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**LAW NO. 5/93
28TH DECEMBER**

The accumulated experiences in the matters and management of immigration and the necessity to reflect in the internal juridical order the current advances in international conventions, particularly those to which Mozambique has been a signatory or has adhered to, makes it opportune for the adoption into the juridical framework of legislation adequate to the material.

In these terms it has been considered advantageous to condense the diverse regulations and the practice which has become customary over the years, and in terms of No. 1 of article 135 of the constitution the Assembly of the republic hereby determines: -

**CHAPTER I
GENERAL
ARTICLE 1
SCOPE**

- 1) The present law establishes the judicial regime pertaining to foreign citizens and namely establishes norms of entry, stay and exit from the country, and their rights, duties and guarantees.
- 2) Except in the case of visas the present law does not apply to diplomatic or consular agents, and their families or to those on special missions.

**ARTICLE 2
SPECIAL LEGISLATION**

The juridical regime established for the foreign citizen is applied without prejudice to the specially established laws, bi-lateral and multi-lateral accords, and international conventions of which the Mozambican state may be a part.

**ARTICLE 3
DEFINITIONS**

For the effects of the application of the present law it is considered that: -

- a) Foreigner- any citizen who does not hold Mozambican nationality in accordance with the established legal norms
- b) Foreign Resident- Foreigner with authorisation to reside, conceded by the competent authority in accordance with the law
- c) Authorisation to Reside- document issued by the relevant authority allowing the bearer the right to reside in Mozambique
- d) Clandestine or illegal Migrant- Anyone who enters or leaves the national territory by any means without a passport, or with a falsified document, or with partial or damaged documents, as well as anyone who enters or leaves by non-authorised points even if it is with the correct documents

**ARTICLE 4
RIGHTS, OBLIGATIONS AND GUARANTEES OF THE FOREIGN CITIZEN**

- 1) The foreign citizen who resides in or is found in the national territory has the same rights and guarantees and is subject to the same obligations as the Mozambican citizen.
- 2) The obligations of the foreign citizen in the country are principally to:
 - a) Respect the constitution
 - b) Respect law and order and comply promptly with legal prescription
 - c) Declare their place of residence
 - d) Supply elements of their personal state when these are altered or whenever they are requested by the competent legal authority
- 3) The general principle established in No. 1 does not apply to political rights and to other rights and obligations expressly reserved by law for national citizens.

**CHAPTER II
ENTRY OF THE FOREIGN CITIZEN INTO THE COUNTRY
SECTION I**

**DOCUMENTATION
ARTICLE 5**

ENTRY INTO THE COUNTRY

- 1) Entry into the country must be done through the official frontier posts established for this effect.
- 2) At the moment of entry the foreign citizen is subject to the migration procedures of the competent authority, which are laid out in the law.

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**ARTICLE 6
DOCUMENTS REQUIRED FOR ENTRY**

For entry into the national territory any of the following are required:

- a) Passport or other valid document and entry visa issued by a competent Mozambican entity, also valid.
- b) Other documents established in conventions or international accords to which Mozambique is a signatory

**SECTION II
VISAS
ARTICLE 7
ENTRY VISA**

- 1) The entry visa can be single or multiple, individual or collective
- 2) The visa may be any one of the following types
 - a) Diplomatic visa
 - b) Courtesy visa
 - c) Official visa
 - d) Residence visa
 - e) Tourist visa
 - f) Transit visa
 - g) Visitors visa
 - h) Business visa
 - i) Student visa
- 3) The council of ministers may define and regulate other types of visa

**ARTICLE 8
THOSE COMPETENT TO CONCEDE A VISA**

Concession of visas is within the capacity of:

- a) The ministry of foreign business
- b) The immigration service
- c) Embassies and Consulates

**ARTICLE 9
CRITERIA FOR ANALYSING VISA APPLICATIONS**

In the assessment of a visa request, among others the following factors should be considered:

- a) Reason for applying, in accordance with the means of the applicant and the viability of the reason
- b) Means of subsistence of the applicant in Mozambique
- c) Financial resources at their disposal for their return and onward travel.

**ARTICLE 10
RESIDENCE VISA**

- 1) A foreign citizen may be issued a residence visa when he intends to establish himself in the country
- 2) The residence visa allows the bearer to enter Mozambique and there to obtain a residence authorisation, it is valid for one entry and for a period of thirty, renewable up to sixty days
- 3) The request for a residence visa may be extended to children or to the spouse of the petitioner.

