

Regulatory Decree No. 84/2007 - Official Gazette No. 212/2007, Series I of 5 November 2007.

Regulates Law no. 23/2007, of 4 July, which approves the legal regime for the entry, stay, exit and removal of foreign citizens from national territory

Law no. 23/2007, of 4 July, defined the new legal regime for the entry, stay, exit and removal of foreigners from the national territory. The law is based on a realistic and balanced option: favouring legal immigration, discouraging and counteracting illegal immigration, combating bureaucracy, taking advantage of new technologies to simplify and speed up procedures, innovating solutions.

Carefully debated over many months with social organisations and other interested citizens before being submitted to Parliament, the options set out in Law no. 23/2007, of 4 July, were the result of meticulous preparation within the Government (with due articulation from a vast number of ministries), followed by an extensive process of parliamentary discussion, open to contributions from many quadrants, which broadened the base of political support for the approved reform and allowed several improvements.

The Government is committed to speedy regulation of the new legal regime, for which the appropriate coordination measures have been adopted.

As this is a law with a high normative density, with multiple provisions that are directly and immediately applicable, the present regulatory decree is limited to that which is necessary for the good execution of the precepts that lack complementary norms, namely in relation to the granting of visas abroad and at border posts for the entry of foreign citizens into national territory, the extension of stay, the granting and renewal of residence permits, the right to family reunification, the regime of the residence permit, the status of the long-term resident, the exit, removal and expulsion or the fight against illegal immigration.

In strict compliance with the new conditions that will enable better regulation of migratory flows, we have opted for a model of organisation and procedures that serves immigrants, businesses, the economy and social development and that fully corresponds to a modern and efficient administration.

Therefore, the requirements for documentary and other proof to be submitted have been reduced to the indispensable minimum and rapid channels have been created to facilitate the flow of interdepartmental information. It is no longer necessary to make countless visits to different services dependent on many other ministries, and the information will circulate between them without further burden and inconvenience for the interested parties.

Particularly relevant are the changes relating to the job opportunities market and the efficient mechanisms it entails, the procedures facilitating access and movement of technical staff, researchers, teachers, scientists and students, as well as those relating to family reunification, protection of victims of trafficking and guarantees for immigrants to be heard and defended.

Thus:

In the area of the admission and residence of foreigners in national territory, the regulatory solutions necessary to put an end to the inequality of legal statuses inherent in the previous existence of nine different permits enshrined in Decree-Law no. 244/98, of 8 August, which regulated the legal stay of immigrants in Portugal and was repealed by Law no. 23/2007, of 4 July. The conditions for the issue of a single type of visa are outlined in detail, allowing the holder to enter Portugal to establish residence, granted in accordance with specific objectives set out in the law for this type of visa.

The legal regime for merely temporary immigration is regulated, through the temporary stay visa for the exercise of seasonal activity and a regime for granting visas to entrepreneurial immigrants.

In order to make Portugal more attractive for highly qualified labour, the regime for granting residence permits to researchers, higher education teachers and other highly qualified foreign citizens who wish to develop their

activity in research centres, higher education establishments or other entities that host highly qualified activities, whether public or private, namely companies, will be simplified.

The new regime for granting residence permits to foreigners who wish to invest or develop a business activity in the country is also regulated, thus contributing to attracting investment that creates employment and wealth, within a flexible legal framework that allows for the valorisation of both relevant investments by amount and others made within the scope of the so-called social economy.

The process of granting a residence visa for the exercise of subordinate work is duly framed by the annual fixing, and by means of an opinion from the Permanent Commission for Social Concertation, of a global quota of job opportunities not filled by national citizens, community citizens or foreigners residing in Portugal, with a view to adjusting unfilled job offers with the potential of foreign labour with the appropriate professional qualifications, taking into consideration the importance of close cooperation with the countries of origin of migratory flows for their management. The proposed scheme is applicable without prejudice to special schemes under international conventions.

Regarding family reunification, besides transposing Council Directive no. 2003/86/EC of 22 September, as a consequence of the unification of the legal status of foreigners legally residing in Portugal, the terms under which the personal scope of the right to family reunification is extended to foreigners who are excluded from it under the previous regime, in particular, holders of work visas and holders of stay permits, through the immediate granting of residence permits and, consequently, the right to be immediately reunited with their relatives. Reunification with the civil partner is also regulated. Applications for family reunification may now be processed jointly and their approval entails the automatic grant of a visa to family members abroad.

It regulates the status of long-term resident, granted to all those who have resided legally for five years, which implies, in addition to a significant set of rights, the specific right to move within the European area and settle there. The possibility of obtaining a permanent residence permit, accessible to all foreigners legally residing for a period of five years, is also maintained.

The grounds on which a residence permit may be granted without a visa and the exceptional granting of a residence permit on humanitarian grounds and on grounds of public interest arising from the pursuit of an important activity in the scientific, cultural, sporting, economic or social field are extended.

Regarding the removal/expulsion of foreigners from national territory, the general limits on removal arising from the Constitution and the case-law of the European Court of Human Rights on Article 8 of the European Convention on Human Rights are enshrined in law. Greater protection is also established for long-term residents against removal measures, by taking into account their social and family integration and by enshrining the suspensive effect of judicial redress. It introduces the possibility of cancelling residence permits and of judicially removing foreigners who commit, or have serious reason to believe they will commit, crimes of a very serious nature, such as terrorism.

The incentive of voluntary return is ensured by eliminating the sanction of entry ban, which is now only applicable in case of forced removal. The illegal immigrant who decides to voluntarily return is now in a more favourable situation than the expelled person, insofar as he/she can legally immigrate again, although when he/she does so within a period of three years he/she will be obliged to reimburse the State for the sums spent on his/her return.

The granting of residence permits to victims of human trafficking and actions to aid illegal immigration that cooperate with the judicial system are guaranteed. This regime is essential to the prosecution of the networks of traffic in human beings, without, however, adopting a utilitarian conception, insofar as it aims primarily at the protection of the foreigner as the victim of a serious crime of breach of human rights.

The legal concept of the trafficked person as a mere illegal immigrant is abandoned, a perspective that is tributary to the Warsaw Convention on Combating Trafficking in Human Beings, approved by the Council of Europe and which Portugal has already signed.

Measures are introduced to make the enforcement of removal orders more effective, especially with regard to illegal immigrants, in order to deter illegal immigration, promote legal immigration channels and preserve public order. In particular, a foreigner who has been the subject of a removal decision will be taken into the custody of the Immigration and Borders Service for the purpose of immediate enforcement of the removal decision, without prejudice to the granting of a period of time to leave the territory or placement in a temporary installation centre or under electronic surveillance when such immediate enforcement is not possible.

The aim is thus to give expression to an adjusted immigration policy, promoting legal immigration channels and dissuading the use of illegal channels, associated to a coherent policy of integration of the immigrant community in our country. Immigration is thus seen not only as a factor for economic development, but also as a relevant factor for the social and cultural enrichment of Portugal.

The Advisory Council for Immigration Affairs was heard.

Thus:

Pursuant to the provisions of article 216(1) of Law no. 23/2007, of 4 July, and in accordance with article 199(c) of the Constitution, the Government decrees the following:

CHAPTER I

Entry into and exit from national territory

Article 1 (Border control)

- 1 - Border control and control of persons crossing external borders shall be governed by the provisions of Regulation (EU) no. 2016/399 of the European Parliament and of the Council of 9 March 2016, Law no. 23/2007 of 4 July, as amended, and this regulatory decree.
- 2 - The exceptional reinstatement of documentary control at internal borders, provided for in Article 6(6) of Law no. 23/2007, of 4 July, as amended, is governed by the provisions of Articles 25 to 35 of Regulation (EU) no. 2016/399 of the European Parliament and of the Council of 9 March 2016, as amended by Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016.
- 3 - It is the liability of carriers to inform passengers using an internal section of a flight from or to countries which are not signatories to the Convention implementing the Schengen Agreement that they are subject to border control and must carry a travel document.

Article 2 (Exit clearance of ships and boats)

- 1 - After controlling the exit of the ship or boat and concluding that there is no impediment resulting from the application of the legal regime governing foreigners, the Immigration and Borders Service (SEF) shall issue the respective exit document, which shall be sent to the local National Maritime Authority body, under the terms and for the purposes established in Article 13 of Decree-Law no. 44/2002, of 2 March, as amended, and in Decree-Law no. 370/2007, of 6 November, as amended.
- 2 - Local traffic vessels, local and coastal fishing vessels, tugboats and local or coastal auxiliary vessels are exempt from SEF clearance.

Article 3

(Authorisation for access to the international port area)

- 1 - The authorisation for access to the international port area is valid for the time strictly necessary to achieve the purpose for which it was granted.
- 2 - Where the purpose and frequency of access justifies it, authorisation with a longer validity period, not exceeding one year, may be granted.
- 3 - Persons authorised by SEF to have access to the international area are issued with an access authorisation, the conditions of issue and model of which are approved by an order of the Government member responsible for the area of internal administration.

Article 4

(Validity of travel documents)

For the purposes of entry and exit from Portuguese territory, the validity of the travel document presented must exceed the duration of the planned stay by at least three months, except in the case of re-entry of a foreigner

Article 5

(Liability note)

- 1 - The liability note that guarantees food and accommodation to a third country national who intends to enter the country, as well as the return of removal costs, in case of illegal stay, must be signed by a Portuguese citizen or a foreign citizen legally residing in national territory.
- 2 - The liability note shall constitute proof of sufficient means of subsistence, without prejudice to the possibility of submitting other valid means of proof.
- 3 - SEF may make the acceptance of the terms of responsibility dependent on proof of the subscriber's financial capacity, certified, namely, through one of the following documents:
 - a) Personal Income Tax (IRS) payment statement for the previous year;
 - b) Remuneration statement issued by the social security services;
 - c) Statement with the average bank balance;
 - d) The last three receipts of payment of the amounts received for the provision of subordinate or independent activity.
- 4 - The liability note to be submitted by shipping agents, in accordance with Article 8(6) of Law no. 23/2007 of 4 July, shall be subject to the conditions laid down in Article 12(2) to (4) of the same law.
- 5 - [Repealed].
- 6 - [Repealed].

Article 6

(Verification of the authenticity of the documents)

The competent authorities for issuing documents shall make available to SEF, by appropriate means, including electronically, access to the applications for granting or issuing them, making available the consultation of the respective file and duplicates whenever requested or justified.

Article 7
(Carriers' liability)

- 1 - It is the carrier's liability, once notified under the terms of article 38(3) of Law no. 23/2007, of 4 July, to pay all the costs inherent to the foreign citizen's stay in the respective international area or in a housing unit located within national territory until the moment of his/her re-boarding.
- 2 - The expenses mentioned in Article 41(4) of Law no. 23/2007 of 4 July, as amended, shall include, besides the foreseen fee, the corresponding daily allowances, personal accident insurance, transport, accommodation, as well as other expenses directly arising from the execution of the escort.
- 3 - The regime mentioned in the previous paragraph applies to the situations in which the carrier requests escort, provided that SEF concludes that it is necessary.
- 4 - In the case of transport by sea, shipowners and the shipping agents representing them are jointly and severally liable for the costs.

Article 8
(Entry and exit of minors)

- 1 - The entry into the country of foreign minors unaccompanied by the person exercising the parental responsibilities must only be authorised when there is a Portuguese national or foreign national regularly residing in Portugal who takes responsibility for their stay, after confirmation of the existence of appropriate valid authorisation issued by the respective legal representative and assessment of all other relevant elements.
- 2 - Where the unaccompanied minor is refused entry and is returned, the carrier must ensure that he/she is returned to the country of origin or the point of departure of their travel to the person who exercises the parental responsibilities or to a person or organisation to which they can be entrusted, in accordance with the principle of non-refoulement.
- 3 - National or foreign minors residing in the country who wish to leave an external border unaccompanied by the person exercising the parental responsibilities must present authorisation signed by one of the parents or by the person who, in this case, is responsible for him/her, certified by any of the legally foreseen means.
- 4 - Whenever there is any doubt regarding the minor's situation, SEF undertakes all the necessary steps to identify him/her, with a view to ensuring his/her protection and adequate referral.

Article 8-A
(Access to the asylum procedure and subsidiary protection)

- 1 - The national authorities competent for the surveillance, monitoring and control of borders shall take all appropriate steps to guarantee access to the asylum procedure and subsidiary protection to foreign nationals who are presumed to need or request it.
- 2 - The assessment of the need for international protection is subsequently carried out in accordance with the law by the competent authorities.
- 3 - The provisions of paragraph 1 shall apply to persons who do not present valid documents or who have entered the national territory illegally.

Article 8-B

(Protection of minors and vulnerable adults)

- 1 - The national authorities responsible for surveillance, monitoring and border control carry out the appropriate steps to identify and refer minors and vulnerable adults to the competent services, namely the National Referral System for (presumed) Child Victims of Trafficking in Human Beings.
- 2 - For the purposes of the preceding paragraph, vulnerable persons are unaccompanied minors, disabled persons, elderly people, pregnant women, families with minors and persons who have clearly or presumably been victims of trafficking, torture, rape or other serious forms of psychological, physical or sexual violence.

Article 8-C

(Undocumented minors)

- 1 - In the absence of documents, and in case of doubt, the national authorities responsible for the surveillance, monitoring and control of maritime, land and airport borders shall apply the presumption that the person is under 18 years of age.
- 2 - The age is subsequently assessed and determined by the competent authorities.

Article 9

(Data transmission)

SEF establishes the procedures and appropriate technological solutions for the transmission by air carriers, ship owners or shipping agents of the data provided for in Article 42 of Law no. 23/2007 of 4 July, under the terms to be defined by an Ordinance from the Government member responsible for the area of internal administration.

CHAPTER II

Visas

Section I

Visas issued abroad

Article 10

(Visa application)

- 1 - The visa application which, by force of the applicable legislation, must be presented in a consular post and in a consular section of the embassy referred to, respectively, in Article 3(2) and (5) and in Article 67 of the Consular Regulations, approved in annex to Decree-Law no. 51/2021, of 15 June, is formulated in a specific form, signed by the applicant and accompanied by all the necessary documentation.
- 2 - Except for reasonable reasons, the application shall be submitted by the applicant in the country of his/her habitual residence or in the country of consular jurisdiction of the State of his/her residence.
- 3 - When the applicant is a minor or incapable, the visa application must be signed by the respective legal representative.
- 4 - In exceptional cases, duly justified, or when the legislation expressly allows it, the head of the embassy, consular post or consular section may waive the presence of the applicant; the reasons for the waiver shall be indicated in the application form.
- 5 - The presence of the applicant may also be waived in the case of a person known to the services for his/her integrity and reliability.

- 6 - The following are exempted from the need to be present for the presentation of the visa application:
 - a) The applicant of a visa for residence and temporary stay, national of a State where the Agreement on Mobility between Member States of the Community of Portuguese-Speaking Countries celebrated in Luanda on 17 July 2021 (CPLP Agreement) is in force, or national of another State to whom this waiver is extended by international agreement;
 - b) The applicant for a residence visa for entrepreneurial immigrants, under the terms of article 60(2)(c) of Law no. 23/2007, of 4 July, as amended;
 - c) The applicant of a residence visa for teaching activity, highly qualified and cultural, under the terms of Article 61(1)(c) of Law no. 23/2007, of 4 July, as amended.
- 7 - Visa applications may also be submitted by reputable entities duly accredited by the embassy, or using an external service provider.
- 8 - The criteria for accreditation of qualified entities referred to in the previous paragraph shall be established by an Order from the Government members responsible for the areas of foreign affairs and internal administration.
- 9 - The collection of biometric identifiers, where applicable, shall be carried out at the consular posts and consular sections of embassies referred to respectively in Article 3(2) and (5) and Article 67 of the Consular Regulations, approved in annex to Decree-Law no. 51/2021, of 15 June, except within the scope of external service providers.
- 10 - Upon request, the visa application may give rise to the affixing of a stamp to the applicant's passport stating the date, embassy, consular post or consular section where the visa application was lodged, except in the case of diplomatic or service passports.
- 11 - The model form provided for in paragraph 1 above shall also be available in electronic format on the website made available by the Ministry of Foreign Affairs.

Article 11
(Elements of the application)

The visa application, presented on the appropriate form, shall contain the following elements:

- a) Full identification of the applicant and, where the applicant holds a family or collective passport, of the spouse, dependant s or members of the group mentioned therein wishing to receive the visa, where applicable;
- b) The type, number, date and place of issue and validity of the travel document and the identification of the authority which issued it;
- c) The purpose of the stay;
- d) The length of stay;
- e) Name of the host person or company and contact person in the host company, where applicable;
- f) Planned place of accommodation, where applicable.

