

Information for people transferred to Nauru

You have been transferred to the regional processing country of Nauru, because you arrived by boat in Australia without a visa on or after 13 August 2012.

The Nauruan Government has committed to treating all people who have been transferred from Australia with dignity and respect, in line with human rights standards.

You will be subject to Nauruan laws while you are here. This means that you will be expected to depart Nauru if you claim refugee status but are found not to be a refugee.

Both the Australian Government and the Nauruan Government are committed to giving you care and support while you are in Nauru.

Who will process refugee claims and when will this begin?

The Nauruan Government has decided that claims for refugee status will be assessed under Nauruan law. This will be against the definition of 'refugee' in the *Refugees Convention*, as amended by the *Refugees Protocol*.

The process to assess refugee claims is still being agreed and developed by the Australian and Nauruan governments. This will take several months.

After a process to determine refugee status is agreed, it will be necessary to recruit qualified staff and arrange accommodation for them. Interpreters will also be needed.

It is intended that assistance will be provided so that refugee claims are made properly. A contract will be required to provide this assistance. This contract cannot be put in place until the governments of Nauru and Australia have first reached agreement.

All of these steps and people are needed before the first interviews for refugee status can occur.

How long will it take to assess my refugee claim?

It is not known, at this stage, exactly how long it will take to hear and assess your refugee claim once the process has been established.

How long will I need to remain on Nauru?

It is not possible to say precisely how long you may need to remain on Nauru. Remember that you can decide to leave Nauru voluntarily at any time.

If you are found to be a refugee, your individual circumstances will need to be considered as part of any resettlement option. Only a small number of countries have regular resettlement programs.

With millions of refugees worldwide, the demand for places in these resettlement countries is always greater than the number of places available. This is the reason that it takes a long time.

You will also need to wait and see how the “no advantage” principle applies to your case. This principle ensures that people who arrived unlawfully in Australia by boat, and who are processed in a regional processing country, do not gain any advantage over other refugees outside of Australia who are awaiting resettlement.

Overall you can expect it may take several years, from when you first arrived in Nauru, to being potentially resettled if you are found to be a refugee. This will be regardless of when you may be determined to be a refugee, and in accordance with the no advantage principle.

If you are found not to be a refugee, you will be expected to leave Nauru and return home. Information and help to do this will be available to you at any time.

Will I be resettled in Australia if I'm found to be a refugee?

If you are found to be a refugee, it is possible that you could be resettled in a country as part of broader regional arrangements, or that you are eventually resettled in Australia. However, you will not have priority if resettlement is considered in your case. You will have to wait the same amount of time other people do who apply for refugee status from outside of Australia.

Where do I live on Nauru?

You will need to reside at the regional processing centre.

Will I be able to come and go from the regional processing centre?

You will be able to leave the centre for certain activities. In the meantime, the ability for you to come and go from the centre will be linked to the visa conditions imposed by the Nauruan Government. These conditions vary depending on health and security checks, which are still being finalised.

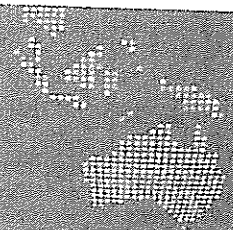
Can I go home from Nauru?

Yes. This is an important decision, so the International Organization for Migration (IOM) is available if you want to talk with them about going home. IOM is independent from the Australian and Nauruan governments.

You also can return with a package of assistance to help you re-establish yourself in your home country. This assistance may include training, help to find a job or start a small business, and a small amount of cash. Talk to IOM to find out more about what kind of help would be best for you.

If I have family in another resettlement country (not Australia), can they sponsor me to go there?

You would have to meet the visa and entry requirements of that country.



Family reunion visa options

Information for people who arrived by boat

The Australian Government has changed how people who arrived by boat can bring their overseas family to Australia.

People arriving from 13 August 2012

You can no longer bring immediate family using refugee or humanitarian visas, even if you are granted a protection visa. The right way is for your family to:

- register with their nearest United Nations' refugee agency (UNHCR), or
- apply through Australia's family migration program – if you obtain a permanent visa.

People who arrived before 13 August 2012

If you are granted a protection visa, you can still propose family members for refugee and humanitarian visas. However, their applications will no longer be prioritised. They will also need to meet more conditions and may have to give more information about their current situation.

Family migration program

This program allows Australian citizens and permanent visa holders to bring family members to Australia. There are different types of visas family members can apply for. The number of places are limited.

Who can I sponsor?

Under the family migration program, you may be able to sponsor:

- your husband or wife – your marriage must be recognised under Australian law
- your prospective spouse, as defined under Australian migration law
- your defacto partner, as defined under Australian migration law
- your children
- your parents (parent visa applications are capped and queued – see below)
- other family members in limited circumstances (other family visas are capped and queued)

The person you sponsor is also able to include their dependent children and other dependent relatives with them in their application. For example if you sponsor your wife, her dependent children may also be included in the application.

Some family visa classes are subject to capping and queuing. This means the minister has the power to limit the number of visas which can be granted each year. When a cap is reached, applicants then wait in a queue for visa grant consideration in a following year, subject to places becoming available.

Can I be a sponsor?

You must meet all the criteria to become a sponsor, including but not limited to:

- be at least 18 years old (if you are under the age of 18 and wish to sponsor your parent/s, an Australian relative/guardian or a community organisation may sponsor on your behalf)
- hold a permanent visa – people who arrived by boat and have been granted a bridging visa or placed in community detention are not eligible to become a sponsor
- meet the specific requirements to become a sponsor for the type of visa your family member is applying for.

Does it cost money to apply under family migration?

Yes. To lodge an application for an Australian visa, your partner or family member must pay a visa application charge. The charge is different for each type of visa and may change at any time. Applicants will also need to pay for health checks and police checks. Information is available on the department's website at www.immi.gov.au/migrants/family

How long does the application process take?

There are a range of factors that affect how long it will take to process a visa application. You may have to wait 12 months or more from the time the visa application is lodged to get a decision. For some visa subclasses or types of visas, only a certain number of visas are granted each year. This means the wait time can be for many years, for example for a parent visa.

Where can I lodge an application for family reunion?

You cannot lodge an application to be reunited with your partner or family member in Australia. Your offshore family member must apply for the visa by lodging their application at an Australian visa office in or near their country of residence. There are Australian visa offices in a number of countries. Information about these visa offices can be found at www.immi.gov.au/contacts/overseas/

Where can I find more information about family migration?

This fact sheet contains general information only. For more information about specific visas, (including eligibility criteria, visa application charges, visa queues and estimated processing times) visit www.immi.gov.au/migrants/family