



Baseline Assessment Report – Vanuatu Visa Policy

Recommendations for an
improved visa policy

TA019/2016 – Vanuatu

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Date: 16 March 2016

Table of Contents

List of acronyms	4
Executive summary	5
1. Introduction and background.....	6
2. Baseline assessment methodology	6
3. Assessment results	7
3.1 State of affairs	7
3.2 Key baseline indicators.....	8
3.3 Stakeholders mapping and analysis	14
3.4 Feedback regarding the Technical Assistance Fiche	14
Annexes.....	16
Annex 1 – List of literature reviewed.....	16
Annex 2 – Questionnaires.....	17
Annex 3 – List of key informants.....	23
Annex 4 – Data on key Non-State Actors.....	27

List of acronyms

MOU	Memorandum of Understanding
The Act	Vanuatu Immigration Act No. 17 of 2010 and its amendment of 2013
The Regulations	Immigration Visa Regulations Order No. 180 of 2011 and its amendments of 2012, 2013 and 2014

Executive summary

The Ministry of Internal Affairs of the Government of Vanuatu sought assistance to conduct a review of the country's visa policy to ensure that the policy was meeting the requirements of the Government. External assistance was requested to undertake the assessment as it was considered that the Immigration Department did not have the resources to conduct such a review and external expertise could be beneficial to the review.

In conducting the assessment, all documentation relating to Vanuatu's visa policy was reviewed prior to conducting consultations with relevant Government agencies and other stakeholders in Vanuatu. Documentation was limited and generally centered on the Immigration Act and Regulations. In the consultations, participants were encouraged to raise perceived strengths and weaknesses of the visa policy and provide suggestion as to how to improve on areas considered weak. In formulating the report's recommendations, areas identified as needing review were assessed against the requirements of the Government and world's best practices.

New immigration legislation was introduced in Vanuatu in 2010 and 2011. Amendments to this legislation over the period 2012 to 2014 strengthened the visa policy relating to attracting foreign investors to Vanuatu. No submissions were received about the need to further strengthen visa policy for foreign investors. Nonetheless, the following areas were identified during the assessment as areas of the visa policy that need review and amendment:

- Processing of crew of vessels other than crew from cruise ships or aircraft;
- Types of visas to be granted to Diplomats accredited to the Republic of Vanuatu, whether they are resident or non-resident;
- The formulization of visas for Ni-Vanuatu diaspora who have taken out citizenship of another country but due to changed family situations wish to return to Vanuatu to reside with their remaining family members in their home village;
- The processing of owners and crew of yachts wishing to cruise throughout the Vanuatu archipelago;
- The granting of visas to specialist and skilled workers required for short-term employment;
- The formulization of visas for persons resident in Vanuatu who were resident in Vanuatu prior to independence and have continued to reside in Vanuatu, have no family in Vanuatu but also no ties outside Vanuatu and want to see out their years in Vanuatu;
- The alignment of visa policy with the legislation and international agreements signed by the Government of Vanuatu; and
- The need for greater cooperation between agencies involved in the visa process to ensure there is no duplication of work or contradictions.

Consequently, the stakeholder's recommendations on how to address the above issues have been collected during the Baseline Assessment's field visit and are presented in a structured manner in this report. These recommendations generally center on the need to introduce new visa classes or amend existing visa classes to cater for crew signing on or off a vessel, diplomats, Ni-Vanuatu diaspora wishing to return to Vanuatu, specialist and skilled worker needed for short or long term employment and formalization of the status of long-term non-citizens residing in Vanuatu. Other recommendations deal with yachts and the need to ensure that the visa policy does not contradict with other Government policies or international agreements to which Vanuatu is a signatory.

1. Introduction and background

The basis for the technical assistance intervention to the Republic of Vanuatu was a request made from the Ministry of Internal Affairs of the Government of Vanuatu for assistance to conduct a review of visa policy to ensure the visa policy is meeting the requirements of the Government.

In recent years the Government of Vanuatu has acknowledged the need to promote economic growth by supporting infrastructure projects as well as revisiting its development plans. One of the priorities in this initiative is the (re)formulation of a visa policy that responds appropriately to the emerging needs to support national development efforts, consolidate and align existing initiatives undertaken by the Government to drive and promote foreign direct investment and tourism to generate growth and employment.

A steady increase in arrival numbers into Vanuatu over recent years and resource constraints experienced by the Immigration Department of the Ministry of Internal Affairs, the area of the Government of Vanuatu responsible for migration management, has limited the capacity of the Immigration Department to conduct an analysis of the effectiveness of the visa policy to meet the challenges of facilitating the various categories of investment, readmission of the diaspora community, fulfilling the requirement of non-government organisations and visa facilitation for travelers and tourists.

2. Baseline assessment methodology

The methodology for the assessment comprised reviewing all relevant documentation concerning current visa policy in Vanuatu and then conducting consultations with stakeholders in country to determine if the policy was meeting their requirements and if not what amendments they would like to be considered to enhance the visa policy. At the end of the consultations suggested amendments were then considered against world good practice policies to formulate the recommendations of this report.

The main documentation reviewed prior to the consultations was the Republic of Vanuatu Immigration Act No. 17 of 2010 (the Act) and its amendment of 2013 and the Immigration Visa Regulations Order No. 180 of 2011 (the Regulations) and its amendments of 2012, 2013 and 2014. Very little other documentation was available on visa policy through the Government of Vanuatu websites.

A list of the meetings schedule conducted in country is at Annex 1. At the meetings the participants were given the opportunity to raise any issues relating to immigration, both good and bad, that they had experienced and make any suggestions on how they perceive inadequacies could be rectified.

