

**LAW NO. 11 /2017**

**of 24 May 2017**

**MIGRATION AND ASYLUM LAW**

The continuous increase in people's mobility, globalization of social and economic challenges affecting various regions of the globe, terrorism and transnational organized crime are fundamental aspects of the new international paradigm and require continued attention on the part of States with regard to controlling migratory flows.

Due to its strategic geographical location and growing economic development, Timor-Leste has increasingly assumed the nature of a host country, and the development and consolidation of public policies on migration is therefore essential. In addition, in an era when the reality of refugees is increasingly poignant, the need to fully respect the Universal Declaration of Human Rights, the Geneva Convention of 28 July 1951 and the Additional Protocol of 21 January 1967, embodying the tradition and democratic spirit of the Timorese State in welcoming those most in need

There were also some discrepancies between the reality of migratory movements and the internal security needs of the country during the effectiveness of Law no. 9/2003 of 15 October.

In this context, there is an urgent need to reformulate the legal framework that regulates the entry, stay and exit of foreigners and the entry and exit of national citizens from national territory, thus allowing Timor-Leste to provide a more adequate response to the challenges posed under this issue.

Among the innovations introduced by the present law, it is worth mentioning the increase in the definitions that help in the interpretation and application of the law, the reformulation of the concept of special stay authorization, further clarifying the range of foreigners that can benefit from this regime of stay, the redefinition of the range of visas that can be granted by Timor-Leste, highlighting the introduction of the courtesy visa, of the business visa and the temporary stay visa for dependents, the creation of clearer rules for extending visas and obtaining residence permits, clarification of the procedure for obtaining asylum, an increase in the fees and fines, and, finally, criminalizing the violation of the entry ban and marriage for convenience.

As for tariffs, their creation is subject to the principles of economic equivalence for the service provided by the State, and their value has therefore been fixed taking into account the real costs of their issuance, in compliance with the pursuit of public interest and the satisfaction of the State's financial needs.

The National Parliament decrees the following under the terms of Article 95(1) of the Constitution of the Republic, to be enforced as law:

**CHAPTER I**  
**GENERAL PROVISIONS**

**Article 1**  
**Object and scope**

1. The present law regulates the conditions and procedures for entry, stay, exit and removal of foreigners and stateless persons from national territory as well as the conditions of entry and exit of nationals of the Democratic Republic of Timor-Leste (RDTL).
2. The provisions of the preceding paragraph are without prejudice to special regimes provided for in treaties, international conventions or protocols to which the RDTL is a party or which it may conclude, in particular, within the framework of the Community of Portuguese-Speaking Countries or other international organizations of which Timor-Leste is a member.

## Article 2

### Definitions

For the purposes of this Law, the following definitions shall apply:

- a) **"Active readmission"** shall mean the readmission to foreign territory of a person illegally present on national territory following a request by the RDTL to the State of which the person is a national or has his or her habitual residence;
- b) **"Administrative expulsion decision"** means the decision to expel a foreigner from the national territory, adopted by the member of the Government that oversees migration, in accordance with this law;
- c) **"Applicant for asylum"** means an alien or a stateless person who has made an application for asylum waiting for a final decision;
- d) **"Carrier"** means any natural or legal person whose occupation is to provide passenger transport by air, sea or land;
- e) **"Country of origin"** means the country or countries of nationality or, in the case of stateless persons, the country where they had their habitual residence;
- f) **"Business activity"** for immigration purposes means the production, distribution and marketing of goods or the provision of services, regardless of their nature, carried out in the country's economy, in accordance with the Private Investment Law;
- g) **"Border"** means the strip separating the national territory from neighboring countries;
- h) **"Fee"** means the pecuniary benefit established in favor of entities integrated in the Public Administration whose value corresponds economically to the service provided;
- i) **"Foreigner"** means an individual who, according to article 3 of the Constitution of the Democratic Republic of Timor-Leste, combined with the provisions of the nationality law, is not considered a national citizen of the RDTL;
- j) **"Geneva Convention"** means the United Nations Convention relating to the Status of Refugees, done at Geneva on 28 July 1951, the scope of which was extended by the New York Protocol of 31 January 1967, ratified by Resolution of the National Parliament no. 20/2003 of 17 September 2003;
- k) **"Host third country"** means a country in which the asylum seeker has been shown not to be subjected to any threat to his life or liberty within the meaning of Article 33 of the 1951 Geneva Convention, or to be subjected to torture or to inhuman or degrading treatment, or in which he has obtained protection or has had the opportunity, at the border or within the territory, to make contact with the authorities of that country to request protection or has been shown to have been admitted, and in which he enjoys genuine protection from refoulement within the meaning of the 1951 Geneva Convention;
- l) **"Illegal stay"** means the stay in the national territory of an alien who has entered the territory in disobedience to what is established in this diploma, remains there without valid visa or authorization or exercises, in the national territory, activity for which he is not authorized;
- m) **"International Zone"** for the purposes of document checks and the application of the provisions of this Law shall be considered an international zone:
  - i. The area of the territory, at ports and airports, between the points of embarkment and disembarkment and the place where the document checkpoints for persons are situated;
  - ii. The area between the foreign territory and the document checkpoints for persons at land borders.

- n) **"Judicial expulsion order"** means a decision to expel an alien from the national territory by a competent court in accordance with criminal law;
- o) **"legal representative of a minor"** means the holder of parental authority or a person having custody of the minor in accordance with the Civil Code;
- p) **"Long-stay visa"** means a visa issued by Timorese entities with a duration of six months or more;
- q) **"Minor"** means a person who, according to the applicable legislation, is not yet an adult;
- r) **"National interest"** means the set of material and immaterial values that are protected by law and by public policies established by the competent bodies;
- s) **"Passive readmission"** shall mean the readmission by the RDTL on its national territory of a person who is illegally present on the foreign territory after an application has been made by the country in which he/she is present;
- t) **"Police detention"** means the subjection of a measure of custody exercised by police authorities on public premises for the purpose of submitting to proceedings of a criminal, contraventional or misdemeanor nature;
- u) **"Political opinion"** shall mean the opinion or idea related to the agents of persecution, including their policies and methods, whether or not that opinion or idea is expressed;
- v) **"Principle of non-refoulement"** means the principle of international law enshrined in Article 33 of the 1951 Geneva Convention and Article 3 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, according to which:
  - i. No refugee shall be returned, expelled or extradited to a country or place where his or her life or freedom is threatened on account of his or her race, religion, nationality, membership of a particular social group or political opinion, unless the person concerned constitutes a threat to national security or has been convicted of a particularly serious crime, excluding convictions for exclusively political, ideological or religious reasons;
  - ii. No person shall be expelled or extradited to a country or place where there are strong indications that he or she may be subjected to torture.
- w) **"Reason or motive for persecution"** means all acts of persecution that are likely to give rise to the right to asylum, irrespective of their individual or collective character, which constitute a serious violation of fundamental human rights by their nature or repetition, or all measures which, by their cumulation, nature or repetition, affect the alien or stateless person in a manner similar to that resulting from a serious violation of fundamental rights;
- x) **"Refugee"** means an alien or stateless person to whom the right to asylum is recognized in accordance with this legislation and with Article 1, A (1) and (2) of the 1951 Geneva Convention relating to the Status of Refugees, the scope of which was extended by the New York Protocol of 31 January 1967 and ratified by Resolution of the National Parliament no. 20/2003 of 17 September 2003;
- y) **"Resident"** means an alien authorized with a valid residence permit issued under this Act;
- z) **"Readmission agreement"** shall mean an agreement, convention, protocol or any other instrument of an international, bilateral or multilateral nature, to which Timor-Leste is party, concerning the conditions for the active and passive readmission of foreign nationals to the territory of the Contracting States;

- aa) **"Safe country"** means a country of origin or usual residence or in which the applicant for asylum has been admitted and in respect of which it can be established, in an objective and verifiable manner, that it does not give rise to any refugees or, in respect of which it can be established that circumstances that previously justified recourse to the 1951 Geneva Convention no longer prevail;
- bb) **"Stateless person"** shall mean an individual who is not a national of any State;
- cc) **"Unaccompanied minor"** means a minor who enters and leaves the national territory unaccompanied by an adult who is his or her legal representative, or while he or she is not effectively taken into the care of such a person, or who has been abandoned after entering the national territory;
- dd) **"Visa"** means the authorization to travel, enter and stay in the national territory for a specified purpose;
- ee) **"Volunteering"** means work of social and community interest, where all the activity performed reverts to a cause of public interest, of national or international scope and purpose, as a rule without receiving remuneration or profit;

## **CHAPTER II**

### **RIGHTS AND OBLIGATIONS OF FOREIGN NATIONALS**

#### **Article 3**

##### **Principle of legality**

Foreigners on national territory shall enjoy the same rights, freedoms and guarantees and shall be subject to the same duties enshrined in the Constitution and in the laws as Timorese citizens, without prejudice to the legal limits established by virtue of their status as foreigners and the rights that are reserved to the status of nationals of the Democratic Republic of Timor-Leste.

#### **Article 4**

##### **Documents**

1. Foreign nationals must at all times be in possession of documents proving their identity and nationality as well as their stay in national territory, in accordance with the provisions of this legal diploma.
2. The foreigner admitted in national territory, with or without a visa, during all his/her stay, except in exceptional and duly justified conditions, is obliged to keep valid the travel document used for the entry in national territory.
3. The identity and travel documents provided for in the preceding paragraph must be shown by the alien whenever requested to do so by any police or judicial authority.

#### **Article 5**

##### **Obligation to notify**

Aliens authorized to stay or to reside in national territory under the terms of this diploma, for a period of six months or more, are obliged to notify the public service responsible for migration, within sixty days of the date on which it occurs, of any change to their name, profession, domicile or nationality.

#### **Article 6**

##### **Right to work**

1. Foreigners are allowed to engage in gainful activity, either independently or subordinatedly, with the limitations established by law.

2. The exercise of paid activity is not allowed to foreigners who do not have the appropriate visa or document under the terms of this law.
3. The holder of a work visa for the exercise of remunerated activity on behalf of an employee may only exercise his or her activity for an entity other than the one who hired him/her with the express authorization of the public service responsible for the migration, under penalty of the visa being cancelled in accordance with Article 49.
4. The provisions of this Article shall apply to any work activities performed with or without remuneration, including voluntary work.
5. The Government shall periodically define the professional activities that may not be performed by foreigners.

#### **Article 7**

##### **Right of association**

1. Foreign nationals may join or affiliate with associations, particularly for cultural, religious, recreational, sports, charitable or assistance purposes, and may participate in meetings commemorating their national dates.
2. For reasons of national security, in addition to the requirements of the special laws on non-profit legal persons, the registration of associations that are exclusively made up of foreign members or whose majority of the social bodies are composed of foreigners must be communicated to the member of the government that oversees migration.
3. The communication provided for in the preceding paragraph shall be made upon request addressed to the member of the Government that oversees migration, which shall briefly state the purposes of the association, attaching a copy of its statutes or articles of association as well as the composition of its corporate bodies.

#### **Article 8**

##### **Cancellation of association registration**

1. The member of the Government responsible for migration may, by reasoned order, propose to the member of the Government responsible for the registration of associations to cancel the registration of any association that has obtained the registration by making false statements of its purposes or carries out, after registration, illegal activities.
2. The member of the Government responsible for migration shall communicate the facts provided for in the previous paragraph to the Public Prosecutor's Office for the possible extinction of the association and criminal proceedings against those responsible.

#### **Article 9**

##### **Restrictions**

1. It is forbidden to foreigners to:
  - a) Participate in the political life and public affairs of RDTL;
  - b) Own private land;
  - c) Provide religious assistance to the Defense and Security Forces, except in cases of absolute necessity and urgency or when duly authorized by the Government;
  - d) Immerse oneself, directly or indirectly, in the affairs of the State;
  - e) Pressure or coerce any persons, groups or associations to adhere to the ideas, programs or rules of action of political parties or factions of any country.
2. The restriction set out in subparagraph (d) above shall not apply to:
  - a) Activities of a strictly academic nature;

- b) Foreign technical assistance contracted by State institutions;
- c) Bilaterally or multilaterally agreed assistance programs aimed at capacity building and strengthening democratic institutions provided for by the Constitution and regulated by law.

