



REPUBLIC OF NAURU

# Refugees Convention Regulations 2013

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SL No. 5 of 2013

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REPUBLIC OF NAURU

# Refugees Convention Regulations 2013

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SL No. 5 of 2013

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*Notified on 9 May 2013*

Cabinet makes the following regulations under the *Refugees Convention Act 2012*:

**1 Citation**

These Regulations may be cited as the *Refugees Convention Regulations 2013*.

**2 Commencement**

These Regulations commence on the day they are notified.

**3 Application for refugee status**

For section 5(2) of the Act the prescribed form for an application to be recognised as a refugee is set out in Schedule 1 to these Regulations.

**4 Tribunal members – eligibility requirements**

For section 13(3) of the Act a person is eligible for appointment as a member of the Refugee Status Review Tribunal only if the person:

- (a) has at least 2 years' experience in refugee merits review at a tribunal or equivalent level; and
- (b) has proven capacity to conduct administrative review; and
- (c) has thorough knowledge of UNHCR refugee status guidelines and standards; and
- (d) has demonstrated skills in research, clear oral and written communication and use of word-processing software.

## SCHEDULE 1

Regulation 3



Republic of Nauru  
Department of Justice & Border Control  
*Refugees Convention Regulations 2013, Form 1*

### Application for Refugee Status Determination

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#### About this form

Important – please read this information carefully before you complete your application. Once you have completed your application we strongly advise that you keep a copy for your records.

Before filling in the form, make sure you have all the required documents, and make sure you have read the information page carefully.

#### Making a valid application

To make a valid application you must:

- Use this application form
- Complete the form in English
- Answer all questions truthfully
- Lodge the application with the RSD Registry (located in the Department of Justice & Border Control, Government Offices, Yaren District)

Any application that does not meet these requirements will not be a valid application and cannot be processed.

#### General Information about this Application

- Your application to be recognised as a refugee will be assessed on the basis of the claims you provide in this form and other relevant information, such as current information

about the country you are seeking protection from.

- It is therefore in your interest to provide as much information as possible to support your application.
- Your RSD application can include all members of your family unit who are with you in Nauru. To include them in your application, you will need to list their names and details on **Part A** of this form. Members of the same family unit include a partner (spouse or de facto partner), dependent children and may include other dependent relatives.
- It is necessary that at least one person in the family presents claims for refugee status. To detail your claims, you will need to complete **Part E** of this form.
- If a member of your family unit listed in **Part A** also has their own claims for refugee status, they should complete a separate **Part E**, providing details of their individual claims.
- If there is insufficient space to respond to any of the questions in this application, attach a signed statement containing the

additional information **and indicate to which part and question it refers.**

- Information you provide in this application and any accompanying statements may also be used as the basis for checks with authorities in countries through which you have transited or where you have lived since you left your country of origin and may be disclosed to these authorities.
- The Department of Justice & Border Control will not disclose any information about you to the country you are seeking protection from, unless you have been found not to be in need of protection and all your appeals have been finalised, or unless you explicitly give your consent.
- The information you provide in this form may be disclosed by the Secretary to other Nauruan Government agencies including those involved in security and law enforcement. It may also be disclosed to the authorities in a potential country of resettlement, and to international organizations such as IOM or UNHCR. By signing this Form, you consent to the information being shared to the extent required.
- If you indicate that you have had any previous contact with the United Nations High Commissioner for Refugees (UNHCR), the Government of Nauru will confirm this with the UNHCR. The Government of Nauru may also share details of your claims or any other information that you have provided to the UNHCR.
- The Secretary may cancel your recognition as a refugee if your determination was procured by fraud, forgery, false or misleading representation or concealment of relevant information.
- When answering questions tick boxes where appropriate.

## Definition of a Refugee

A refugee is defined by Article 1(A)(2) of the *1951 Convention relating to the Status of Refugees*, as amended by its 1967 Protocol, as a person who

*... owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear, is unwilling to return to it.*

The reasons you give for why you are a refugee in Part E should be **your** reasons only.

Other members of your family unit included in this application and named in question 7, who have their own reasons for claiming protection should give their reasons on a separate **Part E** or they may submit a separate application. **Any member of the same family unit may request a separate interview to discuss their claims.**

You should answer the questions in Part E in your own words. You should tell us the reasons you think you are entitled to protection under the Refugee Convention.

