ST. CHRISTOPHER AND NEVIS

CHAPTER 1.05

SAINT CHRISTOPHER AND NEVIS CITIZENSHIP ACT

and Subsidiary Legislation

Revised Edition
showing the law as at 31 December 2017

This is a revised edition of the law, prepared by the Law Commission under the authority of the Law Commission Act, Cap. 1.03.

This edition contains a consolidation of the following laws—

Page

SAINT CHRISTOPHER AND NEVIS CITIZENSHIP ACT 3
Act 1 of 1984 … in force 28th February 1984
Amended by: Act 6 of 2000
Act 5 of 2002
Act 2 of 2015

SAINT CHRISTOPHER AND NEVIS CITIZENSHIP REGULATIONS – Section 15 16

SAINT CHRISTOPHER AND NEVIS CITIZENSHIP BY INVESTMENT REGULATIONS – Section 15 33
S.R.O. 52/2011
Amended by: S.R.O. 14/2017

Printed under Authority by
The Regional Law Revision Centre Inc.
ANGUILLA

Published in
2019
Consolidated, Revised and Prepared under the Authority of the Law Commission Act,
on behalf of the Government of Saint Christopher and Nevis
by
The Regional Law Revision Centre Inc.,
P.O. Box 1626, 5 Mar Building,
The Valley, AI-2640, Anguilla,
West Indies.

Available for purchase from—

Attorney General's Chambers,
Government Headquarters, P.O. Box 164,
Church Street, Basseterre, St. Kitts,
West Indies

Tel: (869) 465-2521
Ext. 1013
Tel: (869) 465-2127
Fax: (869) 465-5040
Email: attorneygeneral@gov.kn

© Government of Saint Christopher and Nevis
All rights reserved. No part of this publication may be reproduced in any form or by any means without the written permission of the Government of Saint Christopher and Nevis except as permitted by the Copyright Act or under the terms of a licence from the Government of Saint Christopher and Nevis.

CHAPTER 1.05

SAINT CHRISTOPHER AND NEVIS CITIZENSHIP ACT

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

1. Short title
2. Interpretation

PART II

ACQUISITION OF CITIZENSHIP

3. Additional grounds of citizenship, and registration of certain persons as citizens
4. Citizenship in respect of adopted children
5. Effect of registration as a citizen
6. Naturalisation of aliens and British protected persons

PART III

LOSS OF CITIZENSHIP

7. Renunciation of citizenship
8. Deprivation of citizenship obtained by registration
9. Deprivation of citizenship in cases of naturalisation
10. Procedure upon orders for deprivation of citizenship
11. Deprivation of citizenship of Saint Christopher and Nevis where persons deprived of citizenship elsewhere

PART IV

MISCELLANEOUS

12. Certificate of citizenship in cases of doubt
13. Minister's discretion not to be questioned and decisions to be final
14. Evidence
15. Regulations
16. Offences
17. Alteration of First Schedule

FIRST SCHEDULE:
SECOND SCHEDULE: Qualifications for Naturalisation
THIRD SCHEDULE: Oath (or Affirmation) of Allegiance
FOURTH SCHEDULE: Saint Christopher and Nevis Citizenship Regulations
FIFTH SCHEDULE: Minimum Investment and Fees

CHAPTER 1.05

SAINT CHRISTOPHER AND NEVIS CITIZENSHIP ACT

AN ACT TO PROVIDE FOR THE ACQUISITION, DEPRIVATION, AND RENUNCIATION OF CITIZENSHIP OF SAINT CHRISTOPHER AND NEVIS; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the Saint Christopher and Nevis Citizenship Act.

Interpretation.

2. (1) In this Act, unless the context otherwise requires—

"alien" means a person who is not a Commonwealth citizen or a British protected person;

"British protected person" means a person who is a British citizen or a British Dependent Territories citizen for the purposes of the British Nationality Act 1981 of the United Kingdom or any Act of the United Kingdom Parliament amending or replacing that Act;

"Commonwealth" means Saint Christopher and Nevis, any country mentioned in the First Schedule and any dependency of any such country;

"Constitution" means the Constitution of Saint Christopher and Nevis set out in Schedule 1 to the Saint Christopher and Nevis Constitution Order, 1983 (West Indies Act, Cap. 1.01);

"Consulate of Saint Christopher and Nevis" means the office of a consular officer of the Government or, where there is no such office, such office as may be prescribed;

"father", in relation to a child born out of wedlock and not legitimated, includes a person who acknowledges and can show that he is the father of the child or has been found by a court of competent jurisdiction to be the father of the child;

"foreign country" means a country that is not part of the Commonwealth;

"Minister" means Minister responsible for National Security;

"minor" means a person who has not attained eighteen years;

"parent" includes the mother of a child born out of wedlock;

"service of the Government" includes service as an employee of any statutory board which is in receipt of moneys provided from the Consolidated Fund or voted by Parliament.

(2) For the purposes of this Act, a person born aboard a registered ship or aircraft or aboard an unregistered ship or aircraft of the Government of any country,

shall be deemed to have been born in the place in which the ship or aircraft was registered or, as the case may be, in that country.

(3) A person shall, for the purposes of this Act, be of full age if he or she has attained eighteen years and of full capacity if he or she is not of unsound mind.

(4) For the purposes of this Act, a person shall be deemed not to have attained a given age until the commencement of the relevant anniversary of the day of his or her birth.

(5) A person born out of wedlock and legitimated by the subsequent marriage of his or her parents shall as from the date of the marriage or of the commencement of this Act, whichever is later, be treated for the purposes of this Act as if he or she had been born legitimate.

(6) A person shall be deemed, for the purposes of this Act, to have been legitimated by the subsequent marriage of his parents if, by the law of the place where his or her father was domiciled at the time of the marriage, the marriage operated immediately or subsequently to legitimate him or her, and not otherwise.

(7) Subject to subsection (8) of this section, in calculating for the purposes of this Act any period of residence in Saint Christopher and Nevis—

(a) a period of absence from Saint Christopher and Nevis of less than six months;

(b) a period of absence from Saint Christopher and Nevis for the purpose of education of such kind, in such country and for such time, as may be either generally or specially approved by the Minister; and

(c) a period of absence from Saint Christopher and Nevis for reasons of health or any other cause prescribed generally or specially by the Minister,

shall be treated as residence in Saint Christopher and Nevis, and a person shall be deemed to be resident in Saint Christopher and Nevis on a particular day if he had been resident in Saint Christopher and Nevis before that day and that day is included in any period of absence referred to in this subsection.

(8) In calculating, for the purposes of this Act, any period of residence in Saint Christopher and Nevis, account shall not be taken—

(a) of any period during which a person was not lawfully resident in Saint Christopher and Nevis;

(b) of any period spent as an inmate of any prison or as a person detained in lawful custody in any place other than a mental hospital under the provisions of any enactment in force in Saint Christopher and Nevis; or

(c) except with the consent of the Minister, of any period during which a person is allowed to remain temporarily in Saint Christopher and Nevis under the authority of any enactment in force in Saint Christopher and Nevis relating to immigration.

(9) In this Act, any reference to Saint Christopher and Nevis being at or engaged in any war shall be construed as a reference to a time when Saint Christopher and Nevis is engaged in hostilities with another country.

PART II

ACQUISITION OF CITIZENSHIP

Additional grounds of citizenship, and registration of certain persons as citizens.

3. (1) For the purposes of section 91(a) of the Constitution, where after the 19th September, 1983, a newborn infant is found abandoned in Saint Christopher and Nevis, that infant shall, unless the contrary is shown, be deemed to have been born in Saint Christopher and Nevis and thereby to have become a citizen of Saint Christopher and Nevis at the date of his or her birth.

(2) Subject to subsections (4), (8) and (9) of this section, a person who would, but for the fact that he or she was not on the 19th September, 1983, a citizen of the United Kingdom and Colonies, British citizen or a British Dependent Territories citizen have become a citizen of Saint Christopher and Nevis in accordance with paragraph (a) of section 90 of the Constitution may, upon making application to the Minister in the prescribed manner be registered at the discretion of the Minister as a citizen of Saint Christopher and Nevis.

(3) Subject to subsections (4), (8) and (9) of this section, a citizen of any country mentioned in the First Schedule to this Act, being a person of full age and capacity may, on making application therefor to the Minister in the prescribed manner, be registered at the discretion of the Minister as a citizen of Saint Christopher and Nevis if he or she satisfies the Minister that he or she—

(a) has been ordinarily resident in Saint Christopher and Nevis; or

(b) has been in the service of the Government; or

(c) has had partly such residence and partly such service,

for a period of not less than fourteen years immediately preceding the date of his or her application.

