

Decree 38/2006 of 27<sup>th</sup> September

Regulation of Law n° 5/95 of the 28<sup>th</sup> December that establishes the legal regime of the foreign citizen, establishing rules of entry, stay and exit, rights, duties and guaranties.

CHAPTER 1  
General provisions

Article 1  
Definitions

For the purposes of this Regulation the following definitions apply:

- a) *Residence Permit* – Document issued by the appropriate authority that grants its holder the right to reside in Mozambique for the period indicated;
- b) *Authorization to stay abroad* – Document issued by the appropriate authority that grants its holder the right to stay abroad for a period of over 90 days.
- c) *Individual Accommodation Bulletin* – Information document or letter containing personal details of guests namely, name, date and place of birth, nationality, passport or residence permit number, date of entry, origin, estimated date of departure, duration of stay and name of establishment; to be supplied by the hosts of foreign visitors.
- d) *Circulation Card for Sailors* – Document that allows its holder to circulate within the areas indicated;
- e) *Emergency Certificate* – Document conceded to a foreign citizen, in an emergency situation, to travel to another country, when his country has no diplomatic representation in Mozambique.
- f) *Notice of Ruling* – Document issued by the Immigration Services, addressed to the applicant, in case of an unfavorable ruling, requesting clarification or requesting additional documents;
- g) *Entry or Exit Pass* – Document completed and presented at the Border Post on entering or leaving the country;
- h) *Departure Declaration* – Document issued by the Immigration Services to allow a foreigner to leave the country while his residence permit is in the process of being renewed.

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- i) *Residence Declaration* – Document issued by the Immigration Services testifying to the residence in the country, of the foreign citizen;
- j) *Document Deposit Receipt* – Proof that the holder has identity documents deposited with the Immigration Services.
- k) *Document of Identification and Residence for Foreigners – DIRE* – Document issued by the Immigration Services granting permanent residence to a foreigner;
- l) *Travel Document* – Document issued to a foreign citizen with refugee or exile status enabling travel to other countries;
- m) *Foreigner* – Any citizen that does not have Mozambican nationality, in accordance with the law;
- n) *Foreign Resident* – Foreign citizen with authorization to reside issued by the appropriate authorities in terms of the law;
- o) *Interdiction* – The act of forbidding a foreign citizen from entering or leaving the country, by the appropriate entity;
- p) *Illegal Migrant* – Anyone that enters or leaves the national territory by any officially established post without a passport or similar document or with a forged, incomplete, or out of date passport or similar document, or anyone that, albeit with valid documentation, enters or leaves through an unrecognized border crossing, or anyone that enters or departs through an officially established border post without observing proper immigration procedures;
- q) *Immigration Activity* – Formalization and confirmation of having passed an officially established border post, having a passport or similar valid document stamped as evidence of entry or exit, in or from the country by or in the presence of a border post inspector;
- r) *Extension of Entry Visa* – Document that enables its holder to remain in the country for a longer period, in accordance with the period authorized;
- s) *Permanent Residence* – Residence authorization granted to a foreign citizen holder of a temporary residence permit in accordance with the present Regulation;
- t) *Non-permanent Residence* – Residence permit granted to a foreign citizen, that is not a tourist or a visitor and wants to stay in Mozambique for a period of over ninety days;

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- u) *Temporary Residence* – Residence permit granted to a foreign citizen that has held non-permanent residence for at least five years, and wants to obtain temporary residence or that enters the country to establish residence;
- v) *Visa* – Document that enables its holder to obtain permission to enter the country at a border post;
- w) *Collective Visa* – Granted to more than one person;
- x) *Courtesy Visa* – Granted to foreign individuals that travel to the country by invitation of the Mozambican authorities,
- y) *Diplomatic Visa* – Granted to foreign individuals that travel to the country to undertake diplomatic activity. The holders of a diplomatic visa are bearers of diplomatic passports or similar documents.
- z) *Student Visa* – Granted to a foreign citizen to attend an officially recognized educational establishment;
- aa) *Border Visa* – Issued at border posts, in the terms of the law, to foreign citizens traveling to the country;
- bb) *Individual Visa* – Granted to the individual bearer of a passport or similar document;
- cc) *Multiple Visa* – That which gives its bearer the right to enter the country more than once;
- dd) *Business Visa* – Granted to a foreign citizen that travels to the country in connection with economic activities;
- ee) *Official Visa* – Granted to foreign individuals that travel to the country for official reasons;
- ff) *Residence Visa* – Granted to a foreign citizen that intends to establish residence, in terms of the law;
- gg) *Simple Visa* – That which gives its bearer the right to enter the country once;
- hh) *Work Visa* – Granted to a foreign citizen that arrives in the country to render services to others with or without remuneration;
- ii) *Transit Visa* – Granted to a foreign citizen that enters the country in transit to another country, provided that the same citizen can prove that he has the right to enter the destination country;