In answering the questions, you should tell us if you think any of these reasons are because of:

- your race;
- your religion;
- your nationality;
- your membership of a particular social group;
- your political opinion;
- other reasons.

You should wherever possible provide dates, locations, etc. in respect of any events/occurrences to which you refer.

You should also provide any evidence that you have which supports your claims. You may answer these questions on the application form or

by submitting a separate statement with your application. **All claims and supporting material should be provided when you lodge the application.**

Your claims will be assessed against the definition of a refugee set out in the Refugees Convention. It is important that you include all details, because an assessment may be made based on the information provided in this document.

### **Other relevant international obligations**

If you are not found to be owed protection under the Refugees Convention your claims will be assessed to determine whether they engage Nauru's other relevant international obligations that prevent the return of a person to a place where they would face certain types of harm. These are called *non-refoulement* (non-return) obligations.

Nauru has *non-refoulement* (non-return) obligations where there is a real risk that the person being returned will be subjected to torture, cruel, inhuman or degrading treatment or punishment, arbitrary deprivation of life or the imposition of the death penalty.

### **Identification**

As part of the RSD process, you are required to provide the identifying documents (e.g. passport, birth certificate or other forms of primary identification) in support of your application if you have them.

Failure to comply with this requirement may result in the Secretary declining to make a determination.

### **Supporting Documents**

Attach copies of all available documents, listed in Part D, with your application.

All documents not in English should be accompanied by a certified English translation of the original.

### **Additional information**

If you have new information related to your application, you should send it to the Department of Justice & Border Control as soon as possible so that it can be considered with your application.

A decision on your application will be made on the basis of all the information you provide to the Department before the decision is made, and in accordance with the requirements of the *Refugees Convention Act 2012*.

If you are waiting for evidence or documents from overseas or translations of documents to support the claims you have made, please indicate this clearly at Question 17 of the application form.

**Note:** A decision may be made on the basis of the application and information you have provided with it, without waiting for your additional information or documents.

The Department will also advise you in writing if more information is required to make a decision.

**Note:** You may be asked to make an oath or affirmation that the information you provide is true.

### **Getting help with your application**

#### **Help with English**

You can use an interpreter or translator to help prepare your application. If you are residing in the Regional Processing Centre, an interpreter will be made available to you to assist in preparation of your application.

#### **Claims Assistance Providers (CAP)**

CAP gives free, professional migration advice and assistance to all applicants. For more detailed information about assistance provided under the Scheme, please contact the Nauru Department of Justice & Border Control.

## How to complete this form

Please write neatly in English using BLOCK LETTERS.

Tick where applicable.

Answer all questions truthfully and completely.

Where there is insufficient space for your answer, please continue on a separate page of paper.

Clearly mark the separate page with the question number it relates to.

Sign the form at Part G.

Lodge the completed application form at the RSD Registry in the Department of Justice & Border Control. If you are residing at the Regional Processing Centre, the completed application form will be lodged by the Claims Assistance Provider.

## Part A – Details of person/s included in this application

*Principal Applicant: (the person who has claims for refugee status)*

1. Your full name   
Family name:   
Given names:
2. Name in your own language or script (if applicable)
3. Sex  Male  Female
4. Date of birth (day, month, year)
5. Are you an unaccompanied minor? (a minor is someone under 18 years of age)  Yes  No
6. Place of birth: Town/City/District:   
Country:

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7. List all accompanying family members in this application. Members of the same family unit include a partner (spouse or de facto), dependent children and may include other dependent relatives who are also in Nauru.

Applicant Number	Family Name	Given Name	Gender	Date of Birth <i>dd/mm/yyyy</i>	Place of Birth <i>Town/Country</i>	Relationship to Principal Applicant	Marital Status
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2

3

4

5

If insufficient space, attach additional details.

8. Write the names of all person/s included in this application and named in question 7 in your own script or characters. If applicable specify language.

Applicant number	Name in ethnic script	Language
------------------	-----------------------	----------

2

3

4

5

If insufficient space, attach additional details

9. List other names you have been known by such as name before marriage, previous married name or alias. Also write in your own script or characters. If you changed your name, describe why and when you changed your name (and specify language).

Applicant number	Details
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1

2

3

4

5

If insufficient space, attach additional details.

**Part B – Family members not included in this application**

(Including a partner (spouse or de factor partner), children, parents, siblings and may include other dependant relatives)

10. Do any persons included in this application and named in question 7 have immediate family members who are NOT in Nauru at the time of this application?

