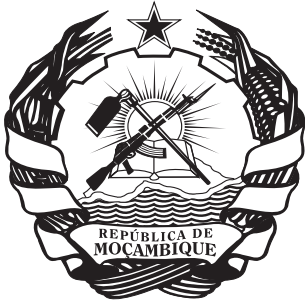


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AARTICLE TWO

NOTICE

A matter to be published in the «Boletim da República» must be sent in copy duly authenticated, a for each subject, where it is stated, in addition to the necessary indications for this purpose, the following endorsement, signed and authenticated: **For publication in the «Boletim da República».**

(Scope)

This Law applies to foreign citizens in the Republic of Mozambique, without prejudice to what is established in special laws, bilateral or multilateral agreements or international conventions to which the Mozambican State is a party.

AARTICLE 3

(Definitions)

The terms and expressions used are set out in the attached Glossary, which is an integral part of this Law.

AARTICLE 4

(Rights, duties and guarantees of foreign citizens)

1. Foreign citizens who reside or are legally present in national territory enjoys the same rights and guarantees established by law and is subject to the same duties as Mozambican citizens, with the exception of civil and political rights and other rights and duties expressly reserved by law for national citizens.

2. Special duties of foreign citizens in the territory Mozambican the following:

- The*) respect the Constitution of the Republic; *B*) respect and comply with law and public order; *w*) declare your residence;
- d*) communicate the change of address;
- It is*) immediately report the loss or misplacement of documents;
- f*) provide details of your personal status, when they undergo changes or whenever requested by the competent authorities.

AARTICLE 5

(Documents issued to foreign citizens)

The National Migration Service issues the following documents to foreign citizens:

- The*) residence permit;
- B*) authorization to stay abroad; *w*) circulation card for sailors; *d*) emergency certificate; *It is*) dispatch notice; *f*) output statement;
- g*) refugee travel document; *H*) document deposit; *l*) entry visa.

SUMMARY

Assembly of the Republic:

Law no.th23/2022:

Law that establishes the Legal Regime of Foreign Citizens, Establishing the respective rules for entry, stay and departure from the country, as well as their rights, duties and guarantees and repeals Law no. 5/93, of 28 December.

Law no.th28/2022:

Law Revision of Law No. 11/2009, of March 11, Exchange Law and repeals Law no. 11/2009, of 11 March.

ASSEMBLY OF THE REPUBLIC

Law no.th23/2022

December 29th

If there is a need to adapt the legal regime of foreign citizens in the Republic of Mozambique to the challenges imposed by the dynamics of controlling migratory movement and combating illegal immigration, under the provisions of number 1 of article 178 of the Constitution of the Republic, the Assembly of Republic determines:

CHAPTER I

General Provisions

AARTICLE 1

(Object)

This Law establishes the Legal Regime for Foreign Citizens in the Republic of Mozambique, establishing the rules for entry, stay and departure from the Country, as well as the respective rights, duties and guarantees.

ARTICLE 6

(Refugee travel document and validity)

1. The refugee referred to in paragraph 11, of the Annex to the 1951 Geneva Convention and its protocols, as well as those covered by the OAU Convention, may obtain a travel document.

2. The refugee travel document is individual and has the validity of two years.

CHAPTER II

Entry and Refusal of Entry into the National Territory

SECTION I

Entry into national territory

ARTICLE 7

(Place of entry)

1. The entry of foreign citizens into national territory is made by border posts, officially established for this purpose.

2. Upon entry, foreign citizens are subject to the migration procedures of the competent authorities, among others provided for by law.

ARTICLE 8

(General entry requirements)

1. It is required for foreign citizens to enter the territory national, any of the following documents:

- The*) Passport or equivalent document, valid for at least six months;
- B*) Piloting or crew certificate, when on duty, in accordance with the Convention on International Civil Aviation and Maritime Law in force;
- w*) Border resident card or Crossing Pass for circulation within the limits and periods established by agreements on the movement of people, to which the Republic of Mozambique is a party;
- d*) Other documents established in international conventions or agreements to which the Republic of Mozambique is a party.

2. To the holder of documents referred to in paragraph *The*), of the number 1 of this article, for entry into the national territory it is required to present an entry visa issued by the competent Mozambican entities, except in cases of visa exemption agreements.

3. Foreign citizens are also required to present of means of subsistence, under the terms set out in article 9 of this Law.

ARTICLE 9

(Subsistence)

1. Upon entry, foreign citizens must present means of subsistence to cover food, accommodation and other expenses deemed necessary during the period of their stay in the national territory, as well as to support the return journey to the country of origin, in accordance with the Regulations.

