

**MINISTRY OF FOREIGN AFFAIRS**  
**DECREE 4000/2004**  
**NOVEMBER 30, 2004**  
*Version containing amendments from Decree 4248/2004, 164/2005 and*  
**2622/2009**  
**regulating the issue of visas, control of aliens, and other migration-**  
**related matters**

**THE PRESIDENT OF THE REPUBLIC OF COLOMBIA**  
exercising his powers under Section 189.2 of the Constitution, and Law  
489/1998

**DECREES**

**TITLE I**  
**GENERAL PRINCIPLES**

Article 1. It is the discretionary power of the Government, founded on the principle of sovereignty of the State, to authorise admission and permanence of aliens in Colombia.

It is the duty of the Ministry of Foreign Affairs, through its Protocol Division and the Internal Working Group which the Ministry of Foreign Affairs may determine, and the Colombian Diplomatic Missions and Consular Office, as the case may be, to grant, deny or cancel visas.

The requirements for the grant of each and every class and category of visa will be established and amended by Ministerial Resolution

The Ministry of Foreign Affairs may, in an administrative act, expand or limit the powers granted to Diplomatic Missions and Consular Offices to issue visas.

Without prejudice to the terms of international treaties, the admission, permanence and departure of aliens from Colombian territory will be governed by the terms of this Decree, and by government policies.

Article 2. In accordance with Article 22 of Law 43/9093, a Colombian National who enjoys dual nationality will, when on Colombian soil, be subject to the Colombian constitution and laws. Therefore, his admission to Colombia, his permanence and his departure will be effected always as a Colombian citizen, and he must identify himself as such in all his civil and political acts.

Article 3. The Ministry of Foreign Affairs will set migration policy. The National Intersectorial Migration Commission, will act as a coordinating and orientating organ for the government, in the execution of Colombia's migration policy.

The planning of immigration will take account of public and private overall ball sector policies for plans for development and investment, in order to determine activities, professions, zones of installation, capital contributions, and other consolation to be satisfied by aliens, when considering the convenience of their

admission to Colombia, through planned immigration programmes.

Immigration will be regulated in accordance with the social, demographic, economic, scientific and cultural needs, and needs for of security, public order, public health, and other matters of interest to the Colombian State.

Preference will be given to the admission of immigrants in the following cases:

3.1. In the case of persons whose experience, technical, professional or intellectual qualities contribute to the development of economic, scientific, cultural or educational activities which are of utility or benefit to Colombia, or which are incorporated into activities of programmes for economic development or international cooperation defined by the Ministry of Foreign Affairs, for whose execution there are no trained nationals available in Colombia, or there are insufficient numbers of them to satisfy demand.

3.2. When capital is contributed to be invested in the establishment of enterprises of interest to Colombia, or in productive activities which generate employment, or increase or diversify exports of goods and services, or are considered to be of national interest.

Article 4. Immigration policy will avoid the admission or irregular permanence of aliens, and the presence of aliens whose presence compromises the employment of Colombian Workers, or, due to numbers and distribution in Colombian territory, represent a problem with political, economic, or social implications, or implications to security affecting the Colombian state.

Article 5. The Visa is an authorisation granted to an alien to admit him and allow him to stay in Colombian territory, granted by the Ministry of Foreign Affairs.

Article 6. The Entry Permit to enter and stay in Colombian territory is an authorisation issued by the security police DAS, to aliens who do not require the Visitor Visa, in accordance with the term given by the Ministry of Foreign Affairs.

## **TITLE II TERMS FOR THE ISSUE OF VISAS**

Article 7. *(amended by Decree 4248/2004) The Internal Working Group defined by the Ministry will have four working days to issue, comment or deny the grant of a visa requiring its authorization, as the case may be.*

*This term will be counted from the day that the Internal Working Group defined by the Ministry receives the application sent by the Diplomatic Mission or Consular Office concerned, provided that applicant has completed all requirements and documentation before the Diplomatic Misión or Consular Office concerned.*

Article 8. For the purposes of the issue of visas by Consular and Diplomatic Offices, the following terms are established:

8.1. If the Consular or Diplomatic Office requires prior authorisation from the Ministry of Foreign Affairs to issue a visa, it will have up to three working days from the date of reception of that authorisation.

8.2. When Consular Offices do not require prior authorisation from the Ministry of Foreign Affairs to issue the visa, they will have up to three days from the date of presentation of the application.

Paragraph. The authorisation to issue a visa abroad, granted by the Ministry of Foreign Affairs, will have a validity of three months. Upon expiry of this term, if the applicant has not claimed the Visa, the authorisation will expire, and the application and its related documentation will be filed.

Article 9. . (amended by Decree 2622 of July 13, 2009) The period of validity of the Visa will be counted from the date of issue. The period of validity of a visa will terminate in the following cases:

9.1. Expiry of term authorised;

9.2. Order of the judicial authority;

9.3. *If the holder of a Business Visa exceeds the time of permanence for each entry into Colombian territory for one continuous year in the cases established in Sections 23.1 and 23.2, or the two successive years provided for in Sections 23.3, of Article 23, the case established in Section 23.4 is accepted.*

9.4. If the holder of a Temporary Visa leaves Colombian territory for more than 180 continuous days;

9.5. If the holder of a Resident Visa is absent from Colombian territory for more than two continuous years;

9.6. Upon the issue of a new Visa;

9.7. Upon the written request of the holder;

9.8. At the written requirement of the person who requested the issue of the Visa for the alien. This situation must be reported in writing to the holder and/or beneficiary by the Ministry of Foreign Affairs, for a decision as to whether it will use the powers provided for in Paragraph 2 of this Article;

9.9. Due to a in change of employer or termination of the authorised activity, except for Temporary Visas-Spouse or Permanent Companion of a Colombian National, Temporary Visa-Refugee or Asylum-Seeker and Resident, in which case it will be in order to change to make the appropriate change, or given the authorisation as the case may be.;

9.10. If the conditions in which the alien obtained his visa are modified or extinguished; or

9.11. Upon cancellation of the Visa

Paragraph 1. The termination of the period of validity of a visa takes effect without the need for any administrative act, order or decision. A record will be made of this fact in the appropriate files and/or on the visa by the Coordinator of the Internal Working Group which the Ministry of Foreign Affairs may determine, or the officer delegated for this purpose, the foregoing without prejudice to the terms of Article 81 below.

Paragraph 2. In cases established in Sections 9.7 to 9.10, the alien may, within 30 days following the occurrence of the event, request a new Visa, without the need to leave Colombian territory or obtain a safe-conduct.

If the term mentioned expires, the alien must regularise his situation with the security police DAS, and request a new Visa in a Colombian Consular Office.

*Article 10. . (amended by Decree 2622 of July 13, 2009) A visa is cancelled and the following events:*

*10.1. When the Ministry of Foreign Affairs, in exercise of sovereign competency and discretion of the Colombian State, so orders, in order given by the Internal Working Group which the Ministry of Foreign Affairs may determine;*

*10.2. By deportation or expulsion;*

*10.3. When there is evidence of the existence of fraudulent or mischievous act by the applicant in order to evade compliance with requirements of law which, which prove misleading in the issue of a visa. In such cases, the facts must also be reported to the competent authorities*

*10.4. If through an error of the competent authority, a visa has been issued without compliance with some requirement of law. In this event, the fact must be reported to the interested party and the Internal Working Group which the Ministry of Foreign Affairs may determine for the Colombian Consular Office, will initiate ex officio a study of the documentation required, and at the same time grant the holder of the Visa a term of two months to complete documents or to remedy when the missing requirement. If this term elapses, and the holder of the visa does not provide the missing documents or duly remedy the missing requirement, the visa will be cancelled. The holder will, within the next 30 calendar days following cancellation of the visa, be able to process a new visa without the need to leave Colombian territory, or to obtain a safe conduct.*

*Once the order for cancellation of the visa has been served, and after a safe conduct has been issued by the security police DAS, as provided for in Section 80.1.3 below, the alien must leave Colombia within the next thirty calendar days otherwise, the alien may be deported in accordance with the terms of Article 101 of this Decree.*

*An alien whose visa is cancelled may not present a new visa application for one year after the date of cancellation, except in the circumstances of Section 10.4, and in the Section established for cases of deportation or expulsion, in accordance with Articles 103 and 107 below.*

*There is no recourse against the order to cancel the visa.*

Article 11. The holder of a Visa who wishes to extend his permanence in Colombian territory, may, subject to compliance with requirements, apply for a new Visa with the Ministry of Foreign Affairs or the cough or a Colombian Consular Office, prior to the expiry of the visa.

Article 12. But these are granted to an alien, of whatever class or category, does not suppose unconditional admission mission to Colombian territory.

When, for reasons of security or public order, the Ministry of Interior and Justice and the security police DAS so decide, an alien must obtain a permit from DAS to enter, transit, or remain in certain zones of Colombian territory.

Article 13. For the purposes of this Decree, it is considered that in an alien who holds a Resident Visa has domicile in Colombia. Therefore, the term for him to be able to obtain Colombian Nationality by adoption will be counted from the date of issue of his Resident Visa.