3. Assessment results

3.1 State of affairs

The legislation relating to visa policy is contained in the Republic of Vanuatu's Immigration Act and Regulations. These two documents have recently been introduced in 2010 and 2011 respectively. The Act and Regulations when introduced reflected the views of the Government at that time. Subsequent to their enactment, a number of amendments have been made to both documents to reflect emerging priorities of respective Governments.

The Act, similar to other countries, specifies the broad provisions for who requires a visa to enter and remain in the Republic of Vanuatu, the classes of visas that can be issued, general conditions of visas, criteria for the grant of visas and grounds for cancellation. The Regulations contains the eligibility, specific criteria and prescribed conditions for the granting of the various visas within a visa class, charges applicable to each visa, non-citizens who are exempt from the need to obtain a visa and defines what a prohibited immigrant is.

The classes of visas included in the Act when it was introduced in 2010 were visitor, extended visitor, residence, student, special category, transit, and interim. Permanent residence visas were added in 2013 with the Act's amendment. The Regulations initially expanded one visa class, the residence visa class, to include some sub-classes namely; employment greater than 12 months, foreign investor and leasehold holder. With the introduction of the permanent residence visas, the Regulations expanded this class to include the following visa sub-classes; general residence, business talent, business owner, serious investor and skills residence.

The amendments to the Act and Regulations were aimed at attracting foreign investors to invest in the country. There was no indication from any of the groups that were consulted during the assessment that the current visa policy relating to investors needed to be enhanced to encourage more investment. Some amendments to procedures could be introduced to streamline processing and the period a person can stay in Vanuatu could be extended, but otherwise the visa policy was not considered a major obstacle to foreign investment.

Nonetheless, the following areas were identified as parts of the visa policy needing some analysis to ensure that the visa policy is meeting the requirement of the Government:

- Processing of crew of vessels other than crew from cruise ships or aircraft;
- Types of visas to be granted to Diplomats accredited to the Republic of Vanuatu, whether they are resident or non-resident;
- The formulation of visas for Ni-Vanuatu diaspora who have taken out citizenship of another country but due to changed family situations wish to return to Vanuatu to reside with their remaining family members in their home village;

- The processing of owners and crew of yachts wishing to cruise throughout the Vanuatu archipelago;
- The granting of visas to specialist and skilled workers required for short-term employment;
- The formulization of visas for persons resident in Vanuatu who resided in Vanuatu prior to independence and have continued to reside in Vanuatu, have no family in Vanuatu but also no ties outside Vanuatu and want to see out their years in Vanuatu;
- The alignment of visa policy with the legislation and international agreements signed by the Government of Vanuatu; and
- The need for greater cooperation between agencies involved in the visa process to ensure there is no duplication of work or contradictions.

3.2 Key baseline indicators

The key indicators to a successful and viable visa policy are the general acceptance that the visa policy meets the requirements of the Government, stakeholders and clients. Baseline visa policy indicators justify the basis and rationale behind each visa class, the eligibility criteria for each visas class and why special provisions are afforded to some groups or nationalities. They must show that applicants are treated in a compassionate and human way while ensuring that the policy is not being exploited and the country is able to maintain controls over its borders.

Visa policy is not an isolated tool within a Government, but part of an integrated strategy that works with areas of the Government that has an interest or impact from the visa policy so there should be no contradictions between the visa legislation and other Government legislation.

Whilst acknowledging that it is the responsibility of the Government to formulate policy, where that policy contradicts other Government policy or procedures are insufficient to allow the proper implementation of the policy to meet the key indicators, either policy changes are required or procedures have to be changed.

As part of the mission statement for the Immigration Department, the Department is to:

- Control, monitor and process immigration activities and Government revenue collection;
- Maintain close surveillance and monitoring of immigrants to prevent over-staying; and
- Administer and maintain proper control of the issuance of all permits.

In many areas the visa policy is able to satisfy its baseline indicators but there are some areas where it is considered the visa policy does not meet the baseline indicators. To ensure that the Immigration Department can meet all baseline indicators and achieve the aforementioned elements of their mission statement, the following areas of the visa policy were considered in need of attention by the consulted stakeholders:

3.2.1 Crew of Vessels other than cruise ships and aircraft

The Act and Regulations deal well with crew of cruise ships and aircraft by making them exempt from the need to obtain a visa provided they depart on the vessel they entered Vanuatu within a given time frame. The onus of ensuring that the crew abides by Vanuatu's immigration requirements is placed on the cruise ship or airline or their agent. It is up to the cruise ship, airline or agent to notify immigration of all crew who arrives on the vessel, if there are any non-authorised persons on board, the crew who depart on the vessel and if a member of the crew fails to depart. This approach accords with international practice in recognition that these type of travelers are considered low risk.

In relation to crew of other vessels there is no provision in the legislation to deal with this group and as such they are treated within the general visa classes. While it can be argued that crew of cargo vessels can be of a slightly higher risk than their cruise ship counterparts, this group is not considered to be a high risk group for immigration purposes and there is no reason why they should not be dealt with the same as crew of cruise ships. The onus of providing information on all crew, cruise ship or cargo vessel or aircraft, should rest with the vessels or aircraft of their agents. This is the approach in operation throughout the world and to bring the practice in Vanuatu in line with other countries, the definition of crew in the legislation needs to include crew of other vessels in addition to cruise ships. This approach would have the added benefit of simplifying the processing at the ports by treating all crew of vessels the same.

Recommendation 1 The definition of crew be expanded to include crew of other vessels.

