Immigration
and Asylum Law of the EU:
current debates

Actualité
du droit européen
de l'immigration
et de l'asile

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Extrait

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The Decree-Law 34/2003

1. – THE TRANSPOSITION ACT


This is a Decree-Law, which was adopted by the Government, availing itself of a legislative authorisation granted by the Assembly of the Republic (Assembleia da República – The Portuguese Parliament) in Law no. 22/2002, dated 21 August (\(^5\)).

Since imposing penalties on carriers falls within the legislative powers of the Assembly, the transposition of this Directive could take on the form of either a Law or a government decree-law should the Government avail itself of a legislative authorisation from the Assembly in accordance with the provisions of Article 165(d) of the Constitution. Pursuant to Article 1 of Law no. 22/2002, the Assembly gave the Government authorisation to amend the conditions of entry, stay, and expulsion of third-country nationals from national territory (Immigration Act). Furthermore, within the scope of the Directive, the Assembly authorises the Government to extend carriers’ liability to cases of refusal of entry of third-country nationals in transit and to increase the value of fines.


\(^4\) Published in the official journal (Diário da República, I Série-A, no. 47, dated 25 February 2003, p. 1338.