Yes                       No

If you answered 'Yes' to the above question, provide details below:

Family Name	Given Name	Gender	Date of Birth <i>dd/mm/yyyy</i>	Place of Birth <i>Town/Country</i>	Relationship to Principal Applicant	Marital Status
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If insufficient space, attach additional details

11. Do you or any of the persons included in this application, have family members on Nauru who are not included in this application?

Yes                       No

If you answered 'Yes' to the above question, provide details below:

Family Name	Given Name	Gender	Date of birth <i>dd/mm/yyyy</i>	Place of Birth <i>Town/Country</i>	Citizenship	Relationship to Principal Applicant
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If insufficient space, attach additional details.

12. Have you or any of your family members currently in Nauru been in contact with friends or family outside Nauru since you left your country of nationality or former habitual residence?

Yes                       No

If you answered 'Yes' to the above question, provide details below:

--

If insufficient space, attach additional details.

**Part C – Details of Convictions, charges or crimes committed**

13. Have you or any family members included in this application and named in question 7 been convicted of a crime?

- Yes                       No

If you answered 'Yes' to the above question, provide details below:

Applicant Number and Name	Crime/Offence	Date of conviction DD/MM/YYYY	Country

If insufficient space, attach additional details

14. Are you or any family members included in this application and named in question 7 the subject of any criminal investigation?

- Yes                       No

If you answered 'Yes' to the above question, provide details below:

Applicant Number and Name	Reason for investigation	Country

If insufficient space, attach additional details

15. Do you or any family members included in this application and named in question 7 have any criminal charges pending?

- Yes                       No

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If you answered 'Yes' to the above question, provide details below:

Applicant Number and Name	Charge (include date of charge)	Country

If insufficient space, attach additional details

16. Have you or any family members included in this application and named in question 7 ever been involved in crimes against humanity (including but not limited to, war crimes and genocide)?

Yes       No

If you answered 'Yes' to the above question, provide details below:

Applicant Number and Name	Type of involvement (include date of charge)	Country

If insufficient space, attach additional details

**Part D – Identity Documents**

17. List all identity documents provided (for you or any family member included in this application and named in question 7). If you are planning to provide documents at a later date, indicate when you expect to provide them.

Documents (passport/s, birth certificate, drivers licence, identity document/s)	With my application	Will provide later by (insert anticipated date)
A	<input type="checkbox"/>	<input type="checkbox"/> Date: _____
B	<input type="checkbox"/>	<input type="checkbox"/> Date: _____
C	<input type="checkbox"/>	<input type="checkbox"/> Date: _____
D	<input type="checkbox"/>	<input type="checkbox"/> Date: _____
E	<input type="checkbox"/>	<input type="checkbox"/> Date: _____
F	<input type="checkbox"/>	<input type="checkbox"/> Date: _____
G	<input type="checkbox"/>	<input type="checkbox"/> Date: _____
H	<input type="checkbox"/>	<input type="checkbox"/> Date: _____

Documents (passport/s, birth certificate, drivers licence, identity document/s)

With my application

Will provide later by (insert anticipated date)

I

Date:

Date:

If insufficient space, attach additional details

18. If you cannot provide any of the documents requested in Question 17 (passport/s, birth certificate, drivers licence and identity document/s) indicate which document/s and explain why.

If insufficient space, attach additional details

### Part E – Statement of Claims and Background Information

#### *Details of Principal Applicant (the name of the Applicant should be as written in Part A)*

19. Family Name/s:

Given Name/s:

Applicant Number as in Part A:

20. Boat Identity (if known/applicable)

21. Place of Birth: Town/City/District:

Country:

22. Relationship Status:

- single       married       engaged  
 separated       divorced       widowed  
 in a de facto relationship

If married, date of marriage (date, month, year):

Place of marriage: Town/City/District:

Country:

23. What language/s do you speak, read or write (including English)?

Language/Dialect in order of preference	Speak	Read	Write
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

24. Ethnicity/tribal group:

25. Religion:

26. Are you a member of a political party/group?       Yes    No

If you answered 'Yes' to the above question, please provide details below:

***Citizenship***

27. Your citizenship at birth:

(if stateless, country of birth)

28. Your current citizenship (if different to birth)

Date acquired (day, month, year):

29. Do you hold any other citizenship?       Yes    No

If you answered 'Yes' to the above question, provide details below:

30. Have you taken up residence (ie, benefitted from a secure residency status) in any country/s other than your country/s of nationality or former habitual residence?

