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GRENADA

ACT NO. 15 OF 2013**I assent,**

CECILE E. F. LA GRENADE

*Governor-General.**29th August, 2013.*

AN ACT to enable persons to acquire permanent residence and citizenship of Grenada by registration following investment in Grenada and for incidental and connected purposes.

[*By Order*].

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Grenada, and by the authority of the same as follows—

1. This Act may be cited as the

GRENADA CITIZENSHIP BY INVESTMENT ACT,
2013

Short title
and
commencement.

and shall come into force on a date to be fixed by the Minister by Notice published in the *Gazette*.

Interpretation.

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

“Applicant” means a person who applies for Permanent Residence or Citizenship by Investment;

“Approved project” means a project that is approved by the Minister following the review and recommendation of the Citizenship by Investment Committee;

“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 organisation, or similar official institution, if done in a country where there are no official accredited translators, a translation done by a company whose role or business includes that of professional translation;

“certified copy” means, subject to section 5(11) a photocopy certified by a notary public or other person of similar stature in the country where the document originates to be a true copy of the original;

“Child” means a biological or legally adopted child of the main applicant, or of the spouse of the main applicant;

“Committee” means the Citizenship by Investment Committee established pursuant to section 3;

“Dependant” means –

- (a) a spouse of the main applicant;
- (b) a child of the main applicant or his or her spouse who is less than eighteen years of age;
- (c) a child of the main applicant or his or her spouse who is at least eighteen years and less than twenty-six years of age and who is in full time attendance at a recognised institution of higher learning and fully supported by the main applicant;
- (d) a child of the main applicant or of the spouse of the main applicant who is at least eighteen years of age, who is physically or mentally challenged, and who is living with and fully supported by the main applicant;
- (e) 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) a payment into the National Transformation Fund in accordance with section 10;
- (b) a payment towards an approved project in Grenada in accordance with section 11;

“Local Agent” means a national of a member state pursuant to the Revised Treaty of Chaguaramas, who is ordinarily resident in Grenada, who has paid the authorized fee pursuant to the Regulations, who has been granted a Local Agent’s licence by the Minister and is authorized to act on behalf of the main applicant in relation to a permanent residence or citizenship by investment application;

“Local Agent’s Licence” means a Citizenship by Investment Agent’s Licence granted under section 4;

“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 this Act and signs the relevant agreements and undertakings on behalf of his or her dependants;

“Marketing agent” means a person or body granted a marketing licence under section 13;

“Marketing licence” has the meaning assigned to it under section 13;

“Minister” means the Minister with responsibility for matters relating to citizenship;

“National Transformation Fund” means a special fund established under section 43(1)(a) of the Public Finance Management Act Cap 262B for the purpose of funding government sponsored projects including public-private partnerships;

“Parent” means a biological parent of the applicant or the spouse of an applicant, or a person who adopted the applicant or spouse of an applicant when the applicant or (in the case of the parent of a spouse) spouse was legally a minor in keeping with the laws of Grenada;

“Police certificate” means a statement on the status of the applicant and his or her dependants’ criminal records from the national law enforcement authority of each country or countries where the applicant and his or her dependants has resided for more than 1 year over the five (5) year period which immediately precedes the making of an application for permanent residence or citizenship.

3.—(1) The Minister shall establish a Citizenship by Investment Committee which shall be responsible for processing any application for any licence under this Act, and any application for Citizenship by Investment or Permanent Residence by Investment.

Establishment of
Citizenship by
Investment
Committee.

(2) The Committee shall be comprised of persons of integrity who are qualified and have the necessary experience and capacity in matters relating to law, finance, trade and other relevant areas.

(3) The Minister shall subject to sub-section (2), appoint one of those persons to be the Chairperson of the Committee whose paramount duties shall be to provide the necessary leadership to the Committee and to continuously monitor the Citizenship by Investment programme to ensure that its independence and integrity are maintained and that it is managed in accordance with international best practices.