Article 12
(Documents to be submitted)

- 1 - Without prejudice to the specific documents required for each type of visa, applications shall be accompanied by the following documents:
 - a) Two recent, identical photographs, in colour with plain background, and in good conditions to identify the applicant ;
 - b) Passport or other valid travel document;
 - c) Criminal record certificate issued by the competent authority of the applicant's country of nationality or the country where he/she has been residing for more than one year, when temporary stay and residence visas are required;

- d) Application for consultation of the Portuguese criminal record by SEF, when temporary stay and residence visas are required;
 - e) Valid travel insurance to cover necessary expenses for medical reasons, including urgent medical assistance and possible repatriation;
 - f) Proof of the existence of means of subsistence, as defined by ordinance of the members of the Government responsible for the areas of internal administration and labour and social solidarity, taking into account the nature of the type of visa requested, without prejudice to the provisions of paragraph 4 of the following article;
 - g) Copy of the return ticket, except when a residence visa is requested.
- 2 - The document provided for in subparagraph (f) of the preceding paragraph may be dispensed with for holders of diplomatic passports and special or official duty passports.
 - 3 - Applicants for temporary stay or residence visas who are nationals of a State in which the CPLP Agreement is in force, as well as nationals of another State to which the special conditions of that Agreement are extended by international agreement, are exempt from submitting the documents provided for in paragraph 1(e), (f) and (g), under the terms foreseen in that Agreement, provided that they submit a statement of responsibility under the terms and for the purposes of the provisions of Article 12-A(2) and (3).
 - 4 - Diplomatic missions or consular posts may decide, on a case-by-case basis, to make an exception to the requirement of travel medical insurance for holders of diplomatic, service and other official passports, or when this may protect national interests in the field of foreign policy, development policy or other areas of relevant public interest, and it must be ensured, within 90 days of entering national territory, that adequate health insurance is taken out.
 - 5 - When the visa application concerns a minor under the exercise of parental responsibilities or an accompanied adult, the respective authorisation shall be presented.
 - 6 - When the visa application concerns a minor under the exercise of parental responsibility or an incapacitated person under guardianship, the respective authorisation must be presented.
 - 7 - Applicants who can prove that it is impossible to obtain travel insurance may be exempted from this requirement.

Article 12-A
(Means of subsistence)

- 1 - For the purposes of Article 12(1)(f), funds from grants, scholarships, contracts or promises of contracts of employment shall be taken into consideration.
- 2 - The proof of means of subsistence may be provided by means of a liability note signed by the entity hosting trainees or workers, as well as by the organisation responsible for student exchange or volunteer programmes.
- 3 - Proof of possession of means of subsistence may also be provided by means of a letter of sponsorship, signed by a Portuguese citizen or authorised foreign citizen, with a residence document in Portugal, which guarantees food and accommodation for the visa applicant, as well as the return of the costs of removal, in case of irregular stay.
- 4 - The application for a visa to seek work is accompanied by proof of the availability of financial resources, in the amount of at least three times the value of the minimum monthly salary guaranteed.
- 5 - In the case of a visa to seek work, the national who signs the statement of responsibility in accordance with paragraph 3 above shall also have the means of subsistence referred to in the previous paragraph.
- 6 - A visa applicant from a State where the CPLP Agreement is in force, as well as an applicant from another State to which the special conditions of that Agreement are extended by international agreement, is exempt from proving means of subsistence, provided that he/she submits a statement of responsibility under the terms of paragraphs 2 or 3 of this Article.
- 7 - When admitted to a higher education institution, the applicant for a residence visa, who is a national of a third State which official language is Portuguese, is exempt from having to prove means of subsistence.

Article 13
(Instruction of the application)

- 1 - The diplomatic or consular authority, when examining the application, shall:
 - a) Prove the identity of the applicant;
 - b) Verify whether the applicant is a person for whom an alert for return or refusal of entry and stay has been issued in the Schengen Information System;
 - c) Check the regularity, authenticity and validity of the travel document presented by the applicant, taking into account, in the latter case, that it must exceed, by at least three months, the limit date of the stay requested;
 - d) Check that the travel document allows the applicant to return to the country of origin or to enter a third country;
 - e) Check the existence and validity of the authorisation to leave or of the visa to return to the country of origin, when this formality is requested by the competent authorities;
 - f) Confirm that the travel document is recognised and valid for all the countries which are signatories to the Convention, except when the visa requested is valid exclusively for one or more Contracting Parties, in which case recognition by the competent authorities will suffice;
 - g) Confirm that the applicant's economic situation and the length of stay are appropriate to the cost and aims of the trip, and a liability note may be submitted;
 - h) In the exceptional situations referred to in Article 10(2), check the applicant's motives for submitting the application in a country other than the one in which he/she is habitually resident and that he/she is there regularly, consulting, if necessary, the relevant central authority beforehand;
 - i) Require the submission of any elements that may be necessary to clarify any doubts about the elements contained in the application, namely medico-legal expertise to prove the claimed family relationship;
 - j) Check if the applicant has been to Portugal in previous occasions and if in these occasions he/she did not exceed the authorized period of stay;
 - k) Issue a duly reasoned opinion;
 - l) Register the application in the national visa system, provided for in Article 39.
- 2 - The diplomatic or consular authority shall make the acceptance of the liability note provided for in subparagraph g) of the previous paragraph dependent upon proof of the subscriber's financial capacity.
- 3 - The competent consular authority may, at any stage of the procedure, require the presence of the applicant at the diplomatic mission or consular post with a view to gathering information of relevance to the assessment and decision of the application.
- 4 - In exceptional cases, and in particular for urgent humanitarian reasons or reasons of national interest, visas may be affixed to travel documents the period of validity of which is less than three months, provided that the period of validity exceeds that of the visa and that the guarantee of return is not compromised.

Article 14
(Compulsory opinion)

- 1 - Positive opinions in relation to residence visas, issued under the terms of article 53(1)(a) of Law no. 23/2007, of 4 July, as amended, include, whenever the date of travel is indicated in the application, the scheduling of the presentation at SEF of the interested party for the submission of the application for a residence permit.
- 2 - The scheduling foreseen in the previous paragraph must respect the validity period of the respective residence visa.
- 3 - The scheduling foreseen in the previous paragraphs shall be communicated to the interested party by the consular post when the residence visa is granted.
- 4 - The request for an opinion formulated under the terms of article 53(1)(b) of Law no. 23/2007, of 4 July, as amended, is duly founded.

- 5 - The time limit of 7 or 20 days for issuing the opinions provided for in Article 53(6) of Law no. 23/2007, of 4 July, republished in annex to Law no. 29/2012, of 9 August, shall be counted from the date of receipt of the request for an opinion submitted electronically.
- 6 - In diplomatic and consular representations where SEF liaison officers are posted, the prior opinion referred to in the previous paragraph shall be processed by them.

Article 15

(Preliminary rejection of the application)

The consular authority may refuse outright any application which is unidentified or which content is unintelligible.

Article 16

(Airport transit visas)

- 1 - The request for an airport transit visa must be accompanied by a copy of the ticket for the country of final destination, as well as proof that the passenger is in possession of the corresponding entry visa for that country, when required.
- 2 - [Repealed].

Article 17

(Short-stay visa)

- 1 - The application for a short-stay visa is accompanied by proof of the purpose and conditions of the intended stay.
- 2 - For the purposes of Article 51(2) of Law no. 23/2007, of 4 July, republished in annex to Law no. 29/2012, of 9 August, the short-stay visa may be issued for one, two or multiple entries, and the period of validity may not exceed five years.
- 3 - For the purposes of Article 51(3) of Law no. 23/2007, of 4 July, republished in annex to Law no. 29/2012, of 9 August, the multiple-entry short-stay visa is issued with a validity period of between six months and five years.

Article 17-A

1. (Short-stay visa for seasonal work)

- 1 - The application for a short-stay visa for seasonal work shall be accompanied by the following documents:
 - a) Contract or promise of an employment contract signed with a temporary work company or with an employer established in national territory, which identifies the place, time and type of work, duration, remuneration and paid holidays to which the worker is entitled;
 - b) Proof of work accident insurance provided by the employer;
 - c) Proof of health insurance or proof of adequate protection;
 - d) Rental contract or housing loan contract or liability note of the employer regarding the availability of housing with indication of its conditions, if the housing conditions are not included in the contract or in the employment contract promise;
 - e) When applicable, statement issued by a competent entity for the verification of requirements to exercise a profession that in Portugal is subject to special qualifications.
- 2 - For the purposes of checking the provisions of article 56-A(1)(e) and (f) of Law no. 23/2007, of 4 July, as amended, the IEFP, I. P. maintains an updated list of temporary work companies.

Article 18

(Temporary stay visas for medical treatment and for accompanying family members)

- 1 - The application for a temporary stay visa provided for in article 54(1)(a) of Law no. 23/2007, of 4 July, shall be accompanied by a medical report and proof issued by the official or officially recognized health establishment that the applicant has ensured hospitalisation or out-patient treatment.
- 2 - The application for a temporary stay visa provided for in article 54(1)(g) of Law no. 23/2007, of 4 July, shall be accompanied by proof of the family ties that justify the accompanying person.
- 3 - The visa applications provided for in the previous paragraphs shall also obey the provisions laid down in article 52 of Law no. 23/2007, of 4 July.
- 4 - (*Repealed.*)

Article 18-A

(Temporary stay visa to accompany an applicant for a temporary stay visa)

- 1 - The request for a temporary stay visa to accompany an applicant of a temporary stay visa foreseen in Article 54(1)(g) and (h) of Law no. 23/2007, of 4 July, as amended, is accompanied by:
 - a) Documentary evidence of the family relationship;
 - b) Proof of availability of stable and regular resources, sufficient for the needs of the temporary stay visa applicant and the accompanying family members, for the requested stay period, determined under the terms of Article 2(2) of Ministerial Order no. 1563/2007, of 11 December.
- 2 - For the purposes of the preceding paragraph, family members are considered to be those persons referred to in Article 99(1) and Article 100(1) of Law No. 23/2007, of 4 July, as amended.

Article 18-B

(Temporary stay visa for the exercise of professional activity remotely provided outside the national territory)

The request for a temporary stay visa for exercising a professional activity remotely, provided for in Article 54(1)(i) of Law no. 23/2007, of 4 July, as amended, is accompanied by:

- a) In situations of subordinate work, one of the following documents:
 - i. Employment contract;
 - ii. Promise of employment contract;
 - iii. Statement of the employer proving the employment relationship;
- b) In situations of independent professional activity, one of the following documents:
 - i. Memorandum of association;
 - ii. Service agreement;
 - iii. Written proposal for a service agreement;
 - iv. Document demonstrating services rendered to one or more entities;
- c) Proof of average monthly income earned from employment or self-employment in the last three months of at least the equivalent to four guaranteed minimum monthly remunerations;
- d) Document certifying the fiscal residence.

Article 19

(Temporary stay visas within the scope of the transfer of workers)

- 1 - The application for a temporary stay visa foreseen in article 55 of Law no. 23/2007, of 4 July, shall be accompanied by the documents which certify that the requirements foreseen in subparagraphs (a) and (b) of the same article are met.

- 2 - Where the establishment from which the applicant is being transferred is situated in the country in which the application is being made, the evidence may be issued by that same establishment.

Article 19-A

(Temporary stay visa for exercising a temporary independent professional activity)

The application for a temporary stay visa provided for in article 54(1)(c) of Law no. 23/2007, of 4 July, as amended, shall be accompanied by the following documents:

- e) Contract or promise of contract for the provision of services in the framework of a temporary independent professional activity;
- f) When applicable, statement issued by the entity competent for verifying the requisites for exercising the profession which, in Portugal, is subject to special qualifications.

Article 20

(Temporary stay visa for exercising a subordinate professional or independent activity of a temporary nature)

REPEALED

Article 21

(Temporary stay visa for research activity, teaching activity in higher education institution or highly qualified)

- 1 - The application for a temporary stay visa foreseen in article 57 of Law no. 23/2007, of 4 July, shall be accompanied by the documents which certify that the requirements foreseen in subparagraphs (a) and (b) of the same article are met.
- 2 - Research centres, higher education institutions, or other public or private entities, namely companies, that host highly qualified activities may send the documents referred to in the previous paragraph to the Ministry of Science, Technology, and Higher Education, which shall send them, or the corresponding information, preferably electronically, to the Ministry of Foreign Affairs, with a view to speeding up and facilitating the processing of the visa application.
- 3 - (Repealed).
- 4 - The opinion referred to in the previous paragraph shall be issued within 20 days, after which the absence of an opinion shall be considered as a favourable opinion.

Article 22

(Temporary stay visa for the exercise of amateur sports activity)

The application for a temporary stay visa provided for article 54(1)(e) of Law no. 23/2007, of 4 July, shall be accompanied by a document issued by the respective federation, confirming the exercise of the sporting activity, as well as by a liability note signed by the sports association or club, assuming responsibility for accommodation and for the payment of any healthcare and repatriation expenses.

Article 23

(Temporary stay visas in exceptional cases)

- 1 - The request for a temporary stay visa foreseen in article 54(1)(f) of Law no. 23/2007, of 4 July, shall be accompanied by proof of the exceptional situation, being relevant, for this purpose, the temporary stay of

- third country nationals who are covered by agreements, protocols or similar bilateral instruments, namely on holiday work, under the conditions and terms foreseen therein.
- 2 - For the purposes of Article 54(1)(f) of Law no. 23/2007, of 4 July, republished in annex to Law no. 29/2012, of 9 August, the visa for temporary stay to attend a study programme of a duration equal to or less than one year in an educational establishment, or within the framework of student exchanges of the same duration, is accompanied by:
 - a) Document issued by the educational establishment, proving the acceptance of the enrolment;
 - b) Statement attesting to having been fostered by a family under the conditions set out in Article 62 (6)(c) of Law no. 23/2007 of 4 July, as amended; or
 - c) Proof of accommodation.
 - 3 - For the purposes of article 54(1)(f) of Law no. 23/2007 of 4 July, republished in annex to Law no. 29/2012 of 9 August, the temporary stay visa for professional traineeship is accompanied by a document issued by a company or officially recognised professional training body attesting to the admission to the traineeship, the respective programme and, if necessary, the training contract and the programme schedule.
 - 4 - For the purposes of article 54(1)(f) of Law no. 23/2007, of 4 July, republished in annex to Law no. 29/2012, of 9 August, the temporary stay visa for volunteering obeys to proof of the minimum age established in an ordinance from the Government member responsible for the area of internal administration, and is accompanied by a document issued by the organization responsible in Portugal for the volunteer program, officially recognized, attesting to the admission.
 - 5 - For the purposes of article 54(1)(f) of Law no. 23/2007, of 4 July, the temporary stay visa in the scope of international commitments in the freedom to provide services is issued upon presentation of the following documents:
 - a) Service contract concluded between the foreign citizen and the final consumer;
 - b) Certificate of possession of the technical qualifications required to provide the service in question.

Article 23-A

(Temporary stay visa for seasonal work exceeding 90 days)

- 1 - For applications for temporary stays for seasonal work exceeding 90 days the provisions of article 17 -A are applicable.
- 2 - The presentation of a transport ticket ensuring return may be dispensed with.

Article 23-B

(Temporary stay visa to attend courses at an educational or vocational training establishment)

The request for a temporary stay visa to attend a course at an educational or vocational training establishment, provided for in Article 54(1)(k) of Law no. 23/2007, of 4 July, as amended, must be accompanied by the following documents:

- a) Document issued by an educational establishment or vocational training officially recognized that proves the admission of the applicant to a course of less than a year.
- b) Proof of means of subsistence and accommodation.

Article 23-C

(Visa to seek work)

- 1 - The request for a visa to seek work, foreseen in article 57-A of Law no. 23/2007, of 4 July, as amended, is accompanied by:
 - a) Statement indicating the conditions of the intended stay;

- b) Proof of submission of a declaration of interest for enrolment in the IEFP, I. P., presented online, in the appropriate place of the IEFP, I. P. website, identifying the academic qualifications and professional experience;
- 2 - The consular authority shall immediately notify the SEF and the IEFP, I. P., of the granting of the visas referred to in the previous paragraph.

Article 24
(Residence visa)

- 1 - The proof of possession of the necessary means of subsistence for the following purposes shall be defined by a decree of the members of the Government responsible for the areas of internal administration and labour and social solidarity:
 - c) Applications for residence visas for the purpose of carrying out a professional activity, study, unpaid work placement or voluntary work;
 - d) Visa applications made by retired foreign citizens;
 - e) Visa applications made by foreign citizens living from income from movable or immovable property or from intellectual property;
 - f) Visa applications made by foreign citizens who live off income from financial investments;
 - g) Visa applications made by foreign citizens in the capacity of ministers of religion, members of institutes of consecrated life or who professionally exercise a religious activity and that, as such, are certified by the church or religious community to which they belong, duly recognized under the terms of the Portuguese legal system.
- 2 - For the purposes of the provisions of subparagraph e) of the previous paragraph, the application must be accompanied by a statement of responsibility and a document certifying the applicant's status as a minister of religion or member of an institute of consecrated life, issued by the church or religious community to which the applicant belongs, duly recognized under the terms of the Portuguese legal system, together with the documents stipulated in article 62(8) or Article 59(5) of Law no. 23/2007 of 4 July, as amended, when the religious activity is performed on a voluntary basis or when the exercise of a subordinate professional activity is reviewed.

