

# USA PATRIOT Act Certification for First Caribbean International Bank Limited

## CERTIFICATION REGARDING CORRESPONDENT ACCOUNTS FOR FOREIGN BANKS

[OMB Control Number 1505-0184]

*The information contained in this Certification is sought pursuant to Sections 5318(j) and 5318(k) of Title 31 of the United States Code, as added by sections 313 and 319(b) of the USA PATRIOT Act of 2001 (Public Law 107-56).*

This Certification should be completed by any **foreign bank** that maintains a **correspondent account** with any U.S. bank or U.S. broker-dealer in securities (**a covered financial institution** as defined in 31 C.F.R. 103.175(1)). An entity that is not a foreign bank is not required to complete this Certification.

A **foreign bank** is a bank organized under foreign law and located outside of the United States (see definition at 31 C.F.R. 103.11(o)). A **bank** includes office, branches, and agencies of commercial banks or trust companies, private banks, national banks, thrift institutions, credit unions, and other organizations chartered under banking laws and supervised by banking supervisors of any state (see definition at 31 C.F.R. 103.11(c)).<sup>1</sup>

A **Correspondent Account** for a foreign bank is any account to receive deposits from, make payments or other disbursements on behalf of a foreign bank, or handle other financial transactions related to the foreign bank.

*Special instruction for foreign branches of US banks:* A branch or office of a U.S. bank outside the United States is a foreign bank. Such a branch or office is not required to complete this Certification with respect to Correspondent Accounts with U.S. branches and offices of the same U.S. bank.

*Special instruction for covering multiple branches or a single Certification:* A foreign bank may complete one Certification for its branches and offices outside the United States. The Certification must list all of the branches and offices that are covered and must include the information required in Part C for **each** branch or office that maintains a Correspondent Account with a Covered Financial Institution. Use attachment sheets as necessary.

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<sup>1</sup> A “foreign bank” does not include any foreign central bank or monetary authority that functions as a central bank, or any international financial institution or regional development bank formed by treaty or international agreement.

A. The undersigned financial institution, **FirstCaribbean International Bank Limited** ("Foreign Bank") hereby certifies as follows:

B. **Correspondent Accounts Covered by this Certification:** Check **one** box.

This Certification applies to **all** accounts established for Foreign Bank by Covered Financial Institutions.

This Certification applies to Correspondent Accounts established by \_\_\_\_\_ (name of Covered Financial Institution(s) for Foreign Bank.

C. **Physical Presence/Regulated Affiliate Status:** Check **one** box and complete the blanks.

Foreign Bank maintains a **physical presence** in any country. That means:

- Foreign Bank has a place of business at the following street address: **Michael Mansoor Building, Warrens, St. Michael [also see Appendix A]**, where Foreign Bank employs one or more individuals on a full-time basis and maintains operating records related to its banking activities.
- The above address is in **Barbados [also see Appendix A]**, where Foreign Bank is authorized to conduct banking activities.
- Foreign Bank is subject to inspection by **Central Bank of Barbados [also see Appendix A]**, the banking authority that licensed Foreign Bank to conduct banking activities.

Foreign Bank does not have a physical presence in any country, but Foreign Bank is a **regulated affiliate**. That means:

- Foreign Bank is an affiliate of a depository institution, credit union, or a foreign bank that maintains a physical presence at the following street address: \_\_\_\_\_, where it employs one or more persons on a full-time basis and maintains operating records related to its banking activities.
- The above address is in \_\_\_\_\_ (insert country), where the depository institution, credit union, or foreign bank is authorized to conduct banking activities.
- Foreign Bank is subject to supervision by \_\_\_\_\_ (insert Banking Authority), the same banking authority that regulates the depository institution, credit union, or foreign bank.

Foreign Bank does **not** have a physical presence in a country and is **not** a regulated affiliate.

D. **Indirect Use of Correspondent Accounts:** Check box to certify.

- No Correspondent Account maintained by a Covered Financial Institution may be used to indirectly provide banking services to certain foreign banks. Foreign Bank hereby certifies that it does **not** use any Correspondent Account with a Covered Financial Institution to indirectly provide banking services to any foreign bank that does not maintain a physical presence in any country and that is not a regulated affiliate.

E. **Ownership Information:** Check box 1 or 2 below, **if applicable.**

1. **Form FR Y-7 is on file.** Foreign Bank has filed with the Federal Reserve Board a current Form FR Y-7 and has disclosed its ownership information on Item 4 of Form FR Y-7.
2. **Foreign Bank's shares are publicly traded.** Publicly traded means that the shares are traded on an exchange or an organized over-the-counter market that is regulated by a foreign securities authority as defined in section 3(a)(50) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(50)).

If **neither** box 1 or 2 of Part E is checked, complete item 3 below, **if applicable.**

3. Foreign Bank has no **owner(s)** except as set forth below. For purposes of Certification, **owner** means any person who, directly or indirectly, (a) owns, controls, or has power to vote 25 percent or more of any class of voting securities or other voting interests of Foreign Bank; or (b) controls in any manner the election of a majority of the directors (or individuals exercising similar functions) of Foreign Bank. For purposes of this Certification, (i) **person** means any individual, bank, corporation, partnership, limited liability company or any other legal entity; (ii) **voting securities or other voting interests means securities or other interests** that entitle the holder to vote for or select directors (or individuals exercising similar functions); and (iii) members of the same family<sup>2</sup> shall be considered one **person**.

