

**Law No. 10/2021
of June 16
PROCEEDS THE FIRST AMENDMENT TO LAW No. 11/ 2017, OF MAY 24,
MIGRATION AND ASYLUM LAW**

The Migration and Asylum Law, approved in 2017, establishes the legal framework that allows, in particular, to control and monitor the entry and stay of foreign citizens in national territory, in the context of internal security policy.

The Agreement between the Democratic Republic of Timor-Leste and the Holy See, ratified by National Parliament Resolution No. 18/2015, of 11 November, enshrines specific rules regarding the entry and stay in the country of foreign missionaries.

In this context, recognizing the deep historical relations between the Catholic Church and Timor-Leste, and within the framework of current legislation, the temporary residence permit issued to foreign missionaries under the Agreement is enshrined in law, as well as the procedures to be adopted for its granting.

Thus, the National Parliament decrees, under the terms of Article 95.1 of the Constitution of the Republic, to be valid as law, the following:

Article 1

This law proceeds to the first amendment to Law No. 11/2017, of May 24, Law on Migration and Asylum, rectified by Rectification Declaration No. 9/2017, published in the Official Gazette, Series I, No. 27, of July 12, 2017.

Article 2

Amendment to Law No. 11/2017, of 24 May 2017

Articles 13, 41, 59 and 127 of Law No 11/2017 of 24 May are amended as follows:

« Article 13.o [...]

1. [...]
2. [...]
 - a) [...]
 - b) [...]
 - c) [...]
 - (d) produce evidence that they apply for the type B temporary residence permit referred to the Article 59(4);
 - (e) [Former point (d)].
3. [...]

**Article 41
[...]**

Foreign citizens do not need a visa for temporary residence:

- a). Mentioned in article no 3 and article no 70;
- b) [...]

- c) [...]
- d) [...]
- e) Who have the minor children with Timorese nationality and for whom that they provide and support their education.
- f) [Revoked]
- g) [Revoked]

Article 59 [...]

1. The authorization visa for temporary residence permit is divided into type A and type B.
2. The authorization visa type A for temporary residence permit is valid for two years, renewable for equal periods, and is issued:
 - a) [Former point (a) in the body of the Article];
 - b) [Former point (b) in the body of the Article];
 - (c) [Former point (c) in the body of the Article];
 - (d) [Former point (d) in the body of the Article];
 - (e) [Previously (e) in the body of the Article].
3. The authorization visa for type B temporary residence permit is valid for five years, renewable for equal periods, and is issued to the foreign missionary under the terms of National Parliament Resolution No. 18/2015 of November 11.
4. Granting authorisation visa for type B temporary residence permit, mentioned in number 3, requires a previous request to the public service responsible for migration, based on the elements required in paragraphs a) to g) of number 1 of article 65, within 30 working days prior to the foreseen date of arrival of the foreign missionary in national territory, through the Apostolic Nuncio accredited in the Democratic Republic of Timor-Leste, addressed to the Ministry responsible for foreign affairs, which subsequently communicates it to the member of the Government responsible for migration.
5. The fulfillment of the request mentioned in the previous number and, cumulatively, the approval by the member of the Government responsible for configured the migration, constitute, for legal purposes, a waiver of the entry visa, under the terms of paragraph d), part No. 2 of the Article 13 and paragraph a) of the Article No. 41.

Article 127 Payment

1. [...]
2. [...]
3. [...]

4. Under National Parliament Resolution No. 18/ 2015 of November 11, foreign missionaries are exempted from paying fees for services provided by the public service responsible for migration.
5. [Former no. 4]."

Article 3

Repeal

The Article 41(f) and (g) are revoked.

Article 4

The Law No. 11/2017, of May 24, is republished in an annex to this law, with its current wording and the necessary legal corrections, and is an integral part of this law.

Article 5

Entry into force

This law shall enter into force on the day following its publication.

Approved on May 10, 2021.

The Speaker of the National Parliament,
Aniceto Longuinhos Guterres Lopes

Promulgated on June 7, 2021. Published.

The President of the Republic,
Francisco Guterres Lú Olo

ANNEX

Republication of Law No. 11/2017, of May 24 Migration and Asylum Law

The continuous increase in the mobility of people, the globalization of social and economic challenges affecting various regions of the globe, terrorism, and transnational organized crime are key aspects of the new international paradigm and imply continued attention from States regarding the control of migration flows.

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

During the validity of Law 9/2003, of October 15, there were also some discrepancies between the reality of migratory movements and the internal security needs of the country.

In this context, it is urgent to reformulate the legal framework that regulates the entry, stay and exit of foreigners and the entry and exit of nationals from national territory, thus enabling Timor-Leste to provide a more adequate response to the challenges posed in this area.

Among the innovations introduced by the present diploma, one can highlight the increase of definitions that assist in the interpretation and application of the law, the reformulation of the concept of special stay permit, making it clearer which foreigners can benefit from this stay regime, the redefinition of the range of visas that can be granted by Timor-Leste, highlighting the introduction of the courtesy visa the business visa and the temporary stay visa for dependents, the creation of clearer rules for the extension of visas and for obtaining a residence permit, the clarification of the procedure to obtain asylum, the increase of fees and fines, and, finally, the criminalization of the violation of the measure of prohibition of entry and of marriage for convenience.

As for the tariffs, their creation is subordinated to the principles of economic equivalence for the service provided by the State, so that their respective value was set considering the real costs of their emission, in respect for the pursuit of public interest and the satisfaction of the State's financial needs.

The National Parliament enacts, pursuant to the Article 95(1) of the Constitution of the Republic, to be valid as law, the following:

CHAPTER I GENERAL PROVISIONS

Article 1

Object and scope

1. The present diploma regulates the conditions and procedures for the entry, stay, exit and removal of foreigners and stateless persons from the national territory, as well as the conditions for entry and exit of nationals of the Democratic Republic of Timor-Leste (RDTL).
2. The provision in the previous number does not harm the special regimes foreseen in treaties, international conventions or protocols to which the RDTL is a party or that it may sign, especially in the framework of the Community of Portuguese Language Countries or other international organizations of which East Timor is a member.

Article 2 Definitions

For the purposes of the provisions of the present diploma

- a) "Readmission Agreement" shall mean the agreement, convention, protocol or any other instrument of international nature, bilateral or multilateral, to which Timor-Leste is a party and which deals with the conditions for active and passive readmission of aliens to the territory of the Contracting States;
- b) "Stateless", the individual who is not a national of any state;
- c) "Business activity", for immigration purposes, is the production, distribution, and marketing of goods or the provision of services, regardless of their nature, carried out in the economy of the country under the Private Investment Act;
- d) "Geneva Convention" means the United Nations Convention relating to the Status of Refugees, concluded in Geneva on July 28, 1951, the scope of application of which was extended by the New York Protocol of January 31, 1967, ratified by National Parliament Resolution No. 20/2003 of September 17;
- e) "Administrative deportation decision" means the decision to deport a foreigner from national territory, adopted by the member of the Government responsible for migration, in accordance with the present diploma;
- f) "Judicial expulsion decision" means the decision to expel a foreign national from the national territory by a competent court under criminal law;
- g) "Police detention" means the subjection to a custodial measure at sight exercised by law enforcement agencies in public facilities for the purpose of submission to proceedings of a criminal procedural, counter-due process or counter-orderly nature;
- h) "Foreigner" means an individual who, in accordance with Article 3 of the Constitution of the Democratic Republic of Timor-Leste, in conjunction with the provisions of the nationality law, is not considered a national citizen of RDTL;
- i) "Border", the strip that separates the national territory from neighbouring countries;

- j) "National interest" means the set of material and immaterial values that are protected by law and by public policies established by the competent bodies;
- k) "Minor" means a person who, according to the applicable law, has not yet reached the age of majority;
- l) "Unaccompanied minor" means a minor who enters and leaves national territory unaccompanied by an adult who is his or her legal representative, or while not effectively taken into the care of such a person, or who has been abandoned after entering national territory;
- m) "Reasons or grounds for persecution", are all acts of persecution that are capable of founding 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 the set of measures which, by their cumulation, nature or repetition, affect the alien or stateless person in a similar manner to that resulting from a serious violation of fundamental rights;
- n) "Political opinion" means the opinion or idea relating to stalking agents, particularly as to their policies and methods, whether or not that opinion or idea is expressed;
- o) "Country of origin" means the country or countries of nationality or, in the case of stateless persons, the country in which they had their habitual residence;
- p) "Safe country" means the country of origin, habitual residence or to which the applicant for asylum has been admitted, and in relation to which it can be objectively and verifiably established that it does not give rise to any refugees or in relation to which it can be established that the circumstances which previously could have justified recourse to the 1951 Geneva Convention no longer exist;
- q) "Host third country" means a country in which the asylum seeker has been found not to be subject to threats to his life and freedom, within the meaning of Article 33 of the 1951 Geneva Convention, or to torture or 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 in order to seek protection, or has been admitted and has enjoyed genuine protection against refoulement, within the meaning of the 1951 Geneva Convention;
- r) "Illegal stay" means the stay in national territory of an alien who has entered the country in disregard of the provisions of this law, who remains there without a valid visa or authorization, or who carries out an activity in national territory for which he or she is not authorized;
- s) "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, that:

- i. No refugee may be returned, expelled or extradited to a country or to a place where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion, unless he constitutes a threat to national security or has been convicted by final judgment of a particularly serious crime, excluding convictions on exclusively political, ideological or religious grounds;
 - ii. No person may be expelled or deported to a country or place where there are strong indications that he or she might be subjected to torture.
- t) "Active readmission" means the readmission to a foreign territory of a person who is unlawfully present in the national territory following a request made by the RDTL to the State of which the person is a national or has his or her habitual residence there;
- u) "Passive readmission" means the readmission by the RDTL, on its national territory, of a person who is staying illegally in a foreign territory, upon request by the country in which he/she is staying;
- v) "Refugee", the foreigner or stateless person to whom the right to asylum is recognized under the terms of this diploma and of Article 1, A (1) and (2) of the 1951 Geneva Convention on the Status of Refugees, whose scope of application was extended by the New York Protocol of January 31, 1967 and ratified by National Parliament Resolution No. 20/2003 of September 17;
- w) "Asylum seeker" means a foreigner or stateless person who has submitted an application for asylum which has not yet been the subject of a final decision;
- x) "Resident" shall mean a foreigner who has a valid residence permit issued under the terms of this law;
- y) "Legal representative of a minor" means the holder of parental authority or the person who has guardianship of the minor under the terms of the Civil Code;
- z) "Tariff" means the pecuniary benefit established in favor of entities integrated in the Public Administration whose value corresponds economically to the service provided;
 - aa) "Carrier" means any natural or legal person that provides passenger transport services by air, sea or land, on a professional basis;
 - bb) "Visa" means the authorization to travel, enter and stay in the national territory, for a determined purpose;
 - cc) "Long-stay visa", a visa issued by the Timorese entities for a duration of six months or more;

dd) "Volunteer", the work of social and community interest, in which all the activity performed reverts in favor of a cause of public interest, of national or international scope and purposes, as a rule without receiving remuneration or profit;

ee) "International zone", for the purposes of documentary control and application of the provisions of this diploma, is considered an international zone:

- i. The area of the territory between the embarkation-disembarkation points and the place where the documentary checks on persons are located, at ports and airports;
- ii. The area between the foreign territory and the people's documental control posts, at the land borders.

CHAPTER II RIGHTS AND DUTIES OF THE FOREIGNER

Article 3 Principle of legality

Foreigners staying in 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 according to their status as foreigners and the rights that are reserved for nationals of the Democratic Republic of East Timor.

