

DEMOCRATIC REPUBLIC OF TIMOR-LESTE

GOVERNMENT

Decree-Law No. 4/2002

REORGANISATION OF IMMIGRATION CONTROL

Considering that UNTAET Regulation No. 2000/9 established a border regime for East Timor exercised by the Border Service, the control of which took over the area of customs and immigration.

Taking into account that these two realities of border control can hardly be handled together, for in the first reality the main concern is to levy revenues for the State whereas the second one is essentially a security control of a marked police nature.

In view of the urgent need to foster an effective control system for the movement of persons across the borders of the Democratic Republic of Timor-Leste given the international security situation and the need to increase the level of internal security of its population.

Under the terms of section 115(3) of the Constitution, the Government enacts the following that shall have the force of law:

Section 1
Immigration Control

Immigration control in the territory of the Democratic Republic of Timor-Leste, as well as the control of the movement of persons across its borders, shall now be exercised by the Timor-Leste Police Service.

Section 2
Department of Immigration

1- For the application of the provisions of section 1 of this instrument, a Department of Immigration within the Timor-Leste Police Service is hereby established.

2- It shall be incumbent upon the department referred to in paragraph 1 above to control the stay of foreigners in the national territory, as well as to control the movement of persons across its borders.

3- Pending the publication of the statutes of the Timor-Leste Police Service, the internal organisation of such department and the assignment of staff and means thereto for the fulfilment of its competencies shall be the subject of a proposal from the Commissioner of the Timor-Leste Police Service to the Minister of Internal Administration, who shall approve it by an instruction.

Deleted:

Section 3

Transfer of Competencies

The competencies on matters of immigration as assigned to the Border Service Controller by UNTAET Regulation No. 2000/9 shall now be exercised by the Commissioner of the Timor-Leste Police Service, who may delegate such competencies to the Head of the Department of Immigration.

Section 4

Transfer of Means

- 1 Materials, computer equipment and databases of the Border Service that are exclusively vested in the immigration control shall be transferred to the Timor-Leste Police Service.
- 2- For the purpose of executing the provision of paragraph 1 above a delivery and receipt slip shall be prepared, the write-off of materials shall be carried out and the required reports shall be sent to the relevant government departments.

Section 5

Commencement of Functions

- 1- Control of the movement of persons across the borders of the airport and port of Dili and the airport of Baucau shall move from the Border Service to the Timor-Leste Police Service on the date of entry into force of the present Decree-Law.
- 2- Control of the movement of persons across all other border control stations shall be transferred in accordance with a timeframe to be set by all parties concerned.

Section 6

Entry into Force

The present Decree-Law shall enter into force 30 days after its publication.

Approved by the Council of Ministers on 4 September 2002.

The Prime Minister, Mari Bim Amude Alkatiri

The Minister of Planning and Finance, Maria Madalena Brites Boavida

The Minister of Internal Administration, Rogério Tiago de Fátima Lobato

Promulgated on 12 September 2002.

To be published.

The President of the Republic, José Alexandre Gusmão, 'Kay Rala Xanana Gusmão'

