

**2014 COMMONWEALTH OF DOMINICA S.R.O. 37
CITIZENSHIP BY INVESTMENT**

COMMONWEALTH OF DOMINICA

STATUTORY RULES AND ORDERS No. 37 of 2014

REGULATIONS

MADE by the Minister under section 20 of the Commonwealth
of Dominica Citizenship Act, Chapter 1:10

(Gazetted 23rd October, 2014.)

1. Regulations may be cited as the –

Short title.

**COMMONWEALTH OF DOMINICA CITIZENSHIP
BY INVESTMENT REGULATIONS, 2014.**

2. In these Regulations, unless the context otherwise
requires -

Interpretation.

“Act” means the Commonwealth of Dominica Citizenship Act;

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“applicant” means a person who applies for Citizenship by
Investment;

“applicant requirements” means the formal and substantial
requirements that each applicant must meet as defined in
these Regulations;

“approved due diligence agency” means an independent
professional firm engaged in the business of conducting
investigations and checks as to the character, identity and
activities of individuals, companies or other entities;

“Approved Project” means a real estate development or other
development project that has been approved by Cabinet
as a qualified project for Citizenship by Investment;

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“authenticated translation” means a translation effected 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 effected in a country where there are no official accredited translators, a translation effected by a company whose role or business is effecting professional translations;

“authorised agent” means a person licensed by the Citizenship by Investment Unit who has paid the authorised agent’s fee pursuant to paragraph 1(1) of the Schedule 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 Dominica;

“certified copy” means, subject to regulation 4(14) 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 of age of the main applicant or his or her spouse;

(c) a 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;

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- (d) an unmarried daughter of the main applicant who is under twenty-five years of age and is 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 and who is fully supported by the applicant;
- (f) 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;

“investment” means a direct monetary investment within the thresholds established in paragraph 1(2)(b) of the Schedule to these Regulations;

“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 the threshold established in paragraph 1(2)(b) of the Schedule to these Regulations;

“Minister” means the Minister responsible for matters relating to citizenship;

“police certificate” means a statement from a national law enforcement authority on the status of a person’s criminal record;

“real estate” includes a parcel of land with building thereon, fractional ownership in land, shares in a land development;

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Chap.35:02. “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 Dominica;

“Unit” means the Government office established by regulation 3 to administer the Citizenship by Investment Programme and process all applications submitted for Citizenship by Investment.

Establishment of Investment Unit.

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

Qualifications, 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 other application requirements,

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may apply as a main applicant to become a citizen of Dominica pursuant to section 8 of the Act.

(2) Applications shall be made on forms prescribed in accordance with Regulation 10 and accompanied by original documentation or certified copies of original documents.

(3) 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.

(4) All applications shall be submitted by an authorised agent to the Unit and shall be accompanied by payment or proof

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of payment of the fees prescribed in paragraph 1(2)(c) of the Schedule.

(5) Where a translation of a police, birth or marriage certificate or passport bio data page is necessary, translations must be certified by the relevant government authority, Embassy or Consulate for the country where such documents originate.

(6) The main applicant shall, with the exception of his or her spouse, provide a sworn affidavit of support for each dependant over the age of eighteen years included in the application.

(7) Each application form must be completed personally by the main applicant or the authorised agent on his behalf and the following conditions shall be applicable –

(a) for a child who is below the age of eighteen, both parents must sign the form 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 to that person by a court of law or other relevant authority.

(8) 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, or concealed any material fact, the applicant may be deprived of Citizenship of Dominica pursuant to Part III, section 10(2) of the Act;

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

(9) Applications shall only be accepted and processed upon receipt by the Unit of all forms and other relevant documentation properly completed, signed and dated, and accompanied by all required fees.

(10) Every application that is submitted and every due diligence report received shall be examined by the Unit and if the Unit considers it necessary, an applicant may be required to attend an interview. The interview will normally be conducted in Dominica, however at the request of the applicant and where considered by the Unit to be appropriate, provision may be made for the interview to be conducted elsewhere at the expense of the applicant.

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

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

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

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

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- (a)* an Apostille in accordance with the provisions of the Hague convention of 5th October 1961 Abolishing the Requirement of Legalisation 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 that are not party to the Hague Apostille Convention.

5. (1) Subject to subregulation (2), an applicant who – Denial of Citizenship.

