

**DEMOCRATIC REPUBLIC OF EAST TIMOR**

**GOVERNMENT**

---

**Decree-Law No 2/2002**

**Of 20 September**

**LEGAL REGIME FOR PASSPORTS**

Freedom of movement constitutes a fundamental citizenship right as unequivocally set out in Section 44 of the Constitution of the Republic.

Freedom of movement encompasses the right of departing from and returning to the country, namely to study, work, make a tourist trip or for any other purpose. The realization of this right presupposes the existence of a passport.

Therefore, it is essential that rules allowing for the issuance of the national passport be approved. Such a document shall clearly identify its holder and contain the required security elements in order to obviate, to the extent possible, its falsification.

Under these terms and pursuant to subparagraph b), paragraph 1, and of paragraph 3, section 115, of the Constitution, the Government enacts the following regime that shall have the force of law:

**Legal Regime for Passports**

**Section 1**

**Purpose, function, and general principles**

1. The passport shall be an individual travel document allowing its holder to enter and depart from the national territory, as well as from the territory of other states that will recognize it to that effect.
2. The granting of a passport shall observe the principles of legality, authenticity, truthfulness and security of the data contained therein.
3. Tampering and improper use shall be punished in accordance with the general law.

**Section 2**

**Categories**

Passports shall be issued in the following categories as the case may be:

- a) Ordinary;
- b) Diplomatic;
- c) Official service;
- d) For foreigners.

### **Section 3**

#### **Standard model**

The passport shall be in a standard model composed of a notebook containing 32 numbered pages and shall be identified by a number of its own and by the name, photograph and fingerprint of the holder thereof.

### **Section 4**

#### **Term of validity**

The term of validity of the passport shall be determined in compliance with the provision for each of the categories, and extensions shall not be allowed for ordinary passports or passports for foreigners.

### **Section 5**

#### **Conditions of validity**

1. A passport shall only be valid if all blank spaces designed for variable entries have been either filled out or made null, and amendments, deletions or interlineations of any nature shall not be allowed.
2. The passport shall carry the signature of the holder, unless the issuing authority indicates in the appropriate place that the former does not know how to sign or cannot sign.

### **Section 6**

#### **Requisition and use control**

The requisition of forms and use control over ordinary passports and those for foreigners shall be incumbent upon the Ministry of Justice.

### **Section 7**

#### **Model Forms**

Passport model forms, application and statement forms shall be approved by joint instrument of the Ministers of Justice and of Foreign Affairs and Cooperation.

**Section 8**  
**Issuance Costs**

1. The issuance of diplomatic and service passports shall be exempt from any charges to be paid by beneficiaries, and the costs of the respective forms shall be borne by the employers of such beneficiaries;
2. Within the national territory the fees to be levied in connection with the issuance of an ordinary passport or of a passport for foreigners shall be established by joint instrument of the Ministers of Finance and of Justice.

**Section 9**  
**Passport delivery**

A passport may be delivered to its holder by registered mail through pre-paid postage and delivery costs.

**Section 10**  
**Claims**

1. A passport holder shall claim against any inaccuracies contained in his or her passport within 30 days from the date of its receipt.
2. The granting of the claim made by the party concerned, on the basis of an error committed by the issuing authority, shall imply the issuance of a new passport.
3. The issuance provided for under paragraph 2 above shall be gratuitous, provided that the claim has been lodged within the set deadline.

**Section 11**  
**Ordinary passport**

1. An ordinary passport may only be granted to East Timorese nationals.
2. The granting and issuance of an ordinary passport shall be incumbent upon the Ministry of Justice.

**Section 12**  
**Proof of identity**

A person applying for an ordinary passport shall prove his or her identity by producing his or her identity card, civil registration card or a birth certificate attesting that he or she is an East Timorese national.

