

SAMOA

Arrangement of Provisions

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2015, No. 48

AN ACT to regulate citizenship by investment to foreigners who make qualifying investments and for related purposes. *[05th November 2015]*

BE IT ENACTED by the Legislative Assembly of Samoa in Parliament assembled as follows:

**PART 1
PRELIMINARY**

1. Short title and commencement - This Act may be cited as the Citizenship Investment Act 2015, and commences on a date nominated by the Minister.

2. Interpretation-(1) In this Act, unless the context otherwise requires:

- “agent” means an investor’s agent approved under section 21;
- “Appeal Panel” or “Panel” means the Appeal Panel appointed under section 15;
- “application” means an application made under section 8;
- “charitable trust” means a trust incorporated under the Charitable Trusts Act 1965, and includes a church, other religious organisation, non-government school or non-governmental organisation;
- “child” includes an unmarried step-child or an unmarried legally adopted child under 18 years of the investor or spouse;
- “Citizenship Investment Committee” or “Committee” means the Citizenship Investment Committee established by section 12;
- “determined amount” means an amount determined under section 23;
- “family member” means the spouse of the investor or an unmarried child under 18 years of the investor or spouse;
- “fixed deposit account” means the fixed deposit account of the investor mentioned under section 8(3)(b)(i);

“government development fund” means any development trust fund established or created pursuant to any enactment for the purpose of funding any income generating public project;

“government land” has the meaning in the Lands, Surveys and Environment Act 1989;

“guidelines” means guidelines issued under section 13(d);

“investment plan” means a plan setting out the details of the proposed qualifying investment by the investor;

“investor” means an individual aged 18 years or over who is a citizen of a recognised country;

“Minister” means the Minister responsible for Commerce;

“Ministry” means the Ministry responsible for Commerce;

“prescribed” means prescribed by regulations made under section 24;

“qualifying investment” means an investment in an area of investment specified in section 5;

“recognised country” means a country to which section 4(1) applies;

“spouse” means the wife or husband of an investor recognised under the laws of Samoa.

(2) Reference to any amount in this Act is a reference to Samoan Tala or its equivalent in a foreign currency.

3. Application - This Act:

- (a) applies to citizens of recognised countries who apply for citizenship by investment or have been granted permanent resident permit or citizenship by investment pursuant to this Act; and
- (b) does not apply to customary lands or any lease, licence or interest in it.

**PART 2
ELIGIBILITY AND APPLICATION
FOR INVESTMENT**

4. Recognised countries-(1) A citizen of any country is entitled to apply for citizenship by investment under this Act.

(2) The Minister may, by Order in the Savali, exclude any country from the application of this Act.

(3) Any Order made under subsection (2) does not affect any application for citizenship by investment granted (including any associated rights and benefits) to a citizen of a country excluded under the Order before the Order commences.

5. Qualifying investment - In order to qualify for citizenship by investment, an investor must invest in one (1) or more qualifying investments specified in the Schedule.

6. Eligibility for investment-(1) An investor is eligible to apply for citizenship by investment if the investor:

- (a) intends to invest in any qualifying investment; and
- (b) shows an ability and willingness to invest a minimum determined amount in a qualifying investment within three (3) years from the date the application is granted; and
- (c) has, at the time of the application, a minimum net worth of a determined amount; and
- (d) complies with any other prescribed conditions.

(2) Any funds or assets required under this section must:

- (a) be owned by the investor or jointly owned by the investor and family members; and
- (b) be earned and acquired legally; and
- (c) for funds, be unencumbered; and
- (d) comply with any other prescribed requirements.

(3) Until a determined amount is made for subsection (1), the minimum determined amounts are:

- (a) for subsection (1)(b), \$4m; and
- (b) for subsection (1)(c), \$2.5m.

7. Investment on land-(1) An investor may invest, in a qualifying investment, a determined amount in developing, within three (3) years from the date of application, a lease of government land.

(2) The Minister may, with the approval of Cabinet, approve any government land from which lease may be granted pursuant to subsection (1) for the purpose of this section.

(3) The Committee may determine whether or not a lease of government land granted to the investor before the date of application is to be part of a qualifying investment under subsection (1).

(4) This section is in addition to any other requirements in section 6.

8. Applications-(1) An investor (or the investor's agent on behalf of the investor) may apply to the Committee for citizenship by investment in the approved form and accompanied by the prescribed fees for application and for due diligence.

(2) Application must also include the following information:

- (a) an investment plan, in the approved form;
- (b) names of family members, including their birth certificates or official records of birth;
- (c) proof of net-worth of current business and assets;
- (d) audited financial statements for the last three (3) financial years for any business in which the investor held directorship, a senior management role or proprietary interest;
- (e) police clearance of the investor and, if relevant, any family members in their country or countries of citizenship or permanent residence;
- (f) doctor's reports on full medical examinations of the investor and any family members;
- (g) any other prescribed information or any other information required by the Committee.

(3) The Committee must only consider an application if:

- (a) the prescribed fees for application and for due diligence have been paid in full; and
- (b) the Committee has -
 - (i) proof of the opening of the fixed deposit account and the payment into that account of the amount required under section 10(2)(a); and
 - (ii) has received the report on due diligence check; and
- (c) any other prescribed condition is met.