

REPUBLIC OF NAURU
IMMIGRATION (AMENDMENT) BILL 2016

SECOND READING SPEECH

Honourable David Adeang MP

22nd December 2016

Mr Speaker Sir,

I am pleased to present to the House today a Bill to amend the *Immigration Act 2014* to support the removal of unsuccessful asylum seekers from Nauru.

This Bill makes 2 amendments to the Act. The first is the removal of the position of Principal Immigration Officer and the replacement of this with the current Director of Immigration position. The Director of Immigration will absorb the roles and functions of the Principal Immigration Officer.

The second change to the Act will apply to an asylum seeker who has not been determined to be a refugee, has exhausted all avenues of appeal, and no longer has a legal basis to remain in Nauru. The term used for these individuals is “unsuccessful asylum seekers”.

The current wording of the Act requires the Minister to cancel a person’s visa before he can issue a removal order.

The amendments are being proposed in order to ensure that the regional processing visa can remain in place while all arrangements for a removal are being made. This is in recognition that the removal of an unsuccessful asylum seeker may take several months of planning and organizing before it can be implemented.

As many asylum seekers do not have identity or travel documents, obtaining relevant documents and permissions can be time-consuming and take significant time to finalise. It is intended that that RPC visa remains in place during this time, so that the person continues to have a legal basis to remain in Nauru and to stay at the RPC under specific visa conditions.

The changes also provide safeguards to ensure that removals only take place once a person has either exhausted, or declined to engage, all available legal avenues of review and appeal against his or her negative refugee status determination. If there is a valid refugee application (or, a review application or appeal relating to such an application) which has not been finally determined, a removal order cannot be made.

This is to ensure that Nauru does not return a person to a place where he or she may face persecution, in breach of international obligations.

At all times, the asylum seeker can of course choose to return home voluntarily, with financial and other support.

Mr Speaker, the explanatory memorandum describes in detail each provision of the relatively minor amendments that we are proposing with this Bill.

I commend the Bill to the House.