**Section 13**  
**Passport for foreigners**

Holders of a passport for foreigners may be:

- a) A individual who, having been authorized to reside on the national territory, is a stateless person or national from a country without diplomatic or consular representation in East Timor or that demonstrates, in an unequivocal manner, that he or she cannot get another passport;
- b) A foreign national who while overseas, and having not a passport of his or her own, seeks diplomatic or consular protection from East Timor pursuant to consular cooperation agreements as may be entered into between East Timor and his or her country of origin;
- c) A foreign national who is outside of the national territory and, due to exceptional reasons, the granting of a passport for foreigners is recommended;
- d) The cases referred to in subparagraphs b) and c) shall be decided following a proposal from the consular authority of competent jurisdiction, based on an opinion to be issued by the Ministry of Justice.

#### **Section 14** **Passport application**

1. An application for an ordinary passport or for a passport for foreigners shall be filed by the applicant, in a proper form, legibly filled out and without erasures or interlineations, and bearing his or her commonly used signature.
2. An application for an ordinary passport or for a passport for foreigners from a minor, ineligible or disabled applicant shall be signed and filed by the person who, under the terms of the law, is his or her legal representative.
3. In the cases referred to in paragraph 2 above, the signature of the holder of an ordinary passport or of a passport for foreigners shall be collected whenever possible.

#### **Section 15** **Elements accompanying a passport application**

An application for the granting of an ordinary passport or a passport for foreigners shall be processed with the following elements:

- a) Two recent colour passport photographs, of the face of the applicant, with good conditions of identification and sizes fitting the passport model;
- b) A dully filled form;
- c) A certified photocopy of the ID card, civil registration card or birth certificate.

#### **Section 16** **Complementary proof**

Whenever doubts are raised about the accuracy or ownership of the identification elements mentioned by the applicant in his or her application for the granting of an ordinary passport or of

a passport for foreigners, the respective issuing authority may require the production of complementary proof.

### **Section 17** **Impediments to the issuance of a passport**

An ordinary passport shall not be issued where:

- a) As a minor and in someone else's custody, the applicant has no authorization either from his father or mother;
- b) As a minor, the applicant has not secured a court ruling deciding to fill the respective parental power;
- c) The applicant is prevented by a ruling from a judicial body from holding a passport;
- d) The applicant fails to pay the charges incurred by the State as referred to in paragraph 4, section 23.

### **Section 18** **Issuance deadlines**

1. The issuance deadline for an ordinary passport shall be 20 working days from the date on which a duly processed application is filed, with all the required documents;
2. The issuance deadline for a passport for foreigners shall be 30 working days from the date on which a processed application is filed, with all the required documents;
3. In cases of urgency, issuing authorities may, at the request of an individual, establish a deadline shorter than the ones provided for in paragraphs 1 and 2 above by further charging the urgency fees as may be set out in the schedule to be approved by joint instrument of the Ministers of Finance and Justice;
4. For the purposes of impugnation, applications whose decision has not been reported to the individual within 45 workdays of the filing date shall be considered rejected, in accordance with paragraph 1 above.

### **Section 19** **Passport for minors**

1. If not accompanied by the person exercising parental power, minors may only enter and depart from the national territory by producing an authorization to that effect conferring accompaniment powers on a duly identified third party.
2. The authorization referred to in paragraph 1 above shall include a written document, dated and signed by both parents, or by the person exercising parental power.
3. The signatures referred to in paragraph 2 above shall be certified by the competent authority.
4. An authorization may be used for an unlimited number of times within the term of validity set out in the document, which, however, may not exceed one calendar year.
5. Where no other term is mentioned, the authorization shall be valid for six months from the date thereof.

**Section 20**  
**Term of validity of an ordinary passport**

1. An ordinary passport shall be valid for a period of:
  - a. Ten (10) years, if its holder is at or above the age of 35 on the date of issuance of the passport.
  - b. Five (5) years if the holder is under the age of 35.
  - c. Three (3) years for minors at or under the age of 5 and above the age of 2.
  - d. Two (2) years for minors at or under the age of 2;
2. A new ordinary passport may be applied for within the term of validity where the identification elements of the holder have become outdated or where the cases described in section 22 of this legal instrument occur;
3. The granting of a new ordinary passport is done against the delivery of the previous passport.
4. A passport for foreigners shall be valid for a maximum of one year.