(4) Subsections (2) and (3) of this section do not apply to any person who under section 90(d) of the Constitution becomes or under section 92(1)(a), 92(1)(e) or 92(1)(f) of the Constitution is entitled to be registered as a citizen of Saint Christopher and Nevis.

(5) Subject to subsections (8), (9) and (13) of this section, a person is entitled, upon making application under this subsection to the Minister in the prescribed manner and upon payment of any fee that may be prescribed, to be registered as a citizen of Saint Christopher and Nevis without any rights of voting save under and in accordance with the provisions of any law governing the qualification of voters, if the Cabinet is satisfied that such person has invested substantially in Saint Christopher and Nevis.

(Amended by Act 2 of 2015)

(6) Subject to subsections (8) and (9) of this section, a person is entitled, upon making application under this subsection to the Minister in the prescribed manner, to be registered as a citizen of Saint Christopher and Nevis if he or she satisfies the Minister that—

(a) he or she is and has always been stateless; and

(b) that he or she was born in Saint Christopher and Nevis.

(7) An application for registration under subsections (2) and (6) of this section of a minor shall be made on his or her behalf by his or her parent or guardian or, if the minor is or has been married by the minor himself or herself.

(8) The Minister may, if he or she is satisfied that there are reasonable grounds in the interests of defence, public safety or public order for so doing, refuse to register as a citizen of Saint Christopher and Nevis any person who—

(a) under section 92(1) of the Constitution or subsection (6) of this section, is entitled to be registered as a citizen of Saint Christopher and Nevis and applies to be so registered; or

(b) pursuant to subsection (2) or (3) of this section applies to be registered as a citizen of Saint Christopher and Nevis.

(9) In making a determination under subsection (8), the Minister may investigate whether or not the conditions specified under subsection (11) exist.

(10) Where the Minister decides to conduct an investigation under subsection (9), the determination under subsection (8) must be made within a period not exceeding two years from the date of receipt of the application.

(11) Without prejudice to the generality of subsection (8) of this section, the Minister may refuse to register as a citizen of Saint Christopher and Nevis any person referred to in that subsection if he or she is satisfied that the applicant—

(a) is not of good character;

(b) has been convicted by a competent court in any country of a criminal offence for which he or she was sentenced to death or has been detained under a sentence of imprisonment of twelve months or more imposed on him or her on his or her conviction of a criminal offence by such a court, and in either case has not received a free pardon in respect of the offence;

(c) has engaged in activities, whether within or outside of Saint Christopher and Nevis, which, in the opinion of the Minister, are prejudicial to the safety of Saint Christopher and Nevis or to the maintenance of law and public order in Saint Christopher and Nevis;

(d) has been adjudged or otherwise declared bankrupt under any law in force in any country and has not been discharged;

(e) not being the dependant of a citizen of Saint Christopher and Nevis, has not sufficient means to maintain himself or herself and is likely to become a public charge;

(f) has entered into a marriage for the primary purpose of obtaining citizenship;

(g) is a party to the marriage upon which the application for citizenship has been made but that marriage is no longer subsisting;

(h) is a party to the marriage upon which the application for citizenship has been made but divorce proceedings are pending in court in respect of that marriage;

(i) is a party to the marriage upon which the application for citizenship has been made but that marriage has been annulled;

(j) is a party to the marriage upon which the application for citizenship has been made but proceedings for the annulment of that marriage are pending in court;

(k) is a party to the marriage upon which the application for citizenship has been made but there is a deed of separation in respect of that marriage;

(l) is a party to the marriage upon which the application for citizenship has been made but the parties to that marriage are no longer living together as man and wife;

(m) is a child of a person who obtained citizenship under section 3(5) and is applying for citizenship by registration under section 92(1)(g) of the Constitution; or

(n) is the spouse of a person who obtained citizenship under section 3(5) and is applying for citizenship, by registration under section 92(1)(a) of the Constitution.

(Amended by Act 5 of 2002)

(12) Where a person who has acquired citizenship of Saint Christopher and Nevis by registration either under the Constitution or this Act desires to be issued with a certificate of such registration, that person, may, on making application in writing therefor to the Minister and upon payment of any fee that may be prescribed be issued by the Minister with a certificate of such registration in the prescribed form.

(13) A person shall be excluded from the application for registration as a citizen pursuant to subsection (5) if the person is a national of a country prescribed by the Minister by an Order, subject to a negative resolution of the National Assembly, where the Minister is satisfied that—

(a) there are reasonable grounds in the interest of defence, public safety or public order for the exclusion; or

(b) various nationals of the country have been engaged in activities prohibited under the Proceeds of Crime Act, Cap. 4.28, the Anti-Terrorism Act, Cap. 4.02 or such other Acts, Regulations, Codes or Guidelines relating to terrorism, money laundering or the financing of terrorism.

(Subsection (13) inserted by Act 2 of 2015)

Citizenship in respect of adopted children.

4. Where, under any enactment in force in Saint Christopher and Nevis relating to the adoption of children, an adoption order is made in respect of a minor not a citizen of Saint Christopher and Nevis, then if the adopter is a citizen of Saint Christopher and Nevis, the minor shall become a citizen of Saint Christopher and Nevis as from the date of the order.

Effect of registration as a citizen.

5. A person registered under section 3 of this Act or pursuant to section 92 of the Constitution shall be a citizen of Saint Christopher and Nevis by registration as from the date on which he or she is registered.

Naturalisation of aliens and British protected persons.

6. The Minister may, at his or her discretion, if application therefor is made to him or her in the prescribed manner by any alien or British protected person of full age and capacity who satisfies the Minister that he or she is qualified under the Second Schedule for naturalisation, grant to him or her a certificate of naturalisation, and the person to whom that certificate is granted shall, on taking the oath or affirmation of allegiance in the form specified in the Third Schedule, be a citizen of Saint Christopher and Nevis by naturalisation as from the date on which that certificate is granted.

PART III

LOSS OF CITIZENSHIP

Renunciation of citizenship.

7. (1) Any citizen of Saint Christopher and Nevis who has attained eighteen years and who—

(a) is also a citizen or national of any other country; or

(b) intends to become a citizen or national of any other country,

shall be entitled to renounce his or her citizenship of Saint Christopher and Nevis by a declaration made in such manner as may be prescribed:

Provided that, in the case of a person who is not a citizen or national of any other country at the date of registration of his or her declaration of renunciation, if he or she does not become such a citizen or national within six months from the date of registration he or she shall be, and shall be deemed to have remained, a citizen of Saint Christopher and Nevis notwithstanding the making and registration of his or her declaration of renunciation.

(2) Subject to subsection (3) of this section, where a declaration is made under subsection (1) of this section the Minister shall cause the declaration to be registered in such manner as may be prescribed and, upon such registration, the person who made the declaration shall cease to be a citizen of Saint Christopher and Nevis.

(3) The Minister may, in his or her discretion, withhold registration of any declaration made under subsection (1) of this section if the declaration is made at any time when Saint Christopher and Nevis is at war where the declaration is made by a person who is or who intends to become a national or citizen—

(a) of any country with which Saint Christopher and Nevis is at war; or

(b) of any country as respects which, because Saint Christopher and Nevis is at war, it would, in the interests of national security or public policy, be undesirable or inexpedient for that person to be or become a citizen or national thereof.

(4) Where a person who has renounced his or her citizenship of Saint Christopher and Nevis under this section desires to be issued with a certificate of such renunciation, that person may, on making application in writing therefor to the Minister, and upon the payment of any fee that may be prescribed be issued by the Minister with a certificate of such renunciation in the prescribed form.

Deprivation of citizenship obtained by registration.

8. Subject to section 10, the Minister may, in his or her discretion, by Order, deprive a person who is a citizen of Saint Christopher and Nevis by registration, of his or her citizenship if the Minister is satisfied that—

(a) the registration as a citizen was obtained by false representation, fraud or wilful concealment of material facts;

(b) the person has been convicted in Saint Christopher and Nevis of treason or sedition; or

(c) the citizenship was obtained under section 3(5), but the person has in less than five years from the date of registration as a citizen, divested himself or herself of the investment by virtue of which he or she obtained citizenship, to an amount below the minimum permitted for the type of investment, or where the item of investment was real property, transferred ownership of the property.

Deprivation of citizenship in cases of naturalisation.