(4) The Chairperson shall keep the Minister fully informed of the business of the Committee and shall furnish the Minister with such information as the Minister may request with respect to any particular matter relating to the business and activities of the Committee.

(5) The Minister may make regulations to provide for the procedures and administration of the Committee.

Local Agents.

4.—(1) An application for Citizenship by Investment or for Permanent Residence by Investment shall only be submitted by an Agent who is the holder of a Local Agent's licence issued under this Act.

(2) The Minister may grant a Local Agent's licence upon application by a natural person or body upon making such application on the prescribed form and submitting same to the Committee accompanied by the fee prescribed in the Regulations.

(3) An Agent shall maintain a registered office in Grenada and shall promptly inform the Committee of any changes in the location thereof.

(4) A person who does not have a Local Agent's licence under this Act, who willfully misrepresents himself or herself as an agent to another person, commits an offence and is liable on summary conviction to a fine not exceeding twenty thousand dollars or to a term of imprisonment not exceeding twelve months, or to both.

(5) An application for Permanent Residence by Investment or Citizenship by Investment made under this Act

may be submitted by any person or body licensed under section 13 of this Act, who shall—

- (i) assist applicants in preparing the said application; and
- (ii) transmit the said application to an Agent who is a holder of a Local Agent's licence issued under this Act together with any information relevant to said Application.

(6) The Minister may revoke the licence of any agent granted a licence pursuant to the provisions of this Act, if he reasonably believes that the agent's performance does not meet the required standard, in particular if; —

- (a) the ability, resources, experience or integrity of the Agent has fallen below the standard that might reasonably be expected;
- (b) the fee specified in the Regulations remains unpaid for fourteen days after it has become due; or
- (c) the requirements of sub-section (3) have not been complied with.

(7) Before revoking any licence under subsection (6), the Minister shall give the agent concerned notice in writing, served at the registered office or other local address provided pursuant to section (3) hereof, of his or her intention to do so, specifying therein the grounds upon which he or she proposes to make the revocation and shall require the agent to submit

to him or her within a specified period being not less than thirty days, a written statement of objections to the making of the revocation and thereafter, the Minister shall advise the agent of his or her decision.

(8) For the purpose of this Act and for the avoidance of any doubt, a Local Agent shall act solely on behalf of an applicant for citizenship or permanent residence by investment, and not on behalf of the Government of Grenada.

Qualifications
and general
requirements
and procedures
for citizenship
by investment.

5.—(1) A person who is—

- (a) at least eighteen years of age; and
- (b) who meets the application requirements,

may apply as a main applicant to become a citizen of Grenada, or as a main applicant to become a Permanent Resident by virtue of this Act.

(2) Applications shall be made on the forms prescribed and shall be accompanied by ten percent of the processing fees and the full amount of the due diligence fees as specified in the Regulations, together with the originals or certified copies of—

- (a) a certificate in the prescribed form by a medical practitioner that the main applicant and his dependants are not suffering from any communicable disease and that they are otherwise in good health; and
- (b) a police certificate.

(3) Subject to subsection (2), the due diligence fees shall not be refunded in the event of an application not being granted.

(4) Applications may only be submitted to the Committee by a Local Agent.

(5) 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.

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

(7) Each application form must be completed personally by the main applicant or the Agent and signed by the main applicant and by any of the dependants over the age of eighteen, and the following conditions shall be applicable—

- (a) for a child who is below the age of eighteen, both parents may be required to 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 the court of law or other relevant authority; and

- (c) any document required to be signed by the applicant in accordance with this Act or Regulations may be signed in accordance with the Electronic Transaction Act.

(8) An application shall only be accepted and processed if all the forms are properly completed, dated and signed, and if accompanied by all required documents and fees, except in circumstances otherwise permitted by the Committee.

(9) Every application that is submitted shall be examined by the Committee.

(10) An applicant who is at least eighteen years and less than twenty-six years of age who is applying as a dependant of a main applicant shall submit official transcripts or written confirmation from an accredited university or college of further education of the applicant's enrolment at that university or college at the time of application.

