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Nauru

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G. N. No. 351 / 2014

**Immigration (Amendment) Regulations 2014**

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Cabinet makes the following regulations under section 33 of the Immigration Act 2014:

**1 Short title**

These Regulations may be cited as the *Immigration (Amendment) Regulations 2014*.

**2 Commencement**

These Regulations commence on the day on which they are published in the Gazette.

**3 Regulations Amended**

The Schedule amends the Immigration Regulations 2014.

**SCHEDULE – AMENDMENT OF IMMIGRATION REGULATIONS 2014**

**[1] Amendment of Regulation 3 (Interpretation)**

**Insert in alphabetical order**

*‘complementary protection’* has the same meaning as in the *Refugees Convention (Amendment) Act 2014*;

*‘temporary settlement visa’* means a visa granted under Regulation 9A

**[2] Amendment of Regulation 4 (Classes of visa)**

**Insert new regulation 4 (1) (h)**

**(h)** Temporary settlement visa

**[3] Amendment of Regulation 5 (Visa Application)**

**3.1 Amendment of Regulation (5) (b)**

**After the first occurrence of the word ‘visa’ insert the following words ‘or a temporary settlement visa’.**

**The new clause will now read:**

(b) except in the case of a regional processing centre visa, or a temporary settlement visa, evidence of the payment of any fee payable under regulation 16 for the class of visa being applied for.

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**3.2 Amendment of Regulation 5 (7)**

**After the word 'visa' insert the words 'and a temporary settlement visa'.**

**New clause will now read:**

(7) The fee for a regional processing centre visa and a temporary settlement visa is payable by the Commonwealth of Australia when a demand for its payment is made on behalf of the Republic.

**3.3 Amendment of Regulation 5 (8)**

**After the second occurrence of the word 'visa', insert the following; 'or a temporary settlement visa)'**

**New clause will now read:**

(8) A person who is the holder of a current visa (other than a regional processing centre visa or a temporary settlement visa) and is already in Nauru may apply for a visa of a different class.

**3.4 Amendment of Regulation 5 (9)**

**After the word 'passport' insert the words 'or travel document'.**

**New clause will now read:**

(9) An applicant for a visa must hold a valid passport or travel document that is not due to expire within 3 months after the date of the application.

**3.5 Amendment of Regulation 5 (10)**

**Omit** full stop occurring at the end of Regulation 5 (10 (c) and **substitute** with a semi colon and the word 'or'

**Insert new Regulation 5 (10) (d)**

(d) who has been granted a temporary settlement visa.

**New clause will now read:**

(10) Subregulation (9) does not apply to a person:

(a) on whose behalf an application for a regional processing centre visa or a temporary settlement visa is being made; or

(b) whose arrival in Nauru is due to stress of weather or a medical or other

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emergency; or

(b) who has arrived in Nauru without a passport due to another reasonable cause;  
or

(c) who has been granted a temporary settlement visa.

**[4] Amendment of Regulation 7**

**4.1 Insert new Regulation 7 (1A)**

**7 (1A)** The holder of a temporary settlement visa may apply to the Secretary for a dependant's visa to be granted to a dependant and the Secretary has the discretion to permit the application.

**4.2 Amendment of Regulation 7 (5) (b)**

**After the word 'Officer' insert the words 'or the Secretary'**

New clause will now read:

(b) subject to any reasonable condition (not inconsistent with the Act or these Regulations) that the Principal Immigration Officer or the Secretary considers necessary or desirable.

**[5] Repeal Regulation 9 (6A)**

Regulation 9 (6A) is repealed

**[6] Insert new Regulation 9A**

**9A Temporary settlement visa**

(1) If the Secretary for Justice or the Nauru Refugee Status Review Tribunal notifies the holder of a regional processing centre visa in writing that a determination has been made that the holder is recognized as a refugee, is granted derivative status or is in need of complementary protection, the regional processing centre visa currently held by the person automatically becomes a temporary settlement visa.

(2) The duration of a temporary settlement visa is six months.

(a) The holder of a temporary settlement visa may-

i. engage in employment for an authorized employer who has been granted authorization by the Secretary;

ii. apply for a business licence under the Business Licences Act;

iii. apply for a refugee travel document;

iv. leave and re-enter Nauru during the period of the temporary settlement visa;

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and

- v. apply for a dependant to join them in Nauru on a dependant's visa if so permitted by the Secretary.

(b) The holder of a temporary settlement visa-

- i. must not behave in a manner prejudicial to the peace and good order of Nauru; and
- ii. must take all reasonable steps to ensure that a person who is his or her dependant and holds a temporary settlement visa complies with the conditions of that visa.

(3) A temporary settlement visa may be granted subject to any other reasonable condition (not inconsistent with the Act, the Refugees Convention Act 2012, the Refugees Convention (Amendment) Act 2014 or these Regulations) that the Secretary, considers necessary or desirable.

(4) The Minister may at any time cancel a temporary settlement visa.

(5) If the temporary protection visa of a person mentioned in subregulation (1) is cancelled, the visa of a person who is a dependant of that person is also cancelled.

**[7] Amendment of Regulation 12**

**7.1 Amendment of Regulation 12 (1) (a)**

**Omit** the second occurrence of the word 'and'

**7.2 Amendment of Regulation 12 (1) (b)**

**Omit** the full stop and **substitute** with a semi colon and **Insert** the word 'and'

**7.3 Insert new Regulation 12 (1) (c)**

(c) who is able to show means of support, if so requested.

**New clause will now read:**

(1) A visitor's visa may only be granted to a person:

- (a) who holds a valid ticket for travel from Nauru to another country and any documents necessary for entering the country of destination;
- (b) in respect of whom there are no grounds for a belief that he or she will contravene a visa condition; and
- (c) who is able to show means of support, if so requested.

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**[8] Amendment of Schedule 2 – Part 1**

**Insert temporary settlement visa fee**

Temporary settlement visa - \$3000 per month