



REPUBLIC OF NAURU
GOVERNMENT GAZETTE
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Nauru

G.N.No. 200 /2000

IMMIGRATION ACT 1999

In exercise of the powers under Section 1 of the **Immigration Act 1999** (No. 6 of 1999), I Vassal Gadoengin, Minister for Justice, hereby notify that the said Act shall come into force on the date of publication of this Act.

DATED this 30th day of June, 2000.

VASSAL GADOENGIN
MINISTER FOR JUSTICE

G.N.No. 201 /2000

IMMIGRATION ACT 1999.

The Cabinet by virtue of the powers conferred by Section 19 of the Immigration Act 1999 and all other powers it enabling hereby make the following Regulations:

IMMIGRATION ACT 1999

IMMIGRATION REGULATIONS 2000

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In Exercise of the powers conferred on it by section 19 of the Immigration Act 1999 the Cabinet has made the following Regulations —

PART I — PRELIMINARY

SHORT TITLE

1. These Regulations may be cited as the Immigration Regulations 1999.

INTERPRETATION

2. In these Regulations, unless the context otherwise requires —

“commercial aircrew member” means a person who —

- (a) is employed by a commercial air carrier as an aircrew member; and
- (b) holds a current identity document as an aircrew member issued by the commercial air carrier by which he is employed; and
- (c) is travelling to or departing from Nauru in the course of his employment as a crew member of or a passenger on an aircraft; and
- (d) is included in a list of the crew (being a list that gives the name, the date of birth and the country of citizenship of each crew member) that is signed on behalf of the commercial air carrier and given to an immigration officer;

“business visa” means a business visa granted under regulation 5;

“commercial air carrier” includes a scheduled or chartered carrier of passengers or freight, but does not include a privately owned and operated aircraft or an aircraft on military service;

“diplomatic or consular representative”, in relation to a country other than Nauru, means a person who has been appointed to, or is the holder of, a post or position in a diplomatic or consular mission of that country in or in relation to Nauru, not being a person who was ordinarily resident in Nauru when he was appointed to that post or position;

“residence visa” means a residence visa granted under regulation 4;

“special purpose visa” means a special purpose visa granted under regulation 8;

“transit passenger” means a person who —

- (a) arrives in Nauru by aircraft; and
- (b) holds a valid ticket and confirmed onward booking to leave Nauru to travel to a third country on the same or another aircraft within three hours of his arrival in Nauru; and
- (c) holds all documentation necessary to enter the country of his destination;

“transit visa” means a transit visa granted under regulation 7;

“visitor’s visa” means a visitor’s visa granted under regulation 6;

PART II — VISAS

CLASSES OF VISAS

3. For the purposes of section 9 of the Act, the classes of visas which may be granted are as follows:—

- (a) residence visa;
- (b) business visa;

- (c) visitor's visa;
- (d) transit visa;
- (e) special purpose visa.

RESIDENCE VISAS

4. (1) A residence visa may be granted to —
- (a) a dependant of a Nauruan citizen;
 - (b) a dependant of the holder of a residence visa, who intends to reside in Nauru.
- (2) A residence visa may be —
- (a) for a limited or unlimited period; and
 - (b) granted for a single entry or multiple entries,

according to its terms.

- (3) Subject to sub-regulation (6), a residence visa granted to a person as a dependant of a Nauruan citizen expires —
- (a) where the person is a spouse — upon divorce or formal separation; or
 - (b) in the case of any other dependant — where he ceases to be a dependant.

(4) Where a residence visa is granted to the spouse of a Nauruan citizen in accordance with sub-regulation (1), that visa does not expire upon the death of the Nauruan citizen, unless the Minister declares at the time of death or at any time after the death during the currency of the visa that it has expired.

- (5) Subject to sub-regulation (6), a residence visa granted to a person as a dependant of the holder of a residence visa expires —
- (a) where the person is a spouse — upon divorce or formal separation; or
 - (b) in the case of any other dependant — where he ceases to be a dependant; or
 - (c) in all cases — upon the cancellation or expiry of the visa of the visa-holder in respect of whom the first-mentioned person is a dependant.

(6) Notwithstanding sub-regulations (3) and (5), the Minister may declare that the visa of a dependant referred to in either of those sub-regulations does not expire in accordance with those sub-regulations, and if so the visa continues in effect, upon such conditions as the Minister may require.