Article 24-A

(Temporary stay visa, visa to seek work and residence visa for nationals of Member States of the Community of Portuguese-Speaking Countries)

- 1 - The processes prepared under the terms of Article 12(3) give rise to the issue of a CPLP temporary stay visa, a visa to seek work or a CPLP residence visa, depending on the case.
- 2 - Such requests shall be rejected without further consideration unless the applicant is a person for whom an alert for return or an alert for refusal of entry and stay has been issued in the Schengen Information System.
- 3 - The consular authority shall immediately notify the SEF that the visas referred to in paragraph 1 have been issued.
- 4 - Except in cases where a stay in Portuguese territory constitutes danger or a serious threat to public order, national security or public health, the granting of a CPLP residence visa, as well as the granting of a visa to a national of another State to which the special conditions of that Agreement are extended by international agreement, grants to its holder the right to apply for a CPLP residence permit.
- 5 - CPLP visas shall have territorial validity limited to national territory and shall be printed on a sticker of a model to be approved by a decree of the members of the Government responsible for the areas of foreign affairs and internal administration.

Article 24-B

(Residence visa to accompany an applicant for a residence visa)

- 1 - The request for a visa to seek work, foreseen in article 57-A of Law no. 23/2007, of 4 July, as amended, is accompanied by:
 - a) Statement indicating the conditions of the intended stay;
 - b) Proof of submission of a declaration of interest for enrolment in the IEFP, I. P., presented online, in the appropriate place of the IEFP, I. P. website, identifying the academic qualifications and professional experience.
- 2 - For the purposes of the provisions of the previous paragraph, family members are considered to be those persons referred to in Article 99(1) and in Article 100(1) of Law No. 23/2007, of 4 July, as amended.
- 3 - For the purposes of the provisions of Article 65(4) of Law No. 23/2007, of 4 July, as amended, the articulation with the competent services of the Tax and Customs Authority, Social Security and the Directorate-General for Health for obtaining and attributing tax identification numbers, social security numbers and national health service numbers, is the responsibility of the entity competent for the decision granting the family reunion requests, which shall transmit them electronically to the visa holder as soon as they are known.

Article 25

(Bilateral simplification instruments)

REPEALED

Article 26

(Global indicative quota of employment opportunities)

REPEALED

Article 27

(Advertising of job offers)

- 1 - When submitted, the job offers mentioned in Article 59(4) of Law no. 23/2007, of 4 July, as amended, shall be advertised in a specific place on the IEFP, I. P. website, after the time of submission, duly identified and numbered, and shall also be accessible to third country nationals.
- 2 - *(Repealed.)*
- 3 - The embassies and consular posts access the information available on the IEFP, I. P. website, publicise the job offers in the appropriate place and disseminate them, through diplomatic channels, to the competent services of the third country.
- 4 - The dissemination of job offers may, at the request of the employer, be suspended, and they shall be removed after communication of its filling.

Article 28

(Applying for job offers)

- 1 - Third country nationals who wish to fill a job offer submit their application, preferably electronically, to the employer's own address.
- 2 - Employers send the selected work contract or promise of work contract to the foreign national.
- 3 - All the procedures referred to in the previous paragraphs shall be carried out by electronic communication, without prejudice to the use of other means of communication.

- 4 - If the job offer is filled, the employer shall inform the IEFP, I. P., for the purposes of paragraph 4 of the previous article.

Article 29
(Applicable procedure)

REPEALED

Article 30
(Residence visa for the exercise of subordinate professional activity)

- 1 - The application for a residence visa for the exercise of subordinate professional activity shall be accompanied by the following documents:
- a) Employment contract, promise of employment contract or individualised expression of interest;
 - b) *(Repealed.)*;
 - c) Proof that he/she is qualified to exercise the profession, when this is regulated in Portugal.
- 2 - *(Repealed.)*
- 3 - *(Repealed.)*

Article 31
(Residence visa for self-employed professionals or entrepreneurial immigrants)

- 1 - The application for a residence visa for the exercise of independent professional activity, included in the list of professions in force for the identification of IRS taxpayers, is accompanied by:
- a) Company contract or written contract or proposal for a contract for the provision of services;
 - b) When applicable, statement issued by the entity competent for verifying the requisites for exercising the profession which, in Portugal, is subject to special qualifications.
- 2 - The residence visa application for entrepreneurial immigrants who intend to invest in Portugal or have already done so is accompanied by:
- a) *(Repealed.)*
 - b) Evidence of having carried out investment transactions; or
 - c) Proof that it has available financial means in Portugal, including those obtained from a financial institution in Portugal, and of the intention to carry out an investment operation in Portuguese territory, duly described and identified; or
 - d) A statement from IAPMEI Agência para a Competitividade e Inovação, I. P. (Agency for Competitiveness and Innovation), proving the signing of an incubation contract with a certified incubator, under the terms of the applicable legislation.
- 3 - *(Repealed.)*

Article 31-A
(Residence visa for the exercise of professional activity remotely provided outside the national territory)

- 1 - The request for a residence visa for the exercise of a professional activity provided remotely, provided for in article 61-B of Law No. 23/2007, of 4 July, as amended, is accompanied by:
- a) In situations of subordinate work, one of the following documents:
 - i. Employment contract;
 - ii. Statement of the employer proving the employment relationship;
 - b) In situations of independent professional activity, one of the following documents:
 - i. Memorandum of association;

- ii. Service agreement;
 - iii. Document demonstrating services rendered to one or more entities;
 - c) Proof of average monthly income earned from employment or self-employment in the last three months of at least the equivalent to four guaranteed minimum monthly remunerations;
 - d) Document certifying the fiscal residence.
- 2 - When the applicant does not hold a residence visa for remote work, the procedure defined in paragraph 2 and following of articles 88 and 89 of Law No. 23/2007, of 4 July, as amended, shall apply, with the necessary adaptations.

Article 32

(Residence visa for teaching, highly qualified or cultural activity)

- 1 - The residence visa application provided for under article 61 of Law no. 23/2007, of 4 July, as amended, shall be accompanied by the documents that certify one of the requirements foreseen in paragraph 1 of the same article.
- 2 - (Repealed.)
- 3 - (Repealed.)
- 4 - (Repealed.)
- 5 - (Repealed.)

Article 32-A

(Residence visa for highly qualified activity exercised by a subordinate worker)

- 1 - The residence visa application foreseen in article 61-A of Law no. 23/2007, of 4 July, as amended, is accompanied by the documents which certify the fulfilment of the requirements foreseen in paragraph 1 of the same article.
- 2 - (Repealed.)
- 3 - (Repealed.)
- 4 - (Repealed.)

Article 33

(Residence visa for research, study, secondary education students exchange, traineeship and voluntary service)

- 1 - The application for a residence visa under the terms of article 62 of Law no. 23/2007, of 4 July, as amended, is accompanied by the documents which certify the fulfilment of the requirements foreseen in that article.
- 2 - (Repealed.)
- 3 - Applicants for residence visas for research activities or to attend higher education are exempt from presenting documents proving their admission in a research centre or higher education institution and proof of sufficient means of subsistence, whenever they are beneficiaries of study or research grants and inform the consular posts and the consular sections of embassies referred to, respectively, in Article 3(2) and (5) of the Consular Regulations, approved in annex to Decree-Law no. 51/2021, of 15 June, where the visa is presented.
- 4 - Applicants for residence visas for the purpose of attending higher, secondary or vocational education are exempt from presenting documents proving their admission to an institution of higher, secondary or vocational education and proof of sufficient means of subsistence when they are beneficiaries of scholarships awarded by Camões - Instituto da Cooperação e da Língua, I. P. (Institute for Cooperation and Language), and inform the consular posts and consular sections of embassies referred to, respectively, in Article 3(2) and (5) of the Consular Regulations, approved in annex to Decree-Law no. 51/2021, of 15 June, where the visa is presented.

- 5 - (Repealed.)
- 6 - The applicant of a residence visa for higher education purposes is exempt from presenting documents proving the payment of fees and means of subsistence when admitted in a higher education institution approved for the application of Law no. 23/2007, of 4 July, as amended, under the terms of article 91(5) of the same law.
- 7 - (Repealed.)
- 8 - The consular authority immediately notifies SEF of the granting of a residence visa to attend a higher education study programme, under the terms of Article 53(8) of Law no. 23/2007, of 4 July, as amended.

Article 34

(Residence visa within the scope of the mobility of students in higher education)

Repealed by Article 5 of Regulatory Decree No. 9/2018 - Official Gazette No. 175/2018, Series I of 11 September 2018, in force from 1 October 2018

Section II

Supplementary provisions

Article 35

(Compulsory prior opinion)

- 1 - For the purposes of issuing the compulsory SEF opinion foreseen in article 53(1) of Law no. 23/2007, of 4 July, republished in annex to Law no. 29/2012, of 9 August, the person in charge of the embassy, career consular post or consular section shall send the file duly completed, accompanied by the respective opinion on its admissibility, via the Ministry of Foreign Affairs, by electronic means.
- 2 - For the fulfilment of the provisions of Article 53(1), (2), (3) and (5) of Law no. 23/2007 of 4 July, republished in annex to Law no. 29/2012 of 9 August, the National Director of SEF is competent with the possibility of delegation.
- 3 - In diplomatic and consular representations where SEF liaison officers are posted, the prior opinion provided for in paragraph 1 above may be processed by them, under the terms of the order to be issued by the National Director of SEF.
- 4 - The prior consultation provided for in Article 53(4) of Law no. 23/2007, of 4 July, shall be carried out by the Ministry of Foreign Affairs, directly to the Security Intelligence Service, which shall also inform SEF, whenever the opinion is unfavourable to the admission of the foreign citizen into national territory.
- 5 - The implementation of the provisions of Article 53(1) of Law no. 23/2007 of 4 July, republished in annex to Law no. 29/2012 of 9 August, is ensured through the national visa system.

Article 36

(Granting of visas)

- 1 - Visas must be affixed to valid travel documents recognised by Portugal.
- 2 - The period of stay authorised by the visa shall be subject to compliance with the provisions of Article 13(1)(c), without prejudice to the provisions of paragraph 4 of the same Article.
- 3 - The validity of the visa granted to family members accompanying persons holding a temporary stay visa may not exceed the validity of the visa of the family member being accompanied.
- 4 - Embassies, consular sections and consular posts may, in exceptional cases, authorize the visa to be affixed on a separate sheet, which must always accompany the travel document.
- 5 - The granting of visas is the responsibility of the head of the embassy, consular section or consular post and, in his/her absences and impediments, of the respective legal substitute.

Article 37

(Time limit for issuing consular visas)

Consular visas shall be issued within a maximum period of 90 days after they have been granted and shall expire after this period if their issue is due to the non-appearance of the applicant.

Article 38

(List of visas issued and notification of visas issued without a mandatory opinion from the Immigration and Borders Service)

- 1 - Consular posts shall send the monthly list of cancelled stickers to the relevant departments of the Ministry of Foreign Affairs.
- 2 - The list referred to in the previous paragraph shall contain the name, nationality, type of visa, passport number and type, validity of the visa, period of stay and previous consultation.
- 3 - [Repealed].
- 4 - Previously unused stickers shall accompany the list referred to in paragraphs 1 and 2.
- 5 - When visas are granted, the career consular posts will communicate to SEF, electronically, the visas granted without the opinion of SEF or prior consultation, under the terms of Article 53(3) and (8) and of Article 52-A(1)(a) of Law no. 23/2007, of 4 July, as amended.
- 6 - The processes of visas granted without an opinion from SEF or prior consultation under the terms of the norms referred to in the previous paragraph must be sent to SEF, electronically, expressly mentioning the domicile indicated in national territory and, when applicable, the data concerning the signers of the statement of responsibility for the purposes of the provisions set forth in Article 12(6) of Law no. 23/2007, of 4 July, as amended.

Article 39

(National visa system)

In accordance with European Union regulations and internal legislation, SEF organises the national visa system within the framework of the European Visa Information System.

Article 40

(Residence visa waiver)

- 1 - Third country nationals resident in a Member State of the European Union and regularly employed in a company established in a Member State of the European Union who, while maintaining their employment relationship, travel to Portuguese territory to provide services, do not need a residence or temporary stay visa.
- 2 - The citizens referred to in the previous paragraph must, within three days after entering national territory, make the statement of entry at SEF, under the terms of article 14 of Law no. 23/2007, of 4 July.
- 3 - Upon presentation of proof of the circumstances mentioned in paragraph 1, SEF shall extend the stay under the terms of Article 71 of Law no. 23/2007 of 4 July, for the duration of the deployment.

Section III **Visas issued at border posts**

Article 41 (Short-stay visas)

- 1 - The granting of short-stay visas under the terms of article 67(1) of Law no. 23/2007, of 4 July, republished in annex to Law no. 29/2012, of 9 August, is subject to the verification, if possible attested by documentary evidence, of the unforeseen reasons which prevented the applicant from presenting himself/herself with the necessary visa.
- 2 - The issue of visas referred to in the previous paragraph consists of affixing a visa-type sticker in the applicant's travel document.

Article 42 (Special visa)

- 1 - The special visa foreseen in article 68 of Law no. 23/2007, of 4 July, is issued in a visa sticker, which is affixed in the respective travel document.
- 2 - If the citizen presents himself/herself without a valid travel document, the sticker referred to in the previous paragraph shall be affixed on a separate form.
- 3 - The special visa is valid for one entry into national territory, entitling its holder to a stay of up to 15 days.

CHAPTER III **Extension of stay**

Article 43 (Formulation and manner in which requests for an extension of stay are granted)

- 1 - Requests for an extension of stay are presented, at any SEF regional direction or delegation, using the appropriate form signed by the applicant or his/her legal representative or electronically, together with all necessary documentation, accompanied, if necessary, by two recent, identical photographs, in colour with a plain background, and in good identification conditions.
- 2 - When the applicant is a minor or incapable, the application shall be formulated and signed by the respective legal representative.
- 3 - SEF can refuse outright any application that is unintelligible in content, has not been presented in person or has not been signed by a legal representative in the case of a minor or incapacitated person.
- 4 - The extension of stay shall be granted in the form of a sticker of a model approved by ordinance from the Government member responsible for the area of internal administration.
- 5 - The flow of information resulting from requests for extension of stay shall be processed under the terms of Article 212(2) of Law no. 23/2007 of 4 July.
- 6 - The provisions of paragraph 1 do not exempt the applicant from collecting biometric data and having the SEF affix the respective sticker.

Article 44 (Documents required)

- 1 - Without prejudice to the specific documents required for each type of extension, the applications shall be accompanied by the following probative means:

- a) Passport or other valid travel document;
 - b) Proof of means of subsistence, given the nature of the type of extension requested;
 - c) Proof of accommodation;
 - d) Application for consultation of the Portuguese criminal record by SEF, whenever the requested stay is over 90 days;
 - e) Transport document ensuring the return, except in the situations foreseen in Article 54(1)(a) and (g) of the Law no. 23/2007 of 4 July, or whenever the requested stay exceeds 90 days;
 - f) When visiting family, proof of the respective relationship claimed.
- 2 - In duly proven and documented situations, the document requested in paragraph 1(e) may be replaced by proof of travel booking with indication of the return date.
- 3 - When applying for an extension of stay, documents which have already been integrated in SEF's electronic workflow and which are still valid, are not required to be submitted.
- 4 - Citizens under 16 years of age are exempt from adding criminal record information to the file.

Article 45

(Extension of stay)

- 1 - The extension of stay requested under the terms of article 56(4), article 71(1) and article 71-A of Law no. 23/2007, of 4 July, as amended, is granted provided that the conditions that allowed the foreign citizen to be admitted in national territory are maintained.
- 2 - In the case of new facts occurring after the regular entry into national territory, an extension of stay is granted, under the terms of article 71(3) of Law no. 23/2007, of 4 July, as amended, whenever compelling personal or professional reasons are invoked, and the request must be accompanied by the documents set forth in the previous article.
- 3 - (Repealed.)
- 4 - The extension of the duration of stay or of the validity of a Schengen visa is only allowed to persons who have benefited from a uniform visa, with a validity inferior to the limit provided for in the Convention implementing the Schengen Agreement, according to the nature of the visa and provided that the period of extension does not exceed 90 days in 180 days.
- 5 - (Repealed.)

Article 46

(Extension of stay in special cases)

- 1 - The stay requested under the terms of Article 72(3) of Law no. 23/2007, of 4 July, as amended, shall be extended whenever there are personal or humanitarian reasons.
- 2 - In cases where they do not already exist in the file, the request must be accompanied by the following elements:
 - a) Document proving the relationship;
 - b) Evidence of the justification invoked.