9. (1) Subject to section 10 of this Act, the Minister may, in his or her discretion, by Order, deprive of his or her citizenship any citizen of Saint Christopher and Nevis who is such by naturalisation if the Minister is satisfied that the certificate of naturalisation of that citizen was obtained by false representation or fraud or wilful concealment of material facts or if that citizen has—

(a) at any time after naturalisation—

(i) been convicted of treason or sedition by a competent court in any part of the Commonwealth; or

(ii) been convicted by a competent court in any country of a criminal offence on conviction of which the death penalty or a term of imprisonment of not less than seven years may be imposed,

and in either case has not received a free pardon in respect of the offence;

(b) within five years after naturalisation, has been convicted by a competent court in any country of a criminal offence and sentenced to imprisonment for a term of not less than twelve months and has not received a free pardon in respect of the offence;

(c) by act or speech shown himself or herself to be disloyal or disaffected towards Saint Christopher and Nevis;

(d) during any war in which Saint Christopher and Nevis was engaged, unlawfully traded or communicated with the enemy or been engaged in or associated with any business that was to his or her knowledge carried on in such a manner as to assist an enemy in that war; or

(e) whether within or outside of Saint Christopher and Nevis, engaged in activities, which, in the opinion of the Minister, are prejudicial to the safety of Saint Christopher and Nevis or to the maintenance of law and public order in Saint Christopher and Nevis.

(2) The Minister shall not deprive any person of citizenship under this section on the ground mentioned in paragraph (b) of subsection (1) of this section if it appears to him or her that that person would thereupon become stateless.

Procedure upon orders for deprivation of citizenship.

10. (1) The Minister shall not deprive a person of citizenship under section 8 or 9 of this Act unless the Minister is satisfied that it is not conducive to the public good that such person should continue to be a citizen of Saint Christopher and Nevis.

(2) Before making an order under section 8 or 9 of this Act, the Minister shall give the person against whom the order is proposed to be made notice in writing informing him or her of the ground on which it is proposed to be made and, if the order is proposed to be made on any of the grounds specified in section 8 of this Act, of his or her right to an inquiry under this section and, at any such inquiry, to have legal representation of his or her own choice.

(3) Where the order is proposed to be made on any of the grounds specified in section 8 of this Act and the person against whom the order is proposed to be made applies in the prescribed manner for an inquiry, the Minister shall, and in any other case the Minister may, at his or her discretion, refer the case to a committee of inquiry consisting of a chairperson, being a person who is or has held office as a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or a court having jurisdiction in appeals from any such court, and of not less than two other members appointed by the Minister.

(4) The powers, rights and privileges of a committee of enquiry appointed under this section shall be the same as those conferred on a commission appointed under the Commissions of Inquiry Act, Cap. 3.03 and the provisions of that Act shall, *mutatis mutandis*, apply in relation to any inquiry under this section and to any person summoned to give evidence at the inquiry.

(5) Without prejudice to the generality of subsection (4), any power exercisable by the Governor-General under the Commissions of Inquiry Act, Cap. 3.03 shall, in the application of that Act to an inquiry under this section, be exercisable by the Minister.

(6) A person who is deprived of his or her citizenship of Saint Christopher and Nevis by an Order made under section 8, 9 or 11 of this Act, shall, upon the making of the Order, cease to be a citizen of Saint Christopher and Nevis.

Deprivation of citizenship of Saint Christopher and Nevis where persons deprived of citizenship elsewhere.

11. (1) Where any citizen of Saint Christopher and Nevis, who is such by naturalisation, was also a citizen of any country mentioned in the First Schedule but has been deprived of his or her citizenship of that country on grounds which in the opinion of the Minister are substantially similar to any of the grounds specified under subsection (1) of section 9 of this Act, the Minister may at his or her discretion by order deprive him or her of his or her citizenship of Saint Christopher and Nevis if the Minister is satisfied that it is not conducive to the public good that such person should continue to be a citizen of Saint Christopher and Nevis.

(2) Before making an order under this section, the Minister shall give the person against whom the order is proposed to be made notice in writing informing him or her of the ground on which it is proposed to be made and may refer the case to a committee of enquiry constituted in the manner, and having the powers, rights and privileges, provided for in subsections (3), (4) and (5) of section 10 of this Act.

PART IV

MISCELLANEOUS

Certificate of citizenship in cases of doubt.

12. (1) The Minister may, in such cases as the Minister thinks fit, on application made by or on behalf of any person with respect to whose citizenship of Saint Christopher and Nevis a doubt exists, whether on a question of fact or law, certify that such person is a citizen of Saint Christopher and Nevis.

(2) A certificate issued under this section shall, unless it is proved that it was obtained by means of fraud, false representation or wilful concealment of any material fact, be conclusive evidence that such person was such a citizen on the date thereof, but without prejudice to any evidence that he or she was such a citizen at any earlier date.

Minister's discretion not to be questioned and decisions to be final.

13. The Minister shall not be required to assign any reason for the grant or refusal of any application under this Act, the decision on which is at the Minister's discretion, and the decision of the Minister on any such application shall not be subject to any appeal or review in any court.

Evidence.

14. (1) Every document purporting to be a notice, certificate, order or declaration or an entry in a register or a subscription of an oath or affirmation of allegiance, given, granted or made under this Act or under Chapter VIII of the Constitution shall be received in evidence and shall, unless the contrary is proved, be deemed to have been given, granted or made by or on behalf of the person by whom or on whose behalf it purports to have been given, granted or made.

(2) *Prima facie* evidence of any such document as aforesaid may be given by production of a document purporting to be certified as a true copy thereof by such person and in such manner as may be prescribed.

(3) Any entry in a register made under this Act or under Chapter VIII of the Constitution shall be received as evidence of the matters stated in the entry.

Regulations.

15. The Minister may make regulations generally for giving effect to this Act and in particular, may make regulations—

(a) prescribing anything required by this Act or by Chapter VIII of the Constitution to be prescribed;

(b) for the registration of anything required or authorised under this Act or under Chapter VIII of the Constitution to be registered;

(c) for the administration and taking of oaths of allegiance under this Act, for the time within which oaths of allegiance shall be taken and for the registration of oaths of allegiance;

(d) fixing the fees to be paid in respect of—

(i) any application made to the Minister under this Act;

(ii) any registration or the making of any declaration or the grant of any certificate or the taking of any oath of allegiance, required or authorised to be made, granted or taken by or under this Act or by or under Chapter VIII of the Constitution; or

(iii) supplying a certified or other copy of any notice, certificate, order, declaration or entry, given, granted or made as aforesaid,

and providing for the application of any such fees;

(e) for the giving of any notice required or authorised to be given to any person by or under this Act;

(f) for the cancellation of the registration of, and the cancellation and amendment of certificates of naturalisation relating to persons deprived of citizenship under this Act or under Chapter VIII of the Constitution, and for requiring such certificates to be delivered up for such purposes;

(g) for the registration by consular officers or other officers in the service of the Government of the births and deaths of persons of any class or description born or dying outside Saint Christopher and Nevis;

(h) for enabling the births and deaths of citizens of Saint Christopher and Nevis born or dying in any country in which the Government has for the time being no diplomatic or consular representatives, to be registered; by persons serving in the diplomatic, consular or other foreign service of any country which, by arrangement with the Government, has undertaken to represent the Government's interest in that country, or by a person authorised in that behalf by the Minister.

Offences.

16. (1) Any person who for the purpose of procuring anything to be done or not to be done under this Act or under Chapter VIII of the Constitution makes any statement which he or she knows to be false in a material particular or recklessly makes a statement which is false in a material particular commits an offence and shall be liable, on conviction, to a fine of five hundred dollars or to imprisonment for three months or to both such fine and imprisonment.

(2) Any person who fails to comply with any requirement imposed on him or her by regulations with respect to the delivering up of certificates of naturalisation commits an offence and shall be liable, on conviction thereof by a court of summary jurisdiction, to a fine of five hundred dollars or to imprisonment for three months.

Alteration of First Schedule.

17. The Minister may, from time to time, by Order add any country to or delete any country from the countries specified in the First Schedule or make such other variations to that Schedule as he or she may consider to be appropriate.

_____

FIRST SCHEDULE

(Sections 2, 3, 11 and 17)

Antigua and Barbuda, Australia, the Bahamas, Bangladesh, Barbados, Belize, Botswana, Brunei, Canada, Cyprus, Dominica, Fiji, The Gambia, Ghana, Grenada, Guyana, India, Jamaica, Kenya, Kiribati, Lesotho, Malawi, Malaysia, Malta, Mauritius, Nauru, New Zealand, Nigeria, Papua New Guinea, St. Lucia, St. Vincent and the Grenadines, Seychelles, Sierra Leone, Singapore, Solomon Islands, Sri Lanka, Swaziland, Tanzania, Tonga, Trinidad and Tobago, Tuvalu, Uganda, United Kingdom and Colonies, Western Samoa, Zambia, Zimbabwe.

———

SECOND SCHEDULE

(Section 6)

QUALIFICATIONS FOR NATURALISATION

1. Subject to paragraph 2, the qualifications for naturalisation of an alien who applies therefor are—

(a) that he or she has resided in Saint Christopher and Nevis throughout the period of twelve months immediately preceding the date of the application;

(b) that during the fourteen years immediately preceding the said period of twelve months he or she has resided in Saint Christopher and Nevis;

(c) that he or she is in the opinion of the Minister of good character; and

(d) that he or she intends in the event of a certificate being granted to him or her to reside in Saint Christopher and Nevis.