(7) No residence visa shall be granted to a person who is unlawfully in Nauru, is in lawful custody or is a patient in a mental hospital.

BUSINESS VISAS

5. (1) A business visa may be granted for the following purposes:—
- (a) the conduct of a business or profession;
 - (b) employment;
 - (c) education,
 - (d) performing consultancy services;

- (e) engaging in research, whether or not for reward;
- (f) engaging in cultural activities or religious vocation, whether or not for reward;
- (g) engaging or participating in film, journalism or other media activities;
- (h) residing with a holder of a business visa as a dependant;
- (i) any other purpose, under than those specified in paragraph (a) to (h), which the Principal Immigration Officer, with the consent of the Minister, considers is appropriate for the grant of a business visa.

- (2) A business visa may be granted —
 - (a) for any period not exceeding 12 months; and
 - (b) for a single entry or multiple entries,

according to its terms.

- (3) A business visa —
 - (a) shall specify the purpose for which it is granted; and
 - (b) is subject to the condition that the purpose for which it is granted cannot be changed without the permission of the Principal Immigration Officer; and
 - (c) where it is granted for education purposes — is subject to the condition that the holder shall not engage in any business, profession or employment, whether for reward or not, except with the approval of the Principal Immigration Officer.

- (4) No business visa shall be granted to a person —
 - (a) who is unlawfully in Nauru, is in lawful custody or is a patient in a mental hospital; or
 - (b) who has previously applied for and been refused a visa of any class in the previous six months.

- (5) A business visa granted to a person who is a dependant of the holder of a business visa expires —
 - (a) where the person is a spouse — upon divorce or formal separation; or
 - (b) where the person is dependent upon the visa-holder — if he ceases to be so dependent; or
 - (c) in all cases — upon the cancellation or expiry of the visa of the visa-holder in respect of whom the first-mentioned person is a dependant.

VISITOR'S VISAS

- 6. (1) A visitor's visa may be granted for the following purposes:—
 - (a) holiday;
 - (b) visiting friends or relatives in Nauru;
 - (c) attendance at a convention, conference, seminar, workshop or similar meeting;
 - (d) any other similar purpose which the Principal Immigration Officer considers is appropriate for the grant of a visitor's visa.

- (2) The conditions upon which a visitor's visa may be granted are that the holder, whilst in Nauru, will not —

- (a) behave in a manner prejudicial to peace or good order; or
 - (b) engage in any religious activity other than normal religious observance; or
 - (c) except with the approval of the Principal Immigration Officer — engage in any other activity for which a business visa may be granted.
- (3) A visitor's visa shall not be granted to any person unless the person satisfies an immigration officer that he —
- (a) holds a valid passport which will not expire within three months of the date or proposed date of entry; and
 - (b) holds a valid ticket to leave Nauru to travel to another country; and
 - (c) holds all documentation necessary to enter the country of his destination; and
 - (d) has sufficient funds for his support in Nauru during the period for which application is made; and
 - (e) gives no grounds for the belief that he will contravene the conditions upon which the visa may be granted.
- (4) Unless otherwise specified, a visitor's visa —
- (a) is valid for a period not exceeding one calendar month from the time of entry; and
 - (b) may be extended for a further period not exceeding two calendar months.
- (5) A visitor's visa shall be granted for a single entry only.

TRANSIT VISAS

7. (1) A transit visa may be granted to a person travelling via Nauru from a place outside Nauru to another place outside Nauru, whether by air, sea or a combination of these, where —
- (a) the period between the arriving and departing flights or sea voyages does not exceed three hours; or
 - (b) the person wishes or is required to enter Nauru during a lesser period of transit.
- (2) A transit visa shall not be granted to any person unless the person satisfies an immigration officer that he —
- (a) holds a valid passport which will not expire within three months after the date of his entry; and
 - (b) holds a confirmed onward booking to leave Nauru on the next available flight or sea voyage to travel to a third country; and
 - (c) holds all documentation necessary to enter the country of his destination.
- (3) A transit visa is valid only for the period of transit until the departure of the onward flight or sea voyage, and shall be granted for a single entry only.
- (4) Where the holder of a transit visa is prevented by circumstances beyond his control from leaving Nauru on the flight or sea voyage on which he is booked to depart, the Principal Immigration Officer may —
- (a) grant an extension of his transit visa until the departure of the next available onward flight or sea voyage; or

(b) notwithstanding regulation 13(1)(c) — grant him a visitor's visa upon such terms and conditions as he thinks necessary or desirable in the circumstances.

