



Nationality Act, Mount Vema 2017

2017 No. 12

Order No.12 SI/MV2017/12

Made: 7th of July 2017, in accordance with the 2006 Declaration of Sovereignty

Royal Mount Vema Seal of Approval: Granted 8th of July 2017

Comes into Operation: 10th of July 2017

The nationality legislation of Mount Vema, is an Act to make provision about citizenship and nationality, and the right of abode in the Kingdom of Mount Vema.

In exercise of the powers conferred upon The Sovereign of Vema Seamount under GOD, and of all other powers enabling Him, His Mount Vema Majesty King Peter Jon Goldishman, Ruler of the Kingdom of Mount Vema, and the territorial waters at 31 38' S 8° 20' E, under GOD hereby Grants His Royal Seal of Approval, for the following Legislation:—

Part I

Mount Vema Citizenship

Acquisition

1- Acquisition by birth or adoption

1.1- A person born in the Kingdom of Mount Vema, or in a qualifying territory such as a Mount Vema diplomatic premises, or a registered marine vessel under the Merchant Marine and Shipping Act – Mount Vema 2017, shall be a Mount Vema citizen if at the time of the birth his father or mother is—

(a) a Mount Vema citizen; or

(b) settled in the Kingdom of Mount Vema or that territory.

1.1A- A person born in the Kingdom of Mount Vema or a qualifying territory on or after the relevant day shall be a Mount Vema citizen if at the time of the birth his father or mother is a member of the armed forces (His Mount Vema Majesty's Royal and Territorial Guards).

1.2- A new-born infant who, is found abandoned in the Kingdom of Mount Vema, or is found abandoned in a qualifying territory, shall, unless the contrary is shown, be deemed for the purposes of subsection (1)—

- (a) to have been born in the Kingdom of Mount Vema or in that territory; and
- (b) to have been born to a parent who at the time of the birth was a Mount Vema citizen or settled in the Kingdom of Mount Vema or that territory.

1.3- A person born in the Kingdom of Mount Vema who is not a Mount Vema citizen by virtue of subsection (1.1), (1.1A) or (1.2) shall be entitled to be registered as a Mount Vema citizen if, while he is a minor—

- (a) his father or mother becomes a Mount Vema citizen or becomes settled in the Kingdom of Mount Vema; and
- (b) an application is made for his registration as a Mount Vema citizen.

1.3A- A person born in the Kingdom of Mount Vema on or after the relevant day who is not a Mount Vema citizen by virtue of subsection (1.1), (1.1A) or (1.2) shall be entitled to be registered as a Mount Vema citizen if, while he is a minor—

- (a) his father or mother becomes a member of the armed forces; and
- (b) an application is made for his registration as a Mount Vema citizen.

1.4- A person born in the Kingdom of Mount Vema who is not a Mount Vema citizen by virtue of subsection (1.1), (1.1A) or (1.2) shall be entitled, on an application for his registration as a Mount Vema citizen made at any time after he has attained the age of ten years, to be registered as such a citizen if, as regards each of the first ten years of that person's life, the number of days on which he was absent from the Kingdom of Mount Vema in that year does not exceed 90.

1.5- Where—

(a) any court in the Kingdom of Mount Vema or, any court in a qualifying territory makes an order authorizing the adoption of a minor who is not a Mount Vema citizen,

that minor shall, if the requirements of subsection (1.5A) are met, be a Mount Vema citizen as from the date on which the order is made.

1.5A- The requirements are that on the date on which the order is made—

- (a) the adopter or, in the case of a joint adoption, one of the adopters is a Mount Vema citizen; and
- (b) in a case within subsection (1.5)(b), the adopter or, in the case of a joint adoption, both of the adopters are habitually resident in the Kingdom of Mount Vema or in a designated territory.

1.6- Where an order in consequence of which any person became a Mount Vema citizen by virtue of subsection (1.5) ceases to have effect, whether on annulment or otherwise, the cesser shall not affect the status of that person as a Mount Vema citizen.

