply to any act done under compulsion of law of another country.

Deprivation of
Citizenship.

15. The Prime Minister may deprive a citizen by naturalization of his citizenship by declaration in the Vanuatu Gazette within 15 days of that person being sentenced to a term of imprisonment of 10 years or more.

Renunciation of
Citizenship.

15. (1) Subject to subsections (2) and (3), a citizen who is of age and full capacity may, in the prescribed manner renounce his citizenship.
- (2) A person may not renounce his citizenship unless -
- (a) he already holds some other nationality or citizenship; or
- (b) the renunciation is for the purpose of his obtaining some other nationality or citizenship.
- (3) During a time of war, citizenship may not be renounced without the prior consent of the Prime Minister.

Regaining of
Citizenship
by married
woman.

17. (1) This section applies to a woman -
- (a) who is a citizen;
- (b) who marries a person who is a national or citizen of another country; and
- (c) who becomes on or during the marriage a national or citizen of the country of which her spouse was at the time a national or citizen.
- (2) A woman to whom this section applies may make application in the prescribed manner to the Commission to regain her citizenship and the Commission, if satisfied that she is such a woman and that her marriage has broken down, may grant the application.
- (3) Where the Commission grants an application under this section the applicant becomes a citizen on the date decided by the Commission which shall be notified in the Vanuatu Gazette.

PART 5 - GENERAL

Certificate of
Citizenship
Status.

18. (1) A person whose status or entitlement in relation to citizenship is, or may be, in doubt may apply to the Prime Minister for a certificate under this section.
- (2) If the Prime Minister is satisfied that the applicant is, or is entitled to become, a citizen he may issue a certificate stating that the person is or may become a citizen by virtue of a provision specified in the certificate.
- (3) A certificate given pursuant to this section shall be evidence that on the material date the person concerned was, is or may become a citizen in accordance with the terms of the certificate.

Honorary
Citizenship.

19. The President may on the advice of the Prime Minister confer honorary Citizenship on any person with such privileges or exemptions as may be prescribed.

Orders.

20. The Prime Minister may by order, not inconsistent with this Regulation, prescribe all matters that may be required to be prescribed by this Regulation or for the better carrying out or giving effect to its provisions.

Registers.

21. (1) The Commission shall cause to be kept and maintained a register or registers, in such form as the Prime Minister shall consider appropriate in which shall be recorded the particulars of all persons who _
- (a) become citizens;
 - (b) regain citizenship;
 - (c) lose or renounce citizenship.
- (2) The Commission shall publish the names of persons registered in accordance with this Section in the Vanuatu Gazette not later than 30 days after registration.
- (3) The Registers referred to in subsection (1) shall be open for inspection to the public in such manner and on the payment of such fees as may be proscribed.
- (4) Extracts from the Registers referred to in subsection (1) may be certified and issued to an applicant on payment of the prescribed fee.
- (5) Extracts issued in accordance with subsection (4) shall be accepted by the courts as evidence of what is stated in them.

Offence and
Penalty.

21. Any person who for the purpose of being registered or obtaining the registration of any other person as a citizen under this regulation knowingly gives any false information to any person commits an offence and shall be liable on conviction to a fine not exceeding 75,000 FNH or to imprisonment for a term not exceeding 5 years or to both.

SCHEDULE 1

(Section 12 (2))

REPUBLIC OF VANUATU

CITIZENSHIP REGULATION NO OF 1980

OATH OF ALLEGIENCE

I.....do this day of 198 swear
(or solemnly affirm) that I will be faithful and bear true

allegiance to the President and the Republic of Vanuatu, So help me God

Signed.....

SCHEDULE 2

(Section 12 (5))

REPUBLIC OF VANUATU

CITIZENSHIP CERTIFICATE

IT IS HEREBY CERTIFIED THAT.....

was on the day of 198 granted Citizenship in accordance
with the Constitution and Section 12 of the Citizenship Regulation 1980.

