

IMMIGRATION

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Immigration Act 2014

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SCHEDULE 1 — REPEALED ACTS

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Immigration Act 2014

TABLE OF AMENDMENTS

The Immigration Act 2014 No 1 was certified and commenced on 28 January 2014 (GN No 64/2014; Gaz 12/2014).

Amending Legislation	Certified	Date of Commencement
Immigration (Amendment) Act 2016 No 55	23 December 2016	23 December 2016
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021

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An Act to make provision for the entry of persons into Nauru, the presence of non-citizens in Nauru, and the departure or removal of persons from Nauru.

Enacted by the Parliament of Nauru as follows:

PART 1 — PRELIMINARY

1 Short title

This Act may be cited as the *Immigration Act 2014*.

2 Commencement

This Act shall come into force upon certification by the Speaker and came into effect on 28 January 2014.

3 Interpretation

In this Act:

‘airport’ means the Nauru International Airport;

‘authorised officer’ means:

- (a) an immigration officer; or
- (b) a police officer;

‘captain’ means the captain, master or other person for the time being in charge of a vessel or aircraft, but does not include a ship’s pilot;

‘contravention’ includes failure to comply;

‘crew member’ means a person for the time being in the service of a vessel or aircraft;

‘Director’ means the Director of Immigration appointed under Section 4;

[Consequential amendment of s 4 insrt Act 55 of 2016 s 4, opn 23 Dec 2016]

‘enter’, in relation to Nauru, means:

- (a) in the case of a person arriving by sea:
 - (i) if a restricted area has been declared in relation to a port — leaving the restricted area to enter Nauru; or
 - (ii) in any other case — disembarkation in Nauru from the vessel in which the person has arrived; and
- (b) in the case of a person arriving by air:
 - (i) at the airport — leaving the restricted area to enter Nauru; or
 - (ii) at any place other than the airport — landing in Nauru, and includes re-entry;

‘immigration officer’ means:

- (a) the Director; or
- (b) a person appointed as an immigration officer under Section 4A;

‘Minister’ means the Minister for Justice and Border Control;

‘passenger’ means a person travelling or intending to travel on board a vessel or aircraft;

'passport' includes a document of identity issued from official sources, whether in or outside Nauru, and having the characteristics of a passport, but does not include a document of a class declared by the Regulations not to be a passport;

'Principal Immigration Officer (Administration)'

[def omitted by the Law Revision Commission under powers authorised by Act 10 of 2019]

'Principal Immigration Officer (Operations)'

[def omitted by the Law Revision Commission under powers authorised by Act 10 of 2019]

'removal order' means an order for the removal of a person from Nauru made under Section 11;

'restricted area' means an area declared as a restricted area under Section 5;

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

'unlawfully in Nauru' a person who contravenes Section 10 is unlawfully in Nauru;

'vessel' includes a boat, ship, canoe or other floating craft, whether or not propelled by motor, but does not include an aircraft; and

'visa' means a visa granted under the Regulations.

3A Act binds Republic

This Act binds the Republic.

3B Repeal

The Acts listed in Schedule 1 are repealed.

[The next page is 720,801]

PART 2 — ADMINISTRATION

4 Director of Immigration

- (1) The Secretary, acting on the recommendation of the Minister, may appoint a person in the position of Director of Immigration.
- (2) The role and duties of the Director of Immigration shall be determined by the Minister, acting on the recommendation of the Secretary.
- (3) The Director of Immigration is subject to the control and direction of the Minister.
- (4) Any reference to a Director in this Act and in the Regulations is a reference to the Director of Immigration.

[s 4 subst Act 55 of 2016 s 4, opn 23 Dec 2016]

4A Immigration officers

- (1) The Chief Secretary may appoint a public officer to be an immigration officer to assist the Director.
- (2) An appointment is subject to the conditions specified in the instrument of appointment.
- (3) When performing functions or exercising powers under this Act, an immigration officer is subject to control and direction by the Director.
- (4) Nothing in this Act precludes an immigration officer from also being authorised to perform functions and exercise powers under any other written law.

4B Identity cards

- (1) The Director and each immigration officer shall be issued with an identity card that:
 - (a) specifies the officer's name and office;
 - (b) bears a recent photograph of the officer; and
 - (c) is in a form capable of being worn or displayed on outer clothing.
- (2) When exercising a power as an authorised officer under this Act in relation to a person, the Director or immigration officer shall:
 - (a) produce his or her identity card for the person's inspection before exercising the power; or
 - (b) display the identity card so it is clearly visible to the person when the officer is exercising the power.
- (3) Where it is not practicable to comply with subsection (2), the officer shall produce the identity card for the person's inspection at the first reasonable opportunity.
- (4) On ceasing to be an immigration officer, a person shall return his or her identity card to the Secretary.
- (5) A person who fails to return his or her identity card to the Secretary commits an offence under this Act and is liable to a maximum penalty of \$500.

4C Delegation

- (1) The Minister may delegate to the Secretary or the Director his or her functions or powers under this Act, other than a function or power specified by the Regulations as made under Section 33.
- (2) The Secretary may delegate to the Director or to an immigration officer his or her functions or powers under this Act, other than a function or power specified by the Regulations as made under Section 33.
- (3) The Director may delegate to an immigration officer his or her functions or powers under this Act, other than a function or power specified by the Regulations as made under Section 33.

5 Restricted areas

- (1) The Minister may, by Gazette notice, declare places at a port or airport as restricted areas for the purposes of:
 - (a) the questioning of persons arriving in or leaving Nauru;
 - (b) the holding of persons arriving in Nauru until they are permitted by an immigration officer to enter Nauru;
 - (c) the holding of persons leaving Nauru who have completed immigration formalities until embarkation; and
 - (d) the holding of persons in transit via Nauru to another country, and may declare the limits of those places together with such other details as may be necessary or desirable to delimit the places.
- (2) A person shall not enter a restricted area unless the person is in the process of entering, leaving or transiting through Nauru.
- (3) A person who enters a restricted area whilst not in the process of entering, leaving or transiting through Nauru commits an offence and is liable to a maximum penalty of \$10,000.
- (4) Subsection (2) does not apply to:
 - (a) an authorised officer;
 - (b) a public officer entering for legitimate purposes of customs, quarantine or agricultural quarantine matters; or
 - (c) any other person authorised by or under a written law, either expressly or by necessary implication.

6 Powers of authorised officers

- (1) For the purposes of the administration of this Act, an authorised officer may:
 - (a) without a search warrant, enter and search a vessel, aircraft, vehicle, premises or place;
 - (b) question a person:
 - (i) who desires to enter or leave Nauru;
 - (ii) whom the officer suspects may be unlawfully in Nauru; or
 - (iii) whom the officer believes can give material information regarding a person referred to in subparagraph (i) or (ii);
 - (c) require a person referred to in paragraph (b) to produce such documents in his or her possession as may be necessary or desirable to enable the officer to carry out official duties;
 - (d) require a person who desires to enter or leave Nauru to make and sign a declaration in the form required by the Regulations;

- (e) prevent a person whom the officer believes is not authorised to enter Nauru from entering Nauru;
 - (f) prevent a person in respect of whom a removal order is in force from leaving the vessel or aircraft on which the person has been placed for removal; and
 - (g) require a person who desires to enter Nauru to submit to be examined by a medical officer and to undergo and assist in the carrying out of a test or investigation as the medical officer requires.
- (2) In exercising powers under this Act, an authorised officer may:
- (a) use such force as is reasonably necessary; and
 - (b) be assisted by such persons as he or she considers necessary in the circumstances.
- (3) Where an authorised officer has reasonable cause to suspect:
- (a) that a person has committed an offence against this Act; or
 - (b) that the presence of a person in Nauru is or would be unlawful, the officer may, without warrant, arrest the person.
- (4) Where a person arrested is a passenger or a member of the crew of a vessel or aircraft, the authorised officer who arrested the person may hand over custody of the person to the captain until the vessel or aircraft leaves Nauru.
- (5) For the purposes of Section 10 of the *Criminal Procedure Act 1972*, an offence against this Act is a cognizable offence and, for Sections 15 and 20 of that Act, an authorised officer other than a police officer will, if he or she arrests a person without warrant, be regarded as a private person.
- (6) A person who:
- (a) hinders or obstructs an authorised officer, or a person assisting an authorised officer, in the exercise of powers conferred by this Act;
 - (b) refuses or fails to comply with a requirement of an authorised officer under this Section;
 - (c) when required by an authorised officer under this Section to answer a question, refuses or fails to answer the question to the best of the person's knowledge, information and belief; or
 - (d) falsely represents, by words or conduct, that he or she is an authorised officer or other person with powers under this Act,
- commits an offence and is liable to a maximum penalty of \$10,000.

[The next page is 721,001]

PART 3 — ARRIVAL, ENTRY AND REMOVAL

7 Passenger and crew lists

- (1) On arrival of a vessel or aircraft in Nauru, the captain shall deliver to an immigration officer a list, in a form approved by the Secretary, of all officers, crew, passengers and other persons on board the vessel or aircraft.
- (2) Where the captain of a vessel or aircraft:
 - (a) fails to make a report under this Section; or
 - (b) provides a list or statement which the captain knows to be false or misleading,the captain, the owner and the agent of the vessel or aircraft each commit an offence and are each liable to a maximum penalty of \$10,000.
- (3) It is a defence to a prosecution for an offence against subsection (2)(a) if the defendant proves that the arrival was caused by stress of weather, medical or other emergency or there was other reasonable cause for the contravention.

8 Arrival of vessel or aircraft

- (1) On arrival of a vessel or aircraft in Nauru, the captain shall:
 - (a) not permit a person to disembark until disembarkation has been authorised by an immigration officer;
 - (b) if the captain reasonably believes a person on board the vessel is a stowaway, a person required to have a visa but who is not entitled to one or a person who is in the course of deportation or compulsory repatriation:
 - (i) immediately inform an immigration officer; and
 - (ii) prevent the person from disembarking unless the disembarkation is authorised by an immigration officer; and
 - (c) prevent from disembarking any other person whom an immigration officer informs the captain is required to have a visa but is not entitled to one.
- (2) Where the captain fails to comply with subsection (1)(a), (b) or (c) then the captain has committed an offence and is liable to a maximum penalty of \$10,000.
- (3) In preventing a person from disembarkation under subsection (1)(b) or (c), the captain may use such force as is reasonably necessary.
- (4) The captain of a vessel or aircraft arriving in Nauru shall immediately comply with any instruction or direction given by an immigration officer and shall by all reasonable means facilitate boarding by and provide necessary assistance to an immigration officer.
- (5) Where the captain fails to comply with subsection (4), the captain is liable to a maximum penalty of \$10,000.
- (6) Where a person enters Nauru unlawfully as a result of the captain of a vessel or aircraft contravening this Section, the captain, the owner and the agent of the vessel or aircraft are jointly and severally liable to pay to the Republic all expenses incurred by the Republic in connection with the care,

maintenance and treatment of the person and with the removal of the person from Nauru, not exceeding in the case of removal, the costs of removal to the place from which the person was brought by the vessel or aircraft.

- (7) The expenses may be recovered in an action brought by or in the name of the Republic.

9 Information to be provided on entry and departure

- (1) A person entering or departing from Nauru shall:
 - (a) appear before an immigration officer; and
 - (b) provide the immigration officer with such information as the officer may require or as may be prescribed by regulations.
- (2) A person who fails to comply with subsection (1), commits an offence and is liable to a maximum penalty of \$10,000.
- (3) It is a defence to a prosecution for an offence against this Section if the defendant proves that the entry or departure was caused by stress of weather, medical or other emergency or there was other reasonable cause for the contravention.

10 Requirement for visa

- (1) A person who is not a citizen of Nauru shall not enter or remain in Nauru without a valid visa authorising that entry or presence and a person failing to comply with this subsection commits an offence and is liable to a maximum penalty of \$10,000.
- (2) The Regulations may exempt a person from the application of subsection (1) absolutely or subject to conditions.
- (3) The burden of proof that a person has a valid visa authorising the entry to or the presence of the person in Nauru or is exempt under subsection (2) lies on the defendant.
- (4) Except in the case of a regional processing centre visa or unless exemption has been granted by the Minister, upon the expiration of a visa, the holder of the visa shall leave Nauru in order to reapply for the same visa or a different class of visa.
- (5) It is a defence to a prosecution for an offence against this Section if the defendant proves that the entry or departure was caused by stress of weather, medical or other emergency or there was other reasonable cause for the contravention.
- (6) A person who remains in Nauru after the expiration of their visa, is deemed to be an overstayer and shall pay the relevant fee as specified in Schedule 2.
- (7) Where a decision is made not to grant a visa, the applicant shall be given written notice of the decision and a statement of the reasons for the decision.

11 Removal orders

- (1) Subject to Section 11(1A), the Minister may order the removal from Nauru of a person, other than a citizen, who:
 - (a) is a prohibited immigrant;

- (b) has entered Nauru in breach of this Act or any other law;
- (c) has been convicted in Nauru or elsewhere of any offence nominated by the Minister by Notice and has not received a free pardon;
- (d) remains in Nauru after the expiration or cancellation of the person's visa; or
- (e) is a holder of a regional processing centre visa.

[subs (1) subst Act 55 of 2016 s 5, opn 23 Dec 2016]

- (1A) The Minister shall not order the removal from Nauru of a person who has a valid application before the Secretary made under Section 5 of the *Refugees Convention Act 2012*, or an:
- (a) application before the Tribunal;
 - (b) appeal before the Supreme Court; or
 - (c) appeal before the Nauru Court of Appeal,
- relating to such an application, that has not been finally determined.

