



Law no. 11/2017 of 24th May¹

LAW OF MIGRATION & ASYLUM

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¹ **Important note** – this is an unofficial translation drafted by Ms Tracey Morgan. The table of contents does not form part of the law. In case of any doubt as to any term or meaning, the official Portuguese or Tetum versions must be relied upon. See <http://www.mj.gov.tl/jornal/>

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Law no. 11/2017 of 24th May

LAW OF MIGRATION & ASYLUM

The continued growth of people's mobility, the globalisation of the social and economic challenges affecting various regions of the globe, terrorism and transnational organised crime are fundamental aspects of the new international paradigm and require continued attention by States with respect to control of migration flows.

Due to its strategic geographic location and increasing economic development, Timor-Leste has increasingly become a host country, and the development and consolidation of public policies in the context of migration is therefore essential. In addition, in an era in which the reality of refugees is becoming more and more acute, the need to fully respect the Universal Declaration of Human Rights, the Geneva Convention of 28 July 1951 and the Additional Protocol of 21 January 1967, embodying the tradition and democratic spirit of the Timorese State in welcoming those who most need it.

Also, during the validity of Law no. 9/2003, of October 15, some discrepancies between the reality of migratory movements and the internal security needs of the country were verified. 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 national citizens from national territory, thus allowing Timor-Leste to respond more adequately to the challenges posed in this area.

Among the innovations introduced by the present decree, we highlight the increase in the definitions that aid in the interpretation and application of the law, the reformulation of the concept of a special stay authorisation, making clearer the range of foreigners who can benefit from this regime. Redefining the range of visas that can be granted by Timor-Leste, notably the introduction of a courtesy visa, a business visa and a temporary stay visa for dependents, the creation of clearer rules for the extension of visas and obtaining residence permits, clarification of the procedure for obtaining asylum, the increase in the values of tariffs and fines, and, finally, the criminalization of violation of the measure of prohibition of entry and marriage of convenience.

As far as tariffs are concerned, their creation is subject to the principles of economic equivalence for the service provided by the State, so that their value has been fixed in view of the real costs of their issuance, with respect for the pursuit of the public interest and satisfaction of financial needs of State.

The National Parliament decrees, in terms of no. 1 of article 95 of the Constitution of the Republic, to validate as law, the following:

CHAPTER I - General provisions

Article 1 - Object and scope

1. The present law regulates the conditions and procedures for entry, stay, departure 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 provisions of the preceding paragraph shall be without prejudice to the special regimes provided for in treaties, international conventions or protocols of which the RDTL is party or which may be concluded, in particular, within the framework of the Community of Portuguese-Speaking Countries or other international organizations of which Timor-Leste is a member.

Article 2 - Definitions

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

a) 'readmission agreement' means an agreement, convention, protocol or any other international instrument, bilateral or multilateral, to which Timor-Leste is a party and which deals with the conditions for the active and passive readmission of aliens in the territory of the Contracting States;

b) "Stateless person" means an individual who is not a national of any State;

c) "Business activity" for the purposes of immigration is the production, distribution and sale of goods or services, regardless of their nature, carried out in the country's economy, in accordance with the Private Investment Law;

d) "Geneva Convention" means the United Nations Convention relating to the Status of Refugees, made in Geneva on 28 July 1951, the scope of which was extended by the New York Protocol of 31 January 1967, ratified by Parliament's resolution National no. 20/2003, of September 17;

e) "Decision of administrative expulsion" the decision to expel a foreigner from the national territory, taken by the member of the Government who is in charge of migration, in accordance with the present diploma;

f) "Decision of judicial expulsion" the decision to expel a foreigner from the national territory by a competent court, according to the penal legislation;

g) "Police arrest" means the placing of a person in police custody in public facilities, with the purpose of subjecting them to criminal prosecution, minor offense or contravention procedures

h) "Foreigner" means a person 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 of RDTL;

i) "frontier" means the strip separating the national territory from neighbouring countries;

j) "national interest" means all material and non-material values which are protected by law and by public policies established by the competent bodies;

k) "Minor" means a person who, according to the applicable legislation, has not yet reached the age of majority;

l) "unaccompanied minor" means a minor who enters or leaves national territory unaccompanied by an adult who is his legal representative or who is not actually taken by that person or who has been abandoned after entering the territory national;

m) "ground or grounds for persecution" shall be any act of persecution which may give rise to a right to asylum, irrespective of its individual or collective character, which constitutes a serious infringement of fundamental human rights by its nature or reiteration, or a set of measures which by their nature or repetition affect the foreigner or stateless person in a manner similar to that resulting from a serious violation of fundamental rights;

n) "political opinion" means the opinion or idea related to the agents of persecution, in particular as to their policies and methods, whether or not this 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 of their habitual residence;

p) "safe country" means the country of origin, habitual residence or in which the applicant for asylum has been admitted and for which it can be objectively and verifiably established that it does not give rise to any refugees or, in respect of which may determine that there are no longer circumstances which might have justified recourse to the 1951 Geneva Convention;

q) "host third country" means the country where the applicant for asylum has been proven not to be the object of threats to his or her life and freedom within the meaning of Article 33 of the 1951 Geneva Convention or to torture or inhuman treatment or degrading treatment, or in which he has obtained protection or enjoyed the opportunity, at the border or within the territory, to contact the authorities of that country for protection or has been admitted and in which he enjoys real protection against repulsion, within the Geneva Convention of 1951;

r) "Illegal stay" means the stay in the national territory of a foreigner who has entered the territory in disobedience to what is established in the present diploma, remains in it without a valid visa or authorisation, or exercises in the national territory an activity for which he or she is not authorised;

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, according to which:

i. No refugee can be returned, expelled or extradited to a country or place where his or her life or liberty is threatened by reason of race, religion, nationality, membership of a particular social group or political opinion, unless the person concerned constitutes a threat to

national security or has been the subject of a final conviction for a particularly serious crime, excluding convictions for purely political, ideological or religious reasons;

ii. No person may be expelled or extradited to a country or place where there is strong evidence that he or she may be subjected to torture.

t) "Active readmission" means the readmission to a foreign territory of a person who is illegally in the national territory after a request made by the RDTL to the State of which the person is a national or has his/ her habitual residence;

u) "Passive readmission" means the readmission by the RDTL to its national territory of a person who is in an irregular situation in a foreign territory, upon the request of the country in which he is staying;

v) "refugee" means a foreigner or stateless person to whom the right to asylum is granted under the terms of this Decree and Article 1, A (1) and (2) of the 1951 Geneva Convention on the Status of Refugees, the scope of which 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 an alien or stateless person who has made an application for asylum which has not yet been the subject of a final decision;

x) "Resident" means a foreigner with a valid residence permit issued pursuant to this law;

y) "Legal representative of a minor" either the holder of parental authority or a person who has the guardianship of the minor under the terms of the Civil Code;

z) "Rate" the monetary benefit established in favor of entities integrated in the Public Administration whose value corresponds economically to the service rendered;

aa) "carrier" means any natural or legal person providing air, sea or inland passenger transport services on a professional basis;

bb) "Visa" means the authorization of travel, entry and stay in the national territory, for a specific purpose;

cc) "long-stay visa" means a visa issued by Timorese entities of a duration of six months or more;

dd) "Volunteering" means work of social and community interest, in which all the activity carried out reverts in favor of a cause of public interest, of national and international scope and purpose, as a rule without receiving any remuneration or profit;

ee) "International zone" for the purpose of documentary control and application of the provisions of this law, the following are considered international zone:

i. The area of territory between embarkation and disembarkation points and the place where the documentary checkpoints of persons are located at ports and airports;

ii. The area between the foreign territory and the documentary checkpoints of persons at the land borders.

CHAPTER II - Rights and duties of the foreigner

Article 3 - Principle of legality

The foreigner who is on national territory enjoys the same rights, freedoms and guarantees and is subject to the same obligations enshrined in the Constitution and laws as Timorese citizens, without prejudice to the legal limits established as a function of the status of foreigner and the rights that are reserved to the status of a national of the Democratic Republic of Timor-Leste.

Article 4 - Documents

1. The foreigner must be a bearer *[carry upon his person?]*, at all times, of a document proving his identity and nationality as well as his stay in national territory, in accordance with the provisions of the present diploma.
2. An alien admitted to national territory, with or without a visa requirement, throughout his stay, except in exceptional and duly justified conditions, is obliged to keep valid the travel document used for entry into the national territory.
3. The identity and travel documents provided for in the previous number shall be displayed by the foreigner when requested by any police or judicial authority.

Article 5 - Obligation to communicate

Foreigners authorized to remain or reside in the national territory under the terms of this decree-law for a period equal to or greater than six months are obliged to communicate to the public service responsible for migration, within a period of 60 days from the date of the occurrence, any change of name, profession, domicile or nationality.

Article 6 - Right to work

1. A foreigner is allowed to exercise paid activity, independently or subordinate, within the limitations established by law.
2. The exercise of remunerated activity is not allowed for a foreigner who does not have a visa or adequate document under the terms of the present law.
3. The holder of a work visa for the exercise of remunerated activity on behalf of a third party may only carry out his activity for an entity other than that contracted by express authorization of the public service responsible for migration, otherwise the visa will be canceled in accordance with article 49.
4. The provisions of this article shall apply to any paid or unpaid work activities, including voluntary work.
5. The Government periodically defines the professional activities that cannot be exercised by foreigners.

Article 7 - Right of association

1. Foreigners may associate or join associations, including for cultural, religious, recreational, sporting, charitable or assistance purposes, and participate in meetings commemorating their national dates.
2. For reasons of national security, in addition to the requirements of the special laws on non-profit legal persons, registration of associations that are exclusively constituted by foreign associates or which have the majority of its social bodies composed of foreigners must be communicated to the member of the Government that regulates migration.
3. The communication provided for in the preceding paragraph shall be made by means of an application addressed to the member of the Government in charge of migration, and must describe briefly the purposes of the association, attaching a copy of its articles of association or social pact, and the composition of its board.

Article 8 - Cancellation of membership registration

1. A member of the Government responsible for migration, by means of a reasoned order, may propose to the member of the Government responsible for registration of associations that he or she cancels the registration of any association that has obtained registration by providing false declarations of its purposes or, after registration, carries out illegal activities.
2. The member of the Government that supervises migration communicates the facts foreseen in the previous number to the Public Ministry for eventual extinction of the association and criminal procedure against those responsible.

Article 9 - Restrictions

1. Foreigners shall be prohibited from:
 - a) Participating in the political life and public affairs of the RDTL;
 - b) Owning private land;
 - c) Providing religious assistance to the Defense and Security Forces, except in case of absolute necessity and urgency or when duly authorised by the Government;
 - d) Interfering, directly or indirectly, in the affairs of the State;
 - e) Pressing or coercing any persons, groups or associations to adhere to ideas, programs or norms of political parties or factions of any country.
2. The restriction provided for in item d) above does not include:
 - a) Activities of a strictly academic nature;
 - b) Foreign technical assistance contracted by the State institutions;
 - c) Assistance programs bilaterally or multilaterally agreed to develop and strengthen democratic institutions that are constitutionally established and regulated by law.

CHAPTER III - Entry, stay and departure from the national territory

SECTION I - General provisions

Article 10 - Border posts

1. Entrance to and exit from the national territory shall be made exclusively at the border posts authorized for that purpose and during the hours of their operation, 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 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 control and identity checks at border posts.
3. The member of the Government responsible for migration may, by order, make temporary exceptions to the requirements of paragraph 1, whenever reasons of national interest and public order require this.