.....
Chairman
Citizenship Commission

.....
Member
Citizenship Commission

NEW HEBRIDES
REPRESENTATIVE ASSEMBLY

RA3/D/21-P
10 June, 1980.
Original: English

CITIZENSHIP REGULATION

1980

Explanatory Note

Article 12 of the Constitution provides for acquisition of Citizenship of Vanuatu by foreign nationals and stateless persons who have lived continuously for at least 10 years in Vanuatu immediately before their application.

The Article also provides that Parliament may prescribe further conditions of eligibility to apply for naturalisation and the machinery to review and decide on applications for naturalisation.

The law is intended to implement Article 12. Sections 2 and 3 of the law provide for the establishment of a Citizenship Commission which will be responsible for granting Citizenship to applicants. It has to satisfy itself as to a number of matters listed in Section 11 (2) before granting Citizenship. For example an applicant must be able to understand and speak one of the official languages or a vernacular language.

Under Section 10 foreign women who are married to citizens will have a right to citizenship when they apply for Citizenship. However like everyone else they will have to renounce any other Citizenship they may have.

Under Section 11 adopted children become citizens if their adopters become citizens.

Under Section 12 (3) a male applicant for naturalisation may apply for his wife and children to become citizens when he does.

Section 14 provides ways in which a person may lose his citizenship.

Section 15 gives the Prime Minister power to deprive a person of Citizenship if convicted of an offence and being sentenced to a term of imprisonment of 10 years or more.

Section 16 provides for renunciation of citizenship. Section 17 protects a woman who marries a foreigner by allowing her on application to automatically regain her citizenship provided her marriage has broken down.

Section 18 is important. It provides for the Prime Minister to give special certificates to persons whose status is in doubt.

Section 19 provides for the granting of honorary citizenship to distinguished foreigners.

APRIL 1980

W.H. LINI
CHIEF MINISTER

Draftsmans Note

The Resident Commissioners Joint Regulation bringing this Regulation into force as a law will provide that it will be cited as the Citizenship Regulation and shall come into force on the Day of Independence.

CITIZENSHIP REGULATION

1980

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SCHEDULE 1

Oath of Allegiance

SCHEDULE 2

Citizenship Certificate

RESOLUTION No. OF 1980

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The Representative Assembly at its sitting on the day of 1980 hereby resolves and decides in accordance with Article 23 of the Schedule to the Exchange of Notes of the 15th September 1977 to adopt the following measures:-

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 - "Constitution" means the Constitution of Vanuatu;
 - "oath of allegiance" means the oath of allegiance prescribed in Schedule 2;
 - "Vanuatu" means the Republic of Vanuatu;
- (2) For the purpose of this Regulation -
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 - (b) a person is not of full capacity if he is a mentally disordered or defective person, so found and not discharged as sane, under the provisions of any law relating to mental treatment.

PART 2 - CITIZENSHIP COMMISSION

2. There is hereby established a Commission to be known as the Citizenship Commission.
3. (1) The Commission shall consist of a Chairman and not less than 4 nor more than 6 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.
4. (1) A member of the Commission may resign his office by notice in writing signed by him and delivered to the President.

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Application for
Citizenship by
woman married
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Adopted
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- (2) The President may remove a member of the Commission with effect from a date notified by him in the Vanuatu Gazette.
- 5. (1) The Commission shall carry out such functions as are provided for it in this or any other law.
(2) The Commission shall have such powers as are conferred on it specifically or by necessary implication by this or any other law and shall generally in addition have such powers as shall enable it to exercise any of its functions.
- 6. (1) The Prime Minister may give directions to the Commission of a general nature concerning the exercise of its functions or powers and the Commission shall comply with such directions.
(2) The Prime Minister may in writing require the Commission to advise him on any matter relating to citizenship and the Commission shall comply with such requirement.
- 7. (1) The Commission shall hold such meetings as its Chairman shall consider necessary.
(2) The quorum for meetings shall be the Chairman and half the other members of the Commission.
(3) If the chairman for good cause cannot attend a meeting the Prime Minister shall appoint a member to act as chairman for that meeting.
(4) The Commission shall decide matters before it by a simple majority of the members present and voting. In cases of equality of voting the Chairman shall have a casting vote.
(5) Subject to such rules as the Prime Minister may make by order the Commission may determine its own procedure with regard to the convening and conduct of meetings.
- 8. Members of the Commission who are not public officers shall be paid such allowances and expenses as the Prime Minister may determine after consultation with the Minister responsible for Finance.