### **TITLE III VISA APPLICATIONS**

Article 14. A visa application will comply with requirements established by the Ministry of Foreign Affairs.

Article 15. If the applicant provide false information in the application, this will be sufficient reason for denial of consulation cancellation of the Visa, or refusal of admission to Colombian territory.

Article 16. If a visa application is presented incomplete, the applicant will be informed of the requirements which are lacking, documentation will be returned to him, and the application will not be formally received. In this case, the alien may request a safe-conduct from the security police DAS, to request or change his visa, in the terms of Section 80.2 .1 below.

Article 17. Information and documents related to a visa application are part of a file kept in the Ministry of Foreign Affairs, and will therefore be of a restricted nature, and may only be made known subject to the prior written authorisation of the Secretary of the Ministry. Only the interested party, his attorney, or a competent authority may request photocopies or details. At all events, a photocopy of documents delivered will be left on file

There will be no reason to remove documents which have been scanned by the Ministry of Foreign Affairs, since there will be a magnetic file, and only a copy of the stored image may be requested.

Article 18. The decision on a visa application will be communicated to the interested party and to the office at which the application was lodged. If the application refers to an artistic, cultural or sporting group, the communication will be effected to its representative or attorney, and will have effect for all its members.

Article 19. If the Visa has been denied, a new application may be made after six months, counted from the date on which the denial was communicated, unless new circumstances arise which make it acceptable for another application to be made prior to that time. There is no recourse against a denial of Visa Application.

Article 20. For all effects, the address given by the interested party on the

application form will be taken into account. If he changes his address, he must inform the Ministry of Foreign Affairs and security police DAS of the change, within 15 days of its taking place.

#### **TITLE IV CLASSES AND CATEGORIES OF VISA**

*Article 21. . (amended by Decrees 4248/2004 and 2622 of July 13, 2009) Visas issued under the terms of this Decree will be of the following classes and categories:*

CLASS	CATEGORY	CODE
COURTESY		CO
BUSINESS		NE
CREW-MEMBER		BA
TEMPORARY	WORKER	TT
.	SPOUSE OR PERMANENT COMPANION OF A COLOMBIAN NATIONAL	TC
.	MINISTER OF RELIGION	TR
.	STUDENT	TE
.	SPECIAL	TA
RESIDENT	RELATIVE OF A COLOMBIAN NATIONAL	RN
.	RESTRICTED	RC
.	INVESTOR	RI
VISITOR	TOURISM	TU
.	TECHNICAL	TV
.	TEMPORARY	VT

#### **TITLE V COURTESY VISA**

*Article 22. . (amended by Decree 2622 of July 13, 2009) Without prejudice to the terms of special regulations, a Courtesy Visa may be issued by the Internal Working Group which the Ministry of Foreign Affairs may determine for up to one year, and by Colombian Diplomatic Missions or Consular Offices for up to 90 calendar days, for aliens who wish to enter Colombian territory, for multiple entry, in the following cases:*

*22.1 For a personage of recognized international prestige, by reason of special professional, intellectual, cultural, academic, scientific, political, entrepreneurial, social, commercial, sporting or artistic merit, or considered convenient for the Colombian state;*

*22.2. To an alien who wishes to enter Colombia under an exchange, or program or activity related to the areas listed above, with the sponsorship of a public or private entity or institution;*

*22.3. To an officer, expert, technician or employee of an international organisation, in relation to whom the issue of the visa has been arranged by virtue of a treaty in force;*

*22.4. To an alien Spouse or permanent companion of an officer of the Colombian Ministry of Foreign Affairs, and relatives to the first degree of kinship;*

*22.5. To a national of a State with which Colombia has made a treaty in force with regard to the facilitation of migration for businessmen, legal representatives, managers, executives, or persons of especial importance of*

*business visits;*

22.6. *To an alien professional or technician with qualifications, whose purpose is to conduct work-studies for students, student work-studies, teachers, lecturers, and language assistants who enter Colombian territory under co-operation treaties in force to which Colombia is a State Party, or are promoted by the Mariano Ospina Perez Educational and Technical Studies Abroad Institute ICETEX, or where it can be shown that the work refers to programmes or to a cultural exchange;*

22.7. *To an alien holder of a diplomatic passport who is the country temporarily, to pursue activities other than diplomatic activities;*

22.8. *To an alien who visits the country invited by an Embassy established in Colombian territory, or concurrently, or by an international organisation*

22.9. *To an alien Spouse or permanent companion of an accredited diplomatic officer in the in this country, and relatives to the first degree of kinship of both.*

22.10. *To an alien who enters as an international judge of a thesis for a Masters or doctoral degree, or as a lecturer, expert, specialist or university teacher whose purpose is to provide academic strengthening in undergraduate programmes, and in specialised graduate courses in higher education, graduate studies, masters degrees and doctorates; or as a guest to form part of processes or activities of the strengthening of research; or as a personage of recognized international standing, invited as part of the course of projects or programmes which promote the transfer of knowledge and new technologies in different disciplines.*

22.11. *To alien to form part of a technical, artistic or artistic team, actors or actresses, who take part in the filming of films or other audiovisual productions, to be made or shown in Colombian territory; and alien personnel who take part in co-productions with Colombia. The written application for a Courtesy Visa must be made by the Ministry of Culture or the Cinematography Division of the Ministry of Culture, or the government entity which takes its place.*

*Diplomatic Missions and Consular Offices must request prior approval and authorisation from the Internal Working Group which the Ministry of Foreign Affairs may determine, when requiring to issue Courtesy Visas for more than 90 calendar days. At all events, a Courtesy Visa may not be issuer for more than one year, except for the circumstances of Section 22.10, in which it may be issued for six months in the same calendar year, provided that the aliens are not in the country, and are invited under contractual and remunerated responsibility, without the existence of any employment relationship with the corresponding scientific research Institute or public or private and legally recognized university.*

*The holder of a Courtesy Visa may process another class of visa within Colombia, provided that the requirements for it are met.*

## **TITLE VI BUSINESS VISA**

*Article 23. . (amended by Decree 2622 of July 13, 2009) A Business Visa may be granted by the Internal Working Group which the Ministry of Foreign Affairs may determine, or by Colombian Consular Offices, to an alien:*

23.1. *Who is a legal representative, director, manager or executive of a foreign commercial, industrial or service company; or a business which has economic ties with a Colombian or foreign company established in Colombian territory, and he is in a position to enter into activities proper to business management and related to interest which he represents, such as attending board meetings, doing business, producing consultancy work for market studies, or supervising the management of companies with which there is a strategic or economic link.*

23.2. *Who accredits his status as a merchant, industrialist, or provider of goods and services, or business who wishes to enter the country with for such purposes;, or to undertake studies or negotiations for future sales and/or the establishment of a commercial presence in the country.*

23.3. *Who wishes to enter the country and stay there temporarily as a businessman, in the context of a free trade agreement, association accord, or other international commitment of which Colombia is a party. At the same time, in these cases, the Business Visa may be issued to the alien on a business visit, as a national of a State Party to the respective treaty, if he wishes to enter the country in order to further activities of business management; promote business; develop investments; establish the commercial presence of a company; promote trade in goods and services across frontiers, and other activities defined in such accords. The validity period of a Business Visa in this Section will be up to four years, with multiple entry, and authorises permanence for up to two successive years for each entry. The validity of this Visa will terminate if the alien exceeds a period of two successive years of authorised permanence in the country. These terms will be granted to the extent that the state of the nationality of the holder grants similar facilities to holders of ordinary Colombian passports to enter and remain in its territory and who also meet the characteristics described in this Section.*

23 4. *Who wishes to enter Colombian territory and remain there temporarily as a head, representative or member of staff of a foreign government's commercial office, promoting economic or commercial exchanges in or with Colombia.*

*The Business Visa of this Section may be issued only by the Internal Working Group which the Ministry of Foreign Affairs may determine, with a validity period of up to four years, and with multiple entry, and with authorisation for continuous permanence for that period.*

*Article 24. . (amended by Decree 2622 of July 13, 2009) The Business Visa will have a validity period of up to four years with multiple entry, and an authorisation for permanence for up to one continuous year for each entry, except in the case of Business Visas granted in the context of a free trade agreement, association accord, or other international commitment to which Colombia is a party, according to the terms of Section 23.3 above. At the same time, the case of Section 23.4 above is also excepted.*

*The validity of this Visa will terminate if the alien exceeds a time of one continuous year of authorised permanence in the cases established in Sections*

23.1 and 23.2, or two continuous years of permanence in the cases of Section 23.3 above.

*Article 25. An alien may not use a Business Visa to establish his domicile in Colombian territory, and the activities which he pursues may not generate the holder of the payment of any salary Colombia, except in the case of Business Visas granted in the context of a free trade agreement, association accord or other international commitment of which Colombia is a party, as established in Section 23.3 above, and the same exception applies for the case of Section 23.4 above.*

*The Business Visa may at all events be issued to with a status of Beneficiary.*

## **TITLE VII CREW-MEMBER VISA**

Article 26. Without prejudice to the terms of international treaties in force to which Colombia is a party, a Crew-Member Visa may be issued by the Internal Working Group which the Ministry of Foreign Affairs may determine, or Colombian Consular Offices, to an alien Crew-member or member of a means of international transport or of a fishing vessel entering Colombian territory.