(11) Where a notary public, or other functionary that is officially approved by the relevant government for that purpose, attests that a certified copy of a document is 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 Requirements for Legalisation for Foreign Public Documents, as provided for in the Public Documents (Exemption from Diplomatic or Consular Legalisation) Act No. 28 of 2012 in the case of a jurisdiction that is a party to that Convention; or

- (b) validation of the certificate of the notary public or other functionary that is officially approved by the relevant government for that purpose, by the appropriate government department in the case of a jurisdiction that is not a party to the Convention.

6. For the purposes of an investment under this Act, an application shall be considered only after all monies have been placed in an irrevocable escrow account controlled and managed by a Local Agent who has been selected by a marketing agent, pursuant to such guidelines contained in regulations published by the Minister.

Proof of financial resources.

7. The Committee may engage the services of one or more persons or bodies which are independent, professional, and qualified, to conduct due diligence checks in respect of every applicant and every dependant over eleven years of age and the applicant may be required to attend an interview in Grenada or at an embassy or High Commission of Grenada before any decision is made in relation to his or her application.

Due diligence checks.

8.—(1) The Committee shall, after due consideration of an application for citizenship or Permanent Residence by Investment according to this Act, make a recommendation to the Minister with respect to the outcome of the application and the Minister shall, upon recommendation of the Committee—

Approval, denial or delay of application.

- (a) grant;
- (b) deny; or

- (c) delay for cause

an application.

(2) Within sixty (60) days of the submission of a complete application for Permanent Residence or Citizenship by Investment, the Committee shall notify in writing the Agent on behalf of the main applicant, of the decision made regarding the application.

- (3) An applicant who—

- (a) has provided false information on his or her application form;
- (b) not having received a free pardon, has at any time previously been convicted in any country of an offence for which the maximum custodial penalty for the same or similar offence in Grenada is in excess of six months imprisonment;
- (c) is the subject of a criminal investigation;
- (d) is considered to be a potential national security risk to Grenada or to any other country;
- (e) is involved in any activity likely to cause disrepute to Grenada; or
- (f) has been denied a visa to a country with which Grenada has visa-free travel and who has not subsequently obtained a visa to the country that issued the denial,

shall not be approved for permanent residence or citizenship under this Act.

(4) Subject to section 5(2), within thirty (30) days of the notification of the approval under sub-section 1 (a) the applicants shall pay the balance of the processing fee and—

- (a) deposit the required contribution into the National Transformation Fund established by the Government, to be held there until the registration of the permanent residence or citizenship of the applicant has been completed, at which time the contribution shall be applied in accordance with the terms of their application for permanent residence or citizenship by investment; or
- (b) complete and execute all necessary documents for the payment or investment of all sums due for the involvement in the proposed approved project in accordance with the guidelines established by the Committee.

(5) An applicant who is granted citizenship by investment shall attend at such office in Grenada or elsewhere as provided by law and at such time as may be specified by the Minister to take the oath or affirmation of allegiance in the form contained in the Schedule to the Citizenship Act, Cap 54.

(6) An applicant who is granted citizenship by investment shall enjoy all the rights of a citizen subject to the limitations contained in the Representation of the People Act Cap 286A.

(7) An applicant who is granted Permanent Residence by virtue of this Act shall appear in person at a consulate or embassy of Grenada within six months after the issuance of a Permanent Resident Certificate for purposes of identification and confirmation of materials in the application, and any failure to make such an appearance may result in loss by the Applicant of the status of Permanent Resident by Investment, together with the loss of any contribution or investment made under this Act.

Review process.

9.—(1) The Minister may, where he or she deems it necessary, appoint a panel to review applications that are denied.

(2) Where a review panel has been appointed, the panel may request the applicant to appear in person before it.