Article 47

(Extension of transit visas)

REPEALED

Article 48
(Extension of special visas)

- 1 - The application for an extension of stay submitted by a holder of a special visa shall be assessed taking into consideration the continued existence of the humanitarian reasons or reasons of national interest which justified the granting of the visa, as confirmed by the entity which issued the visa.
- 2 - The extension of the visa shall be granted in the travel document or on the form provided for in Article 42.

Article 49
(Extension of temporary stay visas)

- 1 - The request for extension of stay submitted by the holder of a temporary stay visa issued for the purpose of medical treatment shall be accompanied by proof that the applicant is still undergoing medical treatment and has secured hospitalisation, outpatient treatment or is enrolled on a waiting list or integrated management system for surgery.
- 2 - The request for an extension of stay submitted by the holder of a temporary stay visa issued within the scope of a business-to-business transfer must be accompanied by a document issued by the company located in national territory confirming that the conditions which led to the granting of the visa have been maintained.
- 3 - The request for extension of stay submitted by the holder of a temporary stay visa issued for the exercise of professional, subordinate or independent activity, provided in national territory or remotely to an individual or collective person with residence or registered office outside national territory, must be accompanied by:
 - a) Employment contract or statement from the employer confirming the continuity of the employment relationship; or
 - b) Partnership or service agreement for the exercise of a liberal profession, which, in the case of remote self-employment, may be replaced by a document demonstrating the services rendered to one or more entities, under the terms of Article 18-B(1)(b)(iv);
 - c) Health insurance or proof that they are covered by the National Health Service;
 - d) When applicable, information necessary to verify the registration with the tax authorities and the regularity of the social security contributions, obtained under the terms of Article 212(9) of Law no. 23/2007, of 4 July, as amended.
- 4 - The request for extension of stay submitted by the holder of a temporary stay visa issued for research or highly qualified activity must be accompanied by:
 - a) Employment contract or statement from the employer confirming the continuity of the employment relationship; or
 - b) Service provision contract or statement of the beneficiary of the service provision confirming the maintenance of the contractual link; or
 - c) Proof of holding a scientific research scholarship;
 - d) Health insurance or proof that they are covered by the National Health Service;
 - e) Information necessary to verify the registration with the tax authorities and the regularity of the social security contributions, obtained under the terms of Article 212(9) of Law no. 23/2007 of 4 July, when applicable.
- 5 - The application for extension of stay submitted by the holder of a temporary stay visa issued for amateur sports activity must be accompanied by a document issued by the respective federation confirming the exercise of the sports activity and a liability note signed by the sports association or club assuming responsibility for accommodation and for the payment of any healthcare and repatriation expenses.
- 6 - The request for extension of stay submitted by the holder of a temporary stay visa issued to attend a study programme of less than a year in an educational establishment, or in the context of a student exchange programme of the same duration, must be accompanied by:
 - a) Document issued by the educational establishment, proving enrolment and attendance;

- b) Statement proving the maintenance of foster care by a family, under the conditions set out in Article 62(5)(c) of Law no. 23/2007 of 4 July, republished in annex to Law no. 29/2012 of 9 August; or
 - c) Proof of accommodation.
- 7 - The request for extension of stay submitted by the holder of a temporary stay visa issued for a professional traineeship is accompanied by a document issued by a company, or an officially recognised vocational training body, certifying the attendance of the traineeship programme in accordance with the timetable defined therein.
 - 8 - The request for extension of stay submitted by the holder of a temporary stay visa issued for volunteering purposes obeys to proof of the minimum age established by an ordinance from the Government member responsible for the area of internal administration, and is accompanied by a document issued by the officially recognised organisation responsible in Portugal for the volunteering programme, which attests to the continuity of the programme, without exceeding one year.
 - 9 - The decision on requests for an extension of stay submitted by a holder of a temporary stay visa for the purposes of accompanying a citizen undergoing medical treatment is taken in line with that adopted for the accompanied citizen.
 - 10 - For the purposes of Article 72(1)(e) and (2) of Law no. 23/2007 of 4 July, republished in annex to Law no. 29/2012 of 9 August, the validity of the temporary stay visa, including the respective extension of stay, may not exceed one year.
 - 11 - The decision on the requests for extension of stay submitted by the holder of a visa accompanying a family member holding a temporary stay visa is taken in line with that adopted for the accompanied national.

Article 49-A

(Extension of the visa to seek work)

The request for an extension of stay submitted by a holder of a visa to seek work, in terms of Article 57-A(1)(c) of Law No. 23/2007, as amended, is accompanied by proof of registration with the IEFP, I. P., and a statement by the applicant indicating that the conditions of the foreseen stay have been maintained, being assessed taking into consideration the reasons for granting it.

Article 50

(Extension of a residence visa)

- 1 - The application for extension of stay from a residence visa holder shall be accompanied by proof of application for a residence permit or an EU Blue Card.
- 2 - The application must be accompanied by proof of residence on national territory, unless the reason for absence is an imperative need to remain temporarily in the country of origin.

CHAPTER IV

Residence permit and EU Blue Card.

Section I

General provisions

Article 51

(Formulation and processing of the application)

- 1 - The application for granting and renewal of a residence permit or EU Blue Card is formulated in a specific form and signed by the applicant or his/her legal representative and may be presented at any SEF regional directorate or delegation, which may forward it, after instruction and decision, to the regional directorate or delegation of the applicant's area of residence.
- 2 - The application may also be presented at the National Immigrant Support Centres (CNAI) where SEF officials are present.
- 3 - Applications which content is unintelligible, or which have not been signed by a legal representative, in the case of a minor or incapable person, are preliminarily dismissed.
- 4 - When applying for the granting or renewal of a residence permit or EU Blue Card, documents which are already integrated in the SEF's electronic workflow and which remain valid will not be required to be submitted.
- 5 - Requests submitted under the terms of paragraphs 1 and 2 of this Article shall always be notified electronically to ACIDI, I. P.
- 6 - The flow of information resulting from applications for granting and renewing residence permits and EU Blue Cards is processed under the terms of Article 212(2) of Law no. 23/2007 of 4 July, republished in annex to Law no. 29/2012 of 9 August.
- 7 - Applications for granting and renewal of a residence permit shall be accompanied by all documents required, and the applicant shall be notified immediately to submit any missing documents within 10 days, under penalty of being rejected.
- 8 - The biometric data necessary for the issue of the residence permit shall be collected at the time of submission of the applications and shall be deleted in case of refusal.
- 9 - Applications for renewal of residence permits and granting of a residence permit to holders of a residence visa may be submitted through an electronic platform, waiving the need to submit documents and collect biometric data already integrated in SEF's electronic workflow, without prejudice to the possibility of requesting their display at the time of visit to SEF.
- 10 - Within the scope of the administrative procedure for granting or renewing the residence permit, SEF proceeds to the document verification and to the necessary security consultations, and cannot require the applicant to attach documents already presented that are invalid due to the lapse of time, for reasons not attributable to the applicant.
- 11 - The competent authority for granting and renewing the residence permit is the regional director of SEF, with the possibility of delegation.

Article 51-A

(Residence permit for nationals of Member States of the Community of Portuguese-Speaking Countries)

- 1 - Applications for the granting and renewal of a residence permit submitted by nationals of Member States of the CPLP, as well as applications from nationals of another State to whom the special conditions of that Agreement are extended by international agreement, regardless of their purpose, shall be accompanied only by the documents referred to in Article 12(1)(a) to (d).
- 2 - In the cases provided for in the previous paragraph, for the purposes of issuing the residence permit, the competent services shall of their own motion consult the applicant's Portuguese criminal record, under the terms of Article 87-A(3) of Law No. 23/2007, of 4 July, as amended.

Article 52
(Jurisdiction)

REPEALED

Section II
Temporary residence permit

Article 53
(Application for a temporary residence permit or an EU Blue Card)

- 1 - In addition to the specific documents required according to the purpose of residence, the application for a residence permit or EU Blue Card submitted by an appropriate visa holder shall be accompanied by the following documents:
 - a) Passport or other valid travel document;
 - b) Proof of means of subsistence, under the terms defined by an ordinance from the Government members responsible for the areas of internal administration, employment and social solidarity;
 - c) Proof of accommodation, applicable to situations of temporary residence permit granting.
 - d) Documentary evidence of the family relationships, when justified;
 - e) Proof of professional certification, in the case of regulated professions, when applicable;
 - f) Request for consultation of the Portuguese criminal record by SEF.
- 2 - The application is also accompanied by the necessary information to verify the registration with the tax authorities and social security, when applicable, obtained under the terms of Article 212(9) of Law no. 23/2007 of 4 July.
- 3 - In case of doubt, additional proof of family relationship may be requested.
- 4 - The requests for granting a residence permit or EU Blue Card under the norms of Law no. 23/2007, of 4 July, republished in annex to Law no. 29/2012, of 9 August, which allow the concession of the permit with exemption of visa are accompanied by a certificate of criminal record issued by the competent authority of the applicant's country of nationality or the country where he/she has been residing for more than one year.
- 5 - Citizens under 16 years of age are exempt from adding criminal record information to the file.
- 6 - The refusal to grant a temporary residence permit or EU Blue Card on grounds of public health shall follow the procedures and rules set out in Article 77(3), (4) and (5) of Law no. 23/2007 of 4 July, republished as an annex to Law no. 29/2012 of 9 August.

Article 54
(Application for a residence permit for the exercise of subordinate professional activity)

- 1 - The application for a residence permit for the exercise of a subordinate professional activity presented by a holder of a residence visa for the same purpose must be accompanied by an employment contract entered into under the terms of the law.
- 2 - The request for exemption from the residence visa under the terms of article 88(2) of Law no. 23/2007, of 4 July, as amended, must be accompanied by the following documents:
 - a) Contract or promise of an employment contract signed under the terms of the law or document issued by any of the entities mentioned in article 88(2)(a) of Law no. 23/2007, of 4 of July, as amended, which proves the existence of the labour relationship;
 - b) Document proving the legal entry of the applicant in national territory;

- c) Information necessary to verify the registration with the tax authorities and, if applicable, the regularity of their social security contributions, obtained under the terms of Article 212(9) of Law no. 23/2007, of 4 July, as amended.
- 3 - (Repealed.)
- 4 - (Repealed.)
- 5 - The application for a residence permit for the exercise of subordinate professional activity submitted by a holder of a visa to seek work must be accompanied by the documents referred to in paragraph 1 of the previous article and by:
 - a) An employment contract concluded in accordance with the law;
 - b) Information necessary to verify registration with the tax authorities and social security.
- 6 - The request for concession of a residence permit for subordinate work by the holder of a residence permit for the exercise of independent professional activity under the terms of Article 89(3) of Law No. 23/2007, of 4 July, as amended, complies with the provisions of paragraph 1 of this article.
- 7 - The representatives of each immigrant community in the Council for Migration shall submit to the approval of the Council the list of associations that are relevant for the purposes set out in Article 88(2)(a) of Law no. 23/2007, of 4 July, as amended, which will remain in force during the period corresponding to the respective mandate.
- 8 - The application for a residence visa waiver may be presented simultaneously with the application for a residence permit for the exercise of a subordinate professional activity, in which case the applicant must attach all the documents required for the purpose.

Article 55

(Application for a residence permit for self-employment or entrepreneurial immigrants)

- 1 - The application for a residence permit for the exercise of independent professional activity under the terms of Article 89(1) of Law no. 23/2007, of 4 July, submitted by a holder of a residence visa for the same purpose must be accompanied by the following documents:
 - a) A partnership or service contract for the exercise of a liberal profession; or
 - b) Proof of statement of commencement of activity with the tax authorities and social security as a natural person;
 - c) When applicable, statement issued by the respective professional order on the verification of the registration requisites or document proving that he/she is qualified to exercise the profession when this, in Portugal, is subject to special qualifications.
- 2 - When applying for a residence visa waiver under the terms of article 89(2) of Law no. 23/2007, of 4 July, as amended, the applicant must attach to the residence permit request the application for a residence visa waiver and proof of legal entry into the national territory.
- 3 - (Repealed.)
- 4 - (Repealed.)
- 5 - The application for a residence permit for self-employment submitted by the holder of a residence permit to exercise a subordinate professional activity under the terms of Article 88(5) of Law no. 23/2007, of 4 July, republished in annex to Law no. 29/2012, of 9 August, shall comply with the provisions of this article.
- 6 - The application for a residence permit for the development of an entrepreneurial project or the creation of an innovative based company, provided for under article 89(4) of Law no. 23/2007, of 4 July, as amended, must be accompanied by a statement from IAPMEI Agência para a Competitividade e Inovação, I.P. (Agency for Competitiveness and Innovation), proving the signing of an incubation contract with a certified incubator, under the terms of the applicable legislation.

Article 56

(Application for a residence permit for teaching activity, highly qualified and cultural)

- 1 - The request for concession of a temporary residence permit or the EU Blue Card, foreseen respectively in articles 90 and 121-B of Law no. 23/2007, of 4 July, as amended, shall be accompanied by the documents which certify the fulfilment of any of the requirements foreseen in paragraphs 1 of those articles.
- 2 - (Repealed.)
- 3 - Research centres, higher education institutions or other public or private entities, namely companies, which host teaching activities, highly qualified and cultural, independent or subordinated, may send, preferably by electronic means, the documents referred to in paragraph 1 to SEF, with a view to speeding up the processing of the requests.
- 4 - The application for granting of a residence permit under the terms of this article may be submitted by the entities referred to in the previous paragraph, which does not exempt the presence of the applicant under the terms of article 51.

Article 57

(Application for a residence permit for study, research, training or volunteering)

- 1 - The application for a residence permit to study at a secondary or higher education institution or to attend level 4 or 5 courses of the National Qualifications Framework (QNQ) or vocational training courses provided by education or vocational training institutions must be accompanied by the following documents:
 - a) Proof of enrolment in an officially recognised educational or vocational training establishment;
 - b) Proof of payment of the fees required by the establishment, when applicable;
 - c) Health insurance or proof that they are covered by the National Health Service.
 - d) Proof of accommodation;
 - e) Proof of means of subsistence.
- 2 - The presentation of the documents provided for in paragraphs (a), (b), (c) and (e) of the previous paragraph is dispensed with, in cases where the applicant is the beneficiary of a scholarship awarded by Camões Instituto da Cooperação e da Língua, I. P. (Institute for Cooperation and Language), an entity that informs SEF, for the purposes of the residence permit.
- 3 - Higher education students are exempt from presenting the documents referred to in paragraph 1(b) and (e) whenever they have been admitted into a higher education institution approved under the terms of article 91(5) of Law no. 23/2007, of 4 of July, as amended.
- 4 - The application for a residence permit for professional traineeship must be accompanied by the following documents:
 - a) Training contract signed with an officially recognised company or vocational training body, under the terms of article 62(7) of Law no. 23/2007, of 4 of July, as amended.
 - b) Proof of means of subsistence;
 - c) Proof of accommodation;
 - d) Proof of health insurance or proof that you are covered by the National Health Service.
- 5 - The application for a residence permit to take part in a voluntary service programme must be accompanied by the following documents:
 - a) Copy of the contract signed between the applicant and the organization responsible for the volunteering program, with the elements mentioned in article 62(8)(a) of Law no. 23/2007, of 4 July, as amended;
 - b) Health insurance or proof that you are covered by the National Health Service.
 - c) Proof of civil liability insurance, when applicable.
- 6 - The application for a residence permit for research activity must be accompanied by the following documents:
 - a) Employment or service provision contract or research grant or hosting agreement with higher education institution or scientific research body;

- b) Evidence of subsistence means, when it does not result from the documents mentioned in the previous paragraph;
 - c) Registration with social security, in situations of employment contract or provision of services and, optionally, registration with voluntary social insurance.
- 7 - Researchers admitted to a research centre recognized under the terms of article 91-B(3) to (5) of Law no. 23/2007, of 4 July, as amended, shall be exempt from submitting the documents provided for in subparagraphs (b) and (c) of the previous paragraph.
- 8 - Higher education students who present proof of legal entry into national territory are not required to have a residence visa.
- 9 - Students in secondary, post-secondary or vocational education may be exempted, upon request, from having a residence visa, provided that they submit a document proving legal entry and stay in national territory.