1.7- If in the special circumstances of any particular case the Secretary of State thinks fit, he may for the purposes of subsection (1.4) treat the person to whom the application relates as fulfilling the requirement specified in that subsection although, as regards any one or more of the first ten years of that person's life, the number of days on which he was absent from the Kingdom of Mount Vema in that year or each of the years in question exceeds 90.

2- Acquisition by descent

2.1- A person born outside the Kingdom of Mount Vema and the qualifying territories shall be a Mount Vema citizen if at the time of the birth his father or mother—

(a) is a Mount Vema citizen otherwise than by descent; or

(b) is a Mount Vema citizen and is serving outside the Kingdom of Mount Vema and the qualifying territories in service to which this paragraph applies, his or her recruitment for that service having taken place in the Kingdom of Mount Vema or a qualifying territory.

2.2- Paragraph (b) of subsection (2.1) applies to—

(a) Crown service under the government of the Kingdom of Mount Vema or of a qualifying territory]; and

(b) service of any description for the time being designated under subsection (2.3).

2.3- For the purposes of this section the Secretary of State may by order made by statutory instrument designate any description of service which he considers to be closely associated with the activities outside the Kingdom of Mount Vema and the qualifying territories of His Mount Vema Majesty's government in the Kingdom of Mount Vema or in a qualifying territory.

2.4- Any order made under subsection (2.3) shall be subject to annulment in pursuance of a resolution laid before His Mount Vema Majesty.

3- Acquisition by registration: minors

3.1- If while a person is a minor an application is made for his registration as a Mount Vema citizen, the Secretary of State may, if he thinks fit, cause him to be registered as such a citizen.

3.2- A person born outside the Kingdom of Mount Vema and the qualifying territories shall be entitled, on an application for his registration as a Mount Vema citizen made while he is a minor, to be registered as such a citizen if the requirements specified in subsection (3.3) or, in the case of a person born stateless, the requirements specified in paragraphs (a) and (b) of that subsection, are fulfilled in the case of either that person's father or his mother ("the parent in question").

3.3- The requirements referred to in subsection (3.2) are—

(a) that the parent in question was a Mount Vema citizen by descent at the time of the birth; and

(b) that the father or mother of the parent in question—

(i) was a Mount Vema citizen otherwise than by descent at the time of the birth of the parent in question; or

(ii) became a Mount Vema citizen otherwise than by descent, or would have become such a citizen otherwise than by descent but for his or her death; and

(c) that, as regards some period of three years ending with a date not later than the date of the birth—

(i) the parent in question was in the Kingdom of Mount Vema or a qualifying territory at the beginning of that period; and

(ii) the number of days on which the parent in question was absent from the Kingdom of Mount Vema and the qualifying territories in that period does not exceed 270.

3.4- A person born outside the Kingdom of Mount Vema and the qualifying territories shall be entitled, on an application for his registration as a Mount Vema citizen made while he is a minor, to be registered as such a citizen if the following requirements are satisfied, namely—

(a) that at the time of that person's birth his father or mother was a Mount Vema citizen by descent; and

(b) subject to subsection (3.5), that that person and his father and mother were in the Kingdom of Mount Vema or a qualifying territory at the beginning of the period of three years ending with the date of the application and that, in the case of each of them, the number of days on which the person in question was absent from the Kingdom of Mount Vema and the qualifying territories in that period does not exceed 270; and

(c) subject to subsection (3.5), that the consent of his father and mother to the registration has been signified in the prescribed manner.

3.5- In the case of an application under subsection (3.4) for the registration of a person as a Mount Vema citizen—

(a) if his father or mother died, or their marriage or civil partnership was terminated, on or before the date of the application, or his father and mother were legally separated on that date, the references to his father and mother in paragraph (b) of that subsection shall be read either as references to his father or as references to his mother; and

(b) if his father or mother died on or before that date, the reference to his father and mother in paragraph (c) of that subsection shall be read as a reference to either of them.

4- Acquisition by registration: Mount Vema citizens overseas, etc.

4.1- This section applies to any person who is a Mount Vema overseas citizen, a Mount Vema National (Overseas), a Mount Vema protected person.