[subs (1A) insrt Act 55 of 2016 s 6, opn 23 Dec 2016]

- (2) The Minister may declare a person a prohibited immigrant who:
- (a) has been deported from Nauru or any other country;
 - (b) has breached a term or condition of the person's visa;
 - (c) is likely to be a danger to the peace, order or good governance of Nauru;
 - (d) 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;
 - (e) is without sufficient lawful means of support for the person or any of the person's dependants;
 - (f) is declared by the Minister to be a people smuggler or a person involved with people smuggling; or
 - (g) is regarded by the Minister as an undesirable immigrant due to:
 - (i) the individual breaching any other written laws of Nauru;
 - (ii) the individual committing an act so gross that it has offended the custom, tradition and morals of the people of Nauru;
 - (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.
- (3) Where so requested by a person in respect of whom a removal order is made, the Minister may, inform the person of the reason for making the removal order.
- (4) A person against whom a removal order is made may, before the person leaves Nauru and while being conveyed to the place of departure, be kept in prison or in police custody, and while so kept is taken to be in lawful custody.
- (5) The Minister may vary or revoke a removal order made, or directions given, under this Section.
- (6) A person against whom a removal order has been made may be removed:
- (a) to the place from which the person came; or
 - (b) with the approval of the Minister, to a place in the country to which the

- person belongs, or to a place to which the person consents to be removed, provided that the Government of the last-mentioned place consents to receive the person.
- (7) The captain of a vessel or aircraft proceeding to a place to which a person is directed to be removed under this Section and who is required by the Minister to do so shall:
 - (a) receive a person against whom a removal order has been made on board the vessel or aircraft; and
 - (b) afford the person a passage to that place and proper accommodation and maintenance during the passage.
 - (8) Where a captain fails to comply with subsection (7), the captain, the owner of the vessel or aircraft and any agent of the owner in Nauru each commit an offence and is liable to a maximum penalty of \$10,000.
 - (9) Except as provided by Section 8(6), the cost of passage, accommodation and maintenance under subsection (7) shall be paid by the person removed, or if the Minister so directs, out of the Treasury Fund, which is appropriated accordingly.
 - (10) Where a person against whom a removal order has been made holds a ticket for the person's conveyance from Nauru to a place outside Nauru, the Minister may, on behalf of the person arrange, with or without the person's consent, for the ticket to be applied for or towards the conveyance of the person.
 - (11) Where a person against whom a removal order is made has been sentenced to a term of imprisonment, the sentence shall, unless the Minister otherwise directs, be served before the order is carried into effect.
 - (12) For the purpose of subsection (9), the Minister may use money or property belonging to or found on the person removed in payment of the whole or a part of the cost of passage, accommodation, and maintenance under subsection (7).
 - (13) Save for the appeal provided by Section 13, no person shall have any right or entitlement to challenge or seek review or bring any other legal proceedings whatsoever, including but not limited to any proceedings by way of prerogative writ or judicial review, in any court concerning any decision, act or omission by the Minister, under this Section.

12 Review of decisions relating to visas

- (1) An application for a review of a decision in relation to visas, under this Act, shall be made to the Minister as follows:
 - (a) an applicant for a visa may apply to the Minister for review of a decision to refuse to grant the application or to impose visa conditions; or
 - (b) the holder of a visa may apply to the Minister for review of a decision to vary, or impose further, visa conditions or to suspend or cancel the visa.
- (2) This Section does not apply to a person who has been issued with a removal order under Section 11.
- (3) Subject to this Section, the application for review shall be made within 14 days after the person receives notice of the decision.
- (4) Where the reasons for a decision are not given in writing at the time it is

made and a person who may apply for review of the decision requires, within 14 days after the making of the decision, the decision maker to give reasons in writing, the time for making an application for review runs from the time when the person receives the written statement of reasons.

- (5) An application for review shall be in writing and shall set out the reasons for the application and shall include the prescribed fee as stated in Schedule 2.
- (6) On a review of a decision made, the Minister may:
 - (a) affirm the decision;
 - (b) vary the decision; or
 - (c) set aside the decision and substitute a new decision.
- (7) Notice of a decision on a review shall be published in the Gazette.

13 Review of decisions relating to removal orders

- (1) A person aggrieved by a removal order made against him or her under Section 11, may appeal within 7 days of the removal order being served.
- (2) The appeal shall be made by written petition to the President of the Republic of Nauru and shall be submitted with the prescribed fee as stated in Schedule 2.
- (3) Upon receipt of the written petition, the President shall make a determination of the appeal and inform the applicant within 7 days of receiving the appeal.
- (4) A person who has submitted an appeal under subsection (1), may be granted a permit, by the President, to enter or remain in Nauru for the purposes of conducting the appeal, 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.
- (5) The President in his or her discretion may uphold, vary or revoke the removal order.
- (6) Where at any time, the positions of President and Minister are held by the same individual, the President shall delegate to another Minister the power to hear an appeal submitted under subsection (1).
- (7) No person has any right or entitlement to challenge or seek review or bring any other legal proceedings whatsoever, including but not limited to any proceedings by way of prerogative writ or judicial review, in any court concerning any decision, act or omission by the President or delegated person, under this Section.

[The next page is 721,201]

PART 4 — TRAFFICKING IN PERSONS AND SMUGGLING OF MIGRANTS

14 Definitions

In this Part:

‘child’ means a person under the age of 18 years;

‘exploitation’ includes forced labour or service, slavery or practices similar to slavery, servitude, removal of organs, and sexual servitude;

‘fraudulent travel or identity documents’ means a travel or identity document that:

- (a) has been made, or altered in any way, by a person other than a person or agency lawfully authorised to make or issue the travel or identity document on behalf of a country;
- (b) has been issued or obtained through misrepresentation, corruption or duress or in any other unlawful manner; or
- (c) is being used by a person other than the lawful holder;

‘illegal entry’ means entering Nauru or any other country without complying with the requirements for lawful entry of that country;

‘material benefit’ includes any type of financial or non-financial inducement, payment, bribe, reward, advantage or service;

‘receiving country’ means a country into which a trafficked person or smuggled migrant is brought as part of an act of trafficking persons or smuggling of migrants;

‘smuggled migrant’ means a person who is subject to smuggling of migrants;

‘smuggling of migrants’ means the arranging or assisting of an unauthorised migrant’s illegal entry into any country;

‘trafficked person’ means a person who is subject to trafficking in persons;

‘trafficking in persons’ means the recruitment, transportation, transfer, harbouring or receipt of a person for the purpose of exploitation;

‘unauthorised migrant’, for a country, means a person who is not a citizen of the country or in possession of all the documents required by the law of the country for that person’s lawful entry;

‘unlawful employee’, for an employer, means a person whom the employer knows, or is reckless to the fact that, is not entitled under law to undertake employment in the employer’s service; and

‘unlawful means’ means any of the following:

- (a) threat;
- (b) use of force or other form of coercion;
- (c) abduction;
- (d) fraud, including producing, providing or procuring fraudulent travel or identity documents for the unauthorised migrant;
- (e) deception;
- (f) abuse of power or of a position of vulnerability; or

- (g) giving or receiving payments or benefits to achieve the consent of a person having control over another person.

15 Application of this Part

This Part applies to conduct constituting an offence under this Part that takes place in or outside Nauru in circumstances in which:

- (a) Nauru is the receiving country or the exploitation occurs in Nauru;
- (b) the receiving country is a country other than Nauru and the offence of trafficking in persons or smuggling of migrants originates in Nauru or the persons or migrants transit Nauru; or
- (c) the person who engages in the offence of trafficking in persons or smuggling of migrants is a Nauruan citizen or a Nauruan visa holder.

16 Offence of trafficking in persons

A person who engages in trafficking in a person knowing that the person's entry into Nauru or any other country was arranged by unlawful means commits an offence.

17 Offence of trafficking in children

A person who engages in trafficking in a person who is a child, regardless of whether the child's entry into Nauru or any other country was arranged, commits an offence.

18 Exploitation of persons not legally entitled to work

- (1) An employer who, while allowing an unlawful employee to undertake employment in the employer's service, takes an action with the intention of preventing or hindering the employee from:
 - (a) leaving Nauru;
 - (b) ascertaining or seeking that person's entitlement under the law of Nauru; or
 - (c) disclosing to a person the circumstances of that person's employment by the employer, commits an offence.
- (2) Without limiting the generality of subsection (1), the following are examples of actions of the kind mentioned in that subsection:
 - (a) taking or retaining possession or control of a person's passport, any other travel or identity documents, or travel tickets; and
 - (b) preventing or hindering a person from:
 - (i) having access to a telephone or any other means of telecommunication available;
 - (ii) using a telephone or any other means of telecommunication available;
 - (iii) using a telephone or any other means of telecommunication privately;
 - (iv) leaving premises; or
 - (v) leaving premises unaccompanied.

19 Consent of trafficked persons

For the purposes of Sections 16, 17 and 18, it is not a defence:

- (a) that the trafficked person or unlawful employee consented; or

(b) that the person charged believed consent was given.

20 Offence of smuggling migrants

A person who, in order to obtain a material benefit, engages in the smuggling of a migrant, either knowing or being reckless as to the fact that the person's entry into a receiving country is illegal, commits an offence.

21 Offence to facilitate stay of unauthorised migrant

A person who knowingly facilitates the continued presence of an unauthorised migrant in a receiving country:

- (a) by an unlawful means; and
 - (b) in order to obtain a material benefit,
- commits an offence.

22 Offence related to fraudulent travel or identity documents

A person who makes, obtains, gives or sells or possesses a fraudulent travel or identity document for the purpose of facilitating:

- (a) trafficking in persons; or
- (b) smuggling of migrants,

commits an offence.

23 Aiding, abetting, etc

(1) A person who intentionally aids, abets, counsels or procures the commission of an offence under this Part by another person is taken to have committed the offence and is punishable as if the offence had been committed by the first-mentioned person.

(2) A person does not commit an offence of aiding, abetting, counselling or procuring the commission of an offence if, before the offence was committed, the person:

- (a) terminated that person's involvement; and
- (b) took all reasonable steps to prevent the commission of the offence.

24 Incitement to commit an offence

A person who intentionally urges or incites the commission of an offence under this Part commits an offence.

25 Conspiring to commit an offence

(1) A person who conspires with another person to commit an offence under this Part commits an offence.

(2) A person does not commit the offence of conspiracy if, before the taking of action under the agreement, the person:

- (a) withdrew from the agreement; and
- (b) took all reasonable steps to prevent the commission of the offence.

26 Attempting to commit an offence

A person who attempts to commit an offence under this Part, commits an offence.

27 Penalty

A person convicted of an offence against this Part is liable to a fine not exceeding \$50,000.

[The next page is 721,401]

PART 5 — MISCELLANEOUS

28 **False or misleading information**

A person who makes a statement that is false or misleading in a material particular, whether by reason of the inclusion or omission of any particular, in information provided under this Act, commits an offence and is liable to a maximum penalty of \$10,000.

29 **Statutory declaration**

Information required to be provided under this Act shall, at the request of the person to whom it is to be provided, be verified by statutory declaration.

30 **Powers in respect of vessel or aircraft**

Where the captain, owner or agent of a vessel or aircraft is convicted of an offence against this Act, the vessel or aircraft may, by order of the court, be detained until the fine or any other amount required to be paid under this Act has been paid or guaranteed to the satisfaction of the Secretary, and the court may order execution against the vessel or aircraft in satisfaction of the fine or other amount.

31 **Evidentiary presumption**

In proceedings for an offence against this Act, any document or certificate signed by the Minister, Secretary or Director certifying a matter relating to:

- (a) a delegation under this Act;
- (b) an appointment of an immigration officer under this Act; or
- (c) a visa granted under this Act,

is, in the absence of proof to the contrary, proof of the matters so certified.

32 **No claim for damages maintainable for things done in good faith**

(1) No claim for damages lies against:

- (a) the Republic;
- (b) an immigration officer;
- (c) a person delegated or authorised by this Act or any other law to perform or exercise a duty or power under this Act; or
- (d) any other person,

in respect of any act, matter or thing done or omitted to be done or purported to be done or omitted to be done, in good faith, in the performance or exercise or intended performance or exercise of a duty or power under this Act.

(2) Where a claim for damages lies in any other case, Section 3 of the *Republic Proceedings Act 1972* does not apply to the claim.

33 **Regulations**

- (1) The Cabinet may make regulations under this Act.
- (2) The regulations may make provision for or relating to:

- (a) visas, including without limitation provision for or relating to:
 - (i) classes of visa;
 - (ii) the purposes of a visa of a particular class and limitations that apply in relation to entry and presence under a visa of that class;
 - (iii) applications for a visa and supporting evidence or documentation;
 - (iv) eligibility for the grant of a visa;
 - (v) granting of a visa;
 - (vi) conditions of a visa;
 - (vii) expiry, renewal and extension of a visa; and
 - (viii) suspension and cancellation of a visa;
 - (b) the procedure to be followed by persons entering, in transit through, and departing from Nauru, including the form of information to be given;
 - (c) the procedure to be followed in the deportation and removal of persons from Nauru;
 - (d) forms, stamps or directions made, granted or issued under this Act;
 - (e) fees, charges, bonds or securities payable in respect of a matter under this Act; or
 - (f) facilitation of proof of the commission of offences against the regulations.
- (3) The regulations may:
- (a) be of general application or vary in their application according to prescribed factors; and
 - (b) give the Minister, the Secretary or the Director discretion to decide a matter.

34 Existing Visas

A person who, on the commencement date, holds a valid visa under the repealed Act and repealed Regulations, is taken to hold a visa under this Act until the end of the period in respect of which the visa was issued.

35 Orders and Proceedings

- (1) Any orders or legal proceedings commenced in any court or tribunal made under the repealed Act is no longer taken to be a valid proceeding and hence shall be discontinued.
- (2) These include but are not limited to prerogative writs and judicial review.
- (3) This Section is taken to have effect from 31 December 2013 to a date not earlier than the commencement date of this Act.

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SCHEDULE 1

[Section 3B]

REPEALED ACTS

Immigration Act 1999, which comprises the following constituent Acts:

Immigration Act 1999

Immigration (Amendment) Act 2005

Immigration (Amendment) Act 2012

Immigration (Amendment) Act 2013

[The next page is 721,801]

SCHEDULE 2

[Section 12(5)]

TABLE OF FEES

<i>Description</i>	<i>Fee payable \$</i>
Lodgment of Appeal to Minister (s12 (1))	\$20
Lodgment of Appeal to President (s13 (1))	\$20
Overstayer fee (s10(6))	\$50 per day for every day after the expiration of his or her visa.

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Immigration Regulations 2014

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Immigration Regulations 2014

TABLE OF AMENDMENTS

The Immigration Regulations 2014 No 2 were notified and commenced on 30 January 2014 (GN No 66/2014; Gaz 14/2014).