Yes  No

If you answered 'Yes' to the above question, provide details below:

31. Are you stateless? (A stateless person is not a national or a citizen of any country)

Yes  No

If you answered 'Yes' to the above question, provide details below (i.e. explain how you became stateless):

32. Do you receive or are you entitled to receive a pension or to any other regular income from any country?

Yes  No

If you answered 'Yes' to the above question, provide details below:

**Former Residence**

33. List all countries previously travelled to, including for transit, visit, work or residence

Country	Date of arrival in that country (MM/YYYY)	Date of departure from that country (MM/YYYY)	Status in that country (i.e. citizen, permanent resident, temporary resident, student, unlawful, visitor, transit)	Reason for residence or transit or travel to this country (e.g. working, student etc)

If insufficient space, attach additional details

34. Give details of all addresses where you have resided.

Date lived there		Country	Address (specify city/town/village)	Reason for moving
MM/YYYY				
FROM				
TO				
FROM				
TO				
FROM				
TO				
FROM				
TO				
FROM				
TO				
FROM				
TO				

If insufficient space, attach additional details

**Education**

35. Give details of all the education you have undertaken (in any country)

Total number of years:

Dates MM/YYYY	Name of school/institution	Address (specify city/town/village)	Country	Qualification
FROM				
TO				
FROM				
TO				
FROM				
TO				
FROM				
TO				
FROM				
TO				

If insufficient space, attach additional details

**Past Employment**

36. Give details of your employment history (for the periods not employed, show the reason e.g. studying, unemployed, national service, in prison, etc).

Employment Details MONTH/YEAR	Employer's name and address OR show if studying unemployed, in national service in prison etc	Address (specify city/town/village)	Position/Occupation
FROM			
TO			
FROM			
TO			
FROM			
TO			

Employment Details MONTH/YEAR		Employer's name and address OR show if studying unemployed, in national service in prison etc	Address (specify city/town/village)	Position/Occupation
FROM				
TO				
FROM				
TO				
FROM				
TO				
FROM				
TO				

If insufficient space, attach additional details.

**Your reasons for claiming to be a refugee**

37. State your reasons for why you are claiming refugee status.

If insufficient space, attach additional details

38. What is the name of the country you have a fear of returning to?

If insufficient space, attach additional details

39. Why did you leave your home country?

If insufficient space, attach additional details

40. What do you fear may happen to you or your accompanying family members if you go back to your home country? Please explain why.

If insufficient space, attach additional details

41. What harm, if any, have you experienced in your home country?

If insufficient space, attach additional details

42. Who do you think may harm/mistreat you if you go back to your home country?

If insufficient space, attach additional details

43. Why do you think this will happen to you if you go back to your home country?

44. Do you think the authorities in your home country can and will protect you if you go back? If not, why?

If insufficient space, attach additional details

45. Do you have any documentary evidence to support your claims (e.g. including but not limited to membership cards, court documents, photographs, press articles):

Yes       No

If you answered 'Yes' to the above question, provide details below:

46. When did you leave your home country?

47. At what airport, port or place of departure did you leave your home country?

48. a) Have you ever been issued with a travel document (such as a passport)?

Yes       No

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If you answered 'Yes' to the above question, do you have the documents with you? If you have the genuine documents with you, provide details in Part D, question 17 . If you do not have the documents with you, complete the table below.

Full name as it appears in the travel document	Type of document	Document number	Country of document & issuing authority/place of issue as shown in your passport	Date of issue	Date of expiry	Current location of document

If insufficient space, attach additional details

b) If you answered 'Yes' to the above question, have you ever had a travel document extended by the authorities of your home country?

Yes  No

If you answered 'Yes' to the above question, provide details below:

49. a) Did you leave your home country with the permission of the Government?

Yes  No

b) Did you leave your home country using any documents (fraudulent or genuine) upon departure?

Yes  No

If you answered 'Yes' to the above question, do you have the documents with you? Where the documents are genuine, if you have the documents with you or can provide them, provide details in Part D, question 17. If you cannot provide the documents, provide details in Part D, question 18.

50. If you have been issued a travel document (such as a passport) at any time in the past, did you have difficulties in obtaining it in your home country?

