

Law No. 23/2007 Official Gazette No. 127/2007, Series I of 4 July 2007

Approves the legal regime for the entry, stay, exit and removal of foreign nationals from national territory

The Assembly of the Republic decrees the following, pursuant to article 161(c) of the Constitution:

CHAPTER I
General provisions

Article 1
(Object)

This law defines the conditions and procedures for the entry, stay, exit and removal of foreign nationals from Portuguese territory, as well as the status of long-term residents.

Article 2
(Transposition of directives)

- 1 - This law transposes into the domestic legal system the following European Union directives:
- a) Council Directive no. 2003/86/EC of 22 September on the right to family reunification;
 - b) Council Directive no. 2003/110/EC of 25 November on assistance in cases of transit for the purposes of removal by air;
 - c) Directive no. 2003/109/EC of 25 November concerning the status of third country nationals who are long-term residents;
 - d) Council Directive no. 2004/81/EC of 29 April on the residence permit issued to third country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities;
 - e) Council Directive no. 2004/82/EC of 29 April on the obligation of carriers to communicate passenger data;
 - f) Council Directive no. 2004/114/EC of 13 December on the conditions of admission of third country nationals for the purposes of studies, students exchange, unremunerated training or voluntary service;
 - g) Council Directive no. 2005/71/EC of 12 October on a specific procedure for admitting third country nationals for purposes of scientific research.
 - h) Directive no. 2008/115/EC of the European Parliament and of the Council of 16 December on common standards and procedures in Member States for returning illegally staying third country nationals;
 - i) Council Directive no. 2009/50/EC of 25 May on the conditions of entry and residence of third country nationals for the purposes of highly qualified employment;
 - j) Directive no. 2009/52/EC of the European Parliament and of the Council of 18 June providing for minimum standards on sanctions and measures against employers of illegally staying third country nationals;
 - k) Directive no. 2011/51/EU of the European Parliament and of the Council of 11 May, amending Council Directive no. 2003/109/EC to extend its scope to beneficiaries of international protection;
 - l) Directive no. 2011/98/EU of the European Parliament and of the Council of 13 December on a single application procedure for a single permit for third country nationals to reside and work in

- the territory of a member state and on a set of rights for third country workers legally residing in a member state.
- m) Directive no. 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third country nationals for the purpose of seasonal employment;
 - n) Directive no. 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third country nationals in the framework of intra-corporate transfers;
 - o) Directive no. 2016/801/EU of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third country nationals for the purposes of research, studies, training, volunteering, students exchange programmes, educational projects and au pair placements.
- 2 - At the same time, the transposition of the following Community acts into domestic law is being consolidated:
- a) Council Framework Decision of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence;
 - b) Council Directive no. 2001/40/EC of 28 May on the mutual recognition of decisions on the removal of third country nationals;
 - c) Council Directive no. 2001/51/EC of 28 June supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985;
 - d) Council Directive no. 2002/90/EC of 28 November defining the facilitation of unauthorised entry, transit and residence

Article 3 (Definitions)

- 1 - For the purposes of this law it is considered:
- a) "Highly qualified activity" means an activity requiring specialised technical skills of an exceptional nature or an appropriate qualification for the exercise;
 - b) "Independent professional activity" means any activity exercised personally, under a contract for the provision of services, relating to the exercise of a liberal profession or in the form of a company;
 - c) "Temporary professional activity" is that which is of a seasonal or non-lasting nature, not exceeding six months, except when such activity is exercised within the framework of an investment contract;
 - d) "Investment activity" means any activity conducted personally or through a company, which, as a rule, leads to the achievement of at least one of the following situations within the national territory and for a minimum period of five years:
 - i. Capital transfers equal or higher than 1.5 million euros;
 - ii. Creation of at least 10 jobs;
 - iii. Acquisition of immovable property with a value equal or higher than EUR 500,000;
 - iv. Acquisition of real estate, which construction has been concluded at least 30 years ago or located in an area of urban rehabilitation and execution of rehabilitation works on the acquired real estate, for a total amount equal or higher than EUR 350,000;
 - v. Capital transfers in an amount equal to or higher than EUR 500,000, to be applied in research activities developed by public or private scientific research institutions, integrated in the national scientific and technological system;
 - vi. Capital transfers in an amount equal or higher than EUR 250,000, to be applied in investment or support of artistic production, recovery or maintenance of the national cultural heritage, through services of the central and peripheral direct administration, public institutes, entities that integrate the public business sector, public foundations, private foundations with public utility status, intermunicipal entities, entities that

- integrate the local business sector, municipal associative entities and public cultural associations, which carry out attributions in the area of artistic production, recovery or maintenance of the national cultural heritage;
- vii. Capital transfers in an amount equal or higher than EUR 500,000, destined for the acquisition of participation units in investment funds or venture capital funds focused on the capitalisation of companies, which are incorporated under Portuguese law, have a maturity, at the time of the investment, of at least five years and at least 60% of the value of the investment is made in commercial companies based in national territory;
 - viii. Capital transfer in an amount equal or higher than EUR 500,000, intended for the incorporation of a commercial company with registered office in the national territory, combined with the creation of five permanent jobs, or for the reinforcement of the share capital of a commercial company with registered office in the national territory, already existing, with the creation or maintenance of jobs, with a minimum of five permanent jobs, and for a minimum period of three years;
- e) "EU Blue Card" means the residence permit entitling a third country national to reside and work in national territory in a highly qualified subordinate professional activity;
 - f) "Research Centre" means any type of public or private organisation or public or private research and development unit conducting research and officially recognised;
 - g) "Particularly exploitative working conditions" means working conditions, including those resulting from gender-based or other discrimination, which are manifestly disproportionate to those applicable to legally employed workers and which, for example, are likely to affect workers' health and safety or to be contrary to human dignity;
 - h) "Implementing Convention" means the Convention implementing the Schengen Agreement of 14 June 1985, signed at Schengen on 19 June 1990;
 - i) "Decision of forced removal" means an administrative act recording the illegal situation of a third country national and ordering his/her exit from national territory;
 - j) "Educational establishment" means an officially recognised educational establishment which study programmes are recognised and which participates in a students exchange regime or an educational project for the purposes of Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016;
 - k) "Third State" means any State which is not a member of the European Union and is not a party to the Convention or where the Convention is not being applied;
 - l) "Trainee" means a third country national holding a higher education diploma or pursuing a course of study in a third country leading to a higher education diploma who has been admitted to the national territory to follow an unremunerated on-the-job training programme in accordance with the applicable legislation;
 - m) "Student in higher education" means a third country national accepted by a higher education institution to follow as his/her main activity a full-time study programme leading to a recognised degree or diploma, certificate or doctorate, which may include a preparatory course for such studies or compulsory training as part of the study programme;
 - n) "Student in secondary education" means a third country national admitted to the national territory to follow a recognised course of study equivalent to levels 2 and 3 of the International Standard Classification of Education, in the context of a students exchange regime or by individual admission to an educational project run by a recognised educational establishment;
 - o) "External borders" means borders with third countries, airports for flights from or to the territories of the States not bound by the Convention and seaports, except for connections within Portugal and regular ferry connections between States parties to the Convention;
 - p) "Internal borders" means the common land borders with the States parties to the Convention, airports for flights exclusively and directly to or from the territories of the States parties to the Convention and seaports for regular ferry connections exclusively from or to other ports in the

- territories of the States parties to the Convention without calling at any ports outside those territories;
- q) "Researcher" means a third country national holding a doctorate or an appropriate higher education qualification giving access to doctorate programmes, who is admitted by a research centre or higher education institution to carry out a research project which normally requires the said qualification;
 - r) "Voluntary service regime" means a programme of activities of practical solidarity based on a regime recognised by the competent authorities or by the European Union, pursuing objectives of general interest, in a non-profit-making cause and which activities are unpaid, other than for the reimbursement of expenses and/or pocket money, including voluntary activities within the framework of the European Voluntary Service.
 - s) "International protection" means the recognition by a member state of a third country national or a stateless person with refugee or subsidiary protection status;
 - t) "High professional qualifications" means qualifications attested by a higher education degree or a minimum of five years' professional experience of a level comparable to higher education qualifications that is relevant in the profession or sector specified in the employment contract or promise of employment contract;
 - u) "Return" means the return of third country nationals to their country of origin or origin, following a removal decision or under Community or bilateral readmission agreements or other Conventions, or to another third country of their choice and in which they are accepted;
 - v) "Legal resident" means the foreign national holding a residence permit in Portugal, valid for one year or more;
 - w) "Company" means companies under civil or commercial law, including cooperative societies and other legal persons governed by public or private law, save for those which are non-profit-making;
 - x) "Residence permit" means the document issued according to the uniform rules and format in force in the European Union to a third country national holding a residence permit;
 - y) "Transit by air" means the passage of a third country national and, if necessary, his/her escort through airport facilities for the purposes of removal by air;
 - z) "Carrier" means any natural or legal person which occupation it is to provide passenger transport services by air, sea or land;
 - aa) "International area of the port or airport" is the area between the embarkation and disembarkation points and the location where the document control points of persons are installed;
 - bb) "Space equivalent to a temporary accommodation centre" is the space created in the international area of a Portuguese airport for the installation of passengers not admitted in national territory and awaiting re-embarkation;
 - cc) "Seasonal worker" means a third country national who resides mainly outside Portugal and stays legally and temporarily in the national territory to do seasonal work, under a fixed-term employment contract concluded directly with an employer established in Portugal;
 - dd) "Seasonal work" means an activity dependent on the seasons of the year, namely activity which is linked to a certain period of the year by a recurring event or a pattern of events associated with conditions of a seasonal nature, during which there is a significant increase in the workforce required for usual tasks;
 - ee) "Short-stay visa for seasonal work" means the visa issued under the terms of Article 51-A, in accordance with Article 2(2)(a) of the Community Visas Code, which authorises its holder to stay in national territory to carry out an activity dependent on the seasons of the year for a period of 90 days or less;
 - ff) "Long-stay visa for seasonal work" means the temporary stay visa issued under the terms of article 56-A authorising its holder to stay in national territory to carry out an activity dependent on the seasons of the year for a period of 90 days or less;

- gg)* "Intra-corporate transfer" means the temporary deployment of a third country national who is bound by an employment contract to a company established outside Portugal and resides there, to exercise a professional or training activity in a host company established in Portugal and belonging to the same company or group of companies, as well as the mobility of workers transferred from a host company established in another Member State to a host company established in Portugal;
- hh)* "Intra-corporate transferee" means a third country national residing outside national territory who requests an intra-corporate transfer under the terms of the previous subparagraph in one of the following capacities:
- i.* "Manager" means a worker with senior management status whose main function is the management of the host entity for intra corporate transfer, under the general supervision or guidance of the board of directors, its shareholders or equivalent body, and who exercises the management of the entity itself or of its departments or divisions, the supervision and control of the work of other workers with supervisory, technical or managerial functions, and administers staff;
 - ii.* "Expert" means a highly qualified worker, possibly registered as a member of a regulated profession, with specialised knowledge and appropriate professional experience essential to the specific fields of activity, techniques or management of the host entity;
 - iii.* "Trainee worker" means a holder of a higher education degree transferred to the host entity to progress in his/her career or to acquire training in business techniques or methods, remunerated during the transfer period;
- ij)* "Host company" means an entity established on national territory, in accordance with national law, to which the worker is transferred in the framework of an intra-corporate transfer;
- jj)* "Intra-corporate transferee residence permit" means the residence permit entitling its holder to reside and work in national territory, also called "ICT residence permit";
- kk)* "Long-term mobility residence permit" means the residence permit entitling the intra-corporate transferee by mobility conferred by another member state, to reside and work in national territory for a period exceeding 90 days, also called "mobile ICT residence permit";
- ll)* "Group of companies" means two or more companies recognised by national law as being linked by virtue of a corporate relationship of reciprocal holdings, control or group relationship between them, in accordance with Article 3(l) of Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014;
- mm)* "Volunteer" means a third country national admitted to the national territory to take part in a voluntary service regime;
- nn)* "Education Project" means the set of educational actions developed by an educational establishment, in cooperation with similar authorities of a third State, with the aim of sharing knowledge and cultures;
- oo)* "Research" means creative work undertaken on a systematic basis in order to increase the stock of knowledge, including knowledge of Man, culture and society, and the use of such knowledge to devise new applications;
- pp)* "Research centre" means a public or private organisation conducting research;
- qq)* "Host entity" means a research centre, higher education institution, educational establishment, organisation responsible for a voluntary service regime or entity hosting volunteers, located in national territory, to which the third country national is assigned in accordance with the present law, irrespective of its legal form or designation;
- rr)* "Higher education institution" means an officially recognized higher education institution which offers recognised higher education degrees or diplomas, from the first to the third cycle of higher education, whatever their denomination, or an officially recognized institution providing vocational education or training at tertiary level;
- ss)* "Employer" means the natural or legal person for whom or under whose direction or supervision the work is carried out;

- tt)* "Hosting agreement" means the contract or other document signed by the research centre or higher education institution and the researcher, in which the title, object or field of the research, the starting and ending date or expected duration and, if foreseeable, information about the possible mobility in other Member States of the European Union and, if the researcher remains illegally in the national territory, the obligation of the centre or institution to reimburse the State for the respective stay and removal expenses;
 - uu)* "Vocational training establishment" means an officially recognised public or private institution which training programmes are recognised.
- 2 - The amount or minimum quantitative requirement of the investment activities set out in subparagraphs (d)(ii) to (vi) of the previous paragraph may be lower by 20% when the activities are carried out in low density territories.
 - 3 - For the purposes of the previous 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 (GDP) of less than 75% of the national average.
 - 4 - Properties acquired under the terms set forth in paragraph 1(d)(iii) and (iv), which are intended for residential purposes, only allow access to this regime if they are located in the Autonomous Regions of the Azores and Madeira or in inland territories, identified in the Annex to Ordinance no. 208/2017, of 13 July.

Article 4 (Scope)

- 1 - The provisions of this law shall apply to foreign nationals and stateless persons.
- 2 - Without prejudice to its subsidiary application and express reference to the contrary, this law shall not apply to:
 - a)* Nationals of a Member State of the European Union, a State party to the European Economic Area or a third country with which the European Community has concluded an agreement on the free movement of persons;
 - b)* Third country nationals residing on national territory as refugees, beneficiaries of subsidiary protection under asylum regulations or beneficiaries of temporary protection;
 - c)* Third country nationals who are members of the family of a Portuguese citizen or of a foreign national covered by the previous subparagraphs.

Article 5 (Special regimes)

- 1 - The provisions of this law do not affect the special regimes contained in:
 - a)* Bilateral or multilateral agreements concluded between the European Community or the European Community and its Member States, on the one hand, and one or more third countries, on the other;
 - b)* International conventions to which Portugal is a party or is bound by, especially those concluded or to be concluded bilaterally with Portuguese-speaking countries or within the framework of the Community of Portuguese-Speaking Countries;
 - c)* Mobility agreements between Portugal and third countries;
 - d)* Protocols and memoranda of understanding concluded between Portugal and third countries.
- 2 - The provisions of this law shall not affect the obligations arising from the Convention Relating to the Status of Refugees, adopted in Geneva on 28 July 1951, as amended by the Additional Protocol to the Convention Relating to the Status of Refugees, adopted in New York on 31 January 1967, from international conventions on human rights and from international conventions on the extradition of persons to which Portugal is a party or is bound.

CHAPTER II

Entering and leaving the national territory

Section I

Border crossing

Article 6

(Border control)

- 1 - Entry into and exit from Portuguese territory shall take place at the border posts qualified for that purpose and during their respective opening hours, without prejudice to the provisions of the Convention.
- 2 - Individuals entering or leaving the national territory shall be subject to checks at border posts if they are coming from or going to States that are not parties to the Convention.
- 3 - The provisions of the previous paragraph shall also apply to individuals using an internal section of a flight to or from States that are not parties to the Convention.
- 4 - Border control may be carried out on board ships in navigation, at the request of the ship's captain or the ship's agent and on payment of a fee.
- 5 - Once the exit control of a ship or boat has been carried out, the Immigration and Borders Service, hereinafter referred to as SEF, will issue the respective exit document, the lack of which will constitute an impediment to the ship leaving the port.
- 6 - On grounds of public policy and national security, documentary control at internal borders may be reinstated exceptionally, for a limited period of time, after consultation with the other States party to the Schengen Agreement.

Article 7

(International area of the ports)

- 1 - The international area of the ports coincides in the area of jurisdiction of the port administration with the areas of fenced quay and in the areas of free quay with the embarkation and disembarkation points.
- 2 - The international area of the ports also includes the facilities of SEF.

Article 8

(Access to the international area of ports and airports)

1. Access to the international area of airports, during stopovers or transfers of international connections, by foreign nationals subject to the obligation of a stopover visa, under the terms of this law, shall be conditional upon their holding a visa.
2. Access to the international area of the port is restricted and subject to SEF authorisation.
3. Authorisations for access to the international area of the port may be granted by the person in charge of the maritime border post for certain purposes, such as visiting or providing services on board.
4. A fee is payable for the issue of permits to access the international area of the port and to board vessels.
5. At maritime border posts, shore permits may be granted to ship's crew and passengers for the duration of their stay in the port.
6. The licence allows the beneficiary to circulate within the port contiguous area and is granted by SEF upon application by shipping agents accompanied by a liability note.
7. Short-stay visas may be granted at maritime border posts, under the terms provided for in this law.

Section II General conditions of entry

Article 9

(Travel documents and documents replacing them)

- 1 - To enter or leave Portuguese territory, foreign nationals must hold a travel document recognised as valid.
- 2 - The validity of the travel document must be longer than the duration of the stay, except in the case of re-entry of a foreign national residing in the country.
- 3 - – The following foreign nationals may also enter or leave the country:
 - a) Those who are nationals of States with which Portugal has international conventions allowing them to enter with their identity card or equivalent document;
 - b) Those who are covered by the relevant conventions between the States Parties to the North Atlantic Treaty;
 - c) Those who are in possession of a laissez-passer issued by the authorities of the State of which they are nationals or the State representing them;
 - d) Those who hold a pilot's licence or a crew member certificate as provided for in Annexes 1 and 9 to the Convention on International Civil Aviation, or other documents in lieu thereof, while on duty;
 - e) Those who are holders of a seafarers' identity document as referred to in Convention 108 of the International Labour Organisation, while on duty;
 - f) Those who are nationals of States with which Portugal has international conventions allowing them to enter only with their seafarer's registration document while on duty.
- 4 - The laissez-passer provided for in subparagraph (c) of the previous paragraph is only valid for transit and, when issued in Portuguese territory, only allows for exit from the Country.
- 5 - Nationals of States with which Portugal has international conventions to this effect may also enter or leave the country with expired passports.
- 6 - Foreign nationals who have a laissez-passer or travel document for the forced removal or judicial removal of a third country national may also leave Portuguese territory.

Article 10

(Entry visa)

- 1 - In order to enter national territory, foreign nationals must also hold a valid visa appropriate to the purpose of the visit granted under the terms of this law or by the competent authorities of the States parties to the Convention.
- 2 - The visa entitles its holder to present himself/herself at a border post and request entry into the country.
- 3 - – The following may, however, enter the country without a visa:
 - a) Foreign nationals with a residence permit, extension of stay or with the identity card provided for in article 87(2), when valid;
 - b) Foreign nationals who benefit from this power under the terms of the special regimes contained in the instruments referred to in article 5, paragraph 1.
- 4 - The visa may be annulled by the issuing entity, in foreign territory, or by SEF, in national territory or at border posts, when its holder is the subject of an alert for the purpose of return or an alert for the purpose of refusing entry and stay in the Schengen Information System (SIS), in the SEF's Integrated Information System, or if he/she makes false statements in the visa application.
- 5 - SEF's annulment of visas under the terms of the previous paragraph must be immediately communicated to the issuing entity.
- 6 - The Alto Comissariado para as Migrações, I.P. (ACM, I. P. – High Commissioner for Migrations) and the Council for Migrations, hereinafter referred to as the Advisory Council, shall be informed electronically of the annulment decision, with indication of the respective grounds.

Article 11

(Means of subsistence)

- 1 - The entry into the Country of foreign nationals who do not have sufficient means of subsistence, either for the period of stay or for the journey to the country into which their admission is guaranteed, or who are not in a position to legally acquire such means, is not allowed.
- 2 - For the purposes of entry and stay, foreign nationals must have, in means of payment, per capita, the amounts fixed by order of the Ministers of Internal Administration and Labour and Social Solidarity, which may be waived for those who prove that their food and accommodation are guaranteed during their stay.
- 3 - The amounts fixed under the terms of the previous paragraph shall be updated automatically in accordance with the percentages of increase of the highest national minimum remuneration.

Article 12

(Liability note)

- 1 - For the purposes set forth in the previous article, the third country national may, as an alternative, submit a liability note signed by a national or foreign national who is authorised to legally reside in Portuguese territory.
- 2 - The acceptance of the liability note referred to in the previous paragraph depends on proof of the financial capacity of the respective subscriber and compulsorily includes the commitment to ensure:
 - a) The conditions of stay on national territory;
 - b) The reimbursement of removal costs in the event of an illegal stay.
- 3 - The provisions of the previous paragraph shall not exclude the liability of the entities referred to in Articles 198 and 198-A, provided that the respective assumptions have been verified.
- 4 - The liability note shall constitute an enforceable title for the obligation provided for in paragraph 2(b).
- 5 - The model of the liability note shall be approved by an order of the National Director of SEF.
- 6 - SEF shall ensure the implementation of a system of recording and archiving the liability notes presented, without prejudice to the applicable norms concerning the protection of personal data.

Article 13

(Purpose and conditions of stay)

Whenever deemed necessary to prove the purpose and conditions of stay, the border authority may require the foreign national to provide appropriate proof.