Article 58

(Exercise of a professional activity by the holder of a residence permit for research, study, professional traineeship or volunteering)

- 1 - Holders of a residence permit for research, study, professional internship or volunteering may exercise a professional, subordinate or independent activity, complementary to the activity that originated the visa, for which purpose they may register with the Public Employment Service.
- 2 - *(Repealed.)*
- 3 - *(Repealed.)*
- 4 - *(Repealed.)*
- 5 - *(Repealed.)*

Article 58-A

(Mobility of students in higher education)

- 1 - The communication of mobility foreseen in article 91-A of Law no. 23/2007, of 4 July, as amended, must be accompanied by the following documents:
 - a) Valid passport;
 - b) Copy of the residence permit issued by the European Union Member State where you reside;
 - c) Proof of health insurance or proof that you are covered by the National Health Service;
 - d) Proof of means of subsistence;
 - e) Proof of admission to a higher education institution under a European Union mobility programme or under an agreement with the home higher education institution.
- 2 - If within 30 days of the communication referred to in the previous paragraph SEF does not communicate in writing its opposition under the terms of article 91-A(5) of Law no. 23/2007, of 4 July, as amended, a statement confirming the authorisation to remain in national territory for study purposes shall be immediately issued.
- 3 - To a student who is the holder of a statement issued under the terms of the present article, the provisions of the previous article shall apply with the necessary adaptations.
- 4 - A student in mobility who does not communicate it within the legal time limit will have his/her stay extended for successive periods of 90 days, by submitting the documentation referred to in paragraph 1.

Article 58-B

(Mobility of researchers)

- 1 - The residence permit application foreseen under article 91-C of Law no. 23/2007, of 4 July, as amended, must be accompanied by the documents foreseen under articles 53 and 54(4), being applicable the provisions of article 54(5).
- 2 - If within 30 days of the date of submission of the request referred to in the previous paragraph SEF does not communicate in writing its opposition under the terms of article 91-A(5) of Law no. 23/2007, of 4 July, as amended, a statement confirming the residence permit in national territory for the purposes of study or research shall be immediately issued.

Article 59

(Granting a residence permit to victims of human trafficking or citizens who have been the subject of an action to facilitate illegal immigration who cooperate with the authorities in the investigation)

- 1 - The public authorities, namely the judicial authority, the criminal police bodies competent for the investigation of crimes of human trafficking or action to aid illegal immigration, police authorities or associations that act within the scope of victim protection, must inform the foreign citizen, in writing, and inform SEF, of the possibility of benefiting from the granting of a residence permit under the terms of Law no. 23/2007, of 4 July.
- 2 - The communication to SEF, by the authorities responsible for the investigation, of the request for collaboration or of the manifestation of the will to collaborate with them initiates the reflection period provided for in article 111(1) of Law no. 23/2007, of 4 July, as long as there is evidence that the person in question is a victim of human trafficking or action to aid illegal immigration.
- 3 - During the minimum legal reflection period, the authority responsible for the criminal investigation shall issue an opinion on the fulfilment of the requirements foreseen in article 109(2)(a) to (c) of Law no. 23/2007, of 4 July, for the purposes of the beginning, by SEF, of the process of granting a residence permit or to extend the reflection period up to a maximum limit of 60 days, when these requirements have not yet been fulfilled.
- 4 - When the authority responsible for the investigation considers that the foreign citizen unequivocally demonstrates a will to collaborate in the investigation and considers that there is strong evidence that such cooperation is not fraudulent, nor that the victim's complaint is unfounded or fraudulent, it shall record this fact in the communication referred to in paragraph 2 of this provision for the purposes of immediately initiating the procedure for granting the residence permit and applying the measures provided for in Article 112 of Law no. 23/2007 of 4 July.

Article 60

(Applications for residence permits or EU Blue Cards from holders of long-term resident status or EU Blue Cards granted by a member state of the European Union)

- 1 - The application for a residence permit submitted by a holder of long-term resident status granted by a Member State of the European Union shall be accompanied by the following documents:
 - a) Passport or other valid travel document;
 - b) Evidence of possession of means of subsistence;
 - c) Proof of accommodation;
 - d) Employment, partnership or service contract; or
 - e) Proof of statement of commencement of activity with the tax authorities and social security as an individual; or

Article 61

(Application for a residence permit with exemption from the residence visa)

- 1 - The request for granting of a residence permit with exemption from the visa requirement under the terms of Article 122 of Law no. 23/2007, of 4 July, is accompanied by the following documents:
 - a) Passport or other valid travel document;
 - b) Proof of accommodation;
 - c) Evidence of subsistence means, under the terms to be defined in a joint ordinance from the Government members responsible for the areas of internal administration, labour and social solidarity;
 - d) Request for consultation of Portuguese criminal record by SEF;
 - e) Certificate of criminal record from the country of origin, except where applications are submitted under article 122(1)(b), (c), (d) and (j) of Law no. 23/2007, of 4 July.
- 2 - The application for a residence permit under the terms of article 122(1)(a) of Law no. 23/2007, of 4 July, republished in annex to Law no. 29/2012, of 9 August, is accompanied by a birth registration certificate of the minor and by a certificate of consular registration with photograph, with waiver of the documents foreseen in the previous paragraph.
- 3 - In situations where there is no Consular representation in Portugal, the registration referred to in the previous paragraph may be replaced by another means of proof, including a statement of honour signed by one of the parents.
- 4 - The application for a residence permit under the terms of Article 122(1)(b) of Law no. 23/2007 of 4 July, republished in annex to Law no. 29/2012 of 9 August, is also accompanied by the following documents:
 - a) Certificate of birth registration of the minor and consular registration certificate with photograph;
 - b) Proof of attendance at a pre-school, primary, secondary or vocational school.
- 5 - The application for a residence permit under the terms of article 122(1)(c) of Law no. 23/2007, of 4 July, is also accompanied by proof of the activity developed during the stay in national territory, namely the educational path.
- 6 - The application for a residence permit under the terms of Article 122(1)(d) of Law no. 23/2007, of 4 July, is also accompanied by the following documents:
 - a) Birth registration certificate;
 - b) Evidence of the activity developed during the stay in national territory, namely the educational path.
- 7 - The application for a residence permit under the terms of Article 122(1)(e) of Law no. 23/2007, of 4 July, is also accompanied by the following documents:
 - a) Certificate of decision granting guardianship of the minor; or
 - b) Original or certified copy of the decision of promotion and protection of the minor, issued by the Children and Youth Protection Commission.
- 8 - The application for a residence permit submitted by a foreign citizen covered by article 122(1)(f) of Law no. 23/2007, of 4 July, shall be submitted without the documents provided for in paragraph 1(a) and (e).
- 9 - The application for a residence permit under the terms of article 122(1)(g) of Law no. 23/2007, of 4 July, republished in annex to Law no. 29/2012, of 9 August, is also accompanied by a medical certificate issued by an official or officially recognised health establishment, proving a prolonged illness that prevents the applicant from returning to the country, in order to avoid any risk to the applicant's health.
- 10 - The application for a residence permit under the terms of article 122(1)(h) of Law no. 23/2007, of 4 July, is also accompanied by a document attesting to the completion of effective military service in the Portuguese Armed Forces.
- 11 - The application for a residence permit under the terms of point i) of no. 1 of article 122 of Law no. 23/2007, of 4 July, is also accompanied by a document proving the loss of Portuguese nationality or, in its absence, a statement on the circumstances that led to its loss, as well as a document proving the presence in national territory, namely the professional activity carried out by the applicant.

- 12 - The application for a residence permit under the terms of article 122(1)(j) of Law no. 23/2007, of 4 July, republished in annex to Law no. 29/2012, of 9 August, is also accompanied by a document proving the presence in national territory.
- 13 - The application for a residence permit under the terms of Article 122(1)(k) of Law No. 23/2007, of 4 July, as amended, is also accompanied by the following documents:
 - a) Birth certificate of the minor, except when it is already included in the minor's file;
 - b) Evidence of the effective exercise of the parental responsibilities and of the contribution to the child's support, namely through a declaration of the non-applicant parent, confirming the exercise of the parental responsibilities by the applicant parent.
- 14 - The application for a residence permit under the terms of Article 122(1)(l) of Law no. 23/2007 of 4 July, republished in annex to Law no. 29/2012 of 9 August, is also accompanied by the following documents:
 - a) Proof of accreditation in Portugal for a period of not less than three years;
 - b) Proof of the family relationship in the case of a spouse, ascendant or dependent descendant.
- 15 - The application for a residence permit under the terms of Article 122(1)(m) of Law no. 23/2007 of 4 July, republished in annex to Law no. 29/2012 of 9 August, is also accompanied by the following documents:
 - a) Copy of the report;
 - b) Statement issued by the Authority for Working Conditions or the judicial authority, confirming the collaboration of the applicant with the investigation and the existence of indicative evidence of the offences;
 - c) Statement issued by the Authority for Working Conditions attesting to the existence of a situation of social unprotection, wage and hour exploitation.
- 16 - The application for a residence permit under the terms of article 122(1)(n) of Law no. 23/2007, of 4 July, republished in annex to Law no. 29/2012, of 9 August, is also accompanied by a statement issued by the judicial authority from which the cessation of the need for collaboration is concluded, or by the certificate of the judicial sentence.
- 17 - The application for a residence permit under the terms of article 122(1)(o) of Law no. 23/2007, of 4 July, amended by Laws no. 29/2012, of 9 August, 56/2015, of 23 June, and 63/2015, of 30 June, is also accompanied by proof of completion of the study plan at secondary level or of the 1st cycle of higher education, and work contract or promise of work contract, service provision contract or statement of the commencement of self-employed activity issued by the Tax and Customs Authority (AT).
- 18 - The application for a residence permit under the terms of article 122(1)(p) of Law no. 23/2007, of 4 July, as amended, is also accompanied by proof of the conclusion of the study plan at the level of the 2nd and 3rd cycles of higher education or of the conclusion of the research project and a statement by the applicant that he/she intends to take advantage of the maximum period of one year to seek work in Portugal, compatible with his/her qualifications.
- 19 - The residence permit application in accordance with article 122(1)(q) of Law no. 23/2007, of 4 July, as amended by Laws no. 29/2012, of 9 August, 56/2015, of 23 June, and 63/2015, of 30 June, is also accompanied by an employment or service contract concerning research activity, teaching activity in a higher education institution or highly qualified, or proof that the foreign citizen fulfils the conditions provided for by article 18(2) of the Convention implementing the Schengen Agreement.
- 20 - The application for a residence permit under the terms of Article 122(1)(r) of Law no. 23/2007, of 4 July, amended by Laws 29/2012, of 9 August, 56/2015, of 23 June, and 63/2015, of 30 June, is also accompanied by the elements provided for in Article 65-A and following of this regulatory decree.
- 21 - The application for a residence permit, under the terms of Article 122(4) of Law no. 23/2007, of 4 July, as amended, may be made at the same time as the one referred to in paragraph 3 of this article and be accompanied by the following documents:
 - a) Birth certificate of the minor, unless it is included in the respective file;
 - b) Proof that the ascendant of the minor effectively exercises the parental responsibilities, namely through a statement of the non-applicant parent confirming the fact.
- 22 - The residence permit application, under the terms of Article 122(8) of Law No. 23/2007 of 4 July, as amended, is accompanied by:
 - a) Document proving the quality of the accompanying person or recognised informal caregiver;

- b) Certified true copy of the medical certificate issued by an official or officially recognised health establishment, proving the long term illness that prevents the applicant from returning to the country, in order to avoid risks to the applicant's health, in cases where it is not presented simultaneously with the applicant's request for authorisation under the terms of Article 122(1)(g) of Law No. 23/2007, of 4 July, as amended.
- 23 - The decision on the application for a residence permit under the terms of the provisions of Article 122(4) and (8) of Law No. 23/2007, of 4 July, as amended, is taken in line with that adopted in relation to the accompanied national.
- 24 - An application for a residence permit submitted by a foreign citizen whose long-term resident status or EU Blue Card has been withdrawn without a decision to leave national territory shall be accompanied by the documents referred to in paragraph 1.
- 25 - As long as no decision has been made on the application mentioned in the previous paragraph and if the applicant's authorised period of stay in national territory has expired, an extension of stay may be granted.
- 26 - The request for granting of a residence permit with visa exemption under the terms of article 122 of Law no. 23/2007, of 4 July, republished in annex to Law no. 29/2012, of 9 August, does not require the extension of the stay in national territory under the terms of articles 71 et seq. of the same law.
- 27 - For the purposes of paragraph 1(d), a residence permit with visa exemption shall only be granted to foreign citizens who have not been sentenced to a penalty or penalties which, in isolation or cumulatively, exceed one year's imprisonment, even if, in the case of a conviction for an intentional crime provided for in this law or related to it, or for a terrorist crime, violent crime, or particularly violent or highly organised crime, the respective execution has been suspended.

Article 62

(Granting of a residence permit under the exceptional regime)

- 1 - The unofficial procedure for granting a residence permit, triggered under article 123 of Law no. 23/2007, of 4 July, is governed, with the necessary adaptations, by the provisions of articles 54 et seq. of the Administrative Procedure Code and must be accompanied by the following probative means:
- a) Passport or other valid travel document or, still, in cases where it is proven impossible to obtain a passport, proof of identity of the foreign citizen;
 - b) Criminal record certificate issued by the competent authority of the applicant's country of nationality and the country where he/she has been residing for more than one year;
 - c) Application for search of the Portuguese criminal record by SEF, when there is evidence that the applicant has remained in national territory for more than one year in the last five years;
 - d) Evidence of the exceptional situation certifying the humanitarian character or the national interest of the request; or
 - e) Proof of relevant activity in the scientific, cultural, sporting, economic or social field.
- 2 - For the purposes of article 123(1)(b) of Law no. 23/2007, of 4 July, as amended, SEF must consider, weighed against the concrete circumstances of the case, as humanitarian reasons the insertion in the labour market for a period exceeding one year.

Article 62-A

(Special scheme for company relocations)

The application for a residence permit under Article 123-A of Law no. 23/2007, of 4 July, as amended, must be accompanied by the following documents:

- a) Updated commercial registration certificate;
- b) Employment or service provision contract or document proving the quality of company or corporate body member;

- c) Proof of social security affiliation;
- d) Residence permit from the country of origin;
- e) Criminal record certificate from the country of previous residence and authorisation to consult the Portuguese criminal record.

Article 62-B

(Intra-corporate transferees - "TDE-ICT Residence Permit")

- 1 - The application for a residence permit under Article 124-B of Law no. 23/2007, of 4 July, as amended, must be accompanied by the documents referred to in paragraph 1 of that Article, as well as by proof of legal entry into national territory.
- 2 - The documents provided for in article 124-B(1)(b), (c), (e), (h) and (i) of Law no. 23/2007, of 4 July, as amended, are dispensed with for workers transferred within a company certified in accordance with paragraph 3 of the same article.
- 3 - The provisions of the previous paragraphs are applicable to the holder of an ICT residence permit granted by another Member State of the European Union who applies for a residence permit for long-term mobility under the terms of article 124-E of Law no. 23/2007, of 4 July, as amended.

Article 63

(Application for renewal of temporary residence permit or EU Blue Card)

- 1 - The application for renewal of a temporary residence permit must be accompanied by the following documents:
 - a) Passport or other valid travel document;
 - b) Evidence of subsistence means, under the terms defined in the ordinance referred to in article 52(1)(d) of Law no. 23/2007, as amended;
 - c) Proof of accommodation;
 - d) Request for consultation of the Portuguese criminal record by SEF.
- 2 - The application for renewal of an EU Blue Card must be accompanied by the following documents:
 - a) Passport or other valid travel document;
 - b) Evidence of subsistence means, under the terms defined by the ordinance mentioned in article 52(1)(d) of Law no. 23/2007, of 4 July, republished in annex to Law no. 29/2012, of 9 August;
 - c) Employment contract or statement from the employer confirming the maintenance of the employment relationship or from another legally authorised entity;
 - d) Application for consultation of the Portuguese criminal record by SEF.
- 3 - The renewal requests referred to in the previous paragraphs are also accompanied by the necessary information for the verification of compliance with tax and social security obligations, obtained under the terms of article 212(9) of Law no. 23/2007, of 4 July, republished in annex to Law no. 29/2012, of 9 August.
- 4 - If there is a lack of information in the social security system for a reason not attributable to the worker and the worker proves that a complaint has been lodged with the competent authorities, additional steps may, if necessary, be taken and the residence permit renewed.
- 5 - The application for renewal of a residence permit issued for the exercise of a professional activity is also accompanied by the following documents:
 - a) Employment contract or statement from the employer confirming the maintenance of the employment relationship or from another legally authorised entity; or
 - b) Contract for the provision of services or request for verification of the IRS statement at the tax authorities, in order to certify the maintenance of the activity.
- 6 - The application for renewal of a residence permit issued for the exercise of teaching activity, highly qualified or cultural activity is also accompanied by an employment contract, a contract for the provision of services

- or a statement of the beneficiary of the service provision or cultural activity that attests to the maintenance of the contractual relationship.
- 7 - The application for renewal of the residence permit issued for study purposes is also accompanied by the following documents:
 - a) Document of enrolment in an educational establishment and proof of school activity;
 - b) Proof of payment of the fees required by the establishment, when applicable;
 - c) Health insurance or proof that you are covered by the National Health Service;
 - d) When authorised to work, the documents mentioned in paragraph 5(a);
 - e) Whenever applicable, a document attesting the attendance of a professional traineeship, even if it is of an extra-curricular nature, which is related to the higher education study plan pursued in national territory.
 - 8 - The presentation of the documents required in paragraph 1(b) and in paragraphs (a), (b) and (c) of the previous paragraph is dispensed with in cases where the applicant is the beneficiary of a scholarship awarded by the Instituto Português de Apoio ao Desenvolvimento, I.P. (Portuguese Institute for Development Support), an entity that informs SEF, for the purposes of the residence permit.
 - 9 - In the weighting of school activity referred to in paragraph 7(a), negative factors shall be taken into account, namely the voluntary withdrawal from any subject, unless motivated by an event for which he/she is not responsible, such as prolonged illness, accident, pregnancy or the fulfilment of legal obligations, and positive factors, namely the achievement of a pass mark or the transition from one year to another.
 - 10 - The application for renewal of a residence permit issued to an immigrant entrepreneur is accompanied by a statement from IAPMEI Agência para a Competitividade e Inovação, I. P., proving that the incubation contract with a certified incubator has been maintained, under the terms of the applicable legislation.
 - 11 - The application for renewal of a residence permit issued for the purpose of scientific research is accompanied by proof of holding a scientific research scholarship or a statement from the host entity confirming the continuation of the contractual link or of the scientific research activity.
 - 12 - The renewal of the residence permit due to alteration of the identification elements, theft, loss or deterioration does not determine the alteration of its validity period.
 - 13 - For the purposes set out in the previous paragraph, the resident foreign citizen must provide proof of the change in the identification elements.
 - 14 - Without prejudice to the provisions of articles 78 or 121-E of Law no. 23/2007, of 4 July, republished in annex to Law no. 29/2012, of 9 August, the right of residence does not expire before six months have passed since the expiration of the permit to be renewed.
 - 15 - The residence permit granted under the terms of article 122(1)(p) of Law no. 23/2007, of 4 July, amended by Laws no. 29/2012, of 9 August, 56/2015, of 23 June, and 63/2015, of 30 June, and paragraph 18 of article 61 of the present regulatory decree is only renewed if insertion in the labour market is confirmed, and the renewal process must also be accompanied by an employment contract, a contract for the provision of services or proof of enrolment in a professional association recognised by Portuguese law.
 - 16 - The application for renewal may be requested between 90 and 30 days before the expiry of the permit.