**Section 21**  
**Replacement of a valid passport**

1. The issuance of a new ordinary passport to an individual holding a valid passport shall, on an exceptional basis, be allowed where:
  - a. A passport has no more blank space left on the pages designed for visas;
  - b. A passport is in a bad state of conservation noticed by the issuing authority;
  - c. The loss, destruction or theft of the passport is declared by the holder;
  - d. A change to the elements contained in the passport has occurred in connection with the identification of the holder.
2. In the cases referred to in paragraph c) above, the applicant shall submit a statement, under an oath of honour, made in a proper form, giving the reasons for such application and undertaking not to use the replaced passport and to return it to the issuing authority if retrieved.
3. In case of doubt about the grounds that have been evoked for the issuance of a second copy, the issuing authority may request the production of complementary proof.
4. Whenever a new passport is issued in the cases provided for in paragraph 1 above, such circumstance shall be recorded therein, indicating the authority that has issued the previous one, as well as the number and issuance date thereof.

**Section 22**  
**Cancellation and seizure**

1. The holder of a passport that has been lost, destroyed or stolen shall immediately report such fact to the issuing authority, for the purposes of cancellation and seizure.
2. Legal representatives of minors and disabled people may request the issuing authority to cancel and seize a passport that has been issued to the former.

3. The issuing authority shall ask the Border Control Service to seize a passport referred to in paragraphs 1 and 2 of this section.
4. Consular authorities, when asked to fund the repatriation of nationals holding a passport, shall withhold it, which shall only be returned to the holder at the destination, upon payment of the charges incurred by the State.
5. In the case provided for in the paragraph 4 above, the repatriated person shall return to East Timor bearing a single travel title.

### **Section 23** **Caducity of ordinary passports**

An ordinary passport issued on behalf of an East Timorese national shall lapse if the holder thereof has, in the meantime, forfeited the respective citizenship.

### **Section 24** **Diplomatic and service passports**

Diplomatic passports and service passports shall be issued by the Division of Protocol of the Ministry of Foreign Affairs and Cooperation and by Diplomatic Missions overseas, in accordance with the provisions set forth in the present instrument.

### **Section 25** **Diplomatic passport holders**

The following entities are entitled to a diplomatic passport:

- a) President of the Republic
- b) Speaker of the National Parliament;
- c) Primer Minister;
- d) President of the Supreme Court of Justice;
- e) Prosecutor-General
- f) President of the High Administrative, Tax and Audit Court;
- g) Deputy Speakers of the National Parliament;
- h) Ministers;
- i) General Officers of the Defence and Security Force;
- j) Vice-Ministers and Secretaries of State;
- k) Deputy Prosecutors-General;

- l) Bishops and other religious dignitaries of an equal or higher ranking;
- m) Officials of the diplomatic service of the Ministry of Foreign Affairs and Cooperation;
- n) People credentialed by the Ministry of Foreign Affairs and Cooperation to conduct missions with foreign governments and international organizations.

## **Section 26**

### **Other holders**

Spouses and minor children of the entities referred to in the preceding section shall also be holders of a diplomatic passport, as well as those of officials of the diplomatic service, where the former live with them or have to travel with them.

## **Section 27**

### **Validity of a diplomatic passport**

1. A diplomatic passport shall be valid for one year, successively renewable for an equal period of time, without prejudice to its caducity due to forfeiture of office of the holder thereof.
2. Revalidation of a diplomatic passport shall be secured by following the formalities established for the issuance thereof and shall have the same effect.
3. The diplomatic passport referred to in section 25, paragraph 1, subparagraph j), shall have a term of validity corresponding to the likely duration of the mission for which the holder thereof has been appointed.