Article 11 - Right of entry and exit

1. Any person who, upon presentation of an identity document issued by the RDTL authorities, proves to be a national of the RDTL or who, as a foreigner, meets all the requirements established in the present diploma may enter the country.
2. All persons who are not subject to any order or restriction issued under the law are entitled to leave the national territory.
3. For the purposes of the preceding paragraph, the courts are exclusively competent to apply measures prohibiting absence from the national territory in accordance with the law, and must communicate this fact to the public service responsible for migration.

SECTION II - General conditions of entry, stay and departure

Article 12 - Travel documents and documents replacing them

1. To enter and leave the national territory, national citizens and foreign citizens must hold a valid travel document.
2. For the purposes of entry by foreign nationals, the travel document must be valid for at least six months more than the duration of the stay, except in the case of the re-entry of a foreign citizen residing in the national territory or a foreign citizen with Special Stay Authorisation or long-stay visa and only when there is diplomatic representation in the national territory of the country of which he is a national that can issue a new travel document.
3. Foreign and national citizens may also enter or leave the national territory, if they:
 - a) are holders of border crossing permits and travel permits within the border areas issued under the Agreement between the RDTL and the Republic of Indonesia on the

Traditional Border Crossing and the Regulated Markets, approved by National Parliament Resolution no. 21/2009, of May 28;

b) are holders of a safe-conduct or equivalent issued by the authorities of the State of which they are nationals or of the State representing them;

c) they are holders of a flight license or crew certificate referred to in Annexes 1 and 9 to the Convention on International Civil Aviation or other documents which replace them when in service;

d) bear a maritime identification document referred to in Convention 108 of the International Labor Organization when in service;

e) are holders of "laissez passer" issued by the United Nations (UN);

f) bear the travel document referred to in the Geneva Convention of 28 July 1951.

4. The safe conduct provided for in paragraph b) of the preceding paragraph is valid only for transit and whenever issued in national territory follows the provisions of Article 21.

5. Foreigners authorised with valid documents issued by RDTL under the terms of the law are also authorised to leave the national territory.

Article 13 - Entry visa

1. For entry into national territory, foreigners must hold valid visas adequate to the purpose of their travel, in accordance with the provisions of this law.

2. Foreigners are allowed to enter if they:

a) are qualified with a valid residence permit or identity card issued to diplomatic personnel and equivalent, in accordance with the terms of this diploma;

b) Are authorized with a stay permit;

c) Prove that they are at the service of the UN or one of its accredited agencies in the national territory;

d) are exempted from the entry visa requirement as a result of bilateral or multilateral agreements concluded by the RDTL and the State of which they are nationals.

3. Foreigners who enter national territory with a visa waiver, have a maximum limit of stay of ninety days, without prejudice to the cases in which they are extended to stay under the terms of this diploma.

Article 14 - Special Stay Authorisation

1. A special stay permit shall be granted, subject to a visa requirement, to:

a) Foreigners who are directly in the service of the institutions of the Timorese State by means of a contract for labour or services;

b) Foreigners who are directly linked to the UN, or to any of its agencies, or to another international organization duly accredited in the RDTL, under a contract for labour or services;

c) Foreigners who are directly linked to cooperation programs between the RDTL and the State of which they are nationals or because they are in the service of such a program, under a contract for work or services;

d) Foreigners who are directly linked to cooperation programs between the RDTL and non-governmental organizations duly constituted in the national territory, under a contract for labour or services.

2. The Special Stay Authorisation is not granted to foreigners who are in the service of third parties that have contracts with any of the entities referred to in the previous number.
3. The grant and renewal of the Authorisation shall be the responsibility of the member of the Government responsible for migration and shall be requested by the most senior representative of the entity or institution to which the foreigner is attached.
4. The foreigner who has obtained a favorable order granting a Special Stay Authorisation, goes to the public service responsible for the migration within a maximum of thirty days after the date of the despatch to proceed with the affixing of a stamp in the passport.
5. Special Stay Authorisation shall be valid for the duration of the contract, up to a maximum of one year, and may be extended for similar periods.

Article 15 - Subsistence

1. An alien who intends to enter and remain in the national territory must have sufficient means of subsistence for the period of stay.
2. For the purposes of the previous number, the minimum amount per capita equivalent to the following shall be sufficient for the period of the stay of the foreigner authorized by transit visa, tourist visa and business class I visa:
 - a) US\$100 dollars for each entry into national territory;
 - b) US\$50 dollars for each day of stay in national territory.
3. The amounts stipulated in the previous number may be waived upon presentation of a term of responsibility subscribed by those who guarantee food and accommodation during the stay of the foreigner, namely:
 - a) a national citizen;
 - b) a holder of residence permit;
 - c) a holder of a diplomatic corps or consular card;
 - d) Temporary stay visa holder for specialised activity development;
 - e) a holder of a work visa;
 - f) Business visa holder;
 - g) holder of a residence visa;
 - h) a holder of a Special Stay Authorisation;
 - i) Registered corporate body in Timor-Leste.
4. The term of responsibility provided for in the preceding paragraph implies for its subscriber joint and several liability for the payment of all amounts spent by the State in the eventual removal of the foreigner from national territory, without prejudice to criminal liability that may arise under the law.
5. For the purposes of the previous number and after the payment of the respective debt by means of an appendix^[?], the term of responsibility has the nature of an enforceable title.
6. The amounts referred to in paragraph 2 shall be updated annually by a joint ministerial decree of the members of the Government who shall supervise the migration and finances, according to the inflation rate.

Article 16 - Accommodation

1. An alien who wishes to enter and remain in national territory must indicate the type and location of the accommodation where he/ she lives.
2. Legal persons who, in any capacity, grant accommodation to foreigners, register it in a proper book, previously approved by the public service responsible for the migration, or by another means defined by the member of the Government that is in charge of migration.
3. Natural persons who, on any grounds, grant accommodation to foreigners, shall inform the public service responsible for migration or, where this is not possible, the police authorities closest to their place of residence.
4. The name, date of birth, copy of the identity document, nationality, date of entry and date of departure from the accommodation by the foreigner shall be indicated in the register or in the communication referred to in the previous numbers.

Article 17 - Return

The foreigner who intends to enter the national territory must prove that he has the necessary means for the return trip to a country in which his admission is guaranteed.

Article 18 - Verification of the validity of documents

1. In cases of doubt as to the authenticity of the documents submitted *[to?]* and issued by national authorities, the public service responsible for migration may access the information contained in the file that enabled the document to be issued.
2. In order to facilitate the verification referred to in the preceding paragraph, a link may be established between the Border Management System and other information systems in public bodies and services.

SECTION III - Special schemes

Article 19 - Entry and exit of minors

1. Without prejudice to the provisions of Chapter VIII, unaccompanied minors should be refused entry into national territory if their legal guardian is not in the national territory or there is no person duly authorized by the latter to take responsibility for the minor.
2. The repatriation of unaccompanied minors who have been refused entry under the terms of the preceding paragraph may only take place if their country of origin or third country ensures that they receive adequate care and assistance upon arrival.
3. Without prejudice to the provisions of the following paragraph, foreign minors and foreign nationals accompanying them shall be refused entry into the national territory when such persons do not prove, by a document with full probative value, the status of legal guardian of the minor.
4. Where the minor is accompanied by a person other than his guardian, or who is not the sole guardian, both are refused entry or exit from national territory if that person does not have an

authorisation to leave the country issued by the guardians of the minor or by the other guardian with a signature recognised by a notary or equivalent.

5. The entry into the RDTL of a foreign minor when his guardian is not admitted in national territory is not authorised, other than in exceptional cases, duly justified.

6. In cases where the foreign minor is not admitted in national territory, entry must be refused to the foreign citizen accompanying him at the time.

7. The foreign minor is allowed to enter and stay in the national territory for the time necessary to be surrendered to his/ her legal representative, if there is a suspicion that he/ she is being subjected to any criminal act of the authorship or complicity of the accompanying person, without prejudice to the criminal procedural measures applicable under the law.

8. Minors who are not accompanied by their guardian or by a person who has an authorisation for the minor to leave the country are not allowed to leave the country

Article 20 - Authorisation to enter exceptional cases

1. In situations of relevant national interest, or for urgent humanitarian reasons, foreigners who do not meet the legal requirements may be allowed to enter the national territory.

2. Without prejudice to the regime provided for in Chapter VIII on the right of asylum, the power to authorise entry under the terms of the preceding paragraph shall be with the member of the Government responsible for migration and, in situations of urgent humanitarian reasons, the power to authorize entry is with the head of the public service responsible for migration, with the possibility of delegation to those responsible for border posts.

3. The authorisations referred to in the preceding paragraph require a reasoned order.

4. The maximum validity of the authorisation of entry and stay is thirty days, and may be extended for equal and successive periods.

Article 21 - Safe-conduct

1. The head of the public service responsible for migration may issue the safe-conduct provided for in Article 12 (3) b) in favor of aliens who:

a) demonstrate difficulty or impossibility to leave national territory because they do not have a travel document;

b) are subject to a measure of removal from national territory and do not have a travel document.

2. The safe-conduct issued by the public service responsible for migration in national territory is intended to allow the exit of national territory and is valid for a single trip.

3. The safe conduct issued under the terms of the preceding paragraphs shall only be issued if there is a guarantee that the authorities of the country to which the alien intends to move will admit him or her into its territory.

4. In exceptional cases, for serious and urgent medical or humanitarian reasons, the safe-conduct may be issued with the possibility of re-entry into the territory of the RDTL.

5. The certificate issued in favor of a foreigner does not prove the nationality of the holder.

Article 22 - Passive Readmission

1. Whenever a foreign citizen residing in the territory of the RDTL is irregular in the territory of a country with which Timor-Leste has a bilateral readmission agreement, the foreign citizen must be readmitted to the RDTL, following an application addressed to the public service responsible for the migration.

2. Citizens who have been readmitted in the territory of the RDTL must be released immediately after their identity has been verified and after being heard in a statement of the reasons for their sending to the national territory, as well as after confirmation that there is no Judicial order pending on his person in national territory.

SECTION IV - Refusal of entry

Article 23 - Refusal of entry

1. Without prejudice to the provisions of Chapter VII, foreigners are refused entry if they:
 - a) do not meet the entry requirements set forth in this statute;
 - b) constitute a serious danger or threat to the health, public order or public safety or to the international relations of the RDTL, in particular if there are sound and strong indications that they have practiced or intend to practice acts such as war crimes, crimes against peace, crimes against humanity, crimes against freedom, acts of terrorism or contrary to the principles of the rule of democratic law;
 - c) have been convicted, with a final and unappealable sentence, for committing a crime with an abstract sentence equal to or greater than 3 years;
 - d) have been removed from national territory in accordance with Article 73 et seq., And the period of entry ban to which they are subject is still in force;
 - e) submit false documents or make statements that are manifestly contradictory to the true purpose of the stay in national territory.
2. The refusal of entry that does not depend on deadlines defined in terms of the present diploma is periodically re-evaluated with a view to its maintenance or revocation.
3. It is the responsibility of the member of the Government who supervises migration, upon proposal of the head of the public service responsible for migration, to create a list of persons not admitted in national territory.
4. The judicial and police authorities, within the limits of their respective powers, may request the interception of persons at the border, 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. Foreign nationals who have been born in the territory of the RDTL and who are habitually resident here or who are legal representatives of children of Timorese nationality or of minors who are nationals of a third State resident in Timor-Leste and who are legally resident in Timor-Leste, may not be refused entry, parental power or [...]ensure their livelihood and education.