2. The Minister may, if in the special circumstances of any particular case he or she thinks fit, allow a continuous period of twelve months ending not more than six months before the date of the application to be reckoned for the purposes of sub-paragraph (a) of paragraph 1, as if it had immediately preceded that date.

3. The qualifications for naturalisation of a British protected person who applies therefor are—

(a) that he or she is ordinarily resident in Saint Christopher and Nevis and has been so resident for a period of not less than fourteen years, ending with the date of his or her application;

(b) the qualifications specified in sub-paragraph (c) and (d) of paragraph 1.

———

THIRD SCHEDULE

(Section 6)

OATH (OR AFFIRMATION) OF ALLEGIANCE

I, ..., do swear (or solemnly affirm) that I will faithfully bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, according to law.

SO HELP ME GOD **(To be omitted in affirmation)**

_____

FOURTH SCHEDULE

(Section 15)

SAINT CHRISTOPHER AND NEVIS CITIZENSHIP REGULATIONS

PART I

PRELIMINARY

Citation.

1. These Regulations may be cited as the Saint Christopher and Nevis Citizenship Regulations.

Interpretation.

2. For the purposes of these Regulations—

"Act" means the Saint Christopher and Nevis Citizenship Act, Cap. 1.05;
"Constitution" means the Constitution of Saint Christopher and Nevis.

PART II

CITIZENSHIP BY REGISTRATION

Application for registration as citizen.

3. (1) An application by any person who is married to a citizen under sections 92(l)(a), 92(1)(e) and 92(f) of the Constitution shall be made to the Minister in the Form set out as Form R.1 in Schedule 1 to these Regulations.

(2) The oath of allegiance required to be taken by an applicant who is a British protected person or an alien shall be subscribed and attested, and when subscribed and attested shall be attached to the form of application.

(3) An application for registration as a citizen of Saint Christopher and Nevis under section 92(1)(b) of the Constitution or under section 3(3) of the Act shall be made in the form set out as Form R.2 in Schedule 1 to these Regulations.

(4) An application for registration as a citizen of Saint Christopher and Nevis under section 92(1)(c) and (d) of the Constitution shall be made in the form set out as Form R.3 in Schedule 1 to these Regulations.

(5) An application for registration as a citizen of Saint Christopher and Nevis under section 92(1)(g) of the Constitution or under section 3 of the Act shall be made in the form set out as Form R.4 in Schedule 1 to these Regulations.

(6) An application for registration as a citizen of Saint Christopher and Nevis under section 3(5) of the Act shall be made in the form set out as Form R.5 in Schedule 1 to these Regulations.

(7) A certifícate of registration issued by the Minister pursuant to section 3(12) of the Act shall be in the forms set out as Form R.6 and R.7, as the case may be, in Schedule 1 to these Regulations, and shall be signed by the Minister or by a person duly authorised by him or her in that behalf.

PART III

NATURALISATION

Application for certificate of naturalisation.

4. An application by an alien or British protected person for a certificate of naturalisation shall be in the form set out as Form N.1 in Schedule 2 to these Regulations.

Form of certificate of Naturalisation.

5. A certificate of Naturalisation granted by the Minister shall be in the form set out as Form N.2 in Schedule 2 to these Regulations, and shall be signed by the Minister or a person duly authorised by him or her in that behalf.

Oath of Allegiance.

6. (1) The oath of allegiance required by section 6 of the Act to be taken by a person to whom a Certificate of Naturalisation has been granted shall be endorsed on the Certificate of Naturalisation to which it relates.

(2) The oath of allegiance required by section 6 of the Act shall be taken within one calendar year of the date of the Certificate of Naturalisation to which it relates or within such extended time as the Minister may permit, and if the oath is not taken within that time the certificate shall be of no effect, but permission shall not be deemed to have been given under this paragraph unless a statement to that effect is endorsed on the certificate and signed by the person authorised by regulation 7 to sign a Certificate of Naturalisation.

(3) The oath of allegiance required by section 6 of the Act shall be registered at the office of the Minister.

PART IV

RENUNCIATION AND DEPRIVATION OF CITIZENSHIP OF SAINT CHRISTOPHER AND NEVIS

Form of Declaration of renunciation of citizenship.

7. (1) A declaration of renunciation of citizenship of Saint Christopher and Nevis made under section 7 of the Act shall be in the form set out as Form REN. 1 in Schedule 3 to these Regulations.

(2) The declaration shall be subject to the provisions of section 7, and shall be registered in the office of the Minister.

(3) A certificate of Renunciation granted by the Minister under the Act shall be in the form set out as Form REN. 2 in Schedule 3 to these Regulations, and shall be signed by the Minister or a person duly authorised by him or her in that behalf.

Giving of notices.

8. (1) When it is proposed to make an Order under sections 8, 9 and 11 of the Act depriving a person of his or her citizenship of Saint Christopher and Nevis, the notice required by section 10(2) or section 11(2) thereof to be given to that person may be given—

(a) in the case where the person's whereabouts are known, by causing the notice to be delivered to him or her by post;

(b) in the case where the person's whereabouts are not known, by sending it to his or her last known address.

(2) Where the Minister gives notice in accordance with this regulation and the person to whom the notice is given has the right of making application therefor to an inquiry under section 10 or 11 of the Act, the application shall be made—

(a) if that person is in Saint Christopher and Nevis at the time when the notice is given to him or her, within twenty-one days from the date of the giving of the notice;

(b) in any other case, within such time not being less than twenty-one days from the date of the giving of the notice as the Minister may determine:

Provided that the Minister may, in special circumstances, at any time, extend the time within which the application may be made.

(3) Any notice given in accordance with the provisions of this regulation shall, in a case in which a person to whom it is given has the right, on making an application therefor, to an inquiry under section 10(3) (and possibly section 11(2)) of the Act, include a statement of the time within which such application must be made.

Removal of name from register of citizenship.

9. Where an order is made depriving a person who is a citizen of Saint Christopher and Nevis by registration of the citizenship, his or her name shall be removed from the register of citizens of Saint Christopher and Nevis in which it is entered.

PART V

MISCELLANEOUS

Minister may certify that a person is a citizen.

10. The Minister may, in such cases as he or she thinks fit, on application made by or on behalf of any person with respect to whose citizenship of Saint Christopher and Nevis a doubt exists, whether on a question of fact or law, certify that such person is a citizen of Saint Christopher and Nevis.

Certificate of citizenship in case of doubt.

11. (1) An application for a certificate of citizenship in case of doubt shall be made in the form set out in Schedule 4 to these Regulations.

(2) A Certificate of Citizenship in case of doubt given under section 12 of the Act shall be signed by the Minister or by a person duly authorised by him or her in that behalf.

Application to be supported by documentary evidence etc.

12. The Minister may require any application made in accordance with these regulations and any claim made in any such application to be supported by such documentary or other evidence as the Minister may, from time to time, determine.

Signing of Application, declaration and Administering of Oath of Allegiance etc.

13. An application or declaration made in accordance with these Regulations shall not be accepted or registered and the oath of allegiance required by section 6 of the Act shall be of no effect unless it is signed in the presence of or administered by one of the following persons—

(a) in Saint Christopher and Nevis, by any Justice of the Peace or Notary Public or any person authorised to administer oaths;

(b) elsewhere, any consular officer of the Government of Saint Christopher and Nevis or any consular officer of Her Majesty's Government in the United Kingdom acting on behalf of the Government of Saint Christopher and Nevis, or if there is no such consular officer any person authorised by the Government of Saint Christopher and Nevis in that behalf or any person for the time being authorised by law, in the place where the applicant, declarant or deponent is, to administer an oath for any judicial or legal purpose:

Provided that if the applicant, declarant or deponent is serving in the Armed Forces the application or declaration may be signed in the presence of, or the oath administered by, any officer holding a commission in those forces, whether the application, declaration or oath is made or taken in Saint Christopher and Nevis or elsewhere.

Certifying Documents.

14. A document may be certified to be a true copy of a document for the purposes of section 13(2) of the Act by means of a statement in writing to that effect signed by a person duly authorised by the Minister in that behalf.

Fees.

15. The fees specified in Schedule 5 to these Regulations shall, in Saint Christopher and Nevis, be paid in respect of the matters specified in that Schedule and shall be applied in the manner set out in that Schedule.

Registers.

16. (1) For the purposes of these Regulations, there shall be established and maintained in the office of the Minister registers in which all matters required by the Constitution, the Act, and these Regulations to be registered shall be entered in the appropriate register, and such registers shall be kept by the Permanent Secretary.