Section III **Permanent residence permit**

Article 64 (Application for a permanent residence permit)

- 1 - The application for a residence permit submitted by a holder of a temporary residence permit for at least five years shall be accompanied by the following documents:
 - a) Passport or other valid travel document;

- b) Evidence of subsistence means, under the terms to be defined in a joint ordinance from the Government members responsible for the areas of internal administration, labour and social solidarity;
 - c) Proof of accommodation;
 - d) Request for consultation of the Portuguese criminal record by SEF;
 - e) Qualifications certificate issued by a Portuguese official education institution or a private or cooperative education institution legally recognized in the terms of the law, certificate of success in the basic Portuguese course issued by the IEPF or by an official education institution or a private or cooperative education institution legally recognized, or also a certificate of knowledge of basic Portuguese by taking a test in an evaluation centre for Portuguese as a foreign language, recognized by the Ministry of Education.
- 2 - In relation to the documents mentioned in paragraph (e) of the previous paragraph, in the case of a person who has attended an official teaching establishment or private or cooperative teaching establishment recognized under the legal terms in a Portuguese speaking country, the knowledge of basic Portuguese may be proved through a qualification certificate issued by that teaching establishment.
 - 3 - SEF may dispense with the presentation of the documents mentioned in paragraph 1(e) and 2, at the reasoned request of the interested party, whenever there are no doubts as to the verification of the requirements that they were intended to prove.
 - 4 - The application is also accompanied by the necessary information for the verification of compliance with tax and social security obligations, obtained under the terms of article 212(9) of Law no. 23/2007, of 4 July.
 - 5 - Foreign citizens who are granted a permanent residence permit are issued a residence permit valid for five years, renewable for equal periods.

Section IV

Residence permit for investment activity

Article 65

(Application for renewal of permanent residence permit)

- 1 - The application for renewal of the permanent residence permit is accompanied by a request for consultation of the Portuguese criminal record by SEF.
- 2 - In exceptional circumstances, associated to doubts regarding the identity of the applicant or to the absence from national territory for long periods, SEF may require the presentation of a valid passport or its certified copy.
- 3 - If the application for renewal of the permit is submitted after its expiration date, the application must always be accompanied by proof of stay in the national territory or proof of the reasons for the absence.
- 4 - The provisions of paragraphs 12 and 13 of article 63 shall apply to the renewal of the permanent residence permit due to a change in the identification elements.
- 5 - The application for renewal may be requested between 90 and 30 days before the expiry of the permit.

Article 65-A

(Requirements relating to investment activity)

- 1 - For the purposes of the residence permit for investment activity, minimum quantitative investment requirements are considered to be the verification in the national territory of at least one of the situations set out in Article 3(1)(d) of Law no. 23/2007, of 4 July, as amended.
- 2 - The investment in real estate is considered fulfilled whenever the applicant proves to be the owner of the real estate, and may acquire it through a single shareholder limited company of which he/she is a partner or in joint ownership, provided that each joint owner invests the minimum required amount.

- 3 - (Repealed.)
- 4 - Applicants who make investments through the acquisition of immovable property may encumber such property in the part exceeding the minimum investment amount set forth in the law or grant it for rental or exploitation for commercial, industrial, agricultural or tourism purposes.
- 5 - In case of temporary impossibility of acquiring the ownership of the property, the applicant may present a promissory contract of purchase and sale, with a down payment equal to or higher than the minimum investment value set forth in the law.
- 6 - (Repealed.)
- 7 - The investments set forth in Article 3(d) of Law no. 23/2007, of 4 July, in its present wording, may be carried out individually or through a single shareholder limited company of which the applicant is a member.
- 8 - (Repealed.)
- 9 - The investments foreseen in Article 3(d)(ii) to (vi) of Law no. 23/2007, of 4 July, as amended, may be lower by 20%, when the activities are carried out in low density areas.
- 10 - For the purposes of the preceding paragraph, low density territories are deemed to be those at level iii of the Nomenclature of Territorial Units for Statistics (NUTS III) with fewer than 100 inhabitants per km² or a per capita Gross Domestic Product (G DP) of less than 75% of the national average, according to the official statistics produced by the National Institute of Statistics.
- 11 - (Repealed.)
- 12 - The investments must have been made at the time of submission of the application for a residence permit.
- 13 - Whenever investments are made through a single shareholder limited liability company, the applicant for the grant or renewal of the residence permit shall submit an updated certificate from the Commercial Registry proving that the applicant is the partner of the single shareholder limited liability company.
- 14 - Without prejudice to the verifications to be carried out ex officio, for the purposes of verification of the requirements foreseen in article 77(1)(b) of Law no. 23/2007, of 4 July, the applicant for an investment residence permit shall submit information regarding personal tax identification numbers, or equivalent, of his/her country of origin, residence or tax residence.

Article 65-B

(Minimum time requirement for investment activity)

The minimum time requirement of five years for maintaining the investment activity is counted from the date of granting the residence permit.

Article 65-C

(Minimum periods of stay)

For the purposes of renewing a residence permit, the applicant citizens referred to in Article 90-A of Law no. 23/2007, of 4 July, amended by Laws 29/2012, of 9 August, 56/2015, of 23 June, and 63/2015, of 30 June, must comply with the following minimum periods of stay:

- a) 7 days, consecutive or interpolated, in the 1st year;
- b) 14 days, consecutive or interpolated, in the subsequent two-year periods.

Article 65-D

(Means of proof of investment)

- 1 - To prove compliance with the requirement set forth in Article 3(d)(i) of Law no. 23/2007, of 4 July, as amended, the applicant shall submit:
 - a) A statement from a credit institution authorised or registered in Portugal with the Bank of Portugal, confirming the ownership, free of liens and charges, of deposit accounts with a

- balance equal to or greater than EUR 1.5 million, resulting from an international transfer, or a share in the same amount when collective accounts are involved; or
- b) In case of acquisition of Portuguese State public debt instruments, namely treasury bonds, savings certificates or treasury certificates, a certificate attesting the ownership, free of liens and charges, issued by Agência de Gestão de Tesouraria e Dívida Pública (Treasury and Public Debt Management Agency) - IGCP, E. P. E. (IGCP, E. P. E.), of instruments with a value equal to or greater than EUR 1.5 million; or
 - c) In the case of acquisition of book-entry securities, certificate proving its ownership, free of encumbrances and charges, issued by the respective registering entity under the terms and for the purposes of article 78(1) and (2) of the Portuguese Securities Code; or
 - d) In the case of acquisition of bearer securities deposited with a depository pursuant to Article 99 of the Portuguese Securities Code, a certificate of title, free of encumbrances and charges, issued by the depository; or
 - e) In case of acquisition of registered securities not integrated in a centralised system, a certificate of title, free of encumbrances and charges, issued by the respective issuer; or
 - f) In the case of acquisition of securitised securities integrated in a centralised system, a certificate of title, free of encumbrances and charges, issued by the financial intermediary with whom the respective account integrated in the centralised system is opened; or
 - g) In the case of the acquisition of a shareholding not covered in the previous subparagraphs, an updated certificate from the commercial registry, attesting to the ownership of the shareholding, and the contract through which the respective acquisition was made, indicating the acquisition value;
 - h) (Repealed.)
 - i) (Repealed.)
- 2 - To prove compliance with the requirement set out in Article 3(d)(ii) of Law no. 23/2007, of 4 July, as amended, the applicant must present the individual employment contracts signed with the workers.
- 3 - To prove compliance with the requirement set forth in Article 3(d)(iii) and (iv) of Law no. 23/2007, of 4 July, as amended, the applicant shall submit:
- a) Title deed or promise to purchase and sell the properties;
 - b) Statement from a credit institution authorised or registered in national territory with the Bank of Portugal, certifying the international transfer of capital for the acquisition of the property or for the payment, as a down payment on the promissory contract of purchase and sale, of an amount equal or higher than that legally required;
 - c) Updated certificate from the land registry office, with the registers, endorsements and entries in force, proving ownership of the property, free of encumbrances or charges, or a certificate from the land registry office showing the provisional registration of the valid purchase agreement, whenever legally feasible, with a down payment equal to or greater than the amount legally required;
 - d) Urban register of the property, whenever legally possible;
 - e) (Repealed.)
- 4 - To prove compliance with the requirement set forth in article 3(d)(iv) of Law no. 23/2007, of 4 July, as amended, the applicant shall also submit:
- a) (Repealed.)
 - b) (Repealed.)
 - c) (Repealed.)
 - d) (Repealed.)
 - e) Prior notice or licensing application to carry out the urban rehabilitation operation or a works contract to carry out rehabilitation works on the properties being acquired, signed with a legal entity duly authorised by the Instituto do Imobiliário e da Construção, I.P. (Institute for Public Markets, Real Estate and Construction); and
 - f) (Repealed.)
 - g) (Repealed.)

- 14 - The proof of the regularized tax and contributory situation is done through the presentation, by the applicant, of a negative statement of debt issued by the AT and Social Security or, in its impossibility, a statement of non-existence of registration with these entities.
- 15 - The applicant must submit a sworn statement attesting to the compliance with the minimum quantitative and time requirement of the investment activity in the national territory.
- 16 - The evidence and the statement referred to in the previous paragraphs shall be presented at the time of the application for granting of the residence permit, preceded by electronic registration in a platform for that purpose.
- 17 - The decision on the request falls under the competence of the National Director, upon proposal of the SEF Regional Director.
- 18 - SEF may request from competent national entities an opinion on the compliance with the legal requirements due to the investment.

Article 65-E

(Evidence of renewal of residence permit)

- 1 - For the renewal of the residence permit issued under article 90-A of Law no. 23/2007, of 4 July, as amended, the applicant must prove the maintenance of the investment in national territory through:
 - a) A statement from a credit institution authorised or registered in Portugal with the Bank of Portugal, confirming the ownership, free of liens and charges, of deposit accounts with an average quarterly balance equal to or above EUR 1.5 million, or a share in the same amount during such period when collective accounts are involved; or
 - b) In the case of acquisition of Portuguese State public debt instruments, certificate of IGCP, E. P. E., certifying the ownership, free of liens and charges, of debt instruments with an average quarterly balance equal to or higher than EUR 1.5 million; or
 - c) In the case of acquisition of book-entry securities, certificate proving its ownership, free of encumbrances and charges, issued by the respective registering entity under the terms and for the purposes of article 78(1) and (2) of the Securities Code; or
 - d) In the case of acquisition of bearer securities deposited with a depositary pursuant to Article 99 of the Portuguese Securities Code, a certificate of title, free of encumbrances and charges, issued by the depositary; or
 - e) In the case of acquisition of registered securities not integrated in a centralised system, a certificate of title, free of encumbrances and charges, issued by the respective issuer; or
 - f) In the case of acquisition of securitised securities integrated in a centralised system, a certificate of title, free of encumbrances and charges, issued by the financial intermediary with whom the respective account integrated in the centralised system is opened; or
 - g) In the case of the acquisition of a shareholding not covered in the previous subparagraphs, an updated certificate from the commercial register, attesting to the ownership of the shareholding and the contract through which the respective acquisition was made, with an indication of the acquisition value;
 - h) (Repealed.)
 - i) In case of application of amounts not foreseen in the statement issued under paragraph 15 of the preceding article, a statement of the credit institution authorised or registered in national territory with the Bank of Portugal, certifying the effective transfer of capital for the realisation of the investment.
- 2 - The applicant may also prove the maintenance of the investment foreseen in the preceding paragraph by proving the materialisation of any of the investments foreseen in Article 3(d)(ii) to (vii) of Law no. 23/2007, of 4 July, as amended, provided that the amount is equal or higher than EUR 1.5 million, being applicable, with the necessary adaptations, the provisions set out in the following paragraphs to this type of investment.

- 3 - In order to prove the maintenance of the investment foreseen in article 3(d)(ii) of Law no. 23/2007, of 4 July, as amended, SEF automatically verifies the maintenance of the minimum number of jobs required.
- 4 - To prove the maintenance of the investment foreseen in Article 3(d)(iii) and (iv) of Law no. 23/2007, of 4 July, as amended, the applicant shall submit:
 - a) Real estate ownership title and updated certificate from the land registry office, with the registers, endorsements and entries in force, proving ownership of the real estate property;
 - b) Updated land register of the property;
 - c) (Repealed.)
 - d) (Repealed.)
 - e) (Repealed.)
- 5 - In the first application for renewal of the residence permit the applicant may present a promissory contract of purchase and sale and, whenever legally admissible, a certificate from the land registry showing the provisional registry of acquisition of the valid promissory contract of purchase and sale, with a down payment equal or superior to the minimum legally required.
- 6 - To prove the maintenance of the investment set forth in article 3(d)(iv) of Law no. 23/2007, of 4 July, as amended, the applicant shall also submit:
 - a) In the case of works subject to licensing for the execution of reconstruction or alteration works on a building that constitute urban regeneration works, the permit, where applicable, the works contract signed for the execution of the property's regeneration works and, where applicable, the statement by the managing entity of the competent urban regeneration operation, attesting that the urban regeneration operation is under execution or fully executed; or
 - b) In the case of works subject to prior notification, statement of the managing entity of the competent urban rehabilitation operation, attesting that the urban rehabilitation operation is under execution or fully executed, and a works contract entered into for the execution of the property rehabilitation works;
 - c) In the case of a work that is not subject to licensing or advance notice, a works contract for the execution of rehabilitation works in the properties subject to the acquisition;
 - d) Receipt of payment of the price of the works contract, whenever possible. 7 (Repealed.)
- 7 - (Repealed.)
- 8 - (Repealed.)
- 9 - (Repealed.)
- 10 - In case of impossibility of full payment of the price of the work contract, for a reason not attributable to the applicant, the applicant must submit a statement from a credit institution authorized or registered in national territory at the Bank of Portugal, attesting the ownership of deposit accounts with an average quarterly balance equal to or greater than the price of the work contract, or a share in the same amount during such period, when collective accounts are involved.
- 11 - In case the applicant has made partial payment of the price of the work contract, the applicant must submit the respective receipt of partial discharge, as well as a statement from a credit institution authorized or registered in the national territory at the Bank of Portugal, attesting the ownership of deposit accounts with an average quarterly balance equal to or greater than the amount corresponding to the remainder of the price of the work contract, or a share in the same amount, during such period, when collective accounts are involved.
- 12 - To prove the maintenance of the investment set forth in Article 3(d)(v) of Law no. 23/2007, of 4 July, as amended, the applicant shall submit a statement issued by a public or private scientific research institution integrated in the national scientific and technological system, certifying that no supervening alterations, imputable to the applicant, have occurred that might have compromised the support granted.
- 13 - To prove the maintenance of the investment foreseen in Article 3(d)(vi) of Law no. 23/2007, of 4 July, as amended, the applicant shall submit:
 - a) Statement issued by the Office for Cultural Strategy, Planning and Evaluation, certifying that no supervening alterations have occurred, imputable to the applicant, that may have compromised the investment or support carried out or granted;

- b) Statement issued by the beneficiary entity, attesting the maintenance of the investment or support carried out or granted.
- 14 - To prove the maintenance of the investment set forth in Article 3(d)(vii) of Law no. 23/2007, of 4 July, as amended, the applicant shall submit:
- a) A certificate of ownership of the units, free of encumbrances and charges, issued by the entity responsible for keeping an up-to-date register of unit-holders, in accordance with the law, the respective management regulations or a contractual instrument;
 - b) Statement issued by the management company of the respective investment fund, attesting to the maintenance of the investment conditions.
- 15 - To prove the maintenance of the investment foreseen in Article 3(d)(viii) of Law no. 23/2007, of 4 July, as amended, the applicant must submit an updated certificate from the Commercial Registry, attesting the maintenance of the company incorporated or the ownership of the shareholding acquired, and SEF will automatically verify the maintenance of the minimum number of jobs required.
- 16 - SEF may request from competent national entities an opinion on the fulfilment of the legal requirements by reason of the investment.