Article 24 - Decision refusing entry

1. The decision to refuse entry may only be made after hearing the foreigner, whose statements may be reduced to writing by the foreigner.
2. The authority to refuse entry to national territory is with the head of the public service responsible for migration, with the possibility of delegation to those responsible for border posts.
3. For the purposes of the preceding paragraphs, border guards and officials shall accord the highest priority and urgency to the resolution of pending situations and adopt the precautionary measures legally admissible and humanely necessary until a refusal or admission decision is taken.
4. An alien not admitted may be placed, pending a final decision or repatriation trip, in a temporary shelter, if any, in the international zone of the border post or in an equivalent location.
5. The decision to refuse entry shall be notified in writing to the person concerned, in an official language and in the language he or she presumably understands, within forty-eight hours of the date of delivery of his statements, stating reasons, of which his rights and obligations, in particular the right of appeal, the time-limit for bringing proceedings and the right to be heard by a public defender or lawyer duly authorised and freely chosen by him, shall be borne by the respective charges.
6. Where the alien refused entry has not moved by his own means, the decision to refuse entry shall also be notified to the carrier.

Article 25 - Seizure of travel documents

1. When, for entry into national territory, the foreigner submits a counterfeit, falsified, extraneous or fraudulently obtained document, the competent services, after refusing entry, must:
 - a) In the case of entry of a foreigner who moves by his or her own means, seize their documents and proceed to deliver them and the foreign citizen to the police authorities of the country from which he or she intended to enter national territory;
 - b) In the case of entry of a foreigner who travels by carrier, seize their documents and, upon delivery, entrust the foreigner to the transporting entity responsible for returning him to the place of departure.
2. Foreigners who have been refused entry under the terms of sub-paragraph b) of the previous number are referred by the carrier to the country to which the return is made, which promotes the appropriate procedure according to its domestic law.
3. Documents of a foreigner who has been refused entry in accordance with paragraph 1 b) shall be sent by the public service responsible for migration to the police authorities of the country to which the foreigner is returned.

4. The procedures set out in paragraph 1 a) and b) shall not depart from the obligation to impart the facts to the competent judicial authority.

Article 26 - Rights of foreigner not admitted

1. During the stay in the international zone of the border post, a foreign citizen who has been refused entry into the national territory may communicate with the diplomatic or consular representation of his country, or representing the interests of his country, as well as with any person of their choice, also benefiting from the assistance of an interpreter and medical assistance, where necessary.

2. The alien who is not admitted is informed of his or her right to appeal and, if he or she so requests, may also be assisted by a public defender or freely chosen duly authorized lawyer for the practice of law in the national territory, and shall be responsible for respective charges.

Article 27 - Liability of carriers

1. Without prejudice to the criminal or administrative liability that may be incumbent upon it, a carrier transporting to the national territory by air, sea or land, a foreigner legally refused entry, shall be obliged as soon as possible to make the arrangements set out in Annex 9 to the International Convention on Civil Aviation.

2. The return provided for in the preceding paragraph shall be made to the point where the foreigner who was refused entry began using the means of transport or, if it is not possible, to the country where the travel document was issued or to anywhere his or her admission is guaranteed.

3. Until the re-embarkation is verified, the foreigner is in the international zone in charge of the carrier and under the responsibility of the carrier.

4. Where appropriate, an alien whose entry has been refused in accordance with Article 23 (1) shall be removed from the national territory under escort, which shall be carried out by members of the public service responsible for migration in accordance with of law.

5. The carrier is responsible for all expenses incurred by the escort, including payment of all applicable legal fees.

6. In the case of refusal to enter at a land border, the return shall be executed immediately after completion of the formalities involved in refusing entry.

Article 28 - Hierarchical Appeal

1. From the decision to refuse entry, there is an appeal to the member of the Government responsible for migration, that should be lodged within fifteen working days.

2. The appeal referred to in the preceding paragraph shall not have suspensory effect.

Article 29 - Related searches

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

CHAPTER IV - Visas

SECTION I - General provisions

Article 30 - Valid documents

1. Valid travel documents for travel visas as defined in this document are valid documents for the affixing of visas, with the exception of those that, by their nature, do not carry a place for the affixing of visas.
2. In the cases foreseen in the last part of the previous number the visas are affixed on a separate sheet.

Article 31 - Visas on family passports

1. When family passports are presented, visas and respective control stamps shall be issued in numbers corresponding to the number of persons requesting entry and stay in the RDTL.
2. The entry of two or more persons within the scope of a family passport shall entail the corresponding extension of stay and departure of all the persons covered, under penalty of illegal stay.
3. The provisions of the preceding paragraph shall be without prejudice to the special provisions contained in international agreements ratified by Timor-Leste.

SECTION II - Types of Visas

Article 32 - Typology

1. Visas are granted in accordance with the purpose of entry into national territory and with the typology established in the following paragraph.
2. The following types of visas are granted:
 - a) Courtesy visa;
 - b) Transit visa;
 - c) Tourist visa;
 - d) Airport stopover;
 - e) Work visa;
 - f) Class I and Class II business visa;
 - g) Temporary stay visa;
 - h) Residence visa²

² Visa to establish residence?

Article 33 - Courtesy visa

1. The courtesy visa is granted by the Ministry that oversees foreign affairs to the foreigner who travels to the national territory in service visit or of official character.
2. The visa referred to in the previous number is valid for one year, and allows periods of stay up to thirty days and multiple entries.

Article 34 - Transit visa

1. A transit visa is intended for an alien who intends to enter national territory on a trip to another country.
2. The visa referred to in the preceding paragraph is valid for a maximum period of seventy-two hours, it allows two entries and subject to the provisions of article 51 it can not be extended.

Article 35 - Tourist visa

1. The tourist visa is intended for the foreigner who travels to national territory for a tourism visit.
2. The tourist visa is valid for thirty days and may be extended once for an equal period, allowing a single entry, unless the foreigner travels to or from Oe-Cusse Ambeno, in which case multiple entries are allowed.
3. A foreigner holding a tourist visa is not authorised to carry on any professional activity in the national territory.

Article 36 - Airport stopover

1. The airport stopover visa shall be issued to an alien who intends only to have access to the international zone of the airport and who is traveling on the same or another aircraft in accordance with the transport document and, subject to the provisions of Article 51, it can not be extended.
2. Nationals of States identified in Government Resolution are subject to an airport transit visa.

Article 37 - Work visa

1. Work visas are intended to allow the holder to enter national territory in order to pursue a professional activity for hire or reward, in the form of an employment contract or in the provision of services.
2. A foreigner who wishes to volunteer for periods of more than 120 days per year is required to obtain a work visa for this purpose.³
3. Work visas are valid for a maximum period of one year, can be extended for equal periods and allow multiple entries.
4. A work visa only allows the holder to carry out the professional activity upon which its grant was based and has the limitations set forth in article 6.

³ Forr volunteering for < 120 days, see Article 39

5. Whenever the employment relationship on which the work visa was granted is terminated, this fact must be communicated to the public service responsible for the migration to cancel the visa under the terms of paragraph 1 b) of article 49 or [seek?] authorization to engage in a different activity in accordance with Article 6 (3).

Article 38 - Business visa

1. The business visa is divided into class I and class II and is granted to the foreigner who intends to develop business activities in the national territory in terms of Article 2. 1. c)

2. The Class I business visa is intended for a foreigner who intends to enter national territory for the purpose of developing business or investment prospecting activities.

3. The Class I business visa is valid for a maximum period of sixty days, allows multiple entries and, subject to the provisions of Article 51, it can not be extended.

4. Class II business visa is intended for foreigners who intend to establish themselves in national territory in order to pursue business activities within the meaning of Article 2 (1) c), by virtue of being a member or administrator of a commercial company registered or to be registered in the RDTL, and who holds a relevant position in it, provided that he or she remains or intends to remain in the 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 the initial period of six months, may be extended for periods of two years and allows multiple entries.

6. The extension of the Class II business visa depends in particular on the effective registration of the commercial company with the competent entity and on the continuous fulfillment of the legal obligations to which the commercial companies are subject in accordance with the applicable legislation and of the holder's stay in the national territory for no less than one hundred and eighty-three days per year.

Article 39 - Temporary stay visa

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

2. The temporary stay visa is also intended for other activities not provided for in the previous number, upon 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 study period and may be extended for six months, allowing multiple entries.

4. Holders of temporary study visas may be allowed to work part-time under the terms to be regulated by the Government.

5. A temporary stay visa to develop specialized cultural, sporting, scientific research, journalistic or highly qualified activities as an artist, sportsman, researcher, foreign media

correspondent, or highly qualified technician, is valid for the contract or mission period up to a maximum of one year, can be extended for equal periods and allows multiple entries.

6. A temporary stay visa to develop short-term volunteer activities has a maximum validity of 120 days, allowing multiple entries.

7. Temporary stay visas for dependents of foreigners referred to in paragraph 1 shall be equal to the validity of the family member's family support visa and shall be extended in identical terms, allowing multiple entries.

Article 40 - Visa to Establish Residence

1. The visa to establish residence is intended to enable the holder to enter national territory in order to apply for a temporary residence permit for:

- a) Exercise of professional activity;
- b) Family reunion.

2. The visa to establish residence is granted only to a person who demonstrates an intention to stay permanently in the national territory, has the necessary means of subsistence, has provided accommodation and has no criminal record.

3. The visa to establish residence is valid for ninety days and allows multiple entries.

4. If the foreigner who requests a visa under this article intends to pursue a professional activity, the criteria for granting the visa will be taken into account:

- a) the objective of providing skilled labor for the various sectors of the economy, with a view to increasing productivity and assimilating 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 can not carry on their activity, shall be fixed periodically by a Government resolution.

6. The deadline for the decision on the application for a visa to establish residence shall be 30 working days.

7. The absence of a pronouncement from the competent body for the granting of the visa to establish residence is equivalent to approval.

Article 41 - Waiver of residence visa

Foreign nationals do not need a visa to establish residence if they are:

- a) referred to in Article 70;
- b) children of holders of residence permits who have reached the age of majority and who have remained in the national territory since the age of ten;
- c) adult, born in the national territory, who have remained here since the age less than ten years;
- d) having lost their Timorese nationality, but have remained in the territory in the last ten years;

e) Have minor children who are legal residents of the RDTL or with Timorese nationality, or who have been assigned custody of the minor and who provide support and education;

f) those who have performed functions for the State and who have been granted a special stay permit under article 14 for five years;

g) Having been granted a work visa, business visa or temporary stay visa, they have entered and remained legally on national territory during the last five years.

SECTION III - Visa application and grant

Article 42 - Place of application

1. The application for a courtesy visa is submitted to the diplomatic or consular missions of the RDTL abroad or to the department responsible for consular affairs.

2. Applications for tourist visas and transit visas shall be submitted to diplomatic missions or consular posts of RDTL abroad or at RDTL border posts.

3. Applications for visas for temporary stay, work, business, airport stopover and residence are submitted to the diplomatic or consular missions of 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. When the visa has been requested in the consular representations of the RDTL abroad, the request is communicated to the public service responsible for migration by the most expeditious route, duly instructed with the necessary documentation, for the purpose of a binding opinion.