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- jj) *Tourist Visa* – Granted to a foreign citizen that enters the country for tourism or recreational purposes;
- kk) *Visitors Visa* - Granted to a foreign citizen that enters the country as a visitor;

Article 2  
Objective

The present Regulation regulates the legal regime applicable to:

- a) Entry of foreigners;
- b) Stay of foreigners;
- c) Rights, duties and guaranties of foreign citizens;
- d) Exit, extradition and deportation of foreign citizens;
- e) Inspection of sea vessels, aircraft, railway carriages and other means of transport in that enter or leave the country;

Article 3  
Scope of application

The arrangements contained in the present Regulation are applicable to that provided in Law n° 5/93 of the 28<sup>th</sup> December

CHAPTER II  
Competence and execution  
Article 4  
Centralization and execution

The Immigration Services are responsible for the following:

- a) The centralization of the processing of entry, stay and departure applications, of foreign citizens in national territory, in accordance with Article 8, paragraph b) of Law n° 5/93 of the 28<sup>th</sup> December and the present Regulation;
- b) The implementation of immigration measures concerning extradition, deportation and interdiction of entry or departure of foreign citizens;
- c) The inspection of ships, aircraft, rail transport and other means of transport within the national territory which have come from or are destined for other countries.

Article 5  
Competence to grant visas

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1. The granting of entry visas and extension of periods of stay is the responsibility of the Ministry of Foreign Affairs and Cooperation in the following cases:
  - a) Diplomatic visas;
  - b) Courtesy visas;
  - c) Official visas.
  
2. The granting of entry visas and extension of periods of stay is the responsibility of the Immigration Services in the following cases:
  - a) Student visas;
  - b) Border visas;
  - c) Business visas;
  - d) Work visas;
  - e) Transit visas;
  - f) Tourist visas;
  - g) Residence visas;
  - h) Visitors visas;
  
3. The Immigration Services may issue the visas referred to in paragraph 1 of this article by delegation from the Ministry of Foreign Affairs and Cooperation.
  
4. Except for that referred to in paragraph 2 line b), the visas referred to in paragraphs 1 and 2 of this article may be issued by the Embassies and Consulates of the Republic of Mozambique.
  
5. The visas referred to in paragraph 2 lines c), f) and h) may be multiple and granted for a maximum period of six months, renewable.
  
6. Collective visas described in Article 1, paragraph t) are subject to a fee as established Article 3, paragraph 9 of Ministerial Diploma n° 113/96 of 16<sup>th</sup> October, with the respective updates.
  
7. The Head of the Border Post is responsible for the issuing of visas at his respective border post
  
8. In issuing a Border Visa, the Head of the Border Post must take into consideration the applicants proposed means of subsistence and financial resources to ensure the ability of the applicant to return to his place of origin, as well as any other requirements deemed necessary.

Article 6  
Prior Consultation

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The granting of visas by Embassies and Consulates requires prior consultation with the Immigration Services.

Article 7  
Procedures

1. The Immigration Services is responsible for the initiation of the procedures indicated in article 50 of Law n° 5/93 of the 28<sup>th</sup> December, as well as those relating to the granting of stay and residence status, and including the process of administrative deportation cited in article 29 of Law 5/93 of the 28<sup>th</sup> December.
2. Procedures for any of the cases mentioned in the previous number are initiated by dispatch from the relevant member of the Immigration Service.
3. It is the responsibility of the Immigration Services to investigate, in the first instance the determining facts in the deportation or loss of status of the foreign resident.
4. To obtain evidence, the Immigration Services may request information and diligence in respect of the alleged infringements from other entities.