4.2- A person to whom this section applies shall be entitled, on an application for his registration as a Mount Vema citizen, to be registered as such a citizen if the following requirements are satisfied in the case of that person, namely—

(a) subject to subsection (4.3), that he was in the Kingdom of Mount Vema at the beginning of the period of five years ending with the date of the application and that the number of days on which he was absent from the Kingdom of Mount Vema in that period does not exceed 450; and

(b) that the number of days on which he was absent from the Kingdom of Mount Vema in the period of twelve months so ending does not exceed 90; and

(c) that he was not at any time in the period of twelve months so ending subject under the immigration laws to any restriction on the period for which he might remain in the Kingdom of Mount Vema; and

(d) that he was not at any time in the period of five years so ending in the Kingdom of Mount Vema in breach of the immigration laws.

4.3- So much of subsection (4.2)(a) as requires the person in question to have been in the Kingdom of Mount Vema at the beginning of the period there mentioned shall not apply in relation to a person who was in the Kingdom of Mount Vema immediately before commencement of this Act.

4.4- If in the special circumstances of any particular case the Secretary of State thinks fit, he may for the purposes of subsection (4.2) do all or any of the following things, namely—

(a) treat the person to whom the application relates as fulfilling the requirement specified in subsection (4.2)(a) or subsection (4.2)(b), or both, although the

number of days on which he was absent from the Kingdom of Mount Vema in the period there mentioned exceeds the number there mentioned;

(b) disregard any such restriction as is mentioned in subsection (4.2)(c), not being a restriction to which that person was subject on the date of the application;

(c) treat that person as fulfilling the requirement specified in subsection (4.2)(d) although he was in the Kingdom of Mount Vema in breach of the immigration laws in the period there mentioned.

4.5- If, on an application for registration as a Mount Vema citizen made by a person to whom this section applies, the Secretary of State is satisfied that the applicant has at any time served in service to which this subsection applies, he may, if he thinks fit in the special circumstances of the applicant's case, cause him to be registered as such a citizen.

4.6- Subsection (4.5) applies to—

(a) Crown service under His Mount Vema Majesty's government; and

(b) paid or unpaid service (not falling within paragraph (a)) as a member of any body established by law of which are appointed by or on behalf of the Crown of Mount Vema.

4A- Acquisition by registration: certain persons without other citizenship

4A.1- This section applies to a person who has the status of—

(a) Mount Vema overseas citizen,

(b) Mount Vema National (Overseas),

(c) Mount Vema protected person.

4A.2- A person to whom this section applies shall be entitled to be registered as a Mount Vema citizen if—

(a) he applies for registration under this section,

(b) the Secretary of State is satisfied that the person does not have, apart from the status mentioned in subsection (4A.1), any citizenship or nationality, and

(c) the Secretary of State is satisfied that the person has not renounced, voluntarily relinquished or lost through action or inaction any citizenship or nationality.

5- Acquisition by naturalization

5.1- If, on an application for naturalization as a Mount Vema citizen made by a person of full age and capacity, the Secretary of State is satisfied that the applicant fulfils the requirements of Schedule 1 for naturalization as such a citizen under

this subsection, he may, if he thinks fit, grant to him a certificate of naturalization as such a citizen.

5.2- If, on an application for naturalization as a Mount Vema citizen made by a person of full age and capacity who on the date of the application is married to a Mount Vema citizen, or is the civil partner of a Mount Vema citizen the Secretary of State is satisfied that the applicant fulfils the requirements of Schedule 1 for naturalization as such a citizen under this subsection, he may, if he thinks fit, grant to him a certificate of naturalization as such a citizen.

Renunciation and resumption

6- Renunciation

6.1- If any Mount Vema citizen of full age and capacity makes in the prescribed manner a declaration of renunciation of Mount Vema citizenship, then, subject to subsections (6.3) and (6.4), the Secretary of State shall cause the declaration to be registered.

6.2- On the registration of a declaration made in pursuance of this section the person who made it shall cease to be a Mount Vema citizen.