The policy in relation to crew of any vessel that sign on or off in Vanuatu needs some refinement. Crew wishing to fly to Vanuatu is required to obtain a "One Way Requirement Form". This form is then used by the future crew member when they check-in for their flight to Vanuatu in lieu of the need to hold a return ticket. On arrival this is shown to the immigration officer at the airport to enable the granting of a visitor permit which entitles the holder to a stay in Vanuatu for 30 days. The person then joins the vessel and signs on as crew departing the country on the vessel. If the person does not join the vessel no action can be taken against the person until after 30 days. Crew signing off a vessel is required to have a letter that they have signed off a vessel for presentation at immigration on outwards processing as evidence that they have entered the country lawfully. If this letter is not presented the person could miss their flight while an investigation is carried out to determine when and how the person entered Vanuatu.

The Act has provision for the granting of transit visas for a stay of up to 72 hours. In accordance with the practice at many countries, the use of a transit visa would eliminate the need for additional forms to be carried by those crew signing on or off in Vanuatu, reduce the time before action can be taken against someone who breaches the conditions of the visa and give the authorities a clearer picture of movements into and out of the country..

Recommendation 2 Transit visa be expanded to include crew signing on or off vessels in Vanuatu.

3.2.2 Diplomats

Both the Department of Foreign Affairs and the Immigration Department raised concerns about the current visa policy concerning diplomats accredited to Vanuatu, both those residing in the country and those whose main residence is outside Vanuatu.

Currently, diplomats residing in Vanuatu are granted a special category visa. Diplomats residing outside the country appear to be granted a visitor visa at the airport when they arrive. This approach is a breach of visitor visa conditions and is not in accordance with the Vienna Convention. Complaints have been raised by Diplomats about this issue. The solution would be to introduce a Diplomatic Visa for the duration of a person's accreditation. This would apply to resident and non-resident accredited diplomats to Vanuatu and meet Vanuatu's obligations under the Vienna Convention. The Department of Foreign Affairs would need to play a key role in notifying immigration of who is entitled to such a visa and the validity of the visa.

Other government officials visiting Vanuatu could continue to be dealt with under the Special Category Visa arrangements as they are currently.

Recommendation 3 Introduce a Diplomatic Visa for diplomats accredited to Vanuatu irrespective of whether they reside in country or not.

3.2.3 Ni-Vanuatu Diaspora

Vanuatu's visa policy has no category to deal with former Vanuatu citizens who have lost their Vanuatu citizenship through the action of taking out the citizenship of another country and now due to changed circumstances have returned to their families in Vanuatu to live.

Examples were given where some former citizens have returned to Vanuatu and are currently living with their extended family in the village where they grew up. These people, mostly women, have lost connections with the country of their new citizenship usually through the breakdown of a marriage or the death of a partner. The Government of Vanuatu considers that there are sufficient humanitarian reasons for these people to be allowed to remain in Vanuatu. While there is the option of applying to resume their Vanuatu citizenship, it was indicated these people were not able to meet the costs of proceeding down this path. Consequently, these people are living unlawfully in the village of their birth with their extended family unable and unwilling to leave. The Government does not want to force these people to leave Vanuatu but would prefer the country's visa policy be amended to cater for them.

Two options are considered viable for this group. The first is to introduce a new category of Permanent Residence Visa and the second is to expand the Special Category Visa to include a sub-class for former citizens in such circumstance.

Recommendation 4 Investigate the viability of either expanding the Permanent Residence Visa category or Special Purpose Visa category to formalize the status to Ni-Vanuatu Diaspora who returned to Vanuatu on humanitarian or compassionate grounds.

3.2.4 Yachts

The fact that the current visa policy does not make any special allowance for people on board yachts was raised by a number of stakeholders, particularly the Department of Tourism. It was argued that this approach is having a detrimental effect on the economy, particularly the economies of the outer islands and regions.

A report commissioned by the Department of Tourism and contained in Annex 2, highlights the negative impact of government policies, including visa policy, on the yachts visiting Vanuatu over the previous five years. Generally, the report shows that the number of yachts visiting Vanuatu has decreased by around half over that period and that the period in which the yachts remain in Vanuatu has also significantly decreased. The flow on negative economic impact is also considered significant particularly in the outer islands and regions who are the predominant economic beneficiaries of the visiting yachts. Other stakeholders also raised the perception that government policies were having a negative impact on yachts visiting Vanuatu resulting in the loss of economic benefits to surrounding countries.

The current visa policy applicable to people entering on yachts is covered in the general visitor visa policy. A stay of 30 days is permitted on the initial entry and if a person wants to stay longer they must apply for an extended visitor visa. To apply for the visas the occupants of the yachts have to go to a designated port. This means that the yachts have to leave the outer islands and regions to complete immigration formalities. Some stakeholders indicated that immigration will only give one month extensions as the permits placed in their travel documents only allow for 30 days stay, requiring the yachts to return to a major port every month if they want to continue their stay in Vanuatu. Consequently, yachts tend to depart before they are required to applying for a new visa heading to one of the neighboring countries that have a longer period of stay attached to their visitor visa.

While immigration formalities are only part of the overall formalities that yachts have to satisfy when arriving in Vanuatu, most of the other formalities can be undertaken at the same time, being on initial arrival and departure. Based on this there is a case for the period of stay of visitor visas afforded to people on board yachts to be increased to three months. This extended period of stay would reduce the workload of the Immigration Department by reducing the number of extended visitor visa applications to be processed and encourage the yachts to remain in Vanuatu with the associated economic benefits to the country, particularly to outer islands and regions.

Recommendation 5 Increase the period of stay on the initial visitor visa issued to yachts to three (3) months and introduce new permits that allow this to happen.