Article 4 Documents

1. Foreigners must at all times carry a document proving their identity and nationality, as well as their stay in national territory, in accordance with the provisions of the present diploma.
2. Foreigners admitted into national territory, with a visa requirement, throughout their stay, save exceptional and duly justified conditions, are obliged to keep the travel document used for entry into national territory valid.
3. The identity and travel documents provided for in the previous number must be shown by the foreign national whenever requested to do so by any police or judicial authority.

Article 5 Obligation to communicate

Foreigners authorized to remain or reside in national territory under the terms of this document, for a period equal to or exceeding six months, are obliged to communicate to the public service responsible for migration, within sixty days of the date on which it occurs, any change to their name, profession, domicile or nationality.

Article 6

Right to work

1. Foreigners are entitled to engage in salaried activities, either independently or as subordinates, subject to the limitations established by law.
2. A foreigner who does not hold a visa or the appropriate document in accordance with the terms of this law is not permitted to engage in any remunerated activity.
3. The holder of a work visa for the exercise of remunerated activity as an employee may only exercise his activity for an entity other than the one which hired him by means of express authorization from the public service responsible for migration, under penalty of the visa being cancelled under the terms of article 49.
4. The provisions of this article apply to any work activities carried out with or without remuneration, including voluntary work.
5. The Government shall define from time to time the professional activities that cannot be performed by foreigners.

Article 7

Right of Association

1. Foreigners shall be allowed to join or become members of associations, namely for cultural, religious, recreational, sports, charitable or relief purposes, as well as to participate in meetings commemorating their national dates.
2. For reasons of national security, in addition to the requirements demanded by special laws on non-profit legal entities, the registration of associations that are exclusively composed 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 foreseen in the previous number is made by means of a request addressed to the member of the Government that is in charge of migration, in which the purposes of the association are briefly stated and a copy of its by-laws or articles of association is attached, as well as the composition of its governing bodies.

Article 8

Cancellation of the association registration

1. The member of the Government responsible for migration, through a grounded order, may propose to the member of the Government responsible for the registration of associations that the registration of any association be cancelled if it has obtained the registration by making false statements regarding its purposes or if, after registration, it exercises illegal activities.

2. The member of the Government that oversees migration communicates the facts foreseen in the previous number to the Public Prosecutor's Office for possible extinction of the association and criminal proceedings against those responsible.

Article 9

Restrictions

1. It is prohibited for foreigners to:
 - a) To participate in the political life and public affairs of the RDTL;
 - b) Own private property in the country;
 - 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) To interfere, directly or indirectly, in the affairs of the State;
 - e) Pressuring or coercing any person, group or association to adhere to the ideas, programs or norms of action of political parties or factions in any country.
2. The restriction provided for in paragraph d) of the previous number does not include:
 - a) Activities of a strictly academic nature;
 - b) Foreign technical assistance contracted by State institutions;
 - c) Assistance programs agreed upon bilaterally or multilaterally aimed at capacity building and strengthening the democratic institutions provided for in the Constitution and regulated by law.

CHAPTER III

ENTRY, STAY AND EXIT FROM THE NATIONAL TERRITORY

SECTION I

General Provisions

Article 10

Border posts

1. Entry into and exit from the national territory shall take place exclusively at border crossings authorized for this purpose and during their opening hours, without prejudice to entry and exit at land border crossing points used for traditional, customary or commercial reasons, under conditions that have been bilaterally agreed upon 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 control at border crossings.
3. The member of the Government responsible for migration may define, by order, temporary exceptions to the requirements set out in paragraph 1, whenever reasons of national interest and public order so require.

Article 11
Right of Entry and Exit

1. Any person who, through the presentation of an identity document issued by the authorities of the DRTL, proves to be a national of the DRTL or who, being a foreigner, meets all the requisites foreseen in the present diploma to enter the country has the right to enter national territory.
2. All people who are not subject to any order or restriction issued under the terms of the law have the right to leave the national territory.
3. For the effects of the previous number, the courts have exclusive competence for the application of measures prohibiting absence from national territory under the terms of the law and must communicate this fact to the public service responsible for migration.

SECTION II
General Conditions for Entry, Stay and Exit

Article 12
Travel documents and documents that replace them

1. For entry and exit from national territory, nationals and foreign citizens must carry a travel document recognized as valid.
2. For the purposes of entry by foreign citizens, the travel document must be valid for more than six months in relation to the duration of the stay, except in the case of re-entry of a foreign citizen residing in national territory or a foreign citizen with an authorization for a special stay or a long-stay visa and only when there is a diplomatic representation in national territory of the country of which he/she is a national that can issue a new travel document.
3. May also enter or leave the national territory, foreign citizens and nationals who:
 - a) Are in possession of a border crossing permit and a permit to move within border areas, issued under the Agreement between the RDTL and the Republic of Indonesia on Traditional Border Crossing and Regulated Markets, approved by the Resolution of the National Parliament No 21/2009, of May 28;
 - b) Are holders of a laissez-passer or equivalent issued by the authorities of the State of which they are nationals or the State that represents them;
 - c) Are holders of a flight license or crew member certificate referred to in Annexes numbers 1 and 9 of the Convention on International Civil Aviation or other documents that replace them, when in service;
 - d) The document holders with a maritime identity are referred to Convention 108 of the International Labor Organization, while on duty;

- e) The documents holders of a "laissez passer" issued by the United Nations Organization (UNO);
 - f) The documents holders of the travel document referred to Geneva Convention of July 28, 1951.
4. The laissez-passer provided for in paragraph b) of the previous number is valid only for transit and whenever issued on national territory as it follows the provisions of Article 21.
 5. Foreigners who have valid documents issued by the RDTL under the terms of the law are also authorized to leave national territory.

Article 13

Entry visa

1. In order to enter the national territory foreigners must hold a valid visa appropriate for the purpose of their trip, in accordance with the provisions of the present diploma.
2. Foreigners may enter national territory without a visa if for those:
 - a) Are qualified with a valid residence permit or identity card granted to diplomatic and similar personnel, under the terms of the present diploma;
 - b) Are qualified with a special status permit;
 - c) Prove that they are at the service of the UN or any of its agencies accredited in the national territory;
 - d) Prove they apply for the type B temporary residence permit foreseen in number 4 of article 59.
 - e) Are exempt from the obligation of an entry visa as a result of bilateral or multilateral agreements concluded by the DRTL and the State of which they are nationals.
3. Foreigners who enter national territory with a visa exemption have a maximum stay limit of ninety days (90), without prejudice to cases in which their stay is extended under the terms of the present diploma.

Article 14

Special residence permit

1. A special stay permit shall be granted, exempting visa requirements
 - a) To those who are directly in the service of the institutions of the Timorese State under an employment contract or service contract;

- b) Foreigners who are directly linked to the UN, or any of its agencies, or to another international organization duly accredited in the DRTL, through an employment contract or contract for the provision of services;
 - c) Aliens who are directly linked to cooperation programs between the DRTL and the State of which they are nationals or are at the service of such a program, through an employment contract or contract for the provision of services;
 - d) Foreigners who are directly linked to cooperation programs between the RDTL and non-governmental organizations duly established in the national territory, through an employment contract or a contract for the provision of services.
2. The special stay permit is not granted to foreigners who are at the service of third party entities that have contracts with any of the entities referred to in the previous number.
 3. The granting and extension of the authorization are the responsibility of the member of the Government who is responsible for migration and must be requested by the highest representative of the entity or institution to which the foreigner is linked.
 4. The foreigner who has obtained a favorable dispatch granting authorization for a special stay must go to the public office responsible for migration within thirty (30) days after the date of the dispatch to have his/her passport stamped.
 5. The special stay permit is valid for the period of the contract, up to a maximum of one (1) year, and can be extended for identical periods.

Article 15

Means of subsistence

1. Aliens intending to enter the national territory must have sufficient means of subsistence for the duration of their stay.
2. For the purposes of the preceding paragraph, the minimum amount per capita for the stay of an alien holding a transit visa, a tourist visa or a Class I business visa is the equivalent of
 - a) 100 US dollars for each entry into the national territory;
 - b) 50 US dollars for each day of stay in national territory.
3. The amounts foreseen in the previous number may be dispensed with upon presentation of a term of responsibility signed by those who guarantee food and lodging during the foreigner's stay, namely by:
 - a) National citizen;
 - b) Holder of residence permit;

- c) Holder of a diplomatic or consular corps card;
 - d) Holder of a visa for temporary stay to develop a specialized activity;
 - e) Holder of a working visa;
 - f) Business visa bearer;
 - g) Residence visa holders;
 - h) Holder of a special stay permit;
 - i) Legal entity registered in Timor-Leste.
4. The statement of responsibility provided for in the previous paragraph implies for its signatory joint and several liability for the payment of all sums expended by the State in the event of the foreign national's removal from national territory, without prejudice to any criminal liability that may be incurred under the terms of the law.
 5. For the purposes of the previous number and after the respective debt has been settled by attached note, the term of responsibility shall have the nature of an enforceable title.
 6. The amounts referred to in paragraph 2 shall be updated annually by joint ministerial decree of the members of the Government responsible for migration and finance, in accordance with the rate of inflation.

Article 16

Accommodation

1. Foreigners intending to enter and remain in national territory must indicate the type and location of the accommodation where they are staying.
2. Legal persons who in any way provide lodgings to foreigners must record this in a specific book previously stamped by the public service responsible for migration, or by other means defined by the member of the government responsible for migration.
3. Individuals who in any way provide lodging to a foreigner must communicate this fact to the public service responsible for migration or, when this is not possible, to the police authorities nearest their residence.
4. The registration or communication referred to in the previous numbers must include the foreigner's name, date of birth, copy of identity document, nationality, date of entry and date of exit from the accommodation.

Article 17

Return

The foreigners wishing to enter national territory must prove that he or she ensures the return trip to a country where his or her admission is guaranteed.

Article 18
Checking the validity of documents

1. The public migration office may, in case of doubt as to the authenticity of the documents presented and issued by national entities, have access to the information contained in the file which enabled the document to be issued.
2. To facilitate the verification referred to in the previous paragraph, a link may be established between the Border Management System and other information systems existing in public agencies and services.

SECTION III
Special arrangements

Article 19
Entry and exit of minors

1. Without prejudice to the provisions of Chapter VIII, unaccompanied minors must be refused entry into national territory if their legal representative is not present on national territory, or if there is no one duly authorized by the latter to take responsibility for the minor.
2. Repatriation of unaccompanied minors refused entry under the terms of the previous number may only take place if their country of origin or a third country guarantees that they will be provided with adequate reception and assistance upon arrival.
3. Without prejudice to the provisions of the following number, foreign minors and the foreign citizens accompanying them will be refused entry into national territory if these persons do not prove, by means of a document with full evidentiary effect, that they are the minors' legal representatives.
4. When a minor is accompanied by a person who is not, or is not exclusively, the minor's legal representative, both minors and foreign nationals will also be refused entry or exit from national territory if they are not accompanied by a foreign exit authorization issued by the minor's legal representatives or by the other legal representative with a signature notarized by a notary public or equivalent.
5. The entry into the RDTL of foreign minors when their legal representative is not admitted into the national territory is not authorized, except in exceptional cases, duly justified.
6. In cases where the foreign minor is not admitted into national territory, the foreign citizen accompanying him at the time shall be refused entry.
7. Foreign minors will be allowed to enter and remain in national territory for the time necessary to be handed over to their legal representative, when there is reasonable suspicion that they are being subjected to any criminal act of the authorship or

complicity of those accompanying them, without prejudice to the criminal procedural measures applicable under the terms of the law.