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

- (a) an attorney-at-law recommended from the Grenada Bar Association with at least 10 years of practice in the field;
- (b) a representative of the Immigration Department;
- (c) a minister of religion or other representative from the religious community;
- (d) a representative of the Ministry of Finance;
- (e) a representative from the Grenada Industrial Development Corporation; and

- (f) a representative from the Grenada Chamber of Industry and Commerce.

(4) The Review Panel shall make recommendations to the Minister based on its findings in relation to the application under review.

10.—(1) Where a person makes a qualifying investment into the National Transformation Fund of an amount determined by Regulations, application for Permanent Residence and subsequently for Citizenship by Investment may be submitted on his or her behalf through a Local Agent.

National
Transforma-
tion Fund
Investments in
Grenada.

(2) In order to qualify for the grant of citizenship through the National Transformation Fund an applicant must satisfy the following criteria:

- (a) he or she must be granted Permanent Residence by virtue of this Act;
- (b) he or she must reside in Grenada for at least fourteen days after obtaining Permanent Residence; and
- (c) he or she must after twelve (12) months of obtaining Permanent Residence apply for Citizenship and deposit the required contribution into the National Transformation Fund.

11.—(1) The Minister shall from time to time by Order identify projects to be managed by identified bodies and organizations and approve those projects for the purpose of investment under this Act, and such approval shall be published in the *Gazette*, and the Committee shall be notified accordingly.

Approved
project
Investments.

(2) Where a person proposes to make an investment of at least the amount determined by Regulation for Citizenship by Investment into an approved project described in sub-section (1), application for Citizenship by Investment may be submitted on his or her behalf through an Agent.

Deprivation of citizenship by investment or permanent residence by investment.

12.—(1) The Minister may by Order:

- (a) deprive a person of permanent residence under this Act; or
- (b) in addition to the powers conferred on him or her by section 9 of the Citizenship Act, Cap 54 deprive a person who has been granted citizenship under this Act,

for material non-disclosure of any information relating to section 8(3) herein.

(2) A person who is deprived of his or her citizenship or permanent residence under sub-section (1) shall not be entitled to repayment of any investment or contribution made by him or her in his or her original application for citizenship or for permanent residence.

(3) An applicant who is granted Permanent Residence by Investment according to this Act and who does not apply for Citizenship by Investment within twelve (12) months following the granting of Permanent Residence status, may, at the election of the Minister following recommendation by the Committee, forfeit to the Government such investment as was made to qualify for Permanent Residence status.

(4) The Permanent Residence Certificate issued to an applicant shall not be revoked solely by reason of the said failure to apply for citizenship by investment status but shall be subject to review by the Minister and the subsequent status of the applicant shall be subject to the discretion of the Minister.

(5) The Minister may revoke the citizenship or Permanent Residence Certificate issued to an applicant pursuant to this section if he or she is satisfied that the applicant issued citizenship or a Permanent Residence Certificate pursuant to the provisions of this Act no longer satisfies the provisions hereof.

(6) Before revoking citizenship or a Permanent Residence Certificate pursuant to subsection (5) the Minister shall give the holder of citizenship or a Permanent Residence Certificate notice in writing, served at the address provided in the application form or other address subsequently provided, of his or her intention to do so, specifying therein the grounds upon which he or she proposes to make the revocation and shall require the holder to submit to him or her within a specified period being not less than thirty days, a written statement of objections to the making of the revocation and thereafter, the Minister shall advise the agent of his or her decision.

Marketing
Agents.

13.—(1) A person or body who—

- (a) wishes to promote, market or disseminate information locally or overseas; and
- (b) intends to identify suitable applicants for citizenship by investment or permanent

residence by investment for submission through a Local Agent to the Committee regarding any aspect of an investment under sections 10 to 11,

shall make an application to the Committee using the prescribed forms, for a marketing licence.

(2) Upon recommendation by the Committee, the Minister may grant a marketing licence and an official certificate demonstrating same to an applicant whose professional qualification, ability, resources, experience, expertise, integrity and conduct conform to the relevant guidelines issued by the Committee.