Amending Legislation	Notified	Date of Commencement
Immigration (Amendment) Regulations 2014 No 3	28 February 2014	28 February 2014
Immigration (Amendment) Regulations 2014 No 4	21 May 2014	21 May 2014
Immigration (Amendment) Regulations 2015 No 4	25 February 2015	25 February 2015
Immigration (Amendment) Regulations No 2 2015 No 13	24 September 2015	24 September 2015
Immigration (Amendment) Regulations No 3 2015 No 15	4 October 2015	4 October 2015
Immigration (Amendment) Regulations 2016 No 3	3 March 2016	3 March 2016
Immigration (Amendment) Regulations 2017 No 26	7 November 2017	7 November 2017
Immigration (Amendment) Regulations 2019 No 26	24 August 2019	24 August 2019
Immigration (Amendment) No 2 Regulations 2019 No 30	15 October 2019	15 October 2019
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021

[The next page is 730,401]

The Cabinet makes the following Regulations under Section 33 of the *Immigration Act 2014*:

PART 1 — PRELIMINARY

1 Citation

These Regulations may be cited as the *Immigration Regulations 2014*.

2 Commencement

These Regulations commence on the day on which they are published in the Gazette and came into effect on 30 January 2014.

3 Interpretation

In these Regulations:

‘aircrew member list’ for an aircraft of a commercial air carrier means a list, in a form approved by the Secretary, of all persons travelling on the aircraft who are employed by the commercial air carrier as a crew member;

‘business visa’ means a business visa granted under Regulation 6;

‘commercial air carrier’ means a person conducting a business open to the general public of carrying passengers or freight by aircraft for reward, regardless of whether the aircraft is scheduled or chartered;

‘commercial aircrew member’ means a person who:

- (a) is employed by a commercial air carrier as a crew member;
- (b) holds a current identity document as a crew member issued by his or her employer;
- (c) is travelling to, or departing from, Nauru in the course of his or her employment, whether as a crew member of, or as a passenger on, an aircraft; and
- (d) is included in an aircrew member list for the aircraft signed on behalf of the commercial air carrier and given to an immigration officer;

‘complementary protection’ has the same meaning as in the *Refugees Convention Act 2012*;

[def insrt SL 4 of 2014 reg 3 and Sch clause [1], opn 21 May 2014]

‘dependant’ of a person means:

- (a) the person’s spouse other than a spouse from whom he or she is formally separated;
- (b) the person’s child under the age of 18 years; or
- (c) someone wholly dependent on the person for financial, psychological or physical support;

‘diplomatic or consular representative’ of a foreign country means a person who has been appointed to, or who holds, a post or position in a diplomatic or consular mission of that country in, or in relation to, Nauru but does not include a person who was ordinarily resident in Nauru when appointed to that post or position;

'employment visa'

[def rep SL 3 of 2014 reg 3 and Sch clause [1], opn 28 Feb 2014]

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

'refugee' has the same meaning as in the *Refugees Convention Act 2012*;

'Refugees Convention' has the same meaning as in the *Refugees Convention Act 2012*;

'regional processing centre' has the same meaning as in the *Asylum Seekers (Regional Processing Centre) Act 2012*;

'regional processing centre visa' means a regional processing centre visa issued under Regulation 9;

'residence visa' means a residence visa granted under Regulation 10;

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

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

'special purpose visa' means a special purpose visa granted under Regulation 11;

'temporary settlement visa' means a visa granted under Regulation 9A;

[def insrt SL 4 of 2014 reg 3 and Sch clause [1], opn 21 May 2014]

'transit passenger' means a person who:

- (a) arrives in Nauru by air or sea;
- (b) holds a valid ticket for travel from Nauru to another country within 3 hours after arriving in Nauru; and
- (c) holds any documents necessary for entering the country of destination;

'visa waiver agreement country' means a country with the government of which the Government of Nauru has entered into an agreement allowing entry without a visa for a period, and in the circumstances, specified in the agreement; and

'visitor's visa' means a visitor's visa granted under Regulation 12.

[The next page is 730,601]

PART 2 — VISAS

4 Classes of visa

- (1) Subject to and in accordance with these Regulations, the Director may grant visas of the following classes:
 - (a) business visa;
 - (b) dependant's visa;
 - (c) *[Repealed]*
 - (d) regional processing centre visa;
 - (e) residence visa;
 - (f) special purpose visa;
 - (g) visitor's visa; and
 - (h) temporary settlement visa.
- [subreg (1) am SL 3 of 2014 reg 3 and Sch clause [2], opn 28 Feb 2014; SL 4 of 2014 reg 3 and Sch clause [2], opn 21 May 2014]
- (2) Subject to and in accordance with these Regulations, the Head of a Nauruan mission or Nauruan consular post may grant a visitor's visa on an application made under Regulation 5(2).

Note: Under Section 12 of the Act, an applicant for a visa may apply to the Minister for review of a decision of the Director to impose visa conditions or to refuse to grant a visa application.

5 Visa application

- (1) An application for a visa of any class may be made to the Director.
- (2) An application for a visitor's visa may be made to the Head of a Nauruan mission or Nauruan consular post by a person present in the country in which that mission or post is located.
- (3) Subject to subregulation (4), an application under subregulation (1) or (2) shall be made in the appropriate form set out in Schedule 1.
- (4) A national of a country covered by Regulation 16(4) who, on entry into Nauru, requests to be granted a visitor's visa does not need to complete an application form of any kind.
- (5) An application shall be accompanied by:
 - (a) any information or document:
 - (i) required by the application form to be provided with it;
 - (ii) reasonably required by the Director; or
 - (iii) otherwise relevant to the application; and
 - (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.
- [subreg (5) am SL 4 of 2014 reg 3 and Sch clause 3.1, opn 21 May 2014]
- (6) The Director may require an applicant for a visa to verify by statutory declaration any information provided in connection with the application.
- (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.

[subreg (7) am SL 4 of 2014 reg 3 and Sch clause [3.2], opn 21 May 2014]

(8) [subreg (8) rep SL 3 of 2014 reg 3 and Sch clause [3], opn 28 Feb 2014]

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

[subreg (9) am SL 4 of 2014 reg 3 and Sch clause 3.4, opn 21 May 2014]

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

- (a) on whose behalf an application for a regional processing centre visa is being made;
- (b) whose arrival in Nauru is due to stress of weather or a medical or other emergency;
- (c) who has arrived in Nauru without a passport due to another reasonable cause; or
- (d) who has been granted a temporary settlement visa.

[subreg (10) am SL 4 of 2014 reg 3 and Sch clause 3.5, opn 21 May 2014]

6 Business visa

(1) [subreg (1) rep SL 3 of 2014 reg 3 and Sch clause [4], opn 28 Feb 2014]

(2) Business visas are divided into the sub-classes specified in column 1 of the Table.

Column 1	Column 2
Business visa (General)	Conduct a business or profession in Nauru
Business visa (Diplomatic)	Perform the role of diplomatic or consular representative of a foreign country
Business visa (Education)	Engage in education
Business visa (Media)	Engage in film, journalism or other media activities
Business visa (Religious Vocation)	Engage in a religious vocation, whether or not for reward
Business visa (Research)	Engage in research, whether or not for reward
Business visa (Employment)	Engage in employment in Nauru

[subreg (2) am SL 3 of 2014 reg 3 and Sch clause [5], opn 28 Feb 2014]

(3) The purpose of a business visa of a sub-class specified in column 1 of the Table in subregulation (2) is to authorise the holder to engage in Nauru in the activity specified opposite it in column 2 of that Table.

(4) Business Visa Conditions

- (a) A Business Visa (General) is granted subject to the conditions that the holder shall not while in Nauru:
 - (i) behave in a manner that is prejudicial to the peace, good order, good government or morale of the people of the Republic of Nauru;
 - (ii) engage in any religious vocation except with the written approval of the Minister;
 - (iii) remove from Nauru any chattel, carving, object, or thing which relates to the history, art, culture, and traditions, or economy of the Republic of Nauru; and

- (iv) breach any other reasonable condition, not inconsistent with the Act or these Regulations, that the Secretary considers necessary or desirable.
- (b) A Business Visa (Diplomatic) is granted by the Director and may be made subject to any reasonable condition (not inconsistent with the Act or these Regulations) that the Secretary considers necessary or desirable.
- (c) A Business Visa (Education) is granted subject to the conditions that the holder shall not while in Nauru:
 - (i) behave in a manner that is prejudicial to the peace, good order, good governance or morale of the people of the Republic of Nauru;
 - (ii) engage in any employment, trade or business other than that specified in the visa, without the express written permission of the Secretary;
 - (iii) engage in any religious vocation except with the written approval of the Secretary;
 - (iv) remove from Nauru any chattel, carving, object, or thing which relates to the history, art, culture, and traditions, or economy of the Republic of Nauru; and
 - (v) breach any other reasonable condition, not inconsistent with the Act or these Regulations, that the Secretary considers necessary or desirable.
- (d) A Business Visa (Media) is granted subject to the conditions that the holder shall not while in Nauru:
 - (i) behave in a manner that is prejudicial to the peace, good order, good governance or morale of the people of the Republic of Nauru;
 - (ii) engage in any employment, trade or business other than that specified in the visa, without the express written permission of the Secretary;
 - (iii) engage in any religious vocation except with the written approval of the Secretary;
 - (iv) remove from Nauru any chattel, carving, object, or thing which relates to the history, art, culture, and traditions, or economy of the Republic of Nauru; and
 - (v) breach any other reasonable condition, not inconsistent with the Act or these Regulations, that the Secretary considers necessary or desirable.
- (e) A Business Visa (Religious Vocation) is granted subject to the conditions that the holder shall not while in Nauru:
 - (i) behave in a manner that is prejudicial to the peace, good order, good government or morale of the people of the Republic of Nauru;
 - (ii) engage in any employment, trade or business other than that specified in the visa, without the express written permission of the Secretary;
 - (iii) remove from Nauru any chattel, carving, object, or thing which relates to the history, art, culture, and traditions, or economy of the Republic of Nauru; and
 - (iv) breach any other reasonable condition, not inconsistent with the Act or these Regulations, that the Secretary considers necessary or desirable.

- (f) A Business Visa (Research) is granted subject to the conditions that the holder shall not while in Nauru:
- (i) behave in a manner that is prejudicial to the peace, good order, good governance or morale of the people of the Republic of Nauru;
 - (ii) engage in any business, profession or employment, whether or not for reward;
 - (iii) engage in any religious vocation except with the written approval of the Secretary;
 - (iv) remove from Nauru any chattel, carving, object, or thing which relates to the history, art, culture, and traditions, or economy of the Republic of Nauru; and
 - (v) breach any other reasonable condition, not inconsistent with the Act or these Regulations, that the Secretary considers necessary or desirable.
- (g) A Business Visa (Employment) is granted subject to the conditions that the holder shall not while in Nauru:
- (i) engage in any employment other than that specified in the visa, without the express written permission of the Secretary;
 - (ii) behave in a manner that is prejudicial to the peace, good order, good governance or morale of the people of the Republic of Nauru;
 - (iii) engage in any religious vocation except with the written approval of the Minister;
 - (iv) remove from Nauru any chattel, carving, object, or thing which relates to the history, art, culture, and traditions, or economy of the Republic of Nauru; and
 - (v) breach any other reasonable condition, not inconsistent with the Act or these Regulations, that the Secretary considers necessary or desirable.

[subreg (4) am SL 3 of 2014 reg 3 and Sch clause [6], opn 28 Feb 2014]

- (5) A business visa may be granted:
- (a) for a period not exceeding 12 months;
 - (b) for a single entry or multiple entries; and
 - (c) subject to any reasonable condition, not inconsistent with the Act or these Regulations, that the Director considers necessary or desirable.

Note: See Table 1, Schedule 2 for specific entry periods for the different classes of business visa.

[subreg (5) am SL 3 of 2014 reg 3 and Sch clause [7], opn 28 Feb 2014]

- (6) A Business Visa (Media) is valid only for a single entry of a period up to 3 months as specified in Table 1 of Schedule 2.
- (7) A fee specified in Table 1 of Schedule 2 shall, unless waived by the Minister, be paid in respect of that matter.
- (8) (a) Employees of the Republic, RONPHOS or any other statutory corporation of the Republic are exempted from the requirements of Regulation 16.
- (b) All others engaging in employment in Nauru are required to pay the fee specified in Schedule 2.
- (c) Other employees as included in the Schedule include the following:
- (i) regional processing centre employees;
 - (ii) house maids;
 - (iii) baby sitters; and

(iv) any other class of persons specified by the Director.

[subreg (8) insrt SL 3 of 2014 reg 3 and Sch clause [8], opn 28 Feb 2014]

7 Dependant's visa

(1) A dependant's visa may only be granted to a person who is a dependant of the holder of a business visa, or residence visa.

[subreg (1) am SL 3 of 2014 reg 3 and clause [10], opn 28 Feb 2014]

(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.

[subreg (1A) insrt SL 4 of 2014 reg 3 and Sch clause 4.1, opn 21 May 2014]

(2) An application for a dependant's visa may be made before, on or after entry into Nauru.

[subreg (2) insrt SL 3 of 2014 reg 3 and Sch clause [9], opn 28 Feb 2014]

(3) The purpose of a dependant's visa is to authorise the holder to reside with the holder of a business visa, or residence visa as his or her dependant.

[subreg (3) am SL 3 of 2014 reg 3 and clause [10], opn 28 Feb 2014]

(4) A dependant's visa, if granted, is for the remaining period of the visa of the person of whom he or she is a dependant.

(5) A dependant's visa may be granted:

- (a) for a single entry or multiple entries; and
- (b) subject to any reasonable condition, not inconsistent with the Act or these Regulations, that the Director or the Secretary considers necessary or desirable.

[subreg (5) am SL 4 of 2014 reg 3 and Sch clause 4.2, opn 21 May 2014]

(6) A dependant's visa expires:

- (a) for a spouse dependant, on divorce or formal separation;
- (b) for any other dependant, on him or her ceasing to be a dependant; or
- (c) for any dependant:
 - (i) on him or her being granted a visa of a different class; or
 - (ii) on the cancellation or expiry of the visa of the person of whom he or she is a dependant.