- (a)* has provided information which is false in any material respect on his or her application form;
- (b)* has a criminal record other than in respect to a minor offence;
- (c)* is the subject of a criminal investigation of which he was aware or ought to have been aware;
- (d)* is a potential security risk to Dominica or to any other country; or
- (e)* is or has been involved in any activity likely to bring disrepute to Dominica,

shall not be approved for citizenship.

(2) An applicant who has a criminal record or is subject of a criminal investigation may be approved for citizenship where the offence which is the subject of the criminal record is a minor offence or the investigation is into a minor offence.

6. (1) Where a person makes an investment or executes a binding purchase and sale agreement for real estate or an Specific Requirements for Approved Investments.

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investment agreement with the developer of an Approved Project, an application for citizenship by investment may be submitted on his or her behalf through an authorised agent.

(2) The Unit shall not consider an application unless the investment or the purchase value of the real estate meets the minimum investment requirements in keeping with the threshold established in paragraph 2 of the Schedule to these Regulations.

(3) 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 three years after the granting of citizenship.

(4) Where real estate has already been the subject of a Citizenship by Investment application, that real estate approved investment shall not be eligible for use in a subsequent Citizenship by Investment application for a period of at least five years after the granting of citizenship.

(5) An application for Citizenship by Investment shall be considered only after -

- (a) an Approved Project has been deemed to have commenced, which determination shall be made in accordance with guidelines published by the Unit; and
- (b) all monies have been placed in an irrevocable escrow account with an authorised agent, a registered trust company or with an entity whose business is the provision of trust or custodial services, provided that the holders of such escrow account shall comply with guidelines published by the Unit.

(6) Where a person, being the holder of citizenship obtained through the Citizenship by Investment programme, seeks

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to sell or use the real estate in contravention of subregulations (6) and (7), 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 that person.

(7) Where an application for citizenship by investment is denied the fees paid under paragraph 1(2)(c) of the schedule shall not be refundable.

7. (1) 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 – Notification.

- (a) approved in principle;
- (b) denied; or
- (c) delayed for cause and is still being processed.

(2) Not later than thirty days after the date of a notification of approval in principle pursuant to subregulation (1) and before the grant of citizenship can occur, the main applicant shall be required to show that –

- (a) in the case of the purchase of real estate that the

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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;

- (b) in the case of another Approved Project, that the minimum investment has been deposited into a designated escrow account;
- (c) in the case of a direct monetary investment that the full investment has been deposited with the Unit; and
- (d) that all prescribed government fees have been paid.

(3) Beneficial ownership of the relevant property through a company is permissible only if the company –

- (a) has issued all of its authorised shares to the main applicant;
- (b) is established and maintained under the laws of Dominica;
- (c) is not an exempt or offshore entity; and
- (d) submits through the main applicant irrefutable evidence as to its beneficial ownership, which evidence shall be certified by the Registrar of Companies.

Dissemination of
Information.

8. (1) No information, promotion, advertisement or publication in relation to Citizenship by Investment shall be published or disseminated publicly on the behalf of an agent, promoter or developer by any media or by any person unless in compliance with the Guidelines issued by the Unit or specifically mandated by the Minister.

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(2) A person who contravenes the provisions of subregulation (1) shall -

- (a) on summary conviction, be liable to a fine not exceeding one 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 an agent be liable to have his authorisation to act as a registered agent in respect to the Citizenship by Investment Programme revoked or suspended and to be listed on the Government of Dominica 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 or on behalf of any other person;
- (d) in the case of any promoter be liable to be listed on the Government of Dominica website as a person who is not authorised to act as a promoter for the Citizenship by Investment Programme.

9. (1) The Minister may appoint a committee to review an application and interview an applicant.

Review and Interview
Process.

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

(3) The interview will normally be conducted in Dominica, however, at the request of the applicant and where considered by the Unit to be appropriate, provision may be made for the interview to be conducted elsewhere at the expense of the applicant.

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(4) A committee that is appointed pursuant to subregulation (1) shall be comprised of at least three of the following persons:

- (a) the Attorney General or a Senior representative from the Attorney General's Chambers;
- (b) the Financial Secretary, Director of the Citizenship by Investment Unit or a Senior Examiner of the Unit;
- (c) the Head of Special Branch or other police officer designated by the Minister;
- (d) the Permanent Secretary in the Ministry with responsibility for immigration;
- (e) any other person duly authorised by the Minister.