The validity of a Crew-Member Visa will terminate due to a breach of regulations on proportionality between Colombian and foreign crew-members, reported to the Ministry of Foreign Affairs by the competent authorities

An alien crewmember of a foreign vessel requesting permission to remain in Colombia in order to effect repairs in Colombian territory for a period of less than 60 days will receive a Temporary Visitor's Permit from the security police DAS. If the crewmember needs to remain in Colombia for 60 days or more, he must comply with the procedure for the relevant Visa, attaching a certificate from the appropriate office of the Ministry of Social Protection for the jurisdiction in which the repairs requested are to be effected, and the Permit issued by the ports and shipping authority DGM.

Article 27. The permanence of the crewmember will be authorised for the time that the means of transport remains in Colombian territory.

In the case of fishing activities, the permanence of the Colombian crewmember will be authorised as indicated in his fishing permit or contract. At all events, the validity of this Visa may not be for more than one year, and will allow multiple entries.

## **TITLE VIII TEMPORARY VISA**

Article 28. A Temporary Visa may be granted for multiple entries by the Internal Working Group which the Ministry of Foreign Affairs may determine, or a Colombian Consular Offices, to a alien who wishes to perform any of the

activities provided for in this Title.

Paragraph the validity of a Temporary Visa will terminate if the alien leaves Colombian territory for more than 180 continuous days

*Article 29. . (amended by Decree 2622 of July 13, 2009) A first-time Temporary Visa may only be applied at a Colombian Consular Office. It is understood that a Temporary Visa is being applied for for the first time when:*

*29.1. The applicant has been the holder of a Temporary Visa, and did not present a fresh application prior to the expiry of the Visa he held, or has not requested a safe conduct to process of these before its expiry, except for cases of force majeure or act of God, duly proven;*

*29.2. The applicant has not been the holder of a Temporary Visa;*

*29.3. The applicant has been the holder of an Entry Permit or Visitor Visa except for the circumstances of paragraph 2 of this Article, and paragraph 1 of Article 44.*

*Exceptions to this Article are the holders of Temporary Visas-Spouse or Permanent Companion of a Colombian National; Temporary Visa-Student; Temporary Visa-Refugee or Asylum-Seeker, and Temporary Visa-Special, for medical treatment, as pensioner, as rentier, for adoptions, for the practice of trades and activities of an independent nature, for the practice of occupations are activities not provided for in this Decree or other regulations which amend, supplement or repeal it, and for an alien who qualifies as a Beneficiary. In these cases, a Temporary Visa may be issued for the first time in Colombia*

*Paragraph 1. The holder of a Business Visa may make the change to any category of Temporary Visa in Colombia, subject to compliance with requirements.*

*Paragraph 2. The Internal Working Group which the Ministry of Foreign Affairs may determine an exercise of the discretionary powers of the State, may issue a first-time visa in Colombian territory when it considers that it is convenient, or is favourable to the national interest, or due to reciprocity with another state.*

## **CHAPTER I**

### **Temporary Visa - Worker**

Article 30. A Temporary Visa-Worker may be issued by the Internal Working Group which the Ministry for Foreign Affairs may determine, or Colombian Consular Offices, in the following cases:

30.1. To an alien contracted by a public or private entity, institution, company or individual, who wishes to enter or remain in Colombia in order to perform activities in his special specialty area, or to provide technical training;

30.2. To an alien who wishes to enter or remain in Colombia, by virtue of academic agreements made between education institutions, or inter-administrative agreements in specialised areas. The alien must prove his suitability by the presentation of a qualification which has been duly accepted as equivalent to Colombian qualifications and/or work' certificates, if the person is

not a professional;

30.3. To a foreign journalist contracted by a news agency or national or international information agency, or acting as a correspondent, which must be duly accredited;

30.4. To an alien who is a member of an artistic, sporting or cultural group contracted by reason of his activity, where the activity is remunerated;

30.5. To an alien who has been appointed by some agency or entity of the State;

30.6. To managers, technicians and administrative personnel of foreign public or private entities, of a commercial or industrial nature, transferred in from abroad, to serve in particular posts in their businesses.

30.7. To volunteers and missionaries who are not part of the hierarchy of a church, confession, religious nomination, federation, confederation or association of religious ministers.

30.8. To an alien who, without being engaged as an employee by a business domiciled in Colombia, provides services in the course of specific projects at the request of a business domiciled in Colombia.

Article 31. The Temporary Visa-Worker will be issued at the request and under the responsibility of the business, entity, institution or individual who sponsors the application

*Article 32. . (amended by Decree 2622 of July 13, 2009) The Temporary Visa-Worker may be granted for up to two years for multiple entry, except in cases established in Section 30.4 above, which will be issued for six months*

*The Temporary Visa-Worker issued to teachers will be granted for the term of the contract and three months more, without exceeding two years.*

## **CHAPTER II**

*Article 33. . (amended by Decree 2622 of July 13, 2009) **The Temporary Visa-Spouse or Permanent Companion of Colombian National** may be issued for multiple entry by the Internal Working Group which the Ministry of Foreign Affairs may determine, or by a Colombian Consular Office, for up to three years, to an alien who has contracted a valid marriage with a Colombian National, or who has fulfilled the requirements to be considered as the Permanent Companion, in accordance with national legislation in force.*

## **CHAPTER III**

### **Temporary Visa-Father or Mother of a Colombian National**

Article 34. Repealed *Decree 2622 of July 13, 2009*

Article 35. Repealed *Decree 2622 of July 13, 2009*

## **CHAPTER IV**

### **Temporary Visa-Minister of Religion**

Article 36. The Temporary Visa-Minister of Religion - may be granted by the Internal Working Group which the Ministry of Foreign Affairs Minister may determine, or by Colombian Consular Office, to an alien who forms part of the hierarchy of a church, confession, registered denomination, federation, confederation or associations of ministers of religion, duly recognized by the competent authorities, or certified by a certificate from the archdiocese, as the case may be, who comes solely in order to perform activities proper to his cult.

Article 37. The Temporary Visa-Minister of Religion- is issued for up to two years, with multiple entry

Article 38. It will be the responsibility of the religious entity to ensure that the alien comes to perform exclusively activities proper to his cult.

## **CHAPTER V**

### **Temporary Visa-Student**

Article 39. A Temporary Visa-Student- may be granted to an alien who:

39.1. Wishes to take studies in public or private educational establishments recognized by the Colombian government, with a minimum intensity of studies of 10 hours per week, or as part of student exchange programmes;

39.2. Wishes to engage in a work-study exercise as part of his programme of studies, as an academic requirement, in which case, the visa may be authorised, giving the occupation as "work-study"; or

39.3. Wishes to participate in a student exchange programme sponsored by entities recognized by the State;

A Temporary Visa-Student- may be exchanged inside Colombia for another Visa, upon completion of the studies.

Article 40. The validity of this visa may be for up to one year, and a new visa may be issued for a further period of one year until studies are completed, and the qualifications sought has been obtained.

## **CHAPTER VI**

### **Temporary Visa-Special**

Article 41. . (amended by Decree 2622 of July 13, 2009) The Temporary Visa-Special- may be granted by the Internal Working Group which the Ministry of Foreign Affairs may determine, or by Colombian Consular Offices, to an alien who wishes to enter Colombia in any of the following cases:

41.1. For medical treatment, where it is not possible to complete treatment within the terms of a Visitor Entry Permit.;

41.2. To take part in administrative or judicial proceedings;

41.3. *As a partner or owner of an establishment of credit, or of a duly incorporated commercial company registered at the appropriate Chamber of Commerce, with domiciled in Colombia, or as owner of the property who can show that it has been acquired through the investment made in his name in accordance with the International Exchange Regime in force at the time, for an amount to be determined by the Ministry of Foreign Affairs, in a Ministerial*

*Resolution;*

41.4. Pensioner;

41.5. Rentier;

41.6. As an agent of co-operation or a volunteer of a non-profit organisation or NGO, or some or a person duly presented by an international organisation or diplomatic mission, stating that he comes to the country for work constituting social benefit, assistance, verification, observation, or humanitarian aid;

41.7. Adoption proceedings;

41.8. *For the practice of trades or activities of an independent nature that not unduly affect public space. For this purpose, the address of the place where the activity of trade is to be pursued must be accredited The pursuit of an independent trade or activity;*

41.9. The pursuit of an occupation or activity not provided for in this Decree

In cases of Section 41.6, Colombian Consular Offices must obtain prior authorisation from the Ministry of Foreign Affairs to grant the Visa.

Article 42. The period of validity of this visa will be one year, for multiple entries, except for Sections 41.3 and 41.6 above, which may be granted for up to two years, with multiple entry.

