



# LAW ON FOREIGN NATIONALS: WHAT HAS CHANGED?

**CHANGING REASONS**

**MAIN CHANGES/IMPLEMENTED MEASURES**

Version of 28.10.2022



**REPÚBLICA  
PORTUGUESA**

GABINETE DA MINISTRA ADJUNTA E  
DOS ASSUNTOS PARLAMENTARES



**ACM**

ALTO COMISSARIADO PARA AS MIGRAÇÕES, I.P.



## CHANGING REASONS

With the amendment to the Law on Foreign Nationals and the respective Regulations, the Government intended to establish procedures that allow attracting regulated and integrated immigration, changing the relationships between the public administration and immigrants and guaranteeing conditions for the immigrant's integration. **Therefore, the amendments aim to:**

- Promote regular, safe and orderly flows of migration and strengthen the fight against illegal immigration and human being trafficking;
- Promote mobility and freedom of movement within the CPLP space;
- Respond to the need for labor in various areas (mainly in service sectors such as construction, tourism, catering, and highly qualified activities) in order to revitalize and develop the economy (income circulation, consumption and investments);
- Combat the country's demographic problem.

## MAIN CHANGES/IMPLEMENTED MEASURES

- Facilitates visas issuance for CPLP citizens;
- Created a job-seeking visa, allowing entry into Portuguese territory for third-country nationals who come looking for work, for a period of 120+60 days;
- Granting of temporary stay or residency visa to remote workers;
- End of the residency visas quota regime for subordinate work;
- Facilitates the obtaining of a residence visa by foreign students who attend higher education in Portugal;
- Provides for the possibility of granting a temporary stay or residence visa to family members of temporary stay or residence visa applicants, allowing families to enter together into national territory; and
- It simplifies procedures and increases the period of validity of documents.

**AMENDMENTS ENTER INTO FORCE ON OCTOBER 30, 2022.**



## CPLP CITIZENS

### **1) CITIZENS OF THE COMMUNITY OF PORTUGUESE LANGUAGE COUNTRIES (CPLP) MEMBER STATES: SHORT TERM, TEMPORARY STAY, JOB-SEEKING AND RESIDENCE VISAS**

CPLP citizens benefit from greater simplification in granting visas:

- i) No need to apply for a visa in person;
- ii) Exemption from presenting valid travel insurance and return ticket. Exemption from proof of means of subsistence as long as they present a term of responsibility of a Portuguese citizen or foreign national residing in Portugal that guarantees their subsistence and accommodation;
- iii) Preliminary granting of visa applications<sup>1</sup>, exempting the prior decision of the Immigration and Borders Service (SEF).

The CPLP residence visa is limited to the national territory and confers the right to apply for a CPLP residence permit.

Applications for granting and renewing a residence permit submitted by citizens and nationals of CPLP Member States, holders of a short-stay visa or temporary stay visa or who have legally entered Portugal, are exempt from the documents referred to in ii), requiring only the following:

- i) Two identical passport photographs, in color and with a plain background, updated and in good condition of identification, if applicable;
- ii) Passport or other valid travel document;
- iii) Criminal record certificate issued by the competent authority of the applicant's country of nationality or of the country in which he/she has resided for more than one year, when temporary stay and residence visas are required.

<sup>1</sup> Unless the applicant is identified in the Second Generation Schengen Information System (SIS II) as being the subject of an alert for the purpose of return or refusal of entry and stay.



## WORKING IN PORTUGAL

### 2) FOREIGN NATIONALS WHO WANT TO LOOK FOR WORK IN PORTUGAL: **NEW VISA FOR JOB-SEEKING**

Foreign nationals who want to enter Portugal to look for work can apply for a job-seeking visa. It is issued with a duration of 120 days and is limited to national territory.

To apply for this visa, in addition to having the general conditions, you need:

- i) Declaration of conditions of stay;
- ii) Declaration of interest for registration with the IEFP, I.P., presented online, in a specific place on the IEFP, I.P. website, with identification of academic qualifications and professional experience;
- iii) Proof of possession of means of subsistence equivalent to at least three minimum monthly wages.