Section III

Declaration of entry and accommodation form

Article 14

(Declaration of entry)

- 1 - Foreign nationals entering the country through a border not subject to control, coming from another Member State, are obliged to declare that fact within three working days from the date of entry.
- 2 - The declaration of entry must be made to SEF, under the terms to be defined by an ordinance of the Minister of Internal Administration.
- 3 - The provisions of the previous paragraphs shall not apply to foreign nationals:
 - a) Residents or authorised to stay in the country for periods longer than six months;
 - b) Who, immediately after entering the country, settle in hotel establishments or other accommodation where the provisions of article 16(1) are applicable;
 - c) Who are covered by the Community regime or equivalent.

Article 15
(Accommodation Form)

- 1 - The purpose of the accommodation form is to allow the control of foreign nationals in the national territory.
- 2 - For each foreign national, including nationals of other Member States of the European Union, an accommodation form is filled in and signed personally, which model is approved by an ordinance of the Minister of Internal Administration.
- 3 - The completion and personal signature of the forms by both spouses and accompanying minors, as well as by all members of a travel group, is not compulsory; this obligation may be fulfilled by one of the spouses or by one member of the said group.
- 4 - In order to simplify the sending of accommodation forms, hotels and similar establishments must register with SEF as users of the Accommodation Form Information System, in order to be able to send the respective electronic communication in secure conditions.
- 5 - The forms and respective duplicates, as well as the substitute media referred to in the previous paragraph, shall be kept for a period of one year counting from the day following the date of communication of the exit.

Article 16
(Accommodation communication)

- 1 Companies operating hotels, complementary means of tourist accommodation or tourist complexes, as well as all those who provide, for consideration, accommodation to foreign nationals, are obliged to communicate it, within three working days, through an accommodation form, to SEF or, in localities where there is no SEF, to the National Republican Guard or the Public Security Police.
- 2 After the foreign national has left the accommodation, the fact must be communicated, within the same period of time, to the entities mentioned in the previous paragraph.
- 3 The accommodation forms produced under the terms of paragraph 4 of the previous article shall be transmitted in a secure manner, under the terms to be defined by an ordinance of the Minister of Internal Administration.

Section IV
Travel documents

Subsection I
Travel documents issued by the Portuguese authorities in favour of foreign nationals

Article 17
(Travel documents)

- 1 - The Portuguese authorities may issue the following travel documents to foreign nationals:
 - a) Passports for foreign nationals;
 - b) Travel document for refugees;
 - c) Laissez-passer;
 - d) Travel document for the forced removal or judicial removal of third country nationals;
 - e) Student travel list.
- 2 - Travel documents issued by the Portuguese authorities in favour of foreign nationals are not proof of the holder's nationality.

Article 18

(Passports for foreign nationals)

The granting of passports for foreign nationals is subject to the provisions of separate legislation.

Article 19

(Travel document for refugees)

- 1 - Foreign nationals residing in the country as refugees, under the terms of the law regulating the right of asylum, as well as refugees covered by the provisions of § 11 of the Annex to the Convention Relating to the Status of Refugees, adopted in Geneva on 28 July 1951, may obtain a travel document of the model to be approved by ordinance of the Minister of Internal Administration.
- 2 - The travel document for refugees is valid for a period of five years, subject to renewals linked to the possible renewal of the residence permit.
- 3 - The travel document for refugees allows its holder to enter and leave the national territory, as well as the territory of other States that recognise it for this purpose.
- 4 - (Repealed.)
- 5 - The refugee travel permit may include a single person or holder and children or adoptees under the age of 10.

Article 20

(Competence for granting the travel document for refugees)

The following are competent for granting the travel document for refugees and its extension:

- a)* On national territory, the Director-General of SEF, who may delegate;
- b)* Abroad, the Portuguese consular or diplomatic authorities, with SEF's favourable opinion.

Article 21

(Issue and control of the travel document for refugees)

1. The issue of the travel document for refugees is the responsibility of the entities competent to grant it.
2. SEF is responsible for the national control and registration of issued travel documents.

Article 22

(Conditions of validity of the travel document for refugees)

- 1 - The conditions of validity, characteristics and authenticity control of the travel document for refugees are subject to the rules provided for the Portuguese electronic passport.
- 2 - No amendments or erasures of any kind are allowed.
- 3 - The photographs to be used must be current, in colour, with a contrasting and smooth background and in good condition for identification.
- 4 - The photograph of the holder and the signature of the issuer of the travel document shall be authenticated by the affixing of an embossing stamp.
- 5 - The travel document shall be signed by the holder, unless the issuing entity affixes a statement in the indicated place that the holder is unable or doesn't know how to sign.

Article 23

(Application for a travel document for refugees)

- 1 - The application for a travel document shall be formulated by the applicant. 2 The application for a travel document for minors shall be formulated:
 - a) By either parent during the course of the marriage;
 - b) By the parent who exercises parental responsibilities, under the terms of a court decision;
 - c) By whoever, in the absence of the parents, exercises parental responsibilities under the terms of the law.
- 2 - In the case of individuals declared to be interdict or incapacitated, the request is formulated by whoever exercises guardianship or curatorship over them.
- 3 - The Director-General of SEF may, in justified cases, suppress the interventions provided for in paragraphs 2 and 3 by order.

Article 24

(Limitations on the use of the travel document for refugees)

A refugee who, using the travel document granted under the present law, has been in a country in respect of which he/she acquires any of the situations provided for in paragraphs 1 to 4 of section C of Article 1 of the Convention Relating to the Status of Refugees, adopted in Geneva on 28 July 1951, shall carry a travel document for that country.

Article 25

(Misuse of travel document for refugees)

- 1 - Refugee travel documents used in breach of the law are seized by the authorities to whom they are presented and forwarded to SEF.
- 2 - The acceptance of travel documents which identification details of the individuals mentioned are not in conformity may be refused.

Article 26

(Laissez-passer)

- 1 - Laissez-passer may be granted to foreign nationals who, not residing in the country, demonstrate impossibility or difficulty in leaving Portuguese territory.
- 2 - In exceptional cases, for reasons of national interest or to comply with international obligations, a laissez-passer may be issued to foreign nationals who, not residing in the country, prove the impossibility of obtaining another travel document.
- 3 - The issuing of laissez-passer with the exclusive purpose of allowing the exit from the country falls under the competence of the General-Director of SEF, with the faculty of delegation.
- 4 - The issuing of laissez-passer with the exclusive purpose of allowing entry into the country falls under the competence of the Portuguese embassies and consular career posts, upon favourable opinion from SEF.
- 5 - The model of the laissez-passer shall be approved by statutory instrument of the Minister of Internal Administration.

Article 27

(Travel document for the removal or expulsion of third country nationals)

- 1 - A third country national who is the subject of a forced removal or expulsion order and who does not possess a travel document is issued with a document to that effect.
- 2 - The document provided for in the previous paragraph is valid for a single journey.
- 3 - The model of the document is approved by an ordinance of the Minister of Internal Administration.

Subsection II

Travel documents issued by foreign authorities

Article 28

(Control of travel documents)

Non-resident foreign nationals holding travel documents issued in national territory by foreign diplomatic missions or consular posts must submit them, within three days of their date of issue, to SEF in order to be stamped.

Section V

Entry and exit of third country national students

Article 29

(Entry and stay of students residing in the European Union)

- 1 - Students who are nationals of third countries resident in the territory of the other Member States of the European Union may enter and stay temporarily on national territory without a visa when travelling on a school trip organised by an officially recognised educational establishment.
- 2 - For the purposes of the previous paragraph students must:
 - a) Be accompanied by a teacher from the educational establishment;
 - b) Be included in the list of students participating in the trip issued by the respective institution, which includes their identification, as well as the purpose and circumstances of the trip;
 - c) Hold of a valid travel document.
- 3 - The requirement set forth in subparagraph (c) of the previous paragraph shall be waived when the students are included in a list, duly authenticated by the competent authority of the Member State of origin, containing the following elements
 - a) Recent photographs of students;
 - b) Confirmation of their resident status;
 - c) Re-entry permit.

Article 30

(Exit of students resident in the country)

Students who are nationals of third countries residing in national territory may also go to other Member-States of the European Union, provided that the requirements of the previous article are met and SEF is responsible for the authentication of the list mentioned in this rule.

Section VI
Entry and exit of minors

Article 31

(Entry and exit of minors and vulnerable adults refused entry or refused exit)

- 1 - Without prejudice to forms of tourism or youth exchange, the competent authority must refuse entry into the country to foreign nationals under the age of 18 when they are unaccompanied by a person exercising parental responsibilities, or when there is no one on Portuguese territory duly authorised by their legal representative to take responsibility for their stay.
- 2 - Save for exceptional and duly justified cases, foreign minors shall not be allowed to enter Portuguese territory when the person exercising parental responsibilities or the person to whom they have been formally entrusted is not admitted into the country.
- 3 - If the foreign minor is not admitted into Portuguese territory, the person to whom he/she has been entrusted must also be refused entry.
- 4 - National minors or resident foreigners travelling unaccompanied by the person exercising parental responsibilities and not in possession of legally certified authorisation granted by that person, shall be refused exit from the Portuguese territory.
- 5 - Unaccompanied minors awaiting a decision on their admission to national territory or on their repatriation shall be granted all the material support and assistance necessary to meet their basic needs of food, hygiene, accommodation and medical care.
- 6 - Unaccompanied minors may only be returned to their country of origin or to a third country which is prepared to receive them if it is guaranteed that adequate reception and assistance will be provided on their arrival.

Article 31-A

(Alerts regarding the exit from the territory or impediments to travel)

- 1 - Those who have been forbidden to leave the national territory to travel or to leave the country, when such a restriction has been judicially decreed, shall be refused exit from the national territory. The judicial decisions and other legally required information should be sent to SEF as a matter of urgency, for the purposes of creating an alert for a travel prohibition in the SEF's Integrated Information System and, whenever determined by the Court, to the National SIRENE Bureau for the purpose of entering the alert for refusal of exit or travel into the SIS, applicable to the territory of the other Member States of the European Union and of the States where the Convention is in force, under the terms and for the purposes of Article 32 of Regulation (EU) 2018/1862, of the European Parliament and of the Council, of 28 November 2018.
- 2 - The alerts on travel prohibitions to be entered in the SIS cover, inter alia:
 - a) Missing adults, accompanied adults, convicted or compulsorily hospitalised persons and particularly vulnerable victims of crime, who are prevented from travelling for their own protection due to a clear and concrete risk of being removed from or of leaving their national territory or that of the Member States of the European Union or of the signatories to the implementing Convention;
 - b) Runaway or missing minors who are beneficiaries of a promotion and protection process, with or without an applied measure or with a tutelary educational measure of hospitalisation applied;
 - c) Minors who are in concrete and manifest risk of imminent abduction by a parent, relative or guardian and must be prevented from travelling, without prejudice to the provisions for cases of non-parental abduction in the Protocol of the Child Abduction Alert System created within the scope of the Resolution of the Assembly of the Republic no. 39/2008, of 11 July;
 - d) Minors who are at real and manifest risk of being removed from or leaving the national territory or the territory of the Member States of the European Union or of the signatories to the Convention and become victims of trafficking in human beings, forced marriage, female genital

mutilation or other forms of gender-based violence, terrorist offences or being involved in such offences or recruited or enlisted by armed groups or led to take an active part in hostilities.

- 3 - In the case of persons who are to be placed under protection or prevented from travelling for their own protection, when the alerts are issued by another Member State, the body executing the alert shall contact the judicial authority responsible within the territory immediately in order to decide on the measures to be taken in liaison with the National SIRENE bureau and the authorities of the issuing Member State, in accordance with the provisions of paragraphs 2 and 3 of Article 33 of Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018.
- 4 - In exceptional situations of manifest and well-founded urgency and where recourse to the competent judicial authority is not possible in due time, the alerts referred to in paragraphs 1 and 2 may also be issued by the competent criminal police or health authorities, which shall immediately communicate them to the territorially competent judicial authority for the purpose of judicial validation within a maximum of 48 hours for the alerts provided for in subparagraphs c), d) and e), paragraph 1 of Article 32. Of Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 and within 15 days for the alerts provided for in subparagraph a), paragraph 1 of Article 32 of that Regulation.
- 5 - The interdiction to leave the national territory concerning a minor, decreed within the scope of a parental responsibilities regulation process or the promotion of his/her protection, is in force until such time as the judicial decision is modified or as soon as he/she reaches the legal age.
- 6 - When it is not possible to ensure timely jurisdictional protection of minors in relation to their departure from national territory, the opposition to the exit may take place, exceptionally and as a warning, by means of a statement communicated to SEF, by those who invoke and prove, under the terms foreseen in the Civil Code, legitimacy in safeguarding the integrity and interests of the minor.
- 7 - The indication of opposition to the exit referred to in the previous paragraph shall be entered in SEF's Integrated Information System for a maximum period of 90 days if the interested parties obtain and send to SEF, within the first 30 days, a copy of the request for confirmation of the opposition within the scope of judicial proceedings, namely within civil tutelage or promotion and protection proceedings, so that it may assess the need for it in view of the interests of the minor, which is a condition for communicating the indication to the National SIRENE Bureau and for its entry in the SIS.
- 8 - The retention periods and the assessment of the need for the maintenance, extension or deletion of the indications referred to in this Article shall be in accordance with the specific provisions laid down by the respective judicial authority, considered in accordance with the applicable legislation and within the limits provided for in paragraphs 5 to 7 of Article 32 and Articles 53 and 55 of Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018.
- 9 - In the context of border control, the discovery of an alert issued by another Member State of the European Union concerning a travel prohibition shall result in the immediate execution of the consultation procedures and measures referred to in Article 33 of Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018, with reception and return being assisted, where relevant, by the appropriate bodies taking into account the best interests of the minor and the well-being of the persons concerned by the alert.

Section VII **Refusal of entry**

Article 32 (Refusal of entry)

- 1 - Entry into Portuguese territory is refused to foreign nationals who:
 - a) Do not meet the legal requirements for entry; or

- b) Are persons for whom an alert has been issued for the purposes of refusing entry into and stay in the SIS; or
 - c) Are listed for return or refusal of entry and stay in SEF's Integrated Information System;
 - d) Constitute a danger or serious threat to public policy, national security, public health or the international relations of Member States of the European Union or of States where the Convention is in force.
- 2 - Refusal of entry on public health grounds may be based only on the diseases defined in the relevant instruments of the World Health Organisation or on other infectious diseases or contagious parasitic diseases subject to protective measures within national territory.
- 3 - A third country national may be required to undergo a medical examination to certify that he/she does not suffer from any of the diseases mentioned in the previous paragraph, as well as to undergo appropriate medical measures.
- 4 - Entry shall also be refused if an alert for return purposes existing in the SIS is discovered, accompanied by an entry prohibition, and may be authorised, after supplementary information has been exchanged with the Member State issuing the alert and the alert has been deleted, when the third-country national demonstrates that he/she left the territory of the Member States of the European Union and of the States where the Convention Implementing the Schengen Agreement is in force, in compliance with the respective return decision and that the period of the entry and stay prohibition has been served.

Article 33

(Alert for refusal of entry and stay)

- 1 - Foreign nationals are indicated in the SEF's Integrated Information System for the purposes of refusing entry and stay:
- a) Those who have been subject to a decision of forced removal or judicial removal from the country;
 - b) Those who have been returned to another country under a readmission agreement;
 - c) Those for which there are strong indications that they have committed serious criminal offences;
 - d) Where there are strong indications that they intend to commit serious criminal offences or constitute a threat to public policy, national security or the international relations of a Member State of the European Union or of States where the Convention is in force;
 - e) Those who have been brought to the border pursuant to Article 147
- 2 - Beneficiaries of support for voluntary return under the terms of article 139 shall also be indicated in the SEF's Integrated Information System for the purposes of refusal of entry and stay, and the indication shall be eliminated in the case foreseen in paragraph 3 of that provision.
- 3 - Foreign nationals who have been sentenced by a final judgment to a penalty involving deprivation of liberty of at least one year, even if the sentence has not been served, or who have suffered more than one conviction for the same penalty, even if the sentence has been suspended, may be reported for the purposes of refusing entry and stay.
- 4 - *(Repealed.)*
- 5 - *(Repealed.)*
- 6 - *(Repealed.)*
- 7 - *(Repealed.)*

Article 33-A

(Alerts for return and for refusal of entry and stay)

- 1 - Executed removal or expulsion decisions, including, in the former case, those arising from active readmission to third states, deportation to the border under the terms of article 147 or support for voluntary return under the terms of article 139, shall immediately give rise to an alert for the purposes of refusal of entry and stay in the SEF's Integrated Information System and in the SIS and care must always be taken to record the date of its execution or fulfilment of the duty to return.

- 2 - For the purposes of the provisions of the previous paragraph, the period of prohibition of entry and stay determined in the decision of removal or expulsion shall be counted from the effective date of execution of the return, with the departure of the person concerned.
- 3 - In removal procedures for which a deadline for voluntary departure has been set in accordance with paragraph 1 of Article 160, the removal decision shall result in an alert being entered in the SIS for the purposes of return in the SIS, and any extension or suspension of the procedure, namely due to the lodging of a judicial appeal, that prevents its execution under the terms of this law, shall be noted.
- 4 - In the situations foreseen in the previous paragraph, when the exit is proven by the returnee, when SEF becomes aware of it by any means or as a result of its communication by another Member State of the European Union or a State where the Convention is in force, the alert for the purposes of return is suppressed and, if the removal decision is accompanied by a prohibition of entry, it is replaced by an alert for the purposes of refusal of entry and stay in the SIS and in SEF's Integrated Information System.
- 5 - Where entry into national territory is refused pursuant to subparagraph d), paragraph 1 of Article 32 and, after an assessment of the personal circumstances of the third-country national concerned, it is established that his/her presence constitutes a threat to public policy, public security or national security in accordance with the provisions of paragraph 2 of Article 24 of Regulation (EU) 2018/1861 of the European Parliament and of the Council of 28 November 2018, an alert for the purpose of refusing entry and stay in the SEF's Information System and SIS shall be issued, valid for a maximum period of 5 years.
- 6 - For the purposes of the provisions of the previous paragraph, the specific period of time during which the alerts for refusal of entry and stay will be prohibited and the situations that may constitute a threat to public order, public security or national security, especially those involving foreign nationals who have circumvented or tried to circumvent the applicable rules on entry and stay, in national territory or in Member States of the European Union or in States where the Convention is in force, are determined by an order of the National Director of SEF, taking into account, namely, the provisions of subparagraph h), paragraph 1 of article 134.

Article 33-B

(Provisions common to alerts)

- 1 - It is the SEF's national director's responsibility to indicate a foreign national in the SEF's Integrated Information System or in the SIS for the purposes of return and refusal of entry and stay, with the power of delegation.
- 2 - Measures underlying alerts for the purpose of return and refusal of entry and stay which do not depend on time limits defined in accordance with this law shall be periodically reviewed with a view to their maintenance or elimination.
- 3 - Measures that have not been judicially decreed and are subject to the time limits defined under the terms of this law may be reviewed at any time, at the initiative of the National Director of SEF and taking into account humanitarian reasons or reasons of national interest, with a view to their elimination.
- 4 - The entry or maintenance of alerts on third-country nationals who have the right of free movement within the European Union or who are legally established in another State where the Convention is in force, as well as the procedures concerning consultations prior to the creation of an alert for the purpose of return, refusal of entry and stay on a third-country national who holds a valid residence permit or long-stay visa valid in another Member State of the European Union, shall be governed by Articles 26 et seq. and 40 of Regulation (EU) 2018/1861 and 10 et seq. of Regulation (EU) 2018/1860, both of the European Parliament and of the Council, of 28 November 2018, safeguarding the limits and guarantees provided for in Law No. 37/2006, of 9 August, shall apply.
- 5 - In cases where the prior consultation procedure foreseen in the previous paragraph results in the Member State maintaining the residence permit or long-stay visa, an alert for the purposes of return or refusal of entry and stay may be created in the SEF's Integrated Information System.

Article 34

(Seizure of travel documents)

When the refusal of entry is based on the presentation of a false, falsified, foreign national or fraudulently obtained travel document, it shall be seized and forwarded to the competent national or foreign entity, in accordance with the applicable provisions.

Article 35

(Verification of the validity of documents)

SEF may, in cases of doubt as to the authenticity of documents issued by the Portuguese authorities, access the information contained in the file which enabled the passport, identity card or other document used for crossing borders to be issued.

Article 36

(Limits on refusal of entry)

With the exception of the cases referred to in Article 33(1)(a), (c) and (d) and (3), entry may not be refused to foreign nationals who:

- a) Have been born in Portuguese territory and habitually reside here;
- b) Have dependent minor children of Portuguese or foreign nationality, in the latter case with legal residence in Portugal, over whom they effectively exercise parental responsibilities and for whom they ensure the maintenance and education.

Article 37

(Competence to refuse entry)

Refusal of entry into national territory is the responsibility of the Director-General of SEF, with the power to delegate.

Article 38

(Decision and notification)

- 1 - The decision to refuse entry is taken after the foreign national has been heard, which to all intents and purposes amounts to hearing the interested party, and is immediately communicated to the diplomatic or consular representation of his/her country of origin.
- 2 - The interested party shall be notified of the decision to refuse entry, in a language likely to be understood, stating the reasons on which it is based and indicating the right and the time limit for judicial review.
- 3 - The carrier shall also be notified for the purposes of Article 41.
- 4 - Whenever it is not possible to send back the foreign national within forty-eight hours of the decision to refuse entry, the judge of the small criminal court, in the respective area of jurisdiction, or the district court, in the remaining areas of the country, will be informed of the fact in order to determine whether he/she will be held in a temporary accommodation centre or similar space.

Article 39
(Judicial review)

The decision to refuse entry may be challenged in court, with a purely devolutive effect, before the administrative courts.

