



REPUBLIC OF NAURU

# REFUGEES CONVENTION (AMENDMENT) ACT 2018

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No. 28 of 2018

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An Act to amend the *Refugees Convention Act 2012*

Certified: 4<sup>th</sup> October 2018

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Enacted by the Parliament of Nauru as follows:

**1 Short title**

This Act may be cited as the *Refugees Convention (Amendment) Act 2018*.

**2 Commencement**

This Act commences upon certification by the Speaker.

**3 Amendment of Refugees Convention Act 2012**

The Refugees Convention Act 2012 is amended by the provisions of this Act.

**4 Amendment of Part 7**

Part 7 is omitted and substituted as follows:

**‘PART 7 – RECOGNITION OF DECLARATION OF REFUGEE STATUS ETC**

**52 Recognition of determinations made in foreign country**

(1) The Secretary may, after carrying out his or her own investigation or inquiries, recognise a declaration, decision or record made under the laws of a foreign country determining that an asylum seeker be:

(a) recognised as a refugee;

(b) given derivative status; or

(c) owed complementary protection, -

and may issue a certificate or record as prescribed by regulations.

(2) Where the Secretary is satisfied under subsection (1), the Secretary may recommend in writing to the Secretary for Justice and Border Control for the granting of temporary settlement visas to persons whose determinations are recognised by the Secretary under subsection (1).

(3) A declaration, decision or record recognised under subsection (1) shall be treated for the purposes of granting the temporary settlement visa on the same terms and conditions to the persons determined under this Act which includes:

- (a) duration or renewal of visa; and
  - (b) temporary settlement until the Commonwealth of Australia resettles the persons in another country.
- (4) For the avoidance of any doubt, any person authorised to enter the Republic under this section shall not have any additional rights or entitlements to that of persons determined under section 6 of this Act.
- (5) There shall be no review or appeal from the decision of the Secretary under this section.'

**5 Insert new Part 8**

**PART 8 - MISCELLANEOUS**

**53 Secretary not liable**

The Secretary shall not be liable in any suit, action or proceeding including constitutional redress in any court of the Republic or any quasi-judicial or administrative body for anything done in the bona fide exercise or the purported exercise of a power or function under this Act or any other written law.

**54 Regulations**

- (1) The Cabinet may make regulations prescribing all matters necessary or expedient to give full effect to this Act.
- (2) The regulations may:
- (a) be of general application or vary in their application according to prescribed factors; and
  - (b) give a person discretion to decide a matter.

**55 Delegation of Secretary's powers**

The Secretary may, by writing signed by him or her, delegate to a person, any of the Secretary's powers under this Act except for this power of delegation.