## **Section 28**

### **Service passport**

1. The following officials are entitled to a service passport:
  - a) Members of the National Parliament;
  - b) Members of the Civilian and Military Staff of the President of the Republic;
  - c) Judicial magistrates and public prosecutors;



- d) Directors-Generals of Ministries, while on official mission;
  - e) Technical staff from the Ministry of Foreign Affairs and Cooperation, while on official mission.
2. The following individuals may also be holders of a service passport:
- a) People that have been expressly entrusted by the State to carry out a public service mission, if the nature thereof does not require the granting of a diplomatic passport;
  - b) Vice consuls and honorary consuls of East Timorese citizenship;

### **Section 29**

#### **Other holders**

Where the circumstances so justify, the Senior Minister for Foreign Affairs and Cooperation may, on an exceptional basis, authorize in writing the issuance of diplomatic passports to entities other than those referred to above.

### **Section 30**

#### **Issuance of service passports**

It shall be incumbent upon the Minister of Justice to issue a service passport and, whenever the situations occur outside of the national territory or in the cases referred to in subparagraph b), paragraph 2, of section 29, it shall be incumbent upon the Minister of Foreign Affairs and Cooperation.

### **Section 31**

#### **Use**

An official service passport shall only be used when the holder thereof is on an official trip and in a capacity that justifies the granting thereof.

### **Section 32**

#### **Validity of a service passport**

1. An official service passport shall normally be valid for a period of two years and a longer period of validity, which shall never exceed four years, may be stipulated.
2. An official service passport shall lapse as soon as the holder thereof forfeits the office or terminates the mission, or where the situation that has determined the issuance thereof no longer exists.

3. The caducity of an official service passport shall obligate either the requisitioning service or the applicant to immediately return it to the issuing entity.

### **Section 33**

#### **Single travel title**

1. A single travel title shall be issued to individuals of East Timorese citizenship, duly confirmed, who have no documents while overseas and who are not able to produce sufficient proof of identification in a timely manner.
2. A travel title shall be granted and issued by consular authorities.

### **Section 34**

#### **Validity of a single travel title**

A single travel title shall be issued with the validity strictly necessary for the holder thereof to return to East Timor.

### **Section 35**

#### **Improper use of a passport**

1. Improper use of a replaced passport, of a second passport or of an official service passport shall constitute a contravention punishable with a fine varying from US\$ 50.00 to US\$ 100.00.
2. In proceedings instituted in respect of a contravention in any of the cases provided for in paragraph 1 above an accessory penalty of passport seizure may also be imposed.

### **Section 36**

#### **No-compliance passports**

Passports that are not in compliance with the law shall be seized by competent authorities.

### **Section 37**

#### **Fraudulent obtention and use of documents**

The production of false statements in connection with the obtention of a passport, the falsification of either a passport or the proper forms thereof, and the use of a falsified passport, as well as the use of someone else's passport, shall be punished in accordance with the criminal law.

## **Section 38**

### **Competence**

1. The institution and handling of a proceeding in respect of the contravention provided for in section 35 shall be incumbent upon the authorities that grant and issue passports.
2. For the purposes of paragraph 1 above, the application of fines and accessory penalties shall be incumbent upon the senior management of the entities that have the competence to grant or issue the different types of passports.
3. Proceeds from fines shall accrue to the State.

## **Section 39**

### **Validity of travel documents**

UNTAET travel documents valid on 19 May 2002 shall remain valid until 30 November 2002, without prejudice to the period of caducity thereof expiring prior to this date.

## **Section 40**

### **Entry into force**

The present decree-law shall enter into force on the day following its publication.

Seen and approved by the Council of Ministers on 24 May 2002.

The Prime Minister, Mari Alkatiri

The Senior Minister for Foreign Affairs and Cooperation, José Ramos-Horta

The Minister of Justice, Ana Pessoa Pinto

Promulgated on 27 June 2002

To be published.

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