(5) Where the Attorney General sits on an interview committee he shall be the Chairperson of that committee. In the absence of the Attorney General, the Chairperson shall be the most senior diplomatic, consular or government officer being a member of the committee.

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

(7) Thereafter the Minister shall promptly consider the said recommendation and as he considers appropriate approve or disapprove the application.

Guidelines and Forms.

10. The Minister may issue guidelines and authorise forms, as appropriate, to facilitate the better implementation of the Citizenship by Investment programme as set out in these Regulations.

Repeal.
S.R.O. No. 43 of 2013.

11. The Citizenship by Investment Regulations, 2013 are repealed.

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SCHEDULE

Fees, Minimum Investment, Agents and Promoters

1. Fees and contributions

(1) Authorised agents must -

- (a) first register with the Citizenship by Investment Unit and pay a fee of US\$5,000 before they are allowed to file applications with the Unit;
- (b) register all persons or entities who act or are to act as promoters on behalf of, in conjunction with, or in relation to the said agent; and
- (c) pay an annual fee of US\$2,000 for each promoter of the programme,

and such fees are payable by January 31st of each year commencing in 2014 and may be prorated in respect of new applications submitted after January 31st in any year.

(2) Commencing on the 1st day of January 2014, the following shall be payable to the Unit on application for Citizenship by Investment or other Approved Project:

- (a) on approval in principle of an application through a real estate investment or other approved project -
 - (i) US\$50,000 for the main applicant;
 - (ii) US\$25,000 for the spouse of the main applicant;
 - (iii) US\$20,000 for each child of the main applicant under eighteen years of age;

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- (iv) US\$50,000 for any other qualified dependant of the main applicant above the age of eighteen years, other than his or her spouse;
- (b) to qualify persons through a direct monetary investment an amount of –
 - (i) US\$100,000 for a single applicant;
 - (ii) US\$175,000 for an applicant and spouse;
 - (iii) US\$175,000 for an applicant and up to two children below eighteen years;
 - (iv) US\$200,000 for an applicant plus spouse and up to two children below the age of eighteen years; and
 - (v) US\$50,000 for any additional dependant of the main applicant other than a spouse;
- (c) on submission of an application a minimum fee of –
 - (i) US\$ 7,500 for processing fees and due diligence background checks on the main applicant;
 - (ii) US\$ 4,000 for processing fees and due diligence checks on each applicant who is over the age of sixteen,
if considered appropriate an enhanced due diligence report may be required; and
- (d) on registration of a child who is not more than five years of age and who was born to the applicant after citizenship has been obtained, a processing fee of US\$10,000.

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(3) Where a person who has already received citizenship through a cash investment under the Citizenship by Investment Programme makes an application in respect to a dependant who did not form part of the person's original application and who was a dependant at the time the application was made, the minimum investment payable to the Unit shall be an additional fee of US\$50,000 per each such dependant other than a spouse for whom the fee payable shall be US\$ 75,000.

2. Approved Project

The minimum investment required is US\$200,000 for each main applicant. Two or more applicants may apply for Citizenship by Investment together by investing in an Approved Project, provided that each main applicant contributes the minimum investment of US\$200,000 towards the investment

3. Agents and Promoters

(1) Each agent shall:

- (i) sign a written agreement with the Government of the Commonwealth of Dominica, among other things, agreeing to adhere to the terms and conditions of the Citizenship by Investment Programme;
- (ii) prior to being granted a new licence be reviewed by the Unit as to performance and suitability for continued involvement with the Programme;
- (iii) be deemed responsible for all promotion, advertisement or publication in relation to Citizenship by Investment published or disseminated publicly by any sub-agent, promoter, media outlet, entity or person on behalf of or in conjunction with the said agent;

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(iv) take reasonable steps to satisfy himself as to the identity and bona fides of each promoter with whom the agent enters into agreement, engages or acts in conjunction with;

(v) not engage or use any person or entity as a promoter who has not been registered and in respect of whom the appropriate annual fee has not been paid;

(vi) pay or cause to be paid a fee in accordance with paragraph 1(1)(c) in respect to each promoter he engages, collaborates with or otherwise uses in relation to the Citizenship by Investment Programme;

(2) Each promoter or any other authorised person or entity involved with the Citizenship by Investment Programme shall comply with the terms and conditions of the Programme.

Made this 22nd day of October, 2014.

AMBROSE GEORGE
Minister for Citizenship (Ag.)

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