8. Minors who are not accompanied by their legal representatives or when those accompanying them do not have the respective minor's exit permit will be refused exit from national territory.

Article 20

Authorization of entry in exceptional cases

1. In situations of relevant national interest or for urgent humanitarian reasons, the entry into national territory of foreigners who do not meet the legal requirements may be permitted.
2. Without prejudice to the regime foreseen in Chapter VIII concerning the right to asylum, the competence to authorize entry under the terms of the previous number is that of the member of the Government responsible for migration and, in situations of urgent humanitarian reasons, the competence to authorize entry is that of the head of the public service responsible for migration, with the possibility of delegation to those in charge of border posts.
3. The authorizations referred to in the previous number require a reasoned order.
4. The maximum validity of the authorization of entry and stay is thirty days, and may be extended for equal and successive periods.

Article 21

Laissez-passer

1. The head of the public service responsible for migration may issue the laissez-passer provided for in Article 12(3)(b) to aliens who
 - a) Demonstrate difficulty or impossibility to leave national territory because they do not possess a travel document;
 - b) Subject of a measure to expel them from national territory and are in possession of no travel document.
2. The travel document issued by the public service responsible for migration on national territory is intended to allow the holder to leave national territory and is valid for one single journey.
3. The travel document issued in accordance with the above paragraphs must only be issued if it is guaranteed that the authorities of the country to which the alien wishes to travel will allow him/her to enter its territory.

4. In exceptional cases, for serious and urgent medical or humanitarian reasons, the laissez-passer may be issued with the possibility of re-entry into the territory of the RDTL.
5. The laissez-passer issued to a foreigner does not prove the nationality of its holder.

Article 22
Passive readmission

1. Whenever a foreign citizen legally residing in the territory of the DRTL finds himself/herself irregularly in the territory of a country with which Timor-Leste has a bilateral readmission agreement, the foreign citizen must be readmitted to the DRTL, following a request addressed to the public service responsible for migration.
2. The citizen readmitted to the territory of the DRTL must be immediately returned to freedom after his identity has been verified and after being heard in a statement report about the reasons that implied his sending to national territory, as well as after confirmation that there are no pending judicial warrants against his person in 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 if
 - a) Do not meet the entry requirements provided for in the present diploma;
 - b) Constitute a well-founded danger or serious threat to public health, order and security, or to the international relations of the RDTL, namely if there is founded and strong evidence 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 acts contrary to the principles of the Democratic State of Law;
 - c) Have been convicted, with a final sentence, of a crime with an abstract sentence of three years or more;
 - d) Have been expelled from the national territory in accordance with articles 73 and following, while the period of prohibition of entry to which they are subject is still in force;

- e) Presenting false documents or make statements that are manifestly inconsistent with the true purpose of their stay on national territory.
- 2. The refusal of entry that does not depend on deadlines defined under the terms of the present diploma is periodically reviewed with a view to its maintenance or revocation.
- 3. The member of the government responsible for migration, upon proposal by the head of the public service responsible for migration, is competent to create a list of people who are not admissible to national territory.
- 4. The judicial and police authorities, within the limits of their respective powers, can request the interception of persons at the borders, upon request to the head of the public service responsible for migration, who organizes and disseminates a list of persons subject to entry or exit restrictions.
- 5. Entry cannot be refused to foreign citizens who were born in the territory of the RDTL and habitually reside here, or who are legal representatives of minors of Timorese nationality or minors who are nationals of a third State legally residing in Timor-Leste over whom they exercise paternal power or ensure their support and education.

Article 24 **Decision refusing entry**

- 1. The decision to refuse entry may only be taken after hearing the foreign national, whose statements may be reduced to writing by him/her.
- 2. The power to refuse entry into national territory belongs to the head of the public service responsible for migration, with the possibility of delegation to the heads of the border posts.
- 3. For the purposes foreseen in the previous numbers, the officers and employees of the border posts will give the highest priority and urgency to the resolution of pending situations and adopt the legally admissible precautionary measures that are humanely necessary until a decision is made regarding refusal of entry or admission.
- 4. A non-admitted alien may be placed, while awaiting a final decision or repatriation trip, in a temporary reception center, if any, in the international zone of the border post or in an equivalent place.
- 5. The person concerned will be notified in writing of the decision to refuse entry, in the official language and in a language which he/she understands, within 48 hours of his/her making his/her statement, stating the grounds on which it is based and setting out his/her rights and obligations, including the right to appeal, the time limit for lodging an appeal and the right to be assisted by a public defender or a lawyer duly authorised and freely chosen by him/her, at his/her own expense.

6. If an alien refused entry has not travelled by his own means, the carrier shall also be notified of the decision to refuse entry.

Article 25

Seizure of travel documents

1. When an alien presents a counterfeit, forged, foreign or fraudulently obtained document for entry into national territory, the competent authorities, after refusing entry, must
 - a) In the case of entry of foreigners who are travelling by their own means, seize their documents and proceed to deliver them and the foreign national to the police authorities of the country from which he/she intended to enter national territory;
 - b) In the case of the entry of aliens travelling by carrier, seize their documents and, upon surrender, entrust the alien to the carrier responsible for returning him/her to the place of departure.
2. Foreigners who have been refused entry under paragraph 1(b) will be transported by the carrier to the country to which they will return, which will initiate the appropriate procedure in accordance with its national law.
3. The documents of the alien refused entry under paragraph 1(b) will be forwarded by the public office responsible for migration to the police authorities of the country to which the alien will return.
4. The procedures laid down in paragraph 1(a) and (b) shall not discharge any obligation to report the facts to the competent judicial authority.

Article 26

Rights of aliens not admitted

1. During his stay in the international section of the border crossing point, an alien who has been refused entry into national territory may communicate with the diplomatic or consular representation of his country or with a person representing the interests of his country, as well as with any person of his choice.
2. Foreigners who are not admitted shall be informed of their right to appeal and, if they so request, may also be assisted by a public defender or lawyer duly qualified to practice law in national territory and freely chosen by them, at their own expense.

Article 27
Liability of carriers

1. Without prejudice to the carrier's criminal or administrative liability, the carrier who transports into national territory by air, sea, or land, an alien who has been lawfully refused entry, is obliged to promote his/her return as soon as possible, the regime established in Annex 9 to the International Civil Aviation Convention being subsidiarily applicable.
2. The return provided for in the previous paragraph is made to the point where the alien subject to refusal of entry began to use the means of transport or, if this is not possible, to the country where the respective travel document was issued, or to any other place where his/her admission is guaranteed.
3. Pending repatriation, the alien shall remain in the international area at the charge and under the responsibility of the carrier.
4. Where appropriate, an alien refused entry in accordance with Article 23(1) shall be removed from national territory under escort carried out by members of the public service responsible for migration in accordance with the law.
5. The carrier shall be responsible for all costs arising from the use of the escort, including the payment of all applicable legal fees.
6. In the event of refusal of entry at land borders, return shall take place immediately after completion of the formalities for refusal of entry.

Article 28
Hierarchical Appeal

1. The decision to refuse entry shall be subject to 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 previous number does not have suspensive effect.

Article 29
Contentious appeal

The decision to refuse entry under the terms of the previous article is subject to contentious appeal, to be filed within fifteen working days, with merely devolutive effects.

TITLE IV
VISAS

SECTION I
General Provisions

Article 30
Valid documents

Valid documents for affixing visas are the travel documents defined as such in this diploma, with the exception of those which, due to their nature, do not have a place for affixing visas.

In the cases provided for in the last part of the previous number, visas shall be affixed on a separate sheet.

Article 31
Visas in family passports

1. Whenever family passports are presented, visas and respective control stamps will be issued in a number corresponding to the number of persons requesting entry and stay in the DRTL.
2. The entry of two or more persons under a family passport presupposes the corresponding extension of stay and exit of all persons covered, under penalty of illegal stay.
3. The provisions of the preceding paragraph are without prejudice to the special provisions set out in international agreements ratified by Timor-Leste.

SECTION II
Types of Visas

Article 32
Typology

1. Visas shall be granted in conformity with the purpose of entry into national territory and with the typology established in the following number.
2. The following types of visas are granted
 - a) Courtesy visa;
 - a) Transit visa;
 - b) Tourist visa:
 - c) airport transit visa;
 - d) Working visa;
 - e) Business visa Class I and Class II;
 - f) Temporary stay visa;
 - g) Residence Establishment Visa

Article 33
Courtesy Visa

1. A courtesy visa is granted by the Ministry responsible for foreign affairs to a foreigner who is traveling to the national territory on a business or official visit.
2. The visa referred to in the previous number is valid for one year, allows for periods of stay of up to thirty days and multiple entries.

Article 34
Transit visa

1. The transit visa is intended for foreign nationals who intend to enter national territory on a trip to another country.
2. The visa referred to in the previous number is valid for a maximum period of seventy-two hours, allows for two entries and, except as provided for in Article 51, cannot be extended.

Article 35
Tourist visa

1. The tourist visa is for foreigners who travel to national territory for tourism purposes.
2. The tourist visa is valid for thirty days and can be extended once for the same period of time, allowing for a single entry, except when the foreigner is traveling to or from Oe-Cusse Ambeno, in which case multiple entries are permitted.
3. The foreigner holding the tourist visa is not authorized to exercise any professional activity in the national territory.

Article 36
Airport transit visas

1. The airport transit visa is intended for foreigners who only wish to have access to the international zone of the airport and who continue their journey in the same or another aircraft, in accordance with the title of transport and, except for the provisions of Article 51, it cannot be extended.
2. Nationals of the States identified in a Government Resolution are subject to the airport transit visa.

Article 37

Work visa

1. The purpose of a work visa is to allow its holder to enter national territory in order to carry out a professional activity for hire or reward, in the form of an employment contract or as a service provider.
2. Foreigners who intend to do voluntary work for periods of more than 120 days per year must obtain a work visa for this purpose.
3. The work visa is valid for a maximum of one year, can be extended for equal periods and allows multiple entries.
4. The work visa only allows the holder to engage in the professional activity for which it was issued and has the limitations set forth in Article 6.
5. If the employment relationship on the basis of which the work visa was issued terminates, this must be communicated to the public office responsible for migration for cancellation of the visa in accordance with Article 49(1)(b) or authorisation to engage in another activity in accordance with Article 6(3).

Article 38

Business visa

1. A business visa is divided into class I and class II and is granted to foreigners who intend to carry out business activities in national territory in accordance with Article 2(1)(c).
2. A Class I business visa is issued to foreigners intending to enter Portuguese territory for the purpose of developing business or investment prospection activities.
3. The Class I business visa is valid for a maximum period of sixty days, allows multiple entries and, except as provided for in article 51, is not extendable.
4. The Class II business visa is destined for foreigners who intend to establish themselves in national territory to carry out business activities within the meaning of paragraph c) of no. 1 of article 2, by virtue of being a partner or administrator of a commercial company registered or to be registered in the RDTL, and who perform a certain important function therein, as long as 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 for multiple entries.

6. The extension of the class II business visa depends especially on the effective registration of the commercial company with the competent authority and on the continuous fulfillment of the legal obligations to which commercial companies are subject under the terms of the applicable legislation and the permanence of its holder in national territory for periods of not less than one hundred and eighty-three days per year in national territory.