## **CHAPTER IX**

### **Visitor Visa**

*Article 43. . (amended by Decree 2622 of July 13, 2009) The Visitor Visa is classified as a Visitor Visa-Tourist, Visitor Visa-Temporary or Visitor Visa-Technical , and this will be granted to nationals of countries which require visas in accordance with the regulations of the Ministry of Foreign Affairs, who wish to enter Colombia without the intention of establishing themselves there; and in order to pursue some of the activities indicate any of the activities indicated in this Article.*

*A first-time Visitor Visa- Tourist is granted by a Colombian Consular Office to an alien who wishes to enter the country in order to engage in rest and relaxation. Where the visa is not for the first occasion, the Internal Working Group which the Ministry of Foreign Affairs may determine or a Colombian Consular Office may grant these visas.*

*A first-time Visitor Visa-Temporary may be issued by a Colombian Consular Office to an alien who wishes to enter the country without the intention of establishing himself there, for the purpose of engaging in activities of a journalistic nature, to cover and special event, a journalist, reporter, cameraman or photographer, or a member of a journalistic team, who can accredit this status; or in order to make contacts and commercial and or business activities; or to take part in academic activities, seminars, conferences, symposia, exhibitions, courses or non-regular studies, which at all events may not take more than one academic semester; or to give interviews in a process of personnel selection in public or private entities; or for medical treatment; for sporting, scientific, artistic or cultural events, provided they are not remunerated.*

*At all events, there may be no employment relationship.*

*Equally, a first-time Visitor Visa-Temporary may be issued by a Colombian Consular Office to an alien who wishes to enter the country to receive or provide training from or to public or private entities.*

*A first-time Visitor Visa-Technical may be issued by a Colombian Consular Office to an alien who wishes to enter the country to provide urgent technical services to public or private entities, subject to presentation of a letter of responsibility from the entity, justifying the urgency of the service required.*

*Paragraph. Nationals of countries with which Colombia has made conventions for these exemptions do not require visas to enter the country as visitors. At the same time, they will not require a Visitor Visa to enter Colombian territory if they are nationals of countries with which the Ministry of Foreign Affairs has specified in a Ministerial Resolution.*

*Article 44. . (amended by Decree 2622 of July 13, 2009) The Visitor Visa-Tourist, Visitor Visa-Temporary and Visitor Visa -Technical may be issued for up to 180 calendar days, and allow the holder multiple entries.*

*If the circumstances and reasons which justified the security police DAS to issue an Entry Permit, for a Visitor-Technical, as established in Section 56.3, below, and having completed the maximum term of permanence of 45 calendar days allowed by it, the Internal Working Group which the Ministry of Foreign Affairs may determine may grant a first-time Visitor Visa-technical in exceptional cases, to complete up to 180 calendar days, in the same calendar year.*

*The alien visitor-technical may remain in Colombia with an Entry Permit granted by the security police DAS, for the 45 calendar days which are allowed by it, or with a Visitor Visa-Technical, as the case may be, until completing 180 successive calendar days, or may use the days in intervals, in the same calendar year. It will be understood that the intervals will be subject to the validity of the permit or visa. In the case of a visa, if it has expired, the alien must leave the country and process another type of visa at a Colombian Consular Office in order to re-enter the country, or in exceptional cases indicated in the first paragraph of this Article, may request a Temporary Visa-Worker, from the Internal Working Group which the Ministry of Foreign Affairs may determine, in order to remain in Colombian territory.*

*Paragraph 1. The Internal Working Group which the Ministry of Foreign Affairs may determine, may issue a Temporary Visa-Worker within Colombia to the holder of a Visitor Visa-Technical, in exceptional cases, when the maximum time granted for the Visitor Visa-Technical is not sufficient to solve the urgent situation justified.*

*Paragraph 2. For the purpose of issuing Visitor Visas-Tourism, Visitor Visa-Temporary and Visitor Visa-Technical, a calendar year will be understood to run from January 1 to December 31. No alien who enters the country as a Visitor-*

*Tourist, Visitor-Temporary or Visitor-Technical may remain for more than 180 continuous or interrupted days in the same calendar year.*

Article 45. An alien holding a Visitor Visa or an Entry Permit may not apply for the issue of any other kind of visa while in Colombian territory, except as provided for in Article 29 above.

Article 46. An alien who enters Colombia with a Visitor Visa or Entry Permit as a visitor, in any of its categories, may not earn any salary from any individual or corporate entity established in Colombia, and may not undertake any activities which are covered by another type of visa.

## **TITLE X Temporary Visa-Refugee or Asylum Seeker**

Article 47. A Temporary Visa -Refugee or Asylum Seeker- may be issued by the Ministry of Foreign Affairs to an alien qualified as such by the Ministry, but through a resolution issued for that purpose, and in accordance with treaties or conventions on the matter ratified by the Colombian government, and currently in force.

This visa will be issued for a maximum of three years, and will allow multiple entries.

## **TITLE XI RESIDENT VISA**

Article 48. The Internal Working Group which the Ministry of Foreign Affairs may determine, or Colombian Consular Offices, subject to Ministry authorisation- may issue a Resident Visa for 8indefinite term and multiple entry, to an alien who wishes to establish himself permanently in Colombia.

Article 49. The validity of the Resident Visa will expire if the alien leaves the country for more than two successive years.

## **CHAPTER I Resident Visa-Relative of a Colombian National**

Article 50. The Internal Working Group which the Ministry of Foreign Affairs may determine, or Colombian Consular Offices subject to a prior authorisation from the Ministry, may issue Resident Visas to a person who has given up Colombian Nationality, as a relative of a net Colombian National.

## **CHAPTER II Resident Visa-Restricted**

*Article 51. (amended by Decree 2622 of July 13, 2009) The Internal Working Group which the Ministry of Foreign Affairs may determine, or Colombian Consular Offices, subject to authorisation from the Ministry, may grant a Resident Visa - Restricted.*

51.1. *To an alien who has been the holder of a Temporary Visa, and who has regularly remained for at least five continuous and uninterrupted years in Colombian territory, and presents the application at least 30 calendar days prior to the expiry of the visa, except for force majeure or act of God, duly proven;*

51.2. *To an alien who is the father or mother of a Colombian National;*

51.3. *To an alien who is an adult, and is the beneficiary of the holder of a restricted Resident Visa-Restricted, and can show activity or sources of income, and has remained in Colombian territory for at least five continuous and uninterrupted years at the time of applying for the visa.*

51.4. *To an alien who has been the holder of a Temporary Visa-Spouse or Permanent Companion of a Colombian National, as described in Article 33 above, for a continuous and an uninterrupted term of at least three years.*

*Paragraph 1. A holder of a Preference Visa, Courtesy visa, Business Visa, Crewmember Visa, Visitor Visa, or Temporary Visa- Special in the categories for medical treatment, intervention in administrative or judicial process proceedings, as a co-operation agent or volunteer for a non-profit entity or NGO, and for adoption procedures may not request a Resident Visas-Restricted.*

*Paragraph 2. The safe-conduct issued by the security police DAS, as mentioned in Section 80.2 .1 below, will be taken into account for computing the terms established in this Article.*

### **CHAPTER III**

#### **Resident Visa - Investor:**

Article 52. *(amended by Decree 2622 of July 13, 2009) The Internal Working Group which the Ministry of Foreign Affairs may determine, or a Colombian Consular Office, may grant a Resident Visa- Investor to an alien who makes a foreign direct investment his name, in accordance with the terms of the International Investment Statute, and other related regulations in force at the time of making the application, for an amount to be determined by the Ministry of Foreign Affairs in a Ministerial Resolution. In order to conserve the validity of this Visa, the holder must maintain the amount of the investment in Colombia for at least three years. After this time, there may be a transfer, and the investor may be granted in the Resident Visa-Restricted, subject to a summary demonstration of permanence of the related investment in Colombia during the lapse of time mentioned, and thus the holder is excluded from the cause described in Section 9.10 above.*

*Paragraph. In cases where the investment is represented in rights over real property, the ownership must be accredited, with full rights of ownership.*

### **TITLE XII**

#### **Beneficiaries**

Article 53. *.- (amended by Decree 2622 of July 13, 2009) The visas referred to in this Decree, except for those the mentioned in Paragraph 2 of this Article, may be*

*granted by the Internal Working Group which the Ministry of Foreign Affairs may determine, or by a Colombian Consular Office, as a Beneficiary, to the Spouse, permanent companion, parent or children, who are economic dependent on the alien to whom a visa has been issued, subject to evidence of the relationship or tie. In these cases, the occupation of the beneficiary will be "housewife" or "student". No other occupation may be authorised.*

*The validity of a visa granted as a to a person with the status of beneficiary may not exceed that of the Visa granted to the holder, and it will expire at the same time as that visa, without the need of any express pronouncement by the competent authorities.*

*If the Beneficiary ceases to be economic dependent on the holder, or loses the status of Spouse or Permanent Companion, he must request the appropriate visa as a direct holder, from the Internal Working Group which the Ministry of Foreign Affairs may determine or a Colombian Consular Office, subject to compliance with related requirements.*

*An alien who has entered Colombian territory as a minor, and has remained there with a Beneficiary Visa until achieving the age of majority, may apply for a visa as a holder in the category appropriate to him within Colombia, subject to compliance with related requirements.*

*Paragraph. A Courtesy Visas, Crewmember Visa or a Visitor Visa does not qualify for the issue of any Beneficiary Visa, except as established in special regulations.*

Article 54. If the holder of a Visa obtains Colombian Nationality by adoption, or dies, his beneficiary may request the appropriate visa within Colombia.