(2) The Permanent Secretary shall cause to be prepared a copy of all entries made during each month in each register maintained pursuant to sub-regulation (1), and every such copy when certified by the Permanent Secretary to be true and correct, shall not later than thirty days after the end of the month to which it relates, be transmitted to the Registrar who shall cause the same to be registered in the appropriate registers to be maintained for the purpose in the Registration Office.

_____

SCHEDULE 1 TO THE REGULATIONS

"FORM R.1"

(Regulation 3(1))

SAINT CHRISTOPHER AND NEVIS CITIZENSHIP REGULATIONS

Application for Registration as a Citizen of Saint Christopher and Nevis under section 92 (1) (a), (e) or (f) of the Constitution of Saint Christopher and Nevis

_____

FORM R.1

_____

1. I, ...of

(Name and address in full block capitals)

was born at.....

.....on.....

2. I was married at ..... on

To.....of

(Full name) (State if deceased) (State address, or last address if deceased)

3. My husband/wife was born at ..... on

4. My marriage is still subsisting.

5. My husband/wife would, but for his/her death, have become a citizen of Saint Christopher and Nevis by virtue of the fact that

(State the grounds on which the claim is made)

6. My husband/wife became a citizen of Saint Christopher and Nevis by virtue of the fact that.....

(State the grounds on which this claim is made)

but my marriage to him or her was dissolved before 19th September, 1983, having subsisted for three years.

7. My husband/wife is a Commonwealth citizen being a citizen of .....

(State Commonwealth country or countries of which he or she is a citizen)

and has been ordinarily resident in Saint Christopher and Nevis for the period of fourteen years immediately preceding the date of this application for citizenship.

Full Postal Address	*Date*		*Period*	
	From	*To*	*Years*	*Months*
Total Period of Residence				

8. My husband/wife was a citizen of Saint Christopher and Nevis by reason of

.....

(State the grounds on which this claim is made)

but he/she renounced his/her citizenship on the.....day of .....

9. My husband/wife would, but for renunciation of citizenship, have become a citizen of Saint Christopher and Nevis by virtue of section 90 of the Constitution by reason of the fact that.....

(State the grounds on which this claim is made)

10. I hereby apply to be registered as a citizen of Saint Christopher and Nevis.

I, ...do solemnly and sincerely declare that the foregoing particulars stated in this application are true and correct and I make this solemn declaration conscientiously believing the same to be true, under and by virtue of the Saint Christopher and Nevis Citizenship Act.

.....

(Signature of Applicant)

Made and subscribed this....., day of..... 20.....

*Before me.....

(Name and signature of witness)

at.....

CAUTION: Section 16(1) of the Saint Christopher and Nevis Citizenship Act, Cap. 1.05 provides that:

"Any person who for the purpose of procuring anything to be done or not to be done under this Act or under Chapter 8 of the Constitution makes any statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular shall be guilty of an offence and shall be liable on conviction thereof by a court of summary jurisdiction to a fine of five hundred dollars or to imprisonment for three months or to both such fine and imprisonment. "

EXPLANATORY NOTES:

This application is to be made by the following persons:

A person who is married to a citizen, or a person who is married to a Commonwealth citizen who is ordinarily resident in Saint Christopher and Nevis and has been so resident for a period of fourteen years immediately preceding the date of this application or by a person who is married to a person who, having been a citizen, has renounced his or her citizenship, or a person who is married to a person who, but for his or her renunciation of citizenship, would have become a citizen by virtue of section 90 of the Constitution, or a person who was married to a person who, but for his or her death, would have become a citizen by virtue of section 90 of the Constitution, or a person who became a citizen by virtue of section 90 of the Constitution, but whose marriage to that person has been terminated by dissolution at any time before 19th September, 1983, after having subsisted for at least three years.

Paragraphs 4 to 9 to be completed only where applicable.

* To be witnessed by - (Judge, Magistrate, Notary Public, Commissioner for Oaths, Justice of the Peace, Consular Officer or other person duly authorised).

NB: Requirements for Citizenship through Marriage application.

Form;

Marriage Certificate (original or certified copy);

Birth Certificates of Husband and Wife (originals or certified copies);

$250.00 if married before 19th September, 1983;

$850.00 if married on or after 19th September, 1983;

Two passport size photos of applicant;

Police Certificate (from country applicant lived for past six months).

_____

"FORM R.2"

(Regulation 3(3))

SAINT CHRISTOPHER AND NEVIS CITIZENSHIP REGULATIONS

Application for Registration as a Citizen of Saint Christopher and Nevis under Section 92 (1) (b) of the Constitution of Saint Christopher and Nevis

FORM R.2

1. I, ...of

am a person of full age and capacity and was born at..... on

2. I am a citizen of the following Commonwealth *(country/countries)

.....

3. I (am/have been) ordinarily resident in Saint Christopher and Nevis and have been so resident for fourteen years immediately preceding the date of this application —

(a) Details of Residence in Saint Christopher and Nevis, including any period of time spent ordinarily resident in Anguilla before 19th December, 1980.

Full Postal Address	*Date*		*Period*	
	From	*To*	*Years*	*Months*
Total Period of Residence				

(b) Details of Residence outside of Saint Christopher and Nevis

Full Postal Address of Applicant in other Countries of residence prior to application	*Date*		*Period*	
	From	*To*	*Years*	*Months*
Total Period of Residence				

4. I have been ordinarily resident in Saint Christopher and Nevis/or I have been in the service of the Government of Saint Christopher and Nevis/or partly one and partly the other for a period of fourteen years immediately preceding the date of this application.

(a) Details of Residence

Full Postal Address in Saint Christopher and Nevis	*Date*		*Period*	
	From	*To*	*Years*	*Months*
Total Period of Residence				

(b) Details of Service

Government Department	***Capacity***	*Date*		*Period*	
		From	*To*	*Years*	*Months*
Total Period of Residence					

I hereby apply to be registered as a citizen of Saint Christopher and Nevis.

I, ... , do solemnly and sincerely declare that the foregoing particulars stated in this application are true and correct and I make this solemn declaration conscientiously believing the same to be true, under and by virtue of the Saint Christopher and Nevis Citizenship Act.

.....

(Signature of Applicant)

Made and subscribed this....., day of.....20.....

**Before me.....

(Name and signature of witness)

at.....

N.B. *Section 16(1) of the Saint Christopher and Nevis Citizenship Act (No. 1 of 1984) provides that: –*

"Any person who for the purpose of procuring anything to be done or not to be done under this Act or under Chapter 8 of the Constitution makes any statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular shall be guilty of an offence and shall be liable on conviction thereof by a court of summary jurisdiction to a fine of five hundred dollars or to imprisonment for three months or to both such fine and imprisonment".

EXPLANATORY NOTES

This application is to be made by the following persons:

A Commonwealth citizen who is ordinarily resident in Saint Christopher and Nevis, having been so resident for the period of fourteen years immediately preceding the date of this application and under section 3(3) of the Citizenship Act: by a Commonwealth citizen who has been in the service of the Government or who has partly resided in Saint Christopher and Nevis and has partly been in the service of

the Government for a period of fourteen years immediately preceding the date of this application.

PARAGRAPHS 3 and 4 to be completed only where applicable

** Delete where applicable*

*** To be witnessed by:– (Judge, Magistrate, Notary Public, Commissioner for Oaths, Justice of the Peace, Consular Officer or other person duly authorised).*

_____

"FORM R.3"

(Regulation3(4))

SAINT CHRISTOPHER AND NEVIS CITIZENSHIP REGULATIONS

Application for Registration as a Citizen of Saint Christopher and Nevis under Section 92 (1) (c) or (d) of the Constitution of Saint Christopher and Nevis

_____

FORM R.3

1. I, ... of person of full age and capacity

and was born at ..... .

_____

"FORM R.4"

(Regulation 3(5))

SAINT CHRISTOPHER AND NEVIS CITIZENSHIP REGULATIONS

Application for Registration as a Citizen of Saint Christopher and Nevis under Section 92 (1) (g) of the Constitution of Saint Christopher and Nevis

_____

FORM R. 4

1. Particulars of person under eighteen years Hereafter referred to as "young person"

.....

(Young person's full name)

.....

(Address)

.....

(Date of Birth)

.....

(Full name of young person's father, if dead state date of death)

State whether the young person's father is a citizen of Saint Christopher and Nevis or is entitled to be registered as a citizen of Saint Christopher and Nevis, or, if dead, would but for his death have been entitled to be registered as a citizen under section 92(1) of the Constitution:

.....

(Full name of young person's mother, if dead state date of death)

State whether the young person's mother is a citizen of Saint Christopher and Nevis or is entitled to be registered as a citizen of Saint Christopher and Nevis, or, if dead, would but for his death have been entitled to be registered as a citizen under section 92(1) of the Constitution:

.....

.....

