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## **JSMP Disappointed with passing of Unconstitutional Immigration and Asylum Law**

On Monday this week (29 September, 2003) the National Parliament of East Timor passed the controversial Immigration and Asylum Law. The law was passed with 66 votes in favour and 15 against. No members abstained.

In July this year, the President of the Republic vetoed the law and sent it back to Parliament for further consideration following an opinion from the Court of Appeal. The Court of Appeal, which was exercising the functions of the Supreme Court of Justice, provided an opinion that Articles 11 and 12 of the law were unconstitutional.

JSMP is disappointed that the National Parliament passed the Immigration and Asylum law without any substantial changes. "We believe that the application of provisions of this law will violate human rights guarantees of citizens, foreigners residing in East Timor and asylum seekers. As we have expressed before in our reports, the Immigration and Asylum law has many gaps that seriously undermine internationally and constitutionally recognised guarantees" - said JSMP.

Despite the initial veto of the President, the Constitution of East Timor still provides for other procedures for challenging the constitutionality of legislation or breaches of human rights guarantees. The Constitution provides that an abstract review of constitutionality can be brought to the Supreme Court of Justice by the President, the speaker of the National Parliament, the Prosecutor-General, the Prime-Minister, one fifth of the members of National Parliament or the Ombudsman. Any decision of the Supreme Court of Justice on the Constitutional review of a law must be followed. In addition, every person that has their rights violated by the future application of this law can also bring a petition before a court in order to protect their recognised rights.

"The Constitution provides mechanisms to protect the human rights guarantees of every individual; these mechanisms should be actioned by government bodies and individuals in order to guarantee that in practice these rights are protected" - said JSMP.

For further information, please see JSMP's report on the Immigration and Asylum Law at <http://www.jsmp.minihub.org>.