SPECIAL PURPOSE VISAS

8. (1) A special purpose visa may be granted to the following persons:—
- (a) diplomatic or consular representative, and his dependants;
 - (b) a member of the armed forces of another country entering Nauru in his official capacity, and his dependants;
 - (c) aircrew engaged in the positioning, operation or delivery of an aircraft, other than aircrew who already hold, or who in the opinion of the Principal Immigration Officer should hold, a visa of another category, or who are entering Nauru as commercial aircrew members;
 - (d) ship's crew engaged in the positioning, operation or delivery of a vessel, other than ship's crew who already hold, or who in the opinion of the Principal Immigration Officer should hold, a visa of another category;
 - (e) a person who wishes to enter or remain in Nauru in order to conduct or appear in legal proceedings, including a person who intends to appeal to the Minister under section 15 of the Act or to take action available to him in a court to obtain redress against a decision of an immigration officer;
 - (f) a person entering Nauru in order to obtain investor citizenship;
 - (g) a person who enters Nauru without a passport, in accordance with regulation 12(4);
 - (h) a person whom the Principal Immigration Officer considers should be regarded as a refugee;
 - (i) a person who arrives in Nauru due to stress of weather, medical or other emergency or other similar cause;
 - (j) a person who —
 - (i) is not exempt from the requirement of a visa under section 8(3) of the Act; and
 - (ii) does not have a visa and is not eligible for the grant or extension of any other class of visa; and
 - (iii) in the opinion of the Principal Immigration Officer should be permitted to enter or remain in Nauru and should not be detained as a prohibited immigrant.
- (2) A special purpose visa —
- (a) may be granted for a single entry or multiple entries; and
 - (b) may be granted for any period and may be extended; and
 - (c) shall specify the purpose for which it is granted; and
 - (d) is subject to the condition that the holder shall not, without the permission of the Principal Immigration Officer, engage in any business, profession or employment except in connection with his status as the holder of the visa.

SPECIAL PURPOSE VISAS FOR LEGAL PROCEEDINGS

9. (1) A special purpose visa for the purpose of regulation 8(1)(e) shall not be granted unless the Principal Immigration Officer is satisfied that the applicant is unlikely to become a charge on the public during the period of validity of the visa.

(2) The proceeding, appeal or action in relation to which the special purpose visa is granted shall be lodged or commenced —

(a) where the visa-holder is already in Nauru — within 14 days after the grant of the visa; or

(b) where the visa-holder has not yet entered Nauru — within 14 days after his entry into Nauru.

(3) A special purpose visa granted under regulation 8(1)(e) may be cancelled by the Principal Immigration Officer —

(a) where the holder appears likely to become a charge on the public; or

(b) where the proceeding, appeal or action is not lodged or commenced within a period of 14 days after the grant of the permit or the entry of the holder into Nauru,

and if not cancelled, expires on the conclusion of the proceeding, appeal or action, whether by way of decision, withdrawal or otherwise.

EMERGENCY ENTRY

10. (1) Where, due to stress of weather, medical or other emergency or other reasonable cause, a person enters Nauru without complying with any provision of the Act or these Regulations relating to entry requirements, the person or some other person acting on his behalf shall inform an immigration officer as soon as practicable of the entry and the reason for the entry.

(2) The Principal Immigration Officer may, upon consideration of the circumstances of an entry under sub-regulation (1) and any other relevant matters, and notwithstanding regulation 13, grant the person a visa.

(3) A person who is granted a visa under this regulation is deemed to have complied with all the requirements of the Act and these Regulations relating to entry into Nauru and application for the visa.

COMMERCIAL AIRCREW MEMBERS

11. For the purposes of section 8(3)(c) of the Act, a commercial aircrew member may enter Nauru without a permit.

PASSPORTS

12. (1) Subject to sub-regulations (3) and (4) —

(a) an applicant for a visa shall hold a valid passport which is not due to expire within three months of the date of application; and

(b) the holder of a visa shall maintain a current and valid passport during the period of validity of the visa.

