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**Passports Regulations 2011**

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## **Passports Regulations 2011**

Cabinet makes the following regulations under section 57 of the *Passports Act 2011*:

### **PART 1 – PRELIMINARY MATTERS**

#### **1 Citation**

These Regulations may be cited as the *Passports Regulations 2011*.

#### **2 Commencement**

These Regulations commence on the date the *Passports Act 2011* commences.

#### **3 Definitions**

In these Regulations:

**'citizen investor'** means a person who has retained citizenship under section 10(1) of the *Naoero Citizenship Act 2005*.

### **PART 2 – PRESCRIBED OFFENCES**

#### **4 Potential for harmful conduct – prescribed serious offences**

For section 18(a)(iv) of the Act, an offence against a provision mentioned in Schedule 1 is a prescribed serious offence against another Act.

### **PART 3 – VALIDITY OF TRAVEL DOCUMENTS**

#### **5 Period of validity – passports**

For section 22(a) of the Act, the maximum period of validity for a passport is as follows:

- (a) subject to paragraphs (b) to (d), 5 years;
- (b) for a concurrent passport issued under section 21(a) of the Act – 12 months;
- (c) for an official, diplomatic or Presidential passport – 3 years;
- (d) for a replacement passport for which the application fee is waived under regulation 9(a) – the period ending when the passport being replaced would otherwise have ceased to be valid.

#### **6 Period of validity – travel-related document**

For section 22(a) of the Act, the maximum period of validity for a travel-related document is as follows:

- (a) subject to paragraphs (d) and (e), for a refugee travel document issued to a person qualified for the issue of the document under section 13(3) of the Act – 2 years;
- (b) subject to paragraphs (d) and (e), for a refugee travel document issued to a person qualified for the issue of the document under section 13(4) of the Act – 12 months;
- (c) subject to paragraphs (d) and (e), for a certificate of identity – 12 months;
- (d) for a concurrent travel-related document issued under section 21(a) of the Act – 12 months;
- (e) for a replacement travel-related document for which the application fee is waived under regulation 9(a) – the period ending when the document being replaced would otherwise have ceased to be valid.

### **PART 4 – DIPLOMATIC AND OFFICIAL PASSPORTS**

#### **7 Conditions of diplomatic passports**

- (1) The conditions specified in Schedule 2 apply to a diplomatic, official or Presidential passport.
- (2) If a condition specified in Schedule 2 is breached by the holder of a diplomatic, official or Presidential passport who is employed or otherwise engaged by the Republic, the holder is taken to have breached a condition of the person's employment or engagement.

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## **8 Prescribed fees**

- (1) For section 7(2)(b) of the Act, the prescribed fee for an application for a Nauruan passport (other than a diplomatic, official or Presidential passport) is the total of the following amounts that apply:
  - (a) if the applicant is not a citizen investor – the amount specified for the passport in Schedule 3, Part 1, item 1;
  - (b) if the applicant is a citizen investor – the amount specified for the passport in Schedule 3, Part 1, item 2;
  - (c) if the applicant requests that the application be processed within 48 hours after it is made – the amount specified in Schedule 3, Part 1, item 3;
  - (d) if a Nauruan passport issued to the applicant has been lost, stolen or damaged in the 5 year period immediately before the application is made and the application is an application for a passport to replace a passport that has been lost, stolen or damaged – the amount specified in Schedule 3, Part 2, item 4 or 5;
  - (e) if the applicant requests that the passport be posted to the applicant by the Department – the amount specified in Schedule 3, Part 1, item 6.
- (2) For section 12(2)(b) of the Act, the prescribed fee for an application for a travel-related document is the amount specified in Schedule 3, Part 2.

## **9 Waiver of fee**

The Minister may waive a fee prescribed under regulation 8 in any of the following circumstances:

- (a) the fee is for an application for a replacement travel document to reflect a change of name of a person who:
  - (i) holds a current travel document of the same class; and
  - (ii) has changed his or her name to a name that is different to the name that appears on the current document because the person has:
    - (A) married or divorced or the person's spouse has died; or
    - (B) been adopted under the *Adoption of Children Act 1965* or a corresponding law of another jurisdiction;
- (b) the fee is for an application for a new travel document to replace a travel document that is faulty as a result of error by the Department;
- (c) the fee is for an application for a certificate of identity issued for the removal of a person from Nauru under the *Immigration Act 1999*;
- (d) the fee is for a travel document that is required so a person can travel because of a medical emergency or family crisis and the person demonstrates to the Minister's satisfaction that the person does not have the means to pay the fee.

**SCHEDULE 1 – PRESCRIBED SERIOUS OFFENCES**

regulation 4

<b>Act</b>	<b>Offence</b>
<i>Anti Money Laundering Act 2008</i>	Section 3 (money-laundering)
<i>Counter Terrorism and Transnational Organised Crime Act 2004</i>	Section 60 (contravention of freezing order)
	Part 3 (offences relating to terrorism)
	Section 42 (hijacking)
	Part 6, Division 3 (offences relating to civil aviation)
	Section 46 (offences against internationally protected persons)
	Section 47 (taking hostages)
	Part 6, Division 6 (offences relating to nuclear material)
	Section 50 (maritime safety offences)
	Section 52 (plastic explosives offences)
	Section 54 (terrorist bombing offences)
	Section 54A (nuclear terrorism)
	Part 7 (offences relating to transnational organised crime)
	Sections 57, 58, 59 and 61 (offences relating to people trafficking)
Sections 64, 65, 66 and 67 (offences relating to people smuggling)	
Section 71A (offence relating to nuclear, chemical and biological weapons)	
<i>Criminal Code 1899</i>	Section 363 (child-stealing)
<i>Customs Act 1921</i>	Each serious offence against the Act
<i>Illicit Drugs Control Act 2004</i>	Sections 4 and 5 (unlawful import and export of illicit drugs)

**SCHEDULE 2 – CONDITIONS OF DIPLOMATIC, OFFICIAL AND PRESIDENTIAL  
PASSPORTS**

regulation 7

- 1 A diplomatic, official or Presidential passport may be used only for travel for diplomatic, official or Presidential purposes.
- 2 A diplomatic, official or Presidential passport must be returned to the Department when it is no longer required for travel for diplomatic, official or Presidential purposes.
- 3 The loss or theft of a diplomatic, official or Presidential passport must be reported immediately to the Secretary.

*Note*

*Under section 33 of the Act, the loss or theft of a passport must also be reported to an authorised officer, and failure to do so is an offence.*

**SCHEDULE 3 – FEES**

regulation 8

**Part 1 – Passports**

<b>Item</b>	<b>Matter</b>	<b>Fee (\$)</b>
1	Application for Nauruan passport (other than an application by a citizen investor)	40
2	Application for Nauruan passport by citizen investor	2,500
3	Application processed within 48 hours	20
4	1 passport lost, stolen or damaged in 5 year period immediately before application	100
5	2 or more passports lost, stolen or damaged in 5 year period immediately before application	500
6	Postage of passport	100

**Part 2 – Travel-related documents**

<b>Item</b>	<b>Matter</b>	<b>Fee (\$)</b>
1	Application for travel-related document	20