

SAMOA

CITIZENSHIP INVESTMENT REGULATIONS 2016

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PURSUANT to section 24 of the Citizenship Investment Act 2015 ("principal Act") I, TUI ATUA TUPUA TAMASESE EFI, Head of State of the Independent State of Samoa, acting on the advice of Cabinet, MAKE these Regulations:

DATED at Apia this ^{18th} day of ^{November} 2016.

Tui Atua Tupua Tamasese

(Tui Atua Tupua Tamasese Efi)

HEAD OF STATE

REGULATIONS

PART 1
PRELIMINARY

1. **Citation and commencement**-(1) These Regulations may be cited as the Citizenship Investment Regulations 2016.

(2) These Regulations commence on the date of commencement of the Act.

2. **Interpretation** - In these Regulations:

“applicant” means the investor or the investor’s agent who is making an application pursuant to section 8 of the Act;

“certified copy” means, a copy certified by a notary public or any other person authorised to certify documents to be a true copy of the original; and

“Chairperson” means the Chairperson of the Citizenship Investment Committee;

“due diligence person” means the person engaged under section 9 of the Act to undertake due diligence;

“principal applicant” means the investor excluding the agent or a family member;

“Secretary” means the Secretary of the Citizenship Investment Committee.

PART 2
DUE DILIGENCE PROCESS

3. **Submission of application and fees**-(1) The applicant must submit application together with the application fees and the due diligence fees to the Secretary.

(2) The Secretary must, upon receiving the application and fees, must notify the Chairperson.

4. Appointment of due diligence person and terms of reference-(1) When the Committee receives an application pursuant to section 8 of the Act, the Committee must meet:

- (a) to appoint a due diligence person; and
- (b) to approve the terms of reference for the due diligence person.

(2) When appointing a due diligence person, the Committee must take into account the following to ensure that the person:

- (a) has network that provides information from formal government sources or non-governmental sources through a network of local sources;
- (b) has a sound financial footing and is not vulnerable to influence, corruptive tendencies and has the ability to invest resources in thoroughness of conducting due diligence process;
- (c) has a track-record of providing due diligence services for countries or other wealth management international institutions;
- (d) where relevant, is certified by the government of the country where the person is registered;
- (e) is able to undertake the due diligence based on the due diligence fee;
- (f) any other matter necessary to undertake the due diligence process.

5. Committee may keep list of due diligence persons-

(1) The Committee may:

- (a) for the purposes of section 9(1) of the Act, keep a list of due diligence persons who apply to be on the list; and
- (b) require qualified persons to apply to the Committee to be on the list of due diligence persons.

(2) The Committee must take into account regulation 4(2) when determining whether a person should be listed under subregulation (1).

6. Due diligence check-(1) When conducting the due diligence check, the due diligence person must check the:

- (a) matters in sections 8(2) and 10(1) of the Act;
- (b) matters in the terms of reference; and
- (c) other matters determined by the Committee.

(2) The due diligence person must carry out checks within the specified time in and pursuant to the terms of reference.

(3) The time specified in the terms of reference may be extended by the Committee.

7. Due diligence report-(1) The due diligence person must submit a due diligence report to the Secretary of the Committee.

(2) When the due diligence report is received, the Chairperson must convene a meeting of the Committee to determine the application for citizenship investment.

8. Payment of due diligence fees-(1) The principal applicant must pay up to 50% of the fee for a due diligence check for all applicants upon signing of the terms of reference and the rest of the balance is to be paid when report is submitted to the Committee.

(2) If the due diligence person fails to submit a report, the due diligence person must refund the fee.

PART 3 MISCELLANEOUS

9. Minimum number of employees - If the investor operates a business activity relating to the investment, the Minister may, as a condition of investment, determine the minimum number of foreign and local employees to be employed by the investor, subject to the nature of the investment.

10. Fees - The fees for the purposes of the Act are set out in the Schedule.

SCHEDULE

FEES
(Regulations 3, 8, 10)

Subject	SAT (\$)
1. Application for investment (principal applicant) plus: (a) Spouse (b) Dependent child (0-11) (c) Dependent child (12-17) (d) Dependent child (18)	120,000 120,000 60,000 60,000 120,000
2. Due diligence fees - Principal Applicant plus: (a) Spouse (b) Dependent child (0-11) (c) Dependent child (12-17) (d) Dependent child (18)	20,000 20,000 0 5,000 10,000
3. Application to promote or market scheme	1000
4. Agency application	50,000