(7) A fee specified in Table 2 of Schedule 2 to these Regulations shall, unless waived by the Minister, be paid in respect of that matter.

[subreg (7) insrt SL 3 of 2014 reg 3 and Sch clause [11], opn 28 Feb 2014]

8 Employment visa

[reg 8 rep SL 3 of 2014 reg 3 and clause [12], opn 28 Feb 2014]

9 Regional processing centre visa

(1) A regional processing centre visa may only be granted to:

- (a) an offshore entry person within the meaning of the *Migration Act 1958* of the Commonwealth of Australia who is to be, or has been, brought to Nauru under Section 198AD of that Act; or
- (b) a person who is to be, or has been, brought to Nauru under Section 199 of that Act.

(2) An application for a regional processing centre visa shall be made before the entry into Nauru of the person to whom it relates.

- (3) An application for a regional processing centre visa may only be made by an officer of the Commonwealth of Australia.
- (3A) The Director 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).
- (4) A regional processing centre visa may only be granted for any of the following purposes:
- (a) the making by the Secretary of a determination in respect of the person under Section 6 of the *Refugees Convention Act 2012*;
 - (b) enabling a person in respect of whom the Secretary has made a determination that he or she is not recognised as a refugee, or a decision to decline to make a determination on his or her application for recognition as a refugee, to remain in Nauru until all avenues for review and appeal are exhausted and arrangements are made for his or her removal from Nauru;
 - (c) enabling a person whose recognition as a refugee has been cancelled to remain in Nauru until all avenues for review and appeal are exhausted and arrangements are made for his or her removal from Nauru;
 - (d) enabling a person in respect of whom the Secretary has made a determination that he or she is recognised as a refugee to remain in Nauru pending the making of arrangements for his or her settlement in another country; or
 - (e) enabling a person mentioned in subregulation (1)(b) to reside, as a dependant, with the holder of a regional processing centre visa issued for a purpose mentioned in paragraph (a), (b), (c) or (d).
- (5) A regional processing centre visa may be granted for a period not exceeding 3 months.
- (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.
- (6) A regional processing centre visa is subject to the following conditions:
- (a) the holder shall reside in premises specified in the visa;
 - (b) *[Repealed]*
 - (c) *[Repealed]*
 - (d) the holder shall not behave in a manner prejudicial to peace or good order in Nauru;
 - (e) the holder shall not engage in any activity for which a business visa may be granted, except with the approval of the Secretary;
 - (f) if a person covered by subregulation (4)(a), the holder shall cooperate in having a determination made in respect of him or her by the Secretary under Section 6 of the *Refugees Convention Act 2012*; and
 - (g) if a person mentioned in subregulation (1)(a), the holder shall 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.

[subreg (6) am SL 3 of 2014 reg 3 and Sch clause [13], opn 28 Feb 2014; SL 4 of 2015 reg 3 and Sch clause [1], opn 25 Feb 2015; SL 15 of 2015 reg 4, opn 4 Oct 2015]

- (6A) [subreg (6A) rep SL 4 of 2014 reg 3 and Sch clause [5], opn 21 May 2014]
- (7) A regional processing centre visa may be granted subject to any other reasonable condition, not inconsistent with the Act or the *Refugees Convention Act 2012* or these Regulations, that the Director considers necessary or desirable.
- (8) A regional processing centre visa expires on its holder departing from Nauru otherwise than for medical treatment.
- (9) The Minister may at any time cancel a regional processing centre visa.
- (10) Where the regional processing centre visa of a person mentioned in subregulation (1)(a) is cancelled, the visa of a person mentioned in subregulation (1)(b) who is a dependant of that person is also cancelled.

9A Temporary Settlement visa

- (1) Where the Secretary for Multicultural Affairs determines or a Refugee Determination Record is issued to the holder of a regional processing centre visa recognising the holder is:
- (a) a refugee;
 - (b) granted a derivative status; or
 - (c) in need of complementary protection,
- the class of regional processing centre visa is deemed to have changed to the class of a Temporary Settlement visa.
- (2) Where a person is:
- (a) recognised as a refugee;
 - (b) granted derivative status; or
 - (c) in need of complementary protection,
- by a country other than the Republic and the Secretary for Multicultural Affairs has recognised such determination under the *Refugees Convention Act 2012* to be granted a Temporary Settlement visa, the Secretary may issue such a visa.
- (3) The duration of a Temporary Settlement visa is 6 months.
- (4) A visa issued under this Regulation shall be extended from time to time unless otherwise directed by the Secretary for Multicultural Affairs in writing to the Secretary.
- (5) A holder of a Temporary Settlement visa may:
- (a) engage in employment for an authorised employer who has been granted authorisation by the Secretary;
 - (b) apply for a business licence under the *Business Licences Act 2017*;
 - (c) apply for a refugee travel document;
 - (d) leave and re-enter the Republic during the period of the temporary settlement visa; and
 - (e) apply for a dependant to join him or her in the Republic on a dependant's visa if so permitted by the Secretary for Multicultural Affairs.
- (6) A holder of a Temporary Settlement visa shall:
- (a) not behave in a manner prejudicial to the peace and good order of the Republic; and

- (b) 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.
- (7) A Temporary Settlement visa may be granted subject to any other reasonable condition the Secretary for Multicultural Affairs considers necessary not inconsistent with the *Refugees Convention Act 2012*.
- (8) The Minister may at any time cancel a Temporary Settlement visa.
- (9) Where a visa of a person mentioned in subregulation (1) is cancelled, the visa of a dependant of that person is also cancelled.

[reg 9A subst SL 26 of 2017 reg 4, opn 7 Nov 2017]

10 Residence visa

- (1) A residence visa may only be granted to a dependant of a Nauruan citizen.
- (2) An application for a residence visa may be made before, on or after entry into Nauru.
- (3) The purpose of a residence visa is to authorise the holder to enter and remain in Nauru as a resident.
- (4) A residence visa:
 - (a) may be granted for a limited or unlimited period;
 - (b) permits multiple entries; and
 - (c) permits the holder to engage in any activity for which a business visa may be granted.

[subreg (4) am SL 3 of 2014 reg 3 and Sch clause [14], opn 28 Feb 2014]

- (5) Subject to subregulations (6) and (7), a residence visa expires:
 - (a) for a spouse dependant, on divorce or formal separation; or
 - (b) for any other dependant, on him or her ceasing to be a dependant.
- (6) Subregulation (5) does not apply to a residence visa granted to a child of a Nauruan citizen.
- (7) The Minister may declare that a visa does not expire in accordance with subregulation (5) but continues in force on the conditions, if any, specified by the Minister.

11 Special purpose visa

- (1) An application for a special purpose visa may be made before, on or after entry into Nauru.
- (2) A special purpose visa may only be granted to:
 - (a) a member of the armed forces of another country entering Nauru in an official capacity, and his or her dependants;
 - (b) a crew member engaged in the positioning, operation or delivery of an aircraft other than one who is exempt from the requirement to hold a visa or who has, or in the opinion of the Director should have, a visa of another class;
 - (c) a crew member engaged in the positioning, operation or delivery of a vessel other than one who has, or in the opinion of the Director should have, a visa of another class;
 - (d) a person who wishes to enter or remain in Nauru in order to engage in an activity in connection with legal proceedings, other than an activity for which a business visa may be granted;

- (e) a person arriving in Nauru without a passport and who, in the opinion of the Director, should be permitted to enter and remain in Nauru on humanitarian or other grounds;
- (f) a person who arrives in Nauru due to stress of weather or a medical or other emergency or other similar cause; or
- (g) a person who is not exempt from the requirement to hold a visa but is not eligible to hold a visa of any other class and who, in the opinion of the Director, should be permitted to enter and remain in Nauru for a purpose specified in the visa.

[subreg (2) am SL 3 of 2014 reg 3 and Sch clause [15], opn 28 Feb 2014]

- (3) A special purpose visa may be granted:
 - (a) for any period specified in it; and
 - (b) for a single entry or multiple entries.
- (4) A special purpose visa:
 - (a) shall specify the purpose for which it is granted;
 - (b) is granted subject to the condition that the holder shall not, except with the approval of the Secretary, engage in any activity for which a business visa may be granted, other than one covered by the visa; and
 - (c) if granted to a person mentioned in subregulation (2)(d), is subject to the condition that the legal proceedings shall commence within 14 days after the grant of the visa or, if the holder has not yet entered Nauru, within 14 days after that entry.

[subreg (4) am SL 3 of 2014 reg 3 and Sch clause [16], opn 28 Feb 2014]

- (5) A special purpose visa may be granted subject to any other reasonable condition, not inconsistent with the Act or these Regulations, that the Director considers necessary or desirable.

12 Visitor's visa

- (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.

[subreg (1) am SL 4 of 2014 reg 3 and Sch clause [7], opn 21 May 2014]

- (2) An application for a visitor's visa:
 - (a) may be made on entry into Nauru if the applicant is a national of a country covered by Regulation 16(4); and
 - (b) shall be made before entry in the case of any other applicant.
- (3) An application for a visitor's visa shall be made in Form 7 in Schedule 1 of these Regulations.
- (4) A visitor's visa may only be granted for the following purposes:
 - (a) holiday;
 - (b) visiting friends or relatives;
 - (c) attending a convention, conference, seminar, workshop or similar meeting;
 - (d) engaging in cultural or sporting activities; and
 - (e) any other purpose that the Director considers appropriate for the grant of a visitor's visa.

- (5) A visitor's visa is granted subject to the conditions that the holder shall not while in Nauru:
- (a) behave in a manner prejudicial to peace or good order in Nauru;
 - (b) engage in any religious activity other than normal religious observance;
- or
- (c) engage in any activity for which a business visa may be granted.

[subreg (5) am SL 3 of 2014 reg 3 and Sch clause [17], opn 28 Feb 2014]

- (6) A visitor's visa may be granted subject to any other reasonable condition, not inconsistent with the Act or these Regulations, that the Director considers necessary or desirable.

- (7) A visitor's visa may be granted:
- (a) for a period not exceeding 3 months; and
 - (b) for a single entry only.

- (8) A person found breaching the conditions of their visitor's visa shall be liable to a fine of \$100.

[subreg (8) insrt SL 3 of 2014 reg 3 and Sch clause [18.2], opn 28 Feb 2014]

- (9) All applicants from Australia and New Zealand shall on submitting their application for a visitor visa, provide a sponsorship letter written and signed by a Nauruan citizen who is currently residing in Nauru.

[subreg (9) insrt SL 3 of 2016 reg 4, opn 3 Mar 2016]

- (10) A person who provides a sponsorship letter in support of a visitor visa applicant under subregulation (9), is responsible for the activities, including any breach of visa conditions, of the applicant in Nauru should the application be granted.

[subreg (10) insrt SL 3 of 2016 reg 5, opn 3 Mar 2016]

- (11) Where the visitor visa holder breaches the terms and conditions of his or her visa, he or she is liable under these Regulations and the sponsor under subregulation (9) is also liable to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 1 year or to both.

[subreg (11) insrt SL 3 of 2016 reg 6, opn 3 Mar 2016]

[reg 12 am SL 3 of 2014 reg 3 and Sch clause [18.1], opn 28 Feb 2014]

13 Visa for child

A child may be included in a visa granted to his or her parent or legal guardian if the child is:

- (a) travelling with, and has his or her name included in the passport of, the parent or legal guardian; or
- (b) born in Nauru to the holder of the visa.

14 Exemption from visa requirement

- (1) A commercial aircrew member is exempt from the application of Section 10(1) of the Act if entering or remaining in Nauru solely in connection with his or her employment.
- (2) A person is exempt from the application of Section 10(1) of the Act if entering or remaining in Nauru for the purpose of:
 - (a) a criminal proceeding brought against him or her;
 - (b) serving a sentence of imprisonment; or
 - (c) being detained in lawful custody for any reason.

- (3) A person ceases to be entitled to an exemption if the circumstance specified in subregulation (1) or (2) ceases to apply to him or her.
- (4) A person is exempt from the application of Section 10(1) of the Act if he or she:
 - (a) is a national of a visa waiver agreement country as listed in Schedule 5;
 - (b) does not intend to remain in Nauru for longer than the period specified in the agreement; and
 - (c) satisfies any conditions specified in the agreement for eligibility to the exemption.

[subreg (4) am SL 3 of 2014 reg 3 and Sch clause [19], opn 28 Feb 2014; SL 13 of 2015 reg 4, opn 24 Sep 2015]

- (5) The Minister shall from time to time, by notice in the Government Gazette, publish an updated list of visa waiver agreement countries in Schedule 5.

[subreg (5) insrt SL 13 of 2015 reg 4, opn 24 Sep 2015]

15 Emergency entry

- (1) Subregulation (2) applies despite any provision of these Regulations requiring an application for a visa to be made before entering Nauru.
- (2) A visa may be granted after entry if:
 - (a) the entry was due to stress of weather or a medical or other emergency or there was another reasonable excuse for the failure to apply before entry; and
 - (b) subregulation (3) is complied with in respect of the entry
- (3) The person who has entered Nauru, or another person on his or her behalf, shall inform an immigration officer as soon as practicable of the entry and the reason for it.
- (4) A person who is granted a visa in accordance with this regulation shall be taken to have complied with all the requirements of the Act and these Regulations in relation to entry into Nauru and the making of a visa application.
- (5) Without limiting subregulation (4), a person who is granted a visa in accordance with this Regulation is exempt from the application of Section 10(1) of the Act.

16 Visa fees

- (1) The fee set out in column 2 of the Table in Part 1 of Schedule 2 is payable for the granting of a visa of the description set out in column 1 of that Table opposite that fee.
- (2) The fee for a Business Visa is set out separately in Table 1 of Schedule 2 and is payable for the granting of a visa of the description set out in the Table.
- (3) There shall be a processing fee of \$50 paid for every application for a Business Visa submitted under these Regulations.
- (4) A national of the following countries is exempt from the payment of a fee for a visitor's visa:
 - (a) a visa waiver agreement country;
 - (b) a country specified in Schedule 3; and
 - (c) any other country specified by the Minister by notice published in the Gazette.

- (5) The Minister may exempt the holder of a diplomatic passport from the payment of a visa fee.
- (6) Unless exemption has been granted by the Minister, any fee payable under a provision of these Regulations or the Act, is non refundable or transferable.