Article 55. If the application for a visa as a Beneficiary is made at a Colombian Consular Office other than that in which the Visa was issued to the holder, the Colombian Consular Office must first request authorisation from the Ministry of Foreign Affairs.

### **TITLE XIII ENTRY AND PERMANENCE PERMIT**

Article 26. The security police DAS may grant an Entry and Permanence Permit ("Entry Permit") to foreign visitors, where they do not require to have a Visa to enter the country, subject to presentation of a ticket to leave the country.

Such visitors are considered to be aliens who wish to enter Colombia without the intention of establishing themselves in Colombian territory, in order to pursue activities in accordance with the following classification:

56.1. A Visitor-Tourist Entry Permit is for the sole purpose of rest and relaxation. It may be issued for up to 90 calendar days, extendable for a further 90 calendar days in the same calendar year.

56.2 A Visitor -Temporary Entry Permit academic activities, seminars, conferences, symposia, exhibitions, non-regular courses or studies, which all events must not take more than one academic semester; to appear for interviews in personnel selection processes in public or private entities; for commercial or business contacts, for up to 180 days in a single calendar year.

In the case of academic activities, seminars, conferences, symposia, exhibition scholar conferences, symposia, exhibitions, causes or studies, the alien must present a letter of invitation, registration, or acceptance from the entity concerned, upon arrival, .

For the issue of an Entry Permit - Temporary to aliens who wish to take part in sporting, scientific or cultural events which are not remunerated and free, the institution concerned will be required to issue a request, in which it takes responsibility for and justifies the presence of the alien in Colombian territory until the end of the event, and this request must be presented at the time the alien enters Colombia. The Permit may be extended, at the option of security police DAS, but not exceed a total of 180 calendar days in a single calendar year.

The Entry Permit - Temporary Visitor for aliens who wish to pursue activities of a journalistic nature to cover special event, a journalist, a reporter, a cameraman or photographer, or a person forming part of the journalistic team, who can accredit that status, may be granted for the time taken by the events concerned, and this may be extended by providing written justification to DAS.

At the same time, an Entry Permit - Temporary Visitor be issued to aliens who have come to provide training in public or private entities, subject to the presentation of a letter of responsibility from the entity concerned to the security police DAS, justifying the presence of the alien. This permit will be given for up to 30 day calendar days, which may be extended for a further 15 calendar days in a single calendar year.

If the entity which requests the service considers it essential that a an alien who is providing training should remain in Colombia, it must make an application for a Temporary Visa-Worker- as referred to in Article 30 above, at a Colombian Consular Office.

56.3. Entry Permit - Visitor Technical. An Entry Permit – Visitor Technical may be issued to an alien who, in the opinion of the migration authority, should enter Colombian territory to provide urgent technical service to public or private entities, subject to the presentation of a letter of responsibility from the entity, justifying the urgency of the service required.

This permit will may be issued for up to 30 calendar days, which may be extended for a further 15 calendar days, or for the time required, if the events which originated the application are of notorious public knowledge, and refer to public order.

Paragraph. For the purposes of migration control, it will be understood that a

calendar year starts on January 1 and ends on December 31. No alien who enters the country as a Visitor-Tourist or Visitor-Temporary may remain in Colombia for more than 180 successive uninterrupted days in the same calendar year.

Article 57. Those who must disembark in Colombian territory, in order to continue a journey to another country, will only need an Entry Permit issued by the migration authorities for the time required, provided that the individual does not require a visa to enter Colombia.

Article 58. At any time, the migration authority may limit the permanence authorised or may revoke an Entry Permit.

Article 59. In accordance terms of international treaties, in the case of frontier transit, the entry of a national or resident of a neighbouring country, only requires an Entry Permit, granted by the migration authority, subject to presentation of a an identity document valid in that country.

For the purposes of this Decree, "frontier transit" is understood to be the circumstantial passage of individuals resident in frontier locations bordering Colombia, which authorise the alien to move around within the Colombian frontier zone, and in places determined by the Colombian government.

#### **TITLE XIV ENTRY PERMIT-TRANSIT GROUP**

Article 16. The security police DAS may grant an Entry Permit for up to 72 hours, for groups of passengers in transit who disembark from cruise ships that visit ocean and river ports, and re-embark onto the same vessel.

For this purpose, the Port migration authority must receive from the Master or the shipping agency responsible, 72 hours in advance, the list of passengers and crew who will disembark, noting details of their passport or similar valid document, each of them, and the term of their visit.

For the purposes of this Decree, "cruise-ships" are vessels in international transit, whose passengers are accommodated aboard, and who take part in a group programme, with scheduled short-stay tourist stopping off points, at one or more different ports.

Article 61. For the Entry Permit-Transit Group referred to in the preceding Article, no visa or migration card needs to be issued or completed by the passenger, and there needs to be no annotation or stamp of entry or exit in his passport or analogous travel document.

Article 62. The security police DAS may also grant permits for the time strictly necessary for transit group passengers from cruisers who disembark in a sea or river port, and then continue on to another country of destination by the airport of that same city; or to passengers who arrive at the airport in order to embark in a cruise ship, from countries which do not require a visa for entry.

Article 63. The security police DAS, in collaboration with the other police authorities, will adopt security measures as necessary to ensure that the passengers leave the port in question, in accordance with the permit granted to them.

Article 64. In all cases, passengers must, when entering a seaport or airports, present a credential issued by the shipping-line or airline, which accredits them as members or passengers of a transit group, with their personal data, domicile and nationality.

Article 65. In cases not provided for in this Decree, and in all matters related to cruise-ships, the port authorities will be guided by the provisions of law which regulate these matters

## **TITLE XV MIGRATION CONTROL**

### **CHAPTER I Entry**

Article 66. A person who wishes to enter Colombian territory must present himself to the migration authority with a valid passport, travel document, or identity document as the case may be, with the appropriate visa, where required.

Aliens who wish to enter Colombian territory as visitors must present themselves to the migration authorities in accordance with the requirements given in the preceding Section, and their ticket to leave the country.

The migration process will take be conducted in places authorised by the Director of DAS.

Article 67. The places authorised for the transit of persons may be closed temporarily, at the discretion of the Government.

Article 68. All persons will, upon arrival in Colombia, be subject to migration control, under DAS, in order to determine whether their entry is regular or not.

Article 69. Entry to Colombian territory is considered to be irregular in the following circumstances:

69.1. Entry at a place not authorised

69.2. Entry through an authorised point, evading or omitting migration control

69.3. Entry into Colombia without the appropriate documentation, or with false documentation.

Article 70. Entry to Colombian territory is considered to be irregular under the circumstances of the preceding Article, and/or when the alien has entered the country legally, but stays after the expiry of the time granted, without the

authorisation required to undertake activities which he pursues in Colombian territory, or with false documentation.

Article 71. The Director of the security police DAS may authorise other state agencies, subject to the formalisation of such agreements as may be necessary, to perform the functions of migration control, in places where DAS does not have regional offices, or where there is difficulty in implementing migration procedures so justifies.

## **CHAPTER I**

### **Refusal of entry or rejection**

Article 72. Refusal of entry or rejection is an administrative decision, through which the migration authority, when effecting immigration control, denies entry to an alien for any of the reasons given in the next Article, ordering his immediate return to the country of embarkation, of country of origin, or to a third country who will admit him. There is no recourse in ordinary process against this decision.

If it is not possible to proceed to implement a refusal of admittance or rejection immediately, the migration authority may detain the alien for up to 36 hours, and he will be delivered under a formal note of record to the transportation company, which will return him to the place from which he came.

The migration authority may also allow the alien a prudent time, not more than 48 hours, to leave the country, during which time he may be kept under surveillance or custody by that authority.

In no case may this procedure be adopted without the intervention of the Director of DAS or his delegates.

Article 73. *(amended by Decree 2622 of July 13, 2009)* No alien may enter Colombian territory if he is covered by any of the following situations:

*73.1. Failure to present a certificate or a registration of vaccination, and in cases required by the national health authority.*

73.2. Lack of economic resources to guarantee his subsistence, and the possibility of performing the activities declared, or a ticket to leave Colombian territory, in the case of aliens with an Entry Permit or Visitor Visa.

73.3. If the individual has a criminal record for trafficking in drugs or narcotic substances, or related crimes.

73.4. If the individual has cases pending for crimes which carry a sentence of imprisonment of two or more years, in Colombia or abroad, and/or, a record of conduct abroad which may compromise the security of the State, or endanger social tranquillity.