Article 39

Temporary stay visa

1. The temporary stay visa is granted to students who intend to begin or continue their studies in national territory, to foreigners who intend to enter the country to develop specialized activities, to those who intend to do voluntary work, to dependent family members 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 destined for other activities not foreseen in the previous number, through a request presented and granted in the diplomatic or consular missions of the RDTL abroad.
3. The temporary stay visa for study is valid for the period of studies and can be extended for six months, allowing for multiple entries.
4. The holders of the temporary stay visa for study may be authorized to work part-time under terms to be regulated by the Government.
5. The temporary stay visa to develop specialized activities, of cultural, sports, scientific research, journalistic purposes or to perform highly qualified tasks, as an artist, sportsman, researcher, foreign media correspondent, or highly qualified technician, is valid for the period of the contract or mission up to a maximum of one year, can be extended for equal periods and allows multiple entries.
6. The temporary stay visa for carrying out short-term voluntary activities has a maximum validity of 120 days, allowing for multiple entries.
7. The temporary residence visa for dependent family members of aliens as referred to in paragraph 1 will be valid for the same period as the visa of the family member supporting the family and will be extended in the same way, allowing for multiple entries.

Article 40

Visa for Establishment of Residence

1. The purpose of the residence establishment visa is to allow its holder to enter national territory in order to request a temporary residence permit for the following purposes

- (a) Exercise of professional activity;
 - (b) family reunification;
2. The visa for residence is only granted to the interested party who demonstrates an intention to stay permanently in national territory, has the necessary means of subsistence, has ensured lodging conditions and has no criminal record.
 3. The visa to establish residence is valid for ninety days and allows multiple entries.
 4. If the foreigner applying for a visa under the terms of this article intends to engage in a professional activity, the following criteria will be taken into account when granting the visa
 - a) The purpose of providing skilled labor for the various sectors of the economy, in order to increase productivity and the assimilation of technology;
 - b) The objective of creating jobs for nationals, investing in their training.
 5. The number of foreigners to be admitted under the terms of the previous number, as well as the sectors of the economy in which they may not exercise their activity, shall be periodically established by resolution of the Government.
 6. The deadline for a decision on a request for a residence visa is thirty working days.
 7. The absence of a decision by the competent body to grant a visa to establish residence is equivalent to approval.

Article 41 **Waiver of residence fixing visa**

Foreign citizens do not need a visa to establish temporary residence:

- a) Mentioned in Article 59(3) and in Article 70;
- b) Children of holders of a residence permit who have reached the age of majority and have remained in national territory since the age of ten;
- c) Adults, born in national territory, who have remained 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 with Timorese nationality and for whom they provide for the maintenance and education.

- f) [Revoked]
- g) [Revoked]

SECTION III

Visa Applications and Issuance

Article 42

Place of application

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

Article 43

General pre-trial documents

1. The visa application shall be accompanied by all the supporting documents necessary for the type of visa requested, namely:
 - a) Full identification of the applicant by means of a photocopy of his/her passport, except when the visa is applied for orally at the border post;
 - b) A color passport-size photograph on a plain background, except when the visa is applied for orally at the border post;

- c) proof of means of subsistence on national territory in accordance with Article 15;
 - d) Declaration of accommodation or place of stay in accordance with Article 16;
 - e) a ticket for departure from national territory, or proof of possession 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) Copy of the short-term volunteer agreement, in the case of request for a visa for a temporary stay for volunteering;
 - h) Declaration of the educational establishment where the foreigner is enrolled, in the case of request for a visa for a temporary stay as a student;
 - i) A copy certified by the consular services of the applicant's country of nationality of a document proving the family ties between the applicant and his dependent family member, when applying for a temporary stay visa;
 - j) Certified copy of the employment contract or contract for the provision of services, internship contract or long-term volunteer agreement, when applying for a work visa;
 - k) Proof of professional qualifications, when applying for a temporary stay visa for specialized activity, work or business;
 - l) A certified copy of the commercial register, authorization to carry out an economic activity in accordance with the law and a certificate of debts of the entity to which the foreigner is bound, when it is a request for a work visa or business class II visa;
 - m) A physical and mental strength certificate, when applying for a temporary stay visa for a student and specialized activity, work visa, business class II visa, temporary stay for family members or for establishing residence;
 - n) Original criminal record issued by the competent authorities of the country of origin or the country where the foreigner has been residing for more than one year, when applying for a temporary stay visa, work visa, class II business visa, or a residence permit.
2. The entity competent to proceed with the instruction of the visa application may require from the interested party other adequate evidence to verify the credibility of the purposes alleged in the application, as long as it does not exceed the limits of reasonableness and does not violate the personality rights of the interested party or the fundamental rights, liberties, and guarantees of the foreigner.

3. Foreigners under the age of sixteen are exempt from presenting a criminal record.

Article 44

Competence for granting

1. The granting of courtesy visas is the responsibility of the member of the Government that is responsible for foreign affairs.
2. The granting of work visas, business visas, temporary stay visas and visas for establishing residence shall be the responsibility of the member of the government responsible for migration.
3. The granting of transit visas, tourist visas and airport transit visas is the responsibility of the head of the public service responsible for migration.
4. Without prejudice to the provisions of Article 35(3), the visas referred to in the previous number may be applied for orally and obtained upon arrival of the interested party at the border posts, provided that the other requirements established by law are met.
5. The members of the Government responsible for the area of migration and foreign affairs shall identify, in a joint ministerial document, the nationalities that are covered by the possibility of orally requesting visas upon arrival under the terms of the previous number.

Article 45

Delegation of competencies

1. The member of the Government responsible for foreign affairs may delegate his/her competencies for granting visas to the maximum representative of the diplomatic or consular representations of Timor-Leste abroad, and to the maximum representative of the department of consular affairs in national territory.
2. The member of the Government that oversees migration can delegate his/her competencies for granting visas
 - a) On the head of the public service responsible for migration;
 - b) The 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 grant a visa, as provided in paragraph 3 of the previous article, to
 - a) On his deputy;
 - b) The immigration deacon at the consular posts abroad;
 - c) The Heads of the migration offices of each border crossing point.

4. The head of the territorial representations of the public service responsible for migration may delegate his powers to his deputy.
5. The entity to which the competencies have been delegated according to the previous numbers, decides on the application submitted and communicates the decision to the applicant, in the terms to be defined in regulation.

Article 46

Obligatory opinion

1. The decision to issue a work visa shall require a reasoned opinion from the government body responsible for employment.
2. Decisions to grant business class II visas and visas for the purpose of residence for the exercise of professional activities shall also require a reasoned opinion from the government bodies responsible for private investment and employment.
3. The entities responsible for the issuance of an opinion shall issue it within fifteen working days from the date on which the opinion is requested by the entity responsible for granting the visa.
4. Failure to issue an opinion within the period referred to in the previous number is equivalent to a favorable opinion.

Article 47

Register

The issuance of any visa shall be immediately recorded in the Border Management System and made available to the public office responsible for migration and consular representations.

Article 48

Issuing of the visa

1. Upon receipt of the notification of the grant, the public migration office, the Ministry responsible for foreign affairs or the consular representations, as appropriate, shall issue the visa that has been granted and shall ensure the subsequent procedural steps that are necessary.
2. All visas granted under this law must be used within a maximum period of thirty days after being issued.
3. The rejection of a visa application, duly notified to the applicant, is subject to a hierarchical appeal to be filed within fifteen working days.

4. The rejection of the appeal lodged under the terms of the previous number is subject to a contentious appeal to be lodged within fifteen working days and under the general terms of the administrative procedure.
5. An appeal against a refusal to grant a visa has no suspensive effect on the decision.

SECTION IV

Cancellation of Visas

Article 49

Cancellation of Visas

1. Visas granted under the terms of this diploma may be cancelled if the conditions on which the visa was granted have changed, namely if the foreigner
 - a) Present the false statements or submitted counterfeit or forged documents when applying for a visa;
 - b) Engaging in an activity other than that for which the visa was issued, without having been authorised pursuant to Article 6(3);
 - c) Constitutes a threat under Article 23(1)(b).
2. The public office responsible for migration is competent to investigate the process of cancellation of the visa and draws up a report which it forwards to the member of the Government responsible for migration.
3. The competence to cancel visas lies with the member of the Government that is in charge of the public service responsible for migration after receipt of the report referred to in the previous number and by means of a duly reasoned order.
4. The decision to cancel a visa is notified to the foreigner, and may be appealed against, with suspensive effect, under the terms of no. 1 of article 28 and of article 29, with the necessary adaptations.
5. Cancellation of the visa implies the commencement of procedures to remove the foreigners from national territory.
6. Cancellation of the visa is registered in the Border Management System in such a way as to make this information accessible to the 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 is done in accordance with the provisions of the present diploma and can only be authorized in duly founded cases and, without prejudice to the following article, is only allowed when the assumptions 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 diploma may only take place in exceptional cases of serious and grave medical or humanitarian reasons, 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.
2. The extension of visas in the cases foreseen in the previous number is made for the time strictly and predictably necessary to obtain transportation to the destination of the interested party.

Article 52

Competence for Extension of Visas

1. The member of the Government responsible for migration is competent for granting requests for visa extensions in accordance with the law.
2. The member of the Government responsible for migration may delegate the power to grant visa extension requests 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 extension to the migration office at the latest 15 days before the expiry of the visa.
2. Submitting a request for an extension to the migration office shall interrupt the period of validity of the visa.
3. The request for extension of the temporary stay visa for students must include proof of academic success.
4. The extension of a 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 obligations.

Article 54
Refusal of application for an extension

1. A visa extension may be refused if the conditions on the basis of which the visa was granted or extended have changed or if the foreigner's presence on national territory constitutes a threat within the meaning of Article 23(1)(b).
2. The competence to refuse the visa extension request falls to the member of the Government responsible for migration, based on a reasoned proposal from the public service responsible for this area.
3. The decision to cancel a visa shall be notified to the foreigner and may be appealed against, with suspensive effect, under the terms of no. 1 of article 28 and of article 29, *mutatis mutandis*.
4. Rejection of a visa extension request implies the initiation of procedures for the expulsion of foreign nationals from national territory.
5. Refusal of a visa extension request shall be registered in the Border Management System in such a way as to be accessible to the services with competence in migration and asylum matters.

CHAPTER V
RESIDENCE PERMIT

SECTION I
General Provisions

Article 55
Types of residence permit

A residence permit comprises two types:

- a) Temporary residence permit;
- b) Permanent residence permit.

Article 56
Foreign minors born in national territory

1. Foreign minors born in national territory benefit from the same status granted to either of their parents, without prejudice to the rights recognized by the nationality law.
2. For the purposes of issuing the appropriate visa or residence permit, either parent must submit the respective request within six months of the registration of the minor's birth.

3. Once the period referred to in the previous paragraph has expired, either parent or legal representative may still apply to the member of the Government that oversees migration, for the granting of the appropriate visa or residence authorization for the minor by means of a reasoned request and presentation of the minor's birth registration.

Article 57

Waiver of Residence Authorization

1. The residence permit is not required of diplomatic, consular and similar agents, accredited in the DRTL, nor of the members of their families.
2. The permanence of the administrative, domestic, and similar personnel that work in the diplomatic missions or consular posts is ruled by the provisions of the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations.
3. The persons mentioned in the previous paragraphs are empowered with an identity card issued by the Ministry responsible for foreign affairs and cooperation, which is stamped by the public office responsible for migration.
4. The persons mentioned in paragraph 1 are also exempt from visa for their first entry into national territory, provided that they are holders of diplomatic or official passports and their arrival is previously communicated by the diplomatic mission or consular post of their country of origin to the Ministry responsible for foreign affairs, which subsequently informs the public service responsible for migration.

Article 58

Resident Identity Card

1. Foreign nationals authorized to reside in national territory are issued with a residence permit.
2. The residence identity card is considered to be sufficient proof of the civil identity of its holder and is the only identification document capable of proving the quality of the individual's residence in national territory.