Article 40
(Rights of the non-admitted foreign national)

- 1 - During the stay in the international area of the port or airport or in a temporary accommodation centre or similar space, foreign nationals who have been refused entry into Portuguese territory may communicate with the diplomatic or consular representation of their country or with any person of their choice, and will also benefit from the assistance of an interpreter and healthcare, including the presence of a doctor, when necessary, and all the material support required to meet their basic needs.
- 2 - Foreign nationals who have been refused entry into national territory shall be guaranteed timely access to legal assistance by a lawyer at their own expense or, upon request, to legal protection, and Law no. 34/2004 of 29 July shall apply, with the necessary adaptations, to the regime provided for the appointment of the defendant's legal counsel for urgent proceedings.
- 3 - For the purposes of the provisions of the previous paragraph, the guarantee of legal assistance to foreign nationals who are not admitted may be the object of a protocol to be entered into between the Ministry of Internal Administration, the Ministry of Justice and the Portuguese Bar Association.
- 4 - Without prejudice to the protection granted by asylum law, a citizen refused entry shall also be guaranteed observance, *mutatis mutandis*, of the regime provided for in Article 143.

CHAPTER III
Obligations of carriers

Article 41
(Carriers' liability)

- 1 - The carrier who transports into Portuguese territory, by air, sea or land, a foreign national who does not meet the entry conditions, is obliged to promote his/her return, as soon as possible, to the point where he/she began to use the means of transport, or, if this is not possible, to the country where the respective travel document was issued, or to any other place where his/her entry is guaranteed.
- 2 - As long as the passenger is not repatriated, he/she remains at the carrier's expense, which is responsible for paying the fee corresponding to his/her stay in the temporary accommodation centre or similar space.
- 3 - Whenever justified, foreign nationals who do not meet the conditions for entry are removed from Portuguese territory under escort, which is provided by SEF.
- 4 - The carrier shall be responsible for any costs incurred as a result of the use of the escort, including the payment of the relevant fee.
- 5 - The provisions of the previous paragraphs are also applicable in the case of refusal of entry of a foreign national in transit when:
 - a) A carrier which should forward him/her to the country of destination refuses to do so;
 - b) The authorities of the State of destination have refused entry and have sent him/her back to Portuguese territory.

Article 42

(Data transmission)

- 1 - Carriers providing passenger air transport services are obliged to transmit, until the end of boarding and at the request of SEF, information concerning the passengers they carry to a border post through which they enter national territory.
- 2 - The information referred to in the previous paragraph includes:
 - a) The number, type, date of issue and validity of the travel document used;
 - b) Nationality;
 - c) Full name;
 - d) Date of birth;
 - e) The border crossing point at the entry to the national territory;
 - f) The transport code;
 - g) The departure and arrival time of the transport;
 - h) The total number of passengers included in such transport;
 - i) The initial boarding point.
- 3 - The transmission of the data referred to in this Article shall not relieve carriers of the obligations and responsibilities set out in the previous article.
- 4 - Shipowners or the shipping agents that represent them, as well as captains of fishing vessels navigating in international waters, submit to SEF the list of crew and passengers, without erasures, alterations or changes to the details recorded on it, and report the presence of illegal immigrants on board, forty-eight hours before arrival and up to two hours before the vessel leaves a national port.

Article 43

(Data processing)

- 1 - The data referred to in the previous article are collected by the carriers and transmitted electronically or, in case of failure, by any other appropriate means, to SEF, in order to facilitate the execution of controls at the authorised border crossing point of the passenger's entry into the national territory.
- 2 - SEF keeps the data in a provisional file.
- 3 - After the passengers have entered, the authority referred to in the previous paragraph shall delete the data within 24 hours of its transmission, unless it is necessary for the exercise of the legal functions of the authorities responsible for passenger control at external borders under the terms of the law and in accordance with the law on the protection of natural persons with regard to the processing of personal data and the free movement of such data.
- 4 - Within twenty-four hours of the arrival of the means of transport, carriers delete the personal data collected by them and transmitted to SEF.
- 5 - Without prejudice to the provisions of the law on the protection of natural persons with regard to the processing of personal data and the free movement of such data, the data referred to in the preceding article may be used for the purposes of implementing legal provisions on public security and public order.

Article 44

(Passenger information)

- 1 - For the purpose of applying Article 42, carriers shall, at the time of collecting the data, provide the following information to the passengers concerned:
 - a) Identity of the controller;
 - b) Purposes of processing for which the data is intended;
 - c) Further information, having regard to the specific circumstances in which the data are collected, necessary to guarantee fair processing in respect of the data subject, such as the recipients or categories of recipients of the data, the obligation to reply as well as the possible consequences

of failure to reply and the existence of the right of access to and the right to rectify the data concerning him/her.

- 2 - Where the data have not been obtained from the data subject, the controller or his/her representative shall, at the time of undertaking the recording of personal data or at the latest at the time of the first communication of such data, provide the data subject with the information referred to in the previous paragraph.

CHAPTER IV

Visas

Section I

Visas issued abroad

Article 45

(Types of visas issued abroad)

The following types of visas may be issued abroad:

- a) Transit by air visa;
- b) (Repealed.)
- c) Short-stay visa;
- d) Temporary stay visa;
- e) Visa for the purpose of obtaining a residence permit, hereafter referred to as a residence visa;
- f) Work search visas.

Article 46

(Territorial validity of visas)

- 1 - Transit by air visas and short-stay visas may be valid for one or more States party to the Convention.
- 2 - Temporary stay, residence and work search visas are valid only for Portuguese territory.

Article 47

(Individual visa)

- 1 - The individual visa is affixed in individual or family passports.
- 2 - (Revoked.)
- 3 - Visas granted abroad shall be granted on an individual basis.
- 4 - (Revoked.)
- 5 - (Revoked.)

Article 48
(Competence to grant visas)

- 1 - – The following are competent to grant visas:
 - a) Portuguese embassies and consular posts, in the case of transit by air visas or short-stay visas requested by holders of diplomatic, service, official and special passports, or travel documents issued by international organisations;
 - b) The career consular posts and consular sections, in the other cases.
- 2 - It is the responsibility of the entities referred to in the previous paragraph to request opinions, information and other elements necessary for the instruction of the applications.

Article 49
(Transit by air visas)

- 1 - The purpose of the transit by air visa is to enable its holder, when travelling on an international flight, to pass through an airport of a State party to the Convention.
- 2 - The holder of a transit by air visa only has access to the international area of the airport, and must continue the journey in the same or another aircraft, in accordance with the transport document.
- 3 - Nationals of States identified by a joint order of the Ministers of Internal Administration and Foreign Affairs or holders of travel documents issued by those States are subject to a transit by air visa.
- 4 - The order provided for in the previous paragraph shall establish the exceptions to the requirement of this type of visa.

Article 50
(Transit Visa)

REPEALED

Article 51
(Short-stay visa)

- 1 - The purpose of the short stay visa is to allow its holder to enter Portuguese territory for purposes which, being accepted by the competent authorities, do not justify the granting of another type of visa, namely for transit, tourism and for visiting or accompanying family members who hold a temporary stay visa.
- 2 - The visa may be issued with a validity of one year and for one or more entries, provided that neither the length of a continuous stay nor the total length of successive stays exceeds 90 days in every 180 days from the date of the first crossing of an external border.
- 3 - (Repealed.)

Article 51-A
(Short-stay visa for seasonal work for a period of 90 days or less)

- 1 - A short-stay visa for seasonal work for a period of 90 days or less shall be issued to a third country national who, without prejudice to Article 52, meets the following conditions:
 - a) Is the holder of an employment contract or promise of employment contract valid for seasonal work, concluded with a temporary employment company or employer established in national territory, which identifies the place, time and type of work, as well as its duration, the remuneration to be received and the duration of paid leave to which he/she is entitled;

- b) Has adequate protection in the event of illness, in the same way as nationals, or health insurance, when there are periods in which he/she does not benefit from this type of coverage, or from benefits corresponding to the professional exercise or as a result of the work to be carried out, as well as occupational accident insurance provided by the employer;
 - c) Has decent accommodation, through a rental contract or equivalent, which may also be provided by the employer under the terms of paragraphs 3 and 4 of article 56-D;
 - d) In the case of a regulated profession, fulfil the conditions laid down by national legislation for the exercise of that profession;
 - e) Is the holder of a valid ticket ensuring his/her return to the country of origin.
- 2 - The comments field of the visa sticker must mention that the visa is issued for the purpose of seasonal work.
 - 3 - The short-stay visa for seasonal work authorises its holder to engage in seasonal work for a period of less than 90 days, and is valid as a work permit whenever its holder is exempt from having to obtain a visa to enter national territory.
 - 4 - The refusal of a short-stay visa for seasonal work is in accordance with the Community Visas Code.
 - 5 - The Government member responsible for employment shall, after consultation with the social partners, establish the list of employment sectors where there is seasonal work as defined in article 3(cc).

Article 52

(General conditions for granting residence, temporary stay and short-stay visas)

- 1 - Without prejudice to the special conditions for granting visas provided for by law or by international convention, instrument or other special arrangements contained in the instruments referred to in Article 5, paragraph 1, and to the provisions of the following article, residence, temporary stay, short-term stay or work search visas shall be granted only to third-country nationals who fulfil the following conditions:
 - a) Has not been subject to a removal order and is within the subsequent period of prohibition of entry and stay in national territory;
 - b) Is not a person for whom an alert has been issued for the purposes of return accompanied by a prohibition on entry or stay in the SIS by any Member State of the European Union or of the Schengen Convention;
 - c) Is not indicated, for the purposes of refusing entry and stay, under the terms of Article 33 in the SEF's Integrated Information System, or for the purposes of return;
 - d) Has means of subsistence, defined by an ordinance from the Government members responsible for the area of internal administration and solidarity and social security;
 - e) Has a valid travel document;
 - f) Has travel insurance;
 - g) Has parental consent or equivalent document, when the applicant is a minor and during the period of stay he/she is not accompanied by those exercising parental responsibilities or responsibilities within the scope of the accompanied adult.
- 2 - For the grant of a temporary stay visa, a work search visa and a short-stay visa, a transport ticket ensuring the return of the person is also required.
- 3 - A third country national who has been convicted of a crime punishable in Portugal by a penalty involving deprivation of liberty of more than one year shall be refused a residence or temporary stay visa, even if the sentence has not been served or its execution has been suspended.
- 4 - A third country national who constitutes a danger or threat to public policy, national security or defence or public health shall be refused a visa.
- 5 - Where the grant of a visa is refused on the grounds provided for in paragraph 1(b) and (c), the applicant shall be informed of the possibility of requesting that any data concerning him/her which are incorrect be corrected.
- 6 - Where the applicant is the subject of an alert for the purpose of return or for the purpose of refusing entry and stay created by a State party or associated State to the Implementing Convention, he/she shall be consulted in advance and his/her interests shall be taken into account in accordance with Article 27 of

Regulation (EU) 2018/1861 or Article 9 of Regulation (EU) 2018/1860, both of the European Parliament and of the Council of 28 November 2018.

- 7 - For the purposes of paragraph 1(d), in the case of an applicant for a residence visa for study, students exchange, research activity, vocational training or voluntary service, means from a grant, scholarship, employment contract or work promise or letter of guarantee from the organisation responsible for the students exchange or voluntary service regime or the entity hosting the trainees shall be taken into consideration on the basis of an individual assessment.
- 8 - The residence visa issued for study, students exchange, research or volunteer activity contains the endorsement 'researcher', 'higher education student', 'school student', 'trainee' or 'volunteer' under the heading 'remarks' on the sticker.
- 9 - The decision to grant visas for residence or temporary stay to third-country nationals who are the subject of return alerts or for the purpose of refusing entry and stay is the responsibility of the Director-General for Consular Affairs and the Portuguese Communities.

Article 52-A

(Special conditions for issuing visas to nationals of Member States of the Community of Portuguese-Speaking Countries)

- 1 - When the visa applicant, regardless of his/her nature, is a national of a State where the Agreement on Mobility between the Member States of the Community of Portuguese-Speaking Countries celebrated in Luanda on 17 July 2021 (CPLP Agreement) is in force:
 - a) The SEF's prior opinion is waived;
 - b) The services responsible for issuing the visa will consult the SIS databases directly and immediately;
 - c) The competent services may only refuse to issue a visa if there is an indication that entry into or stay in the SIS is forbidden or, if applicable, the applicant does not have the authorisation provided for in subparagraph g), paragraph 1 of the previous article.
- 2 - The issue of the visa is automatically communicated to SEF, for the purposes of the exercise of its competences in matters of internal security.
- 3 - The procedure provided for in this Article may be extended to nationals of other States by means of an international agreement.

Article 53

(Formalities prior to the granting of visas)

- 1 - – The following cases waive SEF's compulsory prior opinion for the granting of visas:
 - a) When residence and temporary stay visas are requested;
 - b) When this is done for reasons of national interest, on grounds of internal security or the prevention of illegal immigration and related crime.
- 2 - A negative opinion will be issued in relation to the visa applications referred to in the previous paragraph, whenever the applicant has been convicted in Portugal by a sentence of imprisonment of more than 1 year, even if this has not been served or has been given more than one identical sentence even if suspended.
- 3 - In urgent and duly justified cases, prior consultation may be dispensed with in the case of applications for residence visas for the exercise of independent professional activity and temporary stay.
- 4 - Prior consultation with the Security Intelligence Service is required before a visa can be issued when the visa is required for reasons of national security or to comply with agreed mechanisms within the framework of the Common European Security Policy.
- 5 - SEF shall be responsible for requesting and obtaining from other entities the opinions, information and other elements necessary for the fulfilment of the provisions of this law regarding the concession of residence visas and temporary stay visas.

- 6 - The opinions necessary for the granting of visas, when negative, shall be binding and shall be issued within seven days for short stay visas or 20 days in other cases, after which time the absence of an opinion shall be deemed as a favourable opinion.
- 7 - In the cases provided for in the previous paragraph, the competent services shall immediately communicate the grant of the visa to SEF.
- 8 - Without prejudice to the provisions of paragraph 1, subparagraph b), the granting of a residence visa to attend a higher education study programme does not require a prior opinion from SEF, provided that the applicant is admitted in a higher education institution in national territory.
- 9 - In the cases provided for in paragraph 2 above, the competent authority for a decision refusing a visa is the consular authority.

Subsection I
Temporary stay visa

Article 54
(Temporary stay visa)

- 1 - The temporary stay visa is intended to allow the entry and stay in the national territory for a period of less than one year for:
 - a) Medical treatment in official or officially recognised health establishments;
 - b) Transfer of nationals of States Parties to the World Trade Organisation, in the context of the provision of services or professional training in Portuguese territory;
 - c) Exercise of an independent professional activity in Portugal;
 - d) Exercise in national territory a scientific research activity in research centres, a teaching activity in a higher education institution or a highly qualified activity for a period of less than a year;
 - e) Exercise in national territory of an amateur sports activity, certified by the respective federation, provided that the sports club or association takes responsibility for accommodation and healthcare;
 - f) To stay in national territory for periods longer than three months, in exceptional cases, duly substantiated, namely to attend a study programme at an educational establishment, student exchange, non-remunerated professional traineeship or volunteering, with a duration of one year or less, or for the purposes of complying with international commitments within the scope of the World Trade Organisation and those arising from international conventions and agreements to which Portugal is a party, in terms of freedom to provide services;
 - g) Accompanying a family member undergoing medical treatment under the terms of subparagraph (a);
 - h) Accompanying a family member holding a temporary stay visa, except if the purpose of the visa is to carry out seasonal work, without prejudice to the family reunification regime foreseen in this law;
 - i) Exercise of a subordinate or independent professional activity, provided remotely to a natural or legal person domiciled or headquartered outside national territory;
 - j) Seasonal work for a period exceeding 90 days;
 - k) Attendance at an educational or vocational training establishment.
- 2 - Without prejudice to what is established in a special provision, the temporary stay visa is granted for the duration of the stay and is valid for multiple entries into the national territory.
- 3 - The maximum period for the decision on the application for a temporary stay visa is 30 days counted from the date of the application.
- 4 - The issue of the temporary stay visa provided for in paragraph 1, subparagraph i), requires proof of the employment relationship or provision of services, as the case may be.

Article 55

(Temporary stay visa in the framework of the transfer of workers)

The granting of a visa for temporary stay to nationals of States Parties to the World Trade Organisation, transferred within the context of the provision of services or professional training in Portuguese territory, depends on the verification of the following conditions:

- a) The transfer must take place between establishments of the same company or group of companies, and the establishment situated in Portuguese territory must provide services equivalent to those provided by the establishment from which the foreign national is transferred;
- b) The transfer must relate to partners or subordinate workers, for at least one year, in the establishment located in another State Party to the World Trade Organisation, who fall into one of the following categories:
 - i. Those who, having management powers, work as senior managers of the company and essentially manage an establishment or department, receiving general guidance from the board of directors;
 - ii. Those who have specific technical knowledge essential to the activity, research equipment, techniques or management of the research;
 - iii. Those who must receive professional training in the establishment located on national territory.

Article 56

(Temporary stay visa for seasonal work for a period exceeding 90 days)

- 1 - A temporary stay visa for seasonal work exceeding 90 days shall be issued to a third country national who, without prejudice to Article 52, meets the conditions laid down in Article 51-A(1)(a) to (d) and is in possession of a valid travel document for the period of validity of the visa.
- 2 - For temporary stay visas granted in accordance with the present article, the provisions of article 51-A(5) shall apply.
- 3 - The temporary stay visa granted under the terms of this article has the validity of the employment contract and cannot exceed 9 months in a 12-month period;
- 4 - If the validity of the temporary stay visa is inferior to 9 months, the stay may be extended up to the limit of 9 months in a 12-month period, in accordance with article 71-A.
- 5 - A statement that the visa is issued for the purpose of seasonal work is inserted in the 'remarks' field on the visa sticker.

Article 56-A

(Rejection of an application for a temporary stay visa for seasonal work)

- 1 - The application for a temporary stay visa for seasonal work is rejected if:
 - a) The granting conditions set out in paragraph 1 of the previous article are not complied with;
 - b) The documents presented have been fraudulently obtained, falsified or tampered with;
 - c) A sanction is imposed on the employer under the terms of articles 56-F, 185-A or 198-A;
 - d) The third country national has not complied with the obligations arising from previous admission as a seasonal worker;
 - e) The employer has, during the 12 months immediately preceding the date of the application, abolished a permanent job in order to create a vacancy for the seasonal worker.
 - f) The employer does not carry out any economic activity or his/her business is dissolved or under solvency.

- 2 - Without prejudice to the provisions of the previous paragraph, decisions rejecting an application shall take into account the specific circumstances of the case, namely the interests of the seasonal worker, and respect the principle of proportionality.

Article 56-B

(Cancellation of the short-stay visa or the temporary stay visa for seasonal work)

- 1 - Without prejudice to the provisions of Article 70 and to the provisions of the Visa Code concerning the grounds for annulment or repeal of short-stay visas, short-stay visas or temporary stay visas for seasonal work may be cancelled if the third country national remains on national territory for purposes other than those for which the stay was authorised or if the circumstances under Article 56A(1)(b) and (c) are verified.
- 2 - Article 56-A(2) shall apply to the decision cancelling a visa.
- 3 - In the event of cancellation based on article 56-A(1)(c), the employer shall be liable to pay any compensation resulting from the employment relationship with the seasonal worker, including the payment of wages and other benefits to which he/she is entitled under labour law.

Article 56-C

(Procedures and procedural guarantees)

- 1 - Applications for short-stay visas are governed by the Community Visas Code.
- 2 - The application for a temporary stay visa for seasonal work must be submitted by the third country national to the Portuguese consular posts and consular sections, in accordance with article 48(1)(b) and its procedure is ruled by the provisions of this article.
- 3 - Applications for short-stay visas and applications for seasonal work visas shall be accompanied by documents certifying that the applicant meets the conditions laid down in Articles 51-A or 56 respectively.
- 4 - At the time of the application, information is provided to the applicant on the entry and stay in national territory and on the documentation legally required for that purpose, as well as on the rights, duties and guarantees the applicant is entitled to.
- 5 - If the information or documentation submitted by the applicant is incomplete or insufficient, the examination of the application shall be suspended and the applicant shall be requested to provide the necessary supplementary information or documents, which shall be made available within 10 days.
- 6 - Without prejudice to the provisions of the previous paragraph, the time limit for the decision is 30 days counting from the date of submission of the request.
- 7 - A third country national who has been admitted for the purpose of seasonal work in national territory at least once in the last five years, and who has complied with the provisions of the present law regarding entry and stay in national territory, benefits from a simplified procedure in the granting of a new short-stay visa or temporary stay for seasonal work, namely is exempt from presenting the documents referred to in article 51-A(1)(c) and (e), and his/her application must be treated as a priority and the time limit for the decision cannot exceed 15 days.
- 8 - Decisions refusing to grant a short-stay visa or a visa for temporary stay for seasonal work, as well as the respective extension of stay, shall be notified in writing to the applicant, indicating the grounds thereof, the right to judicial review, the court with jurisdiction and the time limit for such review.
- 9 - The decision to cancel a visa provided for in Article 56-B shall be notified in writing to the applicant, indicating the respective grounds, the right to judicial challenge and the respective time limit.

Article 56-D

(Rights, equal treatment and housing)

- 1 - The holder of a short-stay visa or of a temporary stay visa for seasonal work has the right to enter and stay in the whole national territory and to exercise the labour activity specified in the respective visa or others, at one or successive employers.
- 2 - The holder of a short-stay visa or a temporary stay visa for seasonal work is ensured equal treatment with national workers in accordance with Article 83(2), as well as with regard to labour rights deriving from the law or collective bargaining, including payment of outstanding remuneration, advisory services on seasonal work and vocational education and training.
- 3 - Whenever the employer or user of the work or activity provides seasonal workers with accommodation, whether remunerated or free of charge, he/she must ensure that it complies with the health and safety standards in force and such accommodation must be the object of a written contract or clauses in the employment contract, indicating the accommodation conditions.
- 4 - Where accommodation is provided against payment by the employer or user of the work or activity, a rent may be required that is proportionate to the remuneration and conditions of the accommodation and is not automatically deducted from the remuneration received by the seasonal worker, nor may it be more than 20% of that remuneration.