### **CHAPTER III**

#### **ENTERING, STAYING IN AND LEAVING THE NATIONAL TERRITORY**

#### **SECTION I**

##### **GENERAL PROVISIONS**

##### **Article 10**

###### **Border posts**

1. Entry into and exit from the national territory shall be carried out exclusively by the border crossing points authorized for that purpose and during the hours of their respective operation, without prejudice to entry and exit at the land border crossing points used for traditional, customary or commercial purposes, under the conditions that have been bilaterally agreed between the Democratic Republic of Timor-Leste and the Republic of Indonesia.
2. All persons entering or leaving the national territory shall be subject to migration and identity checks at border posts.
3. The member of the Government responsible for migration may define, by order, temporary exceptions to the requirements provided for in paragraph 1, whenever required for reasons of national interest and public order.

##### **Article 11**

###### **Right of entry and exit**

1. Any person who, upon presentation of an identity document issued by the authorities of the RDTL, proves to be a national of the RDTL or who, being a foreigner, meets all the requirements provided for in this legal diploma to enter the country is entitled to enter the national territory.
2. Any person who is not subject to any order or restriction issued by law shall have the right to leave the national territory.
3. For the purposes of the preceding paragraph, the courts shall have exclusive jurisdiction to apply measures prohibiting the absence from the national territory in accordance with the law and shall communicate this fact to the public service responsible for migration.

#### **SECTION II**

##### **GENERAL CONDITIONS FOR ENTRY, STAY AND DEPARTURE**

##### **Article 12**

###### **Travel documents and documents replacing them**

1. For entry into and departure from the national territory, nationals and foreign nationals are holders of travel documents recognized as valid.
2. For the purposes of entry by foreign nationals, the travel document must be valid for more than six months in relation to the duration of the stay, except for the re-entry of a foreign national residing in national territory or a foreign national with a special stay permit or a long-stay visa and only when there is in national territory a diplomatic representation of the country of which he is a national that can issue a new travel document.

3. May also enter or leave the national territory, foreign nationals and nationals who:
  - a) hold a border crossing and travel authorization within the border areas issued under the Agreement between the RDTL and the Republic of Indonesia on Traditional Border Crossing and Regulated Markets, approved by Resolution of the National Parliament no. 21/2009 of 28 May;
  - b) are in possession of a laissez-passer or equivalent issued by the authorities of the State of which they are nationals or of the State representing them;
  - c) are in possession of a pilot's license or a crew member certificate as referred to in Annexes 1 and 9 to the Convention on International Civil Aviation, or other documents replacing them, when in service;
  - d) carry the maritime identity document referred to in Convention 108 of the International Labor Organization, when in service;
  - e) bear a laissez passer issued by the United Nations (UN);
  - f) carry the travel document referred to in the Geneva Convention of 28 July 1951.
4. The safe conduct foreseen in paragraph b) of the previous number is valid only for transit and whenever issued in national territory it follows the provisions of article 21.
5. Foreigners with valid documents issued by the RDTL under the law are also allowed to leave the national territory.

### **Article 13**

#### **Entry visa**

1. In order to enter the national territory, aliens must hold a valid visa suitable for the purpose of travel, in accordance with the provisions of this legal diploma.
2. Foreigners may enter the national territory without a visa when they:
  - a) are authorized with a valid residence permit or identity card issued to diplomatic and equivalent personnel under the terms of this diploma;
  - b) are authorized with a special residence permit;
  - c) provide evidence that they are in the service of the UN or any of its accredited agencies on national territory;
  - d) are exempted from the visa requirement as a result of bilateral or multilateral agreements concluded by the Democratic Republic of Timor-Leste and the State of which they are nationals.
3. Aliens who enter the national territory with a visa waiver have a maximum stay of ninety days, without prejudice to the cases in which the stay is extended under the terms of this legal diploma.

### **Article 14**

#### **Special stay authorization**

1. A special residence permit shall be granted and no visa shall be required to:
  - a) Foreigners who are directly at the service of the institutions of the Timorese State through an employment contract or service provision contract;
  - b) Foreigners who are directly linked to the UN, or to any of its agencies, or to another international organization duly accredited in the RDTL, by means of an employment contract or service provision contract;
  - c) Foreigners who are directly linked to cooperation programs between the RDTL and the State of which they are nationals or because they are at the service of such program, by means of employment contract or service provision contract;



- d) Foreigners who are directly linked to cooperation programs between the RDTL and non-governmental organizations duly constituted in the national territory, by means of employment contract or service provision contract.
- 2. The special stay permit shall not be granted to foreigners who are in the service of third entities that have contracts with any of the entities referred to in the previous paragraph.
- 3. The granting and extension of the authorization shall be the responsibility of the member of the Government who supervises migration and shall be requested by the maximum representative of the entity or institution with which the foreign national is bound.
- 4. An alien who has obtained a favorable authorization for a special stay shall apply to the public service responsible for migration within 30 days of the date of the authorization to stamp his/her passport.
- 5. The special stay permit shall be valid for the duration of the contract, up to a maximum of one year, and may be extended for identical periods.

### **Article 15**

#### **Livelihoods**

- 1. Aliens who wish to enter and stay in national territory must have sufficient means of subsistence for the duration of their stay.
- 2. For the purposes of the preceding paragraph, the amount of means for the period of stay of the alien authorized with a transit visa, a tourist visa and a business class I visa shall be sufficient, shall be the minimum amount "per capita" of:
  - a) USD 100 for each entry into national territory;
  - b) 50 US dollars for each day spent on national territory.
- 3. The amounts provided for in the preceding paragraph may be waived on presentation of a statement of account signed by the person guaranteeing board and lodging during the alien's stay, namely by a:
  - a) national citizen;
  - b) holder of a residence permit;
  - c) holder of a diplomatic or consular card;
  - d) holder of a temporary stay visa to develop a specialized activity;
  - e) holder of a work visa;
  - f) business visa holder;
  - g) holder of a residence visa;
  - h) holder of a special residence permit;
  - i) legal person registered in Timor-Leste.
- 4. The termination of liability provided for in the preceding paragraph shall imply that the subscriber is jointly and severally liable for the payment of all sums spent by the State on the possible removal of the foreigner from national territory, without prejudice to the criminal liability to which the law may give rise.
- 5. For the purposes of the preceding paragraph and after settlement by note attached to the respective debt, the term of liability has the nature of an enforcement instrument.
- 6. The amounts referred to in paragraph 2 shall be updated annually by a joint ministerial decree of the members of the Government who shall be responsible for migration and finance, in accordance with the rate of inflation.

### **Article 16**

#### **Accommodation**



1. An alien wishing to enter and stay in national territory must indicate the type and location of the accommodation where he is staying.
2. Legal persons who, in any capacity, provide accommodation to a foreigner shall register it in their own book, previously stamped by the public service responsible for migration, or by any other means defined by the member of the Government responsible for migration.
3. Natural persons providing accommodation abroad in any capacity shall notify the public service responsible for migration or, where this is not possible, the police authorities nearest to their residence thereof.
4. The register or communication referred to in the previous paragraphs shall contain the name, date of birth, copy of identity document, nationality, date of entry and date of departure from accommodation abroad.

#### **Article 17**

##### **Return**

An alien wishing to enter national territory must prove that he or she is making the return journey to the country into which he or she is guaranteed admission.

#### **Article 18**

##### **Verification of the validity of documents**

1. The public service responsible for migration may, in the event of doubt as to the authenticity of documents presented and issued by national authorities, have access to the information contained in the file which enabled the document to be issued.
2. In order to facilitate the verification provided for in the previous paragraph, a link may be established between the Border Management System and other information systems existing within public bodies and services.

### **SECTION III**

#### **SPECIAL SCHEMES**

#### **Article 19**

##### **Entry and exit of minors**

1. Without prejudice to the provisions of Chapter VIII, unaccompanied minors shall be refused entry to the national territory if their legal representative is not present or if there is no person duly authorized by the latter to take charge of the minor.
2. The repatriation of unaccompanied minors who have been refused entry in accordance with the previous paragraph may only take place if their country of origin or third country ensures that on arrival they are properly received and assisted.
3. Without prejudice to the provisions of the following paragraph, foreign minors and accompanying foreign nationals shall be refused entry into national territory if they do not prove, by means of a document having full probative value, that they are the minor's legal representative.
4. When the minor is accompanied by a person who is not the minor's legal representative, or who is not the minor's exclusive representative, both are equally refused entry or exit from national territory, if such person is not accompanied by an exit permit for the alien issued by the minor's legal representatives or by the other legal representative with a signature recognized by a notary or equivalent.

5. The entry into the RDTL of a foreign minor when his/her legal representative is not admitted in national territory is not authorized, except in exceptional cases, duly justified.
6. In cases where the foreign minor is not admitted to national territory, the foreign national accompanying him/her at the time must be refused entry.
7. The foreign minor is allowed to enter and remain in national territory for the time necessary to be handed over to his legal representative, when there is a well-founded suspicion that he is being subjected to any criminal act of authorship or complicity of those accompanying him, without prejudice to the criminal procedure measures applicable under the law.
8. Minors who are not accompanied by their legal guardians or when those accompanying them do not have the corresponding authorization to leave national territory shall be refused leave.

## **Article 20**

### **Entry permit in exceptional cases**

1. In situations of relevant national interest or for urgent humanitarian reasons, the entry into national territory of aliens who do not fulfil the legal requirements may be permitted.
2. Without prejudice to the regime provided for in Chapter VIII on the right of asylum, the power to authorize entry in accordance with the previous paragraph shall rest with the member of the Government responsible for migration and, in situations of urgent humanitarian reasons, the power to authorize entry shall rest with the head of the public service responsible for migration, with the possibility of delegation to those responsible for border posts.
3. The authorizations referred to in the preceding paragraph shall require a reasoned order.
4. The maximum validity of the authorization for entry and stay is thirty days, which may be extended by equal and successive periods.

## **Article 21**

### **Safe conduct**

1. The head of the public service responsible for migration may issue the laissez-passers provided for in Article 12(3)(b) in favor of aliens who do not have the nationality of the person concerned when they:
  - a) show difficulty or impossibility to leave national territory because they do not have a travel document;
  - b) are the subject of a removal order from national territory and do not have a travel document.
2. The laissez-passers issued by the public service responsible for migration on national territory is intended to allow exit from national territory and is valid for a single journey.
3. The laissez-passers issued under the preceding paragraphs shall be issued only if there is a guarantee that the authorities of the country to which the alien wishes to travel will admit him to their territory.
4. In exceptional cases, for serious and urgent medical or humanitarian reasons, the laissez-passers may be issued with the possibility of re-entry into the territory of the RDTL.
5. The laissez-passers issued to an alien does not prove the nationality of the holder.

## **Article 22**

### **Passive readmission**

1. Whenever a foreign citizen legally residing in the territory of the RDTL is irregular in the territory of a country with which Timor-Leste has a bilateral readmission agreement, the foreign citizen shall be readmitted to the RDTL, after applying to the public service responsible for migration.

2. A citizen readmitted to the territory of the RDTL shall be released immediately after his or her identity has been verified and after being heard in a statement of the reasons for sending him/her to the national territory, as well as after confirmation that there are no pending judicial warrants on his or her person in the national territory.

## **SECTION IV REFUSAL OF ENTRY**

### **Article 23**

#### **Refusal of entry**

1. Without prejudice to the provisions of Chapter VII, aliens shall be refused entry into national territory when:
  - a) they do not meet the entry requirements laid down in this legal diploma;
  - b) constitute a well-founded danger or serious threat to public health, order and security or to the international relations of the RDTL, in particular if there are well-founded and strong indications that they have committed or intend to commit acts qualified as war crimes, crimes against peace, crimes against humanity, crimes against liberty, acts of terrorism or contrary to the principles of the Democratic Rule of Law;
  - c) they have been convicted of an offence with a final sentence of 3 years or more in the abstract;
  - d) have been removed from national territory in accordance with Articles 73 and following, and the period of prohibition on entry to which they are subject is still in force;
  - e) they produce false documents or make statements clearly contradictory to the real purpose of the stay on national territory.
2. The refusal of entry that does not depend on time limits defined under the terms of this law shall be periodically reviewed with a view to its maintenance or repeal.
3. It is the responsibility of the member of the Government responsible for migration, on the proposal of the head of the public service responsible for migration, to create a list of persons not admissible on national territory.
4. The judicial and police authorities, within the limits of their respective powers, may request the interception of persons at the borders by applying to the head of the public service responsible for migration, who shall organize and circulate a list of persons subject to entry or exit restrictions.
5. Entry may not be refused to foreign citizens who were born in the territory of the RDTL and are habitually resident here or who are legal representatives of minors of Timorese nationality or of third State nationals legally residing in Timor-Leste on whom they exercise parental power or provide for their maintenance and education.

### **Article 24**

#### **Decision to refuse entry**

1. The decision to refuse entry may be taken only after the alien has been heard, and the statements made by him may be reduced to writing.
2. The power to refuse entry into national territory rests with the head of the public service responsible for migration, with the possibility of delegation to those responsible for border posts.