SECTION II

Temporary residence permit

SUBSECTION I

General Provisions

Article 59

Temporary residence permit

1. The temporary residence permit is divided into Type A and Type B.
2. The type A temporary residence permit is valid for two years, renewable for equal periods, and is issued
 - a) For the exercise of professional activity;
 - b) To a foreign citizen who has been married for more than two two years and less than five years to a national citizen and intends to reside in the RDTL;
 - c) For the purpose of family reunification;
 - d) To victims of human trafficking or victims of human immigration assistance networks;
 - e) For exceptional reasons.
3. The type B temporary residence permit is valid for five years, renewable for equal periods, and is issued to the foreign missionary, under the terms of National Parliament Resolution No. 18/2015, of 11 November.
4. The granting of a type B temporary residence permit, referred to in no. 3, requires a prior request to the public service responsible for migration, based on the elements required in paragraphs a) to g) of no. 1 of article 65, within 30 working days prior to the expected date of arrival of the foreign missionary in national territory, through the Apostolic Nuncio accredited to the Democratic Republic of Timor-Leste, addressed to the Ministry responsible for foreign affairs, which subsequently communicates it to the member of the Government responsible for migration.
5. The fulfilment of the request mentioned in the previous number and, cumulatively, the approval by the member of the Government responsible for migration, shall constitute, for legal purposes, an exemption from the requirement for an entry visa, under the terms of paragraph d) of number 2 of article 13 and paragraph a) of article 41.

Article 60

Requirements for granting a temporary residence permit

1. Without jeopardy to the special regimes foreseen in articles, 61 and 62 and of what is established in the international treaties ratified by the DRTL, the temporary residence permit can be granted to foreigners who cumulatively:
 - a) In national territory;
 - b) Demonstrate a justified intention to remain in the national territory;

- c) Present valid travel documents;
 - d) Prove to have means of accommodation and subsistence that are foreseeably adequate for the period required;
 - e) Have remained legally in national territory as holders of a residence fixing visa or are covered by one of the exemption clauses of the same visa under the terms of article 41 of the present diploma;
 - f) During the period of stay in national territory they have not been convicted of a crime with a penalty or penalties that, alone or cumulatively, exceed one year of effective imprisonment.
2. The provisions of subsection (e) of the preceding paragraph shall not apply to a foreign citizen who has been married for more than two years and less than five years to a national citizen.
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, investing in their training, are considered as criteria for concession.

SUBSECTION II

Special Regimes

Article 61

Granting of a residence permit to victims of human trafficking

1. A temporary residence permit for six months, renewable for equal periods, shall be granted to foreign citizens who are or have been victims of human trafficking or networks that facilitate illegal immigration, even if they have entered the country illegally or do not meet the conditions for granting a residence permit under Article 60.
2. A temporary residence permit shall be granted under this Article if the victim of human trafficking or of networks which facilitate illegal immigration cooperates with the authorities in investigating and prosecuting trafficking in persons or facilitating illegal immigration.
3. Before a temporary residence permit is granted, the person identified as a victim of trafficking in persons or a victim of action to facilitate illegal immigration shall be provided with means of subsistence, accommodation, adequate medical and psychological treatment, protection, safety and legal assistance.

4. A person identified as a victim of trafficking in persons or as a victim of action to facilitate illegal immigration may be granted a reflection period not exceeding ninety days before deciding to cooperate with the competent authorities.
5. During the reflection period, no measure of expulsion from the national territory may be enforced against the victim of human trafficking.
6. The residence permit provided for in this article, and the rights granted during the reflection period, shall be extended to the family members of the victim.
7. The residence permit granted to victims of human trafficking or of networks that facilitate illegal immigration and their family members may be cancelled when
 - a) The victim has actively and voluntarily re-established contacts with the alleged perpetrators of human trafficking or illegal immigration aid networks;
 - b) The authority responsible for issuing the permit considers that the collaboration 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 humanitarian nature, a temporary residence permit may be granted to foreigners who do not meet the entry requirements foreseen in the present diploma.
2. A residence permit for exceptional reasons may also be granted at 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, due to personal circumstances, is unable to return to his/her country of origin or country of habitual residence, namely if
 - a) There are strong indications that he or she may be subjected to torture, degrading treatment or punishment;
 - b) There are serious indications that such return would endanger his or her physical integrity.
3. Residence permits for exceptional reasons may also be granted following an application submitted to the public office in charge of migration by the interested party, in which he/she states all relevant facts and may provide evidence.

4. For the purposes of the previous number, the public service responsible for the migration shall carry out the instruction of the respective process, collecting for this purpose all relevant elements and documents, namely those related to the exceptionality or national interest invoked.
5. Once the instruction referred to in the previous number has been concluded, a report is prepared with a duly substantiated decision proposal, which, together with the respective process, is sent for decision.
6. For the purposes of paragraphs 1 and 3, the Prime Minister and the member of the Government responsible for migration shall be responsible for deciding on the request in a joint duly reasoned order.

SECTION III **Permanent Residence Permit**

Article 63 **Authorization of permanent residence**

The permanent residence permit does not have a validity limit, and the respective title must be presented for renewal whenever there is a change in any of the records it contains.

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) Have been legal residents in national territory for at least ten consecutive years, or are minor children or dependents of national citizens, or have been foreign citizens married to a national citizen for more than five years, or have held a temporary residence permit for at least six years;
 - b) During the period of residence foreseen in the previous paragraph, have not been convicted of intentional criminal offenses with a penalty or penalties that, alone or cumulatively, exceed one year of effective imprisonment;
 - c) have maintained, throughout the time they have resided in national territory, adequate means of lodging and subsistence and provided that it is foreseeable that they will continue to maintain them;
 - d) The purpose of obtaining permanent residence declared in the application is not contradictory to the documents presented, or the declarations made;

- e) During their stay in Timor-Leste, they have made a positive contribution to the economy or to the social welfare of the country.
- 2. The provisions of paragraphs b) to e) are not applicable to minors who are dependents of national citizens.

SECTION IV

Application, Cancellation and Renewal

Article 65

Application for Residence Authorization

1. The application for granting of a residence permit is formulated in a specific form, duly completed and signed by the applicant or, in the case of minors or incapacitated individuals, by their legal representative, and is accompanied by:
 - a) Complete identification of the applicant through an authenticated photocopy of the respective passport and visa or residence permit;
 - b) A color passport-type photograph on a plain background;
 - c) Proof of means of subsistence in national territory;
 - d) Accommodation declaration;
 - e) Documents justifying the purpose or conditions of stay;
 - f) Official document proving the family ties with a national citizen, when applicable;
 - g) Original criminal record issued by the national authorities of the country where he/she has been residing for at least one year, except in the case of a minor under the age of sixteen.
2. The presentation of the application mentioned in the previous number is not required for the purpose of granting a temporary residence permit for exceptional reasons when its granting is at the initiative of the member of the government in charge of migration.

Article 66

Cancellation of the residence permit

1. The residence permit is cancelled whenever the foreign resident:
 - a) Has been the subject of a decision of expulsion from national territory;

- b) Has been sentenced by a final judgment to an effective prison sentence of more than one year for a felonious crime;
 - c) Has made false statements or submitted false documents in the process of granting a visa or residence permit;
 - d) Being the holder of a temporary residence permit, is absent from national territory without justifiable and reasonable reasons, for a period equal to or exceeding six consecutive months or, within a period of two years, ten months interpolated;
 - e) Being the holder of a permanent residence permit, if he/she is absent from national territory without reasonable and reasonable reasons, for a period of twenty-four consecutive months or, in a three-year period, thirty months interpolated;
 - f) Has contracted a marriage with a Timorese citizen whose sole objective was to obtain a residence permit.
2. If the holder of the permanent residence permit is the family member of a national citizen, the residence permit may not be cancelled by order of the member of the Government in charge of migration, due to humanitarian and family reasons.

Article 67

Renewal of temporary residence permit

1. The renewal of the temporary residence permit must be requested by the interested party at the public service responsible for migration up to thirty days before its expiration.
2. The application for renewal of the residence permit interrupts the counting period of its validity.
3. When considering the application, the public office responsible for migration shall consider, inter alia:
 - a) The maintenance of the assumptions that motivated the granting of the residence permit;
 - b) The interested party's means of subsistence and housing conditions
 - c) The absence of any criminal convictions that prevent the initial granting of the residence permit;

- d) The interested party's compliance with the legislation in force, namely labor, tax and corporate law, when applicable, and concerning foreigners.
4. In cases where the residence permit has been granted under the family reunion regime, in exceptional cases, namely judicial separation of people and goods, divorce, widowhood, death of a spouse, ascendant or descendant, or conviction for a crime of domestic violence, a residence permit may be granted to the spouse, ascendant or descendant who requests it.

Article 68

Competence

1. The head of the public service responsible for migration is responsible for granting and cancelling the residence permit.
2. The renewal of residence permits is the competence of the head of the public service responsible for migration, who may delegate this competence to his or her deputy or to the head of the territorial representation of the public service responsible for migration.

Article 69

Appeal

1. An appeal may be lodged against a refusal to grant a residence permit, duly notified to the applicant, within fifteen working days.
2. The rejection of the appeal filed under the terms of the previous number may be appealed against 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 in national territory is recognized:
 - a) To family members of national citizens, namely spouses, minor children, adopted or incapacitated children and dependent ascendants;
 - b) Foreign citizens who are spouses, minor children, adopted or incapacitated children and dependent ascendants of the foreign citizen who is a resident and is dependent on him;

- c) Foreigners who are spouses, minor children, adopted or incapacitated children and dependent ascendants of the foreigner residing in national territory with refugee status recognized by the RDTL who are in national territory or abroad.
2. In case the minor under seventeen years of age or the incapacitated is the child of only one of the spouses, family reunification only takes place if the minor or incapacitated is legally entrusted to him/her.

Article 71

Filing and decision

1. A national citizen or alien residing in national territory who wishes to enjoy the right to family reunification shall submit the application to the public office responsible for migration.
2. The application is accompanied by the following documents:
 - a) Official proof of the family ties invoked;
 - b) Authenticated copies of the identification documents of the applicant's family members for whom reunification is requested;
 - c) Evidence that the applicant has adequate accommodation and sufficient means of subsistence to meet the needs of the family members.
3. The provisions of subparagraph c) of the preceding paragraph are not required of persons with refugee status.
4. The public services responsible for immigration may request from the applicant the documents they deem necessary for the instruction of the process, as well as request from other organs of the Public Administration the information necessary for the same purpose, with strict respect for the principle of legality and proportionality.
5. The decision regarding the application for family reunification is the responsibility of the member of the Government who oversees the public service responsible for migration, who may delegate this responsibility to the head of the public service responsible for migration, with the faculty to sub-delegate it 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 meet the conditions of accommodation and means of subsistence, except in the cases of paragraph 3 of the preceding article;
 - b) When the family member for whom reunification is requested is prohibited from entering national territory;
 - c) When the decision to reject the family reunion request is based on reasons of public order or security, or on the dangers that may result from the family member's stay in national territory.
- 2. Before a decision to deny family reunification is issued, the following must be taken into consideration:
 - a) The nature and solidity of the existing family ties;
 - b) The foreign national's length of residence in the RDTL;
 - c) The existence of family, cultural and social ties with the country of origin.
 - 3. The person concerned shall be notified of any such decision, with a clear statement of the reasons therefor.
 - 4. An appeal against a decision rejecting a request 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 jeopardy to the provisions contained in international conventions to which the RDTL is or becomes a party, a foreign citizen shall be expelled from the national territory
 - a) Who, without prejudice to the legal regime of asylum provided for in Chapter VIII, enters or remains illegally in the territory of Timor-Leste;
 - b) Who offends against national security, public order or public health;
 - c) Whose presence or activity in the country constitutes a threat to the interests or dignity of the RDTL or its nationals;

- d) Who has committed acts that, if known by the Timorese authorities at the time of their entry into the national territory, would have rendered it unfeasible under the terms of the applicable legislation;
 - e) With respect to whom there are serious reasons to believe that he/she has committed serious criminal acts, or intends to commit such acts, on national territory.
2. The provisions of the preceding paragraph shall not prejudice the alien's criminal responsibility.