6. In the event that the interested parties reside in countries or territories where there are no consular representations of the RDTL, the request must be sent by the interested party directly to the consular service defined by the Minister responsible for foreign affairs.

Article 43 - General instruction documents

1. An application for a visa shall be accompanied by all necessary proof of the type of visa required, in particular:

a) Full identification of the applicant by photocopy of their passport, except when the visa is requested orally at the border post;

b) Colour passport-style photograph on plain background, except when the visa is required orally at the border post;

c) Proof of means of subsistence in the national territory in accordance with article 15;

d) Declaration of accommodation or place of accommodation in accordance with article 16;

e) transport ticket of departure from the national territory, or proof of possession of adequate means to support such departure in accordance with article 17;

f) Documentary evidence of the objective or conditions of stay, except for the tourist visa;

g) Copy of the short-term voluntary agreement, when it is a request for a temporary stay visa for volunteering;

h) Declaration of the educational establishment in which the foreigner is registered, when it is a request for a temporary stay visa for a student;

i) Copy certified by the consular services of the country of the nationality of the applicant for proof of the family ties between him and the dependent, in the case of a request for a temporary stay visa;

j) Certified copy of the contract of employment or service provision, internship contract or long-term voluntary agreement, in the case of a work visa application;

k) Proof of professional qualifications, when it is a request for a temporary stay visa for specialized activity, work or business;

l) Certified copy of the commercial register, authorisation for the exercise of economic activity under the law and 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) Attestation of physical and psychological robustness, when it is a request for a temporary stay visa for students and specialized activity, work, business class II, temporary stay for relatives or establishment of residence;

n) Original criminal record issued by the competent authorities of the country of origin or of the country where the foreigner has been resident for more than one year, when applying for a temporary stay, work, business class II visa or residence.

2. The entity competent to carry out the examination of the visa application may request from the interested party other appropriate means of proof to verify the credibility of the purposes stated in the application, provided that it does not exceed the limits of reasonableness and does not violate the personal rights of the interested party or the fundamental rights, freedoms and guarantees of the foreigner.

3. Foreigners under the age of sixteen are exempt from filing criminal records.

Article 44 - Competence to Grant

1. The granting of a courtesy visa shall be the responsibility of the member of the Government who oversees foreign affairs.

2. The granting of work visas, business visas, temporary residence visas and residence visas shall be granted by the member of the Government responsible for migration.

3. The issuing of a transit visa, a tourist visa and an airport transit visa shall be granted to the head of the public service responsible for migration.

4. Without prejudice to the provisions of paragraph 3 of article 35, the visas referred to in the previous number may be requested orally and obtained upon arrival 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 identify in a joint ministerial diploma the nationalities that are covered by the possibility of requesting orally seen upon arrival under the terms of the previous number.

Article 45 - Delegation of competences

1. The member of the Government that oversees foreign affairs may delegate powers to grant visas to the senior representative of the diplomatic or consular representations of Timor-Leste

abroad and to the senior representative of the department of consular affairs in national territory.

2. The member of the Government responsible for migration may delegate power to issue visas to:

- a) the head of the public service responsible for migration;
- b) the attachés of migration to consular posts abroad;
- c) the manager of the territorial representations of the public service responsible for migration.

3. The head of the public service responsible for migration may delegate his or her powers to grant visas as provided for in paragraph 3 of the preceding article:

- a) to his or her assistant;
- b) to the attaché of migration to consular posts abroad;
- c) those responsible for the migration services at each border post.

4. The head of the territorial representations of the public service responsible for migration may delegate power to his or her deputy.

5. The entity in which competence has been delegated under the terms of the previous numbers, will decide the application presented and communicate the decision to the applicant, under the terms to be defined in regulation.

Article 46 - Obligation to [obtain] Opinion

1. The decision to grant a work visa requires a reasoned opinion from the government body that oversees employment.

2. The decision to grant Class II business visas and residence visas for the purpose of pursuing a professional activity also requires a reasoned opinion from the governmental bodies that supervise private investment and employment.

3. The authorities responsible for issuing opinions shall give their opinion within 15 working days of the date on which the opinion of the authority responsible for issuing the visa is requested.

4. Failure to issue opinions within the period referred to in the preceding paragraph is equivalent to a favorable opinion.

Article 47 - Registration

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

Article 48 - Issuance of the visa

1. Upon receipt of the communication that the visa has been granted, the public service responsible for migration, the Ministry responsible for foreign affairs or the consular representation, as the case may be, shall issue the visa that has been granted, ensuring that the subsequent relevant procedural steps are taken.

2. Any visa granted under this law shall be exercisable only within thirty days after issuance.
3. The denial of the visa application, duly notified to the applicant, shall be subject to a hierarchical appeal within fifteen working days.
4. Dismissal of the appeal lodged under the terms of the preceding paragraph shall be subject to a judicial review to be filed within fifteen working days and in the general terms of the administrative procedure.
5. The appeal against the refusal to grant a visa shall not have suspensory effect.

SECTION IV - Cancellation of visas

Article 49 - Cancellation of visas

1. Visas granted under this statute may be canceled if the conditions that were the basis of the grant change, in particular if the foreigner:
 - a) made false declarations or provided counterfeit or falsified documents in the visa application;
 - b) exercises activity other than that for which the visa was issued, without having been authorized in accordance with paragraph 3 of article 6;
 - c) constitutes a threat under Article 23 (1) b).
2. The public service responsible for migration is competent to instruct the process of cancellation of the visa and prepares a report that refers to the member of the Government responsible for migration.
3. The competence to cancel visas is in the member of the Government who supervises the public service responsible for migration after receipt of the report referred to in the previous number and by a duly substantiated order.
4. The decision to cancel a visa shall be notified to the foreigner and may be appealed, with suspensive effect, in accordance with the provisions of article 28, paragraph 1 and article 29, with the necessary adaptations.
5. The cancellation of the visa implies the beginning of the procedures for the removal of the foreigner from the national territory.
6. The cancellation of the visa is recorded in the Border Management System in order to make this information accessible to services with competence in migration and asylum matters.

SECTION V - Extension of visas

Article 50 - Extension of stay

The extension of stay in national territory is made in accordance with the provisions of the present diploma, can only be authorized in duly substantiated 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 can only take place in exceptional cases and for serious medical or humanitarian reasons, as well as absolute impossibility of transportation within the deadline established for the visa if the lack of transportation was not caused by the person concerned.
2. The extension of visas in the cases provided for in the previous number is made for the strict time foreseeably necessary to obtain transportation to the destination of the interested party.

Article 52 - Competence to extend visas

1. The member of the Government responsible for the area of migration shall be competent to grant applications for extension of visas in accordance with the law.
2. The member of the Government responsible for migration may delegate to the head of the public service responsible for migration, the heads of the local public services responsible for migration or the migration attachés, the authority to grant applications for visa extension.

Article 53 - Procedure

1. The interested party must submit the request for an extension to the department responsible for migration at least fifteen days before the expiry of the visa.
2. The submission of the extension request to the competent authority shall interrupt the counting of the validity of the visa.
3. The application for the extension of a temporary student visa shall contain evidence of school achievement.
4. The extension of the business visa depends on the repeated fulfillment of the legal obligations of the commercial company to which the foreigner has its link, namely corporate, labor and fiscal.

Article 54 - Rejection of the request for extension

1. The extension of visas may be refused if the conditions on the basis of the grant or renewal of the visa change, or if the presence of the foreigner on national territory constitutes a threat under the terms of paragraph 1 b) Article 23.
2. The authority to reject the application for the extension of a visa shall be with the member of the Government responsible for migration, on the basis of a substantiated proposal from the public service responsible for this matter.
3. The decision to cancel (refuse) a visa is notified to the foreigner, and may be appealed, with suspensive effect, in accordance with article 28, paragraph 1 and article 29 with the necessary adaptations.
4. The rejection of the application for the extension of the visa shall entail the initiation of procedures for the removal of aliens from the national territory.

5. The rejection of the request for an extension of the visa shall be registered in the Border Management System in order to be accessible to the services with competence in matters of migration and asylum.

CHAPTER V - Residence permit

SECTION I - General provisions

Article 55 - Types of residence permit

The residence permit comprises two types:

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

Article 56 - Foreign minors born in the national territory

1. Foreign minors born in national territory shall enjoy the same status as that granted to either of the parents, without prejudice to the rights recognized by the law of nationality.
2. For the purposes of issuing the appropriate visa or residence permit, either parent shall submit their application within six months of the child's birth.
3. Upon the expiration of the period provided for in the preceding paragraph, either parent or guardian may request the member of the Government responsible for the migration, to grant an appropriate visa or residence permit for the minor upon a reasoned request and a birth registration of the child.

Article 57 - Waiver of residence permit

1. Diplomatic, consular and similar agents accredited to the RDTL or members of their families shall not be required to obtain a residence permit.
2. The retention of administrative, domestic and assimilated personnel serving on diplomatic missions or consular posts shall be governed by the provisions of the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations.
3. The persons mentioned in the previous numbers are authorized by an identity card issued by the Ministry responsible for foreign affairs and cooperation, which is endorsed by the public service responsible for migration.
4. The persons referred to in paragraph 1 shall also be exempted from a visa for their first entry into national territory, provided that they hold a diplomatic or official passport and that their arrival is communicated in advance 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 Identification Card

1. A foreigner authorized to reside in the national territory shall be issued with a residence permit.
2. The residence permit is a document sufficient to prove the civil identity of the holder and is the only identification document capable of proving the status of resident in national territory.

SECTION II - Temporary residence permit

SUBSECTION I - General provisions

Article 59 - Temporary residence permit

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

- a) for the exercise of professional activity;
- b) to a foreigner who has been married for two to five years to a national citizen and intends to reside in the RDTL;
- c) for the purposes of family reunification;
- d) to victims of trafficking in persons or victims of networks to assist in the immigration of persons;
- e) for exceptional reasons.

Article 60 - Requirements for granting a temporary residence permit

1. Without prejudice to the special regimes provided for in Articles 61 and 62 and of the international treaties ratified by the RDTL, a temporary residence permit may be granted to aliens who cumulatively:
 - a) Are in national territory;
 - b) Show a justified intention of permanent stay in national territory;
 - c) Present valid travel documents;
 - d) Provide adequate means of accommodation and subsistence for the required period;
 - e) Have remained legally in national territory as holders of a visa to establish residence or are covered by one of the waiver lines 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 in punishment or penalties that, alone or cumulatively, exceed one year in prison.
2. The provisions of paragraph e) of the previous paragraph shall not apply to a foreign citizen who has been married for two to five years to a national citizen.
3. When the foreigner requests temporary residence and intends to exercise a professional activity in the national territory in accordance with the applicable legislation, the objective of providing specialized labor for the various sectors of the economy or public services and to create jobs for nationals, investing in their training, is considered as a concession criterion.