State if young person is single, married, widowed or divorced

State full names of young person's husband/wife; if dead state date of death

2. Application.

(a) I, ...

(Full name)

of ..... of residing at

(Place of Birth)

.....

am the mother/father of .....

(Name of young person)

to whom the foregoing particulars relate and I am (a citizen/entitled to be registered as a citizen) of Saint Christopher and Nevis.

I HEREBY apply for his/her registration as a citizen of Saint Christopher and Nevis.

(b) I, ...

(Full name)

of ..... residing at

(Place of Birth)

.....

am the Guardian of.....

(Name of young person)

to whom the foregoing particulars relate and I am authorised to act a Guardian* (by the Court at.....

by the young person's (father/mother/step father/ step mother/ adopted father/ adopted mother).

(c) I, ...

the young person to whom the foregoing particulars relate and (am/have been) married; particulars of my marriage are set out above.

I HEREBY apply to my registration as a citizen of Saint Christopher and Nevis.

I do solemnly and sincerely declare that the foregoing particulars in this application are true and correct and I make this solemn declaration conscientiously believing the same to be true, under and by virtue of the Citizenship Act.

Signature of applicant.....

(Parent/Guardian/Young person)

Made and subscribed this....., day of.....20.....

**Before me.....

(Name and signature of witness)

at

.....

(Address)

CAUTION: Section 16(1) of the Saint Christopher and Nevis Citizenship Act provides that:

"Any person who for the purpose of procuring anything to be done or not to be done under this Act or under Chapter 8 of the Constitution makes arty statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular shall be guilty of an offence and shall be liable on conviction thereof by a court of summary jurisdiction to a fine of five hundred dollars or to imprisonment for three months or to both such fine and imprisonment".

EXPLANATORY NOTES

This application is to be made by the following persons:

A person under eighteen years who is a child of a citizen or the child of a person who is or would but for his/her death have been entitled to be registered as a citizen under section 92(1) of the Constitution.

Paragraph 2(a) To be completed only where the application is made by a parent.

2(b) To be completed only where the application is made by a Guardian.

2(c) To be completed only where the application is made by the young person under the proviso to section 92(2) of the Constitution.

** Delete where applicable*

*** To be witnessed by: (Judge, Magistrate, Notary Public, Commissioner for Oaths, Justice of the Peace, Consular Officer or other person duly authorised).*

SCHEDULE 2 TO THE REGULATIONS

(Regulations 4 & 5)

"FORM N. 1"

(Regulation 4)

SAINT CHRISTOPHER AND NEVIS CITIZENSHIP REGULATIONS

Application for a certificate of naturalization under Section 9.… … of the Constitution of Saint Christopher and Nevis

---

FORM N.1

"FORM N.2"

(Regulation 5)

SAINT CHRISTOPHER AND NEVIS CITIZENSHIP REGULATIONS

Form of Certificate of Naturalization under Section 92.… … of the Constitution of Saint Christopher and Nevis

---

FORM N.2

SCHEDULE 3 TO THE REGULATIONS

(Regulation 7)

"FORM REN.1"

(Regulation 7(1))

THE SAINT CHRISTOPHER AND NEVIS CITIZENSHIP ACT, CAP. 1.05.

THE SAINT CHRISTOPHER AND NEVIS CITIZENSHIP REGULATIONS

FORM REN. 1

DECLARATION OF RENUNCIATION OF CITIZENSHIP UNDER SECTION 7 OF THE SAINT CHRISTOPHER AND NEVIS CITIZENSHIP ACT, CAP. 1.05. BY A CITIZEN OF SAINT CHRISTOPHER AND NEVIS WHO HAS ATTAINED THE AGE OF 18 YEARS AND WHO IS ALSO A CITIZEN OR NATIONAL OF ANY OTHER COUNTRY OR INTENDS TO BECOME A CITIZEN OR NATIONAL OF ANY OTHER COUNTRY

1. I, ...

   am of full age and capacity and was born at .....

   on……

2. I have/have not been married.

3. I (am) (intended to become) a citizen/national of .....

   under the Law of that country.

4. I hereby renounce my citizenship of Saint Christopher and Nevis.

   I, ...do

   solemnly and sincerely declare that the foregoing particulars stated in this declaration are true, and I make this solemn declaration conscientiously believing the same to be true, and under and by virtue of the Act of Parliament of Saint Christopher and Nevis in that case made and provided.

(Signed) .....

Made and subscribed this..... day of..... 20.....

* (Signed).....

* To be witnessed by a Consular Officer of Saint Christopher and Nevis, Notary Public or Commissioner of Oaths.

"FORM REN.2"

THE SAINT CHRISTOPHER AND NEVIS CITIZENSHIP ACT, CAP. 1.05.

THE SAINT CHRISTOPHER AND NEVIS CITIZENSHIP REGULATIONS

———

FORM REN. 2

FORM OF CERTIFICATE OF RENUNCIATION OF CITIZENSHIP UNDER SECTION 7 OF THE SAINT CHRISTOPHER AND NEVIS CITIZENSHIP ACT, CAP. 1.05. BY A CITIZEN OF SAINT CHRISTOPHER AND NEVIS WHO HAS ATTAINED THE AGE OF 18 YEARS AND WHO IS ALSO A CITIZEN OR NATIONAL OF ANY OTHER COUNTRY OR INTENDS TO BECOME A CITIZEN OR NATIONAL OF ANY OTHER COUNTRY

———

SCHEDULE 4 TO THE REGULATIONS

(Regulation 11(1))

FORM OF CERTIFICATE TO BE ISSUED UNDER SECTION 12 OF THE ACT IN CASE DOUBT OF CITIZENSHIP

———

SCHEDULE 5 TO THE REGULATIONS

(Regulation 15)

MATTERS IN RESPECT OF WHICH FEES ARE PAYABLE FEES

1. For registration as a citizen under section 92(1)(a) or 92(l)(e) of the Constitution.....$620.00
2. For registration as a citizen under section 92(1)(b) of the Constitution or section 3(3) of the Act
   (a) a citizen or belonger to a country that is a member of the Caribbean Community..... $1,220.00
   (b) a citizen of any other Commonwealth country..... $2,200.00
3. For registration as a citizen under section 92(1)(c) or 92(1)(d of the Constitution
   (a) a citizen of St. Kitts and Nevis by birth..... $1,120.00
   (b) a citizen of or belonger to a country that is a member of the Caribbean Community $1,120.00
   (c) a citizen of any other Commonwealth country..... $2,120.00

4. For registration of a minor as a citizen under section 92(1)(g) of the Constitution or section 3 of the Act.....$340.00

5. For registration as a citizen under section 3(5) of the Act—

   (a) investor .....US$25,000.00 or $67,205.00

   (b) spouse of investor .....US$10,000.00 or $26,882.00

   (c) each child of investor—

      (i) under eighteen years .....US$10,000.00 or $26,882.00

      (ii) eighteen years and above .....US$25,000.00 or $67,205.00

6. For the grant of a certificate of registration as a citizen under section 90 or 91(h) or 92(i) and (f) of the Constitution.....$120.00

7. For the grant of a certificate of naturalization to a British protected person or an alien
$5,320.00

8. For the issue of a certificate of citizenship under section 12 of the Act $720.00

9. For the registration of a declaration of renunciation of citizenship $220.00

10. For the grant of a certificate of renunciation of citizenship of Saint Christopher and Nevis.....$300.00

11. For supplying a certified true copy of any notice, certificate, Order, declaration or entry given, granted or granted under the Act or the Constitution.....$100.00

(2) The provisions of paragraph 10(1) shall be deemed to have come into force on the 20th day of March 1984, and any action taken or done by the Government in relation to the provisions referred to in that paragraph prior to the coming into force of those provisions is validated and declared to have been lawfully or done.

———

FIFTH SCHEDULE

(Section 15)

SAINT CHRISTOPHER AND NEVIS CITIZENSHIP BY INVESTMENT REGULATIONS

Citation.

1. These Regulations may be cited as the Saint Christopher and Nevis Citizenship by Investment Regulations.

Interpretation.

