



REPUBLIC OF NAURU

Immigration (Amendment) Regulations 2013

SL No. 6 of 2013

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Cabinet makes the following regulations under the *Immigration Act 1999*

Notified on 9 May 2013

1 Citation

These Regulations may be cited as the *Immigration (Amendment) Regulations 2013*.

2 Commencement

These Regulations come into operation on the day after the day on which they are published in the Gazette.

3 Regulations amended

The Schedule amends the *Immigration Regulations 2013*.

**SCHEDULE — AMENDMENT OF IMMIGRATION
REGULATIONS 2013**

regulation 3

[1] Amendment of regulation 3 (Interpretation)

Regulation 3

insert (in alphabetical order)

'health and security clearance certificate' has the same meaning as in the *Asylum Seekers (Regional Processing Centre) Act 2012*;

'service provider' has the same meaning as in the *Asylum Seekers (Regional Processing Centre) Act 2012*;

[2] Amendment of regulation 9 (Regional processing centre visa)

2.1 Regulation 9, after subregulation (3)

insert

(3A) The Principal Immigration Officer may, in his or her discretion, grant a regional processing centre visa despite the application being made on or after entry into Nauru of the person to whom it relates in order for the person not to be disadvantaged because of the failure of an officer of the Commonwealth of the Australia to comply with subregulation (2).

2.2 Regulation 9, after subregulation (5)

insert

(5A) In respect of a person who holds a regional processing centre visa, a further regional processing centre visa may be granted on the request of an officer of the Commonwealth of Australia without submitting an application in the prescribed form.

2.3 Regulation 9(6)

omit, substitute

(6) A regional processing centre visa is subject to the following conditions:

- (a) the holder must reside in premises specified in the visa;
- (b) until a health and security clearance certificate is granted to the holder, the holder must remain at those premises or at common areas notified to the holder by a service provider, except:
 - (i) in case of emergency or other extraordinary circumstances; or
 - (ii) in circumstances where the absence is organised by a service provider and the holder is under the care and control of a service provider or of another person into whose care and control the holder is delivered by a service provider;
- (c) after a health and security clearance certificate is granted to the holder, the holder must remain at those premises or at common areas notified to the holder by a service provider, except:
 - (i) in case of emergency or other extraordinary circumstances; or
 - (ii) in circumstances whether the absence is organised or permitted by a service provider and the holder is in the company of a service provider or another person approved by a service provider;
- (d) the holder must not behave in a manner prejudicial to peace or good order in Nauru;
- (e) the holder must not engage in any activity for which a business or employment visa may be granted, except with the approval of the Secretary;
- (f) if a person covered by subregulation (4)(a), the holder must cooperate in having a determination made in respect of him or her by the Secretary under section 6 of the *Refugees Convention Act 2012*;
- (g) if a person mentioned in subregulation (1)(a), the holder must take all reasonable steps to ensure that a person mentioned in subregulation (1)(b) who is his or her dependant and holds a regional processing centre visa complies with the conditions of that visa.

(6A) If the Secretary for Justice notifies the holder of a regional processing centre visa in writing that a determination has been made that the holder is recognised as a refugee, the visa is subject to the following conditions instead of the conditions set out in subregulation (6):

- (a) the holder must reside in premises notified to the holder by a service provider as being premises set aside for the holder;
- (b) the holder must not behave in a manner prejudicial to peace or good order in Nauru;
- (c) if a person mentioned in subregulation (1)(a), the holder must take all reasonable steps to ensure that a person mentioned in subregulation (1)(b) who is his or her dependant and holds a regional processing centre visa complies with the conditions of that visa.

[3] Amendment of regulation 16 (Visa fees)

3.1 Regulation 16(1)

omit

, renewal or extension

3.2 Regulation 16(4)

omit

the granting, renewal or extension of

[4] Repeal of regulation 19 (Renewal and extension of visa)

Regulation 19

omit

[5] Amendment of Schedule 2 Part 1 heading

Schedule 2, Part 1, heading

omit

, RENEWAL OR EXTENSION