(2) Where a new passport is issued to replace a passport which has been lost, cancelled or which has expired, the current visa held shall, upon payment of the fee set out in Schedule 1, be re-evidenced in the new passport.

(3) This regulation does not apply to a person whose arrival in Nauru is caused by stress of weather, medical or other emergency, or other reasonable cause.

(4) Notwithstanding sub-regulation (1), the Principal Immigration Officer may, on humanitarian or other grounds, permit a person who arrives in Nauru without a passport to enter and remain in Nauru, or, where the person has already entered Nauru, to remain in

Nauru, and for the purpose may grant to the person a special purpose visa, on such conditions as the Principal Immigration Officer thinks fit.

APPLICATIONS FOR VISAS

13. (1) An application for a visa shall be made in writing, by the applicant for the visa or by another person acting on behalf of the applicant, in such form as the Principal Immigration Officer requires, and shall be accompanied by —

- (a) such information or documentation as may be relevant or as the Principal Immigration Officer requires; and
- (b) any fee payable in accordance with regulation 14.

(2) Subject to sub-regulation (3), an application for —

- (a) a residence visa may be made before, upon or after entry into Nauru; and
- (b) a business visa shall be made before arrival in Nauru; and
- (c) a visitor's visa may be made before or upon arrival in Nauru; and
- (d) a transit visa may be made before or upon arrival in Nauru; and
- (e) a special purpose visa may be made before, upon or after arrival in Nauru.

(3) The Principal Immigration Officer may, in his discretion, permit a person who already holds a visa and who is already in Nauru to apply for and be granted a visa of a different class in accordance with these Regulations, and for the purpose may —

- (a) require the person to leave and re-enter Nauru; or
- (b) permit the person to remain in Nauru.

VISA FEES

14. (1) The fees for visas are as set out in Column 2 of the Schedule opposite the description of the class and kind of visa.

(2) Notwithstanding sub-regulation (1), a diplomatic or consular representative or any other holder of a diplomatic passport may, with the consent of the Minister, be exempted from payment of any visa fee.

(3) Where a visa application is refused, any fee paid in respect of the application shall be refunded.

VISA FOR CHILD

15. Where a child who is not a Nauruan citizen —

- (a) is travelling with and included in the passport of his parent or legal guardian, who is a non-citizen; or
- (b) is born in Nauru to the holder of a visa,

the child may be included in the visa of the parent or legal guardian.

GRANT AND EVIDENCE OF VISA

16. (1) In granting a visa, the Principal Immigration Officer may impose such additional conditions, not inconsistent with the Act or these Regulations, as he considers necessary or desirable in the circumstances.

(2) A visa granted before the holder arrives in Nauru —

- (a) shall be evidenced in a form determined by the Principal Immigration Officer; and
- (b) shall, unless otherwise specified, include permission for the holder to travel to and enter Nauru; and
- (c) may be subject to the condition that the holder travels to and arrives in Nauru on or before a specified date or within a specified time.

(3) Where —

- (a) a visa is granted to a person before arrival in Nauru; and
- (b) the visa has not been evidenced in the passport of the holder,

the visa shall, upon arrival of the holder in Nauru, be evidenced in the passport of the holder at a time and in a form determined by the Principal Immigration Officer, or, where the holder has no passport, in such other manner as the Principal Immigration Officer considers appropriate.

(4) A visa granted to a person arriving or already in Nauru shall be evidenced in the passport of the holder at a time and in a form determined by the Principal Immigration Officer, or, where the holder has no passport, in such other manner as the Principal Immigration Officer considers appropriate in the circumstances.

RE-ENTRY PERMITS

17. (1) The holder of a current single-entry visa who wishes to leave and return to Nauru during the period of currency of the visa may apply to the Principal Immigration Officer for the grant of a re-entry permit.

(2) An application under sub-regulation (1) shall be accompanied by —

- (a) the applicant's passport; and
- (b) such other information as the Principal Immigration Officer may require; and
- (c) any fee payable as set out in Schedule 1, which shall be refunded if the application is refused.

(3) Where the Principal Immigration Officer grants a re-entry permit, the permit shall be evidenced in such manner as the Principal Immigration Officer thinks fit.