Arguments were also made regarding the need for a one-stop processing system where all immigration, customs, quarantine, port and bio-diversity processing can be undertaken in the one office rather than having to wonder around the port looking for each office to obtain the necessary clearances.

Recommendation 6 Encourage the Government of Vanuatu to introduce a ‘one-stop’ processing system at ports.

3.2.5 Employment visas

People coming to Vanuatu for employment are currently covered by the residence visa category. However, anecdotal evidence provided during the consultations indicated that there was considerable amount of confusion as to the type of visa people require who are coming to Vanuatu to do a specific job for a short period. These jobs are very specialized and there are no qualified people in the country to perform the tasks. One example given was for people coming to commission a piece of equipment for a five day period. The equipment is needed to develop a business, which will lead to an economic benefit to the country. The people undertaking the job will not be paid in Vanuatu and no Ni-Vanuatu is missing out on a job, to the contrary the commissioning of the equipment will lead to the development of local jobs. The company wanting to do the right things looked at the residence visa but found that it could not meet some of the requirements because they did not apply in this situation, but could not find any other visa that met their needs.

In other situations it was suggested that people come in on visitor visas to do short term work, a breach of the visitor visa conditions or apply for a special category visa for which there is no provision in this category to grant a visa to such a person. In one instance it was claimed that a tradesperson was given a five year special category visa to come and do a short-term job. Although the tradesperson was needed for the work, the visa granted was outside the legislation and enabled the person to remain in Vanuatu after he completed the task he arrived to do and find other work in Vanuatu taking work away from the locals.

All of these instances indicate that the residence visa category needs to be reviewed. It appears that there is some confusion as to what a residence visa is, from both the workers and their employees. To help reduce confusion about what type of visa to apply for when coming to Vanuatu to work a new visa category with the name 'employment' in the title should be introduced. To differentiate between short term and long term employment requirements there is a case for introducing both short-term employment visa and long-term employment visa categories. In developing these visa categories it is necessary that the Department of Labour play a major role in formulating the criteria.

Recommendation 7 Develop Short-term Visa and Long-term Visa categories.

3.2.6 Long-term Resident Non-Citizens

Vanuatu has a small number of non-citizens who have resided in Vanuatu for the majority of their life but who have no formal status in the country. These people were resident in the country prior to the granting of independence in 1980 and have no ties or connections with any other country. Their wish is to see their time out in Vanuatu but they cannot meet the requirements for any visa category. The Government of Vanuatu recognizes that these people should be allowed to stay.

To assist this small clientele the Government could introduce a new visa category or include them in the special category visa category. In drafting the requirements for these people to obtain a visa it will be necessary to ensure that the criteria could not be used by any other groups to their advantage.

Recommendation 8 Introduce a sub-class in the Special Visa Category to deal with non-citizens residing continuously in Vanuatu prior to independence.

3.2.7 Alignment of visa policy with the legislation and international agreements signed by the Government of Vanuatu.

The Act requires that to be granted a visa a person must declare that the applicant must pass the character test and is not suffering from certain medical conditions. While there are questions on the visa application form, persons arriving on visa free arrangements are required to make such declarations before being allowed entry. There is currently no place where this can be undertaken. In many countries persons are required to make such a declaration on the arrival or incoming card. Space is available on Vanuatu's arrival card for questions relating to criminal records and health to be included and should be added.

In another instance, people lawfully in the country wanting to apply for a new visa are required to leave the country to be processed. The legislation provides for lawful people to apply for and be granted a visa in country so some confusion exists about the need for the applicant to depart.

The Government of Vanuatu has or is about to enter into a number of Memorandums of Understanding (MOU) with other countries and regions in relation to visa arrangements. One in particular is the MOU with the European Union which has provision for 3 month visa free for visitors. The current visitor visa policy in Vanuatu only provides for 30 days stay. There is a need for an exercise to check that the current visa policy is not in contradiction with international agreements or MOUs that the Government of Vanuatu has signed.

Recommendation 9 Visa policies should be reviewed to ensure they meet the legislation and are not in contradiction with international agreements or MOUs.

3.2.8 Inter agency communication.

The criteria and procedures for the granting of many visas require significant input from other government agencies. It was indicated that there was some unnecessary duplication in some processes that could be rectified through greater communication between the agencies. One example was the need to have a work permit before a person could apply for a residence visa but before a work permit can be issued a letter signed by the Immigration Director is required by the Department of Labour. A review of procedures between the agencies is required to streamline procedures and eliminate unnecessary procedures.

To assist clients to navigate through the requirements and procedures for each visa class, a designated internet site for the Immigration Department should be established. This site would explain the eligibility, criteria, fees, procedures and processing times for each visa class. Application forms for each visa would be attached allowing them to be downloaded and sent through the site to the Immigration Department to be processed. The Department of Finance would be required to establish a bank account for the lodgment of fees from overseas that produces a receipt for lodgment with the visa application.

Recommendation 10 Review visa procedures to eliminate duplication and unnecessary procedures, especially involving other Government agencies and introduce a designated immigration website to explain the visa classes and enable the lodgment of applications in the Immigration Department from overseas.

3.3 Stakeholders mapping and analysis

A list of meetings conducted in Port Villa is at Annex 3.

These meetings represent the main players in the Government of Vanuatu plus business representatives and the International Red Cross. This group is considered to be a good representative group covering sectors of the Government who can influence the formulation of visa policy and sectors of the community whose activities are impacted by the visa policy.

A list of other non-State actors is at Annex 4. This group's experiences with the visa system are similar to the experiences of the Vanuatu Red Cross and given time constraints it was not considered necessary to talk to any further representatives from this group.