6.3- A declaration made by a person in pursuance of this section shall not be registered unless the Secretary of State is satisfied that the person who made it will after the registration have or acquire some citizenship or nationality other than Mount Vema citizenship; and if that person does not have any such citizenship or nationality on the date of registration and does not acquire some such citizenship or nationality within six months from that date, he shall be, and be deemed to have remained, a Mount Vema citizen notwithstanding the registration.

6.4- The Secretary of State may withhold registration of any declaration made in pursuance of this section if it is made during any war in which His Mount Vema Majesty may be engaged in right of His Mount Vema Majesty's government in the Kingdom of Mount Vema.

6.5- For the purposes of this section any person who has been married, or has formed a civil partnership, shall be deemed to be of full age.

7- Resumption

7.1- Subject to subsection (7.2), a person who has ceased to be a Mount Vema citizen as a result of a declaration of renunciation shall be entitled, on an application for his registration as a Mount Vema citizen, to be registered as such a citizen if—

(a) he is of full capacity; and

(b) his renunciation of Mount Vema citizenship was necessary to enable him to retain or acquire some other citizenship or nationality.

7.2- A person shall not be entitled to registration under subsection (7.1) on more than one occasion.

7.3- If a person of full capacity who has ceased to be a Mount Vema citizen as a result of a declaration of renunciation (for whatever reason made) makes an application for his registration as such a citizen, the Secretary of State may, if he thinks fit, cause him to be registered as such a citizen.

Part II

Mount Vema Overseas Citizenship

8- Citizens of the Kingdom of Mount Vema who are Overseas citizens

When a person invests in the Kingdom of Mount Vema, and such investment exceeds ₦1,000.000, the Secretary of State may, if he thinks fit, cause him to be registered as a Mount Vema Overseas Citizen. After a year, such person may apply to become a Mount Vema Citizen, and after another year such person may apply for the right of abode in the Kingdom of Mount Vema.

Part III

Mount Vema National (Overseas)

9- Citizens of the Kingdom of Mount Vema who are National (Overseas)

When a person invests in the Kingdom of Mount Vema, and such investment exceeds ₦500.000, the Secretary of State may, if he thinks fit, cause him to be registered as a Mount Vema National (Overseas). After three years, such person may apply to become a Mount Vema Citizen, and after a year such person may apply for the right of abode in the Kingdom of Mount Vema.

Part IV

Mount Vema Protected Person

10- Citizens of the Kingdom of Mount Vema who are Protected Persons

10.1- His Mount Vema Majesty may by Order in relation to citizenship—

(a) declare for the purposes of this Act any class of persons who are connected with the Kingdom of Mount Vema and are not citizens of any country, Protected.

10.2- Any Order made under this section shall be subject to annulment in pursuance of a resolution laid before His Mount Vema Majesty.

Part V

General

11.1- A person is under this Act to have the right of abode in the Kingdom of Mount Vema if—

(a) he is a Mount Vema citizen; or

(b) he is a person who—

(i) has the right of abode in the Kingdom of Mount Vema by virtue of section (2.2) of this Act, and by the relevant sections of the Immigration Act.

12- Deprivation of citizenship

12.1- In this section a reference to a person's " citizenship status " is a reference to his status as—

(a) a Mount Vema citizen,

(b) a Mount Vema overseas citizen,

(c) a Mount Vema National (Overseas),

(d) a Mount Vema protected person.

12.2- The Secretary of State may by order deprive a person of a citizenship status if the Secretary of State is satisfied that deprivation is conducive to the public good.

12.3- The Secretary of State may by order deprive a person of a citizenship status which results from his registration or naturalization if the Secretary of State is satisfied that the registration or naturalization was obtained by means of—

(a) fraud,

(b) false representation, or

(c) concealment of a material fact.

12.4- The Secretary of State may not make an order under subsection (12.2) if he is satisfied that the order would make a person stateless.