**ARTICLE 11
TOURIST VISA**

- 1) The tourist visa is granted to the foreign citizen who comes into the country on a tourist or recreational trip
- 2) The person travelling on this visa may not stay for more than ninety days

**ARTICLE 12
TRANSIT VISA**

- 1) The transit visa may be issued to a foreign citizen who must enter the country in order to reach the country of destination
- 2) A transit visa will only be conceded on presentation of a visa for the country of destination
- 3) The visa is given for a period of no more than seven days
- 4) The foreign citizen on a continuous journey who has not had a transit visa during a stop over or transfer should observe the instructions given by the competent authority.

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ARTICLE 13
VISITORS VISA

- 1) The visitors visa is designed to allow entry into the national territory to its bearer for purposes which, according to the judgement of the competent authority does not justify the concession of another type of visa
- 2) A visitors visa has a validity for a minimum of fifteen days renewable up to a maximum limit of ninety days

ARTICLE 14
BUSINESS VISA

- 1) A business visa is conceded to a foreign citizen who comes to the country in connection with an activity which he undertakes
- 2) The permissible stay in the country is for a period of thirty days renewable up to ninety days

ARTICLE 15
STUDENT VISA

The student visa is issued to the foreign citizen who is required to enter the country in order to attend an officially recognised teaching establishment and is valid for twelve months, renewable.

ARTICLE 16
CONDITIONS FOR OBTAINING A VISA AND ENTERING

- 1) As well as the documentation referred to in article 6 over and above the visa the foreign citizen must also meet the following requirements:
 - a) In the case of a collective passport, the bearer must be present
 - b) Be considered an adult in terms of the personal law, or in the case of a minor have written permission from the father, mother or teacher
 - c) Not be forbidden to enter Mozambique
 - d) Not have been expelled or declared "persona non grata" in the Republic of Mozambique
 - e) Not undertake activities which when practiced in the Republic of Mozambique carry the penalty of expulsion
 - f) Prove that they possess the necessary means of subsistence whether in the act of request or at the point of entry or have a letter declaring responsibility from a citizen resident in the country, which letter must have been notarised and the citizen be proved to be of age.
 - g) Anything else deemed to be necessary
- 2) In the case of those invited to the country by government bodies, public institutions and NGOs line f) of the previous number does not apply. This treatment is extended to students.

ARTICLE 17
VALIDITY OF USE, AND VALIDITY OF VISAS

An entry visa must be used within a period of sixty days counting from the date of its concession and gives the right to stay in the country during the period stated on the visa.

ARTICLE 18
EXEMPTIONS

The following are exempt from an entry visa:

- a) The foreign citizen who has right to reside in the country
- b) The foreign citizen who is the national of a country with which Mozambique has accords suppressing the need for visas

CHAPTER III
RESIDENCE AUTHORISATION

ARTICLE 20
RESIDENCE AUTHORISATION

Authorisation to reside is conceded by the competent government body and is given to a foreign citizen who holds a residence visa along with the following requirements:

- a) Everything mentioned in lines a) b) c) d) e) and f) of article 16
- b) If the residence authorisation is based on the exercise of professional activity, those mentioned in lines a) b) c) d) and e) of article 16 and an authorisation to that effect in terms of the law in force at the time.

ARTICLE 21
VALIDITY PERIOD AND RENOVATION

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- 1) The residence authorisation is valid for one year renewable for equal periods as long as the conditions of its concession still exist
- 2) The residence authorisation depending on validity, if prolonged for more than ten consecutive years confers on its bearer the status of permanent resident.

ARTICLE 22

CHANGE OF RESIDENCE

The change of residence of a stranger living in the country as well as their absence for a period of more than ninety days must be communicated to the immigration service with at least 8 days notice, requesting the recognition of the new domicile.

CESSATION OF RESIDENCE AUTHORISATION

- 1) Residence authorisation ceases in the following cases:
 - a) expulsion or declaration of "Persona Non Grata"
 - b) absence from the country for a period of more than ninety days without communication with the competent authority
 - c) non-revalidation of the residence authorisation
- 2) The items laid out in lines b) and c) does not apply to permanent residents.

CHAPTER IV

CONTROL OF IDENTIFICATION AND LODGINGS

ARTICLE 24

CHANGE OF IDENTIFICATION

Any alteration to the elements used to identify, or to the personal status of the foreign citizen must be communicated to the immigration service within 30 days of their confirmation.