2. In these Regulations—

"Act" means the Saint Christopher and Nevis Citizenship Act, Cap. 1.05;

"applicant"means a person who applies for Citizenship by Investment;

"applicant requirements" means the formal and substantial requirements which each applicant must meet as defined in these Regulations or in Schedule 1 to these Regulations;

"Approved Project" means a real estate development that has been approved by Cabinet as a qualified project for Citizenship by Investment, or the St. Kitts and Nevis Sugar Industry Diversification Foundation;

"authenticated translation" means a translation done by either a professional translator who is officially accredited to a court of law, a government agency, an international organization, or similar official institution, or if done in a country where there are no official accredited translators a translation done by a company whose role or business is doing professional translations;

"authorised person" means a person licensed by the Financial Services Regulatory Commission to conduct corporate or trust services in St. Kitts and Nevis, who has paid the authorised person's fees pursuant to paragraph 1(1) of Schedule 1 to these Regulations and is authorised to act on behalf of the main applicant in relation to a citizenship by investment application;

"Cabinet" means the Cabinet of Ministers of the Government of St. Kitts and Nevis;

"certified copy" means, subject to regulation 4(15) a photocopy certified by a notary public to be a true copy of the original;

"child" means a biological or legally adopted child of a main applicant, or of the spouse of the main applicant;

"dependant" means—

(a) a spouse of the main applicant;

(b) a child under eighteen years old of the main applicant or his or her spouse;

(c) the child of the main applicant or his or her spouse between eighteen and twenty-five years who is in full time attendance at a recognised institution of higher learning after his or her eighteenth birthday and fully supported by the main applicant;

(d) parents or grandparents of the main applicant or his or her spouse above the age of sixty-five years living with and fully supported by the main applicant;

(e) a child of the main applicant or spouse of the main applicant who is above the age of eighteen years and physically or mentally challenged;

"investment" means the purchase of real estate in an Approved Project, contributions to the Sugar Industry Diversification Foundation, and any resource donated or expended which, in the opinion of Cabinet, brings substantial benefits to the Fedaration of St. Kitts and Nevis pursuant to regulation 5;

"main applicant" means the person who, either as a single applicant or as the head of a family, undertakes an investment for the purposes of these Regulations and signs the relevant agreements and undertakings on behalf of his or her dependants;

"minimum investment" means an investment into an Approved Project of an amount not less than that defined in the Schedule to these Regulations;

"Minister" means the Minister responsible for citizenship;

"police certificate" means a statement from a national law enforcement authority on the status of a person's criminal record;

"SIDF" means the St. Kitts and Nevis Sugar Industry Diversification Foundation;

"spouse" means the partner of the opposite sex of the main applicant by marriage in accordance with the Marriage Act, and the Marriage (Prohibited Degrees of Relationship) Act of St. Kitts and Nevis;

"Unit" means the Government office established by regulation 3 to process all applications submitted for Citizenship by Investment.

Establishment of Investment Unit.

3. There is hereby established a Citizenship by Investment Unit and that shall be responsible for processing all applications for Citizenship by Investment.

Qualifications and general requirements and procedures for citizenship by investment.

4. (1) Any person who is—

(a) at least eighteen years of age;

(b) has made an investment; and

(c) who meets the application requirements,

may apply as a main applicant to become a citizen of St. Kitts and Nevis pursuant to section 3(5) of the Act.

(2) A person who has been denied a visa to a country with which St. Kitts and Nevis has visa-free travel and who has not subsequently obtained a visa to the country that issued the denial shall not be eligible to apply for Citizenship by Investment in St. Kitts and Nevis.

(3) Applications shall be made on the presecribed forms and accompanied by orginal documentation or certified copies of original documents as provided for in Schedules 3 and 4.

(4) Applications shall be submitted to the Unit only by an authorised person on the payment of a prescribed fee.

(5) Application forms shall be available only from the Unit upon request by the main applicant or by an authorised person on the payment of a prescribed fee.

(6) An application form shall be completed in English and any document submitted with the application shall be in English, or, if the original language of the document is not in English, the document shall be accompanied by an authenticated translation.

(7) The main applicant shall, with the exception of his or her spouse, provide a sworn affidavit of support for each dependant over eighteen years old.

(8) Each application form must be completed personally by the main applicant or the authorised person and the following conditions shall be applicable—

(a) for a child who is below the age of eighteen, both parents must sign the forms on behalf of the child as the child's legal guardians;

(b) in a case where one parent has sole custody of a child, or another person has legal guardianship of a child, the appropriate legal documentation shall be provided to demonstrate that sole custody or guardianship was awarded by a court of law or other relevant authority.

(9) If an applicant—

(a) makes a false statement or omits information requested on any of the forms, the citizenship application may be declined;

(b) is subsequently found to have provided false or incorrect information, the applicant may be deprived of Citizenship of St. Kitts and Nevis pursuant to Part III, Section 8(a) of the Act;

(c) commits any of the acts referred to in paragraphs (a) or (b) he or she may be prosecuted pursuant to the provisions of the Perjury Act, Cap. 4.23.

(10) With the exception of a police certificate, which may be submitted subsequently at a later date before the application is approved, applications shall only be accepted and processed if all forms are properly completed, dated and signed, and if accompanied by all required documents and fees.

(11) Every application that is submitted shall be examined by the Unit and if deemed necessary, an applicant may be requested to attend an interview, which may be conducted in St. Kitts and Nevis or at any diplomatic or consular post of St. Kitts and Nevis.

(12) An applicant who is sixteen years and over shall undergo due diligence background checks before any decision is made in relation to his or her application.

(13) All background due diligence checks shall be commissioned by the Unit, which shall mandate one or several independent professional firms to conduct these checks according to requirements set by the Unit.

(14) An applicant between the age of eighteen and twenty-five years, who is applying as a dependant of a main applicant, shall submit official transcripts from a recognised Institution of Learning or a letter from the competent authority confirming the applicant's enrolment at that Institution of Learning.

(15) Where a notary public certifies a document to be a true copy of the original that document must be authenticated by—

(a) an Apostille in accordance with the provisions of the Hague Convention of 5th October 1961 Abolishing the Requirement of Legislation for Foreign Public Documents, in the case of countries that are parties to that Convention;

(b) proof of the expiry date of the commission for that jurisdiction in the case of certification made by notaries public in the United States of America, Canada, and in countries which are not party to the Hague Apostille Convention.

Specific requirements for real estate investments.

5. (1) Where a person executes a binding Purchase and Sale Agreement for real estate with the developer of an Approved Project, an application may be submitted on his or her behalf through an authorised person.

(2) The full purchase price of the real estate shall be in keeping with the thresholds established in Schedule 1 to these Regulations.

(3) Within three months of the submission of an application for Citizenship by Investment through the purchase of real estate, the Unit shall notify the authorised person on behalf of the main applicant, that the application has been—

(a) approved in principle;

(b) denied; or

(c) delayed for cause and still being processed.

(4) No later than six months after the date of a notification of approval in principle pursuant to sub-regulation (3), the main applicant shall be required to show that—

(a) full and unencumbered title to the relevant property has been transferred to him or her, directly or indirectly through a local company, foundation or other approved entity; and

(b) that all prescribed government fees have been paid before the grant of Citizenship by Investment can occur.

(5) Beneficial ownership through a company, shall be permissible only if such company—

(a) has issued all of its authorised shares to the main applicant;

(b) is established and maintained under the laws of Saint Christopher and Nevis;

(c) is not an exempt of offshore entity;

(d) submits through the main applicant irrefutable evidence as to its beneficial ownership, which evidence shall be certified by the Registrar of Companies.

(6) Real estate that has been purchased that qualifies an applicant for citizenship under the Citizenship by Investment programme shall not be resold for a period of at least five (5) years after the granting of citizenship.

(7) (a) Subject to sub-regulation (6), where real estate has already been the subject of a Citizenship by Investment application, that real estate shall not be eligible for use in a subsequent Citizenship by Invesment application before January 2017; and

(b) pursuant to paragraph (a), after January 2017, where real estate that was already the subject of a Citizenship by Investment application and in respect of which, five years have passed since the granting of that Citizenship, then that property may be eligible for use in a subsequent Citizenship by Investment application.

(8) Notwithstanding sub-regulation (7), no real estate that was the subject of a successful Citizenship by Investment application prior to 2012 shall be eligible for use in a subsequent Citizenship by Investment application.

(9) An application for citizenship by investment shall be considered only after—

(a) an Approved Project in respect of construction of real estate has commenced;

(b) all monies have been placed in an irrevocable escrow account with an authorised person, a registered trust company or with any entity whose business is the provision of trust or custodial services, provided that the holders of such escrow accounts shall comply with guidelines published by the Unit.

(10) Where a person, being the holder of citizenship obtained through the Citizenship by Investment programme, seeks to sell or use real estate in contravention of sub-regulation (6), the following sanctions shall be applicable—

(a) that person shall have his or her citizenship revoked;

(b) that person may be disqualified from further participation in the Citizenship by Investment programme; and

(c) any transaction purporting to sell that real estate, shall be null and void or if the transaction cannot be nullified or voided, damages shall be payable to the Government by the person.

Specific requirements for the Sugar Industry Diversification Foundation (SIDF) contributions.

6. (1) In this Regulation, the expression "full contribution" means the total required investment amount in accordance with paragraph 3 of Schedule 1.

(2) Within three months of the submission of an application for Citizenship by Investment, the Unit shall notify the authorised person on behalf of the main applicant whether the application has been—

(a) approved in principle;

(b) denied; or

(c) delayed for cause and still being processed.