73.5. If the individual has been deported or expelled from Colombia, unless a

visa has subsequently been granted to him, or if he wishes to enter Colombian territory without having completed the term of the some sanction that stipulated in the administrative resolution

73.6. If the individual has been extradited from Colombia, unless he can show that he has been acquitted of the crimes attributed to him

73.7. If he fails to present a visa when required

73.8. If he is registered on the specialised records of the international police

73.9. If he lacks an economic activity, profession, occupation, industry, trade, or other lawful means of existence, or for some other circumstance, his entry into Colombia is considered to be inconvenient.

73.10. If he has a record or annotations for trafficking in migrants, trafficking in persons, or trafficking in organs, child pornography, and/or common crime

73.11. If he attempts to enter the country with false documents, or without the documents required by law

73.12. If he has engaged in conduct which in the opinion of the migration authority would qualify the alien as dangerous to national security or social tranquillity.

73.13. If he has left Colombian territory, evading migration control.

Paragraph 1: "A criminal record" is understood to be a conviction issued and in firm, issued by a judicial authority, or by annotation, any record which the alien may have in the files of the security and defence agencies.

*Paragraph 2. The competent national authorities may evaluate the entry of aliens who are suffering from any illness which may cause a potential epidemic as defined in the international health regulations, and which are a threat to public health.*

## **CHAPTER I**

### **Registration, documentation and control**

Article 74. A holder of a visa whose validity is longer than three months, and beneficiaries of the same in the terms of Article 53 above, except for the holder of a Preferential Visa, must register himself in the Aliens Register kept in the Aliens Department or Regional Offices and Operating Posts of the security police DAS, within 15 calendar days of entry into Colombia, or of the issue of the Visa, if this was issued within Colombia.

Article 75. The security police DAS will keep a civil file of every alien to be documented in Colombian territory, containing biographical details, fingerprints, and any other information determined by the migration authority.

At the same time, the security police DAS will keep a judicial record, and a general file of the records of aliens who have been implicated or convicted by a competent judicial authority.

Article 76. The files of the security police DAS, Aliens Division, the records of foreigners, the documents containing judicial information and investigations of my regarding migration, and migratory movement of Colombians and aliens, are of a restricted nature.

Nonetheless, the records kept in the Aliens Division may be delivered to:

76.1.1. Judicial and police officers who are pursuing investigation is regarding the person registered;

76.1.2. Authorities and entities that perform administrative functions, and needed to know the backgrounds and records of persons registered, for official effects.

The migratory movements and the personal record of an alien may be delivered to:

76.2.1. The person whose records are held;

76.2.2. The relatives of the holder of the registration, to the fourth degree of kinship and first civil.

76.2.3. The Spouse or recognised permanent companion of the person whose records are held.

The record of the background and annotations may be requested by the person who is the subject of the record, through the issue of a judicial certificate.

Article 77. Based on the Aliens Register, the security police DAS will issue an identity document, known as an "Aliens Card" ("cédula de extranjería") for those who have reached the age of majority.

The Aliens Card will be issued to holders of visas valid for more than three months, except for visitors, and holders of the Preferential Visa.

The Aliens Card will be issued to those who have visas with indefinite validity, but it must be renewed every five years.

The characteristics of the Aliens Card will be established by the security police DAS.

Article 78. The holders of a Preferential Visa will be identified with a pass issued by the Ministry of Foreign Affairs.

Holders of other categories of visas which must be registered with security police DAS will identify themselves within Colombia with their Aliens Card. Other aliens will be identified by their valid passport.

Article 79. An alien who is required to register will inform the security police DAS and the Ministry of Foreign Affairs of any change of residence or domicile within 15 calendar days of the occurrence of that change.

Article 80. The security police DAS may issue two kinds of safe-conduct:

80.1. A safe-conduct to leave the country, valid for up to 30 calendar days, in the following cases:

80.1.1. If the alien is living regularly in Colombia, subject to compliance with any monetary penalties applicable;

80.1.2. If the alien is deported or expelled, except in cases provided for in Article 105 below, in which case the alien must leave the country immediately;.

80.1.3. If the alien's visa has been cancelled, or his Entry Permit has been revoked;

80.1.4. If the Visa application has been denied;

80.1.5. If the aliens authorised term of permanence has expired, and due to previously-demonstrated force majeure or act of God, he has not been able to leave the country.

80.2. Safe-conduct to remain in Colombia, in the following cases:

80.2.1. For an alien who must apply for a visa, or a change of visa in accordance with the terms of this Decree, for up to 30 calendar days;

80.2.2. For an alien whom must remain in Colombian territory on parole or bail, or by the order of the competent authority, until his legal standing is defined.

80.2.3. For an alien who must remain in Colombian territory for 30 calendar days, extendable, until his administrative situation is defined.

80.2.4. For an alien who must remain in Colombia, while his situation as a Refugee, and the situation of his family, is resolved

80.2.5. For an alien who, being permitted to apply for a visa within Colombia, has stayed in Colombia irregularly, subject to the payment of any applicable penalty.

Paragraph 1. An alien called for whom a safe-conduct is issued based on Section 80.1 may not engage in any activity or occupation, on pain of administrative sanctions applicable.

Paragraph 2. A safe-conduct issued to remain in Colombian territory under Section 80.2.1. may be extended at the request of the Ministry of Foreign Affairs for up to 30 days more, when due to force majeure or act of God, the alien has not been able to process his visa within the time authorised.

Paragraph 3. An alien to whom a safe-conduct has been issued to remain in Colombian territory under Section 80.2.2 must present himself to DAS every 30 calendar days

Article 81. The Ministry of Foreign Affairs or the security police DAS may make an annotation of termination or cancellation on the visa which appears in the alien's passport, as the case may be, in accordance with the terms of Articles 9, 10 and 12 of this Decree.

Article 82. The judicial or administrative authorities will inform the security police DAS and the Ministry of Foreign Affairs of the initiation of any legal process against aliens, changes of venue, and judgements. At the same time,

the Ministry of Interior and Justice and the Office of the Attorney General will inform the security police DAS of resolutions and warrant for arrest issued for purposes of extradition.

The Directors of the jails will inform the security police DAS of the admission or discharge of aliens from their establishments, and will also place the alien at the disposal of security police DAS once his release has been ordered, for the purposes of defining his migratory situation.

The Superintendency of Notaries and Records will send security police DAS copies of the death certificates of aliens.

Article 83. Any employer or contracting party who engages, contracts, employs or admits an alien must require the presentation of the Visa for that person to perform his activities, occupation, or trade authorised in it. Likewise, it must request an Alien Card if the individual is required to obtain it in compliance with migration requirements; and will inform the security police DAS in writing with regard to the engagement, contract or admittance, and of disengagement or termination of the contract, within 15 calendar days following initiation or termination of work.

Those who sign contracts or the impresarios for public, cultural or sporting events are excepted from these obligations, if their permanence in Colombian territory is limited to the event concerned; in which case the appropriate Visa will be required, and the security police DAS will be informed in writing at least five calendar days in advance of the spectacle.

Any employer or contracting party who admits an alien, or allows him to engage in economic activities, must provide the information requested by the migration control authority.

Educational establishments must require foreign students in their regular courses to produce a visa which enables them to conduct their studies, prior to the initiation of classes, and to inform the security police DAS in writing of the matriculation of foreign students, and of the completion of their studies, within 30 calendar days following completion.

Any entity, federation, confederation, association, community, congregation or other entity or religious character must inform the security police DAS in writing of the arrival and departure of an alien among them, within 15 calendar days of such occurrences.

Article 84. All non-profit organisations, NGOs, diplomatic missions and other international organisations which admit an alien as a cooperation agent or volunteer, in order to perform works of social benefit, assistance, verification, observation, or humanitarian aid, must inform the security police DAS in writing within 15 calendar days following their admission or initiation of activities by the alien, and with in 15 days following termination of same.

Article 85. The alien will practise the profession, trade, activity or occupation authorised in the Visa for the employer or contracting party who sponsored his application.

The Ministry of Foreign Affairs may effect changes, authorise the practice of another profession, trade, activity or occupation, subject to compliance with the conditions established for this purpose, in accordance with the terms of Article 1 of the 16 below. The change will be communicated by the alien personally to the security police DAS within 15 calendar days.

Article 86. The employer or contracting party, without prejudice to legal action applicable in relation to performance of the contract, will bear the costs of return to the country of origin or last country of residence of the alien contracted or engaged, together with those of his family or beneficiaries, upon termination of the contract or engagement, or when it is in order to cancel his visa, deport or expel him.

This obligation will cease when the alien obtains a Temporary Visa in the categories of Spouse or Permanent Companion of a Colombian National, or Father or Mother of a Colombian National, or Resident.

Article 87. Hotels, guest-houses, hostels, furnished flats, apartment-hotels, and other establishments which provide accommodation services to guests, will keep a daily record of aliens, with a entries sequentially numbered, giving the following information: full names, nationality and identity document, profession, place of origin, place of destination, and dates of arrival and departure. These establishments will daily send the security police DAS these records of aliens, on magnetic media, or by other technological means, or with record sheets, without prejudice to the migration authority's right to make an inspection at any time.'