Article 74
Notification to leave national territory

1. Before administrative deportation proceedings are initiated, foreign nationals in one of the situations provided for in Article 74.1 must be given notice to leave national territory within the prescribed period.
2. Compliance with the order to leave national territory without delay presupposes that the foreign national will use the first means of travel available and appropriate to his/her situation.
3. Failure to comply with the notification provided for in paragraph 1 will result in the opening of administrative deportation proceedings 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 is competent to notify the foreigner, in the terms of paragraph 1, with the possibility of delegation to his deputy.
5. The deadline for leaving national territory referred to in no. 1 may be extended by the head of the public service responsible for migration in duly substantiated cases.
6. Foreign citizens notified to leave national territory shall be prohibited from entering the country for a period of up to two years.

Article 75
Support for voluntary return

1. The RDTL can 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 fulfill the conditions required from their countries of origin, within the scope of cooperation programs established with international organizations, namely the International Organization for Migration (IOM), or other non-governmental organizations duly accredited under the terms of the applicable legislation.

2. Foreign citizens who have been expelled from national territory through a process of support for voluntary return are forbidden from entering the country for a period of three years.

Article 76 **Active Readmission**

1. Whenever a foreign citizen in a regular situation in the territory of the DRTL is to be readmitted and sent to another country, the public service responsible for migration formulates the respective request.
2. During the instruction of the readmission process, the hearing of the foreigner to be sent back to the requested State shall be ensured.
3. It is the competence 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 process.
4. The foreign citizen sent to another country under a readmission process is prohibited from entering the territory of the DRTL for a period of two years.

Article 77 **Additional penalty of deportation**

Whenever the court issues an accessory penalty of deportation under the terms of the applicable criminal legislation, the other authorities must refrain from enforcing the administrative measure of deportation and, in cases where such a sentence has already been issued, the court decision shall prevail.

The accessory penalty of deportation is enforced even if the deportee is on probation.

The court where the conviction was handed down shall have jurisdiction to order deportation.

For the purposes of execution, the court shall communicate the sentence to the public service responsible for migration, which may request the collaboration of the other security forces in locating and possibly detaining the person to be deported.

SECTION II **Expulsion in administrative proceedings**

Article 78 **Competence to open and close the proceedings**

1. The head of the public service responsible for migration is responsible for initiating administrative deportation proceedings, which may be delegated to his or her deputy or to the heads of the operational sectors or territorial branches.
2. The head of the public service responsible for migration is responsible for deciding to close the case, once the legal requirements have been met.

Article 79

Country of destination

1. Deportation may not be effected to a country where the foreigner may be persecuted with the risk of death or subjected to cruel, degrading, or inhuman treatment or punishment, or persecuted for ethnic, religious, nationality, social group, or political ideology reasons, as well as for 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 interested party must invoke the fear of persecution and present the respective proof within ten working days.

Article 80

Period of interdiction

A foreigner who has been administratively expelled is forbidden to enter national territory

Article 81

Precautionary and coercive measures

1. At the request of the Public Prosecutor's Office, the court may order the necessary precautionary measures to ensure effective compliance with the foreseeable or decreed administrative expulsion, namely:
 - a) Periodic presentation at the public service responsible for migration;
 - b) Placement in state facilities;
 - c) Placement of the deportee in preventive custody, separated from other detainees, until effective deportation.
2. The district courts of the foreign national's area of residence or, if he/she is not a resident, of the place where he/she is found, have jurisdiction to apply the measures of coercion.
3. Whenever necessary, the service responsible for immigration shall inform the Public Prosecutor's Office of the need to submit the request mentioned in paragraph 1 to the court.

Article 82
Requirement of proceedings

1. An administrative deportation process shall be organized against a foreign national who is found to have committed any of the grounds for deportation from national territory stipulated in this law.
2. No decision to deport a foreigner may be enforced without the respective proceedings having been organized and decided.

Article 83
Duty to communicate

The security forces which suspect that a foreign national may have to be expelled from national territory shall communicate this fact to the migration department, which shall conduct the appropriate investigation.

Article 84
Police Detention

1. Foreign nationals who enter or remain illegally in national territory and who have been subject to a deportation order shall be placed under police custody and brought before the appropriate judge within seventy-two hours for the possible application of precautionary or coercive measures, in accordance with the provisions of criminal procedural law and Article 81 of this law.
2. If the judge determines preventive custody, he or she shall inform the public migration service of the fact so that it may promote the appropriate administrative procedure to remove the foreign national from national territory.
3. The preventive custody provided for in the previous number may not exceed the period necessary for the execution of the decision to deport and may not exceed ninety days.
4. If preventive custody is not ordered, the judge shall notify the foreign national to appear before the public office responsible for migration and shall forward the respective case file to said office.

Article 85
Conduct of the proceedings

1. During the course of the deportation proceedings, the person against whom the proceedings have been instituted shall be heard, and shall enjoy all the guarantees of defense provided by law.
2. The instructor must take the measures deemed essential to ascertain the truth, and may refuse, in a reasoned order and without prejudice to the guarantees of defense

provided by law, the measures requested by the person against whom the case was brought, when he/she considers the alleged facts to be sufficiently proven.

3. Once the investigation is concluded, the respective report is drawn up, in which the instructor describes the facts found and proposes the resolution he considers appropriate, after which the case is forwarded to the entity competent to pronounce a decision.

Article 86 **Expulsion decision**

1. The administrative decision to expel a person falls under the competence of the member of the Government responsible for migration.
2. The expulsion decision must contain:
 - a) The facts and the legal grounds;
 - b) The deportee's legal rights and obligations, namely the right to appeal;
 - c) The prohibition on entering national territory with an indication of the respective period of time;
 - d) Indication of the country to which the foreign national is to be sent.
3. The deportation decision is notified to the person against whom the proceedings have been instituted, in an official language and in a language he/she is presumed to understand.
4. Execution of the decision entails entry of the deportee on the non-admissible persons list.

Article 87 **Appeal**

1. The decision to deport may be contested by appeal.
2. Appeals against decisions against foreigners who have legally entered and remained in national territory shall have suspensive effect.
3. Appeals against decisions taken against foreign nationals who have entered or remained illegally in Brazilian territory shall have devolutive effect only.
4. The time limit for lodging an appeal shall be fifteen working days, counting from the date of notification of the deportation decision to the interested party.

Article 88
Compliance with the decision

1. Foreign nationals against whom an expulsion decision has been issued shall remain under police custody for a period of forty-eight hours, counting from notification of the decision, provided that they are not in preventive custody or have not lodged an appeal under the terms of paragraph 2 of the previous article.
2. The police detention provided for in the previous paragraph is intended to ensure the execution of the deportation decision and the respective period may be extended, by court order, up to a maximum limit of seventy-two hours, if it is impossible to execute the decision within the time limit provided for in paragraph 1.

Article 89
Jurisdiction for enforcement of the decision

The public office for migration shall be responsible for the enforcement of expulsion decisions.

Article 90
Expenses

Without prejudice to any reimbursements that may be made, the State shall be responsible for immediately paying the costs incurred in enforcing the order, which shall be met out of an exclusive sum, to be provided for annually in the General State Budget.

CHAPTER VIII
ASYLUM

SECTION I
General Provisions

Article 91
Guarantee of the right to asylum

1. The right to asylum shall be guaranteed to aliens and stateless persons persecuted or seriously threatened with persecution for reasons of activity carried out in the State of their nationality or habitual residence for the sake of democracy, social and national liberation, peace among peoples, freedom and human rights.
2. The right of asylum shall also be guaranteed to aliens and stateless persons who, owing to 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, are unwilling to return to the State of their nationality or habitual residence.

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

Article 92

Persecution

For the purposes of the preceding article, persecution on the basis of the right to asylum shall be a series of acts or measures or a single act or measure which constitute by its nature or repetition a serious infringement of fundamental rights and which may be committed, inter alia:

- a) By a State;
- b) by parties or organizations controlling a State or a substantial part of its territory;
- c) By non-State actors, when it is clear that the State or the parties or organizations mentioned in the previous paragraphs are unable or unwilling to provide protection against persecution.

Article 93

Exclusion from the right to asylum

1. Aliens or stateless persons shall not be granted asylum or any other form of: protection
 - a) Who enjoy protection or assistance from a United Nations agency or institution other than the United Nations High Commissioner for Refugees (UNHCR), unless such protection or assistance has ceased, without the fate of such persons having been finally settled;
 - b) Who reside in a country whose competent authorities consider that they have the rights and duties of those who possess the nationality of that country;
 - c) In respect of whom 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 for these crimes;
 - ii. They have committed a crime against the common law, punishable by imprisonment for more than three years, outside the national territory, before having been granted asylum or other form of protection, except when they have been or could be condemned for exclusively political, ideological or religious reasons;
 - iii. Have committed acts contrary to the purposes and principles of the United Nations.

2. Asylum may also be refused if the granting of asylum would result in manifest danger or a well-founded threat to internal or external security or to public order.

Article 94
Effects of granting asylum

The granting of asylum under the terms of the present chapter confers the beneficiary the refugee status, subjecting him/her to the precepts of this diploma, without prejudice to any special regimes contained in any international treaties or conventions to which the DRTL is a party or adheres.

Article 95
Extension of asylum to family members

1. The effects of asylum are extended to the spouse and minor children, adopted or incapacitated dependents, whenever the applicant so requests.
2. The family reunification regime provided for in Articles 70 et seq. shall apply to family reunification of refugees mutatis mutandis.

Article 96
Effect of asylum on extradition

Final judgment on any extradition procedure concerning the applicant which is pending shall be suspended while the application for asylum is under consideration.
The granting of asylum shall prevent any further application for extradition of the refugee based on the facts on the basis of which asylum is granted.

Article 97
Effects of asylum on entry violations

1. Administrative proceedings or criminal proceedings against the asylum seeker and his family for illegal entry into national territory shall be suspended at the time the application for asylum is made, until a final decision is taken.
2. Where asylum is granted to the applicant, the procedure or proceedings mentioned in the previous paragraph shall be discontinued if it can be demonstrated that the illegal entry into national territory was due to the same facts that justified the granting of asylum.

Article 98
Refugee status

1. A refugee enjoys the rights and is subject to the duties of foreigners residing in the DRTL, insofar as they do not contradict the provisions of this law, the 1951 Geneva Convention and the 1967 New York Protocol.

2. A refugee is entitled, under the terms of the 1951 Geneva Convention, to an identity document proving his or her status, to be issued by the public office in charge of migration.

SECTION II

Admissibility of the asylum application

Article 99

Application for asylum

For the purposes of this Section, an application for asylum means a request whereby an alien asks a State for the protection of the 1951 Geneva Convention by claiming refugee status within the meaning of Article 1 of that Convention.