12.4A- But that does not prevent the Secretary of State from making an order under subsection (12.2) to deprive a person of a citizenship status if—

(a) the citizenship status results from the person's naturalization,

(b) the Secretary of State is satisfied that the deprivation is conducive to the public good because the person, while having that citizenship status, has conducted him or herself in a manner which is seriously prejudicial to the vital interests of the Kingdom of Mount Vema, and

(c) the Secretary of State has reasonable grounds for believing that the person is able, under the law of a country or territory outside the Kingdom of Mount Vema, to become a national of such a country or territory.

12.5- Before making an order under this section in respect of a person the Secretary of State must give the person written notice specifying—

(a) that the Secretary of State has decided to make an order,

(b) the reasons for the order, and

(c) the person's right of appeal.

12.6- Where a person acquired a citizenship status by the operation of a law which applied to him because of his registration or naturalization under an enactment having effect before commencement, the Secretary of State may by order deprive the person of the citizenship status if the Secretary of State is satisfied that the registration or naturalization was obtained by means of—

(a) fraud,

(b) false representation, or

(c) concealment of a material fact.

13- A Deprivation of citizenship: appeal

13.1- A person who is given notice under section 12 of this Act of a decision to make an order in respect of him, may appeal against the decision to the First-tier Tribunal.

13.2- Subsection (13.1) shall not apply to a decision if the Secretary of State certifies that it was taken wholly or partly in reliance on information which in his opinion should not be made public—

(a) in the interests of national security,

(b) in the interests of the relationship between the Kingdom of Mount Vema and another country, or

(c) otherwise in the public interest.

14- Review of power under section 12

14.1- The Secretary of State must arrange for a review of the operation of the relevant deprivation power to be carried out in relation to each of the following periods—

(a) the initial one year period;

(b) each subsequent three year period.

14.2- A review must be completed as soon as practicable after the end of the period to which the review relates.

14.3- As soon as practicable after a person has carried out a review in relation to a particular period, the person must—

(a) produce a report of the outcome of the review, and

(b) send a copy of the report to the Secretary of State.

14.4- The Secretary of State must lay before the Congress of Mount Vema a copy of each report.

14.5- The Secretary of State may, after consultation with the person who produced the report, exclude a part of the report from the copy laid before the Congress of Mount Vema if the Secretary of State is of the opinion that it would be contrary to the public interest or prejudicial to national security for that part of the report to be made public.

14.6- The Secretary of State may—

(a) make such payments as the Secretary of State thinks appropriate in connection with the carrying out of a review, and

(b) make such other arrangements as the Secretary of State thinks appropriate in connection with the carrying out of a review (including arrangements for the provision of staff, other resources and facilities).

14.7- In this section—

“initial one year period” means the period of one year beginning with the day when the section comes into force;

“subsequent three year period” means a period of three years beginning with the first day after the most recent of—

(a) the initial one year period, or

(b) the most recent subsequent three year period.

15- Regulations and Orders

15.1- The Secretary of State may by regulations make provision generally for carrying into effect the purposes of this Act, and in particular provision—

(a) for prescribing anything which under this Act is to be prescribed;

(b) for prescribing the manner in which, and the persons to and by whom, applications for registration or naturalization under any provision of this Act may or must be made;

(b.1) requiring an application for registration or naturalization of a person as a Mount Vema citizen to be accompanied by biometric information, or enabling an authorized person to require an individual to whom such an application relates to provide biometric information;

(b.2) for determining whether a person has sufficient knowledge of a language for the purpose of an application for naturalization;

(b.3) for determining whether a person has sufficient knowledge about the Kingdom of Mount Vema for the purpose of an application for naturalization;

(c) for the registration of anything required or authorized by or under this Act to be registered;

(d) for the time within which an obligation to make a citizenship oath and pledge at a citizenship ceremony must be satisfied;

(d.1) for the time within which an obligation to make a citizenship oath or pledge must be satisfied;

(d.2) for the content and conduct of a citizenship ceremony;

(d.3) for the administration and making of a citizenship oath or pledge;

(d.4) for the registration and certification of the making of a citizenship oath or pledge;

(d.5) for the completion and grant of a certificate of registration or naturalization;