RENEWAL AND EXTENSION OF VISAS

18. The Principal Immigration Officer may, unless he considers that it would not be appropriate for him to do so, upon —

- (a) application by the holder of a visa which may be renewed or extended under these Regulations; and
- (b) the payment of any required fee,

renew or extend the visa.

CANCELLATION OF VISAS

19. (1) The Principal Immigration Officer may at any time cancel a visa —

- (a) where he is satisfied that —
 - (i) the holder should have been granted a visa of another class; or
 - (ii) the visa should not have been granted because the application for it or its grant was in contravention of this Act or any other law; or
 - (iii) the holder has breached a condition of the visa; or

(v) another person required to comply with a condition of the visa has breached that condition; or

(iv) the purpose for which the visa was granted has expired, has terminated or is no longer valid; or

(v) he holder is, or is likely to become, a charge upon the Republic or a risk to the health, safety or good order of the Nauruan community; or

(vi) the holder is or has become a prohibited immigrant; or

(b) for any other reason given in the Act or these Regulations.

(2) Notwithstanding section 10 of the Act, where a visa is cancelled under sub-regulation (1)(i), the holder does not thereby become a prohibited immigrant, and shall be afforded a reasonable opportunity to apply for and be granted a visa of an appropriate class.

(3) Where a visa is cancelled for a breach of condition, the holder of the visa shall not, unless the Minister otherwise directs, be permitted to enter or re-enter Nauru, except as the holder of a transit visa or a special purpose visa, within a period of 12 months from the date of—

(a) the cancellation of the visa where the visa was cancelled prior to entry into Nauru; or

(b) the holder's departure from Nauru upon the cancellation of the visa where the visa was cancelled after entry into Nauru.

(4) Except with the prior permission of the Minister, a person who overstays the period of the visa granted to him by more than 7 days shall not be permitted to re-enter Nauru, except as the holder of a transit visa or a special purpose visa, within a period of 6 months from the date of the expiry of the visa.

CHANGE OF CIRCUMSTANCES

20. (1) The holder of a visa shall, whether he is in or outside Nauru, immediately inform the Principal Immigration Officer of any change in his circumstances which may affect his status as a visa-holder.

(2) Without limiting the generality of sub-regulation (1), a change in circumstances may consist of —

(a) marriage; or

(b) divorce; or

(c) formal separation of marriage; or

(d) the birth of a child; or

(e) the adoption of a child; or

(f) the death of a dependant who holds a visa by reason of being a dependant of the person referred to in sub-regulation (1); or

(g) the commencement, completion or termination of education, employment or business activity in Nauru.

(3) A notification under sub-regulation (1) shall be accompanied by such evidence or certification as is relevant or as the Principal Immigration Officer may require.

(4) A person who fails to comply with sub-regulation (1) —

(a) is liable to the cancellation of his visa; and

(b) is guilty an offence.

Penalty: A fine not exceeding \$500.00

PART III — ARRIVAL, ENTRY AND DEPARTURE

COMPLETION OF ARRIVAL AND DEPARTURE CARDS

21. (1) A person other than —
- (a) a commercial aircrew member; or
 - (b) a transit passenger who does not leave the restricted area except to continue his journey,

shall complete and give to an officer an arrival card on arrival in Nauru, and a departure card on departure from Nauru.

- (2) A person who fails to comply with sub-regulation (1) is guilty of an offence.

ARRIVAL CARD

22. (1) An arrival card shall include the following questions, or substantially similar questions:—

“Family name/surname and given names

Passport number and date of expiry

Nationality

Usual occupation

Flight number or name of ship

In which country did you board this flight or ship?

Intended address in Nauru

Have you any criminal conviction/s for which the sentence/s (whether served or not) totalled 2 years' imprisonment or more? If yes, when? where? other details

Have you ever been refused a visa or entry into any country, or had a visa cancelled, or been removed or deported from any country? If yes, when? where? other details

Please X and answer A or B or C:

A. Arriving resident:

Previous country of residence

Reason for coming to reside in Nauru

Business

Employment

Education

Other (specify)

B: Returning resident:

Time you have been away from Nauru (years/months/days)

Country where you spent most time while abroad

C: Visitor or temporary entrant:

Country of residence

Intended length of stay in Nauru

Main reason for coming to Nauru (X one only):

Convention/conference

Business

Employment

Education
Holiday
Visiting friends/relatives
Transit
Other (specify)."