3. For the purposes of the preceding paragraphs, those responsible and officials at border posts shall give the highest priority and urgency to resolving outstanding situations and shall take legally admissible and humanitarian interim measures until a decision is taken to refuse or admit them.
4. An alien who is not admitted may be placed, pending a final decision or repatriation trip, in a temporary accommodation center, if any, in the international area of the border post or equivalent place.
5. The decision refusing entry shall be notified in writing to the person concerned, in an official language and in a language which he understands, within forty-eight hours of making his statements, stating the grounds on which they are based and setting out his rights and obligations, including the right to appeal, the time limit for lodging them and the right to be assisted by a duly qualified public defender or lawyer of his own free choice, at his own expense.
6. Where an alien who has been refused entry has not travelled by his own means, the decision to refuse entry shall also be notified to the carrier.

#### **Article 25**

##### **Seizure of travel documents**

1. Where an alien presents a forged, falsified or fraudulently obtained document for entry into national territory, the competent services, after refusing entry, shall:
  - a) In the case of entry of foreigners travelling by their own means, seize their documents and hand them over to the police authorities of the country from which they intended to enter the national territory;
  - b) In the case of entry by an alien travelling by carrier, seize his/her documents and, on delivery, entrust the alien to the carrier responsible for returning him/her to his/her place of departure.
2. Foreigners who have been refused entry under subparagraph b) of the preceding paragraph shall be directed by the carrier to the country to which the return is made, which shall promote the appropriate procedure in accordance with its domestic law.
3. The documents of the alien refused entry in accordance with paragraph 1(b) shall be forwarded by the public service responsible for migration to the police of the country to which the alien returns.
4. The procedures laid down in points (a) and (b) of paragraph 1 shall not preclude the duty to report the facts to the competent judicial authority.

#### **Article 26**

##### **Rights of the alien not admitted**

1. While in the international area of the border post, a foreign national who has been refused entry to national territory may communicate with the diplomatic or consular representation of his/her country, or with anyone representing the interests of his/her country, as well as with any person of his/her choice, also benefiting from the assistance of an interpreter and medical assistance when necessary.
2. Foreign nationals who are not admitted shall be informed of their right to appeal and, if they so request, they may also be assisted by a public defender or lawyer duly qualified to exercise the legal profession in national territory and freely chosen by them, and shall be responsible for bearing the respective costs.

#### **Article 27**

##### **Carrier liability**

1. Without prejudice to its criminal or administrative liability, the carrier which transports a foreigner to national territory by air, sea or land, to whom entry is legally refused, shall be obliged to promote

his/her return, as soon as possible, the regime established in Annex 9 to the International Convention on Civil Aviation being subsidiarily applicable.

2. The return provided for in the preceding paragraph shall be to the point where the alien subject to refusal of entry began to use the means of transport or, if that is impossible, to the country where the respective travel document was issued, or to any other place where his admission is guaranteed.
3. Until such time as the transfer is effected, the foreigner shall remain in the international area at the expense and responsibility of the carrier.
4. Where justified, an alien whose entry has been refused pursuant to Article 23(1) shall be removed from the national territory under escort, which shall be carried out by members of the public service responsible for migration in accordance with the law.
5. The carrier shall be liable for all costs incurred in the use of the escort, including all applicable legal fees.
6. In the event of refusal of entry at land borders, return shall be carried out immediately after completion of the formalities for refusing entry.

#### **Article 28**

##### **Hierarchical appeal**

1. The decision to refuse entry shall be subject to a hierarchical appeal to the member of the Government responsible for migration, to be lodged within fifteen working days.
2. The appeal referred to in the preceding paragraph shall not have suspensory effect.

#### **Article 29**

##### **Contentious appeal**

The decision to refuse entry under the terms of the previous article shall be subject to judicial appeal, to be lodged within fifteen working days, with purely devolutive effect.

### **CHAPTER IV**

#### **VISAS**

##### **SECTION I**

##### **GENERAL PROVISIONS**

#### **Article 30**

##### **Valid documents**

1. Travel documents as defined in this document are valid for affixing visas, with the exception of those which, by their nature, do not contain a place for affixing visas.
2. In the cases provided for in the last part of the preceding paragraph, visas shall be affixed on a separate sheet.

#### **Article 31**

##### **Visas in family passports**

1. Where family passports are presented, visas and their control stamps shall be issued in numbers corresponding to the number of persons applying to enter and stay in the RDTL.
2. The entry of two or more persons in the framework of a family passport presupposes a corresponding extension of stay and exit of all persons covered, under penalty of illegal stay.

3. The provisions of the preceding paragraph shall be without prejudice to special provisions provided for in international agreements ratified by Timor-Leste.

## **SECTION II TYPES OF VISAS**

### **Article 32**

#### **Typology**

1. Visas shall be issued in accordance with the purpose of entry into national territory and the typology set out in the following paragraph.
2. The following types of visas are granted:
  - a) Courtesy visa;
  - b) Transit visa;
  - c) Tourist visa;
  - d) Airport transit visa;
  - e) Work visa;
  - f) Class I and Class II business visa;
  - g) Temporary stay visa;
  - h) Residence permit.

### **Article 33**

#### **Courtesy Visa**

1. The courtesy visa is granted by the Ministry responsible for foreign affairs to foreign nationals travelling to national territory on duty or on official business.
2. The visa referred to in the previous paragraph is valid for one year, allows stays of up to thirty days and multiple entries.

### **Article 34**

#### **Transit visa**

1. The transit visa is intended for aliens who intend to enter national territory while travelling to another country.
2. The visa referred to in the previous paragraph shall be valid for a maximum period of seventy-two hours, permits two entries and, except as provided in Article 51, shall not be extendable.

### **Article 35**

#### **Tourist visa**

1. The tourist visa is intended for foreigners who travel to national territory on a tourist visit.
2. The tourist visa is valid for thirty days and can be extended once for the same period, allowing a single entry, unless the foreigner moves to or from Oe-Cusse Ambeno, in which case multiple entries are allowed.
3. The foreigner who holds a tourist visa is not authorized to exercise any professional activity in national territory.

### **Article 36**

#### **Airport transit visa**

1. The airport transit visa is intended for foreign nationals who only wish to have access to the international area of the airport and who continue their journey in the same or another aircraft, in accordance with the ticket and, except as provided for in Article 51, cannot be extended.

2. Nationals of the States identified in a Government Resolution shall be subject to an airport transit visa.

### **Article 37**

#### **Work visa**

1. The work visa is intended to allow the holder to enter national territory in order to exercise a professional activity as an employee, in the form of a contract of employment or in the provision of services.
2. Foreign nationals who wish to volunteer for periods of more than 120 days per year are required to obtain a work visa for that purpose.
3. The work visa is valid for a maximum period of one year, can be extended for equal periods and allows multiple entries.
4. The work visa only allows the holder to exercise the professional activity that justified its granting and has the limitations provided for in Article 6.
5. When the employment relationship on which the work visa was granted ends, this shall be communicated to the public service responsible for migration to cancel the visa in accordance with Article 49(1)(b), or to authorize the holder to exercise a different activity in accordance with Article 6(3).

### **Article 38**

#### **Business Visa**

1. The business visa is divided into Class I and Class II and is granted to the foreigner who intends to develop business activities in the national territory under the terms of paragraph c) of no.1 of article 2.
2. The Class I business visa is intended for foreigners who intend to enter the national territory with the objective of developing business or investment prospecting activities.
3. The Class I business visa is valid for a maximum period of sixty days, allows multiple entries and, except for the provisions of Article 51, it cannot be extended.
4. The Class II business visa is intended for foreigners who intend to establish themselves in national territory to pursue business activities within the meaning of paragraph c) of no. 1 of article 2, by virtue of being a partner or director of a commercial company registered or to be registered in the RDTL, and who holds a certain relevant position therein, provided that they remain or intend to remain in national territory for a period of more than one hundred and eighty-three days per year.
5. The Class II business visa is valid for an initial period of six months, can be extended for periods of two years and allows multiple entries.
6. The extension of Class II business visa depends especially on the effective registration of the commercial company with the competent entity and the continuous compliance with the legal obligations to which the commercial companies are subject under the terms of the applicable legislation and on the permanence of its holder in national territory for periods of not less than one hundred and eighty-three days per year.

### **Article 39**

#### **Temporary stay visa**

1. The temporary stay visa is granted to students who intend to start or continue their studies in national territory, to foreigners who intend to enter to develop specialized activities, to those who intend to volunteer, to dependent relatives of foreigners who hold a temporary stay visa, a special stay permit, a work visa and a Class II business visa.



2. The temporary stay visa is also intended for other activities not provided for in the previous paragraph, upon application submitted and granted at the diplomatic or consular missions of the RDTL abroad.
3. The temporary stay visa is valid for the period of study and can be extended for six months, allowing multiple entries.
4. Holders of a temporary stay visa for study may be authorized to work part-time on terms to be regulated by the Government.
5. The temporary stay visa to develop activities the contract or mission may be extended for up to one year, may be extended for equal periods and permits multiple entries.
6. The temporary stay visa for developing short-term voluntary activities has a maximum validity of 120 days, allowing multiple entries.
7. The temporary stay visa for dependent family members of aliens referred to in paragraph 1 shall be equal to the validity of the visa of the family member who provides for the family and shall be extended on identical terms, allowing multiple entries.

#### **Article 40** **Residence permits**

1. The purpose of the residence visa is to enable the holder to enter national territory in order to apply for a temporary residence permit for:
  - a) the exercise of professional activity;
  - b) family reunification.
2. A residence visa shall be issued only to persons who can show that they intend to stay permanently on national territory, have the necessary means of subsistence, have provided accommodation and have no criminal record.
3. The residence visa is valid for ninety days and allows multiple entries.
4. If an alien applying for a visa in accordance with this Article intends to pursue a professional activity, the criteria for issuing the visa shall be taken into account, namely:
  - a) The objective of providing skilled labor for the various sectors of the economy, aiming at increasing productivity and technology assimilation;
  - b) The objective of creating jobs for nationals, focusing on their training.
5. The number of foreigners to be admitted under the terms of the previous paragraph, as well as the sectors of the economy in which they may not exercise their activity, shall be fixed periodically by resolution of the Government.
6. The deadline for a decision on the application for a residence visa shall be 30 working days.
7. Failure by the body responsible for issuing the residence visa to do so shall be tantamount to acceptance.

#### **Article 41** **Exemption from residence visa requirement**

Foreign nationals in the following circumstances do not need a visa to establish temporary residence:

- a) the ones mentioned in Article 70;
- b) children of residence permit holders who have reached the age of majority and have remained on national territory since the age of ten;

- c) older persons, born in national territory, who have stayed here since the age of less than ten years;
- d) who having lost their Timorese nationality have remained in the territory for the last ten years;
- e) who have minor children legally resident in the RDTL or with Timorese nationality, or who have been entrusted with the custody of the minor and who ensure maintenance and education;
- f) who have performed duties for the State and have been granted a special permit under Article 14 for five years;
- g) having received a work visa, business visa or temporary stay visa, have entered and stayed legally in national territory during the last five years.

### **SECTION III**

#### **APPLICATION AND ISSUE OF VISAS**

##### **Article 42**

##### **Place of application**

1. The application for a courtesy visa shall be submitted to the diplomatic or consular missions of the RDTL abroad or to the department responsible for consular affairs.
2. Applications for tourist and transit visas shall be submitted to the diplomatic missions or consular posts of the RDTL abroad or at the RDTL border posts.
3. Applications for temporary stay, work, business, airport transit and residence visas shall be submitted to the diplomatic or consular missions of the RDTL abroad.
4. The Government may authorize foreign nationals of certain nationalities to submit the visa applications mentioned in the previous paragraph directly to the Migration Office.
5. Where the visa has been applied for at the RDTL consular representations abroad, the application shall be communicated to the public service responsible for migration in the most expeditious manner, duly instructed with the necessary documentation, for the purposes of a binding opinion.
6. In case the interested parties reside in countries or territories where there are no consular representations of the RDTL, the request must be sent by the interested party directly to the consular service defined by the Minister responsible for foreign affairs.

