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**Law no. 23/2022 of 29 December**

**Legal Framework of the Foreign Citizen**

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Law no. 23/2022 was published in BR No. 251, Series I, of 29 December, 2022, establishing the Legal Framework of Foreign Citizens, fixing the respective rules for entry, stay and exit from the country, as well as their rights, duties and guarantees, and revoking Law no. 5/93 of December 28. Law no. 23/2022 came into force 30 days after the date of its publication, therefore on January 28, 2023.

Below are the main introductions and changes to the Legal Framework of Foreign Citizens.

1. It is now necessary for foreign citizens to present their means of subsistence to support the costs of their stay and return trip to their country of origin at the time of entry. This is waived when a term of responsibility issued by the national citizen or foreign citizen residing in national territory is presented.
2. Refusal of entry into national territory to foreign citizen who:
  - Presents a passport that is not valid in the Republic of Mozambique, with an expired period of validity or less than six months, and even if it is erased or has evidence of forgery;
  - Is on the list of persons prohibited from entering the Republic of Mozambique, or constitutes a danger or threat to public order, national security, public health or international relations
  - Has been fined on previous occasions for violation of migration laws and has not paid the respective fine, holds an entry visa granted without complying with the conditions established by law, or is unsuitable for the purposes of his/her stay in national territory;
  - Does not possess proven means of subsistence, is unaware of the place of accommodation, does not present a return ticket to the country of origin; and
  - Is a minor and is not accompanied by the person exercising parental authority or is unauthorized.

The refusal of entry is communicated to the person concerned, to the diplomatic or consular representation of his country of origin, and also to the transporter, since the latter is obliged to guarantee the return of the citizen who does not meet the conditions to enter national territory.

Transporters whose destination is the Republic of Mozambique are obliged to transmit information regarding passengers of foreign nationality.

3. In addition to the provisions contained in the previous law, the right of residence shall cease in the following cases:
- Extinction of the reasons for its grant;
  - Issuance of a residence permit without complying with the requirements established by law;
  - Lack of means of subsistence;
  - Whenever facts occur that would have prevented its granting, had they been known to the competent authorities; and
  - Issuance of a term of responsibility, in favour of a specific foreign citizen without being in a position to bear the costs of his/her stay and repatriation.
4. In addition to the cases established in the previous law, the foreign citizen may also be expelled from national territory when:
- He/she holds a work visa and binds himself/herself to an employer other than the one who hired him/her;
  - He/she has been sanctioned with a fine and has not paid it within the established time limit;
  - He/she Does not comply with the notification to voluntarily leave national territory within the stipulated period; and
  - Has been convicted of the accessory penalty of deportation and has re-entered the country irregularly.
- The deportation order is communicated to the competent authorities of the country of destination. Expulsion will not take place to a country where the foreign national may be persecuted for political, religious, racial, or ethnic reasons.
5. Foreign citizens under the age of 18, when not accompanied by their parents, must only enter and leave the national territory upon written authorization, notarized by the parents or whoever exercises parental authority. In cases where a minor under 18 years of age intends to enter or leave the national territory accompanied by one of the parents, the presentation of the authorization, with notarized acknowledgment, expressing the other parent's consent regarding the minor's trip, is also required. In cases where the person to whom the minor is entrusted is refused entry into the national territory, this measure is also extended to the minor.
6. In addition to those mentioned in the previous law, the following constitute migratory offenses
- Irregular entry and stay in the Country;
  - Use of false or falsified documents;
  - Use of false or falsified visas;
  - Failure to inform the migratory or police authorities of the loss of a passport or residence permit;

- Illegal entry and exit on board ships or aircraft;
- Failure to renew migration documents within the time limits established by law;
- Transportation of passengers who do not possess the legal and complete documentation necessary to formalize their entry into the country;
- Concealment of a foreign citizen who is in an irregular migratory situation;
- Making false statements for the purpose of issuing entry visas or residence permits in favour of a foreign citizen;
- Failure by the carrier to communicate data on passengers of foreign nationality;
- Entry or departure of ships or aircraft without authorization and immigration clearance, when they are destined for or coming from abroad.

Migratory infractions are punishable by fines, administrative expulsion, or criminal liability.