(3) Not later than ninety days after the date of a notification of approval in principle pursuant to sub-regulation (2), the main applicant shall be required to show that the full contribution to the Sugar Industry Diversification Foundation has been deposited into a designated escrow account before the grant of Citizenship by Investment may occur.

(4) Where an application for Citizenship by Investment is denied, the full contribution less the amount for conducting a due diligence background check shall be returned to the main applicant or to an authorised person acting on his behalf within ten days of written notice of the denial being forwarded to the authorised person.

Establishment of hurricane relief fund and specific requirements for the contributions.

[*]**7.** (1) There is hereby established a Fund to be known as the St Kitts and Nevis Hurricane Relief Fund and the Fund shall consist of—

(a) all monies contributed into the Fund for the purposes of an application for Citizenship by Investment;

(b) any monies donated or contributed by any other source into the Fund; and

(c) any monies derived from any other source and placed into the Fund.

(2) In these Regulations the expression "Hurricane Relief Fund" refers to the Fund established under sub-regulation (1).

(3) The Minister shall appoint a Board charged with the responsibility of the management of the Hurricane Relief Fund and—

(a) the membership of the Board shall consist of not less than three persons, including—

(i) the Financial Secretary in Saint Christopher and Nevis;

(ii) the Permanent Secretary in the Office of the Prime Minister; and

(iii) one other person, appointed by the Minister by instrument, from persons appearing to him to have wide experience in the law, law enforcement, management or finance;

(b) the Minister shall appoint one of the members to be the Chairperson;

(c) the member appointed by the Minister, in accordance with sub-regulation (3)(a)(iii), shall—

(i) hold office for a period specified in the instrument of appointment unless he or she resigns or his or her appointment is revoked before the end of that period;

(ii) be eligible for further appointment on the expiration of the period of his or her appointment;

(d) the Minister may appoint any person to act temporarily in the place of any member who is absent from Saint Christopher and Nevis or is unable to act;

(e) where a vacancy is created by the death, resignation or removal from office of a member of the Board, another person may be appointed in accordance with sub-regulation (3)(a) to fill that vacancy but shall hold office only for the unexpired portion of the period of the former member;

(f) the Board shall regulate its own meetings and procedures;

(g) any action or proceedings taken by the Board under these Regulations shall not be questioned on the grounds of—

(i) the existence of any vacancy in the membership or any defect in the constitution of the Board;

[*] Inserted as regulation 6A by S.R.O. 14/2017, renumbered as regulation 7 and the following regulations renumbered.

(ii) any omission, defect or irregularity that does not affect the merits of the action or proceedings;

(h) the appointment and cessation of appointment of any member of the Board shall be notified in the *Official Gazette*.

(4) The contributions to the Hurricane Relief Fund shall be placed into the Consolidated Fund and the manner of deductions for the purposes of a hurricane or other natural disaster relief shall be in accordance with the Finance Administration Act, Cap. 20.13.

(5) In this regulation, the expression "full contribution" means the total required investment amount in accordance with paragraph 4 of Schedule 1.

(6) Within three months of the submission of an application for Citizenship by Investment, the Unit shall notify the authorised person on behalf of the main applicant whether the application has been—

(a) approved in principle;

(b) denied; or

(c) delayed for cause and still being processed.

(7) Not later than ninety days after the date of a notification of approval in principle pursuant to sub-regulation (6), the main applicant shall be required to show that the non-refundable full contribution to the Hurricane Relief Fund has been deposited into the account of the Fund before the grant of Citizenship by Investment may occur.

(8) The Minister may, specify the period for receipt of applications for Citizenship by Investment, by way of the Hurricane Relief Fund, under Schedule 2.

(Inserted by S.R.O. 14/2017)

Due diligence checks.

8. (1) An applicant for Citizenship by Investment who is sixteen years and above shall undergo a due diligence background check.

(2) An applicant who—

(a) has provided false information on his or her application form;

(b) has a criminal record;

(c) is the subject of a criminal investigation;

(d) is a potential national security risk to St. Kitts and Nevis or to any other country;

(e) is involved in any activity likely to cause disrepute to the Federation of St. Christopher and Nevis; or

(f) has been denied an entry visa by a country with whom citizens of St. Kitts and Nevis have visa-free entry,

shall not be approved for Citizenship by Investment.

Dissemination of information.

9. (1) No information, promotion, advertisement or publication in relation to Citizenship by Investment shall be published or disseminated publicly by any media

or by any person unless in compliance with the guidelines issued by the Unit or specifically mandated by the Government.

(2) A person who contravenes the provisions of sub-regulation (1) shall—

(a) on summary conviction, be liable to a fine not exceeding ten thousand dollars;

(b) where he or she has proposed a project that has already been approved, be liable to have the status of that Approved Project suspended or revoked by the Minister;

(c) in the case of any overseas agent, be listed on the Citizenship by Investment Website as a person who is not authorised to submit to the Unit an application for Citizenship by Investment on his or her own behalf of any other person.

Review process.

10. (1) The Minister may, if deemed necessary, appoint a panel to review an application.

(2) Where the Minister appoints a review panel, the panel may request the applicant to appear in person before it.

(3) A panel that is appointed pursuant to sub-regulation (1) shall be comprised of the following persons—

(a) a representative from the Attorney-General's Chambers;

(b) the Permanent Secretary of the Ministry responsible for Immigration;

(c) the Permanent Secretary in the Office of the Prime Minister;

(d) the Director of the Financial Services Department; and

(e) the Legal Advisor to the Citizenship by Investment Unit.

(4) The review panel shall make a recommendation to the Minister based on its findings in relation to the application under review.

Forms.

11. The Minister shall prescribe forms to facilitate the application process for Citizenship by Investment as set out in these Regulations.

———

SCHEDULE 1 TO THE REGULATIONS

(Regulations 5, 6 and 7)

MINIMUM INVESTMENT AND FEES

Fees.

1. (1) Authorised persons must first register with the Citizenship by Investment Unit and pay a fee of US$5,000.00 before they are allowed to file applications with the Unit. Fees are payable prior to January 31st of each year commencing in 2012.

(2) Commencing on the 1st day of January 2012, the following fees shall be payable to the Unit on application for Citizenship by Investment—

(a) US$7,500.00 for due diligence background checks and processing fees for the main applicant;

(b) US$4,000.00 for due diligence background checks and processing fees for each dependant of the main applicant who is over the age of sixteen years;

(c) on approval in principle of an application through a real estate investment—

(i) US$50,000.00 for the main applicant;

(ii) US$25,000.00 for the spouse of main applicant;

(iii) US$25,000.00 for each child of the main applicant under eighteen years of age;

(iv) US$50,000.00 for each qualified dependant of the main applicant above the age of eighteen years, other than his or her spouse.

2. The minimum real estate investment required on the basis of an investment in real estate is US$400,000.00 for each main applicant. Two or more applicants may apply for Citizenship by Investment together by purchasing one piece of real estate, provided that each main applicant contributes the minimum investment of US$400,000.00 towards the investment.

3. Minimum Contributions to the Sugar Industry Diversification Foundation to qualify persons to apply to Citizenship by Investment.

(1) Sugar Industry Diversification Foundation (SIDF) Contributions—

(a) Single Applicant..... US$250,000.00;

(b) Applicant with up to three dependants:..... US$300,000.00;

(c) Applicant with up to five dependants: ..... US$350,000.00;

(d) Applicant with up to seven dependants: .....US$450,000.00;

(e) Additional contribution for each dependant above seven dependants.....US$50,000.00;

(2) The above amounts are inclusive of all Government fees payable for the main applicant and his or her dependants except for the fees outlined in paragraph 1(2) (a) and (b) of this Schedule.

(3) With the exception of the spouse of the main applicant, where dependants over eighteen years form part of the application, the minimum investment shall be an additional fee of US$50,000.00 per dependant which shall be payable to the Government.

4. Minimum Contribution to the Hurricane Relief Fund to qualify persons to apply to Citizenship by Investment—

(a) Non-refundable Contribution for single applicant or applicant with up to three dependants..... US$150,000.00

(b) Additional qualified dependants can be included in the application at..... US$25,000.00 each

(c) An International Marketing Agent Commission to be paid on approval of the applicant's file.....US$15,000.00

(Paragraph 4 inserted by S.R.O. 14/2017)

SCHEDULE 2 TO THE REGULATIONS

(Regulation 7(8))

DATE OF RECEIPT OF APPLICATIONS UNDER THE HURRICANE RELIEF FUND

The Minister hereby declares that the applications for Citizenship by Investment, by way of the Hurricane Relief Fund, shall be received:

FROM	TO
1. the date of the coming into effect of these Regulations	the 31st day of March, 2018

(Inserted by S.R.O. 14/2017)

_____