

NEWSLETTER

Manuela António - 安文娜 大律師及公證員 | *Lawyers and Notaries*

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IMMIGRATION

Residency, work, entry and stay authorizations in Macau

Overview and responsible governmental entities

The exponential growth and economic prosperity of the Macau Special Administrative Region (the “MSAR”, “Region” and “Macau”) in the last few decades have brought a wave of business and investors to the Region, and with them an increasing demand for work, residency and stay authorizations.

In general terms, no person is allowed to stay in the MSAR without either an Authorization to Stay, a Special Stay Permit, a Special Authorization to Stay, an Extension of Stay or a Residency Authorization.

As for the handling of the procedures, there are four main governmental entities responsible for issuing authorizations related to residency, work and stay in Macau: the Trade and Investment Promotion Institute (“IPIM”), the Residence and Stay Affairs Department of the Public Security Police Force (“PSP”) and the Identification Services Bureau (“DSI”) and the Labour Affairs Department (“DSAL”) – each of them playing a defining role in the Region’s Immigration.

Entry and Stay in the MSAR

According to the Region’s legal framework, non-residents are required to possess a valid passport and an “Entry Permit” or a “Visa” to enter into Macau, in accordance with Administrative Regulation No. 5/2003 (Regulations of Entry, Stay and Residence Authorization). There are however a few exceptions, such as individuals making use of the Macao International Airport for transit up to 48 hours, to other destinations, who are able to enter and stay in Macao without the said documents.

On the other hand, individuals who are not exempted from a “Visa” or an “Entry Permit” are granted an authorization to stay for generally 30 days from the date of entry with a “Visa”, an “Entry Permit” or an “Authorization to Enter and Stay”. In these cases, such persons can enjoy multiple entries within the referred 30 days without having to apply for another “Visa”, “Entry Permit” or an “Authorization to Enter and Stay”.

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Work in the MSAR: the Blue Cards

Regardless of their country of origin, no one can work in Macau – with the exception of Residents of course – unless they have the authorization to do so, including Portuguese and Chinese nationals. Therefore, non-resident workers must be employed by an MSAR employer with a valid work permit issued by the DSAL, and also apply for a stay permit, commonly known as Non-resident Worker's Identification Card (“Blue Card”) in the PSP.

This Blue Card is mainly issued to three separate categories of workers:

- specialized non-resident workers that possess a high level of academic qualifications and/or a highly qualified technical aptitude or professional experience, and intend to perform duties requiring a high degree of specialization;
- non-specialized non-resident workers, due to unsuccessful hiring or insufficient local employees in the local labour market;
- domestic workers.

In any case, and regardless of the category that the non-resident workers fit, these workers can be directly recruited by their future employer, who must be duly authorized to hire non-resident workers. Further, the employer must ensure that there are no resident workers available to perform the same duties under the conditions of equal cost and efficiency, and there must be a specific need for the worker's competences from the MSAR's labour market.

As far as criticism goes, the past few years have not been the easiest for the working class in Macau, as they have been subject to an extremely precarious position and overall dependency on the local authorities. Also, some of the requirements demanded by the authorities have proven to be more and more difficult to meet, especially with regards to specialized and non-specialized non-resident workers during the Blue Card's approval process – surrounding the procedure with a great deal of obstacles and red tape procedures. This is mainly due to the MSAR's employment policies, which have been increasingly protectionist towards local workers.

Residency authorizations in the MSAR

In a nutshell, individuals living outside of the MSAR may apply for a Residency Authorization with three different entities:

1. the IPIM, for people who intend to apply for residency in the MSAR as investors (major investment / investment plan), managerial personnel or technical personnel;
2. the PSP, notably, for (a) Portuguese nationals; (b) spouses/partners of de facto marriages on the basis of family reunion, from Mainland China, and holders of the “People's Republic of China (the “PRC”) Permit for Travelling to Hong Kong and Macao”; (c) children born outside of the MSAR and whose parents are Macao permanent residents / “PRC Permit for Travelling to Hong Kong and Macau” holders, on the basis of family reunion; and

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3. the DSI, through application of a Certificate of Entitlement to the Right of Abode, for people who claim the right of abode in the MSAR but do not possess a valid Macau Resident Identity Card, and who are not living in any part of the PRC (except for Hong Kong and the Taiwan Region). This option is applicable to (a) Chinese nationals or their descents, and (b) Portuguese descents with some level of affinity to the MSAR, either because they were born in Macau or they have lived in Macau no less than 7 years before or after the establishment of the MSAR, in 1999.

Residency authorization in particular: entanglements and delays

As hinted above, foreigners who intend to apply for a Residency Authorization in Macau and by family reunion must process their application process through IPIM. Unfortunately, this group of people have not experienced a very positive outcome regarding the issuance of their Residency Authorization.

In fact, not only have the requirements for the attribution of Residency Authorization have become more and more strict, but also the procedure itself has become cumbersome and lengthy – dragging itself, in some cases, for more than a year.

In terms of success of the application, historical reasons are still an important factor when applying for Residency Authorization in Macau, making the entire procedure much easier for people of Chinese and Portuguese nationality and/or their respective descendants.

The most flagrant and well-known cases happen within the IPIM, a public institute which undeniably serves very little of its legal purposes in terms of promoting the investment in the Region, as well as handing out residency authorizations as it should – little over 20 per year.

Moreover, it should be noted that the IPIM's decision for handing out residency authorizations is mainly focused on the potential growth of certain sectors of the economy in the MSAR. In their own words, the IPIM seeks to “attract overseas talents to Macao to motivate the diversification of Macao's industries, improve the competitiveness of industries”, giving priority to specific professions within the following sectors of activity: the (i) Financial Sector; the (ii) Information Technology Sector; the (iii) Traditional Chinese Medicine Industry; the (iv) Lusophone Markets and Chinese-Portuguese Translation; and the (v) Convention and Exhibition Industry.

Also, applicants must bear a high-level academic background, profuse professional qualifications and in some cases sufficient experience for the job, and the position must be filled by an applicant whose qualifications are more competitive than local workers.

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Conclusion

In the end, the issuance of authorizations to work to live in the MSAR has become increasingly constrained due to the overall requirements demanded by different local entities, current local policies which are biased towards local workers, and especially due to the long and exhausting procedures.

In reality, meeting all of the requirements for these authorizations has proven to be an intimidating task, especially considering that in some cases, such as with residency, the IPIM holds full authority and discretion and is given no particular timeframe for handling these procedures. This, of course, discourages the applicants, driving away potential contributors to the development of Macau's social and economic wellbeing.

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Contacts

Dr. Carlos D'Assumpção, n.ºs 411-417, Edifício Dynasty Plaza, 15.º andar D-H, Macau, China

T.: +853 28 591 592 / 128
F.: +853 28 345 678
info@mantonio.net
www.mantonio.net