The visa includes an appointment date with the competent services for the granting of a residence permit, within 120 days of the visa. After the establishment and formalization of the employment relationship in that period, foreign nationals have the right to apply for a residence permit to carry out a subordinate professional activity.

The visa can be extended for another 60 days, taking into account the reasons that justified its grant, if accompanied by proof of registration with the IEFP, I.P., and a declaration by the citizen indicating the maintenance of the conditions of stay.

### 3) **ELIMINATION OF QUOTAS** FOR THE ISSUANCE OF A RESIDENCE VISA TO EXERCISE A SUBORDINATED PROFESSIONAL ACTIVITY

The global contingent indicating employment opportunities in Portugal in the issuance of residence visas for the exercise of subordinate work was eliminated, that is, there is no longer a maximum number of vacancies per sector of activity that could be occupied in the country by foreign nationals with a subordinate work visa, and for the issuance of this visa, in addition to general conditions, it is necessary to have:

- i) Employment contract or promise of employment contract; or
- ii) Qualifications, competences or qualifications recognized and suitable for the exercise of one of the job offers, promoted by IEFP, I.P., on its own initiative or at the request of employers or associations and a letter of manifestation of interest by the employer.



## LIVING IN PORTUGAL

### 4) DIGITAL NOMADS/REMOTE WORKERS

Foreign subordinate workers and independent professionals or entrepreneurs who provide professional activity remotely, to natural or legal persons domiciled or headquartered outside Portugal, may obtain a visa or residence permit for this purpose, and must demonstrate the employment relationship or the provision of services, as the case may be.

Applications for a temporary stay visa must be accompanied by:

- In subordinate work situations, by one of the following documents:
  - i) Employment contract or promise of employment contract;
  - ii) Employer's statement proving the employment.
- In cases of independent professional activity, one of the following:
  - i) Partnership agreement;
  - ii) Service provision contract or written promise of contract;
  - iii) Document demonstrating services provided to one or more entities.

Residence visa applications must be accompanied by:

- In subordinate work situations, by one of the following documents:
  - i) Employment contract;
  - ii) Employer's statement proving the employment.
- In cases of independent professional activity, one of the following:
  - i) Partnership agreement;
  - ii) Contract for services;
  - iii) Document demonstrating services provided to one or more entities.

Both in the case of temporary stay visas, as in the case of residence visas, documents must be presented attesting to tax residency and average monthly income in the last three months of a minimum value equivalent to four guaranteed minimum monthly wages.



## **5) VISAS TO ACCOMPANY FAMILY WHO APPLY FOR A VISA**

Family members of citizens and foreign nationals who apply for temporary stay or residence visas may also apply for temporary stay or residence visas. This allows families to enter national territory together.

The application for a temporary stay visa to accompany a temporary stay visa applicant must be accompanied by:

- i) Document proving the family relationship;
- ii) Proof of the availability of stable and regular resources, sufficient for the needs of the applicant and the family members accompanying him/her, for the requested period of stay or 12 months, whichever is shorter.

## **6) AUTHORIZATION FOR FAMILY REUNION OF CITIZENS ALREADY WITH A RESIDENCE PERMIT**

After the recognition of the right to reunification with family members who are outside from Portugal by the SEF, a residence visa for regrouping will be given. The holder of the right to family reunification is notified of the granting order within eight days, being informed that his/her family members must go to the diplomatic mission or consular post in the respective area of residence, in a period of 90 days, in order to formalize the request for the issuance of a residence visa.

## **CHILDREN/YOUTH**

## **7) FACILITATION OF THE RESIDENCE VISA FOR ATTENDING HIGHER EDUCATION**

Whenever foreign students are admitted to a national higher education institution, the granting of a visa does not require a prior opinion from SEF<sup>2</sup>.

## **8) RESIDENCE PERMIT HOLDERS FOR RESEARCH, STUDY, PROFESSIONAL OR VOLUNTEER INTERNSHIP MAY:**

- i) Carry out a professional activity, whether subordinate or independent, in addition to the activity performed;
- ii) Enroll in the IEFP.

