

Q & A of Immigration Legal Issues

1. **What is the difference between transfer and transit?**

Transfer in Macao is not regarded as entry to and departure from the Macao Special Administrative Region. It requires no record of entry and departure. No Authorization to Enter and Stay is granted. As for transit, it means a non-resident enters Macao and stop over for proceeding to countries or regions where he or she is admissible.

2. **How long must my travel document be valid for travel to Macao?**

According to Article 4 of Administrative Regulation No. 38/2021, during entry to Macao, passports, travel documents and any other documents accepted for the purpose of immigration control must be valid for at least 90 days beyond the period of intended stay in Macao.

3. **Authorization to Enter granted at the checkpoint can be regarded as for the purpose of tourism or its equivalents unless the non-resident specifies another purpose. Does it mean that the visitor does not have to make a declaration if he is travelling to Macao for the purpose of tourism?**

If a visitor travels to Macao for the purpose of tourism, no declaration is required. If the purpose is not tourism, the visitor may do the following:

- (1) Fill in the purpose of entry on the visa application form or Application Form for Prior Authorization to Enter. No declaration is required upon arrival.
- (2) Persons exempted from a visa or Prior Authorization to Enter may state their purpose of travel at the checkpoint before entry.

4. **What activities are regarded as for the purpose of tourism or its equivalents?**

The following activities are regarded as for the purpose of tourism or its equivalents:

- (1) Visiting sights and monuments, purchasing personal essential articles and souvenirs, enjoying gaming, entertainment, recreational activities and other similar activities are regarded as tourism purpose;
- (2) Visiting relatives and friends;
- (3) Religious worship, but missionary work is not included;
- (4) Having operation, receiving treatment and ordinary medical behaviour;
- (5) Attending expositions and trade fairs, watching performances, festive celebrations and sports competition, attending seminars, conferences, academic exchange activities and other activities of similar nature as a spectator or an audience;

(6) Receiving training and attaining knowledge by participating in courses, workshops and similar activities.

5. Can a non-resident who is granted a visa or prior Authorization to Enter change his purpose of entry upon arrival?

Non-residents with a visa or Prior Authorization to Enter have already declared their purpose of entry in the application. Therefore, they do not have to make a declaration again upon arrival. However, if they, upon arrival at Macao, declare another purpose of entry, which is not tourism or its equivalents as stipulated in Article 21 of Law No. 16/2021, the visa or Prior Authorization to Enter granted cannot be used for entry.

For example, if a non-resident who is granted Prior Authorization to Enter for the reason of tourism states, upon arrival, that his or her purpose of entry is to give a performance in a public place, his or her Prior Authorization to Enter cannot be used for entry. If the non-resident presents proof of approval from the Municipal Affairs Bureau, he or she will be granted Authorization to Enter and Stay. However, if the non-resident fails to obtain approval for the relevant activity, he or she will be refused entry. In addition, if the non-resident is a national of the six countries specified in the Chief Executive's Written Instructions No. 165/2010, he or she will have to obtain an entry visa in advance in order to be admitted to Macao.

6. If I declare tourism is my purpose of entry upon arrival, can I make another declaration as I am engaged in other activities during my legal stay? Should the declaration be made to the checkpoint, the Immigration Building or any police station? Will a new Slip of Authorization to Stay be printed after the declaration?

Application for change of the purpose declared upon entry can be made to the Investigation and Repatriation Division at our Immigration Building. After examination, a new Slip of Authorization to Stay will be issued.

7. Can I refuse to have my biodata collected by the Public Security Police Force when I enter Macao?

If a non-resident refuses to provide his or her biodata upon arrival at Macao or objects to our handling of his or her personal information in accordance with law, he or she can be refused entry and the application for the corresponding visa or authorization can be rejected according to Item 7 or 9, Article 24 of Law No. 16/2021.

8. Prior Authorization to Stay is to be used within 120 days from the date it is granted, and allows the holder to stay in Macao within the period specified. Is it one-off or multiple?

In the application for Prior Authorization to Stay, the interested person can choose to apply for single- or multiple-entry Authorization. Multiple-entry Authorization entitles the holder to enjoy multiple entries to Macao before it expires.

9. I am granted Special Authorization to Stay and have a son who was born in Macao not long ago. I have applied for a passport for him 30 days after his birth. Do I need to declare or prove to the Public Security Police Force?

According to Article 31 of Law No. 16/2021, parents who are holders of any type of Authorization to Stay should prove to the Public Security Police Force that they have obtained a passport, travel document or other documents that are accepted for the purpose of immigration control for their Macao-born child within 90 days after his or her birth. The relevant obligation does not have to be fulfilled if the newborn baby leaves Macao within 90 days.

10. What will be the consequence if I (a non-resident) enter Macao at the arrival hall of the Border Gate checkpoint without going through immigration clearance at the counters?

According to Item 1, Term 1, Article 47 of Law No. 16/2021, entry of a non-resident who is in Macao without Authorization to Stay or Residence Authorization via a checkpoint but evading the control of the Public Security Police Force is regarded as illegal immigration, resulting in deportation and prohibition from entry for three months from the date of departure, without prejudice to any subsequent application of the measures of entry interdiction (Item 3, Article 48 of the same law).

11. My underage son overstays after his family visit to Macao. Is it possible for him to be exempted from the fine?

According to Articles 49 and 90 of Law No. 16/2021, if it is the fault of the person having parental right or custody of an unemancipated minor for the minor's status of illegal immigration or illegal stay, a fine of MOP3000 to MOP9000 will be imposed on him or her. If the person responsible is a non-resident, the fine will be replaced by revocation of his or her Authorization to Stay and interdiction of application for Residence Authorization or Special Authorization to Stay for two years.

12. My friend stays at my home during his visit to Macao. I have not received any benefits from him. Subsequently I learnt that he has overstayed in Macao. What will be the consequences?

According to Article 71 of Law No. 16/2021, the behaviour of persons who are fully aware that another person is at the status of illegal immigration or illegal stay and still allows that person to be taken in or stay overnight at their home, or provide a place, construction, vehicle, vessel or real property in any form, or let that person dominate or occupy a part, room or annex of the real property so that the person is taken in or stays overnight constitutes a criminal offence of sheltering illegal immigrant. Such persons will be penalized by imprisonment for a maximum of two years. Therefore, persons who provide accommodation to a third person have the obligation to find out the status of that person in Macao in advance so as not to violate the law.