SUBSECTION II - Special Regimes

Article 61 - Granting of residence permits to victims of trafficking in persons

1. A temporary residence permit for a period of six months, renewable for equal periods, is granted to a foreign citizen who is or has been a victim of trafficking in persons or of a network of aid to illegal immigration, even if the latter has entered the country illegally or does not satisfy the conditions for granting a residence permit as provided for in Article 60.
2. A temporary residence permit shall be granted under this article provided that the victim of trafficking in persons or of illegal immigration networks cooperates with the authorities in investigating and prosecuting trafficking in persons or assisting with illegal immigration.
3. Prior to a temporary residence permit, means of subsistence, accommodation, adequate medical and psychological treatment, protection, security and legal assistance shall be guaranteed to the person identified as the victim of trafficking in persons or action to aid illegal immigration.
4. A person identified as a victim of trafficking in persons or of aid for illegal immigration may be given a cooling-off period not exceeding ninety days before deciding to cooperate with the competent authorities.
5. During the period of reflection no measure of removal from the national territory may be enforced against the victim of trafficking in persons.
6. The residence permit provided for in this Article and the rights granted during the period of reflection shall be extended to the next of kin of the victim.
7. A residence permit issued to victims of trafficking in persons or networks to assist illegal immigration and their family members may be canceled when:
 - a) the victim has actively and voluntarily re-established contacts with the alleged perpetrators of trafficking in persons or assistance with illegal immigration;
 - b) the authority responsible for issuing the authorization considers that the cooperation is fraudulent or that the victim's complaint is unfounded;
 - c) The victim ceases, either expressly or tacitly, to collaborate with the competent authorities.

Article 62 - Granting of residence permit for exceptional reasons

1. In exceptional cases of recognised national or humanitarian interest, a temporary residence permit may be granted to aliens who do not meet the entry requirements set forth in this statute.
2. The authorization of residence on exceptional grounds may also be granted on the initiative of the member of the Government responsible for migration, by means of a reasoned order, to the individual who has rejected an application for asylum but who, due to his/ her personal circumstances, is unable to return to their country of origin or country of habitual residence, in particular if:
 - a) there is strong evidence that he may be subjected to torture, degrading treatment or punishment;

b) There are serious suspicions that this return will put his or her physical integrity in danger.

3. The residence permit for exceptional reasons may also be granted after an application submitted to the public service responsible for migration by the person concerned, where the person concerned presents all relevant facts and may present evidence.

4. For the purposes of the previous paragraph, the public service responsible for migration shall carry out the investigation of the respective process, gathering for this purpose all relevant elements and documents, in particular those relating to the exceptionality or national interest invoked.

5. Once the instruction referred to in the previous number has been completed, a report with a duly substantiated decision proposal is drawn up 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 decide on the request in a duly substantiated joint order.

SECTION III - Permanent residence permit

Article 63 - Permanent residence permit

The permanent residence permit has no limit of validity, and the respective card should be submitted for renewal whenever there is a change in any of the records that appear on it.

Article 64 - Requirements for granting a permanent residence permit

1. Without prejudice to the Nationality Law, a permanent residence permit may be granted to aliens who, cumulatively:

a) have been legal residents in the national territory for at least ten consecutive years or are minor children or dependent on national citizens, or have been foreign nationals 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 provided for in the preceding paragraph, they have not been condemned for felonies to punishment or punishments that, alone or cumulatively, exceed one year in prison;

c) they have maintained adequate means of accommodation and subsistence throughout their period of residence in the national territory and provided they are expected to continue to be maintained;

d) The purpose of obtaining permanent residence declared in the application is not contradictory with the documents presented, or with the declarations given;

e) during their stay in Timor-Leste, they have made a positive contribution to the country's economy or social welfare.

2. The provisions of subparagraphs b) to e) shall not apply to minors dependent on national citizens.

SECTION IV - Request, cancellation and renewal

Article 65 - Application for residence permit

1. The application for the granting of a residence permit shall be drawn up on its own form, duly completed and signed by the applicant or, in the case of minors or incapacitated persons, by his legal representative and shall be accompanied by:

a) Full identification of the applicant by certified photocopy of their passport and visa or residence permit;

b) Color passport-style photograph on a plain background;

c) Proof of means of subsistence in national territory;

d) Declaration of accommodation;

e) Documents justifying the objective or the conditions of the stay;

f) Official document proving the family ties with national citizens, when applicable;

g) Original criminal record issued by the national authorities of the country where the applicant has lived for at least one year, unless under the age of sixteen.

2. The submission of the application mentioned in the previous number is not required for the purpose of granting the temporary residence permit for exceptional reasons when it is granted on the initiative of the member of the Government responsible for migration.

Article 66 - Cancellation of a Residence Permit

1. The residence permit shall be cancelled whenever the resident foreigner:

a) Has been the subject of a decision to expel from the national territory;

b) Has been sentenced, by a final and unappealable decision, to an effective prison sentence of more than one year for an intentional crime;

c) Has made false declarations or presented false documents in the procedures for granting visas or residence permits;

d) If he/ she is a holder of a temporary residence permit, if he/ she is absent from national territory for six consecutive months or more or, within a period of two years, ten non-consecutive months;

e) If he/ she has a permanent residence permit, if he/ she is absent from national territory for no substantiated and exceptional reasons, for a period of 24 consecutive months or, within a period of three years, thirty non-consecutive months;

f) Has married a Timorese citizen where the sole purpose was to obtain a residence permit.

2. When the holder of a permanent residence permit is the family member of a national citizen, the member of the Government who is responsible for the migration may, due to humanitarian and family reasons, order that the residence permit not be cancelled.

Article 67 - Renewal of temporary residence permit

1. The renewal of the temporary residence permit must be requested by the interested party in the public service responsible for the migration no less than thirty days before its validity expires.

2. The application for renewal of the residence permit shall interrupt the counting of the validity of the residence permit.

3. In assessing the request, the public service responsible for migration shall in particular consider:

- a) The maintenance of the assumptions that justified the granting of a residence permit;
- b) the means of subsistence and housing conditions available to the person concerned;
- c) the absence of any criminal conviction that would have prevented the initial granting of the residence permit;
- d) The compliance by the interested party with the legislation in force, namely labor, tax and corporate, when applicable, and concerning foreigners.

4. In cases where the residence permit has been granted under the family reunification regime, in exceptional cases, namely legal separation of persons and property, divorce, widowhood, death of 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 applies for it.

Article 68 - Competence

1. It is the responsibility of the head of the public service responsible for migration to grant and cancel residence permits.

2. The renewal of residence permits shall be the responsibility of the head of the public service responsible for migration who may delegate to his deputy or the head of the territorial representation of the public service responsible for migration.

Article 69 - Appeal

1. Refusal to grant a residence permit, duly notified to the applicant, shall be subject to appeal within 15 working days.

2. Dismissal of the appeal filed under the terms of the previous number shall be subject to litigation within a period of 15 working days.

3. An action against a refusal to grant a residence permit shall not have suspensory effect on the decision.

CHAPTER VI – Family Reunification

Article 70 - Right to family reunification

1. The right to family reunification in national territory is recognised for:

- a) relatives of national citizens, namely spouses, minor children, adopted or disabled and ascending to their position;
- b) Foreigners who are spouses, minor children, adopted or disabled and ascendant dependent of the foreign resident and dependent thereon;
- c) Foreigners who are spouses, minor children, adopted or disabled and ascending to the foreigner residing in the national territory with refugee status recognized by the RDTL that is in national territory or outside it.

2. In the case where a minor of seventeen years or a disabled person is the child of only one of the spouses, family reunification is only available if that spouse has legal custody of the

minor or disabled person.

Article 71 - Instruction and decision

1. National citizens or foreigners residing in national territory who wish to enjoy the right to family reunification must submit their application in the public service responsible for migration.
2. The application shall be accompanied by the following documents:
 - a) Official proof of the family ties invoked;
 - b) Certified copies of the identification documents of the family members of the applicant for whom the reunification is sought;
 - c) Proof that the applicant has adequate housing and sufficient means of subsistence to meet the needs of family members.
3. The provisions of sub-paragraph c) of the previous number are not required for refugees.
4. The public service responsible for migration may request from the applicant the documents it deems necessary for the investigation of the process, as well as request from other organs of the Public Administration the necessary information for the same purpose, in strict compliance with the principle of legality and proportionality.
5. The decision on the application for family reunification is the responsibility of the member of the Government responsible for the public service responsible for migration, who may delegate to the head of the public service responsible for migration, with the right to sub-delegate to his deputy.

Article 72 - Rejection of the application for family reunification

1. The application for family reunification may be refused in the following cases:
 - a) When the interested party does not meet conditions of accommodation and means of subsistence, except in cases of number 3 of the previous article;
 - b) When the family member in respect of whom the reunification is requested is prohibited from entering national territory;
 - c) When the decision rejecting the request for family reunification is based on reasons of public order or security, or the dangers that may result from the stay of the family member in national territory.
2. Before a decision rejecting family reunification is issued, the following shall be taken into account:
 - a) the nature and strength of existing family ties;
 - b) The time of residence of the foreigner in the RDTL;
 - c) The existence of family, cultural and social ties with the country of origin.
3. The rejection decision shall be notified to the person concerned with a clear indication of the reasons for it.
4. An appeal against the rejection decision shall be admissible in accordance with Article 69.

CHAPTER VII - Removal from national territory

SECTION I - General provisions

Article 73 - Reasons for removal

1. Without prejudice to the provisions contained in international conventions to which the RDTL is or will become a party, a foreign national is removed from the territory if:
 - a) he or she, without prejudice to the legal regime of asylum provided for in Chapter VIII, enters or remains unlawfully in the territory of Timor-Leste;
 - b) he or she threatens national security, public order or public health;
 - c) his or her presence or activity in the country constitutes a threat to the interests or dignity of the RDTL or its nationals;
 - d) he or she has committed acts which, if known to the Timorese authorities at the time of his or her entry into national territory, would have precluded it under the applicable legislation;
 - e) there are serious grounds for believing that he or she has committed or intends to commit serious criminal acts in national territory.

2. The provision in the previous paragraph does not affect the criminal responsibility of the foreigner.

Article 74 - Notification of abandonment of the national territory

1. Before an administrative procedure for expulsion is instituted, a foreigner who is in one of the situations provided for in paragraph 1 of the preceding article is notified to leave the national territory within the period fixed by him.
2. The fulfillment of the order of immediate abandonment of the national territory presupposes the use by the foreign citizen of the first means of travel available and appropriate to his situation.
3. Failure to comply with the notification provided for in paragraph 1 shall entail the initiation of an administrative expulsion proceeding with the application of police detention measures and coercive measures provided for in this decree-law.
4. The person in charge of the public service responsible for migration shall be competent to notify the foreigner, in accordance with paragraph 1., with the possibility of delegation to his deputy.
5. The period for leaving the national territory referred to in paragraph 1. may be extended by the head of the public service responsible for migration in duly substantiated cases.
6. The foreign citizen notified to leave the national territory is banned for up to two years.

Article 75 - Support for voluntary return

1. The RDTL may support the voluntary return of foreign nationals who have been notified of leaving the national territory under the terms of the previous article and who fulfill the

conditions required of the countries of origin, within the framework of cooperation programs established with international organisations, the International Organization for Migration (IOM), or other non-governmental organisations duly accredited under applicable law.

2. A foreign citizen who is removed from national territory through a process of support for voluntary return is prohibited from entering the country for a period of three years.

Article 76 - Active Readmission

1. Whenever a foreign citizen in an irregular situation in the territory of the RDTL must be readmitted and sent to another country, the public service responsible for migration issues the request.

2. During the readmission process the foreigner to be sent to the requested State shall be heard.

3. It is the responsibility of the member of the Government that supervises the migration, on 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. A foreign citizen returned to another country under a readmission process is prohibited from entering the territory of the RDTL for a period of two years.

Article 77 - Additional Penalty of Deportation

1. Whenever the court decrees an accessory [ancilliary?] penalty of expulsion under the applicable criminal law, other authorities should refrain from applying the administrative expulsion measure and, in cases where it has already been handed down, the judicial decision prevails.

