



REPUBLIC OF NAURU

Immigration (Amendment) Act 2013

Act No. 7 of 2013

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Immigration (Amendment) Act 2013

Act No. 7 of 2013

An Act to amend the *Immigration Act 1999*.

Certified on 5 December 2013

Enacted by the Parliament of Nauru as follows:

1 Short title

This Act may be cited as the *Immigration (Amendment) Act 2013*.

2 Commencement

This Act commences 7 days after certification or at a date notified by the Minister in the Government Gazette.

3 Amendment to section 2 (Interpretation)

3.1 Omit

'Principle Immigration Officer' means the person holding or acting in the office of the Principle Immigration Officer established under section 3.

Substitute

'Principle Immigration Officer (Administration)', means the person holding or acting in the office of the Principle Immigration Officer established under section 3(1)(1).

'Principle Immigration Officer (Operations)' means the person holding or acting in the office of the Principle Immigration Officer established under section 3(1)(ii).

3.2 Omit

'Secretary' means the Head of Department.

Substitute

'Secretary' means the Secretary for Justice and Border Control.

4 Amendment to section 3

Omit

- (1) The Chief Secretary, acting on the recommendation of the Minister, must appoint a public officer to be the Principal Immigration Officer.

Substitute

- (1) The Secretary, acting on the recommendation of the Minister, shall appoint two officers in the Position of Principal Immigration Officer and they shall be:
- (i) Principal Immigration Officer (Administration)
 - (ii) Principal Immigration Officer (Operations)
- (2) The role and duties of the Principal Immigration Officer (Administration) and Principal Immigration Officer (Operations) shall be determined by the Secretary, acting on the recommendation of the Minister.

5 Amendment to section 3

Omit

'on'

6 Amendment to section 11

6.1 Delete

All references to Secretary.

Substitute

'The Minister'

6.2 Omit

The Secretary may make a removal order directing that a person who is unlawfully in Nauru must, from the date of service of the order or a future date in the order.

Insert

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- (1) The Minister may order the removal from Nauru of a person, other than a citizen, who:
 - (a) is a Prohibited Immigrant; or
 - (b) has entered Nauru in breach of this Act or any other law; or
 - (c) has been convicted in Nauru or elsewhere of any offence nominated by the Minister by Notice and has not received a free pardon; or
 - (d) remains in Nauru after the expiration or cancellation of the person's Visa.
- (2) The Minister may declare a person a Prohibited Immigrant who:
 - (a) has been deported from Nauru or any other country; or
 - (b) has entered or has attempted to enter or remains in Nauru in breach of the provisions of this Act or any other law; or
 - (c) has breached a term or condition of the person's Visa; or
 - (d) is likely to be a danger to the peace, order or good governance of Nauru; or
 - (e) if in Nauru, would put at risk:
 - (i) any Nauruan citizen; or
 - (ii) Nauru's relationship with any other country or place or any international or regional organisation; or

- (f) has been convicted in Nauru or elsewhere of any offence nominated by the Minister by Notice and has not received a free pardon; or
- (g) is without sufficient lawful means of support for the person or any of the person's dependants; or
- (h) is declared by the Minister to be a people smuggler or a person involved with people smuggling; or
- (i) is otherwise regarded by the Minister as an undesirable immigrant due to:
 - (i) the individual breaching any other laws of Nauru; or
 - (ii) the individual committing an act so gross that it has offended the customs, traditions and morals of the people of Nauru; or
 - (iii) the individual refusing to cooperate with Nauruan authorities regarding any investigation resulting in an unnecessary delay of justice; or
 - (iv) any other breach that the Minister considers reasonable enough to declare the person an undesirable immigrant.

7 Amendment to section 15

7.1 New section 15(2)

Sections 15(1) and 15(4) do not apply to a person who has been declared a prohibited immigrant and issued with a removal order under section 11(1) and 11(2).

7.2 New Section 15(3)

A person aggrieved by a removal order made under section 11(1), may appeal by written petition to the President of the Republic of Nauru, who may, in his discretion, uphold, vary or revoke the decision.

7.3 New Section 15(5)

A person submitting an appeal under section 15(3), may be granted a permit, in the prescribed form, by the President of the Republic of Nauru to enter or remain in Nauru for the purposes of conducting an appeal under subsection (3), and where the permit has been granted, any removal order made against the

person is stayed until the conclusion of the appeal, whether by way of decision, withdrawal, or otherwise.

8 Amendment to sections affected by the insertion of new provisions

All provisions affected by the inclusion of new provisions are renumbered accordingly.