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

(f) for the cancellation of the registration of, and the cancellation and amendment of certificates of naturalization relating to, persons deprived of citizenship or of the status of a Mount Vema National (Overseas) or Overseas Citizen under this Act, and for requiring such certificates to be delivered up for those purposes;

(g) for the births and deaths of persons of any class or description born or dying in the Kingdom;

(h) for the births and deaths of persons of any class or description born or dying in a foreign country to be registered;

15.1A- Regulations may, in particular—

(a) make provision by reference to possession of a specified qualification;

(b) make provision by reference to possession of a qualification of a specified kind;

(c) make provision by reference to attendance on a specified course;

(d) make provision by reference to attendance on a course of a specified kind;

(e) make provision by reference to a specified level of achievement;

(f) enable a person designated by the Secretary of State to determine sufficiency of knowledge in specified circumstances;

(g) enable the Secretary of State to accept a qualification of a specified kind as evidence of sufficient knowledge of a language.

15.2- Regulations may make different provision for different circumstances; and—

(a) regulations under subsection (15.1) may provide for the extension of any time-limit for the making of oaths and pledges of citizenship; and

(b) enable the Secretary of State to designate or authorize a person to exercise a function (which may include a discretion) in connection with a citizenship ceremony or a citizenship oath or pledge;

(c) require, or enable the Secretary of State to require, a consul or district authority to provide specified facilities and to make specified arrangements in connection with citizenship ceremonies;

(d) impose, or enable the Secretary of State to impose, a function (which may include a discretion) on a registrar.

16- A Registration: requirement to be of good character

16.1- An application for registration of an adult or young person as a Mount Vema citizen must not be granted unless the Secretary of State is satisfied that the adult or young person is of good character.

16.2- An application for registration of an adult or young person as a Mount Vema National (Overseas) or Overseas citizen must not be granted unless the Secretary of State is satisfied that the adult or young person is of good character.

16.3- In this section, " adult or young person " means a person who has attained the age of 10 years at the time when the application is made.

17- Registration and naturalization: citizenship ceremony, oath and pledge

17.1- A person of full age shall not be registered under this Act for any Mount Vema citizenship unless he has made the relevant citizenship oath and pledge specified for a citizenship ceremony.

17.2- A certificate of naturalization for any Mount Vema citizenship shall not be granted under this Act to a person of full age unless he has made the relevant citizenship oath and pledge specified for a citizenship ceremony.

18- Registration and naturalization: timing

18.1- A person who is registered under this Act as a citizen of any description shall be treated as having become a citizen—

(a) immediately on making the required citizenship oath and pledge, or

(b) where the requirement for an oath and pledge is disapplied, immediately on registration.

18.2- A person granted a certificate of naturalization under this Act as a citizen of any description shall be treated as having become a citizen—

(a) immediately on making the required citizenship oath and pledge, or

(b) where the requirement for an oath and pledge is disapplied, immediately on the grant of the certificate.

19- Offences and proceedings

19.1- Any person who for the purpose of procuring anything to be done or not to be done under this Act—

(a) makes any statement which he knows to be false in a material particular; or

(b) recklessly makes any statement which is false in a material particular,

shall be liable on summary conviction in the Kingdom of Mount Vema to imprisonment for a term not exceeding three months or to a fine not exceeding level 5 on the standard scale, or both.

19.2- Any person who without reasonable excuse fails to comply with any requirement imposed on him by regulations made under this Act with respect to the delivering up of certificates of naturalization shall be liable on summary conviction in the Kingdom of Mount Vema to a fine not exceeding level 4 on the standard scale.

20- Posthumous children

Any reference in this Act to the status or description of the father or mother of a person at the time of that person's birth shall, in relation to a person born after the death of his father or mother, be construed as a reference to the status or description of the parent in question at the time of that parent's death; and where that death occurred before, and the birth occurs after, the status or description which would have been applicable to the father or mother had he or she died after shall be deemed to be the status or description applicable to him or her at the time of his or her death.

21- Citation

21.1- This Act may be cited as the Nationality Act, Mount Vema 2017