PART 3 - CITIZENSHIP BY ADOPTION AND NATURALIZATION

- 9. This part applies only to a person who is not, or who is no longer, eligible to become a citizen by virtue of Article 10 of the Constitution.
- 10. Any woman who after the Day of Independence is married to a citizen shall be entitled on making application in the prescribed manner to be registered as a citizen.
- 11. A child adopted under the provisions of any law relating to the adoption of children after the commencement of this Regulation 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
granting of
citizenship by
naturalisation.

12. (1) A person of age and full 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 ten years immediately prior to 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 the oath of allegiance in Schedule 1 the Commission may grant the application, but otherwise shall refuse it.
- (3) Subject to subsection (4) if a male applicant requests when applying for citizenship that -
 - (a) his wife or
 - (b) any child of his named in the application become a citizen by naturalization, any such person named in the request shall become a citizen when the applicant becomes a citizen by naturalization.
- (4) A wife shall not become a citizen in accordance with sub-section (3) unless the application includes a statement by her that she wishes to become a citizen.
- (5) When an application made pursuant to subsection (1) is granted the Commission shall register the applicant as a citizen, issue a certificate of naturalization in the form in Schedule 2 to the applicant and to any person who also becomes a citizen pursuant to subsection (3).

- (6) A person to whom a certificate of naturalization is issued becomes naturalized as a citizen on the date stated in the certificate.
- (7) For the purposes of this section, the date of an application is the date on which it is lodged with the Commission.
- (8) For the purpose of determining the period of residence in Vanuatu of any person -
 - (a) any period during which the person has been in custody awaiting deportation or removal from Vanuatu shall be disregarded and
 - (b) a period shall not be disregarded by reason only that the person resided in Vanuatu during that period without having complied with any law relating to immigration.

Retention by Commission of Citizenship Certificate.

13. The Commission may retain a certificate issued in accordance with Section 12 (5) until it is satisfied that the person named therein has renounced any other citizenship or nationality he may have at the time of issue of the certificate.

PART 4 - LOSS AND RENUNCIATION OF AND REGAINING OF CITIZENSHIP

Loss of Citizenship.

- 14. (1) In addition to the reasons set out in Article 13 of the Constitution a citizen who is of age and of full capacity shall lose his citizenship if he:-
 - (a) takes an oath or makes a declaration or affirmation of allegiance to another country or to the Sovereign or Head of State of another country;
 - (b) does, agree to or adopts any act by which he becomes a national or citizen of another country;
 - (c) enters or serves in the armed forces of another country except with the express approval of the Prime Minister acting in accordance with the advice of the Council of Ministers; or
 - (d) except as permitted by any law, votes in a national, provincial, state or local election, or accepts elective office, of another country.
- (2) A person who is found by a court to have obtained citizenship by any false representation, fraud or concealment of a material fact on his part shall cease to be a citizen 30 days after such finding unless the Prime Minister being satisfied that the offence was of a minor nature and that the revealing of the true facts would not have affected the grant of naturalization publishes a declaration confirming that persons citizenship in the Vanuatu Gazette within such 30 days.
- (3) The provisions of this section shall not apply to any act done under compulsion of law of another country.

Deprivation of
Citizenship.