##### **Article 43**

##### **General instruction documents**

1. Visa application shall be accompanied by all the supporting documents required for the type of visa requested, in particular:
  - a) full identification of the applicant by means of a photocopy of his passport, except when the visa is applied for orally at the border post;
  - b) color passport-type photograph against a flat background, except when the visa is required orally at the border post;
  - c) proof of means of subsistence in national territory in accordance with Article 15;
  - d) declaration of accommodation or place of accommodation in accordance with Article 16;
  - e) a transport ticket for departure from the national territory, or proof of adequate means to support such departure in accordance with Article 17;
  - f) documents justifying the purpose or conditions of stay, except for the tourist visa;

- g) a copy of the short-term voluntary agreement when applying for a temporary stay visa for voluntary work;
  - h) declaration of the educational establishment to which the alien is enrolled when applying for a temporary student visa;
  - i) a copy certified by the consular services of the country of nationality of the applicant as evidence of the family relationship between the applicant and his/her dependent family member, when applying for a temporary stay visa;
  - j) certified copy of the employment or service contract, traineeship contract or long-term voluntary agreement when applying for a work visa;
  - k) Proof of professional qualifications, when applying for a temporary stay visa for a specialized activity, work or business;
  - l) certified copy of the commercial register, authorization for the exercise of economic activity in accordance with the law and certificate of debts of the entity to which the foreigner is bound when applying for a work visa or a Class II business visa;
  - m) certificate of physical and psychic robustness, when applying for a temporary stay visa for student and specialized activity, work, business Class II, temporary stay for family members or residence;
  - n) the original criminal record issued by the competent authorities in the country of origin or the country where the alien has resided for more than one year in the case of an application for a temporary stay, work, business Class II visa or a residence permit.
2. The authority responsible for examining the visa application may require the person concerned to provide other appropriate means of proof that the purposes for which the application is made are credible, provided that they do not exceed the bounds of reasonableness and do not infringe the personal rights of the person concerned or the fundamental rights, freedoms and guarantees of the alien.
3. Foreign nationals under the age of sixteen are exempt from filing a criminal record.

#### **Article 44**

##### **Powers to grant**

- 1. The granting of a courtesy visa is the responsibility of the member of the Government responsible for foreign affairs.
- 2. The granting of the work visa, the business visa, the temporary stay visa and the residence permit shall be the responsibility of the member of the Government who supervises migration.
- 3. The transit visa, tourist visa and airport transit visa shall be issued by the head of the public service responsible for migration.
- 4. Without prejudice to Article 35(3), the visas referred to in the previous paragraph may be applied for orally and obtained on arrival at the border posts, provided that the other requirements laid down by law are met.
- 5. The members of the Government responsible for the areas of migration and foreign affairs shall identify, in a joint ministerial decree, the nationalities that are covered by the possibility of applying orally upon arrival under the terms of the previous paragraph.

#### **Article 45**

##### **Delegation of powers**

1. The member of the Government responsible for foreign affairs may delegate his/her powers to the maximum representative of the diplomatic or consular representations of Timor-Leste abroad and to the maximum representative of the consular affairs department in the national territory.
2. The member of the Government responsible for migration may delegate his/her powers to grant visas to:
  - a) the head of the public service responsible for migration;
  - b) migration attachés at consular posts abroad;
  - c) the head of the territorial representations of the public service responsible for migration.
3. The head of the public service responsible for migration may delegate his/her powers to issue the visas provided for in paragraph 3 of the previous Article to:
  - a) his deputy;
  - b) the migration attaché at consular posts abroad;
  - c) the heads of migration services at each border post.
4. The head of the territorial representations of the public service responsible for migration may delegate his/her powers to his/her deputy.
5. The entity to which competence has been delegated in accordance with the preceding paragraphs shall decide on the application and communicate the decision to the applicant in accordance with the procedure to be laid down in a regulation.

#### **Article 46**

##### **Obligation to give an opinion**

1. The decision to grant a work visa requires a reasoned opinion from the government body responsible for employment.
2. The decision to grant Class II business visas and residence permits for professional activity also requires a reasoned opinion from the government bodies responsible for private investment and employment.
3. The authorities responsible for issuing the opinion shall give their opinion within 15 working days of being requested to do so by the authority responsible for issuing the visa.
4. Failure to give an opinion within the period referred to in the preceding paragraph shall be tantamount to a favorable opinion.

#### **Article 47**

##### **Registration**

The granting of any visa shall be immediately recorded in the Border Management System so as to be available in the structures of the public service responsible for migration and in the consular representations.

#### **Article 48**

##### **Issuance of the visa**

1. On receipt of the communication granting the visa, the public service responsible for migration, the Ministry of Foreign Affairs or the consular representations, as the case may be, shall issue the visa that has been granted and ensure the subsequent procedural steps that take place.
2. All visas granted under this law shall be used within a maximum of thirty days after their issuance.
3. Rejection of the visa application, duly notified to the applicant, shall be subject to hierarchical appeal within fifteen working days.

4. The rejection of the appeal filed under the terms of the preceding paragraph shall be subject to judicial appeal to be filed within fifteen working days and under the general terms of the administrative procedure.
5. An appeal against a refusal to issue a visa shall not suspend the decision.

## **SECTION IV CANCELLATION OF VISAS**

### **Article 49**

#### **Cancellation of visas**

1. Visas issued pursuant to this document may be cancelled if the conditions on the basis of which they were issued change, particularly if the alien:
  - a) made false statements or submitted false or falsified documents in the visa application;
  - b) engage in any activity other than that for which the visa was issued, without having been authorized in accordance with Article 6(3);
  - c) constitutes a threat within the meaning of Article 23(1)(b).
2. The public service responsible for migration shall be responsible for instructing the visa cancellation process and shall draw up a report to be sent to the member of the government responsible for migration.
3. The power to cancel visas shall rest with the member of the Government in charge of the public service responsible for migration after receiving the report referred to in the previous paragraph and by means of a duly substantiated order.
4. The decision to cancel a visa shall be notified to the alien and shall be subject to appeal with suspensive effect in accordance with Articles 28(1) and 29, mutatis mutandis.
5. The cancellation of the visa implies the beginning of the procedures for the removal of the alien from the national territory.
6. The cancellation of the visa is registered in the Management System of Borders in order to make this information accessible to services with competence in migration and asylum matters.

## **SECTION V EXTENSION OF VISAS**

### **Article 50**

#### **Extension of stay**

The extension of stay in national territory shall be made in accordance with the provisions of this law, may only be authorized in duly substantiated cases and, without prejudice to the following article, shall only be admitted when the conditions that determined the granting of the visa are maintained.

### **Article 51**

#### **Extension in exceptional cases**

1. The extension of visas beyond the limits established in this document may only take place in exceptional cases of serious and grave medical or humanitarian reason, as well as the absolute impossibility of transportation within the time limit established for the visa, if the lack of transportation was not caused by the person concerned himself.
2. The extension of visas in the cases provided for in the preceding paragraph shall be for the time strictly and foreseeably necessary to obtain transport to the destination of the person concerned.

### **Article 52**

### **Competence for extending visas**

1. The member of the Government in charge of migration shall be competent to grant visa extension on applications in accordance with the law.
2. The member of the Government responsible for migration may delegate the power to grant applications for visa extensions to the head of the public service responsible for migration, the head of the territorial representations of the public service responsible for migration or the migration attachés.

#### **Article 53**

##### **Procedure**

1. The person concerned shall submit the application for an extension to the section responsible for migration no later than 15 days before the expiry of the visa's validity.
2. Submission of the application for an extension to the competent authority shall interrupt the period of validity of the visa.
3. The application for extension of the temporary stay visa for students shall include proof of school performance.
4. The extension of the business visa depends on the repeated compliance with the legal obligations of the commercial company to which the foreigner is linked, namely corporate, labor and tax.

#### **Article 54**

##### **Rejection of the request for extension**

1. The extension of a visa may be refused if the conditions under which the visa was issued or extended change, or if the presence of the alien on national territory constitutes a threat within the meaning of Article 23(1)(b).
2. The member of the government responsible for migration shall be empowered to reject an application for a visa extension on the basis of a reasoned proposal from the public service responsible for this matter.
3. The decision to cancel a visa shall be notified to the alien and shall be subject to appeal with suspensive effect in accordance with Articles 28(1) and 29, mutatis mutandis.
4. Rejection of the application for an extension of the visa shall entail the initiation of procedures for the expulsion of aliens from the national territory.
5. Rejection of the visa extension request is recorded in the Border Management System in order to be accessible to services with competence in migration and asylum matters.

## **CHAPTER V**

### **RESIDENCE PERMIT**

#### **SECTION I**

#### **GENERAL PROVISIONS**

#### **Article 55**

##### **Types of residence permit**

The residence permit is of two types:

- a) temporary residence permit;

b) Permanent residence permit.

#### **Article 56**

##### **Foreign Minors Born in National Territory**

1. Foreign minors born on national territory shall enjoy the same status as that granted to either parent, without prejudice to the rights recognized by nationality law.
2. For the purpose of issuing the appropriate visa or residence permit, either parent must apply within six months of registration of the child's birth.
3. After the expiry of the period provided for in the preceding paragraph, any parent or legal representative may also request the member of the Government who supervises migration, the granting of the appropriate visa or residence permit to the minor on the basis of a reasoned application and the submission of the minor's birth registration.

#### **Article 57**

##### **Waiver of residence permit**

1. The residence permit shall not be required of diplomatic, consular or equivalent agents accredited to the RDTL, or members of their families.
2. The stay of administrative, domestic and equivalent staff serving in diplomatic missions or consular posts shall be governed by the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations.
3. The persons mentioned in the above paragraphs shall be issued with an identity card by the Ministry of Foreign Affairs and Cooperation, which shall be endorsed by the public service responsible for migration.
4. The persons referred to in paragraph 1 shall also be exempt from visa requirements for their first entry into the national territory, provided that they hold a diplomatic or official passport and their arrival is notified in advance by the diplomatic mission or consular post of their country of origin to the Ministry responsible for foreign affairs, which shall then inform the public service responsible for migration.

#### **Article 58**

##### **Resident Identity Card**

1. An alien authorized to reside in national territory shall be issued with a residence permit.
2. The residence permit is enough document to prove the civil identity of its holder and it is the only identification document able to prove the status of resident in national territory.

## **SECTION II**

### **TEMPORARY RESIDENCE PERMIT**

#### **SUBSECTION I**

##### **GENERAL PROVISIONS**

#### **Article 59**

##### **Temporary residence permit**

The temporary residence permit shall be valid for two years, renewable for equal periods and shall be issued:



- a) For the exercise of professional activity;
- b) To foreign citizens who have been married for more than two years and less than five years to a national and who wish to reside in RDTL;
- c) For the purpose of family reunification;
- d) Victims of trafficking in persons or victims of networks assisting the immigration of persons;
- e) For exceptional reasons.

#### **Article 60**

##### **Requirements for the granting of a temporary residence permit**

1. Without prejudice to the special regimes provided for in Articles 61 and 62 and to those established in international treaties ratified by the RDTL, the temporary residence permit may be granted to foreigners who cumulatively:
  - a) are on national territory;
  - b) demonstrate justified intention to stay permanently on national territory;
  - c) present valid travel documents;
  - d) prove that they have adequate means of accommodation and subsistence for the required period;
  - e) have stayed legally on national territory as holders of a residence visa or are covered by one of the exemption paragraphs of the same visa under the terms of article 41 of this law;
  - f) during their stay in national territory they have not been convicted of a crime in penalty or sentences that, alone or cumulatively, exceed one year of effective imprisonment.
2. The provisions of subparagraph e) of the preceding paragraph shall not apply to foreign nationals who have been married for more than two years and less than five years to nationals.
3. When the foreigner requests temporary residence and intends to exercise a professional activity in national territory under the terms of the applicable legislation, the objective of providing specialized labor for the various sectors of the economy or public services and the objective of creating jobs for nationals, betting on their training, is considered as a criterion for granting.

#### **SUBSECTION II**

##### **SPECIAL SCHEMES**

#### **Article 61**

##### **Granting of a residence permit to victims of trafficking in persons**

1. A temporary residence permit for six months, renewable for equal periods, shall be issued to any foreign national who is or has been the victim of trafficking in persons or of networks for the facilitation of illegal immigration, even if he or she has entered the country illegally or does not fulfil the conditions for the issuance of a residence permit provided for in Article 60.
2. A temporary residence permit shall be granted under this Article provided that the victim of trafficking in persons or of networks involved in the facilitation of illegal immigration collaborates with the authorities in the investigation and prosecution of trafficking in persons or the facilitation of illegal immigration.
3. Before the temporary residence permit is granted, the person identified as a victim of trafficking in persons or of action to facilitate illegal immigration shall be guaranteed means of subsistence, accommodation, adequate medical and psychological treatment, protection, security and legal assistance.