Article 65-F

(Disclosure and submission of applications)

- 1 - The Ministry of Foreign Affairs and the Agência para o Investimento e Comércio Externo de Portugal, E.P.E. (Portuguese Agency for Investment and External Trade AICEP, E. P.E.), are responsible for disseminating the residence permit regime for investment activity and provide other entities with the necessary information with a view to pursuing this objective.
- 2 - Through its diplomatic, consular and commercial networks, the Ministry of Foreign Affairs and AICEP, E. P. E., promote, outside of the national territory, the dissemination of the residence permit regime for investment activity, in their respective areas of competence.
- 3 - Through a protocol between the Ministry of the Economy, the Ministry of Foreign Affairs and the SEF, information desks for investors may be opened at the premises of AICEP, E. P. E., or Turismo de Portugal, I. P.

Article 65-G

(Consular verification)

SEF, through the Ministry of Foreign Affairs, may consult the diplomatic and consular posts whenever, in assessing applications for granting or renewing residence permits for investment activities and related family reunion, it requires additional information about the evidence presented or about other specific objective elements of the application, which need to be verified in the country of origin or last habitual residence of the applicant.

Article 65-H

(Monitoring group)

- 1 - A monitoring group is created, consisting of the National director of SEF, the director-general of Consular Affairs and Portuguese Communities, the president of AICEP, E. P. E., a representative of the Government member responsible for the area of culture, and a representative of the Government member responsible for the areas of education and science.
- 2 - The monitoring group meets ordinarily once a month, when convened by any of its members.
- 3 - The members of the monitoring group referred to in paragraph 1 may designate representatives to replace them if they are prevented from attending or are absent.

- 4 - The monitoring group has the following competences within the special regime of residence permit for investment activity:
- a) To debate and present proposals for solutions or clarification of any doubts that may arise, and to this end may request the technical opinion or participation in its meetings of experts in the matters under discussion;
 - b) To discuss, coordinate and make proposals on internal and external dissemination activities of the scheme, with a view to attracting new investors;
 - c) To monitor the statistical evolution of the residence permit regime for investment activity and to present reports to the respective supervising authorities with a state of play and the proposals it deems appropriate.

Article 65-I
(Audit)

REPEALED

Article 65-J
(SEF procedures manual)

SEF draws up a manual of internal procedures relating to the processing of residence permits for investment activities, which is approved by the Government member responsible for the area of internal administration.

Article 65-K
(Granting of a permanent residence permit to holders of a residence permit for investment activity)

Citizens who hold a residence permit for investment activity and their family members, who meet the requirements foreseen in article 80 of Law no. 23/2007, of 4 July, as amended, and request the granting of a permanent residence permit, will be issued a residence permit for permanent investment activity, with an exception to the regime foreseen in article 85(2)(b), (3) and (4) of the same diploma.

Section V
Family reunification

Article 66
(Application)

- 1 - A citizen residing in national territory who wishes to benefit from the right to family reunion submits the respective application to the SEF regional directorate or delegation in the area of his/her residence, which must contain the identification of the applicant and the family members to whom the application relates.
- 2 - The application may also be submitted by a family member who has entered national territory legally and is dependent on or cohabiting with the holder of a valid residence permit.
- 3 - The provisions of the previous paragraphs are applicable to the holder of an EU Blue Card who wishes to benefit from the right to family reunification, under the terms of article 121-A(2) of Law no. 23/2007, of 4 July, republished in annex to Law no. 29/2012, of 9 August.

Article 67
(Instruction)

- 1 - The application for family reunification is accompanied by the following documents:
 - a) Duly authenticated evidence of the claimed family links;
 - b) Certified copies of the identification documents of the applicant's family members;
 - c) Proof of accommodation;
 - d) Evidence that he/she has sufficient means of subsistence to provide for his/her family needs, under the terms to be defined in a joint ordinance by the Government members responsible for the areas of internal administration, labour and social solidarity;
 - e) Application from the family member for consultation of the Portuguese criminal record by SEF, whenever he/she has remained in national territory for more than one year in the last five years;
 - f) Criminal record certificate issued by the competent authority of the family member's country of nationality and the country where he/she has been resident for more than one year.
- 2 - The application shall also be accompanied by the following documents:
 - a) Proof of incapacity of the adult child, in the case of dependent incapacitated adult children;
 - b) Certificate of the decision that decreed the adoption, accompanied by a certificate of the decision of the national authority which recognised it, where applicable;
 - c) Copy of full narrative birth certificate, proof of economic dependence and proof of enrolment at an educational establishment in Portugal, in the case of dependent adult children;
 - d) Evidence of economic dependence, in the case of a first-degree ascendant;
 - e) Certificate of the decision that decreed guardianship, accompanied by a certificate of the decision of the national authority that recognised it, where applicable, in the case of minor siblings;
 - f) Written authorisation from the non-resident parent authenticated by a Portuguese consular authority or a copy of the decision that attributes the legal trust of the minor child or the guardianship of the incapacitated to the resident or his/her spouse, when applicable;
 - g) Proof of the civil partnership, as provided for in article 2-A of Law no. 7/2001, of 11 May, amended by Law no. 23/2010, of 30 August, accompanied, whenever possible, by any indicative elements of the non-marital partnership that should be taken into account for the purposes of Article 104(2) of Law no. 23/2007 of 4 July, republished in annex to Law no. 29/2012 of 9 August.
- 3 - In the case of minors referred to in article 99(1)(b) and (f) of Law no. 23/2007, of 4 July, who have legally entered national territory, the applications may be accompanied, as an alternative to the documents referred to in the subparagraphs of the previous paragraph, by an original or certified copy of the decision of promotion and protection of the minor, issued by the Commission for the Protection of Children and Young People.
- 4 - In case of doubt, additional proof of parentage may be requested.

Article 68
(Notification of approval)

- 1 - The granting of the request formulated under the terms of article 98(1) and article 121-A(2) of Law no. 23/2007, of 4 July, republished in annex to Law no. 29/2012, of 9 August, is communicated to the Government member responsible for the area of foreign affairs, electronically, accompanied by a digitalised copy of the relevant procedural documents, and the applicants shall be granted a residence visa, except in the case of the verification of facts that, had they been known to the competent authority, would have prevented the recognition of the right to family reunification.

- 2 - The holder of the right to family reunion is notified of the decision of approval within 8 days, and is informed that his/her family members must go to the diplomatic mission or career consular post of the respective area of residence, within 90 days, in order to formalise the application for the issuing of a residence visa.
- 3 - Failure to submit the application for the issue of a residence visa in accordance with paragraph 2 shall result in the expiry of the decision recognising the right to family reunification.

Article 69

(Cancellation of the residence permit)

Without prejudice to the provisions set forth in article 108(7) and in article 121-A(2) of Law no. 23/2007, of 4 July, republished in annex to Law no. 29/2012, of 9 August, the cancellation of residence permits set forth in those articles shall operate regardless of any other process of another nature, provided that in the respective procedure evidence is produced that the marriage, partnership or adoption had the sole purpose of allowing the beneficiary of family reunion to enter and reside in the country.

Section VI

Residence permit

Article 70

(Nature and conditions of validity)

- 1 - The residence permit is individual and is the only identification document able to prove the quality of legal resident in Portuguese territory.
- 2 - The rules concerning civil identification shall apply to the residence permit, with the necessary adaptations.
- 3 - The residence permit will only be valid if its holder's signature appears on it, except if in the indicated place the issuing entity mentions that he/she does not know how to or cannot sign.
- 4 - The residence permit will be issued according to the uniform format and other conditions laid down in the Community regulations in force.

Article 71

(Consignment and external service)

- 1 - The residence permit may be sent to its holder by registered mail, subject to prior payment of the postage and delivery charges.
- 2 - The collection of the necessary elements for the issue of the residence permit may take place at the place where the applicant is, if he/she provides duly justified proof of illness that prevents him/her from going, by his/her own means, to the issuing services.
- 3 - An additional fee is payable for the external service, and the cost of transport is paid by the applicant.
- 4 - The personal collection of the residence permit at SEF is subject to payment of the respective fee increased by 50 %.

Article 72

(Complaints)

- 1 - If the claim of the interested party is accepted, based on an error made by the issuing services, a new residence permit will be issued.
- 2 - The issue provided for in the previous paragraph is free of charge, as long as the claim has been presented within 30 days counting from the date of delivery of the permit.

Article 73

(Second copy of the residence permit)

- 1 - A second copy of the residence permit may be requested in case of poor conservation status, loss or misplacement, destruction, theft or robbery, except if there is renewal, under the terms of articles 78 or 121-E of Law no. 23/2007, of 4 July, as amended.
- 2 - The request is accompanied by a statement of the reasons for the request and, in the case of loss, misplacement, destruction, theft or robbery, by a copy of the respective police authority report.
- 3 - The application must be accompanied, if necessary, by two photographs of the applicant, equal, passport type, in colour and plain background, updated and with good identification conditions and, in case of bad state of conservation, it must also be accompanied by the return of the initial permit.
- 4 - In case of doubt as to the identity of the applicant or the legitimacy of the request, the issue of the duplicate copy may be granted or refused after the provision of additional proof, which may be obtained under the terms of number 1 of article 212 of Law no. 23/2007, of 4 July.
- 5 - The request for a second copy of a residence permit due to loss, misplacement, destruction, theft or robbery determines the insertion of an indication of the object stolen, misappropriated or lost in the SEF's Integrated Information System and in the Schengen Information System and prevents its holder from using it if he/she recovers it.

CHAPTER V

Long-term resident status

Article 74

(Application for long-term resident status)

- 1 - The application for long-term resident status provided for in article 125(1) or 121-J(1) of Law no. 23/2007 of 4 July, republished as an annex to Law no. 29/2012 of 9 August, is formulated in a specific form approved by order of the national director of SEF and signed by the applicant or, in the case of minors or incapacitated persons, by their legal representative, to be presented in person at the SEF regional directorate or delegation in the area of residence of the interested party and accompanied by the following documents:
 - a) Valid travel document or a certified copy of it;
 - b) Document proving that it has stable and regular resources, in conformity with the provisions of article 126(1)(b) and (6) of Law no. 23/2007, of 4 of July;
 - c) Proof of accommodation;
 - d) Copy of the health insurance contract or proof that they are covered by the National Health System;
 - e) Request for consultation of the Portuguese criminal record by SEF;
 - f) Documentary evidence of the deployment, in the situations referred to in article 126(5) of Law no. 23/2007, of 4 of July;
 - g) When applicable, certificate of higher education qualifications issued by a Portuguese official education institution or a private or cooperative education institution legally recognised, certificate of successfully completed basic Portuguese course issued by the IEFP, I.P., or by an official education institution or a private or cooperative education institution legally recognised, or certificate of knowledge of basic Portuguese by passing a test in an assessment centre for Portuguese as a foreign language, recognised by the Ministry of Education and Science.
- 2 - The application is also accompanied by the necessary information for the verification of compliance with tax and social security obligations, obtained under the terms of article 212(9) of Law no. 23/2007, of 4 July.

- 3 - Foreign citizens who are granted long-term resident status are issued a residence permit under the terms of Articles 121-J or 130 of Law no. 23/2007 of 4 July, republished as an annex to Law no. 29/2012 of 9 August, which is valid for five years.

Article 75

(Application for renewal of long-term resident permit)

- 1 - The application for renewal of the long-term resident permit is accompanied by a request for consultation of the Portuguese criminal record by SEF.
- 2 - In exceptional circumstances, associated with doubts as to the identity of the applicant or the absence from national territory for long periods, SEF may require the presentation of a valid passport or a certified copy thereof, without prejudice to the provisions of Article 212(1) of Law no. 23/2007 of 4 July.
- 3 - If the application for renewal of the permit is submitted after its expiration date, the application must always be accompanied by proof of stay in the national territory or proof of the reasons for the absence.

Article 76

(Cancellation of long-term resident status)

- 1 - The decision to cancel long-term resident status shall be made in a specific process, to be instructed by SEF, whenever one of the situations mentioned in one of the subparagraphs of article 131(1) of Law no. 23/2007, of 4 July occurs.
- 2 - The provisions of the previous paragraph shall apply to the cancellation of long-term resident status of former holders of an EU Blue Card, with the adaptations contained in the final part of Article 121-I(5) of Law no. 23/2007 of 4 July, republished in annex to Law no. 29/2012 of 9 August.

Article 77

(Reacquisition of the status)

- 1 - Long-term residents who have lost the status of long-term resident due to absence from the national territory or the European Union may reacquire it, under the terms and conditions of article 131 of Law no. 23/2007, of 4 July, through a request, accompanied by the travel document and the following documents:
 - a) Proof of stable and regular means of subsistence;
 - b) Copy of the health insurance contract or proof that they are covered by the National Health System;
 - c) Proof of accommodation.
- 2 - An extension of stay may be granted until a decision is made on the request mentioned in the previous paragraph and if the applicant's authorised period of stay in national territory under a visa or under a visa exemption regime has expired.

Article 78

(Communication)

The granting of long-term resident status to a citizen who holds a residence permit or an EU Blue Card issued, respectively, under the terms of Articles 116 and 118 or 121-I of Law no. 23/2007, of 4 July, republished in annex to Law no. 29/2012, of 9 August, is communicated by SEF, preferably electronically, to the authorities of the Member State of the European Union which granted the long-term resident status or the EU Blue Card.

CHAPTER VI

Removal

Section I

General provisions

Article 79

(Identification of foreign citizens)

- 1 - When proceeding with the identification of a foreign citizen under Article 250 of the Criminal Procedure Code, the police authorities referred to in Article 146(7) of Law no. 23/2007 of 4 July, republished as an annex to Law no. 29/2012 of 9 August, must consult SEF in order to:
 - a) Prove the regularity of the citizen's documental situation;
 - b) Present the foreign citizen to SEF for the purposes of the application of Article 138 of Law no. 23/2007 of 4 July, republished in annex to Law no. 29/2012 of 9 August.
 - c) [Repealed].
- 2 - The notification referred to in Article 138(1) of Law no. 23/2007, of 4 July, republished in annex to Law no. 29/2012, of 9 August, and the request to the authorities referred to in the previous paragraph are the SEF authority agents.
- 3 - When proceeding with the identification of the foreign citizen under the terms of article 146(1) and (7) of Law no. 23/2007, of 4 July, republished in annex to Law no. 29/2012, of 9 August, or whenever the foreign citizen is detained for identification, under the terms of article 146(1) of the same law, this fact is always communicated to SEF for the purposes of compliance with paragraph 1(b) and paragraph 2 of this article.

Article 80

(Admission after receiving voluntary return support)

- 1 - Foreign citizens who benefit from voluntary return support foreseen in article 139 of Law no. 23/2007, of 4 July, must be informed of the obligations to which they are subject, by SEF or by the organisations with which cooperation programmes are established.
- 2 - If the beneficiary of voluntary return support intends to return to Portugal during the three-year period after leaving the country, he/she must apply to the diplomatic mission or consular post in the country of habitual residence or in the country of consular jurisdiction of the State of his/her residence.
- 3 - The diplomatic mission or consular post shall forward the application to SEF, which shall then ascertain and inform the interested party, by the same means, of the amount to be refunded and the conditions for refunding it, namely the number of the bank account to which the amount to be refunded should be transferred or deposited.
- 4 - The beneficiary sends to SEF a bank document proving the refund of the amount established for the purpose of elimination of the respective non-admission measure.
- 5 - Disposal takes place as soon as possible, but in any case not later than 30 days.
- 6 - SEF sends to the beneficiary a document proving that it has made the payment and that the measure of non-admission has been eliminated.

