



REPUBLIC OF NAURU

# IMMIGRATION (AMENDMENT) BILL 2016

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No. 55 of 2016

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A Bill for an Act to amend the *Immigration Act 2014*

Certified: [ ]

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Enacted by the Parliament of Nauru as follows:

**1 Short title**

This Act may be cited as the *Immigration (Amendment) Act 2016*.

**2 Commencement**

This Act commences upon certification by the Speaker.

**3 Amendment of Immigration Act 2014**

The *Immigration Act 2014* is amended by the provisions of this Act.

**4 Amendment of section 4**

Section 4 is omitted and substituted with the following:

**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 must 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 Principal Immigration Officer in this Act and in the Regulations is a reference to the Director of Immigration.

**5 Amendment of section 11**

Section 11(1) is omitted and substituted with the following:

- (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 an RPC visa.

**6 Insert new section 11(1A)**

The Minister must 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 of Nauru; or
- (c) appeal before the High Court of Australia,

relating to such an application, that has not been finally determined.