ARTICLE 25

LODGING INFORMATION

- 1) Hotels, motels, camp sites, guest houses and similar are obliged to communicate the fact that they have a foreign guest staying to the immigration service in the form of an individual lodging bulletin.
- 2) Any non-resident foreign citizen staying in his own accommodation is responsible for informing the immigration service as referred to in line 1) of this article, whether this be in relation to himself or to any other foreign citizen who may be cohabiting with him.
- 3) The permanent departure of guests or visitors who are foreigners must also be communicated to authorities as referred to in 1) of this article, by means of presenting the respective individual lodging bulletin.

CHAPTER V

DEPARTURE OF THE FOREIGN CITIZEN FROM THE COUNTRY

SECTION 1

DEPARTURE

ARTICLE 26

VOLUNTARY DEPARTURE

The departure from the national territory may be done through any authorised border post upon presentation of the documents outlined in article 6 and following the completion of legal formalities.

ARTICLE 27

PREVENTION OF DEPARTURE

Departure may be prevented when the competent authority has official knowledge that an authorised entity has requested the capture or apprehension of the respective traveller or emigrant.

ARTICLE 28

COERCED DEPARTURE

The foreign citizen may be required to leave the country by virtue of extradition or expulsion in the terms of the applicable legislation.

SECTION II

EXPULSION

ARTICLE 29

ADMINISTRATIVE EXPULSION

- 1) Without prejudice to the existing treaties and international conventions, the government may expel a foreign citizen from the national territory, for the following:
 - a) irregular entry into the country
 - b) acting against national security, public order or the norms of good behaviour
 - c) presence or activity in the state which goes against the dignity of the state and its citizens

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- d) intervention in the politics of the country unless in a manner which has been expressly authorised by the government
 - e) disrespecting the constitution and any other national law applicable to foreigners
 - f) practicing acts which, had they been known prior to the entry of the foreign citizen, would have impeded his entry into the country.
- 2) Against the measure of expulsion the interested party has one right of hierarchical recourse to the council of ministers, or of judicial recourse to the supreme court without effect of suspension
 - 3) The immigration service, whenever they have knowledge of a fact which constitutes a reason for expulsion organises the relevant process and within eight days the proof necessary to take a decision must have been collected.

**ARTICLE 30
JUDICIAL EXPULSION**

Without prejudice to the penal law code the penalty of expulsion may be added in the following cases

- a) to the non-resident foreign citizen who has been sentenced by a Mozambican court to a sentence of more than 6 months in prison
- b) to the foreign citizen resident in the country for less than 5 years who has been sentenced by a Mozambican court to more than one year in prison
- c) to the foreign citizen who has resided in the country for more than five years but less than fifteen years who has been sentenced to more than two years in prison
- d) to the foreign citizen who has been resident for more than fifteen years and has been condemned for the maximum penalty

**ARTICLE 31
COMPETENCE TO EXPEL AND THE RESPECTIVE PROCESS**

The provincial judicial tribunal has the competence to decide to expel a foreign citizen according to the points laid out in article 30 of the present law, with competency being a function of the residence of the foreigner or the place where they were found.

**ARTICLE 32
REMITTANCE OF SENTENCING CERTIFICATES**

The tribunals will send certificates of condemnatory sentences with regard to criminal processes involving foreign citizens to the immigration authority within thirty days

**ARTICLE 33
COMPETENCE TO CARRY OUT THE MEASURE OF EXPULSION**

- 1) it is the competency of the immigration service to carry out the judicial decisions not expel a foreigner from the national territory
- 2) the penalty attached to the expulsion is always carried out even if the citizen is on conditional freedom

**ARTICLE 34
OBLIGATIONS OF THE FOREIGN CITIZEN UNDER EXPULSION PROCESS**

- 1) While under an expulsion process the foreign citizen is required to
 - a) declare his residence and not leave the area of his residence without the authorisation of the immigration service
 - b) present himself regularly and periodically at the immigration service according to the legal terms stipulated
- 2) Should the obligations laid out in the previous number not be complied with or should the foreigner be detained the decision to expel must be carried out immediately

**ARTICLE 35
URGENCY OF EXPULSION**

- 1) The process of expulsion is by its nature urgent
- 2) In any aspect not covered by this law the disposition of the “summary crime” process are to be observed.

**ARTICLE 36
LIMITATION OF THE MEDIUM OF EXPULSION**

Expulsion must not take place to a country where the foreign citizen may be persecuted for political, religious, racial or ethnic reasons.

**ARTICLE 37
TREATMENT OF REFUGEES**

Refugees will be treated according to the relevant law according to the accords and international conventions of which the Republic of Mozambique is a part.