3.4 Feedback regarding the Technical Assistance Fiche

It is considered that the Technical Assistance Fiche contains an accurate assessment of the current situation concerning visa policy in Vanuatu. The Fiche indicates that following the introduction of the new Act and Regulations, amendments had been ad hoc in nature responding to needs as they arose and there was a need for an overall assessment of the visa policy to ensure it was meeting the Government's requirements. The Fiche also lists a number of difficulties with visa requests and issuance.

The list of expected activities contained in the Fiche is comprehensive. The only addition, which also happened during the BA assessment itself, was to conduct consultations with the non-State sector.

The desk review of documentation relating to Vanuatu's visa policy substantiates the claims contained in the Fiche. It became apparent that there was limited documentation relating to Vanuatu's visa policy and a lack of consolidated information regarding visa processing and procedures. Some perceived deficiencies in the legislation were noted during the desk review and these were further explored during the in-country consultations.

The consultations were conducted with a very good representation of the visa policy stakeholders in Vanuatu. The perceived deficiencies noted during the desk review were confirmed and a number of other areas of concern were raised. It became apparent that the Immigration Department was not in a position to address the issues that arose in this assessment due to resource constraints, one of the main factors in requesting outside assistance to undertake the assessment.

The need for such an assessment is justified as it meets the needs and priorities of the Government of Vanuatu to continue:

- exchanges on visa-related legislation and practices;
- create a more stable, harmonized and transparent framework;
- deepen the exchanges on specific aspects associated with visa applications: and
- continue the reflection on the best ways to access visa processing and procedures.

The response of the participants in the assessment was very encouraging. There was a general recognition of the need to undertake an assessment and general acceptance that the best way of conducting the assessment was to bring in an outside expert.

Participants are keen to see the outcomes of the assessment lead to changes in visa policy that will benefit the economy and country as a whole. To achieve this it is considered that the Immigration Department is not sufficiently resourced to undertake the work required to implement the recommendations without further outside assistance.

Assistance is available to the Immigration Department through the Migration and Border Capacity Improvement Program, but the follow up work requires an expert to come in and manage the implementation of the recommendations and lead the Immigration Department through the changes required.

Annexes

Annex 1 – List of literature reviewed

- Governmentofvanuatu.gov.vu
- Immigration Act No. 17 of 2010
- Immigration (Amendment) Act No. 15 of 2013
- Immigration Regulations
 - Order No. 180 of 2011
 - Order No. 128 of 2012
 - Order No. 177 of 2012
 - Order No. 15 of 2013
 - Order No. 23 of 2013
 - Order No. 56 of 2013
 - Order No. 115 of 2013
 - Order No. 126 of 2013
 - Order No. 159 of 2013
 - Order No. 169 of 2013
 - Order No. 31 of 2014
 - Order No. 55 of 2014
 - Order No. 59 of 2014
- Vanuatu-vacations.com
- Noonsite.com/countries/Vanuatu

Annex 2 – Department of Tourism Report on Yachts visiting Vanuatu

Transition and Tourism to Vanuatu

Eric Simmons, Yachting Tourism Consultant to Vanuatu - 03/07/2015

The situation

Yacht tourism to Vanuatu is potentially worth \$467 million vatu a year, assuming Vanuatu could attract 75% of the yacht numbers that currently visit Fiji and get them to stay for the same period of time as Fiji or return to the 2010 numbers of yachts that visited Vanuatu.

Vanuatu currently attracts around 300 (2014) yachts per annum and 90% of them stay for less than 1 month meaning they spend around 94.5 million vatu.

Each yacht has an average of three passengers and they in turn spend on average 3500 vatu per day.

Yacht tourism takes tourism money to the remote areas where Airline/Cruise ship tourism rarely reaches. The money spent directly to the villagers on outlying islands can be worth around four times the same value spent in Port Vila or Luganville by tourist as it doesn't attract any costs such as buildings, administration, rent, wages, regulation, stock, advertising, commissions, taxes etc

With a valuable source of income reaching the communities on the outer islands a sense of self worth would develop and encourage the retention of culture, skills and kastom therefore reducing urban drift which puts significant social and economic pressure on Port Vila, the Government and its resources

Any increases in "earn't" money to remote communities through trade and tourism will reduce the dependency on aid, money and resources from the Government and increase the ability of individuals and communities to grow and develop in a way that benefits the entire community.

Visiting yachts also provide a significant amount of informal aid to the communities which see little assistance due to their remote locations; the aid is generally in the form of technology and mechanical support such as repairing engines, solar systems, water pumps and sewing machines but also extends to business advice and development, pest management, food handling, construction as well as many others.

Tourism opportunities in the villages don't require the same level of infrastructure as in the main centres and yachts do not have the same expectations as "normal" tourists

Increases in yacht tourism would create opportunities for development of Marinas and facilities therefore increasing tax revenue opportunities.

Through the development of Marinas and yachting infrastructure in the main centres employment opportunities would increase and locals would be able to gain work skills and income

Neighbours/competitors of Vanuatu have recognised the value of yacht tourism and are becoming an increasing threat to Vanuatu's income stream. Fiji is currently building five new marinas with the intention of attracting even more boats each year than the 662 they attracted in 2014. Marinas such as Vuda (50 berths) and Denerau (52 berths) have 100% occupancy throughout the cruising season (May-October) and even anchorages like Musket Cove have over 50 yachts daily during this time. New Caledonia is also extending its facilities as well as improving facilities and customer service to visiting yachts as numbers continue to grow.