Article 56-E

(Inspections and protection of seasonal workers)

- 1 - Without prejudice to the provisions of Article 198-C, within the scope of its duties, SEF shall carry out evaluation and inspections to assess compliance with the regime for the entry and stay of seasonal workers.
- 2 - The service with inspection competency of the ministry responsible for the employment area carries out, in collaboration with SEF, inspection activities aimed at preventing and sanctioning infractions regarding the employment of seasonal workers, having for that purpose access to the workplace and, if authorised by the worker, to their accommodation.
- 3 - Seasonal workers benefit from the complaint, support and representation procedure provided for in Article 198 -B.

Article 56-F

(Sanctions)

- 1 - Without prejudice to the application of sanctions provided for in labour, tax and social security legislation, the provisions of Articles 185-A and 198-A shall apply to employers of third country nationals who carry out seasonal activity without a residence permit, a shortterm visa or a temporary stay visa.
- 2 - The provisions of Article 198-A(5) shall apply to the employer, main contractor or any intermediate subcontractor of the employer of seasonal workers.

Article 56-G

(Statistics)

- 1 - SEF is responsible for the preparation of statistics on the granting, extension and cancellation of visas issued to seasonal workers, disaggregated by nationality, period of validity and economic sector.
- 2 - The statistics referred to in the previous paragraph shall relate to a calendar year and shall be transmitted, in accordance with Regulation (EC) no. 862/2007 of the European Parliament and of the Council of 11 July 2007, to the Commission within six months of the end of each calendar year.

Article 57

(Temporary stay visa for research or highly qualified activity)

A temporary stay visa may be issued to third country nationals who intend to carry out a research activity, a teaching activity in a higher education establishment or a highly qualified activity for a period of less than one year, provided that:

- a) They are admitted to collaborate in a research centre, recognized by the Ministry of Science, Technology and Higher Education, namely through a promise or contract of employment, a proposal or contract for the provision of services or a scientific research scholarship; or
- b) They have a promise or an employment contract or a written proposal or a contract for the provision of services to exercise a teaching activity in a higher education institution or a highly qualified activity on national territory.

Article 57-A

(Work search visa)

- 1 - The work search visa:
 - a) Enables its holder to enter and stay in national territory for the purpose of searching for work, through the fulfilment of the requirements foreseen in article 52;
 - b) Authorises its holder to exercise dependent labour activity, until the expiration of the visa or the granting of the residence permit;
 - c) Is granted for a period of 120 days, extendable for a further 60 days and allows one entry into Portugal.
- 2 - The work search visa integrates an appointment date at the services responsible for granting residence permits, within the 120 days referred to in the previous paragraph, granting to the applicant, after the establishment and formalisation of the employment relationship within that period, the right to request a residence permit, as long as he/she meets the general conditions for granting a temporary residence permit, under the terms of article 77.
- 3 - At the end of the maximum limit of validity of the work search visa without the labour relationship having been established and the subsequent process of document regularisation started, the visa holder must leave the country and can only reapply for a visa for this purpose one year after the expiry of the previous visa.
- 4 - The rules applicable to temporary stay visas, provided for in subparagraph b) of paragraph 1 and 2 of article 56-A, in paragraphs 1 and 2 of article 56-B and in articles 56-C to 56-G, shall apply, with the necessary adaptations, to the holders of work search visas that establish an employment relationship within the validity period of the visa.

Subsection II **Residence visa**

Article 58

(Residence visa)

- 1 - The purpose of the residence visa is to allow its holder to enter Portuguese territory in order to apply for a residence permit.
- 2 - The residence visa is valid for two entries in Portuguese territory and enables its holder to stay there for a period of four months.
- 3 - Without prejudice to the application of specific conditions, the assessment of the residence visa application will take into account, namely, the purpose for which the residence is intended.

- 4 - Without prejudice to shorter time limits set forth in this law, the time limit for the decision on the application for a residence visa is 60 days.
- 5 - The residence visa also has the purpose of accompanying family members of the applicant of a residence visa, within the meaning of paragraph 1 of article 99, and the applications may be made simultaneously.
- 6 - When the residence visa is granted, a pre-permit of residence is issued, containing information regarding the obtaining of the residence permit and the provisional assignment of the tax identification number, social security number and national health service number.

Article 59

(Residence visa for subordinate professional activity)

- 1 - The granting of a visa in order to obtain a residence permit for the exercise of a subordinate professional activity depends on the existence of employment opportunities, not filled by Portuguese nationals, workers who are nationals of Member-States of the European Union, of the European Economic Area, of third countries with which the European Community has signed a free movement agreement, as well as workers who are nationals of third countries with legal residence in Portugal.
- 2 - For the purposes of the previous paragraph, the Council of Ministers, upon prior advice from the Standing Committee on Social Dialogue, shall annually approve a resolution defining a global indicative quota of employment opportunities presumably not filled by the workers referred to in the previous paragraph, and may exclude sectors or activities where there is no labour need, if justified by the circumstances of the labour market.
- 3 - Within the global quota foreseen in the previous paragraph, quotas for each of the Autonomous Regions shall be considered, in accordance with the respective needs and regional specificities.
- 4 - The Instituto do Emprego e da Formação Profissional, I.P. (Institute for Employment and Vocational Training), well as the respective competent services of each autonomous region, maintains an information system that is permanently updated and accessible to the public, through the internet, on job offers, publishing them on its own initiative or at the request of employers or immigrant associations recognised as representative of immigrant communities by the ACM, I. P., in accordance with the law.
- 5 - A residence visa may be issued for the exercise of professional activity subordinated to third-country nationals who meet the conditions laid down in Article 52 and who:
 - a) They have an employment contract or promise of an employment contract; or
 - b) They have recognised and appropriate qualifications, competences or qualifications for the exercise of one of the activities covered by the previous paragraph and benefit from an individualised expression of interest from the employer.
- 6 - *(Repealed.)*
- 7 - *(Repealed.)*
- 8 - *(Repealed.)*
- 9 - *(Repealed.)*

Article 60

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

- 1 - A visa for the purpose of obtaining a residence permit for the exercise of activities as a self-employed person may be granted to a third country national who:
 - a) Has a contract or written proposal for a contract to provide services within the liberal professions; and
 - b) Is qualified to exercise self-employed activity, whenever applicable.
- 2 - A residence visa is granted to entrepreneurial immigrants who intend to invest in Portugal, provided that:
 - a) They have carried out investment transactions; or

- b) They prove to have available financial means in Portugal, including those resulting from financing obtained from a financial institution in Portugal, and demonstrate, by any means, the intention to carry out an investment operation in the Portuguese territory; or
- c) They develop an entrepreneurial project, including the creation of an innovative-based company, integrated in a certified incubator under the terms defined by a decree order from the Government members responsible for the areas of internal administration and economy.

Article 61

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

- 1 - Without prejudice to the application of the regime concerning the EU Blue Card, foreseen in article 121 -A and following, a third country national shall be granted a residence visa for the purpose of exercising a teaching activity in an educational or vocational training institution or a highly qualified or cultural activity, provided that he/she meets the conditions of article 52 and has:
 - a) Employment contract or promise of employment contract or contract for the provision of services; or
 - b) Invitation letter issued by an educational or vocational training institution; or
 - c) Liability note of a certified company under the terms defined by an ordinance from the Government members responsible for the areas of internal administration and economy; or
 - d) Invitation letter issued by a company or entity that carries out, in national territory, a cultural activity recognized by the Government member responsible for the area of culture as being of interest to the country or defined as such by law; or
 - e) Invitation letter issued by a research centre.
- 2 - (Revoked.)
- 3 - The period for deciding on the visa application referred to in this Article shall be 30 days.
- 4 - The arrangements provided for in Article 59 shall not apply to third country nationals covered by this Article.

Article 61-A

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

- 1 - A residence visa is granted for the exercise of a highly qualified activity exercised by a subordinate worker to nationals of third countries who:
 - a) Hold a valid employment contract or promise of a employment contract with at least one year duration, corresponding to an annual remuneration of at least 1.5 times the national average gross annual salary or three times the social support index (IAS);
 - b) In the case of a regulated profession, the holder of high professional qualifications, duly proven in compliance with the provisions of Law no. 9/2009 of 4 March, or specific law concerning the recognition of professional qualifications, necessary for the access and exercise of the profession indicated in the employment contract or promise of employment contract;
 - c) In the case of an unregulated profession, be in possession of high professional qualifications appropriate to the activity or sector specified in the employment contract or promise of employment contract.
- 2 - For employment in professions belonging to major groups 1 and 2 of the International Standard Classification (ISCO), indicated by Resolution of the Council of Ministers, through prior opinion of the Permanent Commission for Social Dialogue, as professions particularly in need of third country national workers, the salary threshold foreseen in paragraph 1(a) shall correspond to at least 1.2 times the national average gross salary, or twice the value of the IAS.
- 3 - Where there is doubt as to the framework of the activity and for the purpose of verification of the adequacy of the professional experience of the third country national, the ministries responsible for the areas of employment and of education and science shall issue an opinion prior to the granting of the visa.

Article 61-B

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

A residence visa for the exercise of professional activity remotely provided to individuals or legal persons with domicile or head office outside the national territory, where the employment relationship or provision of services, as the case may be, must be demonstrated, it is granted to subordinated workers and independent professionals.

Article 62

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

- 1 - The researcher, higher education student, secondary education student, trainee or volunteer is granted a residence visa in order to obtain a residence permit to carry out scientific research activities in the national territory, to attend a higher education study programme, a secondary education student exchange programme or a traineeship, provided that:
 - a) He/she fulfils the general conditions of Article 52;
 - b) He/she has health insurance, or equivalent, covering the expected duration of the stay.
 - c) He/she meets the special conditions set out in this article.
- 2 - The researcher applying for a visa for research in national territory must have an employment contract or hosting agreement with a research centre or higher education institution, or have been admitted to a research centre or higher education institution, and hold a research grant or scholarship, or present a liability note signed by the research centre or higher education institution guaranteeing his/her admission, as well as the costs of his/her stay.
- 3 - Researchers admitted to a research centre or higher education institution officially recognised under the terms of article 91 -B are exempt from presenting the documents required to prove that they comply with the provisions of paragraphs 1(b), 2, 1(d) and (f) and 3 of article 52.
- 4 - A higher education student who fulfils the conditions of article 3(m) must prove that he/she meets the conditions for admission or has been accepted in a higher education institution to attend a study programme and that he/she has sufficient resources for the respective attendance.
- 5 - The higher education student admitted in a higher education institution approved under the terms of paragraph 5 et seq. of article 91 is exempt from submitting the documents proving the provisions set forth in paragraph 1(b) and in the previous paragraph, as well as in article 52(1)(d) and (f).
- 6 - The secondary education student who fulfils the conditions of article 3(n) must prove that:
 - a) He/she has a minimum age and does not exceed the maximum age set for this purpose by a decree of the Government members responsible for the areas of internal administration and education;
 - b) He/she has been accepted in an educational establishment, and his/her admission may take place within the scope of a student exchange programme, by an organisation recognised by the Government member responsible for the area of education, for that purpose or within the scope of an educational project;
 - c) During the period of his/her stay, he/she is hosted by a family or have accommodation ensured in suitable premises, within the educational establishment or in others, provided they meet the conditions set out in the student exchange programme or educational project.
- 7 - The trainee who fulfils the conditions of article 3(l) must prove that he/she was accepted as a trainee by a certified host entity and present a theoretical and practical training contract, in the domain of the higher education diploma he/she holds or of the study cycle he/she is attending, which must contain:
 - a) Description of the training programme, namely its educational objectives or learning components;
 - b) Duration and timetable of the training;
 - c) Location and conditions for supervising the traineeship;
 - d) Characterisation of the legal relationship between the trainee and the host entity;

- e) A statement that the traineeship does not replace a job and that the host entity is responsible for reimbursing the State for the stay and removal expenses, should the trainee remain illegally on national territory.
- 8 - In addition to the general conditions referred to in article 52, a volunteer who applies for a visa in order to obtain a residence permit to participate in a voluntary service regime under the terms of article 3(r) must prove that:
- a) He/she has a contract with the host entity responsible for the volunteering programme, which contains a description of the content and duration of the volunteering programme, timetable, supervision conditions and a guarantee of coverage of board and accommodation expenses, including a minimum amount of pocket money or daily allowance;
 - b) The host entity has taken out civil liability insurance, except in the case of volunteers participating in the European Voluntary Service.
- 9 - For the purposes of granting a residence visa under the terms of this article, the minimum amount of the means of subsistence provided for in the ordinance referred to in Article 52(1)(d) may be waived, taking into account the circumstances of the specific case.
- 10 - The procedure for granting a residence visa to nationals of third countries listed in paragraph 1 above who are participating in Community programmes for the promotion of mobility towards the European Union or the Community of Portuguese -speaking Countries, or in their interest, shall be simplified, under the terms to be defined by an Executive Order from the Government members responsible for the areas of foreign affairs and internal administration.
- 11 - A residence visa shall also be granted to third country nationals who have been admitted to attend courses at qualification levels 4 or 5 of the National Qualifications Framework (QNQ) or training courses provided by educational or vocational training establishments, provided they meet the conditions set out in paragraph 1(a) and (b).

Article 63

(Mobility of higher education students)

- 1 - The mobility of higher education students residing in the territory of a European Union member state and intending to attend in Portugal part of a study programme or to complement it with a study programme taught by a higher education institution in national territory is ruled by the provisions of article 91-A, without requiring a residence visa for entry and stay.
- 2 - (Repealed.)

Article 64

(Residence visa for the purpose of family reunification)

Whenever, in the context of the instruction of an application for family reunification applied for under the terms of paragraph 1 of article 98, SEF grants the application under the terms of this law, the applicant's family member shall be provided with a residence visa for reunion, in order to allow them to enter national territory.

Article 65

(Communication and notification of approval of the application for reunification and family reunification)

- 1 - For the purposes of the provisions of the previous article, SEF communicates the decision, accompanied by the procedural documents already delivered to SEF, to the Directorate-General for Consular Affairs and the Portuguese Communities immediately and electronically, informing the interested party of the competent consular post of the deadlines and of the form of obtaining a visa by the beneficiary of the reunification.

- 2 - The competent consular post, after receiving the communication of the said decision, does not request documentation that is already in the file transmitted by SEF, and must only check the regular identification of family members to be reunited.
- 3 - The residence visa shall be issued following the communication set forth in paragraph 1 and under the terms thereof, within 10 days after the application is submitted at the competent consular post.
- 4 - The issue of the residence visa envisaged in the previous paragraph is accompanied by the automatic assignment of tax identification numbers, social security numbers and national health service numbers.
- 5 - The communication provided for in paragraph 1 is valid as a prior obligatory opinion of SEF when applicable, in accordance with Article 53.
- 6 - Residence visas applied for at consular posts to accompany residence visa applicants under the terms of paragraph 5 of Article 58 shall be granted after SEF's prior and simultaneous opinion, when applicable, under the terms of Article 53.

Section II

Visas issued at border posts

Article 66 (Types of visas)

The following types of visa may be issued at border posts:

- a) Repealed;
- b) Short-stay visa;
- c) Special visa.

Article 67 (Short-stay visa)

- 1 - Exceptionally, at border posts subject to control, a short-stay visa may be issued to a foreign national who, for unforeseen reasons, has been unable to apply for a visa from the competent authority, provided that the interested party:
 - a) Holds a valid travel document that permits the crossing of the border;
 - b) Satisfies the conditions laid down in Article 11;
 - c) Is not registered in the Schengen Information System or on the national list of non-admissible persons;
 - d) Does not constitute a threat to public policy, national security or the international relations of an EU Member State;
 - e) Has guaranteed travel to the country of origin or the country of destination, as well as the respective admission.
- 2 - The short-stay visa issued under the previous paragraph can only be granted for one entry and its validity must not exceed 15 days.
- 3 - The visas referred to in this Article may be valid for one or more States Parties to the Convention.

Article 68 (Special visa)

- 1 - For humanitarian reasons or reasons of national interest, recognised by order of the Minister of Internal Administration, a special visa for entry and temporary stay in the country may be granted to foreign nationals who do not meet the legal requirements for the purpose.

- 2 - The visa referred to in the previous paragraph is valid only for Portuguese territory.
- 3 - The competence provided for in paragraph 1 may be delegated to the Director-General of SEF, with the power to subdelegate.
- 4 - If a person admitted under the conditions referred to in the previous paragraphs is recorded in the Schengen Information System, the competent authorities of the other States parties to the Convention shall be notified of his/her admission.
- 5 - When the foreign national holds a diplomatic, service, official or special passport, or a travel document issued by an international organisation, the Ministry of Foreign Affairs is consulted, whenever possible.

Article 69

(Competence to grant visas at border posts)

The Director-General of SEF is competent for granting the visas referred to in this Section, with the power to delegate.

Section III

Visa cancellation

Article 70

(Visa cancellation)

- 1 - Visas may be cancelled in the following situations:
 - a) When its holder does not meet the conditions for its granting;
 - b) When they have been issued based on the provision of false statements, use of fraudulent means or through the invocation of reasons other than those that motivated their holder's entry into the Country;
 - c) Where the holder has been subject to a measure to remove him/her from the national territory, or where an alert has been issued for the purposes of refusing entry and stay in the SEF's Integrated Information System, or where an alert has been issued for the purposes of return or for the purposes of refusing entry and stay in the SIS;
 - d) When its holder constitutes a serious danger or threat to public order, security or national defence, due to his/her involvement in activities related to the practice of terrorism, under the terms of the respective law.
- 2 - Residence and temporary stay visas may also be cancelled when the respective holder, without reasonable reasons, is absent from the country for a period of 60 days, during the validity of the visa.
- 3 - The provisions of the previous paragraphs shall also apply during the validity of extensions of stay granted under the terms set forth in the present law.
- 4 - The residence visa is also cancelled if the application for a residence permit is rejected.
- 5 - After the visa holder enters national territory, the cancellation of visas referred to in the previous paragraphs falls under the competence of the Minister of Internal Administration, who may delegate this competence to the director-general of SEF, with the faculty to subdelegate.
- 6 - Cancellation of visas under the terms of the previous paragraph shall be communicated electronically to the Directorate-General for Consular Affairs and Portuguese Communities.
- 7 - The cancellation of visas prior to the holder's arrival in national territory is the responsibility of the diplomatic missions and consular posts and is communicated electronically to SEF.

CHAPTER V

Extension of stay

Article 71 (Extension of stay)

- 1 - Foreign nationals admitted in the national territory under the terms of this law who wish to remain in the country for a longer period of time than initially authorised may have their stay extended.
- 2 - The extension of stay granted to holders of transit visas and short-stay visas may be valid for one or more States Parties to the Convention.
- 3 - Except in duly justified cases, the extension referred to in paragraph 1 may be granted provided that the conditions which allowed the admission of the foreign national are maintained.
- 4 - The temporary stay visa for exercising a subordinate professional activity may only be extended if the applicant has a employment contract in accordance with the law and is covered by the National Health Service or has health insurance.
- 5 - The temporary stay visa for research or highly qualified activity can only be extended if the applicant has a employment contract, service provision contract or scientific research scholarship and is covered by the National Health Service or has health insurance.
- 6 - Except in duly justified cases, the extension of stay of holders of residence visas to exercise a subordinate professional activity, selfemployed activity and research or highly qualified activity depends on the maintenance of the conditions which allowed the admission of the foreign national.
- 7 - An extension of stay may be refused if the applicant is the subject of an alert for the purposes of return or for the purposes of refusing entry and stay in the SEF's Integrated Information System or in the SIS.
- 8 - Within the framework of the provisions of the previous paragraph, where the applicant is the subject of an alert for return or a refusal of entry and stay issued by a Member State of the European Union or a State where the Implementing Convention is in force, he/she shall be consulted in advance and his/her interests shall be taken into consideration in accordance with Article 27 of Regulation (EU) 2018/1861 or Article 9 of Regulation (EU) 2018/1860, both of the European Parliament and of the Council of 28 November 2018.

Article 71-A (Extension of stay for seasonal work)

- 1 - Without prejudice to the relevant provisions of the Community Visas Code, third country nationals who have been admitted to national territory in accordance with article 51-A and who wish to remain in Portugal for a period longer than initially authorised, may have their stay extended to a maximum of nine months.
- 2 - The extension is granted as long as the conditions that allowed the admission of the seasonal worker are maintained, and any change in the employer is not relevant, and the decision must be taken within 30 days.
- 3 - The decision on the extension of stay shall take into account the specific circumstances of the case, including the interest of the seasonal worker, and respect the principle of proportionality.
- 4 - While the extension request is pending, the applicant may remain in national territory, namely to exercise his/her seasonal activity, benefiting from all the rights conferred until the respective final decision, provided that those rights have been submitted in due time.

Article 72 (Limits on the extension of stay)

- 1 - Extension of stay can be granted:
 - a) Up to five days, if the interested party holds a transit visa;
 - b) Up to 60 days, if the person concerned holds a special visa or a work search visa;
 - c) Up to 90 days if the interested party holds a residence visa;

- d) Up to 90 days, extendable for an equal period if the interested party holds a short-stay visa or has been admitted to the country without a visa requirement;
 - e) Up to one year, if the interested party holds a temporary stay visa.
- 2 - The extension of stay may be granted, beyond the limits provided for in the previous paragraph, pending an application for a residence permit, as well as in duly justified cases, namely in the case of holders of temporary stay for medical treatment and those accompanying them.
- 3 - For exceptional reasons occurring after legal entry into national territory, an extension of stay may be granted to family members of holders of a temporary stay visa, the validity and duration of the extension of stay may not exceed the validity and duration of the visa granted to the family member.
- 4 - The extension of stay granted to citizens admitted in the country without requiring a visa and to holders of a short-stay visa is limited to Portugal whenever their stay exceeds 90 days per semester, counted from the date of the first crossing of the external borders.
- 5 - Without prejudice to the sanctions provided for in the present law, and except in exceptional circumstances, requests for an extension of stay will not be granted if submitted more than 30 days after the end of the authorised period of stay.
- 6 - The extension of stay is granted in the form of a sticker of a model to be approved by an ordinance of the Minister of Internal Administration.