CHAPTER III  
Documentation

Article 8  
Type of Documents

The type of documents issued by the Immigration Services to foreign citizens, are the following:

- a) Passport;
- b) Authorization to Reside – ARE;
- c) Authorization to remain in the country;
- d) Entry visa;
- e) Residence Declaration;
- f) Departure Declaration;
- g) Notice of Ruling;
- h) Travel Document;
- i) Emergency Certificate;
- j) Circulation Card for Sailors
- k) Document Deposit Receipt
- l) Document of Identification and Residence for Foreigners – DIRE
- m) Entry Visa Renewal – PVE

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Article 9  
Entry into the Country

1. Every citizen intending to enter the Republic of Mozambique, by land, sea or air, is required to:
  - n) Enter the country through officially designated border posts;
  - o) Present a valid passport or similar document at the border post;
  - p) Prove means of subsistence;
  - q) Provide any information that may be requested by the Inspector of Immigration;
2. The immigration procedures established in Article 5, paragraph 2 of Law 5/93 of 28<sup>th</sup> December along with that cited in paragraph 1 of the present article, require the completion of an Entry or Exit Pass to be verified by the Inspector of Immigration on entry or departure;
3. The Inspector of Immigration that receives the Entry or Exit Pass mentioned in the previous number, shall compare the information in the passport or similar document with that on the Pass;
4. The Passes referred to in paragraph 2 of the present article are sent periodically to the Immigration Services of the respective area;

Article 10  
Visa application

1. Applications shall be submitted to the Immigration Services, Embassies, Consulates or at designated Border Posts, on the form provided, signed by the applicant and verified by the relevant Mozambican authority.
2. In case of minors or incapacitated persons, the visa application shall be made by the respective legal representative;

Article 11  
General conditions for granting a visa

The general conditions required when applying for a visa are the following:

- a) Presentation of a passport or similar document with a validity of not less than six (6) months;
- b) Presentation of guarantee of means of subsistence;
- c) Payment of the corresponding fee.

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Article 12

Specific conditions for granting a visa

Without prejudice to other applicable arrangements and to that provided in the previous article applicants shall, depending on the case, be required to meet the conditions established in the following articles.

Article 13

Conditions for granting a student visa

The following documents are required in support of an application for a student visa:

- a) Health certificate;
- b) Document proving that the applicant benefits from a scholarship in Mozambique or other proof of attendance on a course;
- c) Guarantee of board and lodging in Mozambique.

Article 14

Conditions for granting a residence visa

The following documents are required in support of an application for a residence visa:

- a) Police clearance certificate issued by the relevant authority in the country of origin of the applicant or country in which the applicant has been resident for the last two years;
- b) Medical certificate;
- c) Guarantee of board and lodging in Mozambique;
- d) Documents that prove earnings if the applicant wishes to live from his private earnings;
- e) Term of responsibility in the case of a minor or dependant;
- f) Contract or work permit.

Article 15

Conditions for granting a work visa

The following documents are required in support of an application for a work visa:

- a) Those indicated in paragraphs a), b), c) and f) of the previous article;
- b) Document proving investment and/or work permit issued by the relevant entity, in the case of investors;
- c) Work authorization issued by the relevant entity, in the case of employees;
- d) Document proving professional qualification and work permit, if the applicant intends to practice a liberal profession;



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- e) Authorization from the Mozambican Ministry of Justice and term of responsibility from the organization to which the applicant belongs, in the case of applicants intending to undertake an activity within a religious organization;

#### Article 16

##### Conditions for granting a visitors visa

1. The following documents are required in support of an application for a visitors visa:
  - a) Pre-confirmation of appointment, respective date, and financial guarantee if the visa is intended for travel for medical treatment;
  - b) Term of responsibility if the visa application is based on a invitation by a private entity;
2. The term of responsibility referred to in the previous paragraph, shall include guarantee of funds while staying in the national territory as well as repatriation expenses if necessary.

