

DECREE-LAW 5/2010
OF 16 MARCH

GRANTING OF VISIT VISAS AND TRANSIT VISAS ON ARRIVAL IN
TIMOR-LESTE

The Government has the responsibility to exercise an effective control over the presence and stay of foreign nationals in the country, in compliance with Parliamentary Law No. 9/2003 (Immigration and Asylum Act).

Currently, any foreign national may request a visit visa or a transit visa on arrival at Timor-Leste.

Passengers originating from different countries pose different levels of risk of non-compliance with immigration requirements as well as risks of a transnational criminal nature, including, among others, the crimes of trafficking in persons, particularly of women and children, illegal manpower, trafficking in stupefacients, trafficking in weapons, money laundering, falsification of documents or of national and/or foreign currency.

Frequently a decision made to issue a visa on arrival at a border posts does not allow enough time for the competent authorities to examine all the circumstances representing major risks. Applications made by foreign nationals before travelling to Timor-Leste may be better scrutinized where enough time exists to obtain additional information, where applicable, in order to better substantiate the decision to issue a visa.

With a view to responding to this state-of-affairs, the Government has decided to impose restrictions to the circumstances under which a foreign national may request the issuance of a visit visa or a transit visa on arrival in Timor-Leste.

Thus,

Pursuant to article 132 of Law No. 9/2003 of 15 October, the Government enacts the following to have the force of law:

Article 1
Nature and scope

This Decree-Law shall impose restrictions on the issuance of visit visas and transit visas on arrival in Timor-Leste, taking into consideration the port of arrival and/or the nationality of the traveler.

Article 2
Arrival at land border control posts

1. Only Indonesian nationals and nationals from countries with which Timor-Leste has established specific agreements to this effect shall be able to request visit visas (Class I Common Visas) or Transit Visas (Class II Common Visas) from land border control posts on their arrival in Timor-Leste.

2. Any other foreign passenger wishing to enter Timor-Leste shall have to hold a visa obtained prior to arriving at the border control post.

Article 3
Arrival at international airports and ports

1. Foreign visitors and passengers in transit at international airports and ports holding a passport issued by an authorised country pursuant to article 4 of this decree-law may request visit visas (Class I Common Visas) or transit visas (Class II Common Visas) on their arrival in Timor-Leste.

2. Any other foreign visitors and passengers in transit who are not nationals of an authorized country pursuant to article 4 of this decree-law shall not be able to travel into Timor-Leste, except where they are the holders of a visa obtained prior to arriving in Timor-Leste.

Article 4
Authorised countries

1. The Secretary of State for Security, upon consultation with the Minister for Foreign Affairs, shall establish the list of authorised countries whose nationals may request Visit Visas (Class I Common Visas) or Transit Visas (Class II Common Visas) on arrival at international airports and ports.

2. When listing the countries to be included in the list of authorised countries, the Secretary of State for Security shall take into account the threats to national and external security, the risk of non-compliance with the Immigration Act, other international laws or conventions of which Timor-Leste is a party, as well as the interests of the external relations of Timor-Leste.

3. Whenever deemed necessary, the Secretary of State for Security may amend the list of authorised countries following a consultation with the Minister for Foreign Affairs.

4. The list of authorised countries provided for in this article shall be published by Government Resolution.

Article 5 Transitional provisions

The current procedures for granting visas at border control posts shall continue to be in force pursuant to transitional provisions until the date for its effective implementation is published by Order of the Government member responsible for the area of migration.

Article 6 Revocatory norm

Any previous legislation that is contrary to the spirit and letter of this Decree-Law is hereby revoked.

Article 7 Entry into power

This Decree-Law shall enter into force on the day immediately after its publication in the Official Gazette.

Approved by the Council of Ministers on 3 February 2010.

The Prime Minister,

Kay Rala Xanana Gusmão

The Minister for Defence and Security,

Kay Rala Xanana Gusmão

The Minister for Foreign Affairs,

Zacarias Albano da Costa

Promulgated on

For publication

The President of the Republic

José Ramos-Horta