2. Presentation of the means of subsistence to foreign citizens who prove that they have guaranteed food and accommodation, upon presentation of a term of responsibility, issued by a national citizen or foreigner residing in the national territory.

3. Acceptance of the liability waiver by the authorities competent authorities depends on proof of the financial capacity of the citizen issuing the document and includes the obligation to ensure food, accommodation and repatriation of the foreign citizen, if necessary.

SECTION II

Refusal of entry into national territory

ARTICLE 10

(Refusal of entry)

1. Citizens are refused entry into national territory foreigner who:

- The*) present a passport or similar travel document that is not valid for the Republic of Mozambique;
- B*) present a passport or equivalent travel document with an expired period of validity or less than six months;
- w*) present a passport or similar travel document that is erased or shows signs of forgery;
- d*) holds an entry visa granted, without observing the conditions established in this Law or inappropriate for the purposes of your stay in national territory;
- It is*) present someone else's passport or similar travel document;
- f*) is on the list of those banned from entering the Republic of Mozambique;
- g*) constitutes a danger or serious threat to public order, national security, public health or international relations, in accordance with the Foreign Policy of the Republic of Mozambique;
- H*) has been fined on previous occasions for violating immigration laws and has not paid the respective fine;
- j*) does not have proven means of subsistence;
- j*) do not present a return ticket to the country of origin;
- k*) is a minor and is not accompanied by the person who exercises parental authority or without the express authorization of the latter, under the terms of the law;
- l*) do not know the place of accommodation.

2. Refusal of entry based on health reasons public, can only be based on the applicable instruments of the World Health Organization or on other diseases subject to protective measures in the national territory, decreed by the health authorities.

3. Foreign citizens who are refused entry into national territory, is placed in the custody of migration services, in a temporary holding center, until it is returned to the country of origin.

4. When the refusal of entry is based on the presentation of false, forged or foreign passport or similar travel document, it is seized and sent to the competent authorities of the supposedly issuing State, through diplomatic channels.

ARTICLE 11

(Notification of refusal of entry)

1. Refusal of entry is immediately communicated to the interested party and, subsequently, to the diplomatic or consular representation of their country of origin.

2. The refusal is also immediately communicated to the carrier for the purposes of the provisions of subsequent articles.

SECTION III

Responsibility of carriers

AARTICLE12

(Obligations of carriers)

1. Carriers that transport foreign citizens who does not meet the conditions that enable him to enter the national territory are obliged to guarantee his return, in the shortest possible time, to the point where he started using the means of transport.

2. Until re-boarding occurs, carriers are subject to payment of food and assistance expenses deemed necessary.

3. Carriers are also responsible for expenses related to the repatriation of the foreign citizen.

4. Whenever justified, the repatriation of the citizen foreign travel can be carried out under the escort of members of the National Migration Service, with the expenses being fully borne by the carriers.

5. The expenses referred to in the previous paragraphs are also attributable to the natural person transporting a foreign citizen who does not meet the conditions for entry into the national territory.

AARTICLE13

(Data transmission)

1. Carriers whose destination is the Republic of Mozambique, are obliged to transmit to the migration services, by the end of boarding registration, information relating to passengers of foreign nationality that they transport.

2. The information referred to in number 1 of this article must contain:

- The*) the full name of the passenger; *B*) nationality;
- w*) the date and place of birth;
- d*) the type and number of the travel document used, as well as the date of issue and validity;

- It is*) the total number of passengers;
- f*) the time of departure and arrival of the transport;
- j*) the starting point of boarding.

3. The transmission of the data referred to above does not exempt the carrier of the obligations provided for in article 12 of this Law.

CHAPTER III

Visas

SECTION I

General provisions

AARTICLE14

(Entry visa)

1. The entry visa is individual and can be simple or multiple.

2. The visa may take any of the following forms:

- The*) diplomatic;
- B*) courtesy;
- w*) official;
- d*) residence;

- It is*) tourist;
- f*) Traffic;
- g*) Visitor;
- H*) business;
- j*) student;
- j*) work;
- k*) border;
- l*) temporary stay; *m*) crew transfer;
- n*) for sporting or cultural activities; *O*) for investment activity; *P*) for humanitarian assistance.

3. The Government may define and regulate other modalities of visa.

AARTICLE15

(Competence to grant a visa)

1. It is incumbent upon the Ministry that oversees the policy area external granting of the following visa types:

- The*) diplomatic;
- B*) courtesy;
- w*) official.

2. It is incumbent upon the National Migration Service to grant of the other types of visa, at the Diplomatic and Consular Missions and at the Crossing Posts, under the terms of the regulation.