4. A person identified as a victim of trafficking in persons or of the facilitation of illegal immigration may benefit from a reflection period not exceeding ninety days before deciding to cooperate with the competent authorities.
5. During the period of reflection, no expulsion from national territory may be carried out against the victim of trafficking in persons.
6. The residence permit provided for in this Article, and the rights conferred during the reflection period, shall extend to members of the victim's family.
7. The residence permit issued to victims of trafficking in persons or to victims of networks which facilitate illegal immigration and their relatives may be cancelled when:
  - a) the victim has actively and voluntarily re-established contact with alleged perpetrators of trafficking in persons or the facilitation of illegal immigration;
  - b) the authority responsible for issuing the authorization considers that the cooperation is fraudulent or that the victim's complaint is unfounded;
  - c) the victim expressly or tacitly ceases to cooperate with the competent authorities.

#### **Article 62**

##### **Granting of residence permits for exceptional reasons**

1. In exceptional cases, of recognized national interest or of humanitarian nature, a temporary residence permit may be granted to foreigners who do not meet the entry requirements foreseen in this diploma.
2. A residence permit for exceptional reasons may also be granted on the initiative of the member of the government responsible for migration, by means of a reasoned order, to an individual who has submitted an asylum application that has been rejected but who, owing to his/her personal circumstances, is unable to return to his/her country of origin or country of habitual residence, in particular if he/she is unable to return to the country of origin or country of habitual residence, when:
  - a) there are strong indications that he/she may be subjected to torture, degrading treatment or punishment;
  - b) there are serious suspicions that this return will put his/her physical integrity at risk.
3. A residence permit for exceptional reasons may also be granted after an application has been submitted to the public service responsible for migration by the person concerned, where the latter presents all the relevant facts and can provide evidence.
4. For the purposes of the preceding paragraph, the public service responsible for migration shall investigate the relevant file, gathering for that purpose all the relevant information and documents, in particular those relating to the exceptionality or national interest invoked.
5. On completion of the investigation referred to in the preceding paragraph, a report shall be drawn up with a duly substantiated proposal for a decision which, together with the relevant file, shall be forwarded for a decision.
6. For the purposes of paragraphs 1 and 3, the Prime Minister and the member of the Government responsible for migration shall decide on the application in a joint duly motivated order.

#### **SECTION III**

##### **PERMANENT RESIDENCE PERMIT**

#### **Article 63**

##### **Permanent residence permit**

The permanent residence permit shall have no limit of validity and its renewal shall be requested whenever there is a change in any of the records contained therein.

#### **Article 64**

##### **Requirements for granting a permanent residence permit**

1. Without prejudice to the Nationality Law, the permanent residence permit may be granted to foreigners who, cumulatively:
  - a) are legal residents in national territory for at least ten consecutive years or are minor children or dependents of national citizens, or are foreign citizens married to a national citizen for more than five years, or are entitled to a temporary residence permit for at least six years;
  - b) during the period of residence referred to in (a) above, have not been convicted of an intentional criminal offence with a penalty or penalties which, separately or cumulatively, exceed one year of actual imprisonment;
  - c) have maintained adequate means of accommodation and subsistence throughout their stay in the national territory and provided they can be expected to continue to do so;
  - d) the purpose of obtaining permanent residence declared in the application is not in conflict with the documents submitted, or with the statements made;
  - e) during their stay in Timor-Leste, have made a positive contribution to the economy or to the social well-being of the Country.
2. Points (b) to (e) shall not apply to minors dependent on nationals.

#### **SECTION IV**

##### **REQUEST, CANCELLATION AND RENEWAL**

#### **Article 65**

##### **Application for a residence permit**

1. The application for a residence permit shall be done on a proper form, duly completed and signed by the applicant or, in the case of minors or incapacitated persons, by their legal representative, and shall be accompanied by the following:
  - a) full identification of the applicant by means of a certified photocopy of his/her passport and visa or residence permit;
  - b) color passport photo under smooth background;
  - c) proof of means of subsistence in national territory;
  - d) declaration of accommodation;
  - e) documents justifying the purpose or conditions of the stay;
  - f) an official document certifying the family relationship with the national citizen, where applicable;
  - g) the original criminal record issued by the national authorities of the country where he has resided for at least one year, unless he is under the age of sixteen.
2. The presentation of the application mentioned in the previous paragraph is not required for the purpose of granting the temporary residence permit for exceptional reasons when its granting is the initiative of the member of the Government who is responsible for the migration.

#### **Article 66**

##### **Cancellation of the residence permit**

1. The residence permit is cancelled whenever the foreign resident:
  - a) has been the subject to a decision expelling him from national territory;

- b) has been convicted, by a final decision, for committing an intentional crime, to more than one year in prison;
  - c) made false statements or presented false documents in the procedure for issuing visas or residence permits;
  - d) Being the holder of a temporary residence permit, if absent from the national territory without good reason and for a period of at least six consecutive months or, within two years, ten interpolated months;;
  - e) Being the holder of a permanent residence permit, if absent from the national territory without justified reasons and for a period of 24 consecutive months or, within a period of three years, 30 interpolated months;
  - f) has entered into marriage with a Timorese citizen with the only purpose to obtain a residence permit.
2. If the holder of a permanent residence permit is a family member of a national citizen, the residence permit cancellation might not be determined, by order of the member of the Government responsible for the migration, due to humanitarian and family reasons.

#### **Article 67**

##### **Renewal of the temporary residence permit**

1. The renewal of the temporary residence permit shall be requested by the applicant in the public service responsible for migration up to thirty days before its expiry.
2. The application for renewal of the residence permit shall interrupt the count of its expiry date.
3. In assessing the application, the public service responsible for migration considers, in particular, the following:
  - a) maintaining the assumptions on which the granting of a residence permit was based;
  - b) the means of subsistence and accommodation available to the person concerned;
  - c) the absence of any of the criminal convictions which prevent the initial issue of the residence permit;
  - d) compliance by the applicant with the legislation in force, namely labour, tax and company legislation, when applicable, and concerning foreigners.
4. In cases where a residence permit has been granted under the family reunification regime, in exceptional cases, such as judicial separation, divorce, widowhood, death of spouse, relative in the ascending or descending line, or conviction for a crime of domestic violence, the requesting spouse, relative in the ascending or descending line, may be granted a residence permit.

#### **Article 68**

##### **Competence**

1. The head of the public service responsible for migration has the competence to grant and cancel a residence permit.
2. The head of the public service responsible for migration has the competence for the renewal of residence permits, and may delegate this responsibility to his or her deputy or to the head of the territorial representation of the public service responsible for migration.

#### **Article 69**

##### **Appeal**

1. Appeals against the refusal to grant a residence permit, duly notified to the applicant, shall be lodged within fifteen working days.
2. The rejection of the appeal filed under the terms of the previous paragraph shall be subject to litigation within fifteen working days.
3. An appeal against a refusal to grant a residence permit shall not suspend the decision.

## **CHAPTER VI FAMILY REUNIFICATION**

### **Article 70**

#### **Right to family reunification**

1. The right to family reunification on national territory is recognized to:
  - a) family members of nationals, in particular spouses, minor children, adopted or incapacitated children, and dependent relatives in the ascending line;
  - b) foreign nationals who are spouses, minor children, adopted or incapacitated children and dependent relatives in the ascending line of the foreign resident;
  - c) foreigners who are spouses, minor children, adopted or incapacitated and dependent ascendants of the foreigner residing in national territory with refugee status recognized by the RDTL who is in national territory or outside it.
2. In the case of a child under the age of seventeen or of an incapacitated child of only one of the spouses, family reunification can only take place if the child or incapacitated child is legally entrusted to him/her.

### **Article 71**

#### **Instruction and decision**

1. A national citizen or an alien residing in national territory who wishes to benefit from the right to family reunification must submit the application to the public service responsible for migration.
2. The order is accompanied by the following documents:
  - a) official proof of the family relationship invoked;
  - b) certified copies of the identification documents of the members of the applicant's family for whom reunification is requested;
  - c) evidence that the applicant has adequate accommodation and sufficient means of subsistence to meet the needs of relatives.
3. The provisions of subparagraph (c) of the preceding paragraph shall not be required of holders of refugee status.
4. The public service responsible for migration may request from the applicant the documents it deems necessary for the investigation of the case, as well as request from other public administration bodies the information necessary for the same purpose, in strict compliance with the principle of legality and proportionality.
5. The decision on the application for family reunification shall be taken by the member of the government responsible for the public service responsible for migration, who may delegate to the head of the public service responsible for migration, with the power to subdelegate to his or her deputy.

### **Article 72**

#### **Rejection of the application for family reunification**

1. The application for family reunification may be rejected in the following cases:

- a) When the person concerned does not have accommodation and means of subsistence, except in the cases of paragraph 3 of the previous article;
  - b) Where the family member in respect of whom reunification is sought is prohibited from entering national territory;
  - c) Where the decision rejecting the application for family reunification is based on grounds of public policy or public security, or the dangers that may result from the family member's remaining in the national territory.
2. Before a decision refusing family reunification is taken into consideration:
    - a) the nature and solidity of existing family ties;
    - b) the time the alien has been resident in the RDTL;
    - c) the existence of family, cultural and social ties with the country of origin.
  3. The decision rejecting the application shall be notified to the party concerned with a clear statement of the reasons therefor.
  4. An appeal against the rejection decision shall be admissible in accordance with Article 69.

## **CHAPTER VII REMOVAL FROM NATIONAL TERRITORY**

### **SECTION I GENERAL PROVISIONS**

#### **Article 73 Grounds for expulsion**

1. Without prejudice to the provisions contained in international conventions to which the RDTL is or will be a party, the foreign citizen shall be removed from the national territory:
  - a) When, without prejudice to the legal regime of asylum as provided in Chapter VIII, enters or remains illegally in the territory of East Timor;;
  - b) When infringes national security, public policy or public health;
  - c) When his/her presence or activity in the Country constitutes a threat to the interests or dignity of the RDTL or its nationals;
  - d) When has committed acts that, if known to the Timorese authorities at the time of entry into national territory, would have made it impossible under the terms of the applicable legislation;
  - e) When in respect of whom there are serious grounds for believing that he/she has committed serious criminal acts or intends to commit such acts, on national territory.
2. The provisions of the preceding subparagraph shall be without prejudice to the criminal liability of the alien.

#### **Article 74 Notification of abandonment of national territory**

1. Before administrative proceedings for expulsion are initiated, an alien who is in one of the situations referred to in paragraph 1 of the preceding article shall be notified to leave the national territory within the time limit set for him/her.
2. The fulfilment of the order to leave the national territory immediately presupposes the use by the foreign citizen of the first means of travel available and appropriate to his/her situation.

3. Failure to comply with the notification provided for in paragraph 1 shall entail the opening of an administrative expulsion procedure with the application of the police detention and coercive measures provided for in this law.
4. The head of the public service responsible for migration, with the possibility of delegation to his/her deputy, shall be competent to notify the alien in accordance with paragraph 1.
5. The period for leaving the national territory referred to in paragraph 1 may be extended by the head of the public service responsible for migration in duly motivated cases.
6. Foreign nationals notified to leave the national territory shall be refused entry for a period of up to two years.

#### **Article 75**

##### **Support for voluntary return**

1. The RDTL may support the voluntary return of foreign citizens who have been notified to leave the national territory under the terms of the previous article and who meet the required conditions of the countries of origin, within the framework of cooperation programs established with international organizations, in particular the International Organization for Migration (IOM), or other non-governmental organizations duly accredited in accordance with the applicable legislation.
2. Foreign nationals who have been removed from national territory through a procedure to support voluntary return shall be banned from entering the country for a period of three years.

#### **Article 76**

##### **Active Readmission**

1. Where a foreign national staying illegally in the territory of the RDTL is to be readmitted and sent to another country, the public service responsible for migration shall formulate the respective application.
2. The hearing of the alien to be returned to the requested State shall be ensured during the examination of the readmission procedure.
3. It is the responsibility of the member of the Government responsible for migration, on the proposal of the head of the public service responsible for migration, to determine the sending of a foreign citizen to another country through a readmission procedure.
4. Foreign nationals returned to another country under a readmission procedure shall be banned from entering the territory of the RDTL for a period of two years.

#### **Article 77**

##### **Additional penalty of expulsion**

1. Where the court decrees an accessory penalty of expulsion in accordance with the applicable criminal law, the other authorities shall refrain from applying the administrative measure of expulsion and, in cases where it has already been issued, the judicial decision shall prevail.
2. The accessory penalty of deportation is executed even if the deportee is on probation.
3. The court in which the conviction was handed down shall be competent to rule on expulsion.
4. For the purposes of enforcement, the court shall communicate the judgment to the public service responsible for migration, which may require the cooperation of the other security forces, for the location and possible arrest of the person to be expelled.