2. The accessory deportation penalty shall be executed even if the person to be expelled is on parole.

3. The court where the conviction has been pronounced shall be competent to determine the expulsion.

4. For enforcement purposes, the court shall communicate the judgment to the public service responsible for the migration, which may require the assistance of other security forces to locate and possibly detain the person to be expelled.

SECTION II - Expulsion rendered in an administrative proceeding

Article 78 - Competence to institute and close the file

1. It is incumbent upon the head of the public service responsible for migration to arrange for administrative expulsion proceedings, which he may delegate to his deputy or those responsible for the operational sectors or territorial delegations.

2. It is incumbent upon the official of the public service responsible for migration to decide to close the case, verifying the legal requirements.

Article 79 - Destination country

1. Expulsion may not be to a country where the foreigner may be persecuted at the risk of death or subjection to cruel, degrading or inhuman treatment or punishment, or persecuted on ethnic, religious grounds, related to his or her nationality or social group, or by virtue of this or her political ideology and to be the target of acts that constitute a serious violation of his or her fundamental rights.
2. In order to benefit from the guarantee provided for in the previous number, the interested party must invoke the fear of persecution and present the evidence within ten working days.

Article 80 - Entry interdiction deadline

The foreigner administratively expelled is prohibited from entering national territory for a period that is fixed between five and ten years.

Article 81 - Precautionary and coercive measures

1. At the request of the Public Prosecutor's Office, the court may determine precautionary measures necessary to ensure effective compliance with the foreseeable or decreed administrative expulsion, namely:
 - a) Periodic presentation in the public service responsible for migration;
 - b) Detention in State facilities;
 - c) The placement of the detainee in custody, in a regime of separation from other prisoners, until the moment of actual expulsion.
2. The district courts of the area of residence of the foreigner or, not being a resident, of the place where he or she is found, are competent to apply the coercive measures.
3. Whenever necessary, the department responsible for migration shall notify the Public Prosecutor's Office of the need to submit to the court the request referred to in paragraph 1.

Article 82 - Process Requirement

1. An administrative process of expulsion is organized [?] against the foreigner who incurs in any of the grounds for expulsion from national territory provided for in this diploma.
2. No decision to expel a foreigner can be enforced unless his or her case is organized and decided.

Article 83 - Duty of communication

Security forces suspecting that a foreign national should be removed from the national territory shall inform the appropriate immigration service.

Article 84 - Police detention

1. A foreigner who enters or remains unlawfully in the national territory and who has been subject to an expulsion decision shall be subject to police detention and shall be presented, within a maximum period of seventy-two hours, to the competent court for the possible application of precautionary measures or under the terms of the criminal procedural legislation and article 81 of this law.

2. If the judge determines the preventative custody, the judge will inform the public service responsible for migration to promote [?] the competent administrative process for the removal of the foreign national.

3. The preventative detention provided for in the preceding paragraph may not go beyond what is necessary to enable the expulsion decision to be enforced and may not exceed 90 days.

4. If pre-trial detention is not determined, the judge shall notify the foreigner to appear in the public service responsible for migration and refer the respective process to the said service.

Article 85 - Process instruction

1. During the investigation phase of the expulsion process, the person against whom the process was initiated has the right to have a hearing, and enjoys all the safeguards for the rights of the defence provided for by law.

2. The person in charge of the process shall promote the steps considered essential for the determination of the truth and may refuse, in a reasoned order and without prejudice to the guarantees of defense provided for by law, the steps required by the person against whom the case was brought, the alleged facts[?].

3. Upon completion of the instruction, the respective report is drawn up, in which the instructor gives a description of the facts found and proposes the resolution he or she considers appropriate, after which the case is referred to the competent authority for decision.

Article 86 - Declassification [?]decision

1. The decision of administrative expulsion falls within the competence of the member of the Government responsible for migration.

2. The expulsion order shall contain:

- a) the facts and the grounds of law;
- b) The legal rights and obligations of the person being expelled, in particular the right of appeal;
- c) The prohibition of entry into national territory with the indication of its deadline;
- d) The indication of the country to which the foreigner is referred.

3. The expulsion order shall be served on the person against whom the case was brought, in an official language and in a language which he presumably understands.

4. The execution of the decision implies the inclusion of name of the expelled person in the list of inadmissible persons.

Article 87 - Appeal

1. The contested decision may be appealed.

2. Appeal [by?] a foreigner who has entered and remained legally on national territory has suspensive effect.

3. Appeal [by?] a foreigner who has entered or has remained unlawfully in national territory has a purely voluntary[?] effect.

4. The time limit for lodging an appeal shall be 15 working days from the date of notification of the decision to expel the person concerned.

Article 88 - Compliance with the decision

1. An alien against whom expulsion has been issued shall be under police custody for a period of forty-eight hours from the date of notification of the decision, provided that he is not in custody or has failed to appeal under paragraph 2 of the previous article.

2. The police detention provided for in the preceding paragraph is intended to ensure the execution of the expulsion decision and may be extended by judicial decision up to a maximum of seventy-two hours if it is impossible to execute the decision within period referred to in paragraph 1.

Article 89 - Jurisdiction to enforce the decision

It is the responsibility of the public service responsible for migration to enforce expulsion decisions.

Article 90 - Expenses

Without prejudice to any reimbursements, it is the responsibility of the State to pay immediately the expenses incurred in complying with the decision, and must be satisfied through an exclusive amount, to be provided annually in the State Budget.

CHAPTER VIII - Asylum

SECTION I - General Provisions

Article 91 - Guarantee of the right of asylum

1. The right of asylum is guaranteed to aliens and stateless persons persecuted or seriously threatened with persecution as a result of an activity carried out in the State of their nationality or habitual residence in favour of democracy, social and national liberation, peace between peoples, freedom and the human rights.

2. Aliens and stateless persons have the right to asylum when, on the basis of fear of being persecuted for reasons of race, religion, nationality, political opinion or integration in a certain social group, they can not or, because of this fear, do not want to return to the State of their nationality or habitual residence.

3. Asylum may be granted to a foreigner who has more than one nationality only when the grounds referred to 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, the persecution on which the right to asylum is based is a set of acts or measures or an isolated act or measure which, by its nature or repetition, constitutes a serious violation of fundamental rights and which may be committed, in particular:

- a) by a State;

b) By parties or organisations that control the State or a significant portion of its territory;

b) by non-State actors, where it is clear that the State or parties or organisations mentioned in the preceding subparagraphs are unable or unwilling to provide protection against persecution.

Article 93 - Exclusion of the right of asylum

1. Foreigners or stateless persons shall not be granted asylum or any other form of protection if they are:

a) protected or assisted by a body or institution of the United Nations other than the Office of the United Nations High Commissioner for Refugees (UNHCR), unless such protection or assistance has ceased without their destination having been finally settled;

b) residing in a country whose competent authorities consider that the latter has the rights and duties of a national of that country;

b) for which there are serious grounds for considering that they:

(i) have committed a crime against peace, war crime or crime against humanity, as defined in the international instruments establishing provisions relating to such crimes;

(ii) have committed a serious ordinary-law crime punishable with imprisonment for more than three years, outside their national territory, before they have been granted asylum or other forms of protection except when they have been convicted or could have been convicted on grounds exclusively political, ideological or religious;

(iii) have engaged in acts contrary to the purposes and principles of the United Nations.

2. Asylum may also be refused if it results in a serious or proven threat to internal or external security or public order.

Article 94 - Effects of granting asylum

The granting of asylum in accordance with the provisions of this Chapter shall entitle the beneficiary to refugee status by subjecting him or her[?] to the provisions of this decree-law, without prejudice to any special regimes contained in any international treaties or conventions to which the RDTL is party or to which it accedes.

Article 95 - Extension of asylum to relatives

1. The effects of asylum are extended to the spouse and to minor children, adopted or dependent disabled, whenever the applicant so requests.

2. The system of family reunification provided for in Article 70 et seq. shall apply to family reunification of refugees with the necessary adaptations.

Article 96 - Effects of asylum on extradition

1. The final decision on any pending extradition proceedings of the applicant shall be suspended for as long as the application for asylum is under consideration.

2. The granting of asylum shall preclude the pursuit of any request for the extradition of the refugee, based on the facts on the basis of which asylum is granted.

Article 97 - Effects of asylum on entry-related offenses

1. The administrative procedure or criminal proceedings against the asylum seeker and his/ her family for irregular entry into national territory shall be suspended at the time the application for asylum is lodged until the final decision.
2. Where asylum is granted to the applicant, the procedure or procedures referred to in the preceding paragraph shall be closed when it can be shown that irregular entry into national territory was due to the same facts as justified the granting of asylum.

Article 98 - Refugee status

1. A refugee shall enjoy the rights and be subject to the duties of foreigners resident in the RDTL, insofar as they do not contravene the provisions of this law, the 1951 Geneva Convention and the 1967 New York Protocol, which comply with the law and regulations, as well as measures for the maintenance of public order.
2. The refugee shall be entitled, under the 1951 Geneva Convention, to an identity document attesting to the status of the refugee by the public service responsible for migration.

SECTION II - Admissibility of the asylum application

Article 99 - Application for asylum

For the purposes of this section, an application for asylum shall mean an application by an alien to a State for the protection of the 1951 Geneva Convention, invoking refugee status within the meaning of Article 1 of this Convention.

Article 100 - Application Submission

1. An alien 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 the date of entry into the country, and may do so orally or in writing.
2. When the applicant is a resident or foreigner with the right to stay in national territory, the period shall run from the date of verification or knowledge of the facts on which the application is based.
3. If it has not been directly submitted to the public service responsible for the migration, the request is sent to that service, which will notify the applicant immediately to provide declarations within five working days.
4. With the notification referred to in the preceding paragraph, the applicant shall be provided with a statement of claim, and shall be informed, in an official language and in a language that he or she knows, of his rights and obligations, namely to keep that service informed of the his current residence and the one of there present biweekly, on the day of the week that is fixed to him, under penalty of the procedure not to follow its procedures.
5. The public service responsible for migration shall inform UNHCR of applications for asylum which are submitted to it for the institution to so decide.

Article 101 - Content of the request

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 required;
 - b) Indication of the country or countries and place or places of previous residence or residence;
 - c) Indication of previous applications for asylum;
 - d) a description of the facts or circumstances on which the application is based.
2. The applicant shall attach to the application all travel and identification documents in his possession and all the evidence at his disposal.

Article 102 - Statements

1. The service responsible for the migration, even when the request has been made in writing, shall ensure that the applicant is given the opportunity to make statements under conditions which ensure their confidentiality and, where necessary, by means of translation, before taking a decision.
2. The provision of statements by female asylum seekers occurs before female members of the public service responsible for migration.
3. For the purposes of the preceding paragraphs, as soon as the application for asylum is received, the public service responsible for migration shall promptly notify the applicant to make declarations within five days, informing him/her of the possibility of being assisted by a public defender or lawyer duly empowered and freely chosen by him/her, and shall bear the respective costs.
4. A transcription, in a language accessible to the applicant, who signs it, shall be prepared for the presentation of statements at the interview.
5. The application for asylum may be rejected at the outset if the applicant does not appear at the interview to make statements without good reason or refuses to provide statements.