#### Article 17

##### Evaluation of application

1. When assessing the application, the relevant authority must:
  - a) Confirm the identity of the applicant;
  - b) Inspect the travel document presented, the validity of which should not be less than (6) six months;
  - c) Verify that there is no record that may obstruct the granting of a visa;
  - d) Verify that the means of subsistence of the applicant are compatible with the planned duration of stay;
  - e) Request the presentation of any document that may be necessary to clarify any doubts about the information presented in the application;
  - f) Require the presence of the applicant to provide information concerning the application;

#### Article 18

##### Procedure for processing visa applications

1. Visa applications shall be registered with registration including the name of the applicant, the order number of the application, the date, type of visa requested and documents provided in support of the application.

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2. Embassies and Consular posts shall send a monthly report to the Immigration Services of the visas that have been authorized or declined including:
  - a) The order number;
  - b) The name and nationality of the applicant;
  - c) Visa number;
  - d) The type of passport or similar document in which the visa was granted;
  - e) The category and period of validity of the visa;
  - f) The reason for declining the visa application;

#### Article 19

##### Form of granting the visa

1. Visas are granted to the holders of passports or similar documents issued by States or Organizations recognized by the Mozambican State.
2. Collective visas must identify each individual beneficiary.

#### Article 20

##### Visa cancellation

1. Visas may be cancelled in the following cases:
  - a) When the holder does not fulfill or has ceased to fulfill the conditions and objectives for which the visa was granted;
  - b) If the visa was issued based on false information, through fraudulent means, or based on reasons other than the ones that brought the visa holder to the country;
  - c) When the reasons for concession of the visa have ceased to exist.
2. The cancellation of visas under the terms of the previous paragraph is the responsibility of the Director of Immigration Services.

#### Article 21

##### Refusal of a visa application

1. Visa application will always be denied in situations where the applicant:
  - a) Has been prohibited from entering the Republic of Mozambique;
  - b) Has been expelled or considered "Persona non grata" by the Republic of Mozambique;
  - c) Undertakes activities that when practiced in Mozambique warrant deportation;

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- d) Gives sufficient indication that he may disturb public order and security or cause other severe inconvenience, be it at internal, regional or international level;
  - e) Is a vagabond, beggar, has no means of subsistence or is considered incapable of acquiring said means;
  - f) Has been convicted of serious crimes;
  - g) Is wanted by the authorities of other countries, unless when previously authorized by the relevant entities;
  - h) Has been fined on previous occasions for violation of the immigration laws and has failed to pay the respective fine;
  - i) In general has not presented reasons to justify the granting of a visa
2. Applications that have been not been completed correctly shall be returned to the applicant to be corrected;

#### Article 22

##### Exceptions to the conditions for the granting of a visa

1. For reasons of national security, the Minister of the Interior may excuse in part or in their totality the conditions for the granting of an entry visa to the country;
2. Exception to the conditions for granting an entry visa may assume any form permitted under legislation that is within the scope of the Minister the Interior;

#### CHAPTER IV

##### Residence Permit

#### Article 23

##### Non-permanent Residence Permit

1. A Non-permanent Residence Permit is issued to the foreign citizen that, not being a tourist nor a visitor, wants to remain in Mozambique for a period of between ninety days and one year, when sufficient reason for grating such permit are provided;
2. The application for a Non-permanent Residence Permit must be submitted within 60 days from the date of entry into the country;
3. The application for Non-permanent Residence or its renewal, shall be submitted to the Immigration Services in the area where the applicant intends to reside or resides as the case may be;
4. Non-permanent Residence gives its holder the right to remain in the country for the authorized period of time, but does not allow the exercise of any other activity than that mentioned in the permit issued.

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5. Foreign citizens exercising economic or wage-earning activities and applying for or seeking to renew a Non-permanent Residence Permit must present a certificate issued by the Finance department stating that the applicant is free of fiscal debt in Mozambique;

Article 24

Provisional Residence Permit for Refugees

Foreign citizen with refugee status shall be granted a provisional residence permit for refugees following the submission of an application by the refugee;

Article 25

Temporary Residence Permit

1. A Temporary Residence Permit is granted following application by a foreign citizen that has held a Non-permanent Residence Permit for no less than five years, or has entered the country to establish residence.
2. The application may be extended to the minors in the care of the applicant;
3. In case of minors born in Mozambique, the application for a Temporary Residence Permit must be submitted within 90 days of the date of birth;