Name	Address
Canadian Imperial Bank of Commerce ("CIBC") [owns 91.67% of FirstCaribbean International Bank Limited]	Commerce Court, Toronto, Ontario, M5L 1A2, Canada

<sup>2</sup> The same family means parent, spouses, children, siblings, uncles, aunts, grandparents, grandchildren, first cousins, stepchildren, stepsiblings, parents-in-law and spouses of any of the foregoing. In determining the ownership interest of the same family, any voting interest of any family member shall be taken into account.

F. **Process Agent:** complete the following.

The following individual or entity: **General Counsel (US), Canadian Imperial Bank of Commerce (CIBC)** is a resident of the United States at the following street address: **425 Lexington Avenue, New York, New York, 10017**, and is authorized to accept service of legal process on behalf of Foreign Bank from the Secretary of the Treasury or the Attorney General of the United States pursuant to Section 5318(k) of title 31, United States Code.

**G. General**

Foreign Bank hereby agrees to notify in writing each Covered Financial Institution at which it maintains any Correspondent Account of any change in facts or circumstances reported in this Certification. Notification shall be given within 30 calendar days of such change.

Foreign Bank understands that each Covered Financial Institution at which it maintains a Correspondent Account may provide a copy of this Certification to the Secretary of the Treasury and the Attorney General of the United States. Foreign Bank further understands that the statements contained in this Certification may be transmitted to one or more departments or agencies of the United States of America for the purpose of fulfilling such departments' and agencies' governmental functions.

I, **Brian Clarke**, certify that I have read and understand this Certification, that the statements made in this Certification are complete and correct, and that I am authorized to execute this Certification on behalf of Foreign Bank.

**FirstCaribbean International Bank Limited**

[Name of Foreign Bank]



\_\_\_\_\_  
[Signature]

**Brian Clarke**

[Printed Name]

**General Counsel and Corporate Secretary, FirstCaribbean International Bank Limited**

[Title]

Executed on this 1<sup>st</sup> day of December, 2017.

## Appendix A [updated July 2019] - List of entities covered by FirstCaribbean International Bank Limited's Certification Regarding Correspondent Accounts for Foreign Banks

Name of FirstCaribbean International Bank Limited Entity:	Ownership	Street Address	Country	Banking Authority
FirstCaribbean International Bank (Bahamas) Limited	95.21% by FirstCaribbean International Bank Limited	FirstCaribbean International Financial Centre, Shirley Street, Nassau	The Bahamas	Central Bank of The Bahamas; The Securities Commission of The Bahamas; Bahamas International Securities Exchange
		Leeward Highway, Providenciales	Turks and Caicos Islands	Turks and Caicos Islands Financial Services Commission
FirstCaribbean International Bank (Barbados) Limited	100% by FirstCaribbean International Bank Limited	Michael Mansoor Building, Warrens, St. Michael	Barbados	Central Bank of Barbados
		The Valley	Anguilla	Eastern Caribbean Central Bank
		High Street, St. John's	Antigua	Eastern Caribbean Central Bank
		Old Street, Roseau	Dominica	Eastern Caribbean Central Bank
		Church Street, St. George's	Grenada	Eastern Caribbean Central Bank
		The Circus, Basseterre	St. Kitts & Nevis	Eastern Caribbean Central Bank
		Bridge Street, Castries	St. Lucia	Eastern Caribbean Central Bank
FirstCaribbean International Bank (Cayman) Limited	100% by FirstCaribbean International Bank Limited	Halifax Street, Kingstown	St. Vincent & the Grenadines	Eastern Caribbean Central Bank
		*FirstCaribbean House, 25 Main Street, George Town, Grand Cayman	Cayman Islands	Cayman Islands Monetary Authority
		*Also the registered office of Aruba		
		Tanki Flip 14 A + B, Oranjestad	Aruba	Centrale Bank van Aruba
		Road Town, Tortola	British Virgin Islands	British Virgin Islands Financial Services Commission
		Emmaplein 1, Philipsburg	St. Maarten	Centrale Bank van de Curacao en Sint Maarten
De Ruyterkade 61, Willemstad	Curacao	Centrale Bank van de Curacao en Sint Maarten		

<b>Name of FirstCaribbean International Bank Limited Entity:</b>	<b>Ownership</b>	<b>Street Address</b>	<b>Country</b>	<b>Banking Authority</b>
FirstCaribbean International Bank (Curacao) N.V.	100% by FirstCaribbean International Bank Limited	De Ruyterkade 61, Willemstad	Curacao	Centrale Bank van de Curacao en Sint Maarten
FirstCaribbean International Bank (Jamaica) Limited	100% by FirstCaribbean International Bank Limited	23-27 Knutsford Blvd, Kingston	Jamaica	Bank of Jamaica; Financial Services Commission of Jamaica
FirstCaribbean International Bank (Trinidad and Tobago) Limited	100% by FirstCaribbean International Bank Limited	74 Long Circular Road, Maraval, Port of Spain	Trinidad and Tobago	Central Bank of Trinidad & Tobago
FirstCaribbean International Wealth Management Bank (Barbados) Limited	100% by FirstCaribbean International Bank Limited	Michael Mansoor Building, Warrens, St. Michael	Barbados	Central Bank of Barbados
CIBC Trust Company (Bahamas) Limited	100% by FirstCaribbean International Bank Limited	Goodman's Bay Corporate Centre, West Bay Street, Nassau	The Bahamas	Central Bank of the Bahamas; The Securities Commission of The Bahamas
CIBC Bank and Trust Company (Cayman) Limited	100% by FirstCaribbean International Bank Limited	FirstCaribbean House, 25 Main Street, George Town, Grand Cayman	Cayman Islands	Cayman Islands Monetary Authority