Article 103 - Order analysis

The public service responsible for migration considers all relevant elements at the time of the examination of the application, namely:

- a) the statements and evidence submitted by the applicant, their credibility, conduct and their effort to substantiate the alleged facts;
- b) the brevity [**promptness?**] of the application;
- b) the political, social, economic and human rights situation of the country of origin, including its legislation and the guarantees of its implementation;
- d) the coherence and truth of the facts alleged by the applicant when faced [**compared?**] with the country of origin information collected by the public service responsible for migration;
- e) The possibility of the applicant to avail himself of the protection of another country.

Article 104 - Inadmissibility of the application

1. The application for asylum shall be considered inadmissible if, by means of the procedure provided for in this statute, certain situations provided for in Article 93 are ascertained at the outset or when:

- a) It is immediately apparent that the application does not satisfy any of the criteria laid down by the 1951 Geneva Convention, since it is unfounded;
- b) it is clearly fraudulent or constitutes an abuse of the asylum procedure;
- b) it is formulated by an applicant who is a national or habitual resident of a country which qualifies as a safe country or host third country;
- d) the application is unjustifiably submitted after the deadline laid down in Article 100.

2. For the purposes of paragraph 1 b), it is considered that there is evidence that the application is clearly fraudulent or constitutes misuse of the asylum procedure where, in particular, the applicant:

- a) Bases his or her request on evidence emanating from counterfeit or falsified documents;
- b) Destroyed documents proving his or her identity;
- c) Provides false statements related to the subject of the request, with prior knowledge of the falsehood;
- d) deliberately omits the fact that he has already submitted an application for asylum in one or more countries with a possible false identity.

Article 105 - Summary instruction and decision

1. The head of the public service responsible for migration shall be responsible for issuing a reasoned decision on refusal or admission of the request within thirty working days.

2. Failure to take a decision within the period referred to in the preceding paragraph shall be tantamount to the tacit approval of the admissibility of the request.

3. The decision shall be made known to the representative of UNHCR.

4. The admission of the application does not mean recognition of the right to asylum.

Article 106 - Effects of refusal of order

1. The decision to refuse the application shall be notified in an official language and in a language known to the applicant within twenty-four hours, stating that he/she must leave the national territory within five working days, under penalty of expulsion immediately after expiry of that period.

2. The notification referred to in the preceding paragraph shall be accompanied by the information on which the refusal of the request and the rights of the applicant were based.

Article 107 - Appeal

1. Within five working days of the notification provided for in paragraph 1 of the preceding article, the applicant may appeal the decision to the member of the Government who is in charge of the migration.

2. Within five working days of the date of receipt of the appeal, the member of the Government responsible for migration issues a final decision, which is subject to litigation, to appeal within a period of 15 working days.

3. The appeals provided for in this article shall have suspensive effect on the expulsion order.

SECTION III - Applications submitted at border posts

Article 108 - Special Regime

The admissibility of asylum applications lodged at border posts by foreigners or stateless persons who do not meet the legal requirements necessary for entry into national territory shall be subject to the regime provided for in the previous articles, as amended in this section.

Article 109 - Assessment of the application and decision

1. The public service responsible for migration shall communicate the presentation of the asylum applications referred to in the preceding Article to the representative of the UNHCR, who may deliver an opinion within forty-eight hours and interview the applicant if he wishes and in that case consent[?].

2. Within the period referred to in the preceding paragraph, the applicant shall be informed, in writing, in an official language and in a language which he or she knows, of his rights and obligations and shall make declarations[?].

3. The head of the department responsible for migration shall issue a reasoned decision rejecting or admitting the request within a maximum period of 15 days but not before the expiry of the period referred to in paragraph 1.

4. The decision referred to in the preceding paragraph shall be notified, in an official language and in a language known to the applicant, with information on the rights of appeal which are available to him and at the same time communicated to the representative of UNHCR.

Article 110 - Appeal

1. Within 48 hours of notification of the decision, the applicant may appeal to the member of the Government responsible for migration, with a suspensive effect, within a period of three working days. fifteen business days[?].

2. Having been consulted under paragraph 1 of the preceding article, the representative of the UNHCR may, upon request, decide *[give an opinion?]* on the decision of the director of the public service responsible for migration, within twenty-four hours of the decision.

Article 111 - Effects of the application and the decision

1. The applicant shall remain in the international zone of the border post pending the notification of the decision of the head of the public service responsible for migration or of the member of the Government responsible for the migration.

2. The applicant for asylum who resorts to [?]the decision of the member of the Government responsible for migration shall be placed in a reception center in the national territory pending the decision of the court.

3. Without prejudice to the effects of the appeal, the decision to refuse the application shall require the applicant to return to the place from which he or she travelled or, where this is not possible, to the State upon whose travel document he or she travelled or to another place where he or she can be admitted, namely a host third country.

4. The decision to admit the application or the expiration of the periods provided for in the previous articles without being notified of the administrative decision refusing admission shall determine the applicant's entry into national territory, followed by the investigation of the asylum procedure under the terms of the present diploma.

SECTION IV - Grant of asylum

Article 112 - Provisional residence permit

1. The public service responsible for migration shall issue to those persons covered by an application for asylum who have been granted a temporary residence permit valid for a period of 60 days from the date of submission of the application and renewable for periods of 30 days until decision end of it. [?]

2. Relatives entitled to protection under this law shall be mentioned in the applicant's residence permit by means of an endorsement.

Article 113 - Instruction and report

1. The public service responsible for migration shall make the necessary inquiries and ascertain all the facts the knowledge of which is convenient for a just and prompt decision.

2. The period of investigation shall be sixty days, which may be extended for an equal period, when justified.

3. During the investigation, the UNHCR representative shall be invited to add to the process reports or information on the country of origin and to obtain information on the status of the proceedings.

4. After the end of the instruction, the public service responsible for migration issues a report with its final proposal which, together with the process, sends the member of the Government responsible for migration.

5. This proposal is made known to the UNHCR representative who has been consulted and who may wish to comment on its content within five working days.

6. The applicant shall be notified of the content of the tender and may give its opinion within the same time limit.

7. The member of the Government responsible for migration decides within eight working days from the end of the period provided for in the preceding paragraph, taking into account the proposal made and any statements made by the applicant and the representative of UNHCR.

8. Persons involved in the asylum procedure shall be required to keep professional secrecy to the information they have access to in the performance of their duties.

9. The decision shall be notified to the applicant and to the representative of UNHCR.

Article 114 - Effects of the decision

1. The granting of asylum shall entitle the applicant to refugee status in accordance with Article 98.

2. The refusal of the application for asylum shall be subject to a litigation procedure, to be filed within fifteen working days, which shall have suspensive effect.

Article 115 - Effects of refusal of asylum

1. In the event of a refusal of the application for asylum, the applicant may remain in national territory for a transitional period not exceeding twenty working days, without prejudice to the right of appeal.

2. The applicant shall be subject to the general provisions set forth in this statute as of the expiration of the period referred to in the preceding paragraph.

3. When the decision of the Court confirms the decision of the member of the Government responsible for migration, the suspension of the period is suspended and the process of expulsion or extradition is initiated.

SECTION V - Loss of right of asylum

Article 116 - Causes of extinguishment of the right of asylum

The following constitute grounds for termination of the right of asylum:

- a) The verification of any of the causes of exclusion of article 93;
- b) Express resignation;
- c) The practice of prohibited acts or activities, in accordance with the provisions of this law;
- d) proof of the falsity of the grounds relied on for the grant of asylum or the existence of facts which, if known at the time of the grant, would have resulted in a negative decision;
- e) The request for and obtaining by the refugee of the protection of the country of which he is a national;
- f) The voluntary re-acquisition of nationality which he has lost;
- g) The voluntary acquisition by the refugee of new nationality, provided that he enjoys protection of his country;
- h) The voluntary resettlement in the country that he left or outside of which he remained for the purpose of being persecuted;
- i) the cessation of the grounds for granting the right of asylum;
- j) The decision of expulsion of the refugee judicially rendered;
- k) Abandonment by the refugee of national territory, setting himself in another country.

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

1. Without prejudice to the principle of non-refoulement, the loss of the right of asylum on the basis of subparagraph a) of the preceding article, in particular for the reasons set out in Article

93 (1) b) or based on point c) of the previous article, causes expulsion from the national territory.

2. The loss of the right of asylum for the reasons foreseen in points b), d), e), f), g) and h) of the previous article determines the subjection of the asylee to the general regime of permanence of foreigners foreseen in this diploma, without prejudice of the provisions of the following paragraph.

3. In case of loss of the right of asylum, due to the circumstance provided for in sub-paragraph i) of the preceding paragraph, the refugee may request the grant of a residence permit exempt from presenting his/ her visa under the general regime of foreigners.

Article 118 - Expulsion of the beneficiary of asylum

The expulsion of the beneficiary of asylum, under the terms of paragraph 1 of the preceding article, can not result in his being placed in the territory of a country where his freedom is at risk for any of the causes that, under the terms of this chapter, the granting of asylum.

Article 119 - Competence

1. It is incumbent upon the member of the Government responsible for migration, 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 of the head of the public service responsible for migration referred to in the preceding paragraph shall be made known to the representative of UNHCR when he has been heard under the terms of this decree-law and may, if he so wishes, express his opinion thereon within five working days.

3. The decision declaring the loss of the right of asylum shall be subject to appeal, to be filed within twenty working days and with suspensive effect of the administrative decision.

SECTION VI - Resettlement

Article 120 - Resettlement request

1. Requests for the resettlement of refugees under UNHCR's mandate shall be submitted by the UNHCR representative to the member of the Government responsible for migration.

2. The member of the Government referred to in the preceding paragraph shall 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 - Welcome guarantee

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

Article 122 - Support

1. Applicants and holders of the right to asylum in economic and social deprivation, as well as to the members of their respective families provided under this Chapter, shall be granted economic and social support and medical and medical assistance as may be 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 that are agreed upon for this purpose.
3. If it is established that the applicant has sufficient financial resources, he may be required to cover expenditure incurred in accordance with paragraph 1.

Article 123 - Other guarantees

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

Article 124 - Extinction of procedure

The procedure provided for in this Chapter shall be deemed to be terminated where:

- a) the application is withdrawn by the applicant;
- b) The applicant unjustifiably misses any act that must take place in the public services with a view to granting the intended refugee status, provided that it has been regulated;
- c) The procedure is stopped for more than sixty days for reasons attributable to the applicant.

CHAPTER IX - Rates

Article 125 - Creation and incidence of tax

1. Without prejudice to Article 127, fees are payable for issuing and extending visas and issuing and renewing residence permits in accordance with Articles 128 and 129.
2. In order to cover the expenses of the public administration with the escort of foreigners removed from national territory, an escort fine shall be payable in accordance with Article 130.
3. The obligation to pay the fees referred to in paragraph 1 of this Article shall be borne by the applicant.
4. The obligation to pay the fine provided for in paragraph 2 of this Article shall be borne by the carriers.
5. Where the claimant's claim is rejected in accordance with the law, the fee shall not be refunded.

Article 126 - Update

The tariffs foreseen in the present diploma are updated annually according to the rate of inflation verified in the previous year by joint ministerial diploma of the members of the Government with responsibility for migration and finances.

Article 127 - Exemption from taxes

1. Holders of diplomatic and official passports shall be exempt from the payment of fees for services rendered by the public service responsible for migration.
2. It [what?] is also exempt from the concession fee and the extension of a special stay permit.
3. Foreign nationals of countries with which the RDTL has an agreement to this effect also benefit from exemption from tariffs for issuing and extending visas.
4. The Government may exempt certain nationalities from the payment of certain visas by joint ministerial diploma of members of the Government responsible for migration, finance and foreign affairs.