Article 26

Presentation of applications for temporary residence

1. The application for a Temporary Residence Permit or its renewal must be presented to the Immigration Services in the area where applicant intends to reside or resides, together with the following documents:
  - a) Passport and respective photocopy;
  - b) Photocopy of Residence or Work visa;
  - c) Three recent, passport type, ¾ photos 4cmx5cm;
  - d) Proof of means of subsistence;
  - e) Business license, in the case of business people or their mandate holders;
  - f) Certificate issued by the finance department stating that all fiscal obligation have been fulfilled;
  - g) Work Authorization or Work permit, in the case of applicants working with or without remuneration;
  - h) Non-permanent Residence Permit;
  - i) Police clearance certificate with validity not exceeding ninety days;
  - j) Other documents that the applicant considers relevant in support of the application;
  - k) Term of responsibility for minors, spouses and/or dependants provided by the applicant.

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2. Lines b) and h) of paragraph 1 of this article do not apply to minors;
3. When applying for the Residence Permit or its renewal, the applicant is required to be present at the Immigration Services;

Article 27

Permanent Residence Permit

1. A Permanent Residence Permit may be granted by the Immigration Services to foreign citizens that have held a valid Temporary Residence Permit for the last ten or more consecutive years, on proof of merit.
2. The time period for the purpose of application for a Permanent Residence dates from the authorization of is temporary residence.
3. A foreign citizen with Permanent Residence may apply for a Document of Identification and Residence for Foreigners - DIRE.

Article 28

Period of validity and renewal of residence

1. The Non-permanent Residence Permit is valid for a maximum of one year, and may be renewed for as long as the reasons for which it was granted remain valid;
2. The Temporary Residence Permit is valid for one year, renewable for equal periods;
3. The Permanent Residence Permit is valid for five years, renewable for equal periods;
4. The Permanent Residence Permit may be granted for life, to foreign citizens over the age of 65 on application;

Article 29

Documents required for application for Permanent Residence Permit

1. The application for a Permanent Residence Permit, or its renewal, shall be presented to the Immigration Services responsible for the area in which the applicant resides and shall be accompanied by the following documents:
  - a) Application addressed to the Director of Immigration Services requesting Permanent Residence status;
  - b) Valid passport;

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- c) Valid Temporary Residence Permit;
- d) Three recent, passport type, 3/4 photos 4cmx5cm;
- e) Other documents considered necessary depending on the applicant's situation.

Article 30

Termination of residence permit

1. Foreign citizens holders of residence permits that leaves the country loses their right to reside:
  - a) In the case of foreign citizens with temporary or non-permanent residence if absent from the country for more than ninety days without having previously communicated the fact in writing to the Immigration Services.
  - b) In the case of a foreign citizens with permanent residence if absent from the country for more than five years without having previously communicated the fact in writing, to the Immigration Services.
2. Residence permits shall also be terminated in the following cases:
  - a) Deportation or declaration of "persona non grata";
  - b) Non-renewal of the residence permit;
  - c) Always when facts come to light that would have prevented such permit being granted had they been known by the Mozambican Authorities.
3. The communication of absence referred to in numbers 1 and 2 of the present article, shall be made to the Immigration Services, and should state the reasons for the absence and the duration of the same which should not exceed the time period of validity of the residence permit.
4. The communication of absence does not exempt the bearer from the need to renew the residence permit

CHAPTER V

Control of identification and accommodation

Article 31

Special duties of a foreign citizen

Besides the duties established in other legislation, the following are considered special duties of a foreign citizen:

- a) To communicate any alteration to identification or personal status, on a printed form within thirty days of occurrence of the said alteration;
- b) To inform the Immigration Services of any alterations in identification particularly in respect of nationality, marital status, profession, place of work, domicile or any absence from the country besides for such periods permitted in law;

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Article 32

Individual Accommodation Bulletin

The Individual Accommodation Bulletin must contain, without initials or abbreviations, the full name of the foreign citizen, marital status, profession, place of birth, nationality, date of birth, place from which the citizen arrived and destination.

