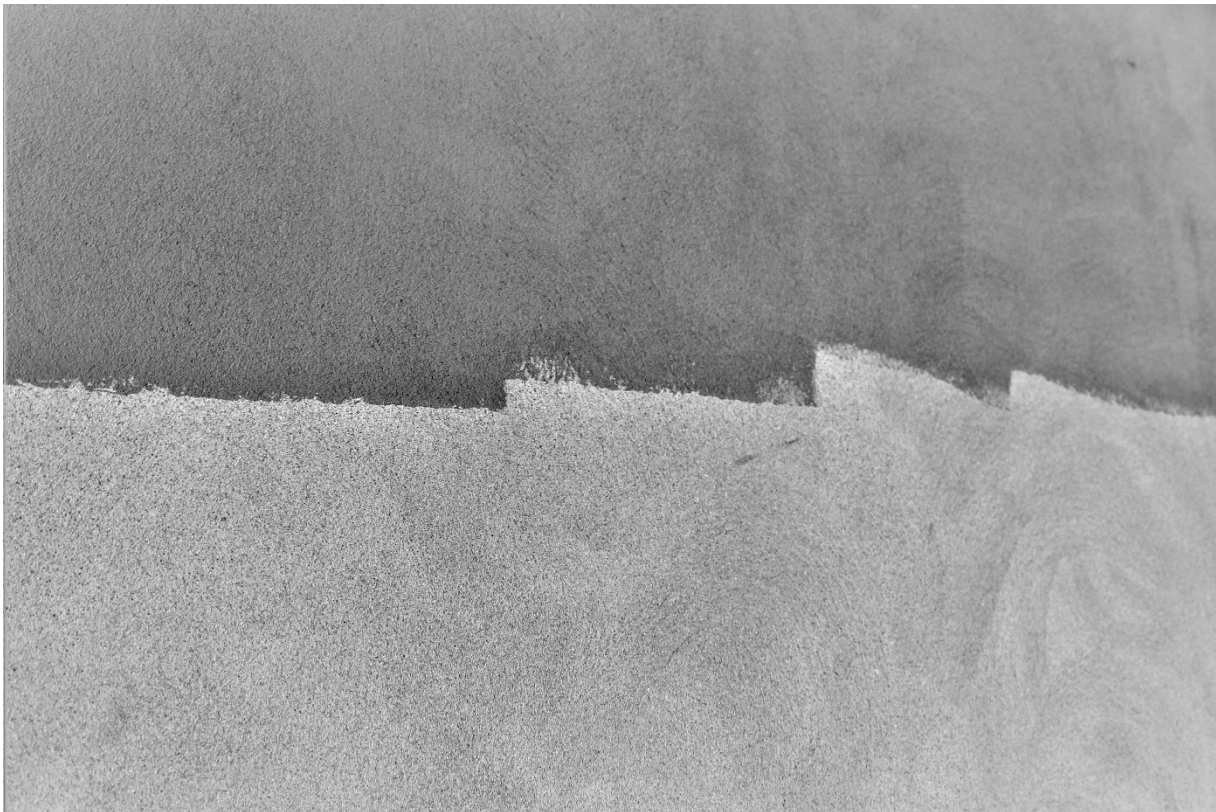


LEGAL ALERT

**REGIME ON ENTRY AND EXIT CONTROL, STAY AND RESIDENCY
AUTHORIZATION IN MACAU**

September 8, 2021



Last month, the Macau Legislative Assembly passed the new Law no. 16/2021 (*“Regime on Entry and Exit Control, Stay and Residence Authorization in Macau”*) (the **“Law”**) aiming to consolidate the outdated and scattered legislation on entry, stay and residency in Macau. The Law shall replace the currently scattered legislation, namely, Law no. 4/2003 (*“General Principles of the System of Entry, Stay and Residence Authorization”*), 6/2004 (*“Law of Illegal Immigration, Illegal Stay and Deportation”*). The Law also sets out some new rules on these topics, as those laws and the related administrative regulations are no longer adequate to address the increasing needs of control on entry, stay and residency in Macau. The Law will take effect as of November 15, 2021.

Key Innovation of the Law are outlined as below:

Purpose of Entry

Non-residents now have to declare their purpose of entry and stay in Macau, except for tourism or similar purposes ¹.

Provisions related to Special Stay Permit, Rejection of Exit, Revocation of Residence Authorization

Three types of special stay permit are added, namely, arbitrators who enter and stay in Macau for arbitration proceedings. Grounds for rejection of exit are created, but only applicable to non-Macau residents. The Law clarifies the grounds of revocation of stay and residence permit in the repealed laws, especially when the visitor’s dealings in Macau deviate from his/ her purpose of entry or pose serious risks to Macau.

The Law clearly rules that stay and temporary residence permits obtained through fraudulent acts are null (this was unclear under the repealed laws).

¹ Similar purposes refer to visiting friends and relatives, religious activities (excluding missionary), receiving medical treatment, as audience of exhibitions and events, as participants of training courses, workshops and similar activities.

The Law has extended the definition of “habitual residence” in Macau, which is one of the requisites in renewing temporary residence permit. Temporary residents permit holders who do not stay overnight in Macau however frequently and regularly come to Macau for study, professional or business activity, will also be considered as having a habitual residence in Macau.

Non-resident children born in Macau

Non-resident parents who have given birth in Macau must evidence to the Police authorities of their newborn children’s legal travel documents within 90 days upon birth. This period may be extended with justified reasons.

Collection of Biometric Data

As new measure for entry and exit control, the Law states that, apart from relevant travel documents, the Police authorities may collect biometric data (limited to fingerprint/ palmprint, iris characteristic, facial feature) from visitors when necessary. Refusal to provide such biometric data may result in rejection of entry.

Record of Passengers and Hotel Guests

Transportation operator (such as airline companies) and hotel operators have the obligation to provide personal data of their customers to the Police authorities, immediately and within 24 hours, respectively.

Detention of Illegal Immigrants and Over-Stay persons

The longest detention period of illegal immigrants and over-stay persons, has been increased from 60 days to 24 months. In case detention is waived, relevant travel documents shall be seized and regular duty report is required.

Updating residential address

All those who have been granted special stay permit for over 90 days, or temporary residence permit, must inform Police authorities of their most updated residential address in Macau, as well as any subsequent changes in 45 days. Failure to comply is punishable with a fine up to MOP6,000.

Crime

The Law has criminalized enticement of entries in Macau through illegal channels, and sham legal relationships for obtaining stay or residence permit (e.g., false marriage, false employment relationship).

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