AARTICLE16

(Period of use and validity of visas)

The entry visa must be used within 60 days from the date of its granting and gives the right to stay in the country for the period allocated to it, except for those issued in the national territory.

AARTICLE17

(General requirements for obtaining a visa)

1. The general requirements for obtaining an entry visa are:

- The*) have a passport or similar travel document, valid for no less than six months;
- B*) also have written authorization from their parents or those who exercise parental authority, in the case of a minor under the age of eighteen;
- w*) is not banned from entering the Republic of Mozambique;
- d*) has not been expelled or declared *persona non grata* in the Republic of Mozambique;
- It is*) have means of subsistence, when applying for a visa, as well as when entering the national territory or present a term of responsibility issued by an entity or citizen residing in the country.

2. In addition to the requirements referred to in number 1 of this article, the Government may establish others, according to the visa modalities.

3. In the case of guests from entities of the Government of Republic of Mozambique, public institutions and non-governmental organizations, the provisions of paragraph *It is*), from number 1 of this article.

AARTICLE18

(Visa exemption)

1. The following are exempt from entry visas:

- The*) foreign citizens with residence permits in the country;
- B*) a foreign citizen who is a national of a country with which Mozambique has visa exemption agreements.

2. The Government, taking into account the interests of the State, may define the countries whose citizens are exempt from entry visas for stays of up to 90 days per year.

AARTICLE19

(Prior authorization)

The granting of a visa by the Embassies and Consulates of the Republic of Mozambique requires prior authorization from the National Migration Service, except in the case of diplomatic, courtesy and official visas.

SECTION II

Visa modalities

AARTICLE20

(Diplomatic, courtesy and official visas)

1. Diplomatic, courtesy and official visas are granted to holders of diplomatic, service or ordinary passports who travel to the Republic of Mozambique on a diplomatic, service visit or at the invitation of the Mozambican authorities.

2. The visas referred to in number 1 of this article allow their holder can stay in national territory for up to 30 days and are valid for two entries.

AARTICLE21

(Residence visa)

1. The residence visa is granted to foreign citizens who intends to take up residence in the country and allows its holder to enter the national territory to obtain a residence permit.

2. The residence visa is valid for a single entry and stay, for a period of 30 days, extendable up to 60 days.

AARTICLE22

(tourist visa)

1. The tourist visa is granted to foreign citizens who come to the country on a tourist or recreational trip.

2. The tourist visa allows its holder to stay for a period of up to 90 days, continuous or interpolated, during 12 months.

AARTICLE23

(Transit visa)

1. The transit visa is granted to foreign citizens who have to enter the country to reach the destination country.

2. The transit visa is granted for a period of up to seven days, not extendable.

AARTICLE24

(Visitor visa)

1. The visitor visa is granted to foreign citizens and is intended to allow entry into the country for purposes that, being accepted by the competent authorities, do not justify the granting of another type of visa.

2. The visitor visa is valid for a minimum of 15 days extendable, up to a maximum limit of 90 days.

AARTICLE25

(Business visa)

1. The business visa is granted to foreign citizens who travels to the country in order to prospect for business, carry out scientific research, participate in meetings, conferences, *workshops*, general assemblies, establishing contacts with companies and other related events.

2. The business visa is valid for multiple entries and allows its holder to stay for up to 90 days, non-extendable, counted from the date of first entry.

3. The business visa does not entitle its holder to exercise work or reside in the Republic of Mozambique.

AARTICLE26

(Student visa)

1. The student visa is granted to foreign citizens who has to enter the country in order to attend an officially recognized educational institution.

2. The student visa is valid for 12 months, extendable while the reasons for granting it remain valid.

3. The educational institution has the obligation to communicate to Migration Services, within 90 days, any change in the status of your foreign student.

AARTICLE27

(Work visa)

1. The work visa is granted to foreign citizens and is intended to allow entry into the country of its holder in order to carry out, temporarily, a remunerated or unpaid activity in the interest of the State or on behalf of others, observing the legal formalities for hiring foreign labor.

2. The work visa allows its holder multiple entries and stay for a period of up to one year, extendable for an equal period, in accordance with the employment contract.

3. The work visa entitles its holder to dedicate exclusively at the service of the employer that requested it.

4. The employer must communicate to the migration, any change that occurs during the term of the contract, under penalty of sanction, under the terms of the Law.

5. The employer is responsible for payment of all expenses inherent to the repatriation of the foreign citizen in case of visa cancellation, termination of the employment relationship or expulsion.