- (2) An arrival card may —
- (a) have the questions in sub-regulation (1) set out on the arrival card in any order and numbered in any way; and
 - (b) include any other questions which the Principal Immigration Officer from time to time considers necessary or desirable to include; and
 - (c) include instructions for completing it.

DEPARTURE CARD

23. (1) A departure card shall include the following questions, or substantially similar questions:—

"Family name/surname and given names

Passport number

Nationality

Usual occupation

Flight number or name of ship

Country where you will get off this flight or ship

Address in Nauru

Please X and answer D or E or F:

D: Visitor or temporary entrant departing

How long did you stay in Nauru?

E: Resident departing temporarily:

Intended length of stay overseas: years/months/days

Country where you will spend most time abroad

Main reason for overseas travel (X one only):

Convention/conference

Business

Employment

Education

Holiday

Visiting friends/relatives

Other (specify)

F: Resident departing permanently:

Country of future residence."

- (2) A departure card may —
- (a) have the questions in sub-regulation (1) set out on the departure card in any order and numbered in any way; and
 - (b) include any other questions which the Principal Immigration Officer from time to time considers necessary or desirable to include; and
 - (c) include instructions for completing it.

ARRIVAL IN NAURU

24. (1) A person arriving in Nauru by air shall, except in the case of medical or other emergency or other reasonable cause, immediately enter the restricted area of the airport.

(2) Where a restricted area has been declared for a port, a person arriving in Nauru by sea shall, except in the case of medical or other emergency or other reasonable cause, disembark directly into the restricted area.

(3) No person who has entered a restricted area upon arrival in Nauru may leave the restricted area to enter Nauru unless he has been given permission to do so by an immigration officer.

(4) Where no restricted area has been declared for a port, no person arriving in Nauru by sea may disembark into Nauru unless he has been given permission to do so by an immigration officer.

(5) A person who contravenes a provision of this regulation is a prohibited immigrant and is guilty of an offence.

PERSONS IN RESTRICTED AREA

25. (1) A transit passenger who does not leave the restricted area into which he arrived in Nauru, except to continue his journey —

- (a) does not need a permit; and
- (b) does not need to complete or submit an arrival card or departure card; and
- (c) is deemed not to have entered Nauru.

(2) No transit passenger shall remain in a restricted area for a period exceeding three hours.

(3) No —

- (a) transit passenger who has entered a restricted area for purposes of transit; or
- (b) person leaving Nauru who has entered a restricted area after completing a departure card and giving it to an immigration officer,

may leave the restricted area —

- (c) except to board the aircraft or vessel on which he is departing from Nauru; or
- (d) unless he has been given permission to do so by an immigration officer.

(4) A person who contravenes sub-regulation (3) is guilty of an offence.

PART IV — MISCELLANEOUS

PENALTIES

26. A person convicted of an offence against these Regulations for which no penalty is specified is liable to a fine not exceeding \$1,000 or imprisonment for a term not exceeding 3 months.

SCHEDULES
SCHEDULE
(Regulation., Sec. 12,14,17.)

<i>Column 1</i> CLASS OF VISA	<i>Column 2</i> FEE
Residence Visa	Nil
Business Visa:	
employees of, consultants to, and business visitors calling on the Republic, the Nauru Phosphate Corporation or any other statutory corporation of the Republic	nil
business, employment etc.	
for stay of any period up to 3 months	
single entry	\$100
multiple entry	\$200
for stay of any period exceeding 3 months	
single entry	\$200
multiple entry	\$400
education	
single entry	\$100 per year or part of a year
multiple entry	\$200 per year or part of a year
dependant residing with a holder of a business visa	50% of the fee for the business visa
Visitor's visa	
One month	\$50
Second month	\$100
Third month	\$100
Transit visa and extensions	Nil
Special purpose visa	
for the purpose of legal proceedings	
single entry	\$50
multiple entry	\$100
seeking investor citizenship	
single entry	\$100
multiple entry	\$200

any other case	
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Re-entry permit where no charge was made for the visa where a charge was made for the visa	 nil \$10
Re-evidencing of visa — where no charge was made for the visa where a charge was made for the visa single entry visa multiple entry visa	 nil \$10 \$20