(3) The marketing licence and certificate shall identify the specific aspect of the Permanent Residence or citizenship by Investment Program that the marketing agent, the holder of the marketing licence, is so authorized to market or promote.

(4) A marketing agent may issue sub-licences to such persons whose professional qualification, resources, integrity and conduct conform to the relevant guidelines for licences. The sub-licences may only refer to the marketing or promotion of aspects of the Permanent Residence or Citizenship by Investment Program that the marketing agent is authorized to market or promote.

(5) A sub-licensee shall operate under the supervision of the marketing agent, who shall indemnify the government from all liabilities in respect of any issue arising from marketing or promoting any aspect of the Permanent Residence or Citizenship by Investment Program.

(6) No person shall market or promote any aspect of the Permanent Residence or Citizenship Program with the intention of receiving suitable applicants for citizenship or permanent residence by investment for submission to the Committee without being the holder of a marketing licence and official certificate pursuant to sub-sections (2) and (3) above.

(7) A person who contravenes sub-section (6) commits an offence and is liable on summary conviction to a fine not exceeding five hundred thousand dollars.

(8) The Minister may revoke the licence of any marketing agent granted a marketing licence pursuant to the provisions of this Act if he or she is satisfied that the marketing agent no longer satisfies the provisions hereof.

(9) Before revoking any licence pursuant to sub-section (8), the Minister shall give the marketing agent notice in writing served at the address provided in the application form or other address subsequently provided, of his or her intention to do so, specifying therein the grounds upon which he or she proposes to make the revocation and shall require the agent to submit to him or her within a specified period being not less than thirty days, a written statement of objections to the making of the revocation and thereafter, the Minister shall advise the agent of his or her decision.

(10) For the purpose of this Act and for the avoidance of any doubt, a marketing Agent shall act solely on behalf of an applicant for citizenship or permanent residence by investment, and not on behalf of the Government of Grenada.

Publication of
information.

14. It shall be lawful for the Minister, from time to time by Notice in the *Gazette* to publish information regarding the following;—

- (i) the names and identities of all local agents;
- (ii) the names and identities of all holders of marketing licences; and
- (iii) notice of any revocation of any licence or permanent residency or citizenship status.

Bi-annual
Report.

15.—(1) The Minister shall, every six months on the prescribed dates, prepare a report containing the prescribed information on the applications made, granted and refused under the Act, and shall, as soon as practicable but not later than thirty days after the completion of the report, cause a copy of the report to be laid before the House of Representatives.

(2) The reports referred to in sub-section (1) shall set out information as prescribed in sub-section (3) for the six month period in each year starting on January 1, and July 1 and may be prepared within one month of the expiry of each half-yearly period.

(3) The information contained in the reports referred to in sub-section (2) shall include—

- (a) the number of applications made, granted and refused under the Act;
- (b) the names, addresses and nationalities of the applicants and any dependants included in the applications;

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- (c) the amounts of the investments, as the case may be;
 - (d) the names of the approved project, government-sponsored project in respect of which payment was made;
 - (e) the aggregate amounts in the National Transformation Fund, at the date of the report;
 - (f) the aggregate amounts of funds received pursuant to section (11) of this Act; and
 - (g) such other information as the Minister may consider appropriate.

16.—(1) The Minister may make such Regulations as ^{Regulations.} appear to him or her to be necessary and expedient for the proper carrying out of the intent of this Act.

(2) Without restricting the generality of subsection (1), the Minister may make Regulations prescribing forms to facilitate the making of applications required under this Act.

Passed in the House of Representatives on this 2nd day of August, 2013.

RAPHAEL DONALD
Acting Clerk to the House of Representatives.

Passed in the Senate on this 21st day of August, 2013.

RAPHAEL DONALD
Acting Clerk to the Senate.

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GRENADA
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PRINTED BY THE GOVERNMENT PRINTER, AT THE GOVERNMENT
PRINTING OFFICE, ST. GEORGE'S
2/9/2013.