AARTICLE28

(Border visa)

1. Border visas are granted at Crossing Points, to a foreign citizen coming from a country where there is no diplomatic or consular representation of the Republic of Mozambique.

2. The border visa is valid for two entries and allows the its holder to stay in the country for up to 30 days, non-extendable, counting from the first entry.

3. The border visa does not allow its holder to obtain residence and work authorization.

4. The Ministry that oversees the area of migration establishes in Ministerial Diploma the crossing points authorized to grant the border visa.

AARTICLE29

(Temporary stay visa)

1. The temporary stay visa is granted to the spouse foreigner and minor or incapacitated children of the foreign citizen holding a work visa or visa for investment activities.

2. The temporary stay visa is also granted to citizens who come to the country for medical treatment or to carry out religious or volunteer activities.

3. The temporary stay visa allows its holder multiple entries and stay for a period of up to one year, extendable as long as the reasons for granting it persist.

AARTICLE30

(Crew transfer visa)

The crew transfer visa is granted to foreign citizens at sea, air or railway stations and allows the transfer of the crew member between the means of transport referred to in this article.

AARTICLE31

(Visa for sporting or cultural activities)

1. The visa for sporting or cultural activities is granted to foreign citizens duly accredited, for this purpose, by the competent authorities of the country and is intended to allow its holder entry to participate in competitions or sports training or, even, in cultural activities.

2. The visa for sporting or cultural activities is valid for a single entry and stay of 30 days, extendable for a maximum period of up to 90 days.

AARTICLE32

(Visa for investment activity)

1. The visa for investment activity is granted to the foreign citizen investor, representative, attorney or holder of management bodies of the investing company, observing the legal formalities for hiring foreign labor in the Republic of Mozambique and intended to allow its holder entry into national territory, to purposes of implementing investment projects with a value equal to or greater than 500 thousand US dollars, approved by the competent entity.

2. The investment activity visa allows its holder multiple entries and stay for up to two years for investment projects with a value equal to or greater than 500 thousand US dollars and five years for investment projects with a value equal to or greater than 50 million US dollars or equivalent, extendable for the same period, while the reasons for granting it persist.

3. In the case of a request made in national territory, the A visa is granted by the migration services, subject to an investment authorization form, issued by the competent entity.

4. The foreigner holding the investment authorization form You can apply for a residence permit for yourself and your family, subject to the requirements required for this purpose.

5. The residence permit referred to in number 4 of this article is valid for two years for investment projects worth 500 thousand US dollars or more and five years for investment projects worth 50 million US dollars or more or equivalent, renewable for the same period, while the reasons for granting it remain valid.

AARTICLE33

(Visa for humanitarian assistance)

1. The humanitarian assistance visa is granted to the foreign citizen who comes to the country at the invitation of government authorities, international organizations and non-governmental organizations, in order to provide humanitarian, non-profit work, within the scope of the state of emergency or public calamity situation and others declared, in accordance with the Constitution of the Republic and the law.

2. The humanitarian assistance visa entitles its holder to to dedicate themselves exclusively to the exercise of humanitarian assistance activities and does not give the right to establish residence.

3. The issuance of a visa for humanitarian assistance excludes application of the regime for hiring foreign citizens to work in non-governmental organizations.

4. Staying in the country, under the assistance visa humanitarian is for a period of 90 days, valid for multiple entries.

5. The period referred to in number 4 of this article may be, exceptionally, extended for another 90 days, upon reasoned request.

AARTICLE34

(Visa cancellation)

1. Visas may be canceled in the following cases:

- The*) when the holder does not satisfy or has no longer satisfied the conditions for which it was granted;
- B*) when it was issued based on false declarations, use of fraudulent means or by invoking reasons other than those that led to the holder's entry into national territory;
- w*) when the holder has been subject to an expulsion measure from the national territory, with the interdiction measure remaining valid;
- d*) when the holder is declared *persona non grata*; *It is*) irregular issuance of the visa.

2. It is up to the migration services to cancel the visa in terms of number 1 of this article, when the holder is in national territory, and the fact must be communicated to the Diplomatic or Consular Missions of the Republic of Mozambique.

3. Before the visa holder enters the national territory, Visa cancellation is the responsibility of the Diplomatic or Consular Missions of the Republic of Mozambique, and the fact must be communicated to the migration services.

CHAPTER IV

Residence Permit

AARTICLE35

(Residence permit modalities)

1. Foreign citizens authorized to reside in the territory national, a residence permit is issued.

2. The residence permit may have one of the following modalities:

- The*) temporary residence permit;
- B*) permanent residence permit.