The owners or administrators of real estate companies, weekend houses, apartments, houses or property used for hotel keeping or rental who provide accommodation services to aliens for more than 15 days, must inform security police DAS in writing within five working days following formal delivery of the property. The migration authorities are empowered to exercise control of these establishments at any time.

The owners, administrators, lessors, tenants and possessors of hotels, guesthouses, hostels, furnished flats, apartment-hotels, weekend houses, houses, apartments and other establishments providing accommodation services will supply information to the security police DAS with regard to the registration of Colombian citizens, as and when required.

Article 88. Anyone required in writing by the Director of the security police DAS or his delegates, must appear personally before the migration authorities, in the terms indicated in the summons.

#### **CHAPTER IV. Controls over international transport.**

Article 89. For the purposes of this Decree, transport companies or international means of transport are held to be Colombian or foreign individuals or corporate entities who provide international transport for passengers or cargo, by air, sea, river or land.

Article 90. All means of international transport which arrive in Colombian territory or leave it, will be subject to the control of the migration authorities, who will review the documents required by conventions or regulations in force, to be held by crew members and passengers that they carry.

Article 91. The captain, master or person responsible for an international or national, sea, river or land means of transport, the manager, administrator, owner or person responsible for businesses, companies or agencies of any kind, will be severally liable for the carriage and transport of passengers and crew in accordance with applicable regulations, and must comply with the provisions of conventions or other valid regulations on the matter for this purpose.

Article 92. The inspection and migration control of passengers and crew of a means of marine transport or a fishing vessel, will be conducted upon arrival aboard the vessel, or at a space especially authorised for that this process.

Article 93. If when effecting control of entry, the migration authority rejects or refuses to admit a passenger or crew member, for the reasons given in this Decree, the transport company or fishing vessel, or failing that, the manager, administrator, owner or person responsible, and the companies or agencies of any nature, will be obliged to return the individual, for their own account, to the country from which he came, or the country of origin, or to a third country which accepts him.

If immediate return is not possible, those responsible will bear the cost of permanence incurred.

Article 94. International transport companies, their agents or representatives shall:

94.1. Present a list of passengers and crew promptly, including information required for such purposes

94.2. Refrain from transporting passengers who do not have the required documentation, or a visa, as the case may be.

94.3. Ensure that number that crew members or personnel provided by the means of transport do not remain in Colombia without due authorisation

94.4. Place aliens or nationals who have been deported or returned, at the disposal of the migration authorities, when they arrive in this country, and deliver relevant documentation

94.5. Refrain from allowing passengers to disembark during a technical stopover, unless expressly authorised to do so by the migration authority.

Article 95. The security police DAS may enter into agreements with the transport companies for them to transport aliens affected by a deportation order,

expulsion or cancellation of their visas.

## **CHAPTER V Departure**

Article 96. In order to leave Colombian territory, individuals must present the following documents to the migration authorities:

- 96.1. Valid passport or travel document, identity document, as the case may be;
- 96.2. Valid visa or permit, as the case may be;
- 96.3. Colombian citizenship card for Colombian Nationals, or valid Aliens Card for aliens, as the case may be;
- 96.4. Safe-conduct in the cases established by this Decree.

Article 97. With the exception of visitors, departure from Colombian territory by alien minors will be regulated by the terms of Decree 2737/1989, or regulations which replace it, and complementary provisions of law.

## **TITLE XVI SANCTIONS**

### **CHAPTER I Economic sanctions**

Article 98. *(amended by Decree 2622 of July 13, 2009)* The Director of the security police DAS, in accordance with the law and attending to regulations in force at any time, and regulations issued by him for the purpose, may impose and collect economic sanctions as required to secure compliance with the terms of this Decree. These economic sanctions will be imposed by Motivated Resolution, against which there is recourse in administrative law, with suspensive effect.

There will be cause for economic sanctions in the following events.

- 98.1. Failure to report a change of residence, domicile, employer or contracting party, within 15 calendar days of occurrence of the change;
- 98.2. Failure to request prior authorisation from the Internal Working Group which the Ministry of Foreign Affairs may determine for a change of employer and/or contracting party, within 15 calendar days of the occurrence of the change;
- 98.3. Failure to present a registration of a change of entity, profession, trade, activity or occupation in the Visa, within 15 calendar days following the authorisation of the change;
- 98.4. Failure to appear for registration when obliged to do so, within 15 calendar days following entry into Colombia or the issue of visa, as the case may be, or failing to appear for registration of minors within the same term.
- 98.5. Repeated refusal to appear before the migration authorities, despite being summoned in writing;
- 98.6. Irregular permanence in Colombia;
- 98.7. Failure to process a safe conduct when required;
- 98.8. Failure to apply for an Aliens Card within 15 calendar days of reaching

the age of majority;

98.9. Failure to renew an Aliens Card within 15 calendar days of its expiry;

98.10. Breach of any of the obligations established in this Decree for owners, administrators, lessees, tenants, and possessors of hotels, guest-houses, hostels, furnished apartments, weekend houses, houses, and other establishments providing accommodation services;

98.11. Entry into Colombia or departure from Colombia without complying with the requirements of law;

98.12. Practising a profession, occupation or trade other than that authorised;

98.13. Engaging in remunerated activity without being authorised to do so;

19.14. Engaging in an activity or occupation when having a safe-conduct issued for departure from Colombian territory;

98.15. Entering into commercial public contracts with aliens, without satisfying the requirements of law;

98.16. Facilitating the obtaining of visas is by the simulation of some type of contract;

98.17. Failure to advise the security police DAS in writing of the arrival or departure of an alien within 15 days following, in on the part of an entity, federation, confederation, association, community, or other entity of a religious nature;

98.18. Allowing an alien to start studies without the appropriate visa, and failure to advise the security police DAS in writing of the initiation and completion of studies, within 30 calendar days of the same;

98.19. Informing the security police DAS of the admission or termination of work activity by an alien, who participates in a non-profit entity, NGO, diplomatic mission or international organisation, within 15 calendar days following the occurrence of the event, in accordance with Section 41.6 above;

98.20. Failure to report in writing, within five working days following the date on which formal delivery was made of a property, by the owners or administrators of a weekend house, apartment, house or property used for hotel-keeping, and real estate companies that lease or provide accommodation service to aliens;

98.21. Failure to facilitate the inspection of documentation related to the contracting, engagement and/or admittance of aliens by employers or contracting parties;

98.22. The transport of aliens without the related documentation required by law, and/or failing to comply with the obligation to return them, when the migration authority does not authorise of their admission;

98.23. Failure to place a person who has been deported, expelled or returned at the disposal of the migration authorities upon arrival in the country, or permitting or delaying in the delivery of related documentation;

98.24. Failure to present the list of passengers and crew at the time and with the information requested by the migration authorities;

98.25. Failure to present disabled passengers, minors or any other person under the responsibility of the company, to the migration authorities for migration control;

98.26. Engagement, contracting, employment, admission or permission for an alien to perform work tasks or trade, without complying with migration requirements; abetting irregular permanence, or failure to report the engagement, admission, disengagement or termination of work within 15 calendar days following;

98.27 Aiding and abetting the irregular entry or departure of Colombians or aliens, on the part of any company, business or agency of any kind, without prejudice to other penalties applicable under the law;

98.28. Failure to report in writing, within five calendar days before the holding of a public, cultural or sporting spectacle or event, on the part of the contracting parties or impresarios, without prejudice to other penalties applicable in the law;

98.29. Failure to bear the cost of return to the country of origin or last place of residence of an alien contracted or engaged, or the cost of his family or beneficiaries, if any, when the contract is terminated or disengagement has taken place, and/or the cancellation of the Visa is in order, or there is deportation or expulsion, without prejudice to other penalties applicable under the law;

98.30. *Engaging in activities which improperly affect public space; or*

98.31. *Breaches of other obligations contained in this Decree and other provisions which amend, supplement or repeal it.*

Article 99. The calculation of the amount of economic sanctions will take account of the gravity of the offence, re-incidence, or refusal of the offender to conform.

The Director of the security police DAS or his delegates may relieve an offender by Motivated Resolution, where there is act of God or force majeure, or an alien or Colombian is in a state of indigence, duly demonstrated; or in the application of an international accord signed by the Colombian Government with regard to nationals of certain countries, or if the migration authority considers it convenient.

Article 100. If an individual or corporate entity refuses to pay an economic sanction imposed by a decision, and the decision is in firm, enforcement proceedings will be in order, as regulated in the law.

## **CHAPTER I**

### **Deportation**

Article 101. The Director of DAS or his delegates, in a Motivated Resolution, may order the deportation of an alien for any of the causes established in the next Article. There is recourse in administrative law against this administrative act.

There is no recourse against a resolution ordering deportation as a consequence of the cancellation of a visa by the Ministry of Foreign Affairs.

