



REPUBLIC OF NAURU

# Immigration Act 2014

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Act No 1 of 2014

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REPUBLIC OF NAURU

# Immigration Act 2014

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.

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## 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.

### 3 Interpretation

In this Act, unless the context otherwise requires:

**'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;

**'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 Principal Immigration Officer; 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;

**'Principle Immigration Officer (Administration)'** means the person holding or acting in the office of the Principle Immigration Officer established under section 4 (1) (i).

**'Principle Immigration Officer (Operations)'** means the person holding or acting in the office of the Principle Immigration Officer established under section 4 (1) (ii).

**'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;

**'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.

## **PART 2 — ADMINISTRATION**

### **4 Principal Immigration Officer**

- (1) The Secretary, acting on the recommendation of the Minister, may appoint two officers in the position of Principal Immigration Officer and they shall be:
  - (i) Principal Immigration Officer (Administration); and
  - (ii) Principal Immigration Officer (Operations).
- (2) The role and duties of the Principal Immigration Officer (Administration) and Principal Immigration Officer (Operations) must be determined by the Secretary, acting on the recommendation of the Minister.
- (3) The Principal Immigration Officer is subject to control and direction by the Minister.
- (4) In this Act, unless otherwise stated, Principal Immigration Officer shall refer to both Principal Immigration Officer (Administration) and Principal Immigration Officer (Operations).

### **4A Immigration Officers**

- (1) The Chief Secretary may appoint a public officer to be an Immigration Officer to assist the Principal Immigration Officer.
- (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 Principal Immigration Officer.
- (4) Nothing in this Act precludes an Immigration Officer from also being authorised to perform functions and exercise powers under any other Act.

### **4B Identity cards**

- (1) The Principal Immigration Officer and each immigration officer must 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 Principal Immigration Officer or immigration officer must:

- (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) If it is not practicable to comply with subsection (2), the officer must produce the identity card for the person's inspection at the first reasonable opportunity.
- (4) On ceasing to be an Immigration Officer, a person must return his or her identity card to the Secretary.
- (5) Any 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 Principal 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 of this Act).
- (2) The Secretary may delegate to the Principal Immigration Officer 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 of this Act).
- (3) The Principal Immigration Officer 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 of this Act).

#### **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 must not enter a restricted area unless the person is in the process of entering, leaving or transiting through Nauru.
- (3) Any 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 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; or
    - (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) If 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) If 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 section 10 of the *Criminal Procedure Act 1972*, an offence against this Act is a cognisable 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) Any 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.

## **PART 3 — ARRIVAL, ENTRY AND REMOVAL**

### **7 Passenger and crew lists**

- (1) On arrival of a vessel or aircraft in Nauru, the captain must 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) If 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 must:
  - (a) not permit any 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) If 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 must immediately comply with any instruction or direction given by an Immigration Officer and must by all reasonable means facilitate boarding by and provide necessary assistance to an Immigration Officer.
- (5) If the captain fails to comply with subsection (4) then the captain is liable to a maximum penalty of \$10,000.
- (6) If 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 must:
  - (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 the Regulations.
- (2) Any 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 must not enter or remain in Nauru without a valid visa authorising that entry or presence and any 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 must 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) Any 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 of this Act.
- (7) If a decision is made not to grant a visa, the applicant must be given written notice of the decision and a statement of the reasons for the

decision.

## **11 Removal orders**

(1) 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; or
- (d) remains in Nauru after the expiration or cancellation of the person's Visa.

(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 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) If 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 must:
  - (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) If 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) must be paid by the person removed, or if the Minister so directs, out of the Treasury Fund, which is appropriated accordingly.
- (10) If 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) If a person against whom a removal order is made has been sentenced to a term of imprisonment, the sentence must, 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 of this Act, 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, must 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 (12) does not apply to a person who has been issued with a removal order under section 11 of this Act.
- (3) Subject to this section, the application for review must be made within 14 days after the person receives notice of the decision.
- (4) If 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 must be in writing and must set out the reasons for the application and must include the prescribed fee as stated in Schedule 2 of this Act.
- (8) 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.
- (9) Notice of a decision on a review must be published in the Gazette.

## **13 Review of decisions relating to removal orders**

- (1) A person aggrieved by a removal order made against him under section 11, may appeal within 7 days of the removal order being served.

- (2) a) The appeal must be made by written petition to the President of the Republic of Nauru and must be submitted with the prescribed fee as stated in Schedule 2 of this Act.
- b) Upon receipt of the written petition, the President must make a determination of the appeal and inform the applicant within 7 days of receiving the appeal.
- (3) 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.
- (4) The President in his discretion may uphold, vary or revoke the removal order.
- (5) If at any time, the positions of President and Minister are held by the same individual, the President must delegate to another Minister the power to hear an appeal submitted under subsection (1).
- (6) 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.

## **PART 4 — TRAFFICKING IN PERSONS AND SMUGGLING OF MIGRANTS**

### **14 Definitions**

In this Part, unless the context otherwise requires:

***‘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;

**'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;  
or
- (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 any 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;
  - (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 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.

## **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 must, 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**

If 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 Principal Immigration Officer 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) If 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;
  - (ii) applications for a visa and supporting evidence or documentation;
  - (iii) eligibility for the grant of a visa;
  - (iv) granting of a visa;
  - (v) conditions of a visa;
  - (vi) expiry, renewal and extension of a visa; and
  - (vii) 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 Principal Immigration Officer discretion to decide a matter.

### **34 Existing Visas**

Any 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 must be discontinued.
- (2) These include but are not limited to prerogative writs and judicial review.
- (3) This section is taken to have effect from December 31 2013 to a date not earlier than the commencement date of this Act.

## SCHEDULE 1

### **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*

## SCHEDULE 2

### TABLE OF FEES

<i>Description</i>	<i>Fee payable \$</i>
Lodgment of Appeal to Minister (s12 (1))	\$20.00
Lodgment of Appeal to President (s13 (1))	\$20.00
Overstayer fee (s10(6))	\$50 per day for every day after the expiration of his or her visa.