Changes to Vanuatu's Immigration legislation in 2010 has had a significant and detrimental effect on yacht tourism with a decrease in yacht numbers consistently between 20-25% annually since 2010 while both Fiji and New Caledonia are getting increasing numbers during this period, at the expense of Vanuatu. Nearly 600 yachts visited in 2010, this number has reduced to 312 (2014)

Both New Zealand and Australia have recognised the value of Super Yachts and have change legislation to accommodate the and ease their access, to benefit from the large amounts of money they spend while in the country as well as the opportunities from future investments by the owners.

Vanuatu Bio-security & Immigration

Government charges by both Bio-security and Immigration are significantly out of alignment with your Pacific neighbours as well as with any other tourist visiting Vanuatu by airlines or Cruise Ship as can be seen on the attached spreadsheet of charges for arriving/departing vessels.

Bio-security

Yachts comment regularly on the Bio-security Fee which has continued to increase at regular intervals yet there is no evidence of service from this department to justify such fees or increases. They only occasionally visit vessels at present and only at some Ports of Entry, have no facilities and are not well equipped to perform the role; therefore this is simply viewed as a revenue collecting exercise.

Bio-security is about protecting Vanuatu's borders from diseases, pests etc and it is therefore in the countries own interest for it to be through compliance and education, not reduce it to this by charging fees.

Chapter 19 Plant Protection Act Section 21 Cost Recovery gives no options for exemptions from paying Bio Security fees for any vessels, however it does also state "the Director may recover costs by such methods as he believes on reasonable grounds to be the most suitable and equitable in the circumstances" therefore the Director may also not charge fees, so could exclude private overseas pleasure boats visiting Vanuatu for no financial gain from such fees when they enter a recognised Port of Entry during normal business hours.

The current fees are unreasonable during normal business hours as this is part of the Bio-security jobs normal duties that they are employed to do and the fees are not genuinely about recovery costs, as wages are the only a cost of normal business. Customs and/or Yachting World provide the transport at no cost to Bio-Security to get to the visiting yachts. Bio-Security does not directly charge any other tourist fees for entering the country although significantly smaller fees are built into the airline or cruise ship tickets. None of Vanuatu's neighbours find it necessary to charge Bio-Security fees during normal business hours.

Department of Immigration

Immigrations one month Tourist Visa is the main deterrent for visiting yachts when your Pacific neighbours issue three month visitors visas. Yachts are not extending their visa's and are simply leaving before the month is up reducing Vanuatu's potential income by at least a third.

Since changes to the Immigration Act in 2010 reducing the three month visitors visa to one month, the yacht numbers have decreased and the fees are constantly increasing however direct government revenue declines through this process due to the reduction in yacht numbers. Even at today's charges the revenue collected would have reduced to a third of what it was from 15.67million Vatu to 5.49million vatu, less in reality as the fees have actually gone up.

The revenue lost to Vanuatu excluding these fees is at least 143million vatu that the vessels would have spent had they visited for the month and pre 2010 they could have visited for three months which triples this figure.

Regardless of the Port of Entry, the number of passengers or hour of the day a visiting yacht pays 4800vatu to Immigration yet the Immigration Act states the following

The Immigration Act No.17 of 2010 Part 2 12 Recovery of Certain Cost

(1)The Regulations may prescribe charges for providing immigration clearance and immigration services:

1(a) outside of the normal immigration operational hours prescribed by regulations; or

1(b) at a port or airport, other than an appointed port or airport

Besides this clause there appears to be little reason why Immigration charge this fee at the recognized Ports of Entry during normal working hours. The Immigration staff do not leave the office to complete formalities, as visiting Yacht Captains come to their office so there are no costs to the Immigration Department.

Immigration also charges airline passengers a small fee but this fee is hidden in the ticket price along with Airport fees and Bio-security which in total are still significantly disproportionate to a visiting yacht.

It should also be noted that a Cruise ship passenger spends less than a day in

Vanuatu, an airline passenger only 7-10days while a yacht passenger generally spends 30days, during this time they are spending money, more than a cruise ship passenger but less than an airline passenger but their money goes directly into the local economy and not into overseas investors pockets with resorts, and bars.

Department of Ports and Harbour

Ports and Harbours do not provide services or facilities for over 99% of visiting yachts yet they collect in excess of 2.1million Vatu in revenue at the end of the yachts stay. The yacht is required to pay this Ports and Harbours Duty prior to getting their Outwards Departure Clearance from Customs, this invariably ends in yacht owners & tourists being annoyed and disappointed as well as leading to confrontations with Customs staff that have nothing to do with the process, furthermore Vanuatu gets substantial bad publicity in the Cruising media, as always having their hand out for money. This fee should be completely removed from visiting non-commercial vessels.

Chapter 26 Ports Act Section 3 Port Dues (1) States the “Any vessel which enters a Port of Entry from any place beyond Vanuatu shall be subject to port dues as the Minister may by Order prescribe”

Section 32 also gives the Minister the authority by order to exempt any class of vessels or goods from payment of dues under this act.

Therefore the Minister has the authority to exclude overseas pleasure craft from Ports Fees without changing any legislation despite it also stating in the Amendments of the Ports(Dues, Fees and Charges) Regulations Order No.59 of 1987 that (1B) Port dues payable in respect of every overseas pleasure craft that:

(a) enters a port of entry from a place beyond Vanuatu; and

This particular amendment (1B) is directly aimed at revenue collection and to the detriment of Tourism in Vanuatu

Vanuatu Government Fees

These fees and policies are creating a downward spiral that will be hard to return from if they are not addressed immediately.

There are too many individual fees being paid to too many departments, it is hard to manage and difficult to understand, it would be better to use the same single fee that is currently charge to passengers flying into Vanuatu and apply it to each individual person on the vessel. From memory 3500vatu per passenger, at this rate and current vessel and passenger number revenue collection would be 3.15million Vatu equating to only a small reduction of fee collected of only .24million Vatu excluding Ports and Harbours fees.