Article 102. *(amended by Decree 2622 of July 13, 2009)* Without prejudice to criminal penalties applicable, an alien who falls under any of the following causes will be deported from Colombian territory:

102.1. Entering or leaving the country without complying with relevant regulations, provided that there are no special circumstances and which justify a fine;

102.2. Failure to pay the economic sanction imposed by the security police DAS, or if more than two months have elapsed since the order for the sanction

- became effective, and no payment has been made towards the obligation;
- 102.3. Being in a state of irregular permanence in the terms of this Decree, providing there are no special circumstances which justify an economic sanction;
- 102.4. Obtaining a visa through fraud or simulation, making false statements in the Visa application, or in the course of administrative procedures pursued by the migration authorities, or presenting documents which mislead the Ministry of Foreign Affairs or the migration authority, for the purposes of entry, exit, legalisation, control or registration;
- 102.5. Failure to change the Visa, or to apply for the Visa when being obliged to do so;
- 102.6. Engaging in activity which is not authorised by the Entry Permit.
- 102.7. Any of the causes of refusal of admission or rejection;
- 102.8. Being the object of constant complaints which justify classification of the alien *persona non grata*, for peaceful coexistence in society or public tranquillity;
- 102.9. Failure to leave the country within 30 calendar days following service of the order to cancel the Visa;
- 102.10. Refusal to pay monetary obligations to any individual or corporate entity, showing reluctance to pay;
- 102.11. Having been a subject of an economic sanction twice or more in the same calendar year, imposed by the same public entity.

*102.12. Having been the subject of economic sanctions by the migration authority, for engaging in activities which improperly affect public space, and to be a recidivist in that conduct.*

Article 103. An alien who has been deported may only re-enter Colombian territory once the term of the sanction established by the resolution to deport has elapsed, and this may not be less than six months nor more than 10 years, and is subject to the issue of a visa by a Colombian Consular Office.

## **CHAPTER I**

### **Expulsion**

Article 104. The Director of the security police DAS, or his delegates, without prejudice to criminal penalties applicable, may issue a Motivated Resolution to order the expulsion from Colombian territory of an alien who is covered by any of the causes mentioned below:

- 104.1. Failure to comply with a deportation order within the time established in the safe-conduct to leave the country, or returning to the country prior to the expiry of the probation established in the deportation order, or without the appropriate Visa;
- 104.2. The presence of reports or annotations in the files of the competent authorities, for having encouraged the admission of aliens with false promises of contracts, the furnishing of a visa, or entry or permanence documents;.
- 104.3. The existence of a conviction in Colombia with a sentence of imprisonment in which expulsion from Colombian territory is not providing for as an accessory;
- 104.4. To be fraudulently documented as a Colombian National, or as a

national of another country.

There is recourse in administrative law against the imposition of an expulsion order, which has suspensive effect.

Article 105. Notwithstanding the terms of the preceding Article, the Director of the security police DAS or his delegates may expel an alien who, in the opinion of the migration authority, is engaged in activities which are a threat to national security, public order, public health, social tranquillity or public security; or where there are intelligence reports which indicate that his presence represents a risk to national security, public order, public safety, or social tranquillity, or where a foreign authority has communicated with the Colombian State to inform it that a conviction or warrant for the arrest of a person has been issued in that country for common crime, or that person is registered on Interpol files.

If an alien is requested an extradition by his country of origin, and expresses his wish to appear before the authorities of that nation, the process of expulsion may be in order, through delivery to the authorities of the State Requiring, provided that it is to the satisfaction of its Government, for which purpose the Attorney General of Colombia may suspend the enforcement of any warrant for arrest for purposes of extradition, or may lift the state of deprivation of liberty of the person required.

Article 106. When expulsion is ordered as an accessory penalty, in a conviction which has become effective, the Director of the security police DAS or his delegates will, once the principal sentence has been served, order compliance with the expulsion of the alien, and will send relevant communications to the Internal Working Group which the Ministry of Foreign Affairs may determine, and to the judicial instance that issued the measure.

There is no recourse against this administrative act

Article 107. An alien affected by an expulsion order may only return to the country with the Visa issued by a Colombian Consular Office, after at least five years.

If the expulsion order is to be issued for more than 10 years, there must be consultation with the Director of the security police DAS, or the Assistant Director of the Alien Division.

#### **CHAPTER IV**

##### **Common measures taken as sanctions**

Article 108. The list of persons deported and expelled will be sent to the Ministry of Foreign Affairs - so that their visas may be cancelled and their records kept on file - and to the judicial authority, as appropriate.

Article 109. An alien may be taken to the security police DAS offices at any time by the migration authorities, if necessary to verify his identity, or situation of permanence in Colombian territory, or when an administrative process has

been opened against him or is being pursued against him, and he is summoned for it.

An alien subject to a process for deportation or expulsion may be the object of preventive detention for up to 36 hours, and/or he may be subject to surveillance or custody by the migration authorities, until the measure becomes effective.

Article 111. The Colombian migration authorities may leave the alien affected by measures of refusal of entry, deportation or expulsion, at the disposal of the authorities of the country of his nationality of origin, or of the place from which he previously came where he entered Colombia, or a country which accepts or requires him.

Article 112. Deportation or expulsion entails cancellation of the related Visa. There is no recourse against the order to cancel the Visa.

Article 113. It will be understood that an alien has complied with the sanction of deportation or expulsion if he has remained outside Colombian territory for the term stipulated in the administrative resolution.

## **TITLE XVII FINAL PROVISIONS**

Article 114. The holder of a Temporary Visa-Spouse or Permanent Companion of a Colombian National; Temporary Visa-Father or Mother of a Colombian National,-Temporary Visa-Refugee or Asylum-Seeker and Resident Visa may change employer and entity or occupation without the need to issue a new Visa, provided that the Visa he holds is valid, in the terms established by the Internal Working Group which the Ministry of Foreign Affairs may determine

Article 115. The alien must practice the profession, trade, activity or occupation indicated in the Visa.

Article 116. In order to practise a profession or activity authorised in the Visa, the alien must comply with the requirements contained in current regulations for Colombian Nationals, and provide documents which allow him to practise that profession.

For unregulated professions or trades, which the alien wishes to pursue in Colombia, he must accredit experience and/or suitability.

The alien may practise more than one profession, trade or occupation in Colombian territory, when duly authorised for that purpose in his Visa, by the Internal Working Group which the Ministry of Foreign Affairs may determine.

The terms of this Article cover the holders of Temporary Visa-Student who are now engaged in graduate studies, in accordance with the terms of Article 39 above.

Article 117. In accordance with the terms of Article 116, an alien with prior authorisation of the Internal Working Group which the Ministry of Foreign Affairs may determine who wishes to change employer, entity or occupation, must personally appear before the DAS to register the change within 15 calendar days following authorisation.

Article 118. An alien may request the Internal Working Group which the Ministry of Foreign Affairs may determine, or a Colombian Consular Office, subject to authorisation, the transfer of the visa due to deterioration, change or loss of passport, or when some clarification is required, or there is a change of entity, employer or occupation, satisfying all the requirements mentioned.

Article 119. An alien who has obtained a visa should observe the limitations imposed by the Colombian legislation to establishing himself in certain parts of Colombian territory, and engage in activities.

Article 120. The Ministry of Foreign Affairs Pension Fund will set the value of the fees to be paid for the issue or transfer of visas as provided for in this Decree.

The security police DAS will establish the value of fees for the issue of documents in accordance with current regulations, payable to the DAS Pension Fund .

Article 121. In the exercise of migration control, and without prejudice to the terms of other provisions of law in force, it is the responsibility of the security police DAS to pursue such investigations as it considers necessary, *ex officio* or at the request of the Internal Working Group which the Ministry of Foreign Affairs may determine, in relation to the entry and permanence of aliens in Colombia, and the visas which they carry, their occupation, profession, trade or activity pursued in Colombian territory, authenticity of documents, verification of relationships, verification of a marital relationship, amongst other things.

The results of these investigations will be the object of a report, of which a copy will be sent to the Internal Working Group which the Ministry of Foreign Affairs may determine, for study and decision.

Article 122. Visas issued under previous Decrees will maintain their validity. In other matters, the regulations of this Decree will apply. The denominations of the visas issued based on the previous Decrees will be adapted to the new classes and categories established in this Decree, and will be considered as a transfer, when the time comes.

Article 123. The Ministry of Foreign Affairs may provide a mechanism for visa applications by its certified mail, for which purpose it will establish a procedure.

Likewise, a special working group may be set up to identify the most important settlements of aliens in Colombia, in any city, at its convenience.

Article 124. The Government, for reasons of convenience, may at any moment

order the regularisation of aliens.

Article 125. This Decree repeals Decree 2107/2001, except for Articles 29, 30, 31, 32, 33, 34, 35, 36, 37 and 38, and part of Article 28, referring to class, category and code, which will continue to be in force and unchanged; Decree 2408/1999, Decree 1384/2002, Decree 3521/2003, and any provisions contrary to it.

Article 126. This Decree will take effect two months from the date of its publication in *Diario Oficial*, except for Title 14, Chapters 2 and 3, which will come into effect on the date of publication in *Diario Oficial*.

Be this published and obeyed  
Given in Bogotá, November 30, 2004

Alvaro Uribe  
Vice Minister of the Multilateral Affairs, responsible for functions of the office of the Minister of Foreign Affairs, Jaime Girón  
Director of the DAS, Jorge Aurelio Noguera.