Article 128 - Emission rates

The fees to be charged for the issuance of visas and residence permits are those set forth in the table in Annex I to this statute, of which it forms an integral part.

Article 129 - Extension Rates

The fees to be charged for the renewal of visas, renewal of a temporary residence permit and a new issue of the resident's card are those set out in the table in Annex II to this statute, of which it forms an integral part.

Article 130 - Liability of carriers

For the escort of each foreigner whose removal from national territory is the responsibility of the carriers under the terms of this law, and without prejudice to other amounts that may be applicable, a fine of US\$1,000 is levied.

Article 131 - Settlement and collection

1. The settlement of the tariffs consists of a document issued by the competent department to receive applications for the granting or extension of visas or the application for the granting or renewal of a residence permit.
2. It is up to the public service mentioned in the previous number to fully charge the amounts paid at the time the application is submitted.
3. The public service responsible for migration does not receive or analyze any request until the respective tariff is paid.

Article 132 - Return and destination of fees charged

1. When the request of the applicant is not granted or denied in accordance with the law for reasons attributable to the public service responsible for processing his application, the application may request the return of the fee previously paid, upon presentation of proof of payment.

2. The product of tariffs is state revenue.

CHAPTER X - Illegal immigration

SECTION I - Crimes

Article 133 - Infringement of the interdiction measure of entry

1. A foreign citizen who enters national territory during the period in which that entry was forbidden to him as part of a process of removal from the national territory shall be punished by imprisonment for up to one year.
2. In the event of a conviction, the court may decree, by a duly substantiated court decision, the expulsion of the foreign citizen.
3. Without prejudice to the provisions of paragraph 1, the foreign citizen may be removed from the territory of the RDTL to comply with the time in the absence of the interdiction period of entry in accordance with the procedure in which his removal was determined.

Article 134 - Marriage of convenience

1. A person who contracts marriage for the sole purpose of obtaining a visa or residence permit or for the purpose of defrauding the law in force on immigration matters shall be punished by imprisonment of 2 to 5 years.
2. Anyone who promotes marriages for convenience in the terms defined in the preceding paragraph shall be punished with imprisonment of 2 to 5 years.
3. Those who practice the acts provided for in the preceding paragraphs are repeatedly punished with a prison sentence of 3 to 8 years.
4. The attempt is punishable.

Article 135 - Aid for illegal migration

1. Anyone who favors or facilitates in any way the entry or irregular stay of a foreigner in the national territory, or his exit in cases where it was prohibited, shall be punished with imprisonment for up to one year.
2. If the agent practices the conduct referred to in the previous number with lucrative intent, he shall be punished with imprisonment of 2 to 5 years.
3. If the conduct referred to in paragraph 1 is carried out with a lucrative intention by a person who makes it a living or does so in an organized or co-authorial manner with one or more persons, the latter shall be punished with a prison sentence of 3 to 12 years.
4. The punishment for the conduct provided for in the preceding paragraphs does not exclude liability for any other criminal offenses that the same conduct has filled.

5. The attempt is punishable.

Article 136 - Illegal recruitment of labor

1. Any person who places or mediates the placement, for remuneration in cash or in kind, of a foreign citizen to work in any branch of economic activity that does not have a visa or appropriate residence permit for that purpose shall be punished with imprisonment from 1 month to 3 years.

2. The attempt is punishable.

Article 137 - Abduction, slavery, trafficking and sale of persons

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

Article 138 - Criminal association

The crime of criminal association is defined and punished under the terms of applicable criminal law.

Article 139 - Investigation

1. Without prejudice to the competencies of other criminal police bodies, it is the responsibility of the public service responsible for migration to investigate and investigate [?] the crimes set forth in this chapter and others related to them in accordance with the law applicable to the organization of the criminal investigation.

2. For the purposes of the preceding paragraph, related crimes are considered crimes of trafficking in persons, falsification of travel documents, visas or authorizations provided for in this Law and those provided for in articles 303, 304, 305 and 306 of the Penal Code when committed in connection with migration offenses.

Article 140 - Additional penalty of expulsion from the national territory

Foreign citizens who commit the crimes provided for in this section may be charged with an additional penalty of expulsion under the criminal law.

SECTION II - Counter-orders

SUBSECTION I - Infractions and penalties

Article 141 - Illegal stay

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

- a) from US\$150 to US\$230 when the period of overstay does not exceed 30 days;
- b) from US\$230 to US\$350 when the period of overstay exceeds thirty days but does not exceed ninety days;
- c) from US\$350 to US\$580 when the period of overstay is greater than ninety days.

Article 142 - Transport of unauthorized foreigner to enter

Companies and any other entities or persons who intentionally or negligently transport foreign nationals whose entry into the DRTL is not authorized to national territory are subject to a fine of US\$500 to US\$1,500 for each of the transported persons.

Article 143 - Exercise of unauthorized professional activity

In the exercise of independent professional activity or on behalf of another person, a foreigner who is not qualified with an appropriate visa or residence permit, when required, a fine of US \$200 to US\$1,000 shall be imposed.

Article 144 - Use of illegal labor

Legal or natural persons who use labor of foreigners not qualified to exercise professional activity under the terms of this diploma, shall be subject to a fine of US\$750 to US\$1,500 for each person detected to exercise said activity illegally.

Article 145 - Non-timely renewal of residence permit

A foreign national who requests a renewal of the temporary residence permit more than thirty days after its expiry shall be subject to a fine of US\$100 to US\$250.

Article 146 - Lack of accommodation registration

A fine of US\$50 to US\$250 shall be imposed on the holder of the registration obligation for each foreigner who is not registered in his own book or support [?] under Article 16, without prejudice to any criminal liability for illegal immigration assistance.

Article 147 - Non-compliance with other duties

The violation of the duties of communication and registration, as well as the violation of any other duties foreseen in the present diploma for which no sanction is foreseen, shall be punished with a fine of US\$30 to US\$250, without prejudice to the foreseen ancillary sanctions in the law.

Article 148 - Recidivism

Recidivism, in any of the offenses provided for in this section, shall be punishable by a double fine.

SUBSECTION II - Regime of misdemeanors and fines

Article 149 - Notices

1. Without prejudice to the following article, for each infraction corresponding to the application of a fine under the terms of the present decree-law, the public service responsible for migration issues a report.
2. If more than one infraction is detected in relation to the same agent, a single report shall be issued for all of them.
3. The notice must state the place and date of the infraction, the name of the violator and his or her legal representative, where applicable, their address, the circumstances that motivated the

infraction, the legal rules infringed, the name and the contact of the witnesses to the infraction, as well as the identification and signature of the agent who raised the case.

Article 150 - Notification for voluntary payment and complaint

1. The notice of notice shall be immediately notified to[!] the offender, together with the information that he may voluntarily pay the fine within ten working days, for the legal minimum, or within the same time limit to appeal the fine.
2. The appeal referred to in the preceding paragraph shall be addressed to the director of the public service responsible for migration and shall be accompanied by all means of proof which, in the complainant's opinion, justify non-payment of the fine.
3. In case the complaint is not answered, a new period of five working days is granted for the voluntary payment of the fine by the legal minimum.
4. Voluntary payment of fines shall be made by means of guides in triplicate to be dispatched by the public service responsible for the migration, which shall be settled in the treasury, one copy being held by the treasury, another in the possession of the offender, and the third party to the public service responsible for migration to proof of payment.

Article 151 - Lack of voluntary payment

1. In the absence of voluntary payment, the notice, accompanied by other relevant documentation, is sent to the Public Prosecutor's Office, who directs it to the District Court of the place where the offense was committed in order to proceed with the execution.
2. Once the case has been received, the judge issues the special proceedings for execution and marks the day for the hearing, notifying the offenders and the offender[?] with the information to the latter that he can present up to three witnesses and present other means of evidence.
3. The appearance of the offender at the hearing is not compulsory and the Court will decide in his absence if it is shown that the offender was duly notified to be present.
4. Once the evidence has been produced and if the Court does not decide on the acquittal, it shall proceed to the conviction and set the fine in accordance with the criteria defined in the following article and according to the legal limits, plus the costs due.
5. The decision is immediately notified to the offender if he is present, or by a bailiff if he is absent, or by means of a public notice if the bailiff can not locate him within five working days, with a deadline for payment voluntary, after which, in the absence of payment, the sentence will be executed.

Article 152 - Criteria for fixing the amount of fines

1. In fixing the amount of fines, the following criteria shall be met in particular:
 - a) Economic situation of the offender;
 - b) Economic advantages derived from the infringement;
 - c) Recidivism;
 - d) Fraud;
 - e) Losses caused to society, the State or other public entities.

2. In the misconduct provided for in this decree, negligence is always punishable.
3. In case of negligence, the minimum and maximum amount of the fine is reduced to half of the amounts fixed for each fine.

Article 153 - Preventing the practice of acts

No grant or extension of visas or grant or renewal of residence permits or any acts favouring the foreigner shall be made without proof of payment of fines due from the foreigner.

Article 154 - Destination of fines

The amounts of fines collected under the terms of this decree-law are State revenue.

CHAPTER XI - Final and transitional provisions

Article 155 - Identification of foreigners

1. In view of the purposes of this Act, the public service responsible for migration may resort to the means of identification required for monitoring of people entering, leaving or remaining in the country.
2. For the purposes of the preceding paragraph, the police authorities may resort to the procedures laid down in criminal procedural law for the identification of suspects, in particular through photographic evidence, finger prints and eye iris scan.

Article 156 - Border Management System

1. The regulations to establish the organization, content and operation of the Border Management System (SGF) are approved by decree-law.
2. The SGF shall comprise a computerized data base to ensure:
 - a) the management and reporting of border management data;
 - b) Information on movements of entry and exit of persons from the national territory;
 - c) The permanence [*presence?*] of foreigners in the country;
 - d) Applications for visas and their results;
 - e) The list of persons not admissible under the terms of this law;
 - f) the list of persons subject to entry or exit restrictions.

Article 157 - Visa waiver

The Government may, in view of the tourist flow, relieve citizens of certain nationalities from the obligation to obtain visas for tourism, transit or airport transit, or increase the requirements whereby they are issued and authorized.

Article 158 - Regulation

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

Article 159 - Approval of templates and forms

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

Article 160 - Transitional provision

1. Authorizations for special stay, visas and residence permits granted or decided under Law no. 9/2003, of October 15, shall remain valid until the date they expire.

2. The current regulations of Law no. 9/2003, of October 15, remain in force until a new regulation is issued.

Article 161 - Revocatory standard

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

Article 162 - Implementation

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

Approved March 7, 2017.

The President of the National Parliament,

Adérito Hugo da Costa

Promulgated on May 19, 2017

Post it.

The President of the Republic,

Taur Matan Ruak

ANNEX I - Table referred to in article 128 - Visa Grant Fees

Visa type	Fee in US\$
Airport transit	20
Temporary stay	50
To establish residence	50
Business Class I	100
Business Class II	150
Work	100
Transit	20
Tourism	30

Grant of Residence Permit

TemporaryUS\$100

PermanentUS\$150

ANNEX II - Table referred to in article 129 - Visa Extension Fees

Visa type	Fee in US\$
Temporary stay	50
Business Class I	100
Business Class II	150
Work	100
Transit	20
Tourism	40

Renewal of Residence Permit

TemporaryUS\$100

Issue of new card

Residence card US\$25