Article 33

Communication of individual accommodation bulletin

1. Hotels, Hostels, Motels, Campsites, Inns, Boarding Houses and similar establishments, as well as other places that provide lodgings to foreign citizens, or rent, sublet or cede in any way a house or similar residence to a foreigner, have the duty to communicate that fact to the Immigration Services within five days using the individual accommodation bulletin, or when such services are not available, to the police or the local administration.
2. Non-resident foreign citizens living in private accommodation are similarly bound to submit an individual accommodation bulletin under the terms of the preceding paragraph.
3. After the foreigner has departed the individual accommodation bulletin must be sent, within five days, to the authorities mentioned in paragraph 1 of this article.
4. The individual accommodation bulletin may be substituted by lists or computerized reports in cases where hotels or similar establishments have access to information technology or other means of communication.
5. Such electronically produced lists or information must contain the same data as is required on the individual accommodation bulletin.

Article 34

Interdiction

1. Entry interdiction will be applied to the foreigner:
  - a) That has been expelled from the country;
  - b) That has been condemned by a Mozambican Court for a serious crime;
  - c) Where border authorities have official knowledge that an entry interdiction is in force against the foreign subject;
  - d) That undertakes activities that warrant deportation;
  - e) When there is sufficient indication that said foreigner may cause public order and security problems or other inconveniences to national, regional or international order;

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- f) Where such foreigner is considered to be a vagabond or beggar, or has no means of subsistence or is considered incapable of acquiring said means;
  - g) That is wanted by the authorities in other countries, unless when previously authorized by the relevant entities;
  - h) That has been fined on previous occasions for violations of the immigration laws and has failed to pay the respective fine;
  - i) That behaves in a manner contrary to the nature or purpose for which the visa has been granted.
2. The relevant authorities may allow the entry of a foreign citizen that has been expelled and has remained in that situation for a period of five years or more;
  3. Interdiction on departure shall be applied to a foreigner:
    - a) When so instructed by a court ruling;
    - b) When the border authorities have official knowledge of any request for an interdiction of departure or of capture issued by the relevant authorities;
    - c) In the case of minors under 16 years of age, not accompanied by someone with paternal powers or by a legally designated representative or without an authorization issued by the same.
  4. Any interested party may request the Immigration Service to apply an interdiction against a third party if able to prove sufficient cause.
  5. Whenever definite facts for entry or departure interdiction are found to exist the Immigration Services shall prepare a process to be submitted to the Minister of the Interior for a decision.
  6. The Minister of the Interior may delegate the power of decision over that described in the preceding paragraph to the Director of the Immigration Services.
  7. The Immigration Services may execute search and capture orders at border posts based on or at the request of other relevant entities.

#### Article 35 Deportation

1. The Minister of the Interior has the right to order administrative deportation on behalf of the Government;
2. Foreign citizens subject to administrative deportation may address a single instance appeal to the Council of Ministers or to the Supreme Court without the effect of suspension.



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Article 36

Deportation procedure

1. The foreign citizen that is to be deported shall be escorted by the Immigration Authorities to the border post of the country of destination, and handed over to the authorities of the respective country.
2. The Immigration Authorities of Mozambique and of the country of destination of the deported foreign citizen shall certify the delivery and reception of said citizen.
3. The foreign citizen under order of deportation, that collaborates in the execution of this measure, may be given the opportunity to leave the country voluntarily, without escort, within five days.
4. The foreign citizen that has been deported will be barred from re-entry into the country for a period of not less than ten years.

Article 37

Reporting certificates of conviction

The courts shall send the conviction and sentencing certificates handed down in criminal cases against foreign citizens to the Immigration Services, within thirty days.

CHAPTER VI

Inspection and sanctions

Article 38

Inspection

1. The Immigration Services shall be permitted free entry, to houses and premises of entertainment, recreational associations, in river or lake resorts, airports and railway stations, trains, boats and airplanes, as well as other places where their presence may be necessary in order to undertake inspections.
2. Immigration Inspectors shall be equipped with the appropriate credentials issued by the Immigration Services while exercising their duties.
3. If the circumstances so warrant, the inspector may exercise his activities having provided proof of professional identification.
4. The inspection of vessels and airplanes, referred to in paragraph 1 requires the consent of the captain.

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5. Should the captain refuse to permit the inspection of his vessel or airplane, the inspector shall prepare the respective legal papers specifying the reasons given for the refusal.
6. The legal papers referred to in the previous paragraph shall be signed by the inspector and by the captain, and sent within twenty four hours to the person responsible for the Immigration Services for a decision.