Article 100

Submission of the application

1. A foreigner or stateless person who enters the national territory in order to obtain asylum shall submit his request to any police authority within seventy-two hours from his entry into the country, and may do so orally or in writing.
2. When the applicant is a resident or a foreigner with the right to remain in national territory, the time limit is counted from the date of verification or knowledge of the facts that serve as a basis for the request.
3. In case the request has not been directly presented to the public service responsible for migration, the request is sent to that service, which immediately notifies the applicant to make a statement within five working days.
4. With the notification referred to in the previous paragraph, the applicant is given a declaration that the application has been presented and is informed, in an official language and in a language that he or she knows, of his or her rights and obligations, namely the right to keep that office informed of his or her current residence and to report there every two weeks, on the day of the week that is fixed, or the procedure will not be carried out.
5. The public service responsible for migration informs the UNHCR of asylum applications submitted to it so that the UNHCR may, if it so desires, give its opinion.

Article 101

Contents of the application

1. The application for asylum, 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) Description of the facts or circumstances on which the application is based.
2. The applicant must attach to the application all travel and identification documents in his possession and all evidence at his disposal.

Article 102
Declaration

1. The migration service, even where the application has been made in writing, shall ensure that the applicant is given the opportunity to make statements, under conditions that ensure that they remain confidential and where necessary through the use of translation, before a decision is taken.
2. Statements by female asylum seekers shall be made before female members of the public office responsible for migration.

Article 103
Examination of the application

1. The public office responsible for migration shall consider all relevant elements when examining the application, including
 - a) The statements and evidence presented by the applicant, their credibility, conduct and their effort to substantiate the facts alleged;
 - b) Ability to present the application;
 - c) The political, social, economic, and human rights situation in the country of origin, including its legislation and the guarantees of its enforcement;
 - d) The consistency and veracity of the facts alleged by the applicant, when set against the information on the country of origin gathered by the public office in charge of migration;
 - e) The possibility that the applicant may avail himself or herself of another country's protection.

Article 104
Inadmissibility of the application

1. An application for asylum shall be considered inadmissible if, through the procedure provided for in this diploma, any of the situations referred to in Article 93 are immediately found to be manifest or when
 - a) It is immediately evident that the request does not meet any of the criteria defined by the 1951 Geneva Convention as being unfounded;
 - b) it is clearly fraudulent or constitutes a misuse of the asylum procedure;
 - c) It is made by an applicant who is a national or habitual resident of a country that can be qualified as a safe country or a third country of refuge;
 - d) The application is unjustifiably submitted after the time limit provided for in Article 100.
2. For the purposes of paragraph 1(b), there are indications that the application is clearly fraudulent or constitutes a misuse of the asylum procedure, inter alia, where the applicant
 - a) Based and substantiates his application on evidence emanating from counterfeit or falsified documents;
 - b) Has destroyed documents that prove his identity;
 - c) Makes false statements relating to the subject matter of his/her application with prior knowledge of the falsity;
 - d) Deliberately conceals the fact that he/she has already applied for asylum in one or several countries with possible use of a false identity.

Article 105
Summary examination and decision

1. It is the responsibility of the head of the public service responsible for migration, after a summary examination, to issue a reasoned decision on the refusal or admission of the application within thirty working days.
2. The absence of a decision within the period referred to in the previous number is equivalent to tacit acceptance of the admissibility of the request.
3. The UNHCR representative shall be informed of the decision.
4. Admission of the application shall not imply recognition of the right to asylum.

Article 106
Effects of refusal of the application

1. The applicant shall be notified of the decision rejecting the application, in an official language and in a language which he/she knows, within twenty-four hours, with the instruction to leave the national territory within five working days, failing which he/she shall be immediately expelled once this period has expired.
2. The notification referred to in the previous paragraph is accompanied by information on the grounds for refusing the application and the rights of the applicant.

Article 107
Appeal

1. Within five working days of the notification referred to in paragraph 1 of the preceding article, the applicant may appeal against 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 issue a final decision, against which a contentious appeal may be lodged within fifteen working days.
3. The appeals foreseen in this article have suspensive effect on the expulsion order.

SECTION III
Applications at border posts

1. Article 108
Special rules

The admissibility of applications for asylum lodged at border posts by foreign nationals or stateless persons who do not meet the legal requirements for entry into national territory shall be subject to the regime provided for in the previous articles, with the modifications set out in this Section.

Article 109
Examination of the application and decision

1. The public office responsible for migration communicates the presentation of asylum applications referred to in the previous Article to the representative of the UNHCR, who may make a decision within forty-eight hours and interview the applicant, if he/she so wishes and 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/she knows, of his/her rights and obligations and shall make a statement.
3. The head of the migration office shall issue a reasoned decision refusing or admitting the application within a maximum period of fifteen days, but not before the time limit provided for in paragraph 1 has expired.
4. The decision provided for in the previous paragraph shall be notified to the applicant in an official language and in a language which he/she understands, informing him/her of his/her rights of appeal and, at the same time, informing the representative of the UNHCR.

Article 110

Appeal

1. Within 45 hours of notification of the decision, the applicant may lodge an appeal with suspensive effect to the member of the Government responsible for migration, who shall issue a decision within three working days.
2. Having been consulted pursuant to paragraph 1 of the previous article, the representative of the UNHCR may, if he/she wishes, issue an opinion on the decision of the head of the public office responsible for migration, within twenty-four hours counting from the communication of the decision.

Article 111

Effects of the application and of the decision

1. The applicant shall remain in the international section of the border crossing point while awaiting the notification of the decision of the head of the public office responsible for migration or the member of the government responsible for migration.
2. The asylum seeker who appeals the decision of the member of the Government responsible for migration is placed in a temporary reception center on national territory, while awaiting the court's decision.
3. Without prejudice to the effects of the appeal, the decision refusing the application determines the applicant's 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 he/she traveled was issued or to another place to which he/she may be admitted, namely a third host country.
4. The decision to admit the application or the elapsing of the time limits provided for in the previous articles without having been notified of the administrative decision to refuse admission determines the entry of the applicant into national territory, followed by the instruction of the asylum procedure under the terms of the present diploma.

SECTION IV
Granting of asylum

Article 112
Provisional residence permit

1. The public service responsible for migration shall issue to persons covered by an asylum application that has been admitted a provisional residence permit, valid for a period of sixty days counting from the date of submission of the application and renewable for periods of thirty days until a final decision is made.
2. Family members entitled to protection under the terms of this diploma 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 takes the required steps and investigates all facts, knowledge of which is convenient for a fair and swift decision.
2. The period for the investigation is sixty days, extendable for an equal period, when justified.
3. During the investigation, the representative of the UNHCR is invited to attach reports or information on his or her country of origin to the file and obtain information on the status of the case.
4. At the end of the investigation, the public service responsible for migration draws up a report with a final proposal, which is sent, together with the file, to the member of the Government responsible for migration.
5. This proposal is made known to the UNHCR representative who was consulted and who may, if he/she wishes, comment on its content within five working days.
6. The applicant is notified of the content of the proposal and may comment on it within the same period.
7. The member of the Government responsible for migration shall decide within eight working days counting from the end of the period provided for in the previous number, taking into account the proposal made and any comments from the applicant and the representative of the UNHCR.
8. Those involved in the asylum procedure must observe professional secrecy with regard to information to which they have access in the course of their duties.
9. The decision shall be notified to the applicant and to the UNHCR representative.

Article 114
Effects of the decision

The granting of asylum shall confer on the applicant refugee status in accordance with Article 98.

An appeal against a refusal of asylum may be lodged within fifteen working days; the appeal shall have suspensive effect.

Article 115
Effects of refusal of asylum

1. Where an asylum application is rejected, the applicant may remain in the national territory for a transitional period not exceeding twenty working days, without prejudice to the right to appeal.
2. The applicant shall be subject to the general provisions set out in the present diploma as from the end of the period provided for in the previous number.
3. Whenever the Court's decision confirms that of the member of the Government responsible for migration, the suspension of the time limit is lifted and the process of deportation or extradition is initiated.

SECTION V
Loss of the right to asylum

Article 116
Causes of extinction of the right of asylum

Causes of extinction of the right to asylum shall constitute grounds for terminating the right of asylum:

- a) The occurrence of any of the causes for exclusion set out in Article 93;
- b) Express denunciation;
- c) The practice of forbidden acts or activities, according to the provisions of the present law;
- d) The proof of falsity of the grounds for granting asylum or the existence of facts which, if known at the time of the granting, would have led to 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 re-acquisition of nationality that he/she has lost;

- g) The voluntary acquisition by the refugee of a new nationality, provided he/she enjoys the protection of the respective country;
- h) The voluntary resettlement in the country he/she left or outside of which he/she remained for fear of persecution;
- i) The cessation of the reasons that justified the granting of the right to asylum;
- j) The judicial decision to expel the refugee;
- k) When the refugee leaves the national territory and settles in another country.

Article 118

Expulsion of the asylum beneficiary

Expulsion of the beneficiary of asylum, under the terms of paragraph 1 of the previous Article, may not result in his or her placement in the territory of a country where his or her freedom would be at risk for any of the reasons that, under the terms of this Chapter, may constitute grounds for the granting of asylum.

Article 119

Competence

1. It falls to the member of the Government responsible for immigration, on the proposal of the head of the public service responsible for migration, to declare the extinction of the right of asylum.
2. The proposal from the head of the public service responsible for migration foreseen in the previous number shall be made known to the representative of the UNHCR when it has been heard in the terms of the present diploma and, if it so wishes, it may express its opinion about it within five working days.
3. The decision that declares the loss of the right to asylum is subject to contentious appeal, to be filed within twenty working days and with suspensive effect of the administrative decision.

SECTION VI
Resettlement

Article 120
Resettlement request

Applications for the resettlement of refugees under the UNHCR mandate are submitted by the UNHCR representative to the member of the Government responsible for migration.

It is for 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
Guarantee of Reception

The RDTL ensures to asylum seekers, until the execution of the final decision of the application, directly or through protocols celebrated with international organizations or non-governmental organizations, conditions of installation and survival that respect human dignity.

Article 122
Support

1. Economic and social support and medical and medicinal assistance shall be provided to applicants and asylum seekers in a situation of economic and social need, as well as to members of their households admitted under the terms of this Chapter, as necessary and appropriate.
2. The support and assistance to be provided under the terms of the previous number is provided by the RDTL, without prejudice to what is ensured by other entities, under the conditions agreed upon for that purpose.
3. If it is proven that the applicant has sufficient financial resources, he can be required to cover the expenses incurred under the terms of paragraph 1.

Article 123
Other guarantees

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

Article 124
Termination of the procedure

The procedure provided for in this chapter is considered to have terminated when:

- a) There is withdrawal of the application by the applicant;
- b) The applicant unjustifiably fails to attend any act that must take place in the public services in order to be granted the desired refugee status, provided that he/she has been regularly summoned;
- c) The procedure is stopped for more than sixty days due to a cause attributable to the applicant.

CHAPTER IX
TARIFFS

Article 125
Creation and incidence of tariffs

- 1. Without prejudice to Article 127, fees shall be payable for the issue and extension of visas and the issue and renewal of residence permits in accordance with Articles 128 and 129.
- 2. In order to meet the public administration's costs for escorting aliens away from national territory, an escort fee is payable in accordance with Article 130.
- 3. The obligation to pay the fees provided for in paragraph 1 of this Article shall lie 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 refused in accordance with the law, the fee shall not be refunded.

Article 126
Update

The fares foreseen in this statute are updated annually in accordance with the inflation rate verified in the previous year by a joint ministerial statute of the members of the Government in charge of migration and finance.

