

**REPUBLIC OF NAURU**  
**IMMIGRATION (AMENDMENT) BILL 2016**  
**EXPLANATORY MEMORANDUM**

The *Immigration (Amendment) Bill* is a Bill for the *Immigration (Amendment) Act 2016*.

**EXPLANATION OF CLAUSES**

**Clause 1** provides that, once enacted, the short title of the Bill will be *Immigration (Amendment) Act 2016*.

**Clause 2** sets out when the Bill's provisions will commence.

**Clause 3** is the enabling provisions for the amendment of the *Immigration (Amendment) Act 2016*.

**Clause 4** removes the provisions relating to the Principal Immigration Officer (Administration and Operations). This change is necessary to accommodate the structural change within the Immigration section of the Department of Justice and Border Control. The positions of Principal Immigration Officer (Administration) and Principal Immigration Officer (Operations) have been replaced by the Director of Immigration who has absorbed both positions.

**Clause 5** makes two changes to section 11. The first is a change to section 11(1) where the current subsection is omitted and a new subsection is inserted and includes a new section 11(1)(e) which provides for the Minister to order the removal of a person who is a holder of an RPC visa, subject to a new section 11(1A).

New section 11(1A) provides that the Minister must not order the removal from Nauru of a person who has a valid application before the Secretary made under section 5, that has not been finally determined. The new section 11(1A) also prohibits the making of a removal order with respect to a person who has an application before the Tribunal, an appeal before the Supreme Court, or an appeal before the High Court of Australia, that both relates to an application to the Secretary made under section 5, and has not been finally determined.

The relevant effect of the amendments to section 11 will be that the Minister may order the removal from Nauru of asylum seekers who have received a negative outcome at each stage of the refugee status determination process, or who have declined to pursue their claim to refugee status to the conclusion of the process.