[subreg (6) subst SL 3 of 2014 reg 3 and Sch clause [20], opn 28 Feb 2014]

- (7) Dependant's of employees of the Republic, RONPHOS or any other statutory corporation of the Republic or any other person exempted by the Minister are exempt from paying the fee specified in Schedule 2.

[subreg (7) insrt SL 3 of 2014 reg 3 and Sch clause [21], opn 28 Feb 2014]

17 Evidence of visa

- (1) A visa granted before the holder arrives in Nauru:
 - (a) shall be evidenced in a form determined by the Secretary;
 - (b) unless otherwise specified, shall include permission for the holder to travel to and enter Nauru;
 - (c) may be subject to the condition that the holder arrives in Nauru on or before a specified date or within a specified period; and
 - (d) on the arrival of the holder in Nauru, shall be evidenced as specified in subregulation (2).
- (2) A visa granted to a person arriving or already in Nauru shall be evidenced, in a form determined by the Secretary, in the passport of the holder or, if the holder does not have a passport, in any other manner that the Secretary considers appropriate.
- (3) The holder of a current visa evidenced in his or her passport shall maintain a current and valid passport during the period of validity of the visa.
- (4) Where a new passport is issued to replace a passport that has been lost or cancelled or is expired and in which a current visa was evidenced, the current visa shall, on payment of the fee specified in Schedule 2, be re-evidenced in the new passport.

[subreg (4) am SL 3 of 2014 reg 3 and Sch clause [22], opn 28 Feb 2014]

18 Change of circumstances

- (1) The holder of a visa, whether in or outside Nauru, commits an offence if:
 - (a) there is a relevant change in any of his or her circumstances, that is, a change that may affect his or her visa or one held by a dependant of him or her;
 - (b) the holder is aware of the change; and
 - (c) the holder does not notify the Director in writing about the change as soon as practicable after becoming aware of it, and is liable to a maximum penalty of \$500.
- (2) Without limiting subregulation (1), any of the following may constitute a relevant change in circumstances:
 - (a) marriage;
 - (b) divorce;
 - (c) formal separation;
 - (d) birth of a child;
 - (e) adoption of a child;
 - (f) death of a dependant; or

- (g) starting, completing or ending business or employment activity in Nauru.
- (3) The former employer of the holder of an business visa (employment) visa commits an offence if that employer:
 - (a) ceases to employ the holder; and
 - (b) does not notify the Director in writing about the cessation as soon as practicable after it occurs,and is liable to a maximum penalty of \$500.
[subreg (3) am SL 3 of 2014 reg 3 and Sch clause [23], opn 28 Feb 2014]
- (4) A notification under subregulation (1) or (3), shall be accompanied by such evidence of the change as appears to the visa holder or former employer to be relevant or as the Director may require.

19 Cancellation of visa

- (1) The Secretary may at any time cancel a visa:
 - (a) if satisfied that:
 - (i) the holder should have been granted a visa of another class;
 - (ii) the visa should not have been granted because the application for, or the granting of, it was made in contravention of the Act, these Regulations or any other law;
 - (iii) the holder has breached a condition of the visa;
 - (iv) another person required to comply with a condition of the visa has breached that condition;
 - (v) the purpose for which the visa was granted has ended or is no longer valid;
 - (vi) the holder has committed an offence against Regulation 18(1);
 - (vii) the holder, other than the holder of a residence visa is, or is likely to become, a charge on the Republic; or
 - (viii) the holder is, or is likely to become, a risk to the health, safety or good order of the Nauruan community;
 - (b) at the request of the holder; or
 - (c) for any other reason given in the Act or these Regulations.
- (2) Subject to subregulations (3) and (4), the cancellation of a visa does not prevent its holder from applying for, and being granted, a visa of another class.
- (3) Where a visa is cancelled for a breach of condition, its holder shall not, unless the Minister otherwise directs, be permitted to enter or re-enter Nauru, otherwise than as the holder of a special purpose visa, within a period of 12 months after the date of:
 - (a) the cancellation, if that happened before entry or re-entry; or
 - (b) the holder's departure from Nauru as a consequence of the cancellation.
- (4) A person who overstays, by more than 7 days, the period of his or her visa shall not, unless the Minister otherwise directs, be permitted to re-enter Nauru, otherwise than as the holder of a special purpose visa, within a period of 6 months after the expiry of the visa.

[The next page is 730,801]

PART 3 — ARRIVAL, ENTRY AND DEPARTURE

20 Procedure on arrival

- (1) A person arriving in Nauru by air shall disembark from the aircraft and immediately enter the restricted area of the airport, except in the case of a medical or other emergency or other reasonable cause.
- (2) Where the port into which a person arrives in Nauru by sea has a restricted area, the person shall disembark from the vessel directly into the restricted area, except in the case of a medical or other emergency or other reasonable cause.
- (3) A person who has entered a restricted area on arrival in Nauru by air or sea, commits an offence if he or she leaves that area and enters Nauru without being permitted to do so by an immigration officer and is liable to a maximum penalty of \$10,000.
- (4) Where the port into which a person arrives in Nauru by sea does not have a restricted area, the person commits an offence if he or she disembarks from the vessel and enters Nauru without being permitted to do so by an immigration officer and is liable to a maximum penalty of \$10,000.

21 Transit passenger does not enter Nauru

A transit passenger who does not leave the restricted area which he or she entered on arrival in Nauru, except to continue his or her journey, shall be taken not to have entered Nauru.

22 Information to be provided on arrival

- (1) For the purpose of Section 9(1)(b) of the Act, the information that a person arriving in Nauru shall provide to an immigration officer is the information required by this regulation to be provided on an arrival card.
- (2) A person arriving in Nauru shall complete an arrival card, sign a declaration on that card that the information provided by him or her on it is correct and give it to an immigration officer when requested to do so.
- (3) Subregulation (2) does not apply to a commercial aircrew member.
- (4) An arrival card shall be in the form approved by the Secretary and require the passenger to provide on it the following information about himself or herself:
 - (a) family name and given names;
 - (b) passport number and date of expiry;
 - (c) nationality;
 - (d) usual occupation;
 - (e) flight number or name of vessel;
 - (f) country in which aircraft or vessel was boarded;
 - (g) intended address in Nauru;
 - (h) criminal convictions in any country for which a sentence of 2 years or more imprisonment was imposed, whether served or not, together with details of when and where the sentence was imposed;
 - (i) details of any refusal of a visa for, or of entry into, any country;

- (j) details of any cancellation of a visa by any country;
 - (k) details of any removal or deportation from a country;
 - (l) if arriving to reside permanently in Nauru:
 - (i) previous country of residence; and
 - (ii) reason for coming to reside in Nauru;
 - (m) if a resident of Nauru returning to reside in Nauru:
 - (i) amount of time spent away from Nauru; and
 - (ii) country in which most of that time was spent; and
 - (n) if a visitor or other temporary entrant:
 - (i) country of residence;
 - (ii) intended length of stay in Nauru; and
 - (iii) main reason for coming to Nauru.
- (5) An arrival card may require the provision of any other information that the Secretary considers it necessary or desirable to be provided.

23 Information to be provided on departure

- (1) For the purpose of Section 9(1)(b) of the Act, the information that a person departing from Nauru shall provide to an immigration officer is the information required by this regulation to be provided on a departure card.
- (2) A person departing from Nauru shall complete a departure card, sign a declaration on that card that the information provided by him or her on it is correct and give it to an immigration officer when requested to do so.
- (3) Subregulation (2) does not apply to a commercial aircrew member.
- (4) A departure card shall be in the form approved by the Secretary and require the passenger to provide on it the following information about himself or herself:
 - (a) family name and given names;
 - (b) passport number;
 - (c) nationality;
 - (d) usual occupation;
 - (e) flight number or name of vessel;
 - (f) country in which aircraft or vessel will be disembarked;
 - (g) address in Nauru;
 - (h) if a visitor or other temporary entrant, length of stay in Nauru;
 - (i) if a resident of Nauru departing temporarily:
 - (i) intended length of stay overseas;
 - (ii) country in which most of that time will be spent; and
 - (iii) main reason for overseas travel; and
 - (j) if a resident of Nauru departing permanently, country of future residence.
- (5) A departure card may require the provision of any other information that the Secretary considers it necessary or desirable to be provided.

24 Departing or transiting passengers in restricted area

A person in the process of leaving or transiting through Nauru who is lawfully in a restricted area commits an offence, if he or she leaves that area except:

- (a) to board the aircraft or vessel on which he or she is departing from Nauru;
- or

(b) with the permission of an immigration officer,
and is liable to a maximum penalty of \$10,000.

[The next page is 731,001]

PART 4 — MISCELLANEOUS

25 Review of decisions

The Minister cannot delegate to the Secretary or the Director his or her power to review a decision under Section 12 of the Act.

26 Review of decisions

Except for the exception granted under Section 13(6) of the Act, the President cannot delegate to anyone his or her power to review a decision under Section 13 of the Act.

27 Repeal

The *Immigration Regulations 2013* and *Immigration (Amendment) Regulations 2013* are repealed.

28 Transitional provision

- (1) Where an application for a visa was made under the *Immigration Regulations 2013* but not determined by the Director before the commencement of these Regulations, he or she may deal with the application under these Regulations as if it were an application for the corresponding visa under these Regulations.
- (2) For the purpose of subregulation (1), a visa of a kind specified in column 1 of the Table corresponds to a visa of the kind specified opposite it in column 2 of that Table:

Column 1	Column 2
Australian regional processing visa	Regional processing centre visa
Business visa for the purpose of the conduct of a business or profession	Business visa (General)
Business visa for the purpose of employment	Business visa (Employment)
Business visa for the purpose of education	Business visa (Education)
Business visa for the purpose of performing consultancy services otherwise than as an employee	Business visa (General)
Business visa for the purpose of performing consultancy services as an employee	Business visa (Employment)
Business visa for the purpose of engaging in research	Business Visa (Research)
Business visa for the purpose of engaging in cultural activities	Visitor's visa
Business visa for the purpose of engaging in a religious vocation	Business Visa (Religious Vocation)
Business visa for the purpose of engaging or participating in film, journalism or other media activities	Business Visa (Media)
Business visa for the purpose of residing with a holder of a business visa as a dependant	Dependant's visa

Residence visa for a dependant of the holder of a residence visa	Dependant's visa
Special purpose visa as a diplomatic or consular representative	Business visa (Diplomatic)
Special purpose visa as a dependant of a diplomatic or consular representative	Dependant's visa
Special purpose visa in order to conduct or appear in legal proceedings in a capacity for which a business visa may be granted	Business visa (Employment)
Transit visa	Visitor's visa

[subreg (2) am SL 3 of 2014 reg 3 and Sch clauses [24]–[28], opn 28 Feb 2014]

[The next page is 731,201]

SCHEDULE 1

APPLICATION FORMS

FORM 1



REPUBLIC OF NAURU
IMMIGRATION ACT 2014

APPLICATION FOR BUSINESS VISA

[Regulation 6]

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, particularly the Section on visa conditions.

Making a valid application

To make a valid application you shall:

- Use this application form (available from all Nauruan diplomatic missions, from the Department's website www.nauru.gov.nr/justice/visa.html or from the immigration and passport office in Nauru);
- Complete the form in English;
- Answer all questions truthfully;
- Provide all required supporting documents;
- Pay the required visa application fee;

If you provide incorrect information or documents, this may affect whether you are granted a visa or not, or your visa may be subsequently cancelled.

Visa application fee

Payment shall accompany your application. Payment can be made in cash at the Nauru Revenue Office or by electronic bank transfer (receipt being included with your online application or provided to the Immigration Office in Nauru in person by your representative).

The visa application fee is non refundable.

Who the form covers

The application form only covers you. A dependant accompanying you should complete an Application for Dependant's Visa. A dependant accompanying you who wishes to conduct a business or profession or engage in employment should complete a separate Application for Business Visa. A dependant is a spouse (other than a spouse from whom you are formally separated), a child under the age of 18 years or someone wholly dependent on you for financial, psychological or physical support.

- Lodge the application with the immigration office either through a representative in person or online at www.naurugov.nr/justice/imm/onlineapplication.html.

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

Passport Information

Please note that your passport shall not be due to expire within 3 months from the date of your application. If you change your passport after you have been granted a visa you shall notify the Immigration Office in Nauru.

Options for receiving written communications

You may opt to have all communications about your visa application sent to you electronically via email, or in hard copy via the postal service. Electronic communication is recommended because of the delays that can occur with the postal service. If you are outside Nauru and do not have access to email but do not wish to incur the delays associated with the postal service, you may request that all communications in relation to your visa application be delivered in hard copy to your representative in Nauru.

Supporting Documents

The documents you shall provide are listed in Part E of this application form. Attach all documents with your application.

'Certified copies' of documents means copies authorised or stamped as being true copies of originals by a Commissioner for Oaths or, if you are outside Nauru, a similar person or agency in your country. Do not provide originals unless you are asked.

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

Business Licences Act 2017

If you propose to conduct a business specified in Schedule 1 to the *Business Licences Regulations 2018* you shall obtain a business licence under the *Business Licences Act 2017*.

Conditions of Business Visa

The maximum length of a business is 12 months but it may be renewed. You shall immediately notify the Director if there is a relevant change in your circumstances, for example, ending your business in Nauru, the birth or adoption of a child, the death of a dependant or you getting married, divorced or formally separated. It is an offence not to do so.