Article 73
(Competence)

The decision on applications for extension of stay falls under the competence of the National Director of SEF and may be delegated except for applications concerning applicants subject to return alerts or refusal of entry and stay.

CHAPTER VI
Residence on national territory

Section I
General provisions

Article 74
(Types of residence permit)

- 1 - The residence permit comprises two types:
 - a) Temporary residence permit;
 - b) Permanent residence permit.
- 2 - A residence permit is issued to a foreign national who is authorised to reside in Portuguese territory.

Article 75
(Temporary residence permit)

- 1 - Without prejudice to the special legal provisions applicable, the temporary residence permit is valid for a period of two years counted from the date of issue of the respective permit and is renewable for successive periods of three years.

- 2 - When the applicant is covered by the CPLP Agreement and is the holder of a short-stay visa or has a legal entry in national territory, he/she may apply for a temporary residence permit for more than 90 days and less than 1 year, renewable for an equal period.
- 3 - In the cases provided for in the previous paragraph, for the purposes of issuing the temporary residence permit, the competent services shall of their own motion consult the applicant's Portuguese criminal record.
- 4 - The residence permit must, however, be renewed whenever there is a change in the identification elements registered therein.

Article 76

(Permanent residence permit)

- 1 - The permanent residence permit has no limit of validity.
- 2 - The residence permit must, however, be renewed every five years or whenever there is a change in the identification elements registered therein.
- 3 - When applying for renewal of the permit, the holder is exempted from delivering any documents already integrated in the electronic workflow used by SEF.

Article 77

(General conditions for granting a temporary residence permit)

- 1 - Without prejudice to the special conditions applicable, for the granting of the residence permit the applicant must satisfy the following cumulative requirements:
 - a) Possession of a valid residence visa, granted for one of the purposes provided for in this law for the granting of a residence permit;
 - b) There is no fact which, if known to the competent authorities, would prevent the grant of a visa;
 - c) Presence in Portuguese territory, without prejudice to the provisions of paragraph 6 of article 58;
 - d) Possession of means of subsistence, as defined by the ordinance referred to in Article 52(1)(d);
 - e) Accommodation;
 - f) Social security registration, where applicable;
 - g) No conviction for a crime punishable in Portugal by a penalty involving deprivation of liberty of more than one year;
 - h) Is not within the period of prohibition to enter or remain on national territory following a removal order;
 - i) No indication in the Schengen Information System;
 - j) Lack of an alert in SEF's Integrated Information System for the purposes of refusing entry and stay or return, under the terms of articles 33 and 33-A.
- 2 - Without prejudice to the special provisions applicable, the granting of a residence permit may be refused on grounds of public policy, public security or public health.
- 3 - Refusal of a residence permit on public health grounds may be based only on the diseases defined in the relevant instruments of the World Health Organisation or on other contagious infectious or parasitic diseases subject to protective measures within national territory.
- 4 - Applicants for a residence permit may be required to undergo a medical examination to certify that they do not suffer from any of the diseases mentioned in the previous paragraph, as well as to undergo appropriate medical measures.
- 5 - Where the applicant is the subject of an alert for return or a refusal of entry and stay issued by a Member State of the European Union or where the Implementing Convention is in force, the applicant shall first be consulted in accordance with Article 27 of Regulation (EU) 2018/1861 or Article 9 of Regulation (EU) 2018/1860, both of the European Parliament and of the Council of 28 November 2018.
- 6 - For the purposes of the provisions set forth in the previous paragraph, with the exception of cases in which the alert only refers to illegal stay due to overstaying the authorised period of stay, the exceptional regime set forth in article 123 shall apply, and the final decision shall be instructed with a substantiated proposal that explains the interest of the Portuguese State in granting or maintaining the right of residence.

Article 78

(Renewal of temporary residence permit)

- 1 - The renewal of the temporary residence permit must be requested by the interested parties until 30 days before the expiration of its validity.
- 2 - A residence permit shall be renewed only for third country nationals who:
 - a) Have means of subsistence as defined by the ordinance referred to in Article 52(1)(d);
 - b) Accommodation is available;
 - c) Have fulfilled their tax and social security obligations;
 - d) Have not been sentenced to a penalty or penalties that, alone or cumulatively, exceed one year of imprisonment, even if, in the case of conviction for a felonious crime provided for in this law or related crimes or for terrorism, violent crime or especially violent or highly organised crime, the respective execution has been suspended.
- 3 - The residence permit may not be renewed on grounds of public policy or public security.
- 4 - The appearance of illnesses after the first residence permit was issued shall not constitute grounds for refusing to renew a residence permit.
- 5 - A residence permit shall not be renewed for any foreign national who has been declared non-compliant, as long as he/she does not provide proof that such declaration has expired.
- 6 - If the application is rejected, a copy of the decision and the respective grounds must be sent to the ACM, I. P. and the Council for Migrations.
- 7 - The receipt of the application for renewal of the residence permit produces the same effects as the residence permit during a period of 60 days, renewable.
- 8 - SEF may sign protocols with local authorities, as well as with bodies and services of the Autonomous Regions, in order to facilitate and simplify the procedures for receiving and forwarding applications for renewal of residence permits and respective titles.

Article 79

(Renewal of residence permit in special cases)

- 1 - The residence permit of foreign nationals serving a sentence of imprisonment may only be renewed as long as their removal has not been decreed.
- 2 - The application for renewal of an expired residence permit does not give rise to administrative offence proceedings if the application is submitted within 30 days of the release of the interested party.

Article 80

(Granting and renewal of permanent residence permit)

- 1 - Without prejudice to the provisions of this law concerning the status of third country nationals who are long-term residents, foreign nationals who cumulatively:
 - a) Have held a temporary residence permit for at least five years;
 - b) During the last five years of residence in Portuguese territory have not been sentenced to a penalty or penalties that, individually or cumulatively, exceed one year of imprisonment, even if, in the case of conviction of a felonious crime foreseen in the present law or related to it, or of terrorism, violent crime or especially violent or highly organised crime, the respective execution has been suspended;
 - c) Have means of subsistence, as defined by the ordinance referred to in Article 52(1)(d);
 - d) Accommodation is available;
 - e) Prove to have knowledge of basic Portuguese.
- 2 - The period of residence prior to the entry into force of this law is relevant for the purposes of the previous paragraph.

Article 81

(Application for a residence permit)

- 1 - The residence permit application may be formulated by the interested party or by the legal representative and must be presented to SEF, without prejudice to what is included in the special regimes contained in the instruments provided for in paragraph 1 of article 5.
- 2 - The application may be extended to minors dependent on the applicant.
- 3 - While the residence permit application is pending, for reasons not attributable to the applicant, the holder of the residence permit may exercise a professional activity under the terms of the law.
- 4 - The applicant for a residence permit may simultaneously apply for family reunification.
- 5 - When the simultaneous application referred to in the previous paragraph occurs within the scope of the submission of an expression of interest for the granting of a residence permit for the exercise of a professional activity, under the terms of the provisions of paragraphs 2 of articles 88 and 89, the applicant may identify the family members that are in national territory, who benefit from the presumption of legal entry of the applicant, if applicable, under the terms of paragraph 6 of article 88 and paragraph 5 of article 89.
- 6 - For the purposes of the provisions set forth in the previous paragraph, applicants whose family household includes minors of school age or adult dependent children, in both cases attending an educational establishment in national territory, shall have preference in the presentation of residence permit applications.

Article 82

(Decision and notification)

- 1 - The application for a residence permit must be decided within 90 days.
- 2 - The application for renewal of the residence permit should be decided within 60 days.
- 3 - In the absence of a decision within the time limit provided for in the previous paragraph, for reasons not imputable to the applicant, the request shall be understood as granted and the issue of the residence permit shall be immediate.
- 4 - The decision of rejection shall be notified to the interested party, with an indication of the grounds, as well as the right to judicial appeal and the respective time limit, and a copy shall be sent to the Advisory Board.

Article 83

(Rights of the residence permit holder)

- 1 - Without prejudice to the application of special provisions and other rights provided for by law or by an international convention to which Portugal is a party, the holder of a residence permit is entitled, without the need for a special authorisation relating to his/her status as a foreign national, to:
 - a) Education, teaching and vocational training, including subsidies and scholarships in accordance with applicable legislation;
 - b) The exercise of a subordinate professional activity;
 - c) The exercise of a self-employed professional activity;
 - d) Professional guidance, training, further training and retraining;
 - e) Access to health;
 - f) Access to law and the courts.
- 2 - The application of provisions ensuring equal treatment of foreign nationals, in particular as regards social security, tax concessions, trade union membership, recognition of diplomas, certificates and other professional qualifications or access to goods and services available to the public, and the application of provisions granting them special rights, shall be guaranteed.

Article 84

(Identification document)

The residence permit replaces, for all legal purposes, the identification document, without prejudice to the regime foreseen in the Treaty of Friendship, Cooperation and Consultation between the Portuguese Republic and the Federative Republic of Brazil, signed in Porto Seguro, on 22 April 2000.

Article 85

(Cancellation of residence permit)

- 1 - The residence permit is cancelled whenever:
 - a) Its holder has been subject to a forced removal order or a judicial decision to expel him/her from the national territory; or
 - b) The residence permit has been granted by making false or misleading statements, falsifying or falsified documents, or by using fraudulent means; or
 - c) There are serious grounds to believe that the holder has committed serious criminal acts or there are real indications that the holder intends to commit such acts, in particular in the territory of the European Union; or
 - d) For reasons of public order or security.
- 2 - Without prejudice to the application of special provisions, the residence permit may also be cancelled when the interested party, without compelling reasons, leaves the country:
 - a) As a holder of a temporary residence permit, for six consecutive months or eight interspersed months, within the total period of validity of the permit;
 - b) As a holder of a permanent residence permit, for 24 consecutive months or, within a period of three years, 30 months interpolated.
- 3 - Absence beyond the limits provided for in the previous paragraph must be justified by means of a request submitted to SEF before the resident leaves national territory or, in exceptional cases, after his/her departure.
- 4 - The residence permit shall not be cancelled for citizens who are absent for periods longer than those provided for in paragraph 2, when they prove that during their absence from national territory they were engaged in a professional or business, cultural or social activity.
- 5 - The cancellation of the residence permit must be notified to the interested party and communicated electronically to ACIME, I . P., and to the Advisory Board with an indication of the grounds for the decision and implies the seizure of the corresponding permit.
- 6 - The Minister of Internal Administration is competent for the cancellation, with the faculty of delegation to the General Director of SEF.
- 7 - The decision of cancellation may be judicially challenged, with merely devolutive effect, before the administrative courts.

Article 86

(Registration of residents)

Residents must communicate to SEF, within 60 days from the date in which it occurs, the change of their marital status or of their domicile.

Article 87

(Foreign nationals exempt from residence permit)

- 1 - The residence permit is not required for diplomatic and consular agents accredited in Portugal, for administrative and domestic staff or similar who come to work in the diplomatic missions or consular posts of the respective States, for officials of international organisations with their headquarters in Portugal, nor for their family members.
- 2 - The persons mentioned in the previous paragraph shall be provided with an identification document issued by the Ministry of Foreign Affairs, after consultation with SEF.

Article 87-A

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

- 1 - Nationals of States in which the CPLP Agreement is in force who are holders of a short-stay visa or a temporary stay visa or who have entered national territory legally may apply for a CPLP residence permit in national territory at SEF.
- 2 - The granting of the residence permit provided for in the previous paragraph depends, with the necessary adaptations, on compliance with the conditions for granting a CPLP residence visa and residence permit.
- 3 - 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.

Section II

Residence permit

Subsection I

Residence permit for the exercise of a professional activity

Article 88

(Residence permit for the exercise of subordinate professional activity)

- 1 - In addition to the general requirements set out in Article 77, a residence permit for the exercise of subordinate professional activity shall be granted only to third country nationals who have a employment contract concluded in accordance with the law and are registered with the social security system.
- 2 - Through an expression of interest submitted through SEF's website or directly at one of its regional offices, the requirement set out in article 77(1)(a) is waived, provided that the foreign national, in addition to the other general conditions set out in that provision, meets the following conditions:
 - a) Has a employment contract or promise of employment contract or has an employment relationship proven by trade union, by representative of migrant communities with seat in the Council for Migration or by the Authority for Working Conditions;
 - b) Has legally entered national territory;
 - c) Is registered with social security, except in cases where the document presented in accordance with subparagraph (a) is a promise of employment contract.
- 3 - (Repealed.)
- 4 - The granting of a residence permit under the terms of the previous paragraphs shall be communicated by SEF, electronically, to the General Inspectorate of Labour or, in the Autonomous Regions, to the respective regional secretariat, so that these entities may supervise compliance with all legal obligations of the employer

towards the holder of the residence permit, as well as to the tax authorities and the competent social security services.

- 5 - The holder of a residence permit for the exercise of a subordinate professional activity may exercise a self-employed professional activity by replacing the residence permit, and the provisions of the following article shall apply, with the necessary adaptations.
- 6 - The legal entry referred to in paragraph 2(b) shall be presumed whenever the applicant has been working in national territory and has had his/her social security situation in order for at least 12 months.
- 7 - After the establishment and formalisation of the employment relationship within the 180 days referred to in subparagraph c), paragraph 1 of Article 57-A, a residence permit may be applied for from the competent body on the date of the appointment indicated in the visa, provided that he/she meets the general conditions for granting a residence permit under Article 77.

Article 89

(Residence permit for self-employed professionals or entrepreneurial immigrants)

- 1 - In addition to the general requirements set out in Article 77, a residence permit for the purpose of exercising activities as a self-employed person shall be granted only to third country nationals who fulfil the following requirements:
 - a) Have constituted a company in accordance with the law, declared the beginning of activity to the tax and social security authorities as a natural person or concluded a contract for the provision of services for the exercise of a liberal profession;
 - b) Are qualified to exercise a self-employed professional activity, when applicable;
 - c) Have means of subsistence, as defined by the ordinance referred to in Article 52(1)(d);
 - d) Are registered with social security;
 - e) When required, submit a declaration from the respective professional association that they fulfil the respective registration requirements.
- 2 - Upon expression of interest submitted through SEF's website or directly at one of its regional offices, the requirement provided for in Article 77(1)(a) is waived provided that the foreign national has entered national territory legally.
- 3 - The holder of a residence permit for self-employed activity may exercise a subordinate professional activity, being applicable, with the necessary adaptations, the provisions of the previous article, through the replacement of the residence permit.
- 4 - A residence permit shall be granted to a third country national who develops an entrepreneurial project, including the creation of an innovative-based company, integrated in a certified incubator under the terms defined by administrative ruling of the Government members responsible for the areas of internal administration and economy, as long as he/she meets the general requirements of Article 77, with exemption of what is established in paragraph 1(a) thereof.
- 5 - The legal entry referred to in paragraph 2 shall be presumed whenever the applicant has a contract for the provision of services or independent professional activity in force in the national territory and has been in good standing with social security, in either case for at least 12 months.

Article 90

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

- 1 - A residence permit shall be granted to third country nationals for the purpose of exercising a teaching activity in a higher education institution or vocational education or training establishment, a highly qualified activity or a cultural activity, who, in addition to the conditions stipulated in Article 77, also fulfil the following conditions:
 - a) They have an employment or service provision contract compatible with the teaching activity or are highly qualified;

- b)* Invitation letter issued by an educational or vocational training institution;
 - c)* Submit a liability note from a certified company under the terms defined in an ordinance from the Government members responsible for the areas of internal administration and economy; or
 - d)* Are collaborating in a cultural activity carried out in national territory within the scope of a project recognised by the Government member responsible for the area of culture as being of interest to the country.
- 2 - The applicant is exempt from a residence visa whenever he/she has entered and remained legally in the national territory.
- 3 - (Repealed.)

Subsection II

Residence permit for investment activity

Article 90-A

(Residence permit for investment activity)

- 1 - A residence permit for the purpose of carrying out an investment activity shall be granted to third country nationals who, cumulatively:
 - a)* Fulfil the general requirements laid down in Article 77, with the exception of paragraph 1(a);
 - b)* Are in possession of valid Schengen visas;
 - c)* Regularise their stay in Portugal within 90 days from the date of first entry into national territory;
 - d)* Meet the requirements laid down in Article 3(1)(d)
- 2 - The residence permit is renewed for periods of two years, under the terms of the previous law, provided that the applicant proves to maintain any of the requirements of subparagraph d) of paragraph 1 of Article 3.
- 3 - Repealed.

Subsection III

Residence permit for research, study, professional traineeship or volunteering

Article 91

(Residence permit for higher education students)

- 1 - A higher education student who holds a residence visa issued in accordance with article 62 and meets the general conditions of article 77 is granted a residence permit, provided that he/she presents proof of:
 - a)* Enrolment in a higher education institution;
 - b)* Payment of tuition fees, if applicable;
 - c)* Means of subsistence, as defined in the ordinance referred to in Article 52(1)(d);
 - d)* How they are covered by the National Health Service or have health insurance.
- 2 - The residence permit granted under the present article to higher education students is valid for three years, renewable for equal periods and, in cases where the duration of the study programme is less than three years, it is issued for its duration.
- 3 - The residence permit granted to higher education students covered by European Union or multilateral programmes that include mobility measures, or by an agreement between two or more higher education institutions, shall be for two years or for the duration of the study programme if shorter, and may be for one year in case the conditions of article 62(4) are not met at the moment of its granting.

- 4 - A residence permit may be granted to a higher education student who does not hold a residence visa issued under the terms of article 62, provided that he/she has legally entered national territory and meets the other conditions established in this article.
- 5 - Higher education students admitted in a higher education institution approved for the application of the present law under the terms of an ordinance issued by the Government members responsible for the areas of internal administration and higher education shall be exempt from presenting documents proving the payment of fees and means of subsistence.
- 6 - For the purposes of the provisions in the previous paragraph, the approval of the higher education institution is decided upon presentation of the application and preceded by a favourable opinion from SEF, and is valid for five years.
- 7 - The approval shall be withdrawn or not renewed whenever the higher education institution ceases its activity in national territory, has obtained approval fraudulently or admits higher education students fraudulently or negligently.
- 8 - The Government member responsible for the area of science and higher education shall keep an updated list of the approved higher education institutions with SEF for the purposes of the provisions of the present law.

Article 91-A

(Mobility of higher education students)

- 1 - Higher education students who hold a residence permit granted by a Member State of the European Union and covered by a European Union or multilateral programme with mobility measures, or by an agreement between two or more higher education institutions, are allowed to enter and stay in national territory to carry out part of their studies, including to exercise a professional activity under the terms of article 97, for a maximum period of 360 days, provided that they communicate it to SEF up to 30 days before the beginning of the mobility period.
- 2 - The communication referred to in the previous paragraph must be accompanied by proof of the respective situation, and the following conditions must also be met:
 - a) Possession of a valid passport and of a residence permit issued by another Member State of the European Union valid for the entire period referred to in paragraph 1;
 - b) Possession of health insurance, as well as sufficient means of subsistence that are not obtained through recourse to benefits of the Social Protection System of Citizenship of the Social Security System;
 - c) Payment of tuition fees, if applicable;
- 3 - SEF may refuse entry or stay where the interested party constitutes a threat to public policy, public security or public health.
- 4 - The entry and stay of third country nationals who are not covered by the programmes or agreements referred to in paragraph 1 shall be in accordance with Articles 52, 62 and 91.
- 5 - SEF opposes mobility in the following situations:
 - a) Where the conditions set out in paragraph 1 are not met
 - b) Where the conditions set out in paragraph 2 are not met;
 - c) When the conditions of Article 95 are met;
 - d) In the event that the maximum period of 360 days referred to in paragraph 1 is exceeded.
- 6 - The opposition referred to in the previous paragraph shall be communicated, in writing, to the interested party and to the authorities of the Member State that granted him/her the residence permit, within 30 days following receipt of the communication referred to in paragraph 1, informing that he/she is not authorised to remain in Portuguese territory for the purposes of studying in higher education.
- 7 - If SEF does not object to the mobility under the terms of the previous paragraphs, it will issue a statement attesting that the higher education student is authorised to stay in national territory and to enjoy the rights foreseen in the law.
- 8 - A student with a residence permit issued under article 91 may enter and remain on national territory, if he/she no longer fulfils the conditions for mobility in a Member State of the European Union, at its request,

as well as when his/her residence permit in national territory has expired or has been cancelled during the period of mobility in that Member State.

Article 91-B

(Residence permit for researchers)

- 1 - A researcher holding a residence visa granted under article 62 shall be granted a residence permit provided that, in addition to the conditions laid down in article 77, he/she is admitted to collaborate in an officially recognised research centre, namely through an employment contract, a contract for the provision of services, a scientific research scholarship or a hosting agreement.
- 2 - Researchers admitted in officially recognised research centres are exempt from presenting the supporting documents referred to in article 77(1)(d), (e) and (f).
- 3 - The recognition of research centres for the purposes of the previous paragraph is granted upon application and preceded by a favourable opinion from SEF, and is valid for five years.
- 4 - Recognition should be withdrawn or not renewed where the research centre ceases activity on national territory, has obtained approval fraudulently or admits researchers or higher education students fraudulently or negligently.
- 5 - The Government member responsible for the area of science and higher education shall keep an updated list of the research centres and institutions approved for the purposes of the provisions of this law with SEF.
- 6 - The residence permit granted to researchers is valid for two years, renewable for equal periods or for the duration of the hosting agreement if this is less than two years.
- 7 - The residence permit granted to researchers covered by European Union or multilateral programmes, which include mobility measures, shall be for two years or for the duration of the host agreement, if this is less than two years, except in cases where the researchers do not meet the conditions of article 62 at the time of granting, in which case it shall be for one year.
- 8 - The hosting agreement lapses if the researcher is not admitted to the national territory or if the legal relationship between the centre or institution and the researcher ceases.
- 9 - When the researcher has entered the national territory legally, he/she is exempt from the residence visa issued under article 62
- 10 - A researcher holding a residence permit issued under this article is entitled to family reunification under the terms of subsection IV.