AARTICLE36

(Temporary residence permit)

1. The temporary residence permit is valid for one year, renewable for the same period, as long as the reasons for granting it last.

2. The temporary residence permit must be updated whenever there is a change in the identification elements contained therein.

3. The temporary residence permit whose validity is extends for more than 10 consecutive years, gives its holder the right to permanent residence, as long as the reasons that dictated the first grant are maintained.

AARTICLE37

(Permanent residence permit)

1. Permanent residence permit is granted upon request by the foreign citizen and is valid for five years, renewable for equal periods.

2. The permanent residence permit must be updated, whenever there is a change in the identification elements contained therein.

AARTICLE38

(Termination of right of residence)

1. The right of residence in the national territory ceases in following cases:

- The*) expulsion or declaration of *persona non grata*;
- B*) non-renewal within 30 days from the date of expiry of the period of validity;
- w*) extinction of the reasons for granting it;
- d*) issuance of a residence permit without observing the requirements established by law;
- It is*) lack of livelihood;
- f*) whenever facts arise that would have prevented its granting, had they been known by the competent authorities;
- g*) issuance of a term of responsibility, in favor of a certain foreign citizen without being able to bear the expenses with his/her stay and repatriation, if necessary.

2. The right of residence also ceases in the following cases:

- The*) absence from the national territory for a period exceeding 90 days, in the case of a holder of temporary residence, without prior written communication to the competent authorities;
- B*) absence from the national territory for a period of more than one year, in the case of a permanent resident, without prior written communication to the competent authorities.

3. The communication referred to in number 2 of this article must be made by the holder of the residence permit to the migration services, explaining the reasons and length of absence, which must not exceed the period of validity of the residence permit.

CHAPTER V

Identity Control and Accommodation

AARTICLE39

(Identity change)

Any alteration of the identification elements or the personal status of the foreign citizen must be communicated to the migration services within 30 days, counting from the date of verification.

AARTICLE40

(Individual Accommodation Bulletin)

1. Hotels, inns, motels, campsites, Inns, guest houses and similar are obliged to communicate the accommodation of a foreign citizen to the Migration Services, through an Individual Accommodation Bulletin.

2. The Individual Accommodation Bulletin must include the full name of the foreign citizen, marital status, profession, place of birth, nationality, date of birth, passport number, origin and destination, date of entry and expected departure.

3. Non-resident foreign citizens who settle in own home is responsible for the communication referred to in this article, in relation to your person, the foreign people who live with you, as well as the natural people who host a foreign citizen.

CHAPTER VI

Oversight

AARTICLE41

(Oversight)

1. It is the responsibility of the National Migration Service to carry out supervision, within the scope of their duties on trains, vessels or commercial or recreational aircraft in national ports and airports, when they are destined for or come from abroad.

2. The National Migration Service is responsible for carrying out inspections in other means of public or private transport, as well as at any point or place deemed relevant.

3. For the purposes of number 1 of this article, the authorities of the respective jurisdiction must provide transportation and equipment to enable effective supervision.

AARTICLE42

(Facilitation of due diligence and searches)

Captains and masters of vessels traveling to or from abroad, companies and agencies of shipping companies and other intervening authorities undertake to facilitate the diligence and searches that have to be carried out, with a view to capturing individuals incriminated by the competent authorities. and illegal migrants.

AARTICLE43

(Free access)

1. The member of the National Migration Service, in office of its supervisory function, it has the right to free entry into houses and entertainment or entertainment venues, in places where public meetings are held, at boarding points, in association rooms and, in general, in all places of public access, where Access is permitted upon payment of a fee or other means or presentation of an identification card.

2. The member of the National Migration Service has, also, the right to free entry into river stations, airports, aerodromes, railways, trains, aircraft, anchored ships and in places where their presence is necessary, without prejudice to international conventions.

CHAPTER VII

Exit of a Foreign Citizen from the National Territory

SECTION I

Exit from National Territory

AARTICLE44

(Departure from national territory)

1. Foreign citizens may leave national territory through any of the authorized border posts, upon prior presentation of one of the documents provided for in number 1 of article 8 of this Law and after compliance with legal formalities.