**SECTION II**  
**EXPULSION IN ADMINISTRATIVE PROCEEDINGS**

**Article 78**

**Powers to initiate and close proceedings**

1. The head of the public service responsible for migration shall be responsible for initiating expulsion procedures of an administrative nature, which he may delegate to his deputy or to those responsible for operational sectors or territorial delegations.
2. It is up to the head of the public service responsible for migration to decide whether to close the case, having verified the legal assumptions.

**Article 79**

**Country of destination**

1. Expulsion may not take place to a country where the foreign national may be persecuted with the risk of death or of being subjected to cruel, degrading or inhuman treatment or punishment, or persecuted for ethnic, religious, nationality or social reasons or by virtue of his or her political ideology, as well as being subjected to acts which constitute a serious violation of his or her fundamental rights.
2. In order to benefit from the guarantee provided for in the previous paragraph, the person concerned must invoke the fear of persecution and provide proof thereof within ten working days.

**Article 80**

**Period of prohibition of entry**

Foreign nationals who are administratively expelled shall be prohibited from entering national territory for a period of between five and ten years.

**Article 81**

**Precautionary and enforcement measures**

1. At the request of the Public Prosecutor's Office, the court may determine the precautionary measures necessary to ensure effective compliance with the foreseeable or decreed administrative expulsion:
  - a) periodic reporting to the public service responsible for migration;
  - b) fixing on State premises;
  - c) the placing of the expellee in pre-trial detention, in a regime of separation from the other prisoners, until the moment of effective expulsion.
2. The district courts of the foreigner's area of residence or, if he/she is not a resident, of the place where he/she is found, shall have jurisdiction to apply coercive measures.
3. Whenever necessary, the service responsible for migration shall communicate to the Public Prosecution Service the need to submit the application mentioned in paragraph 1 to the court.

**Article 82**

**Proceedings required**

1. Administrative expulsion proceedings shall be organized against any foreign national who incurs any of the grounds for expulsion from national territory provided for in this law.

2. No decision to expel an alien may be executed unless the relevant procedure is organized and decided.

### **Article 83**

#### **Duty to notify**

Security forces which suspect that an alien should be the subject of a removal order shall inform the department responsible for migration, which shall carry out the appropriate investigation.

### **Article 84**

#### **Police Detention**

1. An alien who enters or remains illegally in national territory and who has been subject to an expulsion decision shall be subject to police detention and shall be brought, within a maximum period of seventy-two hours, before the competent judge for the possible application of precautionary or coercive measures, in accordance with the criminal procedural legislation and Article 81 of this law.
2. If the judge determines that the alien is to be remanded in custody, he or she shall inform the public service responsible for migration so that it may promote the competent administrative procedure for the removal of the alien from national territory.
3. The preventive custody provided for in the previous paragraph may not go beyond what is necessary to enable the expulsion decision to be enforced and may not exceed ninety days.
4. If custody is not ordered, the judge shall notify the alien to appear before the public service responsible for migration and refer the case to that service.

### **Article 85**

#### **Instruction of procedure**

1. During the investigation of the expulsion procedure, the person against whom the expulsion has been initiated shall be heard and shall enjoy all the guarantees of defense provided by law.
2. The instructor shall take the steps considered essential to ascertain the truth and may, by reasoned order and without prejudice to the guarantees of defense provided by law, refuse the steps required by the person against whom the proceedings were initiated when he considers that the facts alleged are sufficiently proven.
3. At the end of the instruction, a report is drawn up, in which the instructor describes the facts established and proposes the resolution it considers appropriate, after which the case shall be referred to the authority responsible for the decision.

### **Article 86**

#### **Expulsion decision**

1. The decision to expel is a matter for the member of the government responsible for migration.
2. The expulsion decision must contain:
  - a) the facts and points of law;
  - b) the legal rights and obligations of the expellee, including the right of appeal;
  - c) a ban on entry into national territory with an indication of the deadline;
  - d) an indication of the country to which the alien is being sent.
3. The expulsion decision shall be served on the person against whom proceedings are brought, in an official language and in a language which he or she understands.
4. Enforcement of the decision shall entail the inclusion of the expellee on the list of inadmissible persons.

## **Article 87**

### **Appeal**

1. An appeal may be lodged against the expulsion decision.
2. An appeal against a decision against an alien who has entered and remained legally on national territory shall have suspensive effect.
3. An appeal against the decision against an alien who has entered or remained illegally on national territory shall have merely devolutive effect.
4. The period for lodging an appeal shall be fifteen working days from notification of the expulsion decision to the person concerned.

## **Article 88**

### **Compliance with the decision**

1. An alien against whom an expulsion decision has been issued shall remain in police custody for a period of forty-eight hours from the date of notification of the decision, provided that he or she is not in custody or has not lodged an appeal in accordance with paragraph 2 of the previous article.
2. The police detention provided for in the previous paragraph is intended to ensure the execution of the expulsion decision and the time limit may be extended, by judicial decision, up to a maximum of seventy-two hours, if it is impossible to execute the decision within the time limit provided for in paragraph 1.

## **Article 89**

### **Powers to enforce the decision**

The public service responsible for migration shall be responsible for implementing expulsion decisions.

## **Article 90**

### **Expenses**

Without prejudice to any reimbursements that may be made, the State shall be responsible for the immediate payment of expenses incurred in complying with the decision, which shall be met by means of an exclusive sum to be provided annually in the General State Budget.

## **CHAPTER VIII**

### **ASYLUM**

#### **SECTION I**

#### **GENERAL PROVISIONS**

## **Article 91**

### **Guarantee of the right of asylum**

1. The right to asylum shall be guaranteed to foreign nationals and stateless persons who are persecuted or seriously threatened with persecution as a result of activities carried out in the State of their nationality or their usual residence for the benefit of democracy, social and national liberation, peace among peoples, freedom and human rights.
2. The right to asylum is also guaranteed to foreign nationals and stateless persons who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or

membership of a particular social group, are unable or, owing to such fear, do not wish to return to the State of their nationality or usual residence.

3. Asylum may be granted to an alien who has more than one nationality only where the reasons referred to in the preceding paragraphs apply to all States of which he is a national.

## **Article 92**

### **Persecution**

For the purposes of the previous article, persecution on which the right to asylum is based is a set of acts or measures or an isolated act or measure that constitutes, by its nature or reiteration, a serious violation of fundamental rights and that may be committed, inter alia:

- a) by a State;
- b) by parties or organizations that control the State or a significant portion of its territory;
- c) by non-state actors, when it is clear that the State or the parties or organizations mentioned in the preceding paragraphs are unable or unwilling to offer protection against persecution.

## **Article 93**

### **Exclusion from the right of asylum**

1. Aliens or stateless persons shall not be eligible for asylum or any other form of protection when:
  - a) they enjoy protection or assistance from a United Nations body or institution other than the United Nations High Commissioner for Refugees (UNHCR), unless that protection or assistance has ceased, without the fate of those persons having been definitively settled;
  - b) they reside in a country whose competent authorities consider that it has the rights and duties of persons having the nationality of that country;
  - c) there are serious grounds for considering that:
    - i) they have committed a crime against peace, a war crime or a crime against humanity, as defined in the international instruments establishing provisions relating to these crimes;
    - ii. they have committed a serious non-political crime punishable by imprisonment for more than three years outside the national territory before being granted asylum or another form of protection, except when they have been convicted or could be sentenced for exclusively political, ideological or religious reasons;
    - iii. they have committed acts contrary to the objectives and principles of the United Nations.
2. In addition, asylum may be refused if the granting of asylum would result in a proven or substantiated danger to internal or external security or to public order.

## **Article 94**

### **Effects of granting asylum**

The granting of asylum under the terms of this Chapter shall confer on the beneficiary the status of refugee, subject to the provisions of this law, without prejudice to any special regimes contained in any international treaties or conventions to which the RDTL is a party or to which it accedes.

## **Article 95**

### **Extension of asylum to family members**

1. The effects of asylum shall extend to the spouse and minor children, adopted or dependent incapacitated, whenever the applicant so requests.

2. The family reunification arrangements provided for in Articles 70 et seq. shall apply mutatis mutandis to family reunification of refugees.

#### **Article 96**

##### **Effects of asylum on extradition**

1. The final decision on any pending extradition procedure of the applicant shall be suspended while the asylum application is under examination.
2. The granting of asylum precludes the follow-up of any request for the extradition of the refugee, based on the facts on the basis of which asylum is granted.

#### **Article 97**

##### **Effects of asylum on entry offences**

1. Administrative or criminal proceedings against the asylum seeker and his/her family for irregular entry into national territory shall be suspended at the time the application for asylum is lodged until a final decision is taken.
2. Where asylum is granted to the applicant, the procedure or process mentioned in the previous paragraph shall be discontinued where it can be shown that the irregular entry into national territory was due to the same facts as those which justified the granting of asylum.

#### **Article 98**

##### **Refugee status**

1. The refugee shall enjoy the rights and be subject to the duties of foreigners residing in the RDTL, insofar as they do not contravene this law, the 1951 Geneva Convention and the 1967 New York Protocol, and shall be obliged to comply with the law and regulations and the provisions for the maintenance of public order.
2. The refugee is entitled, in accordance with the 1951 Geneva Convention, to an identity document issued by the public service responsible for migration.

### **SECTION II**

#### **ADMISSIBILITY OF THE ASYLUM APPLICATION**

#### **Article 99**

##### **Application for asylum**

For the purposes of this section, an asylum application is defined as a request by an alien to a State for protection under the 1951 Geneva Convention on the grounds that he/she is a refugee within the meaning of Article 1 of that Convention.

#### **Article 100**

##### **Submission of the application**

1. An alien or stateless person who enters the national territory in order to obtain asylum must submit his/her application to any police authority within seventy-two hours of entry into the country and may do so either orally or in writing.
2. When the applicant is a resident or a foreigner with the right to stay in national territory, the time limit shall run from the date of verification or knowledge of the facts on which the application is based.
3. If the application has not been submitted directly to the public service responsible for migration, it shall be forwarded to that service, which shall immediately notify the applicant to make a statement within five working days.

4. With the notification referred to in the preceding paragraph, the applicant shall be provided with a declaration that the application has been submitted and shall be given knowledge of his rights and obligations in an official language and in a language which he/she knows, namely that of keeping that service informed of his/her current residence and that of presenting him/herself there every fortnight, on the day of the week set for him/her, failing which the procedure shall not be followed.
5. The public service responsible for migration shall inform the UNHCR of the asylum applications submitted to it so that it may, if it so wishes, give its opinion.

#### **Article 101**

##### **Content of the application**

1. The asylum application, formulated in accordance with the previous article, shall contain in particular:
  - a) the identification of the applicant and family members for whom protection is sought;
  - b) indication of the country or countries and place or places of previous residence or stay;
  - c) indication of previous asylum applications;
  - d) a description of the facts or circumstances on which the application is based.
2. The applicant shall enclose with the application all travel and identification documents in his/her possession and all evidence at his/her disposal.

#### **Article 102**

##### **Declarations**

1. The migration service, even when the application has been made in writing, shall ensure that the applicant is given the opportunity to make statements under conditions ensuring their confidentiality and where necessary with translation, before a decision is taken.
2. The provision of statements by female asylum seekers occurs before female members of the public service responsible for migration.
3. For the purposes of the preceding paragraphs, as soon as the public service responsible for migration has received the application for asylum, it shall immediately notify the applicant to make a statement within five days, informing him/her of the possibility of being assisted by a duly qualified public defender or lawyer of his/her own free choice, at his/her own expense.
4. A transcript of the interview shall be drawn up in a language accessible to the applicant and signed by him/her.
5. The application for asylum may be rejected out of hand if the applicant fails to attend the interview in order to make a statement without reasonable cause or refuses to make a statement.

#### **Article 103**

##### **Examination of the application**

The public service responsible for migration shall consider all relevant elements when examining the application, in particular:

- a) the statements and evidence provided by the applicant, his credibility, conduct and his efforts to substantiate the facts alleged;
- b) the brevity of the application;
- c) the political, social, economic and human rights situation in the country of origin, including its legislation and the guarantees of its implementation;
- d) the coherence and truth of the facts alleged by the applicant when confronted with the information on the country of origin collected by the public service responsible for migration;

- e) the possibility for the applicant to avail himself of the protection of another country.