Article 91-C

(Mobility of researchers)

- 1 - The third country national holding a "researcher" or "researcher mobility" residence permit granted by a Member State of the European Union is authorised to enter and stay in the national territory to carry out part of the research in a recognised host organisation in the national territory, and also to teach, for a maximum period of 180 days per period of 360 days in each Member State ; family members are entitled to accompany them, on the basis of the residence permit granted by that Member State and provided that they hold a valid passport, with exemption from any other formalities, and that they are not entered in the Schengen Information System for the purposes of refusing entry and stay.
- 2 - Without prejudice to the provisions in the previous paragraph, the third country national with a "researcher" or "mobility researcher" residence permit granted by a Member-State of the European Union wishing to stay in national territory to carry out research in a recognised host entity in national territory, including teaching activity, for a period exceeding 180 days, must formulate an application for a residence permit for long-term mobility with SEF under the terms of the provisions of this article.
- 3 - The request referred to in the previous paragraph and, when applicable, the application for a residence permit for the purposes of family reunification must be submitted within 30 days after entering national territory or, if the researcher benefits from the provisions in paragraph 1, 30 days before the end of the 180-

- day period foreseen therein, and must be accompanied by documents that prove that he/she holds a valid residence permit issued by another Member State and that he/she fulfils the conditions foreseen in articles 77 and 91-B.
- 4 - For the purposes of submitting the application and pending the procedure, the applicant for the permit is authorised to:
 - a) Stay in the national territory, not being subject to visa requirements;
 - b) Carry out part of their research until the final decision of the application for long-term mobility, provided that the 180-day period for short-term mobility or the validity period of the residence permit issued by the other member state is not exceeded.
 - 5 - In the event of renewal, the long-term mobility residence permit is valid even if the residence permit issued by the other member state has expired.
 - 6 - Decisions taken on the application submitted under the terms of paragraph 3 will be communicated, in writing, to the applicant, within a maximum period of 90 days from the date of the respective submission, as well as to the authorities of the other Member State that issued the residence permit, preferably by electronic means.
 - 7 - The renewal of the residence permit for long-term mobility complies with the provisions of article 78 and of the present subsection.
 - 8 - An application for the granting or renewal of a permit for long-term mobility may be rejected:
 - a) If the conditions set out in Article 91-A(3) are not met or if Article 95 applies;
 - b) If the holder is considered a threat to public policy, public security or public health or if the residence permit issued by the other member state has expired or has been withdrawn during the examination of the application.
 - 9 - Article 85(1) and Article 95(2) shall apply to decisions to withdraw or not to renew a residence permit for long-term mobility.
 - 10 - The provisions of Article 96(4) and (6) apply to decisions to refuse to grant or to renew or to cancel a residence permit for the long-term mobility of researchers.
 - 11 - A researcher who is granted a residence permit for long-term mobility in accordance with the provisions of this article shall be issued a residence permit according to the uniform model provided for in Council Regulation (EC) No. 1030/2002, of 13 June 2002, and the mention "mobility researcher" shall be entered under the heading "type of permit".
 - 12 - Members of the researcher's family who has been granted a request for long-term mobility are granted a residence permit for the purposes of family reunification, under the terms of this law, and both requests may be submitted simultaneously under the same procedure.
 - 13 - For the purposes of paragraph 1, and whenever the residence permit has been issued by a Member State that does not apply the Schengen acquis in full, SEF may require from the researcher a declaration from the host entity specifying the mobility conditions, as well as from the members of his/her family, the possession of a valid residence permit and proof that they are accompanying the researcher.
 - 14 - The researcher with a residence permit issued under Article 91-B, as well as family members with a residence permit, may enter and stay on national territory, if they no longer fulfil the conditions for mobility in a Member State of the European Union, at the request of the latter, as well as when their residence permit in national territory has expired or has been cancelled during the period of mobility in that Member State.

Article 92

(Residence permit for students)

- 1 - A secondary education student holding a residence visa issued under the terms of article 62, who meets the general conditions established in article 77, is granted a residence permit, provided that he/she is enrolled in an educational establishment, meets the requirements established in article 62(6) and is covered by the National Health Service or by a health insurance policy.
- 2 - The validity of the residence permit may not exceed one year, renewable for equal periods, provided that the conditions for granting it are maintained.

- 3 - A residence permit may be granted to a secondary education student who does not hold a residence visa issued under the terms of article 62, if he/she has entered and remained legally in national territory and complies with the provisions of this article.
- 4 - The provisions in the previous paragraphs are applicable to the third country national who has been admitted to attend qualification level 4 or 5 courses of the NQF, or training courses provided by vocational education or training establishments, provided that he/she meets the conditions established in article 62(1)(a) and (b).

Article 93

(Residence permit for trainees)

- 1 - A trainee holding a residence visa issued under the terms of Article 62, who fulfils the general conditions set out in Article 77, shall be granted a residence permit, provided that he/she is covered by the National Health Service or by a health insurance policy and fulfils the provisions of Article 62(7).
- 2 - The residence permit granted to trainees is valid for six months, for the duration of the traineeship programme, plus a period of three months, in case it is less than six months, or for two years in the case of a long-term traineeship, in which case it may be renewed once for the remaining period of the traineeship programme.
- 3 - A residence permit may be granted to a trainee who does not hold a residence visa issued under the terms of Article 62 if he/she has entered and is legally staying in national territory and complies with the provisions of this Article.

Article 94

(Residence permit for volunteers)

- 1 - A volunteer holding a residence visa issued under the terms of article 62, who fulfils the general conditions set out in article 77, shall be granted a residence permit provided that he/she is covered by the National Health Service or by health insurance and fulfils the conditions set out in article 62(8).
- 2 - The residence permit granted under the terms of the previous paragraph is valid for one year or for the duration of the volunteering programme and cannot be renewed.
- 3 - (Repealed.)
- 4 - (Repealed.)
- 5 - (Repealed.)

Article 95

(Rejection and cancellation)

- 1 - Without prejudice to Article 77, the application for a residence permit based on the provisions of this Section shall be rejected if:
 - a) The applicant does not meet the conditions laid down in Article 62, as well as, according to the category he/she falls into, in Articles 90 to 94;
 - b) The documents presented have been fraudulently obtained, falsified or tampered with;
 - c) The host entity is established or functions primarily for the purpose of facilitating the entry of third country nationals or has been sanctioned in accordance with national law for undeclared work and/or illegal employment; or
 - d) The host entity has not fulfilled its legal obligations concerning social security, taxation, employment rights or working conditions, is being or has been dissolved or declared bankrupt in accordance with national law, or is not registering any economic activity.
- 2 - Without prejudice to Article 78, an application for renewal of a residence permit on the basis of the provisions of this Section shall be rejected if, as the case may be:

- a) The applicant no longer meets the conditions laid down in Article 62, as well as, according to the category he/she falls into, in Articles 90 to 94;
 - b) The applicant resides in national territory for reasons other than those for which residence was authorised;
 - c) The applicant carries out professional activity in breach of Article 97;
 - d) The applicant does not progress successfully in his/her studies;
 - e) The documents presented have been fraudulently obtained, falsified or tampered with;
 - f) If one of the situations provided for in subparagraphs (c) and (d) of the previous paragraph occurs.
- 3 - Without prejudice to paragraph 1 of Article 85, the residence permit shall be cancelled if the situations of the previous paragraph occur.
 - 4 - The decision to refuse to grant or renew a concession or to cancel it shall take into account the specific circumstances of the case and respect the principle of proportionality.
 - 5 - Where the researcher or higher education student is residing on the territory of another Member State under mobility arrangements and SEF becomes aware of the situation, it shall notify the authorities of that Member State of the cancellation of the residence permit under paragraph 3.

Article 96

(Procedure, access to information and procedural guarantees)

- 1 - The application for granting or renewing a residence permit under the present subsection must be submitted by the third country national to SEF regional directorate or delegation of his/her area of residence.
- 2 - The application shall be accompanied by documentary evidence that the applicant meets the conditions laid down in this subsection.
- 3 - The applicant shall be provided with information about the documentation legally required within the framework of the procedures provided for in this Subsection, the rules for entry and stay in national territory, his/her rights, obligations and procedural, graceful or contentious guarantees, including, where appropriate, regarding the members of his/her family, as well as information about the resources required to cover study or training expenses and applicable fees.
- 4 - If the information or documentation submitted by the applicant is insufficient, the examination of the application shall be suspended and the applicant shall be requested to provide the necessary supplementary information or documents, which shall be made available within 10 days.
- 5 - The decision on the application for the granting or renewal of a residence permit shall be adopted and communicated to the applicant within a period that does not prevent the pursuit of the activity in question, which may not exceed 90 days from the submission of the application or 60 days, in the case of higher education students or researchers admitted in a host entity officially recognized under the terms of articles 91 and 91-B.
- 6 - The decision rejecting the granting or renewal of the residence permits provided for in this subsection, as well as the decision of cancellation, shall be notified in writing to the applicant, indicating the respective grounds, the right to judicial review and the respective time limit and competent court.
- 7 - The holder of a residence permit granted under this subsection will be issued a residence permit according to the uniform format of the residence permit for third country nationals, as set out in Council Regulation (EC) no. 1030/2002, of 13 June 2002, with the entry "researcher", "higher education student", "secondary education student", "trainee" or "volunteer", as the case may be, under the heading "type of permit".
- 8 - When the researcher is granted a residence permit in the framework of a specific European Union or multilateral programme that comprises mobility measures, the residence permit shall be marked 'researcher-mobility'.

Article 97

(Exercise of a professional activity)

- 1 - Holders of a residence permit granted under this subsection may engage in professional activity, either subordinate or independent, in addition to the activity which gave rise to the visa.
- 2 - *(Repealed.)*
- 3 - *(Repealed.)*

Article 97-A

(Equal treatment)

- 1 - Without prejudice to the provisions of article 97, holders of a residence permit for the purpose of research and study in higher education shall enjoy equal treatment with nationals under the terms of article 83(2), including in labour matters, when applicable.
- 2 - Holders of a residence permit for secondary school studies, traineeships or voluntary work benefit from the same treatment as nationals, namely with regard to:
 - a) Recognition of diplomas, certificates and other professional qualifications;
 - b) Access to the supply of public goods and services under the same conditions as nationals.

Article 97-B

(National Contact Point)

For the purposes of the cooperation provided for in Article 37 of Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016, SEF is designated as the national contact point.

Article 97-C

(Statistics)

- 1 - SEF shall be responsible for the preparation of statistics on the granting, renewal and cancellation of residence permits under this Section, disaggregated by nationalities and periods of validity, including the residence permits of the researcher's family members under the right to family reunification.
- 2 - The statistics referred to in the previous paragraph shall relate to each calendar year and shall be sent, pursuant to Regulation (EC) no. 862/2007 of the European Parliament and of the Council of 11 July 2007, to the Commission within six months of the end of each calendar year.

Subsection IV

Residence permit for family reunification

Article 98

(Right to family reunification)

- 1 - A citizen with a valid residence permit is entitled to family reunification with family members who are outside national territory, have lived with him/her in another country, depend on him/her or cohabit with him/her, irrespective of whether the family ties predate or post-date the resident's entry.
- 2 - In the circumstances referred to in the previous paragraph, the right to family reunification is also recognised with family members who have legally entered national territory and who depend on or cohabit with the holder of a valid residence permit.

- 3 - A refugee, recognised under the terms of the law regulating asylum, has the right to family reunification with members of his/her family who are in the national territory or outside it, without prejudice to legal provisions recognising the refugee status of family members.

Article 99
(Family members)

- 1 - For the purpose of the provisions of the previous article, the following shall be deemed to be family members of the resident:
- a) The spouse;
 - b) Children who are minors or incapacitated and are dependants of the couple or one of the spouses;
 - c) Minors adopted by the applicant when he/she is not married, by the applicant or his/her spouse, as a result of a decision of the competent authority of the country of origin, provided that the law of that country grants to the adopted children identical rights and duties to those of natural filiation and that the decision is recognised by Portugal;
 - d) Adult children who are dependants of the couple or one of the spouses, who are single and are studying in an educational establishment in Portugal;
 - e) Adult dependent children of the couple or one of the spouses, who are unmarried and studying, where the holder of the right to reunification has a residence permit granted under Article 90-A;
 - f) Ascendants in the direct line and to the first degree of the resident or his/her spouse, provided they are dependent on him/her;
 - g) Minor siblings, provided that they are under the resident's guardianship, in accordance with a decision issued by the competent authority in the country of origin and provided that this decision is recognised by Portugal.
- 2 - Unaccompanied minor refugees are also considered family members for the purposes of family reunification:
- a) Direct ascendants in the first degree;
 - b) His/her legal guardian or any other relative if the refugee has no direct ascendants or it is not possible to trace them.
- 3 - Family members for the purposes of family reunification of the holder of a residence permit for study, unremunerated professional traineeship or voluntary service are only those mentioned in paragraph 1(a) to (c).
- 4 - Family reunification with a minor or incapacitated child of one of the spouses depends on the authorisation of the other parent or a decision by a competent authority in accordance with which the child has been entrusted to him/her.
- 5 - For the purposes of paragraph 2, an unaccompanied minor is a third country national or stateless person below the age of 18 years who:
- a) entered the country unaccompanied and not in the care of a responsible adult by law or custom;
or
 - b) is abandoned after his/her entry into the national territory.

Article 100
(Civil partnership)

- 1 - Family reunification can be authorised with:
- a) The partner that maintains, in national territory or outside of it, with the foreign resident citizen, a civil partnership, duly proved under the terms of the law;
 - b) Unmarried minor or incapacitated children, including adopted children of the civil partner, as long as they are legally entrusted to him/her.

- 2 - The provisions relating to the exercise of the right to family reunification shall apply, with the necessary adaptations, to family reunification pursuant to the previous paragraph.

Article 101

(Conditions for the exercise of the right to family reunification)

- 1 - -For the exercise of the right to family reunification the applicant must have:
 - a) Accommodation;
 - b) Means of subsistence, as defined by the ordinance referred to in Article 52(1)(d).
- 2 - The provisions of the previous paragraph are not applicable to family reunification of refugees.

Article 102

(Competent authority)

The decision on applications for family reunification is the responsibility of the Director-General of SEF, with the power to delegate.

Article 103

(Application for family reunification)

- 1 - It is up to the holder of the right to family reunification to apply to SEF for the entry and residence of his/her family members whenever they are outside national territory.
- 2 - Where the family members are on national territory, family reunification may be requested by them or by the holder of the right.
- 3 - The application must be accompanied by:
 - a) Documents attesting the existence of relevant family or civil partnership ties;
 - b) Documents attesting the compliance with the conditions for exercising the right to family reunification;
 - c) Certified copies of travel documents of family members or civil partner.
- 4 - Where a refugee cannot produce official documents proving the family relationship, other evidence of the existence of such relationship shall be taken into consideration.

Article 104

(Assessment of the application)

- 1 - SEF may, if necessary, carry out interviews with the applicant and his/her family members and conduct other investigations it deems necessary.
- 2 - When examining an application concerning the unmarried partner of the applicant, SEF will take into account factors such as the existence of a common child, previous cohabitation, registration of the partnership or any other reliable means of proof.

Article 105

(Time limit)

- 1 - As soon as possible, and in any case within three months, SEF notifies the applicant in writing of the decision.
- 2 - In exceptional circumstances linked to the complexity of the examination of the application, the time limit referred to in the previous paragraph may be extended by three months; the applicant shall be informed of this extension.
- 3 - The absence of a decision within six months corresponds to the tacit acceptance of the request.

- 4 - In case of tacit acceptance, SEF certifies it, at the request of the interested party, communicating it, within forty-eight hours, to the Directorate-General for Consular Affairs and Portuguese Communities, for the purposes of issuing the residence visa under the terms of article 64.

Article 106

(Rejection of the application)

- 1 - The application for family reunification may be rejected in the following cases:
 - a) When the conditions for exercising the right to family reunification are not met;
 - b) When the family member is prohibited from entering and staying on national territory or is the subject of an alert in the SIS for the purposes of return or refusal of entry and residence;
 - c) When the family member's presence on national territory constitutes a threat to public policy, public security or public health.
- 2 - When the decision to grant the request for family reunification is based on reasons of public order or public security, the seriousness or type of offence against public order or public security committed by the family member, or the dangers that may arise from the family member's stay in national territory, shall be taken into consideration.
- 3 - Before a decision is taken to reject an application for family reunification, the nature and solidity of the person's family ties, the length of time they have been resident in Portugal and the existence of family, cultural and social ties with their country of origin are taken into consideration.
- 4 - The rejection of the application submitted by a refugee cannot be based solely on the lack of documentary evidence of the family relationship.
- 5 - A copy of the rejection of the application, with the respective justifications, shall be sent to the ACIME, I. P., and to the Advisory Board, without prejudice to the applicable rules regarding the protection of personal data.
- 6 - The rejection decision shall be notified to the applicant with an indication of the grounds therefor and shall include the right to judicial appeal and the respective time limit.
- 7 - The decision to reject the application for family reunification may be challenged in court, with devolutive effect, before the administrative courts.
- 8 - Where the family members are already on national territory and the decision of refusal is exclusively based on noncompliance with the conditions established in paragraph 1(a), the judicial challenge shall have suspensive effect.

Article 107

(Scope of application)

- 1 - A family member who holds a visa issued under the terms of Article 64 or who is in national territory and whose application for family reunification has been approved is granted a residence permit of identical duration to that of the resident.
- 2 - The family member of the holder of a permanent residence permit is issued with a residence permit valid for two years, renewable for successive periods of three years.
- 3 - After two years from the issue of the first residence permit referred to in the previous paragraphs and as long as the family relationship subsists or, irrespective of the aforementioned period, whenever the holder of the right to family reunification has minor children residing in Portugal, the family members are entitled to an autonomous permit, of identical duration to that of the holder of the right.
- 4 - In exceptional cases, namely judicial separation of persons and goods, divorce, widowhood, death of ascendant or descendant, accusation by the Public Prosecution Service for the crime of domestic violence and when the person reaches the legal age, and even if the facts occur during the examination of the application for family reunification, an autonomous residence permit may be granted before the end of the period referred to in the previous paragraph, valid for two years, renewable for periods of three years.

- 5 - The first residence permit granted to the spouse under family reunification is autonomous when he/she has been married or in a non-marital partnership for more than five years with the resident and will be issued with a residence permit of the same duration as the resident.

Article 108

(Cancellation of residence permit)

- 1 - Without prejudice to the provisions of Article 85, the residence permit issued under the right to family reunification shall be cancelled when the marriage, partnership or adoption had the sole purpose of enabling the interested person to enter or reside in the Country.
- 2 - Specific checks and inspections may be carried out where there is reason to suspect fraud or a marriage, partnership or adoption of convenience as defined in the previous paragraph.
- 3 - Before a decision is made to cancel a residence permit under the terms of family reunification, the nature and solidity of the person's family ties, the length of their residence in Portugal and the existence of family, cultural and social ties with their country of origin are taken into consideration.
- 4 - The decision of cancellation shall be taken after hearing the foreign national, which shall, for all purposes, be equivalent to hearing the interested party.
- 5 - The cancellation decision shall be notified to the interested party with an indication of its grounds, which shall include the right to judicial review and the respective time limit.
- 6 - The cancellation decision shall be communicated electronically to ACIDI, I. P., and to the Advisory Board, without prejudice to the applicable rules regarding the protection of personal data.
- 7 - The decision to cancel the authorisation of the family member based on paragraph 1 above may be challenged in court, with suspensive effect, before the administrative courts.

Subsection V

Residence permit for victims of human trafficking or action to facilitate illegal immigration

Article 109

(Residence permit)

- 1 - A residence permit is granted to a foreign national who is or has been a victim of criminal offences related to trafficking in human beings or aiding illegal immigration, even if he/she entered the country illegally or does not meet the conditions for granting a residence permit.
- 2 - The residence permit referred to in the previous paragraph shall be granted after the expiry of the reflection period provided for in Article 111, provided that:
 - a) It is necessary to extend the stay of the interested party on national territory in view of the relevance of his/her presence for the investigations and judicial proceedings;
 - b) The interested party shows a clear will to cooperate with the authorities in the investigation and prosecution of trafficking in human beings or of action to facilitate illegal immigration;
 - c) The interested party has severed relations with the alleged perpetrators of the offences referred to in the previous paragraph.
- 3 - The residence permit may be granted before the expiration of the reflection period provided for in article 111, if it is understood that the interested party unequivocally meets the criterion provided for in subparagraph (b) of the previous paragraph.
- 4 - A residence permit may also be granted after expiry of the reflection period provided for in Article 111 to a foreign national identified as a victim of human trafficking, under the terms of special legislation, with exemption from the conditions set out in paragraph 2(a) and (b).

- 5 - The residence permit granted under the terms of the previous paragraphs is valid for a period of one year and is renewable for equal periods if the conditions listed in paragraph 2 continue to be fulfilled or if the need for protection of the person identified as a victim of human trafficking continues, under the terms of special legislation.

Article 110
(Information for victims)

Where public authorities or associations acting to protect victims of crime consider that a foreign national may fall under the provisions of the previous Article, they shall inform the interested party of the possibility of benefiting from the provisions of this Section.

Article 111
(Reflection period)

- 1 - Before issuing the residence permit provided for in Article 109, SEF shall give the interested party a reflection period allowing him/her to recover and escape the influence of the perpetrators of the offences in question.
- 2 - The reflection period referred to in the previous paragraph has a minimum duration of 30 days and a maximum duration of 60 days, counting from the moment in which the competent authorities request the collaboration, from the moment in which the interested party expresses his/her willingness to cooperate with the authorities in charge of the investigation or the moment the interested party is reported as a victim of human trafficking under the applicable special legislation.
- 3 - During the reflection period, the interested party shall be entitled to the treatment provided for in Article 112 and no removal measure may be enforced against him/her.
- 4 - The reflection period shall not entitle the interested party to a right of residence under the provisions of this Section.