Article 39

Facilitating investigation and search

Captains and crew of vessels that are going to or coming from abroad, shipping companies and agencies or similar authorities, rail and road transporters, are duty-bound to facilitate the investigations and searches that have to be carried out by the relevant authorities with a view to capturing incriminated individuals.

Article 40

Accommodation and food on board

Should it be necessary for an inspector to remain on board while on duty, he shall be provided adequate food and accommodation by the interested party or shipping agency.

Article 41

Restricted areas

Those who are not members of Immigration Personnel shall be permitted to access, stay and circulate in the restricted working areas of border posts on issuance of an access pass.

Article 42

Transgressions and sanctions

1. Foreign citizens that infringe the immigration laws and regulations shall be fined according to fees established in articles 42 to 44 and 46 to 47 of Law n° 5/93 of 28<sup>th</sup> December.
2. The application of the fine, referred to in the previous paragraph, does not preclude the requirement to pay fees for services rendered.
3. Non-compliance with that established in Article 22, paragraph 2 of the present Regulation shall lead to the doubling of the due fees normally charged for granting residence.

Article 43

Clandestine foreigners

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1. Foreign citizens that enter the country without the full legal documentation necessary to formalize their entry and stay shall be responsible for expenses incurred in their return to their country of origin including food, accommodation and assistance.
2. National or foreign citizens that enable foreign citizens to enter or remain in the country without full legal documentation shall be responsible for the return expenses of the clandestine foreigner, including food, accommodation and assistance.

#### Article 44

##### Transporters of illegal foreigners

1. The transporter that transports a foreign citizen without the full legal documentation necessary to formalize the entry into the country shall, besides being liable for the fine provided in article 46 of Law n° 5/93 of 28<sup>th</sup> December, also be responsible for the repatriation of such citizen within the shortest period of time possible, to the point where such citizen began using the transporter's means of transport or, where that proves to be impossible, to the country where the foreigner's travel document was issued, or to any other place that guaranties admission of the clandestine foreigner;
2. While waiting for repatriation to take place, the transporter shall be responsible for the payment of food, accommodation and any assistance expenses deemed necessary.

#### Article 45

##### Fines

1. Foreign citizens with non-permanent residence that have not renewed their permits, may do so by paying a fine of 100.00MTn (one hundred meticaís) per day.
2. Foreign citizens with expired temporary or permanent residence permits, may renew them by paying a fine of 100.00MTn (one hundred meticaís) per day, plus additional fees.
3. The foreign citizen that remains in the country without a residence permit shall be punished with a fine of 1.000.00MTn (one thousand meticaís) per day.
4. Should the transgressor be intercepted, on departure, at the border post, the fine outlined in paragraph 3 of this article, shall be increased by 50%.

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5. The application of fines for transgressions under Law n° 5/93 of 28<sup>th</sup> December, is the responsibility of the Immigration Services.
6. Should legal non-compliance be proven to have been caused by justifiable reasons the Director of the Immigration Services may pardon the fine.

CHAPTER VII

Final and transitory arrangements

Article 46

Passports for foreign citizens

1. The Minister of the Interior may authorize the issuing of a passport or similar document to a foreign citizen, under the terms of article 52, paragraph b) of law n° 5/93 of 28<sup>th</sup> December.
2. The documents referred to in the preceding paragraph do not confer on the bearer, the right to Mozambican nationality.

Article 47

Travel documents for refugees

The issuing of travel documents for refugees is preceded by an interview and analysis of the merit of the petition for refugee status, which is undertaken by the Consultative Commission for Refugees.

Article 48

Payment and receipts

1. The documents described in article 8 of the present Regulation, are applied for and the respective fees paid, against a receipt issued to the applicant.
2. The non-granting of applications submitted to the Immigration Services, does not give the applicant the right to a refund of the amount paid.

Article 49

Use of immigration documents

Documents issued by the Immigration Services confer upon the bearer the right to enter, stay, depart and identify himself in Mozambique, and should be presented to any authority that so requests.

Article 50

Loss or poor conservation of documents

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Foreign citizens that by negligence lose, or allows, by improper handling, total or partial damage of immigration documents, or has illegible data or elements of reference, in them, may acquire new ones, issued as copies, on payment of double the normal fee due for the first issuance of such document.