2. Leaving national territory may be voluntary or coercive.

3. Coercive departure occurs through expulsion of the foreign citizen of the national territory.

SECTION II

Expulsion

AARTICLE45

(Administrative expulsion)

1. Without prejudice to the provisions contained in treaties or international conventions, the Government may expel a foreign citizen from national territory for any of the following reasons:

- The*) irregular entry and stay in the country;
- B*) attempt against national security, public order or good customs;
- w*) witnessing illegal migratory activities and not reporting it to the competent authorities;
- d*) practice illegal migratory activities that threaten the interests and dignity of the Mozambican State or its citizens;
- It is*) intervene in the country's political life without being duly authorized by the Government;
- f*) disrespect the Constitution of the Republic and other national laws applicable to foreign citizens;
- g*) carry out acts that would have prevented their entry into the country, had they been previously known by the Mozambican authorities;
- H*) hold a work visa and work for an employer other than the one that hired you;
- i*) have been sanctioned with a fine and have not made payment within the established deadline;
- j*) fails to comply with the notification of voluntary abandonment of the national territory, within the stipulated period;
- k*) having been sentenced to the additional penalty of expulsion and illegally re-entering the country.

2. It is up to the migration services to instruct the competent process, within a period of eight days, whenever it becomes aware of the fact that constitutes grounds for expulsion.

3. If during the investigation of the process, it is found that the matter in question is of a criminal nature, it must be referred to the competent court.

AARTICLE46

(Urgency of expulsion)

The expulsion process is urgent in nature.

AARTICLE47

(Obligations of foreign citizens undergoing expulsion proceedings)

1. While the expulsion process is ongoing, the citizen foreigner is obliged to:

- The*) declare your residence and not leave it without authorization from the migration services;
- B*) report regularly and periodically to migration services.

2. In the event of non-compliance with any of the obligations provided for in number 1 of this article, the foreign citizen is detained, and the expulsion decision is immediately executed.

AARTICLE48

(Expulsion order)

The expulsion order must include:

- The*) the grounds for expulsion;
- B*) the mention of a ban on entry into national territory, for a period of no less than 10 years.

AARTICLE49

(Limitation on expulsion measure)

Expulsion has no place in the country where the foreign citizen may be persecuted for political, religious, racial or ethnic reasons.

AARTICLE50

(Appeal against administrative expulsion order)

The interested party may appeal the administrative expulsion measure to the Administrative Court, without suspensive effects, in accordance with the law.

AARTICLE51

(Judicial expulsion)

Without prejudice to the provisions of criminal law, the penalty of expulsion is applied in the following cases:

- The*) to a foreign citizen not resident in the country who has been convicted, by a Mozambican court, of an intentional crime with a sentence exceeding six months in prison;
- B*) foreign citizens who have resided in the country for less than five years and have been sentenced to a sentence of more than one year in prison;
- w*) foreign citizens residing in the country for more than five and less than 15 years sentenced to a sentence of more than two years in prison;
- d*) to foreign citizens residing in the country for more than 15 years, sentenced to more than eight years in prison.

AARTICLE52

(Competence to execute the judicial expulsion measure)

1. The migration services are responsible for implementing the decision judicial expulsion of foreign citizens from national territory.
2. The court sends to the migration services the certificates of convictions handed down in criminal proceedings against a foreign citizen.
3. The additional penalty of expulsion is always carried out even that the foreign citizen is on parole.

AARTICLE53

(Communication of expulsion)

The expulsion order is communicated to the competent authorities in the country of destination.

AARTICLE54

(Expulsion expenses)

1. Whenever the foreign citizen cannot bear the Expenses resulting from expulsion are covered by the State.

2. To cover the costs resulting from expulsion, allocated to the budget of the Ministry that oversees the area of migration, without prejudice to the use of funds from other institutions.

3. The foreign citizen whose expulsion costs have occurred at the expense of the State and is authorized to re-enter the national territory, is obliged to reimburse the State for double the amount spent.

4. The employer that has a foreign citizen in service, subject to an expulsion measure, is obliged to meet the expenses related to his expulsion.

AARTICLE55

(Exit ban)

Foreign citizens are prohibited from leaving national territory when:

- The*) there is a court decision banning exit;
- B*) the migration services have official knowledge that against the traveler there is a request for an exit or capture ban issued by a competent entity.

CHAPTER VIII

Entry and Exit of Minors from the National Territory

AARTICLE56

(Minors entrance)

1. Foreign citizens under 18 years of age, when unaccompanied by parents, should only enter national territory with written authorization, with notarial recognition, from parents or whoever exercises parental authority recognized by the competent authorities.

2. In cases where a minor under 18 years of age intends to enter in the national territory accompanied by one of the parents, it is required the presentation of the authorization, with notarial recognition, expressing the consent of the other parent in relation to the minor's travel.

3. The authorization referred to in this article must be translated in the Portuguese language.

AARTICLE57

(Exit of minors)

1. To foreign citizens, under 18 years of age, when If not accompanied by parents, departure from national territory is permitted, subject to written authorization, with notarial recognition, from the parents or whoever exercises parental authority recognized by the competent authorities.