Article 112
(Rights of the victim before granting the residence permit)

- 1 - Before a residence permit is granted, a person who has been identified as a victim of human trafficking or an action to facilitate illegal immigration and who does not have sufficient resources is guaranteed subsistence and access to appropriate emergency medical treatment.
- 2 - For the purpose of the provisions of the previous paragraph, the specific needs of the most vulnerable persons shall be taken into account, including, if necessary, recourse to psychological assistance.
- 3 - The safety and security of the person referred to in paragraph 1 shall also be guaranteed.
- 4 - Whenever necessary, the person referred to in paragraph 1 shall be provided with translation and interpretation assistance, as well as legal protection under the terms of Law no. 34/2004 of 29 July, and the provisions of its Article 7(2) shall not apply

Article 113
(Rights of the residence permit holder)

- 1 - The provisions of the previous article shall apply, with the necessary adaptations, to the holder of a residence permit granted under the terms of article 109 who does not have sufficient resources.
- 2 - The necessary medical and social assistance shall be provided to holders of a residence permit granted under Article 109 who do not have sufficient resources and have special needs, such as minors or pregnant women, disabled persons, victims of sexual violence or other forms of violence.

- 3 - The holder of a residence permit granted under Article 109 shall be offered access to existing official programmes, the aim of which is to help him/her return to a normal social life, including courses designed to improve his/her vocational skills or to prepare his/her assisted return to the country of origin.

Article 114

(Minors)

- 1 - In applying the provisions of Articles 109 to 112 the best interests of the child shall be taken into account and procedures shall be appropriate to the age and maturity of the child.
- 2 - The reflection period provided for in Article 111(2) may be extended if the interests of the child so require.
- 3 - Minors who are victims of human trafficking or facilitated illegal immigration have access to the education system under the same conditions as nationals.
- 4 - Every effort shall be made to establish the identity and nationality of the unaccompanied minor as defined in Article 99(5) and to trace his/her family as soon as possible and to ensure his/her legal representation, including, where necessary, within the framework of criminal proceedings, in accordance with the law.

Article 115

(Cancellation of the residence permit)

- 1 - Without prejudice to Article 85, a residence permit granted under this Section may be cancelled at any time if:
 - a) The holder has actively and voluntarily, on his/her own initiative, renewed contact with the alleged perpetrators of human trafficking or facilitated illegal immigration; or
 - b) The responsible authority finds that the cooperation is fraudulent or that the victim's complaint is unfounded or fraudulent; or
 - c) The victim ceases to cooperate.
- 2 - Subparagraph (c) of the previous paragraph shall not apply to holders of a residence permit issued under Article 109(4).

Subsection VI

Residence permit for holders of long-term resident status in another member state of the European Union

Article 116

(Right of residence of the holder of long-term resident status in another Member State of the European Union)

- 1 - A third country national who has acquired long-term resident status in another Member State of the European Union and stays in national territory for a period of more than three months has the right of residence provided that:
 - a) He/she in a subordinate professional activity; or
 - b) He/she self-employed; or
 - c) He/she is attending a study programme or vocational training course; or
 - d) He/she presents a compelling reason to take up residence in the national territory.
- 2 - The provision in the previous paragraph is not applicable to long-term residents who stay in the national territory as:
 - a) Workers posted by a service provider for the purposes of cross-border provision of services;
 - b) Cross-border service providers.

- 3 - The provisions of this Article shall not affect the application of relevant Community social security legislation in relation to third country nationals.
- 4 - Third country nationals to whom paragraph 1 applies shall be granted a residence permit provided they have
 - a) Means of subsistence;
 - b) Accommodation.
- 5 - For the purposes of assessing compliance with the requirement laid down in subparagraph (a) of the previous paragraph, the resources shall be assessed by reference to their nature and regularity, taking into account the level of minimum wages and pensions.
- 6 - The provisions of Article 88(1) shall apply to the grant of a residence permit to third country nationals covered by paragraph 1(a).
- 7 - The provisions of Article 89(1) shall apply to the grant of a residence permit to third country nationals covered by paragraph 1(b).
- 8 - The granting of a residence permit to third country nationals covered by paragraph 1(c) shall be subject to the presentation by the interested party of enrolment at an officially recognised establishment of higher education or admission to an officially recognised establishment or undertaking providing vocational training.

Article 117

(Application for a residence permit)

- 1 - Within three months of entering national territory, the long-term resident referred to in the previous article must submit an application for a residence permit to SEF.
- 2 - The application referred to in the previous paragraph shall be accompanied by documents proving that the applicant fulfils the conditions for the exercise of his/her right of residence referred to in the previous article.
- 3 - The application shall also be accompanied by the long-term resident's permit and a valid travel document, or certified copies thereof.
- 4 - The decision on an application for a residence permit submitted under the previous article is taken within three months.
- 5 - If the application is not accompanied by the documents indicated in paragraphs 2 and 3, or in exceptional circumstances due to the complexity of the examination of the application, the time limit provided for in the previous paragraph may be extended for a period not exceeding three months, and the applicant must be informed of this extension.
- 6 - The Director-General of SEF is competent to decide on the granting of a residence permit under the present Section, with the power to delegate.
- 7 - Failure to take a decision within six months shall be tantamount to granting the application for a residence permit.
- 8 - The granting of a residence permit to long-term residents and their family members is communicated by SEF to the competent authorities of the Member State that granted the long-term resident status.

Article 118

(Family reunification)

- 1 - A residence permit in national territory shall be granted to family members of the holder of a residence permit granted under Article 116 who reside with him/her in the Member State that first granted him/her the long-term resident status.
- 2 - For the purposes of the previous paragraph, the family members referred to in article 99(1) as well as the persons referred to in article 100(1), are considered family members.
- 3 - – The presentation of an application for a residence permit is governed by the previous article.
- 4 - The interested party must attach to the application for a residence permit:
 - a) Their long-term resident's EC residence permit or their residence permit and a valid travel document, or certified copies of these;

- b)* Proof that they have resided in the Member State which for the first time granted them long-term resident status as family member or life partner of a long-term resident;
 - c)* Proof that they have means of subsistence and are covered by the national health service or has health insurance.
- 5 - For the purposes of evaluation of the means of subsistence referred to in subparagraph (c) of the previous paragraph, their nature and regularity shall be taken into consideration, as well as the level of minimum wages and pensions.
- 6 - Where the family was not already constituted in the Member State that first granted the long-term resident status, the provisions of Section IV of Chapter VI shall apply.
- 7 - Family members covered by the previous paragraphs shall be granted a residence permit of the same duration as that granted to long-term residents, and the provisions of paragraph 8 of the previous article shall apply.

Article 119

(Public order, public security and public health)

- 1 - An application for a residence permit submitted under this Section may be rejected if the interested party constitutes a threat to public policy or public security.
- 2 - The decision of refusal under the terms of the previous paragraph shall take into consideration the seriousness or type of offence against public order or public security committed by the long-term resident or by his/her family member, or the dangers that may arise from the permanence of that person in national territory.
- 3 - The decision referred to in paragraph 1 shall not be based on economic grounds.
- 4 - An application for a residence permit for long-term residents or for a family member of a long-term resident may also be rejected if the interested party represents a threat to public health under the terms defined in Article 77(3).
- 5 - The provisions of article 77(4) and (5) shall apply to the situations of the previous paragraph

Article 120

(Cancellation and non-renewal of a residence permit)

- 1 - Without prejudice to the provisions of Article 85, as long as the holder of a residence permit granted under this Section has not obtained long-term resident status in national territory, he/she may be subject to a decision to cancel or not to renew the residence permit in the following cases
 - a)* For reasons of public order or public security, the gravity or type of offence against public order or public security committed, or the dangers that may arise from the person's stay in national territory, as well as the duration of residence and the existence of links with the country, must be taken into consideration;
 - b)* When the conditions provided for in Articles 116 and 118 are no longer met.
- 2 - The cancellation or non-renewal of the residence permit of the long-term resident as well as that of his/her family members is communicated by SEF to the competent authorities of the Member State which granted the long-term resident status.

Article 121
(Procedural guarantees)

- 1 - The interested party shall be notified of any decision rejecting an application for a residence permit, non-renewal or cancellation of a residence permit granted under this Section, together with the reasons for such decision, the right to judicial review and the time limit for such review.
- 2 - The decisions referred to in the previous paragraph shall be communicated electronically to the ACIME, I. P., and to the Advisory Board.

Subsection VII
EU Blue Card residence permit

Article 121-A
(EU Blue Card beneficiaries)

- 1 - The EU Blue Card is the residence permit entitling its holder to reside and to engage in highly qualified employment on national territory under the terms and conditions set out in this Section.
- 2 - Beneficiaries of the 'EU Blue Card' are entitled to family reunification under the conditions set out in section iv. 3 Third country nationals shall not be eligible for an 'EU Blue Card' if:
 - a) They are authorised to reside in a Member State under temporary protection or have applied for a residence permit on that basis and are awaiting a decision on their status, as well as beneficiaries of protection granted under Law no. 27/2008, of 30 June, or have applied for this protection and are awaiting a final decision on their status;
 - b) They are family members of citizens of the European Union, in accordance with Law no. 37/2006 of 9 August;
 - c) They have applied for or hold a residence permit for research activity under the terms of Article 90(1);
 - d) They benefit from long-term resident status in another EU member state, under the terms of Article 116(1)(a) and (b);
 - e) They stay in Portugal for temporary reasons, to carry out commercial or investment-related activities, as seasonal workers or posted for the provision of a service;
 - f) Under an agreement between the EU and the third country of nationality, they enjoy rights of free movement equivalent to those of EU citizens;
 - g) They have their removal suspended for factual or legal reasons.

Article 121-B
(Conditions for granting an EU Blue Card)

- 1 - An EU Blue Card for highly qualified activities shall be issued to a third country national who, in addition to the conditions set out in Article 77, except for the one referred to in paragraph 1(e) thereof, fulfils all the following requirements:
 - a) Present an employment contract compatible with the exercise of a highly qualified activity and with a duration of not less than one year, to which corresponds an annual remuneration of, at least, 1.5 times the national average gross annual salary or, in the cases foreseen in article 61-A(2), of, at least, 1.2 times the national average gross annual salary;
 - b) Have health insurance or provide proof that they are covered by the National Health Service;
 - c) Be registered with social security;
 - d) In case of non-regulated profession, submit document proving high professional qualifications in the activity or sector specified in the employment contract or in the promissory contract of employment;

- e) In case of regulated profession indicated in the employment contract or in the promissory contract of employment, submit document proving the professional certification, when applicable.
- 2 - The applicant may be exempt from the requirement referred to in Article 77(1)(a) whenever he/she holds a valid right of residence in the national territory.
- 3 - For the purposes of paragraph 1(d), the provisions of Article 61-A(3) and (4) shall apply.
- 4 - The application for granting an 'EU Blue Card' shall be rejected in the following situations:
 - a) When the employer has been sanctioned for using illegal activity of foreign workers in the last 5 years;
 - b) For reasons of public policy, public security or public health.

Article 121-C
(Competence)

The decisions provided for in this Section shall be taken by:

- a) In cases of cancellation, the Government member responsible for the area of internal administration, with the power of delegation to the national director of SEF;
- b) In the remaining cases, the National Director of SEF, who may delegate.

Article 121-D
(Procedure)

- 1 - The application for an EU Blue Card must be submitted by the third country national or by his/her employer to SEF regional directorate or delegation in his/her area of residence.
- 2 - The application shall be accompanied by documentary evidence that the applicant meets the conditions set out in Article 121-B.
- 3 - If the information or documents provided by the applicant are insufficient, the analysis of the application will be suspended and the applicant will be requested to provide the necessary additional information or documents, which must be made available within a period of no less than 20 days set by SEF.
- 4 - The applicant shall be notified of the decision on the application in writing within a period not exceeding 60 days.
- 5 - Decisions refusing to grant or renew, or withdrawing, an EU Blue Card shall be notified in writing to the person to whom the EU Blue Card is issued or to his/her employer, stating the reasons for such a decision, the right to appeal and the time limit within which such an appeal may be lodged.

Article 121-E
(Validity, renewal and issuing of the EU Blue Card)

- 1 - "EU Blue Cards" shall have an initial validity of two years, renewable for successive periods of three years.
- 2 - The renewal of the EU Blue Card must be requested by the interested party at the latest 30 days before its expiry date.
- 3 - The "EU Blue Card" issued shall bear under the heading "type of permit" the designation "EU Blue Card".
- 4 - The provisions of Article 212 shall apply to the issue of the 'EU Blue Card'

Article 121-F

(Cancellation or refusal to renew the EU Blue Card)

- 1 - The 'EU Blue Card' is cancelled whenever:
 - a) It has been granted on the basis of false or misleading statements, false, falsified or altered documents, or through the use of fraudulent means;
 - b) When it is proven that its holder has committed serious punishable acts or when there are strong indications of such acts or that the holder intends to commit such acts, namely within the territory of the European Union;
 - c) If there are reasons of public order, public security or public health.
- 2 - The renewal of the EU Blue Card shall only be granted when, cumulatively:
 - a) The holder fulfils or continues to fulfil the conditions of entry and residence provided for in this Section or when the conditions which enabled the document to be issued remain fulfilled;
 - b) The holder has sufficient means of subsistence, under the terms defined by ordinance from the Government members responsible for the areas of internal administration and social security, bearing in mind, namely, the omission of recourse to social security support, excluding unemployment benefit;
 - c) The holder has not been convicted of an intentional criminal offence and has not received a sentence or sentences, which individually or cumulatively, exceed one year imprisonment;
 - d) No issues of public policy, public security or public health are raised.

Article 121-G

(Access to the labour market)

- 1 - During the first two years of legal employment on national territory, access of an EU Blue Card holder to the labour market shall be restricted to the exercise of paid employment activities which fulfil the conditions set out in Article 121 -B.
- 2 - During the first two years of legal employment on national territory, the holder of an EU Blue Card must communicate any changes affecting the conditions for granting it, in writing, and if possible in advance, to
- 3 - SEF.

Article 121-H

(Equal treatment)

- 1 - EU Blue Card holders enjoy equal treatment with nationals as regards:
 - a) Working conditions, including pay and dismissal, as well as health and safety requirements at the workplace;
 - b) Freedom of association and affiliation and membership of an organisation representing workers or employers or of any organisation which members are engaged in a specific occupation, including the benefits conferred by such organisations, without prejudice to the national provisions on public policy and public security;
 - c) Vocational education and training, in accordance with the requirements defined in the applicable legislation;
 - d) Recognition of diplomas, certificates and other professional qualifications, in accordance with the applicable legislation;
 - e) The applicable provisions relating to social security;
 - f) Payment of statutory old-age pension rights, earned on the basis of earnings and at the applicable rate;
 - g) Access to goods and services and the supply of goods and services to the public, including formalities for obtaining housing, and information and advice provided by employment services;

- h)* Free access to the entire national territory.
- 2 - The right to equal treatment as laid down in paragraph 1 shall be without prejudice to the right to cancel or refuse an 'EU Blue Card' pursuant to Article 121-F.
 - 3 - Equal treatment may be limited in the situations envisaged in paragraph 1, with the exception of subparagraphs (b) and (d), when the holder of an 'EU Blue Card' from another Member State moves into national territory, in accordance with Article 121 -K, and a positive decision on granting the 'EU Blue Card' in Portugal has not yet been taken.
 - 4 - In cases where the decision referred to in the previous paragraph has not yet been adopted and the applicant is authorised to work, there shall be full equality of treatment.

Article 121-I

(Long-term resident status for holders of the EU Blue Card)

- 1 - For holders of the EU Blue Card who wish to benefit from long-term resident status, the provisions of Articles 125 to 133 shall apply, with the adaptations contained in the following paragraphs.
- 2 - Long-term resident status may be granted to the holder of an EU Blue Card who has obtained it in Portugal, under the terms of article 121-B, provided the following conditions are cumulatively fulfilled:
 - a)* Five years of legal and continuous residence within the territory of the European Union as holder of an EU Blue Card;
 - b)* Legal and uninterrupted residence in Portuguese territory as a holder of an EU Blue Card, in the two years immediately prior to the presentation in Portugal of the respective application.
- 3 - For the purpose of calculating the period of legal and continuous residence in the Union for the purposes of this Article, periods of absence from the territory of the European Union shall not interrupt the period referred to in subparagraph (a) of the previous paragraph, provided that they are shorter than 12 consecutive months and do not exceed 18 months in total.
- 4 - The provisions of the previous paragraph shall also apply in cases where the third country national has resided solely on national territory while holding an EU Blue Card.
- 5 - The loss of long-term resident status for former EU Blue Card holders shall be subject to the provisions of Article 131 with the necessary adaptations regarding the period referred to in paragraph 1(c) of that article, which shall be extended to 24 consecutive months.

Article 121-J

(Long-term residence permit)

- 1 - Holders of an EU Blue Card who fulfil the conditions set out in the previous article for long-term resident status will be issued with an Long-term EU residence permit.
- 2 - Under the heading 'remarks' in the residence permit referred to in the previous paragraph, the words 'former holder of an EU Blue Card' shall be entered.

Article 121-K

(Residence permit for holders of an EU Blue Card in another Member State)

- 1 - An EU Blue Card holder who has resided for at least 18 months as an EU Blue Card holder in the member state which issued the Blue Card for the first time may move to Portugal for the purpose of exercising a highly qualified activity and may be accompanied by family members.
- 2 - Applications for an EU Blue Card in national territory and, where applicable, for a residence permit for the purposes of family reunification shall be submitted within 30 days of the date of entry into national territory of the holder of an EU Blue Card from another member state.
- 3 - The request referred to in the previous paragraph shall be accompanied by the documents proving the situation referred to in paragraph 1 and that it meets the conditions of article 121-B(1), followed by the other procedures foreseen for the instruction and decision of the request.

- 4 - The application may be rejected in accordance with Article 121-B(4) or if the EU Blue Card issued by the other member state has expired or been cancelled during the examination of the application.
- 5 - If the application is rejected, and without prejudice to the following paragraph, the third country national and his/her employer shall be jointly and severally liable for the costs related to the return and readmission of the EU Blue Card holder and his/her family members.
- 6 - When the application is rejected on the basis of article 121-B(4)(a), the employer shall be solely responsible for the expenses referred to in the previous paragraph.
- 7 - The decisions taken on applications submitted pursuant to this Article will be communicated in writing by
- 8 - SEF to the authorities of the Member State from which the EU Blue Card holder originates, preferably by electronic means.

Subsection VIII **Residence permit in special situations**

Article 122

(Residence permit with exemption from the residence visa requirement)

- 1 - – The following third country nationals do not need a visa to obtain a temporary residence permit:
 - a) Minors, children of foreign nationals holding a residence permit, born in Portuguese territory;
 - b) Minors, born in national territory, who have stayed here and are attending pre-school or basic, secondary or vocational education;
 - c) Children of holders of a residence permit who have reached the age of majority and have habitually resided in Portugal since the age of 10;
 - d) Adults, born in national territory, who have not left the country or who have remained here since the age of less than 10 years;
 - e) Minors, compulsorily subject to guardianship under the terms of the Civil Code;
 - f) Who have ceased to benefit from the right to international protection in Portugal because the grounds on which they obtained this protection have ceased to exist;
 - g) Those suffering from an illness requiring prolonged medical assistance that prevents them from returning to their country in order to avoid risk to their health;
 - h) Those who have completed effective military service in the Portuguese Armed Forces;
 - i) Those who, having lost their Portuguese nationality, have remained in Portugal for the last 15 years;
 - j) Those who have not left the national territory and whose right of residence has expired;
 - k) Those who have minor children residing in Portugal or with Portuguese nationality over whom they effectively exercise parental responsibilities and for whom they ensure the maintenance and education;
 - l) Those who are diplomatic and consular agents or their spouses, ascendants and dependent descendants and have been accredited in Portugal for a period of not less than three years;
 - m) Those who are, or have been, victims of serious or very serious criminal offence or administrative offence concerning the employment relationship, under the terms of paragraph 2 of the present article, of which there is evidence proven by the service with inspection competencies by the ministry responsible for the employment area, provided that they have reported the offence to the competent entities and cooperate with them;
 - n) Those who have been granted a residence permit under Article 109;
 - o) Those who, having benefited from a residence permit for secondary education students, granted under article 92, or from a residence permit for students of 1st cycle of higher education, granted under article 91, and having concluded their studies, intend to exercise a professional, subordinate or independent activity in national territory, except when that permit has been

- issued in the scope of cooperation agreements and there are no weighty reasons of national interest that justify it;
- p) Those who, having benefited from a residence permit for study in a higher education institution under the terms of article 91 or of a residence permit for research under the terms of article 91-B, and concluded, respectively, the studies or research, intend to take advantage of the maximum period of one year to seek work or create a company in national territory compatible with their qualifications;
 - q) Those who, having benefited from a temporary stay visa for research or highly qualified activity, intend to exercise in national territory a research activity, a teaching activity in a higher education institution or highly qualified, subordinated or independent;
 - r) Those who provide evidence of investment activity, as referred to in Article 3(d).
- 2 - For the purposes of the provisions set out in subparagraph (m) of the previous paragraph, only offences resulting in socially unprotected conditions, exploitation of wages or working hours, particularly abusive working conditions or in the use of the activity of minors in an illegal situation shall be considered.
 - 3 - In the situations provided for in paragraph 1(n), (o) and (p), the provisions of Articles 88, 89 or 90 shall apply, as appropriate.
 - 4 - A residence permit with visa exemption shall also be granted to first-degree ascendants of foreign nationals covered by paragraph 1(b), who effectively exercise parental responsibilities over them; such requests may be made simultaneously.
 - 5 - Whenever the minor, without due reason, stops attending pre-school or primary education, the temporary residence permit granted under paragraphs 1(b) and 4 shall be cancelled or not renewed.
 - 6 - If the minor, without reasonable cause, stops attending secondary or vocational education, the temporary residence permit granted under paragraphs 1(b) and 4 may be cancelled or not renewed.
 - 7 - The holders of residence permits granted without a visa under the previous paragraphs shall enjoy the rights provided for in article 83.
 - 8 - Without prejudice to the rules regarding family reunification, the granting of a residence permit under the terms of subparagraph g) of paragraph 1 is extended to a foreign national who accompanies the applicant as an accompanying person or informal carer, and may be applied for simultaneously.