15. The Prime Minister may deprive a citizen by naturalization of his citizenship by declaration in the Vanuatu Gazette within 15 days of that person being sentenced to a term of imprisonment of 10 years or more.

Renunciation of
Citizenship.

15. (1) Subject to subsections (2) and (3), a citizen who is of age and full capacity may, in the prescribed manner renounce his citizenship.
- (2) A person may not renounce his citizenship unless -
- (a) he already holds some other nationality or citizenship; or
 - (b) the renunciation is for the purpose of his obtaining some other nationality or citizenship.
- (3) During a time of war, citizenship may not be renounced without the prior consent of the Prime Minister.

Regaining of
Citizenship
by married
woman.

17. (1) This section applies to a woman -
- (a) who is a citizen;
 - (b) who marries a person who is a national or citizen of another country; and
 - (c) who becomes on or during the marriage a national or citizen of the country of which her spouse was at the time a national or citizen.
- (2) A woman to whom this section applies may make application in the prescribed manner to the Commission to regain her citizenship and the Commission, if satisfied that she is such a woman and that her marriage has broken down, may grant the application.
- (3) Where the Commission grants an application under this section the applicant becomes a citizen on the date decided by the Commission which shall be notified in the Vanuatu Gazette.

PART 5 - GENERAL

Certificate of
Citizenship
Status.

18. (1) A person whose status or entitlement in relation to citizenship is, or may be, in doubt may apply to the Prime Minister for a certificate under this section.
- (2) If the Prime Minister is satisfied that the applicant is, or is entitled to become, a citizen he may issue a certificate stating that the person is or may become a citizen by virtue of a provision specified in the certificate.
- (3) A certificate given pursuant to this section shall be evidence that on the material date the person concerned was, is or may become a citizen in accordance with the terms of the certificate.

Honorary
Citizenship.

19. The President may on the advice of the Prime Minister confer honorary Citizenship on any person with such privileges or exemptions as may be proscribed.

Orders.

20. The Prime Minister may by order, not inconsistent with this Regulation, prescribe all matters that may be required to be proscribed by this Regulation or for the better carrying out or giving effect to its provisions.

Registers.

21. (1) The Commission shall cause to be kept and maintained a register or registers, in such form as the Prime Minister shall consider appropriate in which shall be recorded the particulars of all persons who
- (a) become citizens;
 - (b) regain citizenship;
 - (c) lose or renounce citizenship.
- (2) The Commission shall publish the names of persons registered in accordance with this Section in the Vanuatu Gazette not later than 30 days after registration.
- (3) The Registers referred to in subsection (1) shall be open for inspection to the public in such manner and on the payment of such fees as may be proscribed.
- (4) Extracts from the Registers referred to in subsection (1) may be certified and issued to an applicant on payment of the proscribed fee.
- (5) Extracts issued in accordance with subsection (4) shall be accepted by the courts as evidence of what is stated in them.

Offence and
Penalty.

21. Any person who for the purpose of being registered or obtaining the registration of any other person as a citizen under this regulation knowingly gives any false information to any person commits an offence and shall be liable on conviction to a fine not exceeding 75,000 FNH or to imprisonment for a term not exceeding 5 years or to both.

SCHEDULE 1

(Section 12 (2))

REPUBLIC OF VANUATU

CITIZENSHIP REGULATION NO OF 1980

OATH OF ALLEGIENCE

I.....do this day of 198 swear
(or solemnly affirm) that I will be faithful and bear true
allegiance to the President and the Republic of Vanuatu, So help me God

Signed.....

SCHEDULE 2

(Section 12 (5))

REPUBLIC OF VANUATU

CITIZENSHIP CERTIFICATE

IT IS HEREBY CERTIFIED THAT.....
was on the day of 198 granted Citizenship in accordance
with the Constitution and Section 12 of the Citizenship Regulation 1980.

.....
Chairman
Citizenship Commission

.....
Member
Citizenship Commission