2. In cases where the minor intends to leave the territory national accompanied by one of the parents, the presentation of the authorization, with notarization, expressing the consent of the other parent in relation to the minor's travel is required.

3. The authorization referred to in this article must be translated in the Portuguese language.

AARTICLE58

(Refusal)

In cases where the person to whom the minor is entrusted is refused entry into the national territory, this measure also extends to the minor and vice versa.

CHAPTER IX

Migration Offenses and Sanctions

AARTICLE59

(Immigration offenses)

The following constitute immigration infractions:

- The*) irregular entry and stay in the country;
- B*) use of false or falsified documents; *w*) use of false or counterfeit visas;
- d*) failure to notify the immigration or police authorities of the loss of a passport or residence permit; *It is*) illegal entry and exit on board vessels or aircraft;
- f*) failure to renew immigration documents within the deadlines established by law;
- g*) lack of communication of changes to identification elements;
- H*) lack of accommodation bulletin;
- i*) lack of communication regarding the change of place of accommodation or domicile;
- j*) transport of passengers who do not have legal and complete documentation, necessary for formal entry into the country;
- k*) concealment of a foreign citizen who is in an irregular migration situation;
- l*) employment of a foreign citizen in an irregular migration situation;
- m*) lack of residence permit;
- n*) making false statements for the purpose of issuing an entry visa or residence permit to a foreign citizen;
- O*) lack of communication, by the carrier, of data on passengers of foreign nationality;
- P*) entry or exit of vessels or aircraft without authorization and immigration clearance, when destined for or coming from abroad.

AARTICLE60

(Sanctions)

The migratory offenses referred to in this Law are punishable by a fine, in accordance with the regulations, without prejudice to the application of the measure of administrative expulsion or criminal liability.

AARTICLE61

(Instruction of cases for immigration offenses)

1. Migration services are responsible for instructing processes relating to immigration offenses provided for in this Law.

2. Whenever facts qualified as a crime are discovered, The migration services immediately communicate the fact to the competent authorities for due procedure.

3. For the purpose of imposing a fine, a notice is drawn up and the offender is notified to, within five days, counting from the date of notification, pay voluntarily, under penalty of coercive collection, in accordance with the law.

CHAPTER X

Final dispositions

AARTICLE62

(Fees and fees)

1. By issuing documents provided for in this Law, fees charged, to be set by the Government.

2. Rejection of a request made by a foreign citizen migration services does not confer the right to a refund of the fee paid.

3. Fees are due for granting documents issued in favor of the foreign citizen, as well as fines, in accordance with the regulations.

AARTICLE63

(Poor preservation of documents)

In cases of poor conservation of a document, which results in its total or partial damage, as well as in the deletion of elements and reference data contained therein, the foreign citizen may acquire a second copy, upon payment of double the fee due to obtain the document. same.

AARTICLE64

(Regulation)

The Government is responsible for regulating this Law, within 90 days, counting from the date of its publication.

AARTICLE65

(Revocation)

Law No. 5/93, of December 28, which establishes the Legal Regime for Foreign Citizens, establishing the respective rules for entry, stay and exit from the country, rights, duties and guarantees, is revoked.

AARTICLE66

(Implementation)

This Law comes into force 30 days after the date of its publication.

Approved by the Assembly of the Republic, on 1 December 2022. – The President of the Assembly of the Republic, *Hope Laurinda Francisco Nhiuane Bias*.

Enacted on December 23, 2022.

Get published.

The President of the Republic, *FILIPE JACINTO NYUSI*.

ATTACHMENT

Glossary

For the purposes of this Law, the following definitions apply:

A

Permission to stay abroad—document issued by the competent authority that gives the holder the right to stay abroad for a period exceeding 90 days.

Residence permit—document issued by the competent authority that grants the holder the right to reside in the Republic of Mozambique for the period indicated therein.

B

Individual Accommodation Bulletin—informative document provided by accommodation establishments or private homes containing the guests' personal data, namely, full name, date and place of birth, nationality, passport or residence permit number, date of entry, expected departure, origin and duration of stay.

W

Temporary Holding Center—place for temporary stay of foreign citizens who are illegally in the national territory, awaiting repatriation or expulsion.

D

Exit declaration—document issued by the competent authority, with a view to allowing the foreign citizen to leave the national territory, while the process of issuing or renewing the residence permit is ongoing.

AND

Foreigner—any citizen who does not have Mozambican nationality, in accordance with the current legal system.