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**CHAPTER VI
INSPECTION
ARTICLE 38**

INSPECTION ON BOATS AND AEROPLANES

- 1) Within the remit of their functions the immigration service carries out inspections of commercial or recreational boats and aeroplanes particularly at national ports and airports when the vessels come from or are going to foreign countries.
- 2) In accordance with the above the authorities of the respective jurisdiction will supply transport and equipment to ensure effective inspections.

ARTICLE 39

FACILITATION OF WORK AND SEARCHES

The captains and masters of the vessels arriving from or departing to foreign countries, companies and agencies of shipping companies and other relevant authorities are required to facilitate the work and searches which are carried out with the view to the capture of incriminated individuals and clandestine migrants (stowaways) by the competent authorities.

ARTICLE 40

FREEDOM OF ACCESS

Free access will be made available to functionaries of the immigration service in order to carry out their function as inspectors, to entertainment and show areas, recreational associations, ports, airports, railways, on trains, boats, aeroplanes and in any place where their presence is recommended.

CHAPTER VII

INFRACTIONS AND SANCTIONS

SECTION 1

ARTICLE 41

INFRACTIONS AND SANCTIONS

Clandestine immigration and falsification of documents is punishable in terms of the law.

ARTICLE 42

LACK OF VISA OR LODGING BULLETIN

- 1) The foreign citizen who resides in the country for a period exceeding that authorised is subject to a daily penalty of 1,000,000mzm which does not prejudice the payment of any taxes payable in terms of the authorisation
- 2) When, at the departure from the national territory and infraction such as that mentioned in the previous number is detected, the fine is increased by 50%
- 3) The violation of that laid out in article 25 of the present law will be punished by a daily fine of 500,000mzm in addition to any additional charges.

ARTICLE 43

LACK OF AUTHORISATION TO RESIDE

- 1) The infraction laid out in number 1 of article 21 will be punished by a daily fine of 1,000,000mzm in addition to any other charges over and above this.
- 2) The foreign citizen who allows their residence authorisation to lapse can renew it on payment of a daily fine of 100,000mzm in addition to any other charges.

ARTICLE 44

CHANGE OF ADDRESS WITHOUT COMMUNICATION

The non-communication of a change of residence is punished by a fine of 1,000,000mzm per month.

ARTICLE 45

RESPONSIBILITY FOR PEOPLE IN CASE OF REPATRIATION

Public or private companies and commercial societies who have foreigners working for them are responsible for any costs in relation to their repatriation under the terms of this law.

ARTICLE 46

FOREIGNERS WITHOUT DOCUMENTS OR ILLEGAL ENTRANTS

Companies, shipping agents and individuals who bring to the country foreigners without documents or illegal entrants are responsible for all costs related to this including their return fare augmented by a fine of 6,000,000mzm in cases of disembarkation.

ARTICLE 47

NON-COMMUNICATION OF ALTERATION OF IDENTITY

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The non-communication of changes to any elements constituting identification or personal status of a foreign citizen as referred to in article 24 will be punished by a daily fine of 100,000mzm plus additional costs.

ARTICLE 48

COMPETENCE OVER INFRACTIONS AND THE RELEVANT PROCESSES

- 1) The application of fines for the infractions laid out in the present law is the competence of the immigration service.
- 2) In the verification of any infraction the competent entity will prepare a notice form, which is considered correct until proven the contrary.
- 3) The person committing the infraction will be informed and given the opportunity to, within 5 days make voluntary payment of the fine.
- 4) Non-payment of fines within the stipulated legal period will lead to the notice form being submitted to the competent tribunal in terms of the laws in force.

ARTICLE 49

DESTINATION AND REALISATION OF FINES

- 1) The fines collected in terms of the previous articles constitute property of the public treasury
- 2) The amounts received are realised (verified) by the government

CHAPTER VIII

FINAL POINTS

ARTICLE 50

PREPARATORY INSTRUCTION

- 1) It is the competence of the immigration service to provide preparatory instruction regarding the relative processes, infractions etc. in terms of the regime of entry, exit, residence, travel via border posts of foreigners in the national territory and regarding illegal migration.
- 2) In the administrative posts and in areas, which do not have an immigration service it is the responsibility of the police and should there not be police it is the responsibility of the administrative authorities to establish the points laid out in the previous number.

ARTICLE 51

The charges for the concession of residence authorisations, travel documents as well as the fines laid out in the law will be laid out in an approved table.