REPUBLIC OF NAURU
DEPARTMENT OF JUSTICE AND BORDER CONTROL

Application for Business Visa

Part A – Application overview

1. What is the type of activity you propose to conduct?
2. For what type of visa are you applying?
 - Multiple entry up to 12 months
 - Single entry up to 3 months

Part B – Your details

3. Your full name (as shown on your passport or travel document)
 - Family name _____
 - Given names _____
4. Name in your own language or script (if applicable)
 - _____
5. Name in Chinese Commercial Code Numbers (if applicable)
 - _____
6. Sex
 - Male
 - Female
7. Date of birth (day/month/year) _____
8. Place of Birth
 - Town/city _____
 - Country _____
9. Details from your passport
 - Passport number _____
 - Country of passport _____
 - Date of issue (day/month/year) _____
 - Date of expiry (day/month/year) _____
 - Issuing authority/
Place of issue _____
10. Of which countries are you a citizen? _____
 - _____
11. Country of current residence? _____
12. Current marital status
 - Widowed
 - Single
 - In a de facto relationship
 - Married
13. Your current residential address
 - _____
14. Your current email address
 - _____
15. If the visa is granted and you are not currently residing in Nauru, what is your proposed residential address in Nauru? _____
 - _____

16. Address for correspondence (you may nominate either an email address or a postal address)

17. Your telephone numbers
Business hours (country code, area code, number)

After hours (country code, area code, number)

18. Your main language _____

Part C – Processing details

19. Have you previously been to Nauru, or held a visa for Nauru, or do you currently hold a visa for Nauru?

No

Yes ► Give ALL relevant details

20. Have you ever been refused a visa to enter Nauru?

No

Yes ► Give ALL relevant details

21. Have you ever had a Nauruan visa cancelled?

No

Yes ► Give ALL relevant details

22. If lodging this application from outside Nauru, from which country are you lodging it? _____

Part D – Health and character

23. Have you ever had or currently have tuberculosis or any other serious disease, condition or disability?

No

Yes ►

Is the disease, condition or disability one that requires or is likely to require medical care or which is contagious?

No Yes ► Give ALL relevant details

24. Have you ever:

- Been convicted of an offence which is punishable by a fine of not less than \$5,000 or to a sentence of death or to imprisonment for not less than 2 years, for which you have not received a free pardon? No Yes
- Been charged with any offence that is currently awaiting legal action? No Yes
- Been removed or deported from any country? No Yes

If you answered 'Yes' to any of the above questions, you shall give ALL relevant details. If the matter relates to a criminal conviction, please give the nature of the offence and full details of the sentence.

Part E – Document checklist

25. You **shall** provide the following documents with your application.

Note: if the documents are in a language other than English, certified English translations of those documents shall be provided, together with copies of the original documents.

Complete the following checklist by ticking documents that you have attached with your application, and writing "N/A" if a particular document does not apply to you and is not required with your application.

Certified copies of the identity pages of your passport or travel document	<input type="checkbox"/>
1 recent passport sized photograph (45mm x 35mm) of yourself, with your name printed on the back of the photograph	<input type="checkbox"/>
If you are applying for a multiple entry business visa, a police certificate as to your lack of criminal record, or your criminal record if any, in the place in which you have resided for the previous 12 months (note: the record should cover your whole recorded history in the relevant jurisdiction; and should be from the jurisdiction/s in which you have lived in the previous 12 months; for example, if you have lived in China for the past 12 months, you should provide a police certificate of your whole criminal record in China; if you have lived in Nauru for the last 12 months, you should provide a police clearance from Nauru)	<input type="checkbox"/>
If you are applying for a multiple entry business visa, a certificate of medical fitness (including certificate that chest x-ray and blood tests have been conducted and have not shown any contagious disease or serious abnormality)	<input type="checkbox"/>

Part F – Payment details

26. [Repealed]
27. Have you attached a receipt as evidence of your payment of the application fee?
- Yes
- No (if you answered 'No', your application will not be processed)
- N/A (business visitor of the Republic of Nauru, RONPHOS or any other statutory corporation of the Republic)
- N/A (Employees of the Republic, RONPHOS or any other statutory corporation of the Republic)

Part G - Declaration

28. This declaration shall be signed by the applicant.

Warning: Under the *Immigration Act 2014* it is an offence to make a false or misleading statement for the purpose of obtaining a visa.

Declaration:

- I declare that the information I have supplied in this application is complete, correct and up to date in every detail.
- I understand that if I give false or misleading information, my application may be refused or any visa granted may be cancelled.
- I will inform the Immigration Office of any relevant change of circumstances (including change of address) while my application is being considered, or during the period in which I hold a visa.
- I have read and understood the information supplied to me in this application form.

Signature of applicant _____

Date _____

We strongly advise that you keep a copy of your application and all attachments for your records

[Form 1 am SL 3 of 2014 reg 3 and Sch clause [29], opn 28 Feb 2014]

[The next page is 731,301]

FORM 2



REPUBLIC OF NAURU
IMMIGRATION ACT 2014

APPLICATION FOR DEPENDANT'S VISA

[Regulation 7]

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, particularly the Section on visa conditions.

Making a valid application

To make a valid application you shall:

- Use this application form (available from all Nauruan diplomatic missions, from the Department's website www.naurugov.nr/justice/visa.html or from the immigration and passport office in Nauru);
- Complete the form in English;
- Answer all questions truthfully;
- Provide all required supporting documents;
- Pay the required visa application fee;
- Lodge the application with the immigration office either through a representative in person or online at www.naurugov.nr/justice/immigration/onlineapplication.html

Supporting Documents

The documents you shall provide are listed in Part E of this application form. Attach all documents with your application.

'Certified copies' of documents means copies authorised or stamped as being true copies of originals by a Commissioner for Oaths or, if you are outside Nauru, a similar person or agency in your country. Do not provide originals unless you are asked.

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

Passport Information

Please note that your passport shall not be due to expire within 3 months from the date of your application. If you change your passport after you have been granted a visa you shall notify the Immigration Office in Nauru.

Options for receiving written communications

You may opt to have all communications about your visa application sent to you electronically via email, or in hard copy via the postal service. Electronic communication is recommended because of the delays that can occur with the postal service. If you are outside Nauru and do not have access to email but do not wish to incur the delays associated with the postal service, you may request that all communications in relation to your visa application be delivered in hard copy to the visa holder of whom you are a dependant.

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

If you provide incorrect information or documents, this may affect whether you are granted a visa or not, or your visa may be subsequently cancelled.

Conditions of Dependant's Visa

You shall immediately notify the Director if there is a relevant change in your circumstances, for example, the birth or adoption of a child, the death of a dependant or you getting married, divorced or formally separated. It is an offence not to do so.

Expiry of Visa

A Dependant's Visa granted to you will expire if

- It is granted to you as a spouse dependant and you get divorced or formally separated
- You cease to be a dependant
- You are granted a different class of visa

The visa of the person of whom you are a dependant is cancelled or expires.

Who the form covers

The application form only covers you as a dependant of the holder of a residence visa or business visa. A dependent of the holder of a visa is a spouse of the holder (unless you are formally separated from the holder), a child under the age of 18 years of the holder or a person wholly dependent on the holder for financial, psychological or physical support.

REPUBLIC OF NAURU
DEPARTMENT OF JUSTICE AND BORDER CONTROL

Application for Dependant's Visa

Part A – Application overview

1. Full name of person of whom you are a dependant (as shown on their passport or travel document)?
Family name _____
Given names _____
2. How are you a dependant of that person?
 spouse
 child under the age of 18 years
 wholly dependent for financial, psychological or physical support
3. Type of visa held by that person?
 business visa
 residence visa

Part B – Your details

4. Your full name (as shown on your passport or travel document)
Family name _____
Given names _____
5. Name in your own language or script (if applicable)

6. Name in Chinese Commercial Code Numbers (if applicable)

7. Sex
 Male
 Female
8. Date of birth (day/month/year) _____
9. Place of Birth
Town/city _____
Country _____
10. Details from your passport
Passport number _____
Country of passport _____
Date of issue (day/month/year) _____
Date of expiry (day/month/year) _____
Issuing authority/
Place of issue _____
11. Of which countries are you a citizen? _____

12. Country of current residence? _____
13. Current marital status
 Widowed
 Single
 In a de facto relationship
 Married
14. Your current residential address

- _____
15. Your current email address _____
16. If the visa is granted and you are not currently residing in Nauru, what is your proposed residential address in Nauru?

17. Address for correspondence (you may nominate either an email address or a postal address)

18. Your telephone numbers
Business hours (country code, area code, number)

After hours (country code, area code, number)

19. Your main language _____

Part C – Processing details

20. Have you previously been to Nauru, or held a visa for Nauru, or do you currently hold a visa for Nauru?

No

Yes ► Give ALL relevant details

21. Have you ever been refused a visa to enter Nauru?

No

Yes ► Give ALL relevant details

22. Have you ever had a Nauruan visa cancelled?

No

Yes ► Give ALL relevant details

23. If lodging this application from outside Nauru, from which country are you lodging it? _____

Part D – Health and character

24. Have you ever had or currently have tuberculosis or any other serious disease, condition or disability?

No

Yes ► Is the disease, condition or disability one that requires or is likely to require medical care or which is contagious?

No Yes ► Give ALL relevant details

25. Have you ever:

- Been convicted of an offence which is punishable by a fine of not less than \$5,000 or to a sentence of death or to imprisonment for not less than 2 years, for which you have not received a free pardon? No Yes

- Been charged with any offence that is currently awaiting legal action? No Yes

- Been removed or deported from any country? No Yes

If you answered ‘Yes’ to any of the above questions, you shall give ALL relevant details. If the matter relates to a criminal conviction, please give the nature of the offence and full details of the sentence.

Part E – Document checklist

26. You **shall** provide the following documents with your application.

Note: if the documents are in a language other than English, certified English translations of those documents shall be provided, together with copies of the original documents.

Complete the following checklist by ticking documents that you have attached with your application, and writing “N/A” if a particular document does not apply to you and is not required with your application.

Certified copies of the identity pages of your passport or travel document	<input type="checkbox"/>
1 recent passport sized photograph (45mm x 35mm) of yourself, with your name printed on the back of the photograph	<input type="checkbox"/>
A police certificate as to your lack of criminal record, or your criminal record if any, in the place in which you have resided for the previous 12 months (note: the record should cover your whole recorded history in the relevant jurisdiction; and should be from the jurisdiction/s in which you have lived in the previous 12 months; for example, if you have lived in China for the past 12 months, you should provide a police certificate of your whole criminal record in China; if you have lived in Nauru for the last 12 months, you should provide a police clearance from Nauru)	<input type="checkbox"/>
A certificate of medical fitness (including certificate that chest x-ray and blood tests have been conducted and have not shown any contagious disease or serious abnormality)	<input type="checkbox"/>

Part F- Declaration

This declaration shall be signed by the applicant.

Warning: Under the *Immigration Act 2014*, it is an offence to make a false or misleading statement for the purpose of obtaining a visa.

27. Declaration:

- I declare that the information I have supplied in this application is complete, correct and up to date in every detail.
- I understand that if I give false or misleading information, my application may be refused or any visa granted may be cancelled.
- I will inform the Immigration Office of any relevant change of circumstances (including change of address) while my application is being considered, or during the period in which I hold a visa.
- I have read and understood the information supplied to me in this application form.

Signature of applicant _____

Date _____

We strongly advise that you keep a copy of your application and all attachments for your records

[Form 2 am SL 3 of 2014 reg 3 and Sch clauses [30] and [31], opn 28 Feb 2014]

FORM 3

APPLICATION FOR REGIONAL PROCESSING CENTRE VISA

[Repealed]

[Form 3 rep SL 3 of 2014 reg 3 and Sch clause [32], opn 28 Feb 2014]

[The next page is 731,401]

FORM 4



REPUBLIC OF NAURU

DEPARTMENT OF JUSTICE AND BORDER CONTROL

APPLICATION FOR REGIONAL PROCESSING CENTRE VISA

*[Regulation 9]**This form shall be completed and submitted by an officer of the Commonwealth of Australia***Part A – Details of person for whom application is being made**

1. Full name
Family name _____
Given names _____
2. Name in their own language or script (if applicable)

3. Name in Chinese Commercial Code Numbers (if applicable)

4. Sex
 Male
 Female
5. Date of birth (day/month/year) _____
6. Current marital status
 Widowed
 Single
 In a de facto relationship
 Married
7. Address for correspondence (you may nominate either an email address or a postal address)

8. Telephone number of contact person

9. Main language _____

Signature of person completing the form

Date

Regulation 5(7) of the Immigration Regulations 2014 states that the fee for a regional processing centre visa is payable by the Commonwealth of Australia when a demand for its payment is made on behalf of the Republic

FORM 5



REPUBLIC OF NAURU

DEPARTMENT OF JUSTICE AND BORDER CONTROL

APPLICATION FOR RESIDENCE VISA

*[Regulation 10]***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, particularly the Section on visa conditions.

Making a valid application

To make a valid application you shall:

- Use this application form (available from all Nauruan diplomatic missions, from the Department's website www.naurugov.nr/justice/visa.html or from the immigration and passport office in Nauru);
- Complete the form in English;
- Answer all questions truthfully;
- Provide all required supporting documents;
- Pay the required visa application fee;
- Lodge the application with the immigration office in person or through a representative or online at www.naurugov.nr/justice/imm/onlineapplication.html.

If you provide incorrect information or documents, this may affect whether you are granted a visa or not, or your visa may be subsequently cancelled.

Who the form covers

The application form only covers you as a dependant of a Nauruan citizen. A dependant of a Nauruan citizen is a spouse of the citizen (unless you are formally separated from the citizen), a child under the age of 18 years of the citizen or a person wholly dependent on the citizen for financial, psychological or physical support.

Supporting Documents

The documents you shall provide are listed in Part E of this application form. Attach all documents with your application.

'Certified copies' of documents means copies authorised or stamped as being true copies of originals by a Commissioner for Oaths or, if you are outside Nauru, a similar person or agency in your country. Do not provide originals unless you are asked.

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

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

Options for receiving written communications

You may opt to have all communications about your visa application sent to you electronically via email, or in hard copy via the postal service. Electronic communication is recommended because of the delays that can occur with the postal service. If you are outside Nauru and do not have access to email but do not wish to incur the delays associated with the postal service, you may request that all communications in relation to your visa application be delivered in hard copy to the Nauruan citizen of whom you are a dependant.

Conditions of Residence Visa

You shall immediately notify the Director if there is a relevant change in your circumstances, for example, the birth or adoption of a child, the death of a dependant or you getting married, divorced or formally separated. It is an offence not to do so.

Expiry of Visa

A Residence Visa granted to you may expire if

- It is granted to you as a spouse
- dependant and you get divorced or formally separated
- You cease to be a dependant.

Passport Information

Please note that your passport shall not be due to expire within 3 months from the date of your application. If you change your passport after you have been granted a visa you shall notify the Immigration Office in Nauru.