Yes  No

If you answered 'Yes' to the above question, provide details below:

51. Is your travel document valid for return to your home country?

- Yes                       No

If you answered 'Yes' to the above question, provide details below:

52. Have you ever been registered with, or been assessed for refugee status by the United Nations High Commissioner for Refugees (UNHCR)?

- Yes                       No

If you answered 'Yes' to the above question, provide details below:

53. Have you or any family members included in this application and named in question 7 lived in a refugee camp, centre for refugees, or detention centre?

- Yes                       No

If you answered 'Yes' to the above question, provide details below:

Name of camp/centre	Location	Name of organisation who ran the camp/centre	Dates/Period you lived there	Applicant number and names of family members who lived there

If insufficient space, attach additional details

54. Have you applied for asylum, or refugee status, in any country other than Nauru?

- Yes                       No

If you answered 'Yes' to the above question, provide details below, including the outcome, if any, of the application:

55. Have you ever made contact with an Embassy, High Commission or Consulate of another country?

Yes       No

If you answered 'Yes' to the above question, provide details below:

56. Are there any other matters that you would like the Government of Nauru to consider in assessing your claims for refugee status?

**Part F: Assistance with this application**

57. Did you receive assistance in completing this application?

Yes             No

If you answered 'Yes' to the above question, provide details below of the person who assisted you:

Title:            Mr             Mrs             Miss             Ms             Other:

Family Name/s:

Given Name/s:

Relationship to you:

Address:

Telephone number or daytime contact:

Signature of person giving assistance

Date: DD/MM/YYYY

**Part G: Dependent Applicant's Authorisation**

***If this application includes more than one dependent Applicant***

- I authorise the Secretary to communicate with the Principal Applicant or his or her claims assistance provider/other representative about this application.

Applicant 2      Signature \_\_\_\_\_ Date \_\_\_\_\_

Applicant 3      Signature \_\_\_\_\_ Date \_\_\_\_\_

Applicant 4      Signature \_\_\_\_\_ Date \_\_\_\_\_

Applicant 5      Signature \_\_\_\_\_ Date \_\_\_\_\_

Applicant 6      Signature \_\_\_\_\_ Date \_\_\_\_\_

Applicant 7      Signature \_\_\_\_\_ Date \_\_\_\_\_

Applicant 8      Signature \_\_\_\_\_ Date \_\_\_\_\_

**Part H: Applicant's declaration and consent form**

Read and sign this declaration

I, (write your name here)

Do solemnly declare:

- I have read and understood the information supplied to me in this application for Refugee Status Determination.
- The information I have supplied on or with this application is to the best of my knowledge complete, correct and up to date in every detail.
- I understand that if I have given false or misleading information, my application for refugee status may be refused, or, if I have been recognised as a refugee, the recognition may be revoked if the false and misleading information affects the basis for my claims.
- I will inform the Government of Nauru of any significant changes to my personal circumstances (eg marital status, changes to the family composition) while my claims are being considered.
- I authorise the Government of Nauru to make any enquiries with international agencies (including UNHCR) necessary to determine my refugee status and to use any information supplied by these agencies for that purpose. I consent to the Government of Nauru making inquiries regarding my immigration status with the relevant authorities in those countries in which the Government of Nauru suspects that I may have temporarily or permanently resided, other than the country or countries in which I claim to fear persecution.
- I consent to the release of any information about me by the relevant authorities in the countries mentioned in Part E Question 30 to the Government of Nauru, including all necessary information to establish that I have taken up residence in that country, and any rights conferred by such residence.
- I consent to the release of any information from this application for the purposes of any review of the assessment of my claims for refugee status, to potential resettlement countries, to international organizations such as UNHCR and IOM.
- I have signed any statutory declaration that I have included with this application.

**Signature of the Applicant:**

**Applicant Number:**

**Date: DD / MM / YYYY**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Please note** that a separate declaration is required by each Applicant.

***Interpreter's declaration***

If an interpreter was used in the preparation of this application, the interpreter must complete this declaration.

I declare that:

I am competent in English and \_\_\_\_\_ (language)

I have faithfully interpreted all contents of this application form into the Applicant's language, including the Applicant's declaration on this page, as appropriate, and have faithfully interpreted the Applicant's responses into English.

**Signature of interpreter:**

\_\_\_\_\_ ID Number: \_\_\_\_\_

Date: \_\_\_\_\_