Individual Departments would no longer see the income but the money would still go directly to Treasury and they would allocate money to Departments at budget time the same as those collected from airlines and cruise ships.

The decrease in fees would soon be offset by the increases in VAT collection and actual revenue avenues in the country from more yachts visiting, but not from fees.

Department of Customs and Inland Revenue

Customs have been very accommodating to visiting yachts by opening up Aneityum so yachts can get a temporary clearance and visit the southern islands. The fact that more than 25% of visiting yachts are taking advantage of this and that the cruise ships already visit Anelcauhat, it would be in the country's best interest to declare it an official Customs Port of Entry at least between April and November each year. It is already a Port of Entry under the Ports Act. The revenue gains to Aneityum, SE Tanna and Erromango are substantial.

There is a lot of work to be done in the area of yacht tourism and it has the potential to be the largest form of income for the Vanuatu Government and people as well as providing opportunities for the development of skills and business's in a variety of sectors.

Immediate Solutions

Immediate solutions would be to implement change to:

1. Immigration Act No.17 of 2010, Part 4, 28 (1) Visitors Visa, needs to be changed to "A visitors visa is to be granted for a period of 90days"
2. Immigration Act No.17 of 2010, Part 4, 28(2) Visitors Visa, needs to be changed to "However, if a person who is the holder of a visitors visa departs Vanuatu before the 90days ends, the person's visitors visa is taken to have expired"
3. Immigration Act No.17 of 2010, Part 4, 29(1) Extended Visitors Visa, needs to be changed to "An extended visitors visa is to be granted for a period of less than 12months, but more than 90days" the fee associated with this extension could remain the same as it is now.
4. Immigration needs to stream line the ability to get a "one way permit" issued for crew flying in to sail out with the vessel and remove the need for a bond for such people.
5. The Director of Bio-Security should remove all fees associated with vessel clearances during business hours in official Ports of Entry and charge costs outside normal business hours or alternative Ports of Entry.
6. Bio-Security should inspect all vessels that enter Vanuatu on a system where they assess the risk of each incoming vessel
7. Bio-Security should provide suitable receptacles to remove rubbish and items that are deemed at risk free of charge.
8. The Minister of Ports and Harbours fees should exempt all non-commercial visiting vessels which are not using Port facilities (wharves, pilots, tugs, etc)

9. The Minister of Ports and Harbours should repeal the Amendments of the Ports(Dues, Fees and Charges) Regulations Order No.59 of 1987 that (1B) Port dues payable in respect of every overseas pleasure craft that:

(a) enters a port of entry from a place beyond Vanuatu; and

10. One Government Department should administer and coordinate visiting vessels, Customs would be most suited and equipped to do this.

11. Customs should operate at the primary line to process Immigration papers.

12. All clearance services and facilities should be housed in one location; Customs would be ideally suited to this.

13. A single fee for each visitor could be charged that is equal to that paid by any passenger on a flight to Vanuatu included in the ticket price. (approx. 3500vatu).

Comparison Table

Ranking	Country	Customs Fees	Bio Security Fees	Immigration Fees	Port Fees	Departure Fees	Total Fees	Visa Length (months)
1	New Caledonia	Nil	Nil	Nil	Nil	Nil	Nil	3
2	New Zealand	Nil	Nil	Nil	Nil	Nil	Nil	3
3	Samoa	Nil	Nil	Nil	Nil	Nil	Nil	2
4	Fiji	Nil	1000	Nil	Nil	Nil	1000	4
5	Nuie	Nil	Nil	Nil	Nil	2600	2600	1
6	Tonga	Nil	1500	Nil	Nil	2000	3500	1
7	Cook Islands	Nil	Nil	Nil	Nil	4300	4300	1
8	Vanuatu	Nil	6500	4800	7000	Nil	18300	1
9	Australia	Nil	29600	Nil	Nil	4200	33800	3

Comparison of fees charged to visiting yachts in the Pacific converted to Vatu for 2014.

These are the fees charged to vessels arriving at the Official Ports of Entry during normal business hours and additional fees may be charged outside these criteria in some countries.

Fiji and New Caledonia are Vanuatu's biggest competitors in the yachting tourism sector and are currently ranked a long way ahead of Vanuatu as preferred destinations based on fees, length of stay and correspondingly value for money.

Annex 3 – List of key informants

Schedule of meeting for Ross Norton (BA expert on Visas) – March 1-3 2016

Tuesday 1/3/16 Wednesday 2/3/16 Thursday 3/3/16

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Humphry Tamata

Acting Manager

Corporate services

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Vanuatu Red Cross

Joanna KALPOKAS admin3@redcrossvanuatu.com

Ms. Jacqueline de Gailande

Chief Executive Officer

Redcrossvanuatu. com

Annex 4 – Data on key Non-State Actors

Data on key Non-State Actors

1	Full name of the organization and acronym	<i>Oxfam in Vanuatu</i>
	Organization address and general contact details	Elluk Road, Lini High Way Port Vila Vanuatu
	Contact person details	Director Operations
	Background	Years of activities in the country- since 1989 Vocation: Disaster management, livelihood and governance Area of work and targeted beneficiaries: South East Efate and West EPI Donors: UNICEF, MFAT, HPA (Humanitarian Partnership Agreement), DFAT, ECHO Partners: Wan smol Bag, Youth Challenge Vanuatu, FSA (Farmers Support Association)
	Resources	Main office based in Vila with about 53 staff in total
	Core mandate of the organization	Thematic choices Thematic choices are based on a range of issues, including contextual understanding, added value, capacity and capability, past experience and legacy programming. These choices are reflected in the two current thematic goals (see below) and the one emerging goal. Current thematic areas of focus: <ul style="list-style-type: none"> • Effective leadership and governance. • Resilience and disaster response.
	Legal status in the country	Non-governmental organization
	Ongoing activities	See Background section
	Past activities relevant to the subject	None
	Field presence in the country	Head office in Port Vila and presence mainly in South East Efate and West EPI