REPUBLIC OF NAURU
DEPARTMENT OF JUSTICE AND BORDER CONTROL

Application for Residence Visa

Part A – Application overview

1. Full name of person of whom you are a dependant (as shown on their passport or travel document)?
Family name _____
Given names _____
2. How are you a dependant of that person?
 spouse
 child under the age of 18 years
 wholly dependent for financial, psychological or physical support

Part B – Your details

3. Your full name (as shown on your passport or travel document)
Family name _____
Given names _____
4. Name in your own language or script (if applicable)

5. Name in Chinese Commercial Code Numbers (if applicable)

6. Sex
 Male
 Female
7. Date of birth (day/month/year) _____
8. Place of Birth
Town/city _____
Country _____
9. Details from your passport
Passport number _____
Country of passport _____
Date of issue (day/month/year) _____
Date of expiry (day/month/year) _____
Issuing authority/
Place of issue _____
10. Of which countries are you a citizen? _____

11. Country of current residence? _____
12. Current marital status
 Widowed
 Single
 In a de facto relationship
 Married
13. Your current residential address

- 14. Your current email address _____
- 15. If the visa is granted and you are not currently residing in Nauru, what is your proposed residential address in Nauru? _____
- 16. Address for correspondence (you may nominate either an email address or a postal address) _____
- 17. Your telephone numbers
 Business hours (country code, area code, number) _____
 After hours (country code, area code, number) _____
- 18. Your main language _____

Part C – Processing details

- 19. Have you previously been to Nauru, or held a visa for Nauru, or do you currently hold a visa for Nauru?
 No
 Yes ► Give ALL relevant details

- 20. Have you ever been refused a visa to enter Nauru?
 No
 Yes ► Give ALL relevant details

- 21. Have you ever had a Nauruan visa cancelled?
 No
 Yes ► Give ALL relevant details

- 22. If you are lodging this application from outside Nauru, from which country are you lodging it? _____

Part D – Health and character

- 23. Have you ever had or currently have tuberculosis or any other serious disease, condition or disability?
 No
 Yes ►

Is the disease, condition or disability one that requires or is likely to require medical care or which is contagious?

No Yes ► Give ALL relevant details

24. Have you ever:

- Been convicted of an offence which is punishable by a fine of not less than \$5,000 or to a sentence of death or to imprisonment for not less than 2 years, for which you have not received a free pardon? No Yes
- Been charged with any offence that is currently awaiting legal action? No Yes
- Been removed or deported from any country? No Yes

If you answered 'Yes' to any of the above questions, you shall give ALL relevant details. If the matter relates to a criminal conviction, please give the nature of the offence and full details of the sentence.

Part E – Document checklist

25. You **shall** provide the following documents with your application.

Note: if the documents are in a language other than English, certified English translations of those documents shall be provided, together with copies of the original documents.

Complete the following checklist by ticking documents that you have attached with your application, and writing "N/A" if a particular document does not apply to you and is not required with your application.

Certified copies of the identity pages of your passport or travel document	<input type="checkbox"/>
1 recent passport sized photograph (45mm x 35mm) of yourself, with your name printed on the back of the photograph	<input type="checkbox"/>
A police certificate as to your lack of criminal record, or your criminal record if any, in the place in which you have resided for the previous 12 months (note: the record should cover your whole recorded history in the relevant jurisdiction; and should be from the jurisdiction/s in which you have lived in the previous 12 months; for example, if you have lived in China for the past 12 months, you should provide a police certificate of your whole criminal record in China; if you have lived in Nauru for the last 12 months, you should provide a police clearance from Nauru)	<input type="checkbox"/>
A certificate of medical fitness (including certificate that chest x-ray and blood tests have been conducted and have not shown any contagious disease or serious abnormality)	<input type="checkbox"/>

Part F - Declaration

This declaration shall be signed by the applicant.

Warning: Under the *Immigration Act 2014*, it is an offence to make a false or misleading statement for the purpose of obtaining a visa.

26. Declaration:

- I declare that the information I have supplied in this application is complete, correct and up to date in every detail.
- I understand that if I give false or misleading information, my application may be refused or any visa granted may be cancelled.
- I will inform the Immigration Office of any relevant change of circumstances (including change of address) while my application is being considered, or during the period in which I hold a visa.
- I have read and understood the information supplied to me in this application form.

Signature of applicant _____

Date _____

We strongly advise that you keep a copy of your application and all attachments for your records

[The next page is 731,501]

FORM 6



REPUBLIC OF NAURU

DEPARTMENT OF JUSTICE AND BORDER CONTROL

APPLICATION FOR SPECIAL PURPOSE VISA

*[Regulation 11]***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, particularly the Section on visa conditions.

Making a valid application

To make a valid application you shall:

- Use this application form (available from all Nauruan diplomatic missions, from the Department's website www.naurugov.nr/justice/visa.html or from the immigration and passport office in Nauru);
- Complete the form in English;
- Answer all questions truthfully;
- Provide all required supporting documents;
- Pay the required visa application fee;
- Lodge the application with the immigration office in person or through a representative or online at www.naurugov.nr/justice/immi/onlineapplication.html.

Supporting Documents

The documents you shall provide are listed in Part E of this application form. Attach all documents with your application.

'Certified copies' of documents means copies authorised or stamped as being true copies of originals by a Commissioner for Oaths or a similar person or agency in your country. Do not provide originals unless you are asked.

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

Passport Information

Please note that your passport shall not be due to expire within 3 months from the date of your application. If you change your passport after you have been granted a visa you shall notify the Immigration Office in Nauru.

Options for receiving written communications

You may opt to have all communications about your visa application sent to you electronically via email, or in hard copy via the postal service. Electronic communication is recommended because of the delays that can occur with the postal service. If you are outside Nauru and do not have access to email but do not wish to incur the delays associated with the postal service, you may request that all communications in relation to your visa application be delivered in hard copy to your representative in Nauru.

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

If you provide incorrect information or documents, this may affect whether you are granted a visa or not, or your visa may be subsequently cancelled.

Visa application fee

Payment shall accompany your application. Payment can be made in cash at the Nauru Revenue Office or by electronic bank transfer (receipt being included with your online application or provided to the Immigration Office in Nauru in person by your representative).

Your visa application fee is non-refundable.

Conditions of Special Purpose Visa

You shall not engage in any activity for which a business visa may be granted except as permitted by the visa or with the approval of the Secretary.

If you wish to enter or remain in Nauru in order to engage in an activity in connection with legal proceedings, those proceedings commence within 14 days after the visa is granted or after you enter Nauru if you are outside Nauru.

You shall immediately notify the Director if there is a relevant change in your circumstances, for example, the birth or adoption of a child, the death of a dependant or you getting married, divorced or formally separated. It is an offence not to do so.

REPUBLIC OF NAURU
DEPARTMENT OF JUSTICE AND BORDER CONTROL

Application for Special Purpose Visa

Part A – Application overview

1. In what capacity and for what purpose are you seeking a special purpose visa?
2. For what length of visa are you applying?
3. For what type of visa are you applying?
 - single entry
 - multiple entries

Part B – Your details

4. Your full name (as shown on your passport or travel document)
 - Family name _____
 - Given names _____
5. Name in your own language or script (if applicable)

6. Name in Chinese Commercial Code Numbers (if applicable)

7. Sex
 - Male
 - Female
8. Date of birth (day/month/year) _____
9. Place of Birth
 - Town/city _____
 - Country _____
10. Details from your passport
 - Passport number _____
 - Country of passport _____
 - Date of issue (day/month/year) _____
 - Date of expiry (day/month/year) _____
 - Issuing authority/
Place of issue _____
11. Of which countries are you a citizen? _____

12. Country of current residence? _____
13. Current marital status
 - Widowed
 - Single
 - In a de facto relationship
 - Married
14. Your current residential address _____

15. Your current email address _____
16. If the visa is granted and you are not currently residing in Nauru, what is your proposed residential address in Nauru? _____

17. Address for correspondence (you may nominate either an email address or a postal address)

18. Your telephone numbers

Business hours (country code, area code, number _____)

After hours (country code, area code, number _____)

19. Your main language _____

Part C – Processing details

20. Have you previously been to Nauru, or held a visa for Nauru, or do you currently hold a visa for Nauru?

No

Yes ► Give ALL relevant details

21. Have you ever been refused a visa to enter Nauru?

No

Yes ► Give ALL relevant details

22. Have you ever had a Nauruan visa cancelled?

No

Yes ► Give ALL relevant details

23. If you are lodging this application from outside Nauru, from which country are you lodging it?

Part D – Health and character

24. Have you ever had or currently have tuberculosis or any other serious disease, condition or disability?

No

Yes ►

Is the disease, condition or disability one that requires or is likely to require medical care or which is contagious?

No Yes ► Give ALL relevant details

25. Have you ever:

- Been convicted of an offence which is punishable by a fine of not less than \$5,000 or to a sentence of death or to imprisonment for not less than 2 years, for which you have not received a free pardon? No Yes
- Been charged with any offence that is currently awaiting legal action? No Yes
- Been removed or deported from any country? No Yes

If you answered 'Yes' to any of the above questions, you shall give ALL relevant details. If the matter relates to a criminal conviction, please give the nature of the offence and full details of the sentence.

Part E – Document checklist

26. You **shall** provide the following documents with your application.

Note: if the documents are in a language other than English, certified English translations of those documents shall be provided, together with copies of the original documents.

Complete the following checklist by ticking documents that you have attached with your application, and writing "N/A" if a particular document does not apply to you and is not required with your application.

Certified copies of the identity pages of your passport or travel document	<input type="checkbox"/>
1 recent passport sized photograph (45mm x 35mm) of yourself, with your name printed on the back of the photograph	<input type="checkbox"/>
A police certificate as to your lack of criminal record, or your criminal record if any, in the place in which you have resided for the previous 12 months (note: the record should cover your whole recorded history in the relevant jurisdiction; and should be from the jurisdiction/s in which you have lived in the previous 12 months; for example, if you have lived in China for the past 12 months, you should provide a police certificate of your whole criminal record in China; if you have lived in Nauru for the last 12 months, you should provide a police clearance from Nauru)	<input type="checkbox"/>
A certificate of medical fitness (including certificate that chest x-ray and blood tests have been conducted and have not shown any contagious disease or serious abnormality)	<input type="checkbox"/>

Part F – Payment details

27. FEES for Special Purpose Visa applications are charged in accordance with the *Immigration Regulations 2014* (regulation 16), as follows:
- Single entry otherwise than for legal proceedings - \$50
 - Multiple entry otherwise than for legal proceedings - \$100
 - Single entry for legal proceedings- \$100
 - Multiple entry for legal proceedings- \$200
28. Have you attached a receipt as evidence of your payment of the application fee?
- Yes
- No (if you answered 'No', your application will not be processed)

Part G - Declaration

29. This declaration shall be signed by the applicant.

Warning: Under the *Immigration Act 2014* it is an offence to make a false or misleading statement for the purpose of obtaining a visa.

Declaration:

- I declare that the information I have supplied in this application is complete, correct and up to date in every detail.
- I understand that if I give false or misleading information, my application may be refused or any visa granted may be cancelled.
- I will inform the Immigration Office of any relevant change of circumstances (including change of address) while my application is being considered, or during the period in which I hold a visa.
- I have read and understood the information supplied to me in this application form.

Signature of applicant _____

Date _____

We strongly advise that you keep a copy of your application and all attachments for your records

[Form 6 am SL 3 of 2014 reg 3 and Sch clause [33], opn 28 Feb 2014]

[The next page is 731,601]

FORM 7



REPUBLIC OF NAURU
IMMIGRATION ACT 2014

APPLICATION FOR VISITOR'S VISA

[Regulation 12]

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, particularly the Section on visa conditions.

Making a valid application

To make a valid application you shall:

- Use this application form (available from all Nauruan diplomatic missions, from the Department's website www.naurugov.nr/justice/visa.html or from the immigration and passport office in Nauru);
- Complete the form in English;
- Answer all questions truthfully;
- Provide all required supporting documents;
- Pay the required visa application fee;
- Lodge the application with the immigration office in person or through a representative or online at www.naurugov.nr/justice/immi/onlineapplication.html.

Visa application fee

Payment must accompany your application unless you are exempt from paying. Payment can be made in cash at the Nauru Revenue Office or at the Nauruan mission or Nauruan consular post (if applying outside Nauru) or by electronic bank transfer (receipt being included with your online application or provided to the Immigration Office in Nauru in person by your representative or to the Nauruan mission or Nauruan consular post by you).

Your visa application fee is non-refundable.

Supporting Documents

The documents you shall provide are listed in Part E of this application form. Attach all documents with your application.

'Certified copies' of documents means copies authorised or stamped as being true copies of originals by a Commissioner for Oaths or, if you are outside Nauru, a similar person or agency in your country. Do not provide originals unless you are asked.

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

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

If you provide incorrect information or documents, this may affect whether you are granted a visa or not, or your visa may be subsequently cancelled.

Options for receiving written communications

If you do not have access to email but do not wish to incur the delays associated with the postal service, you may request that all communications in relation to your visa application be delivered in hard copy to your representative in Nauru.

Passport Information

Please note that your passport shall not be due to expire within 3 months from the date of your application. If you change your passport after you have been granted a visa you shall notify the Immigration Office in Nauru.

Conditions of Visitor's Visa

You shall not engage in any activity for which a business visa may be granted or in any religious activity other than normal religious observance

While in Nauru you shall not behave in a manner prejudicial to peace or good order.