#### **Article 104**

##### **Inadmissibility of the application**

1. The asylum application shall be considered inadmissible if, through the procedure provided for in this law, some of the situations foreseen in article 93 are first found to be manifest, or when:
  - a) it is immediately apparent that the application does not meet any of the criteria set out in the 1951 Geneva Convention because it is unfounded;
  - b) it is clearly fraudulent or constitutes an abuse of the asylum procedure;
  - c) it is formulated by an applicant who is a national or usual resident of a country that can be qualified as a safe country or a host third country;
  - d) the application is made, without justification, outside the period provided for in Article 100.
2. For the purposes of paragraph 1(b), an application shall be considered to be clearly fraudulent or to constitute an abuse of the asylum procedure when, in particular, the applicant:
  - a) bases and substantiates his/her claim on evidence emanating from counterfeit or falsified documents;
  - b) destroyed the documents proving his/her identity;
  - c) makes false statements with regard to the subject-matter of his/her application, with prior knowledge of the falsehood;
  - d) deliberately omits to state that he/she has already made an application for asylum in one or more countries with possible recourse to a false identity.

#### **Article 105**

##### **Summary instruction and decision**

1. The head of the public service responsible for migration shall, after a summary examination, issue a reasoned decision rejecting or admitting the application within 30 working days.
2. Failure to reach a decision within the period referred to in the previous paragraph shall be tantamount to tacit acceptance of the application.
3. The UNHCR representative shall be notified of the decision.
4. Admission of the application does not mean recognition of the right to asylum.

#### **Article 106**

##### **Effects of refusal of the application**

1. The decision to refuse the application shall be notified to the applicant within 24 hours, in an official language and in a language which he/she knows, with a statement that he/she must leave the national territory within five working days, failing which he/she shall be expelled immediately once that period has elapsed.
2. The notification referred to in the previous paragraph shall be accompanied by the information justifying refusal of the application and the rights of the applicant.

#### **Article 107**

##### **Appeal**



1. Within five working days of the notification provided for in paragraph 1 of the previous article, the applicant may appeal the decision to the member of the Government responsible for migration.
2. Within five working days from the date of receipt of the appeal, the member of the Government responsible for migration shall render a final decision, from which a contentious appeal shall be lodged within fifteen working days.
3. The appeals provided for in this Article shall have suspensive effect on the expulsion order.

### **SECTION III**

#### **APPLICATIONS SUBMITTED AT BORDER POSTS**

##### **Article 108**

##### **Special Scheme**

The admissibility of applications for asylum submitted at border posts by aliens or stateless persons who do not fulfil the legal requirements for entry to national territory shall be subject to the regime laid down in the previous Articles, as amended in this Section.

##### **Article 109**

##### **Assessment of the application and decision**

1. The public service responsible for migration shall communicate the submission of the asylum applications referred to in the previous Article to the representative of the UNHCR, who may speak within forty-eight hours and interview the applicant if he or she so wishes and if he or she consents.
2. Within the period referred to in the previous paragraph, the applicant shall be informed in writing, in an official language and in a language which he knows, of his rights and obligations and shall make statements.
3. The head of the department responsible for migration shall give a reasoned decision rejecting or admitting the application within a maximum of fifteen days, but at the earliest before the expiry of the period provided for in paragraph 1.
4. The decision referred to in the preceding paragraph shall be notified to the applicant in an official language and in a language which he/she knows, with information on his/her rights of appeal, and at the same time to the representative of the UNHCR.

##### **Article 110**

##### **Appeal**

1. Within forty-eight hours of notification of the decision, the applicant may lodge an appeal, with suspensive effect, with the member of the Government responsible for migration, who shall take a decision within three working days, from which an appeal shall lie within fifteen working days.
2. Having been consulted in accordance with paragraph 1 of the above article, the representative of the UNHCR may, if he/she wishes, comment on the decision of the head of the public service responsible for migration within 24 hours of notification of the decision.

##### **Article 111**

##### **Effects of the application and decision**

1. The applicant shall remain in the international area of the border post pending notification of the decision of the head of the public service responsible for migration or the member of the government responsible for migration.
2. The asylum seeker who appeals against the decision of the member of the Government responsible for migration shall be placed in a temporary reception center on national territory, pending the decision of the court.
3. Without prejudice to the effects of the appeal, the decision to reject the application shall require the applicant to return to the point where he/she began his/her journey or, if this is not possible, to the State where the travel document with which has travelled or to another place to which he/she may be admitted, namely a host third country.
4. The decision to admit the application or the expiry of the time limits laid down in the preceding articles without being notified of the administrative decision refusing admission shall result in the applicant's entry into national territory, following the examination of the asylum procedure in accordance with this Order.

## **SECTION IV GRANTING OF ASYLUM**

### **Article 112**

#### **Provisional residence permit**

1. The public service responsible for migration shall issue to persons covered by an application for asylum who have been admitted a provisional residence permit valid for sixty days from the date the application was lodged and renewable for periods of thirty days until a final decision is taken.
2. Family members entitled to protection under the terms of this statute must be mentioned in the applicant's residence permit by means of an endorsement.

### **Article 113**

#### **Instruction and report**

1. The public service responsible for migration shall take the necessary steps and ascertain all the facts which need to be known for a fair and rapid decision.
2. The period of instruction shall be sixty days, extendable for an equal period where appropriate.
3. During the instruction the UNHCR representative is invited to attach reports or information on the respective country of origin to the process and obtain information on the status of the process.
4. After the instruction has been completed, the public service responsible for migration shall prepare a report with its final proposal, which shall be sent, together with the process, to the member of the government responsible for migration.
5. The UNHCR representative who has been consulted shall be informed of this proposal and shall be given the opportunity to comment on its content within five working days.
6. The applicant shall be notified of the content of the proposal and may comment on it within the same time limit.
7. The member of the Government responsible for migration shall decide within eight working days from the end of the period referred to in the previous paragraph, taking into account the proposal made and any pronouncements made by the applicant and the UNHCR representative.

8. Those involved in the asylum procedure shall be bound to observe professional secrecy with regard to the information to which they have access in the performance of their duties.
9. The decision shall be notified to the applicant and to the UNHCR representative.

**Article 114**  
**Effects of the decision**

1. The granting of asylum shall confer on the applicant refugee status in accordance with Article 98.
2. Refusal of the application for asylum shall be subject to judicial appeal, to be lodged within fifteen working days, which shall have suspensory effect.

**Article 115**  
**Effects of refusal of asylum**

1. Where the application for asylum is refused, the applicant may remain on national territory for a transitional period not exceeding 20 working days, without prejudice to the right to appeal.
2. The applicant shall be subject to the general provisions set forth in this statute as from the end of the period established in the previous number.
3. Where the Court's decision confirms the decision of the member of the Government responsible for migration, the suspension of the deadline shall be lifted and the expulsion or extradition procedure shall be initiated.

**SECTION V**  
**LOSS OF RIGHT OF ASYLUM**

**Article 116**  
**Causes for extinction of the right of asylum**

The following constitutes a cause for the extinction of the right to asylum:

- a) the verification of any of the grounds for exclusion from Article 93;
- b) express waiver;
- c) the practice of prohibited acts or activities, in accordance with the provisions of the present legal diploma;
- d) proof of the falsity of the grounds on which asylum was granted or the existence of facts which, had they been known at the time of granting would have implied a negative decision;
- e) the request and obtaining by the refugee of the protection of the country of which he/she is a national;
- f) the voluntary repurchase of nationality which he has lost;
- g) the voluntary acquisition by a refugee of new nationality, provided he/she enjoys the protection of his/her country;
- h) voluntary resettlement in the country which he/she left or outside which he/she remained for fear of being persecuted;
- i) the cessation of the reasons for which the right of asylum was granted;
- j) a judicial decision to expel the refugee;
- k) abandonment by a refugee from the national territory, settling in another country.

**Article 117**  
**Effects of extinction of the right of asylum**

1. Without prejudice to the principle of non-refoulement, the loss of the right to asylum on the basis of subparagraph (a) of the previous article, namely on the grounds stated in subparagraph (c) of paragraph

- 1 and paragraph 2 of Article 93, or on the grounds stated in subparagraph (c) of the previous article, shall result in expulsion from national territory.
2. The loss of the right of asylum for the reasons provided for in paragraphs b), d), e), f), g) and h) of the previous article determines the subjection of the asylum seeker to the general regime of stay of aliens provided for in this law, without prejudice to the following paragraph.
  3. In the event of loss of the right to asylum by virtue of the circumstance provided for in subparagraph (i) of the preceding paragraph, the refugee may apply for a residence permit with waiver of the requirement to produce a visa, in accordance with the general aliens' regime.

#### **Article 118**

##### **Expulsion of the beneficiary of asylum**

Expulsion of a person to whom asylum has been granted in accordance with paragraph 1 of the foregoing Article shall not result in that person being placed on the territory of a country where his/her liberty is threatened for any of the reasons which, in accordance with this Chapter, may constitute grounds for granting asylum.

#### **Article 119**

##### **Jurisdiction**

1. It is incumbent upon the member of the government responsible for migration, on a proposal from the head of the public service responsible for migration, to declare the extinction of the right to asylum.
2. The proposal of the head of the public service responsible for migration provided for in the previous number shall be made known to the UNHCR representative when he/she has been heard under the terms of this law and who may, if he or she so wishes, comment on it within five working days.
3. The decision declaring the loss of the right of asylum shall be subject to appeal within 20 working days and shall have suspensive effect on the administrative decision.

### **SECTION VI**

#### **REINSTALLATION**

#### **Article 120**

##### **Request for resettlement**

1. Requests for the resettlement of refugees under the UNHCR mandate shall be submitted by the UNHCR representative to the member of the Government responsible for migration.
2. It is incumbent upon the member of the Government referred to in the previous paragraph to decide on the admissibility and granting of asylum, taking into account the particular circumstances of the case and the legitimate interests to be safeguarded.

### **SECTION VII**

#### **RECEPTION CONDITIONS**

#### **Article 121**

##### **Host guarantee**

The RDTL shall ensure to asylum seekers, until the final decision on the application is implemented, directly or through protocols concluded with international organizations or non-governmental organizations, conditions of settlement and survival that respect human dignity.

#### **Article 122**

##### **Support**

1. Applicants and persons entitled to asylum in situations of economic and social deprivation, as well as members of their family received pursuant to this Chapter, shall be granted such economic and social support and such medical assistance and medication as is necessary and appropriate.
2. The support and assistance to be provided under the terms of the previous paragraph shall be provided by the RDTL, without prejudice to what is ensured by other entities, under the conditions agreed to this effect.
3. Provided that the applicant has sufficient financial resources, he/she may be required to cover expenses incurred pursuant to paragraph 1.

**Article 123**  
**Other guarantees**

The RDTL ensures that asylum seekers, refugees, and their spouses, minor children, adopted, incapacitated dependents and dependent ascendants, enjoy the same rights and are subject to the same duties as other foreigners in national territory, without prejudice of these may enjoy a more favorable regime resulting from the law, treaty, agreement or international convention.

**Article 124**  
**Extinction of procedure**

The procedure laid down in this Chapter shall be deemed to be terminated when:

- a) there is withdrawal of the application by the applicant;
- b) the applicant unjustifiably fails to perform any act that should take place in the public services with a view to granting the intended refugee status, provided that he/she has been lawfully summoned;
- c) the procedure has been halted for more than sixty days because of the applicant's fault.

**CHAPTER IX**  
**FEES**

**Article 125**  
**Creation and incidence of fees**

1. Without prejudice to Article 127, fees shall be due for the issuing and extension of visas and for the issuing and renewal of residence permits in accordance with Articles 128 and 129.
2. In order to meet the expenses of Public Administration in escorting foreigners removed from national territory, an escorting fine is due in accordance with Article 130.
3. The obligation to pay the tariffs provided for in paragraph 1 of this Article shall rest with the applicant.
4. The obligation to pay the fine provided for in paragraph 2 of this Article shall lie with the carriers.
5. Where the applicant's application is rejected in accordance with the law, the fee shall not be refunded.

**Article 126**  
**Update**

The fees provided for in this statute are updated annually according to the rate of inflation verified in the previous year by a joint ministerial statute of the members of the Government with responsibility for migration and finance.

**Article 127**  
**Exemption from tariffs**

1. Holders of diplomatic and official passports are exempt from the payment of fees for services rendered by the public service responsible for migration.

2. The granting and extension of a special stay permit is also exempt from charges.
3. Foreign nationals from countries with which the RDTL has an agreement to that effect shall also be exempt from visa issuing and extension fees.
4. The Government may exempt certain nationalities from the payment of certain visas by joint ministerial decree of the members of the Government responsible for migration, finance and foreign affairs.

#### **Article 128**

##### **Issue tariffs**

The fees to be charged for the issuance of visas and residence permits shall be those set out in the table in Annex I to this law, of which it shall form an integral part.

#### **Article 129**

##### **Prolongation Fees**

The fees to be charged for the extension of visas, renewal of the temporary residence permit and for the new issuance of the resident's card shall be those provided for in the table in Annex II to this law, of which it is an integral part.