2	Full name of the organization and acronym	<i>World Vision Vanuatu</i>
	Organization address and general contact details	World Vision Vanuatu Rue Artoi M/S P.O Box 247 Port Vila, Vanuatu Phone: 678-22161 Fax: 678-25209
	Contact person details	Michael Wolfe Country Director World Vision Vanuatu Email: michael_wolfe@wvi.org Phone: 678-22161
	Background	Years of activities in the country - Vocation – Humanitarian work Area of work and target beneficiaries: <ul style="list-style-type: none"> • Disaster (risk and resilience) – communities.

	<ul style="list-style-type: none"> • Maternal and child health – families. • WASH (water, sanitation and hygiene) – communities that do not have access to water. • Early childhood education - children especially girls. Partners: <ul style="list-style-type: none"> • World Food Program • UNHCR • UNICEF Donors: <ul style="list-style-type: none"> • UK Aid • European Commission • AusAid • USAid • Canadian International Agency • German Humanitarian Assistance.
Resources	
Core mandate of the organization	Areas of expertise: <ul style="list-style-type: none"> • Disaster management • Health • Education
Legal status in the country	Non-governmental organization
Ongoing activities	See Background section
Past activities relevant to the subject	None
Field presence in the country	One office in Port Vila, capital city of Vanuatu.

3	Full name of the organization and acronym	<i>Vanuatu Red Cross Society</i>
	Organization address and general contact details	Vanuatu Red Cross Society Headquarters PO BOX 618, Port Vila, Vanuatu (678) 27418 redcross@vanuatu.com.vu
	Contact person details	Director/Manager level Mrs. Jacqueline de Gaillande Phone contact : office 27418 - Direct line 27258 Email: ceo@redcrossvanuau.com
	Background	Years of activities in the country – established and operating since 1982 Vocation – humanitarian work Area of work & targeted beneficiaries: <ul style="list-style-type: none"> • Disaster management - communities • Climate change adaptation - communities • Health – communities Donors: Australian Red Cross & French Red Cross Partners: Australian Red Cross, French Red Cross, IOM.
	Resources	26 staff based in Port Vila HQ
	Core mandate of the organization	Areas of expertise: <ul style="list-style-type: none"> • Disaster management • Climate change adaptation • Health • Climate Change Adaptation • Livelihoods - Empowering women.
	Legal status in the country	Non-governmental organization.

Ongoing activities	<ul style="list-style-type: none"> • Disaster management - helps communities develop skills in Disaster preparedness, Disaster response and Disaster risk reduction. • Climate change adaptation -This project aims to support communities to develop a greater understanding of climate variability and climate change impacts in their area and implement actions to increase their resilience to it. • Wash Project - supporting community planning in mitigating the impact of disasters by coping with water challenges. • Health - We offer communities across Vanuatu life-saving first aid skills and help them to identify and address health priorities. • Empowering women - The EVM (Empowering Vanua Malagwelo) project facilitates foundation life skills training for young women.
Past activities relevant to the subject	None
Field presence in the country	Headquarter is located in Port Vila. The Vanuatu Red Cross has a presence in all the 6 provincial HQs.

4	Full name of the organization and acronym	<i>Pacific Institute of Public Policy (PiPP)</i>
	Organization address and general contact details	Pacific Institute of Public Policy Private Mail Bag 9034 Port Vila Vanuatu Tel: 00 678 29842 Email: pipp@pacificpolicy.org
	Contact person details	Executive Director Derek Brien Email dbrian@pacificpolicy.org
	Background	Years of activities in the country - 2007 Vocation – governance/development/climate adaptation/aid issues Area of work & targeted beneficiaries: Research/Communications/Consultancy – governments/academics and the public Donors: AusAid Partners: Institutions of high education
	Resources	6 staff
	Core mandate of the organization	Research
	Legal status in the country	Non-governmental organization
	Ongoing activities	The PiPP Discussion Papers are a brief but considered overview of the important issues affecting our region. Drawing on original investigation and a synthesis of existing research they aim to advance thinking and spark debate
	Past activities relevant to the subject	None
	Field presence in the country	Port Vila, capital city of Vanuatu

5	Full name of the organization and acronym	<i>Save the Children Fund Australia</i>
	Organization address and general contact details	Save the Children Fund Australia Address PO Box 283 City Port Vila Phone +678 2 2794
	Contact person details	Ms. Anthea Arukole Anthea.arukole@savethechildren.org.vu

	+678 2 2794
Background	Years of activities in the country: More than 25 years history in Vanuatu Vocation: Humanitarian work Area of work & targeted beneficiaries: Health and Education – children and female Donors: AusAid Partners: Ministry of Health, Ministry of Justice, Ministry of Education, WHO, UNICEF
Resources	30 staff in Vila 8 in Santo
Core mandate of the organization	<ul style="list-style-type: none"> • Health • Education
Legal status in the country	Non-governmental organization, faith-based organization, academic institution, etc.
Ongoing activities	<ul style="list-style-type: none"> • Health – children and girls • Education for children – children and girls
Past activities relevant to the subject	None
Field presence in the country	Port Vila, Sanma, Penama and Shefa provinces