ARTICLE 52

DOCUMENTS ISSUED IN FAVOUR OF THE FOREIGN CITIZEN

- 1) A passport or other necessary document may be issued to a foreign citizen in the following cases:
 - a) A foreign citizen resident in the country who has lost their nationality
 - b) When other exceptional circumstances allow for the issuing of a document.
- 2) Issuing of such a document will be done in accordance with the norms of issuing in force in the country

ARTICLE 53

TRAVEL DOCUMENTS FOR REFUGEES

Refugees as referred to in paragraph 11, which refers to this subject in the 1951 Geneva Convention and the other related protocols such as those outlined in the OAU convention, have the right to obtain a travel document.

ARTICLE 54

TYPE AND VALIDITY OF TRAVEL DOCUMENTS FOR REFUGEES

- 1) A travel document for refugees may be for an individual or for a family
- 2) An individual refugee travel document may only be issued to a foreigner over the age of sixteen years old.
- 3) A family travel document may be used by either of the parents and children considered as minors.
- 4) A family travel document for refugees is valid for 2 years renewable and may be used for an unlimited number of journeys
- 5) The validity of the documents ceases once the refugees attain any of the situations or status as defined in paragraphs 1 and 4 of section C of article 1 of the 1951 Geneva Convention

ARTICLE 55

COMPETENCE TO ISSUE PASSPORTS AND TRAVEL DOCUMENTS

The immigration service has the competence to issue passports to foreigners and travel documents to refugees.

ARTICLE 56

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SPECIAL VISA CONDITIONS

In the regulations governing the present law the council of ministers will define conditions in which under exceptional circumstances visas may be issued at border posts.

ARTICLE 57

REVOCATION

Any legislation contrary to the norms of this law is revoked.

ARTICLE 58

REGULATORY COMPETENCE

The council of ministers is competent to regulate the present law.

Approved by the Assembly of the Republic

28th December 1993

DECREE No. 38/2000

OF 17TH OCTOBER

In that which concerns the policy of the government in facilitating the movement of foreign visitors to Mozambique, it has become necessary to make flexible the administrative procedures for the issuing of visas for entry into the country. This has implied the introduction of a new form of visa. Therefore according to No.3 of article 7 of law No. 5/93 of 28th December, the council of ministers decrees: -

ARTICLE 1

By this decree a border visa is created which may be issued by the competent authorities to a foreign citizen who wishes to go to Mozambique. The visa is valid for one single entry and a stay of up to thirty days, renewable for up to sixty

ARTICLE 2

The border visa is issued to foreigners coming from countries, which do not have a Mozambican embassy or consular representation

ARTICLE 3

Foreign citizens coming from countries which do have embassies or consular representation may be issued a visa on the payment of an additional 5% on the fixed full fee established by article 5 of this decree.

ARTICLE 4

A border visa may also be issued to a foreign visitor coming to the country for the purpose of tourism or recreation, who has not obtained a tourist visa.

ARTICLE 5

Payments for the border visa are fixed as follows:

Fee 240,000mzm	Surcharge 60,000mzm	Total 300,000mzm
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ARTICLE 6

Payments for extension of the border visa are fixed as:

Fee 120,000mzm	Surcharge 30,000mzm	Total 150,000mzm
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ARTICLE 7

The ministry of the interior will establish by ministerial diploma which border posts are authorised to issue border visas.

ARTICLE 8

The taxes form the present decree may be updated by ministerial diploma signed by ministers of planning and finance, and the interior.

Approved by the council of ministers.

DECREE No. 26/99

OF 24TH MAY

In terms of No. 1 of article 172 of law number 8/98 of 20th July, the labour law, it has become necessary to introduce a new type of visa.

Therefore according to No. 3 of article 7 of law No. 5/93 of 28th December the council of ministers decrees:

ARTICLE 1

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The work visa is hereby created; it will be issued by the competent authorities to foreign citizens who plan to come to Mozambique in order to work. It is valid for one single entry for a period of 30 days renewable for up to sixty days.

ARTICLE 2

The work visa referred to in the previous article is issued to: -

- a) The bearer of a work permit or work authorisation issued by the relevant authority
- b) The bearer for a letter issued by the employing entity showing a justified interest in employing the person following the observation of that outlined in line e) of No. 2 of article 9 of decree 25/99 of 24th of May which approves the legal regime for the employment of foreigners

ARTICLE 3

The employing entity issuing the letter referred to in line b) of the previous article is responsible for the payment of all costs related to the repatriation of the foreign citizen should he not be issued with a work permit or authorisation to work.

ARTICLE 4

Payments for work visas will be established in an additional diploma signed by the ministers of planning and finance, and of the interior.
Approved by the council of ministers.

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