Article 127
Payment

1. Holders of diplomatic and official passports are exempt from paying fees for services provided by the public service responsible for migration.
2. The granting and extension of special stay permits are also exempt from fees.
3. Foreign nationals from countries with which the RDTL has an agreement to this effect are also exempt from fees for issuing and extending visas.
4. In accordance with the Resolution of the National Parliament No 18/ 2015 of 11 November 2015, foreign missionaries are exempted from paying fees for services provided by the public service responsible for migration.
5. 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
Issuance Fees

The fees to be charged for the issuance of visas and residence permits shall be those stipulated in the table in Attachment I to this statute, of which it is an integral part.

Article 129
Extension Fees

The fees to be charged for extension of visas, renewal of temporary residence permits, and for the new issue of resident cards shall be those stipulated in the table in Annex II to this document, of which it is an integral part.

Article 130
Liability of carriers

A fine of USD 1,000 will be levied for the escorting of each alien whose removal from national territory is the carriers' responsibility under the terms of this document, without prejudice to other amounts that may be applicable.

Article 131
Settlement and collection

1. The settlement of fares shall be set out in a document issued by the public service responsible for receiving applications for granting or extending visas, or applications for granting or renewing a residence permit.

2. It is the responsibility of the public service mentioned in the previous paragraph to collect in full the amounts assessed when the application is submitted.
3. The public office responsible for migration shall not receive or examine any application until the fee has been paid.

Article 132

Return and destination of the fees charged

1. When the applicant's application is not granted or rejected under the terms of the law for a reason attributable to the public service responsible for processing the application, the applicant may request the return of the fare previously paid, upon presentation of proof of payment.
2. The fare revenue is State revenue.

CHAPTER X

IMMIGRATION OFFENSES

SECTION I

Crimes

Article 133

Breach of the measure prohibiting entry

1. Foreign nationals who enter national territory during the period in which they have been refused entry as part of a procedure to remove them from national territory will be punished by a prison sentence of up to one year.
2. In the event of conviction, the court may additionally order, by a duly substantiated court decision, the foreign national's expulsion.
3. Without detriment to the provisions in No. 1, the foreign citizen may be expelled from the territory of the RDTL to complete the missing period of the period of prohibition of entry in accordance with the process where their expulsion was determined.

Article 134

Marriage for convenience

1. Whoever enters into a marriage for the sole purpose of obtaining a visa or residence permit, or for the purpose of defrauding the existing immigration law, shall be punished by imprisonment for a term of 2 to 5 years.
2. Whoever promotes marriages by agreement as defined in the preceding paragraph shall be punished by imprisonment for a term of 2 to 5 years.

3. Whoever repeatedly commits the acts provided for in the preceding paragraphs shall be punished by imprisonment for a term of 3 to 8 years.
4. Attempt shall be punishable.

Article 135
Aiding and abetting illegal migration

1. Whoever favours or facilitates by any means the irregular entry or stay of a foreigner in national territory, or his or her departure in cases where it was forbidden, shall be punished by imprisonment of up to one year.
2. If the perpetrator carries out the conduct referred to in the preceding paragraph with the intention of profiting, he or she will be punished by imprisonment for a term of 2 to 5 years.
3. If the conduct referred to in paragraph 1 is committed with intent to make profit by a person who makes a living out of it, or does so in an organized manner or in collaboration with one or more other persons, he or she shall be punished by imprisonment of between 3 and 12 years.
4. Punishment for the conduct provided for in the preceding paragraphs does not exclude liability for any other criminal offenses that the same conduct may have fulfilled.
5. Attempt is punishable.

Article 136
Illegal procurement of labour

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 who does not hold a visa or residence permit appropriate for the purpose shall be punished by imprisonment of one month to three years.
2. Punishable offense.

Article 137
Kidnapping, enslavement, trafficking in and sale of persons

The crimes of abduction, subjection to slavery, trafficking in persons or human organs and sale of persons in connection with immigration and asylum offences shall be punishable in accordance with the general criminal law regime and other applicable special legislation.

Article 138
Criminal association

The crime of criminal association is defined and punished in accordance with applicable criminal law.

Article 139
Investigation

1. Without prejudice to the competencies of other criminal police bodies, the public office responsible for migration shall be responsible for investigating and investigating the crimes provided for in this chapter and other related crimes, in accordance with the legislation applicable to the organisation of criminal investigation.
2. For the purposes of the preceding paragraph, related crimes shall include the crimes of human trafficking, falsification of travel documents, visas or permits provided for in this Law and those provided for in articles 303, 304, 305 and 306 of the Criminal Code when committed in connection with migration offenses.

Article 140
Additional penalty of deportation from national territory

Foreign nationals who commit the crimes stipulated in this section may be subject to the accessory penalty of deportation under the terms of the criminal law.

SECTION II
Misdemeanors

SUBSECTION I
Infractions and penalties

Article 141
Illegal Stay

In cases where the foreign national exceeds the authorized period of stay in national territory, the following fines are applicable:

- a) From 150 to 230 US dollars when the period of overstay does not exceed thirty days;
- b) From 230 to 350 US dollars when the period of overstay is greater than thirty days but does not exceed ninety days;
- c) From 350 to 580 US dollars when the period of overstay is greater than ninety days.

Article 142
Transportation of aliens not authorized to enter

Companies and any other entities or individuals who, with malice or negligence, transport foreign citizens whose entry into the DRTL is not authorized, to national territory, are subject to the application of a fine from US\$ 500 to 1,500 for each one transported.

Article 143
Exercise of unauthorized professional activity

A fine of 200 to 1,000 US dollars will be applied to the exercise of a professional activity as a self-employed person or as a salaried employee by a foreigner who does not hold an appropriate visa or residence permit, when required.

Article 144
Use of illegal labour

Legal or natural persons who use the labour of a foreigner who is not qualified to exercise a professional activity under the terms of this law will be subject to a fine of between US\$ 750 and US\$ 1,500 for each person detected exercising the said activity illegally.

Article 145
Failure to timely renew a residence permit

A foreigner who requests renewal of the temporary residence permit more than thirty days after its expiration will be subject to a fine of 100 to 250 US dollars.

Article 146
Failure to Register Accommodation

For each foreigner who is not registered in a proper book or medium, in accordance with Article 16, a fine of 50 to 250 US dollars will be applied to the holder of the obligation to register, without prejudice to possible criminal liability for aiding illegal immigration.

Article 147
Breach of other duties

Breach of the duties of communication and registration, as well as breach of any other duties provided for in this statute for which no express sanction is provided for, are punishable by a fine of USD 30 to 250, without prejudice to the accessory sanctions provided for by law.

Article 148
Recidivism

Recidivism in any of the administrative offences provided for in this Section is punishable by a fine of double the amount.

SUBSECTION II
Regime of Administrative Offenses and Fines

Article 149
Notice

1. Without prejudice to the following article, for each infraction that results in the application of a fine under the terms of this document, the public service responsible for migration shall draw up a record of the infraction.
2. If more than one infraction is detected in relation to the same agent, a single official report shall be prepared for all of them.
3. The official report shall contain the place and date of the infraction, the name of the infractor and of his or her legal representative, if applicable, the respective address, the circumstances that led to the infraction, the legal norms infringed, the name and contact details of the witnesses who witnessed the infraction, and the identification and signature of the agent who drew up the report.

Article 150
Notification for voluntary payment and complaint

1. The official report is immediately notified to the infractor, together with the information that he or she may voluntarily pay the fine within ten working days, at the legal minimum, or within the same period complain against the fine.
2. The complaint referred to in the previous number is addressed to the head of the public service responsible for migration and must be accompanied by all the evidence which, in the opinion of the complainant, justifies non-payment of the fine.
3. In case the complaint is not heard, a new deadline of five working days is granted for the voluntary payment of the fine by the legal minimum.
4. The voluntary payment of the fines is made through triplicate forms to be issued by the public service responsible for the migration, which are settled in the treasury, with one copy remaining in the treasury, another in the possession of the offender and the third being delivered to the public service responsible for the migration for proof of payment.

Article 151
Lack of voluntary payment

1. In the absence of voluntary payment, the official report, accompanied by all other relevant documentation, is sent to the Public Prosecutor's Office which will forward it to

the District Court of the place where the infraction was committed in order to proceed with enforcement.

2. execution.
3. Once the case file has been received, the judge records the special procedure for execution and sets a date for the hearing, notifying the offenders and the infractor, informing the latter that he may present no more than three witnesses and provide other means of proof.
4. The attendance of the offender at the hearing is not mandatory and the Court will rule in his absence provided it is shown that he was duly summoned to attend.
5. At the end of the production of evidence and if the Court does not decide for acquittal, it will proceed to convict and fix the fine in accordance with the criteria defined in the following article and in accordance with the legal limits, plus the applicable costs.
6. The decision is immediately notified to the offender if he/she is present, or by a bailiff if he/she is absent, or by public notice if the bailiff is unable to locate him/her within five working days, granting a period for voluntary payment.

Article 152

Criteria for setting the amount of fines

1. The following criteria, inter alia, are taken into consideration when setting the amount of fines
 - a) Economic situation of the offender;
 - b) Economic advantages derived from the infraction;
 - c) Recidivism;
 - d) Fraud;
 - e) Damage caused to society, the State or other public entities.
2. In the administrative offenses foreseen in this law, negligence is always punishable.
3. In cases of negligence, the minimum and maximum amounts of the fine are reduced to half of the amounts fixed for each fine.

Article 153

Refusal to perform acts

No visas are granted or extended, or residence permits are granted and renewed, or any acts are performed on behalf of a foreigner, without proving that the fines due by the foreigner have been paid and that they are no longer subject to appeal.

Article 154

Destination of Fines

The amounts of the fines collected under the terms of this law are state revenue.

**CHAPTER XI
FINAL AND TRANSITORY PROVISIONS**

**Article 155
Identification of foreigners**

For the purposes of this law, the public service responsible for migration may use the necessary means of identification to control persons entering, leaving or remaining in national territory.

For the purposes of the provisions of the preceding paragraph, the police authorities may resort to the procedures established in the Criminal Procedure Law for the identification of suspects, namely through photographic evidence, lymphoscopic prints and digitalization of the ocular iris.

**Article 156
Border Management System**

1. The regulations establishing the organization, content and operation of the Border Management System (FMS) shall be approved by decree-law.
2. The FMS comprises a computer database, designed to ensure:
 - a) The management and communication of border management data;
 - b) Information on movements of people entering and leaving the national territory;
 - c) The permanence of foreigners in the country;
 - d) Visa applications and their results;
 - e) The list of persons not admissible under the terms of this law;
 - f) The list of persons subject to restrictions on entry or exit.

**Article 157
Visa waiver**

The government may, taking into account the flow of tourists, exempt citizens of certain nationalities from the requirement to hold tourist, transit or airport transit visas, or tighten the conditions under which they are issued and authorized.

**Article 158
Regulation**

The Government shall approve within ninety days from the date on which this law comes into effect the complementary regulations necessary for its implementation.

**Article 159
Approval of models and forms**

The member of the Government in charge of migration shall approve, by ministerial statute, all models and forms necessary for the implementation of this law.

Article 160
Transitory provision

1. Special-status permits, visas and residence permits granted or refused under Law 9/2003, of 15 October, shall remain valid until they expire.
2. The current regulations of Law 9/2003, of October 15, shall remain in force until a new regulation is issued.

Article 161
Revocation

Law 9/2003 of 15 October, Decree-Law 5/2010 of 16 March and any other legal or regulatory provisions contrary to the provisions of this law are hereby revoked.

Article 162
Entry into Force

The present law shall enter into force 90 days after its publication.

Approved on March 7, 2017.

The Speaker of the National Parliament,
Adérito Hugo da Costa

Promulgated on May 19, 2017.

Published.

The President of the Republic,
Taur Matan Ruak