#### **Article 130**

##### **Carrier liability**

For escorting each foreigner whose removal from national territory is the responsibility of the carriers under the terms of this statute, and without prejudice to other values that may be applicable, a fine of USD 1,000 shall be charged.

#### **Article 131**

##### **Settlement and recovery**

1. Fees shall be settled by means of a document issued by the department responsible for receiving applications for the issue or extension of visas or applications for the issue or renewal of residence permits.
2. The public service mentioned in the previous paragraph shall be responsible for charging in full the amounts settled at the time of submission of the application.
3. The public service responsible for migration does not receive or examine any application until the respective fee is paid.

#### **Article 132**

##### **Returns and destination of charges**

1. Where the applicant's request is not granted or refused in accordance with the law for reasons attributable to the public service responsible for processing his/her application, the applicant may request the return of the fee previously paid, on presentation of proof of payment.
2. The proceeds of the fees are State revenue.

### **CHAPTER X**

### **IMMIGRATION OFFENCES**

#### **SECTION I**

#### **CRIMES**

#### **Article 133**

##### **Breach of the exclusion order**

1. Foreign nationals who enter national territory during the period in which they were forbidden to do so in the context of a removal procedure from the national territory shall be punished by imprisonment for up to one year.
2. In the event of conviction, the court may order the expulsion of the foreign citizen by means of a duly substantiated judicial decision.
3. Without prejudice to paragraph 1, an alien may be removed from the territory of the RDTL in order to comply with the time limit for the period of the prohibition on entry in accordance with the procedure in which his/her removal was ordered.

#### **Article 134**

##### **Marriage for convenience**

1. Anyone who marries for the sole purpose of obtaining a visa or a residence permit or for the purpose of defrauding the law in force in immigration matters shall be punished by imprisonment of between 2 and 5 years.
2. Whoever promotes marriages for convenience as defined in the previous paragraph shall be punished by imprisonment of 2 to 5 years.
3. Whoever practices the acts foreseen in the previous numbers in a repeated manner is punished with imprisonment from 3 to 8 years.
4. The attempt is punishable.

#### **Article 135**

##### **Aid for illegal migration**

1. Any person who favors or facilitates in any way the irregular entry or stay of an alien in national territory, or his or her departure in cases where he or she was forbidden to do so, shall be punished by imprisonment for up to one year.
2. If the agent commits the conduct referred to in the previous paragraph with a lucrative intention, he shall be punished with imprisonment of 2 to 5 years.
3. If the conduct referred to in paragraph 1 is committed with intent to make a profit by a person who makes a living from it or does so in an organized manner or in co-authorship with one or more persons, it shall be punished by imprisonment of between 3 and 12 years.
4. The punishment for the conduct provided for in the preceding paragraphs shall not exclude liability for any other criminal offences for which the same conduct has been committed.
5. The attempt is punishable.

#### **Article 136**

##### **Illegal labor recruitment**

1. Whoever places or mediates the placement, for remuneration in cash or in kind, of a foreign national to work in any branch of economic activity which does not have a visa or appropriate residence permit for that purpose shall be punished by imprisonment from 1 month to 3 years.
2. The attempt is punishable.

#### **Article 137**

##### **Kidnapping, slavery, trafficking and sale of persons**

The crimes of kidnapping, submission to slavery, trafficking in persons or human organs and the sale of persons, related to immigration and asylum offences, are punishable in accordance with the general penal regime and other applicable special legislation.

#### **Article 138**



## **Criminal association**

The crime of criminal association shall be defined and punished in accordance with the applicable criminal law.

### **Article 139**

#### **Research**

1. Without prejudice to the powers of other criminal police bodies, the public service responsible for migration shall be responsible for investigating and prosecuting the crimes provided for in this Chapter and related crimes in accordance with the legislation applicable to the organization of criminal investigations.
2. For the purposes of the preceding paragraph, crimes related to trafficking in persons, forgery of travel documents, visas or authorizations provided for in this Law and those provided for in Articles 303, 304, 305 and 306 of the Penal Code when committed in connection with migration offences shall be considered crimes.

### **Article 140**

#### **Additional penalty of expulsion from national territory**

Foreign nationals committing the crimes provided for in this Section may be subject to an additional penalty of expulsion in accordance with criminal law.

## **SECTION II**

### **ADMINISTRATIVE OFFENCES**

#### **SUBSECTION I**

#### **INFRINGEMENTS AND PENALTIES**

### **Article 141**

#### **Illegal stay**

In cases where the alien exceeds the period of authorized stay in national territory, the following fines shall apply:

- a) From US\$ 150 to US\$ 230 when the period of excess stay does not exceed thirty days;
- b) From USD 230 to 350 when the period of overstay exceeds thirty days but does not exceed ninety days;
- c) From USD 350 to USD 580 when the period of overstay is more than ninety days.

### **Article 142**

#### **Transport of foreign nationals not allowed to enter**

Companies and any other entities or persons who, with intent or negligence, transport to national territory foreign citizens whose entry into the RDTL is not authorized are subject, for each of those transported, to the imposition of a fine of \$ 500 to \$1,500.

### **Article 143**

#### **Unauthorized professional activity**

A fine of 200 to 1,000 U.S. dollars is imposed on the exercise of independent professional activity or on behalf of an employee by a foreigner who is not qualified with a visa or appropriate residence permit, when required.

### **Article 144**

#### **Use of illegal labor**

Legal or natural persons who use foreign workers who are not qualified to carry out professional activities under the terms of this statute shall be subject to a fine of between US\$ 750 and US\$ 1,500 for each person found to be illegally engaged in the said activity.

**Article 145**

**Non-renewal of a residence permit in due time**

The foreigner who requests renewal of the temporary residence permit more than thirty days after the expiration of its validity is imposed a fine of 100 to 250 U.S. dollars.

**Article 146**

**Lack of registration of accommodation**

For each foreigner who is not registered in a book or on a proper medium, in accordance with Article 16, a fine of USD 50 to 250 shall be imposed on the holder of the registration obligation, without prejudice to any criminal liability for aiding illegal immigration.

**Article 147**

**Non-compliance with other duties**

Violation of the duties of communication and registration, as well as the violation of any other duties provided for in this statute for which no express sanction is foreseen, shall be punished by a fine of 30 to 250 US dollars, without prejudice to the accessory sanctions provided for by law.

**Article 148**

**Recidivism**

A repeat offence under any of the offences provided for in this section shall be punishable by a fine of twice the amount of the fine.

**SUB-SECTION II**

**REGIME OF ADMINISTRATIVE OFFENCES AND FINES**

**Article 149**

**News report**

1. Without prejudice to the following article, for each infraction for which a fine is imposed under the terms of this law, the public service responsible for migration shall issue a notice.
2. If more than one infraction is detected in relation to the same agent, a single notice will be issued for all of them.
3. The report shall contain the place and date of the violation, the name of the offender and his legal representative, where applicable, their address, the circumstances that motivated the violation, the legal rules infringed, the name and contact details of the witnesses who witnessed the violation, as well as the identification and signature of the agent who raised the report.

**Article 150**

**Notification for voluntary payment and complaint**

1. The notice is immediately notified to the offender, together with the information that he/she may voluntarily pay the fine within ten working days, at the very least, or within the same period claiming the imposition of the fine.
2. The complaint referred to in the previous paragraph shall be addressed to the head of the public service responsible for migration and shall be accompanied by all means of evidence that in the opinion of the complainant justify the non-payment of the fine.

3. In case the complaint is not met, a new period of five working days is granted for the voluntary payment of the fine at the legal minimum.
4. Voluntary payment of fines is made by means of guides in triplicate to be issued by the public service responsible for migration, and the fines are paid in the treasury, one copy remaining in the possession of the treasury, another in the possession of the offender and the third one being delivered to the public service responsible for migration for proof of payment.

#### **Article 151**

##### **Absence of voluntary payment**

1. In the absence of voluntary payment, the notice, accompanied by other relevant documentation, is sent to the Public Prosecutor's Office, which forwards it to the District Court of the place where the infraction was committed in order to proceed to execution.
2. Upon receipt of the file, the judge files the special execution proceedings and marks the day for the hearing, ordering the plaintiffs and the offender to be notified, with the information to the latter may produce not more than three witnesses and produce other evidence.
3. The appearance of the offender at the hearing is not mandatory and the Court will rule in his absence provided that it is shown that he has been duly summoned to attend.
4. Once the evidence has been presented and if the Court does not decide on the acquittal, it shall proceed to conviction and shall set the fine in accordance with the criteria defined in the following article and within the legal limits, increased by the costs due.
5. The decision shall be notified immediately to the offender if he is present, or by a bailiff if he is absent, or by public notice if the bailiff is unable to locate him within five working days, with a time limit for voluntary payment, at the end of which, in the absence of payment, the sentence shall be enforced.

#### **Article 152**

##### **Criteria for setting fines**

1. In setting the amount of the fines, the following criteria in particular shall be taken into account the:
  - a) economic situation of the offender;
  - b) economic advantages drawn from the infringement;
  - c) recidivism;
  - d) deceit;
  - e) damage caused to society, the State or other public entities.
2. In the offences provided for in this law, negligence is always punishable.
3. In the event of negligence, the minimum and maximum amounts of the fine shall be reduced by half of the amounts set for each fine.

#### **Article 153**

##### **Prevention of acts**

No visas are granted or extended, or residence permits are granted and renewed, or any acts performed in favor of an alien are carried out, without proof of payment of the fines due and that no further appeal is allowed.

#### **Article 154**

##### **Destination of fines**

The amounts of the fines collected under the terms of this statute are State revenue.

**CHAPTER XI  
FINAL AND TRANSITIONAL PROVISIONS**

**Article 155  
Identification of foreigners**

1. For the purposes of this law, the public service responsible for migration may use the means of identification necessary for the control of persons entering, leaving or remaining on national territory.
2. For the purposes of the preceding paragraph, police authorities may use the procedures established in the criminal procedural law for the identification of suspects, namely through photographic evidence, lofoscopic prints and ocular iris scanning.

**Article 156  
Border Management System**

1. The regulations establishing the organization, content and functioning of the Border Management System (BMS) shall be adopted by decree.
2. The FMS comprises a computer database, intended to ensure:
  - a) border management and reporting;
  - b) information on movements of persons into and out of the national territory;
  - c) permanence of foreigners in the country;
  - d) visa applications and their results;
  - e) list of persons not admissible under this Act;
  - f) list of persons subject to entry or exit restrictions.

**Article 157  
Waiver of visas**

The Government may, in view of the tourist flow, exempt citizens of certain nationalities from the requirement to hold visas for tourism, transit or airport transit, or aggravate the conditions under which they are issued and authorized.

**Article 158  
Regulations**

The Government shall approve within ninety days from the date in force of this law the complementary regulations necessary for its implementation.

**Article 159  
Approval of models and forms**

The member of the Government responsible for migration shall approve by ministerial decree all models and forms necessary to implement this law.

**Article 160  
Transitional provision**

1. Special stay permits, visas and residence permits granted or decided under Law No. 9/2003 of 15 October shall remain valid until their expiry date.
2. The current regulation of Law no. 9/2003, of 15 October, remains in force until a new regulation is issued.

**Article 161  
Revocation rule**

Law No. 9/2003 of October 15, Decree-Law No. 5/2010 of March 16 and any other legal or regulatory provisions contrary to the provisions of this law are hereby repealed.

**Article 162**  
**Entry into force**

This law shall enter into force 90 days after its publication.

Approved on March 7, 2017.

The President of the National Parliament,

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**Adérito Hugo da Costa**

Enacted on May 19, 2017.

Be it published.

The President of the Republic,

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**Taur Matan Ruak**

## ANNEX I

(Table referred to in Article 128)

<b>Issue of Visa</b>	<b>Fee</b>
Airport transit visa	20 USD
Temporary stay visa	50 USD
Residence permit	50 USD
Business visa Class I	100 USD
Business visa Class II	150 USD
Work visa	100 USD
Transit visa	20 USD
Tourism visa	30 USD
<b>Issue of Residence permit</b>	<b>Fee</b>
Temporary residence permit	100 USD
Permanent residence permit	150 USD

## ANNEX II

(Table referred to in Article 129)

<b>Visa Extension</b>	<b>Fee</b>
Temporary stay visa	50 USD
Business visa Class I	100 USD
Business visa Class II	150 USD
Work visa	100 USD
Transit visa	20 USD
Tourism visa	40 USD
<b>Renewal of Residence Permit</b>	<b>Fee</b>
Temporary residence permit	100 USD
<b>New Card Issue</b>	<b>Fee</b>
Resident Card	25 USD