REPUBLIC OF NAURU
DEPARTMENT OF JUSTICE AND BORDER CONTROL

Application for Visitor's Visa

Part A – Application overview

1. For what purpose are you seeking a visitor's visa?
2. For what length of visa are you applying?
 - up to 1 month
 - up to 2 months
 - up to 3 months

Part B – Your details

3. Your full name (as shown on your passport or travel document)
 - Family name _____
 - Given names _____
4. Name in your own language or script (if applicable) _____
5. Name in Chinese Commercial Code Numbers (if applicable) _____
6. Sex
 - Male
 - Female
7. Date of birth (day/month/year) _____
8. Place of Birth
 - Town/city _____
 - Country _____
9. Details from your passport
 - Passport number _____
 - Country of passport _____
 - Date of issue (day/month/year) _____
 - Date of expiry (day/month/year) _____
 - Issuing authority/
Place of issue _____
10. Of which countries are you a citizen? _____
11. Country of current residence? _____

NB: Applicants from New Zealand and Australia shall provide the additional information required in Q23
12. Current marital status
 - Widowed
 - Single
 - In a de facto relationship
 - Married
13. Your current residential address _____
14. Your current email address _____
15. If the visa is granted, what is your proposed residential address in Nauru? _____

16. Address for correspondence (you may nominate either an email address or a postal address)

17. Your telephone numbers
Business hours (country code, area code, number)

After hours (country code, area code, number)

18. Your main language _____

Part C – Processing details

19. Have you previously been to Nauru, or held a visa for Nauru, or do you currently hold a visa for Nauru?

No

Yes ► Give ALL relevant details

20. Have you ever been refused a visa to enter Nauru?

No

Yes ► Give ALL relevant details

21. Have you ever had a Nauruan visa cancelled?

No

Yes ► Give ALL relevant details

22. If applying from outside Nauru, from which country are you lodging this application? _____

23. Applicants from New Zealand and Australia shall provide a sponsorship letter from a Nauruan citizen currently residing in Nauru, stating the following:

(i) Name of Sponsor

(ii) Place of residence in Nauru (District)

(iii) Relationship to applicant

(iv) Terms of sponsorship (eg: accommodation etc)

Part D – Health and character

24. Have you ever had or currently have tuberculosis or any other serious disease, condition or disability?

No

Yes ►

Is the disease, condition or disability one that requires or is likely to require medical care or which is contagious?

No Yes ► Give ALL relevant details

25. Have you ever:

- Been convicted of an offence which is punishable by a fine of not less than \$5,000 or to a sentence of death or to imprisonment for not less than 2 years, for which you have not received a free pardon? No Yes
- Been charged with any offence that is currently awaiting legal action? No Yes
- Been removed or deported from any country? No Yes

If you answered 'Yes' to any of the above questions, you shall give ALL relevant details. If the matter relates to a criminal conviction, please give the nature of the offence and full details of the sentence.

Part E – Document checklist

26. You **shall** provide the following documents with your application.

Note: if the documents are in a language other than English, certified English translations of those documents shall be provided, together with copies of the original documents.

Complete the following checklist by ticking documents that you have attached with your application, and writing 'N/A' if a particular document does not apply to you and is not required with your application.

Certified copies of the identity pages of your passport or travel document	<input type="checkbox"/>
1 recent passport sized photograph (45mm x 35mm) of yourself, with your name printed on the back of the photograph	<input type="checkbox"/>
A police certificate as to your lack of criminal record, or your criminal record if any, in the place in which you have resided for the previous 12 months (note: the record should cover your whole recorded history in the relevant jurisdiction; and should be from the jurisdiction/s in which you have lived in the previous 12 months; for example, if you have lived in China for the past 12 months, you should provide a police certificate of your whole criminal record in China; if you have lived in Nauru for the last 12 months, you should provide a police clearance from Nauru)	<input type="checkbox"/>
A certificate of medical fitness (including certificate that chest x-ray and blood tests have been conducted and have not shown any contagious disease or serious abnormality)	<input type="checkbox"/>
A letter from sponsor as required in Q23 for citizens of Australia and New Zealand	<input type="checkbox"/>

Part F – Payment details

27. FEES for Visitor's Visa applications are charged in accordance with the *Immigration Regulations 2014* (regulation 16), as follows:
- up to 1 month - \$50
 - up to 2 months - \$150
 - up to 3 months - \$250
28. Have you attached a receipt as evidence of your payment of the application fee?
- Yes
- No (if you answered 'No', your application will not be processed unless you are a national of a country covered by regulation 16 of the *Immigration Regulations 2014*)

Part G - Declaration

29. This declaration shall be signed by the applicant.

Warning: Under the *Immigration Act 2014* it is an offence to make a false or misleading statement for the purpose of obtaining a visa.

Declaration:

- I declare that the information I have supplied in this application is complete, correct and up to date in every detail.
- I understand that if I give false or misleading information, my application may be refused or any visa granted may be cancelled.
- I will inform the Immigration Office of any relevant change of circumstances (including change of address) while my application is being considered, or during the period in which I hold a visa.
- I have read and understood the information supplied to me in this application form.

Signature of applicant _____

Date _____

We strongly advise that you keep a copy of your application and all attachments for your records

[Form 7 subst SL 3 of 2016 reg 7, opn 3 Mar 2016]

[The next page is 731,801]

SCHEDULE 2

[Regulation 16]

FEES

PART 1 — FEES FOR GRANTING OF VISAS

[Pt 1 am SL 3 of 2014 reg 3 and Sch clauses [35]–[37], opn 28 Feb 2014; SL 4 of 2014 reg 3 and Sch clause [8], opn 21 May 2014; SL 26 of 2019 reg 4, opn 24 Aug 2019]

Column 1 VISA	Column 2 FEE
Business Visa (all sub-classes)	Nil

Business visitors calling on the Republic, RONPHOS or any other statutory corporation of the Republic

Table 1

Business Visa (sub-classes)	Description	Multiple entry up to 12 months	Single entry up to 3 months
Business visa (General)	Conduct a business or profession in Nauru	\$6,000	
Business visa (Diplomatic)	Perform the role of diplomatic or consular representative of a foreign country		
Business visa (Education)	Engage in education		
Business visa (Media)	Engage in film, journalism or other media activities		\$8,000
Business visa (Religious Vocation)	Engage in a religious vocation, whether or not for reward		
Business visa (Research)	Engage in research, whether or not for reward	\$200	\$100
Business visa (Employment)	Engage in employment in Nauru	\$6,000	
	Others	\$1,000	

NOTE: Regulation 6(6) provides more information on the fee for a Business Visa (Media).

Table 2

Dependant's Visa	\$1,000
Regional Processing Centre Visa (<i>Asylum Seekers</i>)	\$1,000 per month
Residence Visa	Nil
Special Purpose Visa	
For the purpose mentioned in regulation 11	
Single entry	\$50
Multiple entry	\$100
For any other purpose	
Single entry	\$100
Multiple entry	\$200
Temporary Settlement Visa (<i>Refugees</i>)	\$2,000 per month
Visitor's Visa	
For a period not exceeding 1 month	\$50
For a period not exceeding 2 months	\$150
For a period not exceeding 3 months	\$250

PART 2 — FEES FOR RE-EVIDENCING OF VISAS

- 1 Nil, if no fee was payable for the visa.
- 2 \$10 for a single entry visa.
- 3 \$20 for a multiple entry visa.

NOTE: These fees are non-refundable

PART 3 — PROCESSING FEE (BUSINESS VISA)

- 1 \$50 for single and multiple entry visas
- 2 \$50 for single entry business visa (media)

NOTE: These fees are non-refundable

[The next page is 732,001]

SCHEDULE 3

[Regulation 16(4)]

VISITOR'S VISA FEE EXEMPT COUNTRIES

[Sch 3 am SL 30 of 2019 reg 4, opn 15 Oct 2019]

- 1 Cook Islands
- 2 Federated States of Micronesia, Federated States of
- 3 Fiji, Republic of
- 4 Israel, State of
- 5 Kiribati, Republic of
- 6 Marshall Islands, Republic of the
- 7 Niue
- 8 Palau, Republic of
- 9 Papua New Guinea, Independent State of
- 10 Republic of China (Taiwan)
- 11 Russian Federation
- 12 Samoa, Independent State of
- 13 Solomon Islands
- 14 Thailand, Kingdom of
- 15 Tonga, Kingdom of
- 16 Tuvalu
- 17 Vanuatu, Republic of

[The next page is 732,201]

SCHEDULE 4

SIMPLIFIED VISITOR'S VISA APPLICATION COUNTRIES

- 1 Antigua and Barbuda
- 2 Australia, Commonwealth of
- 3 Austria, Republic of
- 4 Bahamas, Commonwealth of The
- 5 Bangladesh, People's Republic of
- 6 Barbados
- 7 Belgium, Kingdom of
- 8 Belize
- 9 Botswana, Republic of
- 10 Brunei, Republic of
- 11 Bulgaria, Republic of
- 12 Canada
- 13 Cape Verde, Republic of
- 14 Comoros, Union of the
- 15 Cuba, Republic of
- 16 Cyprus, Republic of
- 17 Czech Republic
- 18 Denmark, Kingdom of
- 19 Dominica, Commonwealth of
- 20 Dominican Republic
- 21 East Timor, Democratic Republic of (Timor-Leste)
- 22 Estonia, Republic of
- 23 Finland, Republic of
- 24 French Republic
- 25 Germany, Federal Republic of
- 26 Ghana, Republic of
- 27 Greece (Hellenic Republic)
- 28 Grenada
- 29 Guinea Bissau, Republic of
- 30 Guyana, Co-operative Republic of
- 31 Haiti, Republic of
- 32 Hungary
- 33 Iceland, Republic of
- 34 India, Republic of
- 35 Ireland
- 36 Italian Republic
- 37 Jamaica
- 38 Japan
- 39 Kenya, Republic of
- 40 Korea, Republic of
- 41 Latvia, Republic of
- 42 Lesotho, Kingdom of
- 43 Lithuania, Republic of
- 44 Luxembourg, Grand Duchy of
- 45 Malawi, Republic of

- 46 Malaysia
- 47 Maldives, Republic of
- 48 Malta, Republic of
- 49 Mauritius, Republic of
- 50 Netherlands, Kingdom of the
- 51 New Zealand
- 52 Norway, Kingdom of
- 53 Poland, Republic of
- 54 Portuguese Republic
- 55 Romania
- 56 Saint Kitts and Nevis, Federation of
- 57 Saint Lucia
- 58 Saint Vincent and the Grenadines
- 59 San Marino, Republic of
- 60 Sao Tome and Principe, Democratic Republic of
- 61 Slovak Republic
- 62 Slovenia, Republic of
- 63 Spain, Kingdom of
- 64 Sweden, Kingdom of
- 65 Swiss Confederation
- 66 Trinidad and Tobago, Republic of

[The next page is 732,401]

SCHEDULE 5

[Regulations 14(4) and 16(4)]

VISA WAIVER AGREEMENT COUNTRIES

[Sch 5 insrt SL 13 of 2015 reg 5, opn 24 Sep 2015; am SL 30 of 2019 reg 5, opn 15 Oct 2019]

- 1 Japan (*applicable to diplomatic and official passports only*)
- 2 Russia
- 3 Spain

[The next page is 737,001]

Immigration (Coronavirus (Covid-19) Visa) Regulations 2020

TABLE OF PROVISIONS

<i>Regulation</i>	<i>Title</i>
1	Citation
2	Commencement
3	Interpretation
4	Application of Regulations
5	Coronavirus (COVID-19) visa
6	Employment of holder of visa
7	Visa extension
8	Rectification of status
9	Fees

[The next page is 737,201]

Immigration (Coronavirus (Covid-19) Visa) Regulations 2020

TABLE OF AMENDMENTS

The Immigration (Coronavirus (Covid-19) Visa) Regulations 2020 SL 11 were notified and commenced on 20 May 2020 (GN No 320/2020; Gaz 101/2020).

Amending Legislation	Notified	Date of Commencement
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[The next page is 737,401]

The Cabinet makes the following Regulations under Section 33 of the *Immigration Act 2014*:

1 Citation

These Regulations may be cited as the *Immigration (Coronavirus (COVID-19) Visa) Regulations 2020*.

2 Commencement

These Regulations come into effect on the day they are notified in the Gazette.

3 Interpretation

In these Regulations:

‘*declared disease*’ means Coronavirus (COVID-19) which is also declared as a quarantinable disease under the provisions of the *Quarantine Act 1908*;

‘*Secretary*’ means the Secretary for Justice and Border Control; and

‘*visa*’ means a Coronavirus (COVID-19) visa issued under these Regulations.

4 Application of Regulations

- (1) These Regulations shall apply to non-Nauruan persons already in Nauru and have not been able to depart due to travel restrictions imposed as a consequence of the declared disease.
- (2) For the avoidance of any doubt, this class of visa shall not apply to a person who is lawfully in Nauru under any other class of visa.
- (3) A person in subregulation (2) shall ensure that his or her visa remains current under the respective class of visa which he or she holds.

5 Coronavirus (COVID-19) visa

- (1) A person who has been restrained from departing Nauru or is unable to depart as a direct consequence of travel restrictions resulting from the declared disease, shall apply for a visa to lawfully remain in Nauru.
- (2) An application under subregulation (1), shall contain the following details:
 - (a) full name;
 - (b) residential address in Nauru;
 - (c) telephone;
 - (d) email;
 - (e) date of most recent entry to Nauru;
 - (f) purpose of visiting Nauru;
 - (g) means of support in Nauru or name of employer, if employed;
 - (h) passport;
 - (i) copy of departure ticket, if available; and
 - (j) proof of payment of visa fee.
- (3) A visa granted under these Regulations is valid for 6 months unless extended by the Secretary.

- (4) The holder of a visa shall not behave in a manner prejudicial to the peace and good order of Nauru.
- (5) A visa may be granted subject to any other reasonable condition that the Secretary considers necessary or desirable.

6 Employment of holder of visa

- (1) Subject to subregulation (4), the holder of a visa granted under these Regulations may engage in employment.
- (2) The holder of the visa shall immediately inform the Secretary of the:
 - (a) name of the employer;
 - (b) nature of employment or work; and
 - (c) duration of such employment or work.
- (3) The employer shall provide to the Secretary a letter confirming the employment of the holder of the visa.
- (4) No person shall be granted, permitted or engaged to work in the Regional Processing Centre and Settlements or by any approved commercial service provider under the *Nauru (RPC) Corporation Act 2017*, under this class of visa.

7 Visa extension

A holder of a visa may, where necessary, apply for extension of his or her visa.

8 Rectification of status

A non-Nauruan person who has been in Nauru unlawfully for more than 12 months and has no or never held a visa to enter and remain in Nauru, may apply for this class of visa to rectify his or her status of remaining in Nauru.

9 Fees

The following fees apply:

- (a) visa fee - \$150; and
- (b) processing fee - \$50.

[The next page is 750,001]