Article 81

(Decision to remove a long-term resident or an EU Blue Card holder from a Member State of the European Union)

- 1 - Before issuing an removal order against a long-term resident or an EU Blue Card holder granted by a Member State of the European Union, the competent authority for determining the removal shall ensure

that the competent authority of the respective Member State collects information relevant to the analysis of the case, in accordance with Article 136(1) and (2) of Law no. 23/2007 of 4 July republished as an annex to Law no. 29/2012 of 9 August, and also communicates the opening of the proceedings and of the intention to carry it out in the territory of that Member State.

- 2 - Once the decision to remove the person to the territory of the Member State that granted the long-term resident status or the EU Blue Card has been taken, SEF ensures that it is notified to the authorities of that Member State, as well as communicating the measures adopted in relation to its implementation.
- 3 - The collection of information and the communications foreseen in the previous paragraphs are carried out, preferably electronically, with the authorities of the Member State of the European Union which granted the long-term resident status or the EU Blue Card, through the contact point designated by the National Director of SEF.

Article 82

(Compliance with the Decision)

- 1 - Once the removal decision has been notified and after the period of time referred to in article 160(1) of Law no. 23/2007 of 4 July, republished as an annex to Law no. 29/2012 of 9 August, SEF shall proceed to execute it and take the citizen to the border.
- 2 - In the circumstances referred to in article 160(2) of Law no. 23/2007 of 4 July, republished in annex to Law no. 29/2012 of 9 August, SEF shall execute the removal decision as soon as possible and take the citizen to the border.
- 3 - The execution of the decision implies the registration of the national in the SEF's Integrated Information System and in the Schengen Information System for the purpose of refusing entry and stay.
- 4 - *(Repealed.)*
- 5 - If, after the notification referred to in paragraph 1, the foreign national does not leave the territory of the Member States of the European Union or of the States where the Convention implementing the Schengen Agreement is in force within the period provided for in paragraph 2, the enforcement of the decision shall also entail the registration of the foreign national in the SEF's Integrated Information System and in the Schengen Information System for the purpose of return, under the terms of Article 33-A of Law No. 7/2002 of 4 July, as amended, with a view to the arrest and transportation to the border or recognition of the decision to deport or remove the national.
- 6 - For the purposes of the provisions of article 151(4) and (5) of Law no. 23/2007, of 4 July, the competent authority shall communicate to SEF, at least 60 days in advance, the identification details of citizens who fulfil the requirements for anticipated deportation due to the expiry of the legal term for serving a prison sentence.

Section II

Mutual recognition of removal decisions

Article 83

(Procedure for recognition of removal decisions)

- 1 - Whenever SEF is aware of an removal decision taken by a competent administrative authority in another Member State of the European Union or in a state party to the Convention implementing the Schengen Agreement against a third -country national present on national territory, it will organize a process in which the competent authority in the other state will gather the documentation necessary to verify the elements foreseen in article 169 of Law no. 23/2007 of 4 July, namely the identification of the entity that issued the decision and its grounds and the enforceable nature of the measure, together with information on the regular or irregular situation of the citizen in national territory.

- 2 - Once the circumstances referred to in the previous paragraph have been verified in relation to the third-country national who is arrested and brought before the competent judge, under the terms of article 146 of Law no. 23/2007, of 4 July, republished in annex to Law no. 29/2012, of 9 August, the national director of SEF will issue a decision recognising the decision to remove, and the citizen will remain in the custody of SEF for transportation to the border, under the terms of article 171 of the same law.
- 3 - In all other cases, once the elements referred to in paragraph 1 have been gathered, the National director of SEF shall order the case to be sent to the competent court in order for a decision to be made on recognition by a judicial body, in accordance with the provisions of articles 152 to 158 of Law no. 23/2007, of 4 July, republished in annex to Law no. 29/2012, of 9 August.

Article 84

(Recognition decision)

- 1 - The provisions of Article 149(2) and (3) of Law no. 23/2007 of 4 July shall apply to the recognition decision issued under the terms of the previous article.
- 2 - The recognition decision is executed by SEF in the shortest possible time, by driving the citizen to the border.

Article 85

(National contact point)

SEF is the national contact point for the application of Decision No. 2004/191/EC, of the Council of the European Union, of 23 February, which defines the appropriate criteria and practical arrangements for the compensation of the financial imbalances that may result from Council Directive no. 2001/40/EC, of 28 May, transposed in articles 169 to 172 of Law no. 23/2007, of 4 July.

Article 86

(Requests for reimbursement to be submitted by SEF)

Where SEF, following a recognition decision under the terms of article 83, enforces an removal measure taken less than four years previously by another member state of the European Union or by a state party to the Convention implementing the Schengen Agreement, it shall submit a written request for reimbursement to the competent authority of the respective state, within a maximum period of one year from the date of enforcement of the removal decision, accompanied by documentary evidence of the costs of the removal operations.

Article 87

(Application for reimbursement submitted to SEF)

- 1 - SEF shall immediately inform the contact point of the respective Member State of the European Union or of a State party to the Convention implementing the Schengen Agreement of the receipt of an application for reimbursement addressed to it for the enforcement of an removal decision issued by a national competent authority.
- 2 - The assessment of the application for reimbursement shall take into account the date of the removal decision, the date of its enforcement and the nature of the costs submitted.
- 3 - SEF responds to the application for reimbursement within a maximum period of three months and, in case of refusal, with the reasons for it.
- 4 - The grounds for refusal are, in particular, as follows:
 - a) The enforcement of the removal decision has taken place more than four years after it was issued;
 - b) The application for reimbursement was submitted more than one year after the execution of the decision;

- c) The removal decision was issued before 28 February 2004;
 - d) The expenses submitted will not be considered eligible under the following article;
 - e) The application for reimbursement was not submitted in writing or was not accompanied by supporting documents relating to the eligible expenses.
- 5 - If the payment is accepted, SEF makes the payment within a maximum period of three months from the date of the reply to the application for reimbursement.

Article 88
(Eligible expenses)

- 1 - The application for reimbursement of the costs incurred in carrying out a removal measure recognised under national provisions transposing Council Directive no. 2001/40/EC of 28 May may cover the following costs:
- a) Transport costs, of the returnee and of the escort, related to the actual costs of airline tickets up to the amount of the official IATA tariff for the flight concerned at the time of the enforcement or to the actual costs of land transport by road or rail or sea on the basis of the tariff of a second-class boat or train ticket for the distance concerned at the time of the enforcement;
 - b) Administrative costs relating to the actual costs of issuing visas and other documents needed for the repatriation journey (laissezpasser);
 - c) Daily allowances of escorts in accordance with applicable national law and practice;
 - d) Accommodation costs for the escorts, relating to the actual costs of the stay of the escorts in a transit area of a third country and to the costs of the short stay strictly necessary for the accomplishment of their mission in the country of origin, which may not exceed two escorts per expelled foreign citizen, unless, on the basis of the assessment of the competent executing authority and in agreement with the competent authority of the issuing Member State, more escorts are required;
 - e) Accommodation costs for foreign citizens who are the subject of a removal order, relating to the actual costs of their stay in suitable accommodation, in accordance with national legislation or practice, up to a maximum stay of three months;
 - f) Healthcare costs related to the provision of medical treatment to the foreign citizen and to escort members in cases of emergency, including the necessary hospitalisation costs.
- 2 - Whenever it appears that the citizen's stay in appropriate premises may last longer than the three months foreseen in subparagraph (e) of the previous paragraph, SEF and the competent authority of the other State shall agree on the excess costs.
- 3 - Where appropriate, SEF and the competent authority of the other State shall consult each other with a view to agreeing on costs other than those referred to in paragraph 1 or on additional costs.

Section III
Support for removal by air during airport transit

Article 89
(Transit support charges)

- 1 - Following the provision of support measures requested by another Member State of the European Union from Portugal, SEF ascertains the amounts of charges to be borne by that Member State and, as soon as possible, informs the respective central authority accordingly, forwarding the relevant accounting documentation.

- 2 - The costs of support measures provided by another Member State following a request made by SEF will be borne by SEF in accordance with the applicable accounting rules and in a manner agreed with the central authority of the Member State in question.

CHAPTER VII

Fees and charges

Article 90

(Fees and charges)

- 1 - The fees and other charges to be levied for the administrative acts and procedures provided for in this Decree-Law shall be established by administrative ruling of the Government member responsible for the area of internal administration.
- 2 - The fees payable for residence permits for investment activity are those set out in the Annex to Ordinance no. 1334-E/2010 of 31 December, amended by Ordinance no. 305-A/2012 of 4 October.

CHAPTER VIII

Supplementary, transitional and final provisions

Article 91

(Transitional provision)

- 1 - For all legal purposes, holders of work visas, stay permits, temporary stay visas with authorisation to exercise a subordinate professional activity, extension of stay enabling the exercise of a subordinate professional activity and study visas granted under DecreeLaw no. 244/98, of 8 August, as amended by Law no. 97/99, of 26 July, by Decree-Law no. 4/2001, of 10 January, and by Decree-Law no. 34/2003, of 25 February, are deemed to have a residence permit. When these permits expire, they will be replaced by residence permits, and the provisions relating to the renewal of the temporary residence permit or the granting of the permanent residence permit will apply, depending on the cases, to the renewal of the temporary residence permit or the granting of the permanent residence permit.
- 2 - For the purposes of the provisions of Article 80(1)(a) of Law no. 23/2007, of 4 July, the legal permanence period under the permits mentioned in the previous paragraph shall be counted.
- 3 - The requests submitted by holders of valid certificates mentioned in paragraph 1, due to alteration of the identification elements, theft, loss or deterioration, shall determine the issue of a second copy of those certificates, with the same nature and validity period, until its expiration.
- 4 - Requests for extension formulated by holders of a temporary stay visa issued under the terms of article 38 (a) of Decree-Law no. 244/98, of 8 August, shall be decided according to the provisions of article 49(1), with the necessary adaptations.
- 5 - Requests for extension formulated by holders of temporary stay visas issued under the terms of article 38(b) of Decree-Law 244/98, of 8 August, to family members of foreign citizens holding a visa or extension of stay for medical treatment shall be decided in accordance with the provisions of article 49(6).
- 6 - Requests for extensions made by holders of temporary stay visas issued under the terms of Article 38(b) of Decree-Law 244/98, of 8 August, to family members of foreign citizens holding a work visa or a study visa shall be decided in accordance with the provisions of articles 99 et seq. of Law no. 23/2007, of 4 July, and article 67 of the present regulatory decree, with the necessary adaptations.
- 7 - Requests for extensions made by holders of temporary stay visas issued under the terms of Article 38(c) of Decree-Law 244/98 of 8 August to family members of foreign citizens holding a stay permit shall be decided

- in accordance with the provisions of Articles 99 et seq. of Law no. 23/2007 of 4 July and Article 67 of this Regulatory Decree, with the necessary adaptations.
- 8 - Requests for an extension made by holders of a work visa issued under article 36 of Decree-Law no. 244/98, of 8 August, shall be decided in accordance with the provisions of article 78 of Law no. 23/2007, of 4 July, and article 63 of the present regulatory decree, with the necessary adaptations.
 - 9 - Requests for extension from holders of study visas issued under Article 35(a) and (b) of Decree-Law no. 244/98, of 8 August, are decided according to article 78 of Law no. 23/2007, of 4 July, and in article 63 of the present regulatory decree, with the necessary adaptations and observing the provisions of article 95 of the above-mentioned law.
 - 10 - Requests for an extension formulated by holders of a study visa issued under the terms of article 35 (c) and (d) of Decree-Law no. 244/98, of 8 August, shall be decided in accordance with the provisions of article 78 of Law no. 23/2007, of 4 July, and article 63 of the present regulatory decree, with the necessary adaptations, and the provisions of article 93 of the above-mentioned law shall be observed.
 - 11 - Citizens who have held the permits referred to in the previous paragraphs for at least five years may be granted, depending on the case, a permanent residence permit, in accordance with the provisions of Article 80 of Law no. 23/2007 of 4 July, as well as Article 64 of the present regulatory decree, with the necessary adaptations.
 - 12 - Long-term resident status may be granted to citizens holding the permits mentioned in paragraphs 4 to 8 for a period of no less than five years, in accordance with the provisions of articles 125 et seq. of Law no. 23/2007, of 4 July, and article 74 of the present regulatory decree, with the necessary adaptations.
 - 13 - Under the terms of Article 217(8) of Law no. 23/2007 of 4 July, and for the purposes of obtaining the identification card provided for under Article 212(1) of the same law, SEF shall summon the holders of the permits issued under the previous legislation and proceed with their replacement according to a schedule approved by order of the Government member responsible for the area of internal administration.
 - 14 - Until the job opportunities quota provided for in Article 59 of Law no. 23/2007, of 4 July is determined, the IEFP shall adopt provisional measures to publish, via the Internet, all job vacancies not filled within 30 days by workers who enjoy preference under the terms of the law, and the procedures set out in Articles 20 and 27 to 29 of the present regulatory decree shall apply.
 - 15 - Within the limit of the job offers referred to in the previous paragraph, and provided that all other legal conditions are complied with, residence visas may be granted in order to obtain a residence permit to exercise a subordinate professional activity, under the terms of Article 30 of the present regulatory decree.
 - 16 - Foreign citizens who have registered for the purposes set forth in article 71 of Regulatory Decree no. 6/2004, of 26 April, and who, fulfilling the conditions set forth therein, have not had their process decided by the date on which the present regulatory decree enters into force, shall continue to be able to benefit, within the time limit fixed by article 217(4) of Law no. 23/2007, of 4 July, from the rights previously assured, applying, with the necessary adaptations, the provisions set forth in the present regulatory decree.

Article 92

(Monitoring and surveillance)

SEF and the Authority for Working Conditions shall establish the appropriate cooperation mechanisms to monitor and supervise the practices of issuing and carrying out promises of employment contracts or individualised expressions of interest, in order to guarantee the strict application of the system for admission of workers provided for in Article 59 of Law no. 23/2007, of 4 July.

Article 92-A

(Monitoring by the Alto Comissariado para as Migrações, I.P. (High Commission for Migrations))

The Alto Comissariado para as Migrações, I.P. may exercise functions of dialogue with current and potential immigrants in administrative procedures or outside them, without prejudice to the competences of other public

bodies, by counselling those immigrants, contacting other public and private entities, using electronic means, and preparing the relevant documentation.

Article 92-B

(Communication between public services and bodies)

Under the terms of the provisions of Article 124(5) and article 215 of Law No. 23/2007, of 4 July, as amended, the competent services also communicate to:

- a) Social security, the Tax and Customs Authority and SPMS – Serviços Partilhados do Ministério da Saúde, E.P.E. (Shared Services of the Ministry of Health), the assignment or alteration of the status of visa or residence permit entitling foreign nationals to work in national territory, namely for the purposes of assignment or maintenance of the right to social benefits and contributory framework;
- b) SEF and IEF, I. P., electronically, the visas to seek work granted.

Article 92-C

(Identification of foreigners)

- 1 - The collection and processing of photographs, facial images and dactyloscopy data for the purpose of identifying foreign nationals, nationals of Member States of the European Union, stateless persons and national nationals within the SEF's Integrated Information System shall be carried out under the terms and for the purposes provided for in national law and in the regulations applicable to the Schengen Information System, and in compliance with the minimum data quality standards and technical specifications set out in these instruments.
- 2 - The dactyloscopy data referred to in the previous paragraph shall relate to:
 - a) 10 flat fingerprints and 10 rolled fingerprints;
 - b) Two palm prints, when complete fingerprinting is impossible, or made for the purpose of crime prevention and investigation;
 - c) Two palm prints for third-country nationals who are required to return as a result of a criminal conviction or who have committed a criminal offence on the territory of the Member State which issues a return decision”.

Article 93

(Repealing standard)

Regulatory Decree no. 6/2004, of 26 April, is repealed.

Signature

Seen and approved by the Council of Ministers on 30 August 2007. - José Sócrates Carvalho Pinto de Sousa - Manuel Lobo Antunes - Manuel Pedro Cunha da Silva Pereira - Rui Carlos Pereira - Ana Paula Mendes Vitorino - José António Fonseca Vieira da Silva - José Mariano Rebelo Pires Gago.

Ratified on 18 October 2007. To be published.

The President of the Republic, Aníbal Cavaco Silva. Approved on 25 October 2007.

The Prime Minister, José Sócrates Carvalho Pinto de Sousa.

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Supplementary Information

The consolidated legislation hereby presented contains amendments from the following legal acts:

- a) Regulatory Decree no. 4/2022, of 30 September;
- b) Regulatory Decree no. 2/2013, of 18 March;
- c) Decree Law no. 31/2014 of 27 February;
- d) Regulatory Decree no. 15-A/2015, of 2 September;
- e) Regulatory Decree no. 9/2018, of 11 September;
- f) Law no. 71/2018, of 31 December.

Regulatory Decree No. 84/2007 (in Portuguese):

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