<sup>2</sup> The Consulate directly consults the Second Generation Schengen Information System (SIS II) and can only refuse the visa in case of an indication of non-admission and prohibition of stay contained in the SIS II and immediately communicates the granting of the visa to the SEF. SEF might trigger police related measures in national territory, at border control, or even cancel the visa.



## 9) ENTRY AND DEPARTURE OF NATIONAL OR FOREIGN RESIDENT CHILDREN AND YOUTH

National or foreign children and youth residing in Portugal who intend to leave the country through an external border unaccompanied by those who exercise parental responsibilities, must present authorization signed by one of the parents or by whom, in the case, is responsible for the same, certified by any of the legally foreseen ways.

## 10) OTHER CHANGES: SIMPLIFYING PROCEDURES AND INCREASING THE VALIDITY PERIOD OF DOCUMENTS

### FURTHER KNOW THAT:

- With the granting of a residence visa, a pre-authorization for residence is issued with provisional allocation of tax identification (NIF), social security (NISS) and National Health Service (SNS) identification numbers;
- **The temporary residence permit is valid for a period of two years from the date of issue of the respective title and is renewable every three years;**
- Family members of a permanent residence holder will be given a residence permit, valid for two years, renewable for successive periods of three years;
- **The residence permit granted to higher education students or researchers is valid for three years, renewable for equal periods;**
- The residence permit granted to interns is valid (i) for six months, (ii) for the duration of the internship program, plus a period of three months, if this is less than six months, or (iii) for two years in the case of a long-term internship, in which case it can be renewed once for the remaining period of the internship program;
- **The 'EU Blue Card' is initially valid for two years, and is renewable every three years;**
- Alongside SEF, the *Instituto dos Registos e do Notariado (IRN, I.P.)* and *Espaços Cidadão* are now responsible for issuing and renewing the residence permit for British citizens benefiting from the United Kingdom's Withdrawal Agreement from the European Union.



## USEFUL CONTACTS

### NATIONAL SUPPORT CENTRES FOR THE INTEGRATION OF MIGRANTS (CNAIM)

For telephone service or appointment scheduling, contact the **CNAIM**, via e-mail, [informacoes@acm.gov.pt](mailto:informacoes@acm.gov.pt) or the **Migrant Support Line (LAM) 808 257 257** or **218 106 191**, from Monday to Friday, from 9 am to 8 pm, and on Saturday, from 9 am to 5 pm.

### LOCAL SUPPORT CENTRES FOR THE INTEGRATION OF MIGRANTS (CLAIM)

In Portugal, there are more than 150 CLAIM, which provide support in the process of welcoming and integrating migrants, articulating with the various local structures.

CLAIM Network Contacts: <https://plim.acm.gov.pt/contactos/contactos-rede-claim>

More information: [gaplim@acm.gov.pt](mailto:gaplim@acm.gov.pt)

### MIGRANT SUPPORT LINE/TELEPHONE TRANSLATION SERVICE

**808 257 257** (landline in Portugal) or  
**+351 218 106 191** (mobile network in Portugal and abroad)

From Monday to Friday, from 9 am to 8 pm  
Saturday, from 9 am to 5 pm





HIGH COMMISSION FOR MIGRATION (ACM, I.P.)

Rua Álvaro Coutinho, 14, 1150-025 Lisboa  
T. +351 218 106 100 | F. +351 218 106 117  
acm@acm.gov.pt

[WWW.ACM.GOV.PT](http://WWW.ACM.GOV.PT) | [WWW.FACEBOOK.COM/ACMIGRACOES](http://WWW.FACEBOOK.COM/ACMIGRACOES)



REPÚBLICA  
PORTUGUESA

GABINETE DA MINISTRA ADJUNTA E  
DOS ASSUNTOS PARLAMENTARES



ACM

ALTO COMISSARIADO PARA AS MIGRAÇÕES, I.P.