Resident foreigner—foreigner with a residence permit granted by the competent authority, in accordance with the law.

I

Migration offense—conduct of a national or foreign citizen that violates the provisions of this Law and other related legislation.

M

Subsistence—means that the foreign citizen needs to stay in the national territory, per day, in accordance with the regulations.

Clandestine migrant—anyone who enters or leaves the national territory through any authorized point in the following situations:

- The*) without a passport or equivalent travel document;
- B*) with a false, incomplete or expired passport or similar travel document;
- w*) without having been subject to immigration control;
- a*) entry or exit from the national territory through an unqualified point, even if with the necessary documentation.

P

Persona non grata—is a Latin expression whose literal translation is person not pleasant, not wanted, not welcome. In diplomacy, the expression has technically and legally defined semantics, incident to a considerable foreign diplomat or representative unacceptable by the government of the host State, or accreditor, for this reason, it does not offer him the *agreement* (agreement or consent).

Parental power—consists of the special duty incumbent upon parents, in the best interests of their children, to guarantee their

protection, health, security and livelihood, guiding their education and promoting their harmonious development.

Extension of Stay—document or migratory act that entitles the holder to remain for a longer period of time in the national territory, according to the authorized period.

R

Refusal of entry—administrative act that applies to foreign citizens who wish to enter the country without meeting the requirements for this purpose.

T

Traffic—passage through the national territory of a foreign citizen qualified with the respective visa, after which he is admitted to stay during the stopover time in the national territory.

V

Visa—document that enables the holder to receive permission to enter the national territory at the border post.

Law no.th28/2022

December 29th

If there is a need to provide the foreign exchange market with greater flexibility, with emphasis on carrying out foreign exchange operations, as well as adjusting to the functioning of a market for the free movement of people, goods and services harmonized with the regional integration process, the Assembly of the Republic, under the provisions of number 1 of article 178 of the Constitution of the Republic, determines:

CHAPTER I

General Provisions

AARTICLE1

(Object)

1. This Law regulates acts, business, transactions and operations of all kinds that:

The) are carried out between residents and non-residents that result or may result in payments or receipts abroad;

B) are carried out in the country due to a special exchange rate regime or because they involve foreign currency;

w) not meeting the requirements referred to in paragraphs *The*) It is *B*), of number 1 of this article, are qualified, by specific legislation or regulations, as foreign exchange operations.

2. This Law also establishes the regime for entities authorized to carry out foreign exchange trading and partial foreign exchange trading.

AARTICLE TWO

(Scope)

1. This Law applies:

The) resident natural and legal persons, who carry out foreign exchange operations relating to goods or values located in national territory or abroad and rights over these goods or values or activities carried out in the respective territory;

B) non-resident natural and legal persons, who carry out foreign exchange transactions relating to goods or values located in national territory and rights over these goods or values or activities carried out in the same territory;

w) non-resident natural and legal persons, who carry out foreign exchange operations relating to goods or values located in foreign territory and rights over these goods or values or activities carried out in the respective territory, when they have a connection with Mozambican territory;

d) to the State and other legal entities governed by public law, which carry out foreign exchange operations relating to goods or values located in national territory or abroad and rights over these goods or values or activities carried out in the respective territory.

2. This Law also applies to forms of representation of resident and non-resident legal entities in accordance with number 1 of this article.

3. This Law also applies to concessionaires, specific purpose entities and each main subcontractor, as well as financiers, non-resident subcontractors and expatriate staff, as actors in the oil and gas sector operating in the Republic of Mozambique.

AARTICLE3

(Definitions)

The terms and expressions used in this Law are set out in the Glossary, attached, which is an integral part of this Law.

AARTICLE4

(Exchange residence)

1. For the purposes of this Law, residents are considered in national territory:

The) national natural persons with habitual residence in the Republic of Mozambique or whose stay abroad does not exceed one year;

B) national natural persons with habitual residence in the Republic of Mozambique whose stay abroad, for a period of more than one year, is due to academic or health reasons;

w) national natural persons with habitual residence in the Republic of Mozambique, who carry out non-occasional activity in foreign territory, namely border or seasonal workers and crews of ships, planes or other mobile equipment operating wholly or partially abroad; *d*) national natural persons with diplomat status, consular representatives or similar, military personnel carrying out government functions abroad, as well as members of their respective household;

It is) legal entities governed by private law with headquarters in national territory;

f) the Mozambican State, local authorities, public companies, public funds and institutes and other national legal entities governed by public law with administrative and financial autonomy;

g) the diplomatic and consular representations of the Mozambican State located abroad.