Article 123
(Exceptional regime)

- 1 - When extraordinary situations arise to which the provisions of Article 122 do not apply, as well as in cases of residence permit for humanitarian reasons under the law that regulates the right to asylum, upon proposal by the Director-General of SEF or at the initiative of the Minister of Internal Administration, a temporary residence permit may, exceptionally, be granted to foreign nationals who do not meet the requirements of this law:
 - a) For reasons of national interest;
 - b) For humanitarian reasons;
 - c) For reasons of public interest arising from the exercise of a relevant activity in the scientific, cultural, sporting, economic or social field.
- 2 - The situations of children and young people of foreign nationality sheltered in a public, cooperative, social or private institution with a cooperation agreement with the State, following a promotion and protection process, under the terms of article 58(1)(k) of the Law for the Protection of Children and Young People in Danger, approved in annex to the Law no. 147/99, of 1 September, are considered included in the provision of subparagraph (b) of the previous paragraph.
- 3 - The decisions of the Minister of Internal Administration on the applications for residence permits formulated under the exceptional regime provided for in this Article shall be duly substantiated.

Article 123-A

(Special regime for company relocations)

- 1 - A residence permit is granted to the owners, directors or workers of companies with registered offices or with main or secondary establishments in a State of the European Economic Area or in a State defined by order of the Government members responsible for the areas of foreign affairs and internal administration, who establish their registered offices or main or secondary establishments in national territory, provided that they comply with the following conditions:
 - a) They have a valid residence permit or residence title in the State Party to the European Economic Area where the registered office or main or secondary establishment of the company was located;
 - b) They do not constitute a threat to public policy or public security;
 - c) They meet the conditions set out in Article 77(g) to (j).
- 2 - Provided that the conditions referred to in the previous paragraph are met, the foreign residence permit is recognized, and a similar residence permit valid in national territory is issued.
- 3 - The same regime shall apply to the family members of the worker or employee benefiting from the provisions of this article.

Article 124

(Foreign minors born in the country)

- 1 - Foreign minors born in Portuguese territory benefit from the same resident status granted to any of their parents.
- 2 - For the purposes of issuing the residence title, either parent shall submit the respective application within six months after the registration of the child's birth.
- 3 - Once the period of time provided for in the previous paragraph has expired, any citizen may also request the children's guardian to replace the parents and request the granting of status for minors.
- 4 - Children and young people of foreign nationality sheltered in a public, cooperative, social or private institution with a cooperation agreement with the State, following a promotion and protection process, benefit from the resident status under the terms of article 123(1)(b) and (2).
- 5 - Foreign minors who are not born in Portuguese territory, but who are in Portugal, shall benefit from a resident status identical to that granted to those persons who effectively exercise parental responsibilities over them, namely for the purpose of being granted family allowance and a social security identification number.

Subsection IX

Residence permit for ICT intra-corporate transferees and for ICT mobile long-term mobility

Article 124-A

(Residence permit for an intra-corporate transferee 'TDE Residence Permit ICT')

- 1 - The residence permit for an intra-corporate transferee entitles its holder to reside and work in national territory in the context of an intra-corporate or group transfer (TDE or intra-corporate transfer ICT).
- 2 - The provisions of this subsection shall not apply to a third country national who:
 - a) Has applied for or holds a residence permit for research, under the terms of article 91-B;
 - b) Enjoys rights of movement equivalent to those of EU citizens under agreements between the EU and its Member States and the third country of which he/she is a national or on which territory the undertaking for which he/she works is established;
 - c) Is posted under Directive (EC) 96/71/EC of the European Parliament and of the Council of 16 December 1996;
 - d) Is self-employed;

- e) Is a contract signer with employment agencies, temporary work agencies or any other agencies that provide people to exercise professional activity under the supervision and direction of others;
 - f) Holds a residence permit for the purpose of study or short stay integrated in curricular programmes.
- 3 - The National Director of SEF is competent for the decisions provided for in this subsection, with the power to delegate.

Article 124-B

(Granting of a residence permit to an intra-corporate transferee)

- 1 - Without prejudice to Article 77, a residence permit shall be granted to an intra-corporate transferee in accordance with Article 3(ii) for the purpose of carrying out the professional activity of manager, expert or trainee provided that:
- a) He/she proves that the host company and the company established in a third country belong to the same company or group of companies;
 - b) He/she proves that he/she has worked in the same company or group of companies for a minimum period of three to 12 uninterrupted months as a manager or expert, or from three to six uninterrupted months as a trainee worker, immediately prior to the date of transfer;
 - c) He/she holds an employment contract with the company or group of companies to which the host company belongs and its condition of manager, expert or trainee worker is specified;
 - d) He/she submits a document issued by the employer stating the identification of the host company, remuneration and other working conditions during the transfer period;
 - e) He/she proves that he/she has the professional qualifications and experience compatible with the functions of manager or expert to be exercised in the host company or the appropriate higher education diploma in the case of a trainee worker;
 - f) In the case of a regulated profession, proof that he/she fulfil the conditions laid down by national legislation for the exercise of that profession;
 - g) He/she is the holder of a valid travel document, the validity of which covers the duration foreseen for the intra-corporate transfer;
 - h) He/she proves to have applied for health insurance, under the conditions applicable to nationals, when it is shown that there are periods when he/she does not benefit from this type of coverage, nor from corresponding benefits related to the exercise or as a result of the work to be done;
 - i) He/she submits a guarantee, by the host company, of compliance, during the transfer, with the legislation concerning working conditions and payment of a remuneration not inferior to that paid to national workers with identical functions.
- 2 - The applicant is not required to hold a residence visa under the terms of article 77(1)(a), but must have entered the national territory legally.
- 3 - Workers transferred within a company to a host company belonging to the same company or group of companies certified under the terms of an ordinance from the Government members responsible for the areas of internal administration and economy for the purposes of application of this law, are exempt from submitting documents proving the conditions set out in paragraph 1(b), (c), (e), (h) and (i), and the issue of a visa allowing them to enter national territory shall also be facilitated.
- 4 - The certification referred to in the previous paragraph is valid for a period of 5 years and may be cancelled if one of the situations referred to in paragraph 1 occurs or if the host company does not comply with the legislation concerning working conditions and payment of remuneration that is less favourable than that paid to national workers with identical functions.
- 5 - The host company notifies the Ministry responsible for the economy, within a maximum of 30 days, of any change in the certification conditions, under penalty of its repeal.

- 6 - The ministry responsible for the area of economy shall maintain with SEF and the Directorate-General for Consular Affairs and Portuguese Communities an updated list of the companies certified under the terms of paragraph 3.
- 7 - The residence permit for an intra-corporate transferee is valid for one year or for the duration of the transfer to national territory, and may be renewed for equal periods, up to a limit of three years, in the case of managers and experts, or one year in the case of trainee workers, as long as the conditions for its granting are maintained.
- 8 - The holder of an intra-corporate transferee residence permit will be issued with a residence permit according to the uniform format for residence permits for third country nationals as laid down in Council Regulation (EC) no. 1030/2002 of 13 June 2002 and in national legislation, and will have the designation 'ICT' entered under the heading 'type of permit'.

Article 124-C

(Rejection and cancellation)

- 1 - Without prejudice to the provisions of Articles 77 and 78 the application for granting or renewing a residence permit for an intracorporate transferee shall be rejected when:
 - a) The applicant fails or ceases to comply with the conditions set out in Article 124-B(1);
 - b) The documents presented have been fraudulently obtained, falsified or tampered with;
 - c) The host company has been created with the main purpose of facilitating the entry of transferred workers within the company;
 - d) The host company is sanctioned for undeclared work or illegal employment;
 - e) The host company does not comply with existing legislation on social security, taxation, labour rights or working conditions, or if it is dissolved, declared bankrupt or has no economic activity;
 - f) If the maximum period of stay of three years is reached in the case of managers and experts, and one year in the case of probationary workers;
 - g) The host company is insolvent or has no economic activity;
 - h) The recognition of the host company has been withdrawn in accordance with Article 124-B(4);
 - i) For reasons of public policy, public security or public health.
- 2 - Without prejudice to Article 85(1), a residence permit granted under this subsection shall be cancelled where:
 - a) One of the situations referred to in paragraph 1 occurs;
 - b) The intra-corporate transferee resides in national territory for reasons other than those for which the authorisation was granted.
- 3 - The decision to refuse or cancel takes into account the specific circumstances of the case and respects the principle of proportionality.
- 4 - The decision to cancel an intra-corporate transferee residence permit shall be communicated to the Member State where the mobility is exercised.

Article 124-D

(Procedures, procedural guarantees and access to information)

- 1 - The application for granting or renewing a residence permit for intra-corporate transfer under this subsection must be submitted by the third country national or by the host company to SEF regional directorate or delegation of his/her area of residence.
- 2 - At the time of the application, information shall be made available to the applicant on the entry and stay in national territory and on the documentation legally required within the framework of the procedures provided for in this sub section, as well as on the rights, duties and guarantees held by him/her, including, where applicable, the members of his/her family.

- 3 - The application for renewal of the residence permit for an intra-corporate transferee shall be requested by the interested party at least 30 days before the expiry of its validity, and the provisions of article 78(7) shall apply
- 4 - The application shall be accompanied by documents proving that the applicant meets the conditions provided for in this subsection for the purposes of granting or renewing the residence permit.
- 5 - If the information or documentation submitted by the applicant is insufficient, the examination of the application shall be suspended and the applicant shall be requested to provide the necessary supplementary information or documents, which shall be made available within 10 days.
- 6 - The time limit for the decision to grant or renew the residence permit is 90 days and 30 days, respectively, being halved whenever the host company is certified under the terms of article 124-B(3).
- 7 - The granting of an application for a residence permit under the terms of this Subsection shall be communicated to the competent consulate for the purpose of immediate issue of a visa, if the holder is outside the territory of the European Union and requires a visa for entry into national territory.
- 8 - The decision to reject the granting or renewal or cancellation of a residence permit under the terms of this subsection shall be notified to the applicant, in writing, indicating the grounds for the decision, the right to judicial review, the respective time limit and the competent court.
- 9 - The decision to cancel the residence permit issued under this subsection shall also be notified in writing to the host company, stating the reasons for the decision.
- 10 - The holder of a residence permit for intra-corporate transfer notifies SEF of any change in the conditions for granting it established in article 124-B, within 15 days.

Article 124-E

(Mobility of intra-corporate transferees)

- 1 - A third country national holding an ICT residence permit granted by another Member State of the European Union is authorised to exercise a professional activity in national territory, for up to 90 days in any 180-day period, and is allowed to enter and stay, as well as the members of his/her family, on the basis of the residence permit granted by that Member State, with exemption of any other formalities, as long as he/she holds a valid passport and is not entered in the Schengen Information System for the purposes of refusing entry and stay.
- 2 - A third country national holding an ICT residence permit granted by another Member State of the European Union who intends to reside and exercise a professional activity in a host company based in national territory, for a period of more than 90 days, is granted a residence permit for long-term mobility under the terms of the following paragraphs.
- 3 - The application for a residence permit for long-term mobility in national territory and, when applicable, for a residence permit for the purposes of family reunification shall be submitted within 30 days after entering national territory or up to 20 days before the end of the short-term mobility provided for in paragraph 1.
- 4 - The request referred to in the previous paragraph is accompanied by the documents proving that he/she is the holder of an ICT residence permit granted by another Member State and that he/she meets the conditions of article 124-B.
- 5 - For the purpose of submitting the application and pending the procedure, the applicant is authorised to:
 - a. Remain in the national territory, not being subject to visa requirements;
 - b. Work in national territory until the decision on his/her application, provided that the time limit provided for in paragraph 1 or the validity period of the ICT residence permit issued by another Member State is not exceeded.
- 6 - The holder of a residence permit for long-term mobility is issued with a residence permit according to the uniform format laid down in Council Regulation (EC) no. 1030/2002 of 13 June 2002, with the mention 'ICT mobile' under the heading 'type of permit'.
- 7 - The residence permit is valid for one year or for the duration of the transfer to national territory, and may be renewed for equal periods up to a limit of three years in the case of managers and experts, or one year in the case of trainee workers, as long as the conditions for its granting are maintained.

- 8 - The host company shall inform SEF of any change affecting the conditions on the basis of which the permit for long-term mobility was granted.
- 9 - The granting of a residence permit for long-term mobility is communicated to the authorities of the member state that issued the ICT residence permit.
- 10 - Without prejudice to the provisions of paragraph 5, the provisions of article 124-C shall apply to the rejection of applications for the granting or renewal of a residence permit for long-term mobility and to its cancellation.
- 11 - The provisions of Article 124-D shall apply to the residence permit for long-term mobility.

Article 124-F

(Intra-corporate transferee rights and equal treatment)

- 1 - The holder of a residence permit granted under articles 124-B or 124-E has the right to enter and stay throughout the national territory, as well as to exercise his/her professional activity as a manager, expert or trainee worker in any host company belonging to the company or group of companies.
- 2 - The holder of a residence permit referred to in the previous paragraph is guaranteed the right to family reunification, under the terms of subsection IV, with the family members benefiting from the provisions of article 83.
- 3 - The holder of a residence permit granted under article 124-B and his/her family members are entitled to enter national territory whenever a Member State of the European Union rejects an application for long-term mobility or cancels a 'mobile ICT' residence permit it has granted and requests this from SEF.
- 4 - Workers transferred within the company under articles 124-B or 124-E are guaranteed equal treatment with national workers under the terms of article 83(2), including with regard to working conditions and remuneration of the other workers of the company with similar functions, category, seniority and qualifications.

Article 124-G

(Sanctions)

- 1 - Without prejudice to the provisions of article 198-C, SEF, within the scope of its attributions, shall carry out evaluation and inspections to assess compliance with the regime for the entry and stay of intra-corporate transferees.
- 2 - Without prejudice to the application of sanctions for non-compliance with labour, tax and social security legislation, the provisions of Articles 185-A and 198-A shall apply to employers of third country nationals transferred within the company without a residence permit under the provisions of this subsection.
- 3 - The host company is responsible for the costs of the stay and removal of foreign nationals employed in breach of this subsection in the following situations:
 - a) The conditions on the basis of which mobility was authorised have changed and the host company has not reported this change, as provided for in this subsection;
 - b) Permits granted under this subsection are used for purposes other than those for which they were issued;
 - c) The host company has been sanctioned for non-compliance with its legal obligations in terms of labour, social security and taxation;
 - d) The host company has been declared insolvent or has no economic activity.
- 4 - SEF shall make information about the provisions of this article available to host companies.

Article 124-H
(National Contact Point)

- 1 - SEF is designated as the national contact point for the purposes of cooperation and exchange of information regarding the mobility regime for intra-corporate transferees, as well as notifications regarding the mobility of intra-corporate transferees.
- 2 - SEF communicates to the National Contact Points of the other Member States which authority is competent to receive and issue residence permits for intra-corporate transferees and the procedure applicable to the mobility of a worker with a residence permit for intra-corporate transferee to national territory.

Article 124-I
(Statistics)

- 1 - SEF is responsible for producing statistics on the granting, renewal and cancellation of residence permits for intra-corporate transfer and permits for long-term mobility issued under this subsection, disaggregated by nationalities and periods of validity, including by economic sector and category of transferred worker.
- 2 - The provisions of Article 56-G(2) shall apply to the statistics referred to in the previous paragraph.

CHAPTER VII
Long-term resident status

Article 125
(Beneficiaries)

- 1 - Long-term resident status may be granted to third country nationals who are legally residing on national territory and who meet the conditions laid down for the granting of this status.
- 2 - Long-term resident status is not available to third country nationals who:
 - a) Have a residence permit for study, unpaid work placement or volunteering;
 - b) Are authorised to reside on national territory under temporary protection or have applied for a residence permit on that basis and are awaiting a decision on their status;
 - c) Repealed;
 - d) Repealed;
 - e) Are staying in Portugal exclusively for temporary reasons, such as seasonal workers, workers posted by a service provider for the purpose of providing cross-border services, or cross-border service providers;
 - f) Enjoy legal status under the Vienna Convention on Diplomatic Relations adopted on 18 April 1961 or the Vienna Convention on Consular Relations adopted on 24 April 1963.

Article 126
(Conditions for acquiring long-term resident status)

- 1 - Long-term resident status is granted to third country nationals who:
 - a) Have had legal and uninterrupted residence in national territory for the five years immediately preceding the submission of the application or, in the case of beneficiaries of international protection, since the date of submission of the application resulting in the granting of international protection;
 - b) Have stable and regular resources which are sufficient for their own subsistence and that of their family members, without recourse to the solidarity subsystem;

- c) Have health insurance;
 - d) Have accommodation;
 - e) Demonstrate fluency in basic Portuguese.
- 2 - The periods of residence for the reasons referred to in paragraph 2(e) and (f) of the previous article shall not be taken into account for the purposes of calculating the period referred to in subparagraph (a) of the previous paragraph.
 - 3 - In the cases covered by paragraph 2(a) of the previous article, whenever the third country national has obtained a residence permit entitling him/her to long-term resident status, the period during which he/she has been resident for the purposes of study, unremunerated vocational training or voluntary service shall be taken into account, as to half, for the calculation of the period referred to in paragraph 1(a).
 - 4 - Periods of absence from national territory do not interrupt the period referred to in paragraph 1(a) and are included in its calculation, provided that they are shorter than 6 consecutive months and do not exceed, in total, 10 months included in the period referred to in paragraph 1(a).
 - 5 - Periods of absence due to posting for employment purposes, in particular for the provision of cross-border services, shall however be taken into account in calculating the period referred to in paragraph 1(a).
 - 6 - For the purposes of paragraph 1(b), resources shall be assessed by reference to their nature and regularity, taking into account the level of minimum wages and pensions prior to the application for long-term resident status.
 - 7 - Periods of uninterrupted stay in the national territory under the terms of a work visa or stay permit issued under the terms of the previous legislation shall be relevant for the calculation of the period of time provided for in paragraph 1(a).

Article 127

(Public order and public security)

- 1 - Long-term resident status may be refused on grounds of public order or public security; the seriousness or type of offence against public order or public security committed, or the dangers that may arise from the person's stay in national territory, as well as the duration of residence and the existence of links with the country, must be taken into consideration.
- 2 - The refusal referred to in the previous paragraph must not be based on economic reasons.
- 3 - Without prejudice to the provisions of the previous paragraphs, long-term resident status based on international protection shall be denied whenever the repeal, suppression or refusal to renew such protection occurs, under the terms of Article 41(1)(a) and (b) of Law No. 27/2008, of 30 June, establishing the conditions and procedures for granting asylum or subsidiary protection and the status of asylum seeker, refugee and subsidiary protection.

Article 128

(Competent authority)

The granting or refusal of long-term status is the responsibility of the Director-General of SEF, with the power to delegate.

Article 129

(Procedure for acquiring long-term resident status)

- 1 - SEF office in the area of residence of the applicant is competent to receive the application for long-term resident status.

- 2 - The application shall be accompanied by documentary evidence that the third country national meets the conditions laid down in Article 126 and by a valid travel document or a certified copy thereof.
- 3 - Without prejudice to the previous paragraph, the application for long-term resident status made by a third country national who simultaneously holds a long-term EU residence permit issued by another Member State shall be preceded by consultations with the latter in order to ascertain whether the applicant still benefits from international protection.
- 4 - As soon as possible and in any event within six months, the applicant shall be notified in writing of the decision taken.
- 5 - In exceptional circumstances linked to the complexity of the examination of the application, the time limit referred to in the previous paragraph may be extended for a further three months, and the applicant shall be informed of such extension.
- 6 - The absence of a decision within nine months is equivalent to a granting of the application.
- 7 - If the conditions set out in Article 126 are fulfilled and the applicant does not represent a threat within the meaning of Article 127, long-term resident status shall be granted.
- 8 - All persons applying for long-term resident status will be informed of their rights and obligations.
- 9 - Long-term resident status is permanent on the basis of a renewable permit.
- 10 - The granting of long-term resident status to a third country national with a residence permit granted under Article 116 shall be communicated by SEF to the Member State which first granted him/her long-term resident status.

Article 130

(Long-term EU residence permit)

- 1 - Long-term residents are issued with a long-term EU residence permit.
- 2 - The long-term EU residence permit is valid for at least five years and is automatically renewable on application at the end of its period of validity.
- 3 - The long-term EU residence permit will be issued according to the rules and uniform format for residence permits for third country nationals in force in the European Union, with the heading "Type of Permit" indicating "long-term EU resident".
- 4 - Where a long-term EU residence permit is issued to a third country national who has been granted international protection in another Member State, the remark 'International protection granted by ... (identification of the Member State) on ... (date)' should be added.
- 5 - If international protection is transferred, this remark should be modified at the request of the Member State where the third country national has enjoyed protection.
- 6 - As soon as possible, and in any event no later than three months, the long-term residence permit must be amended with the remark accordingly.

Article 131

(Loss of status)

- 1 - Long-term residents lose their long-term resident status in the following cases:
 - a) Fraudulent acquisition of long-term resident status;
 - b) Adoption of a removal measure under Article 136;
 - c) Absence from the territory of the European Union for a period of 12 consecutive months;
 - d) Acquisition in another member state of the long-term resident status;
 - e) Absence from national territory for a period of six consecutive years.
- 2 - Absences from the territory of the European Union for more than 12 consecutive months for specific or exceptional reasons do not entail loss of status, particularly where the long-term resident has remained in the country of origin to pursue a professional or business activity or a cultural or social activity.

- 3 - Absence from the national territory for more than six consecutive years justified on specific or exceptional grounds does not entail loss of status, in particular where the long-term resident has remained in the country of origin in order to pursue a professional or business activity or an activity of a cultural or social nature.
- 4 - Where the loss of status is due to the situations provided for in paragraph 1(c) and (e), the interested party may reacquire long-term resident status by applying, provided that the conditions laid down in Article 126(1)(b) to (d) are met.
- 5 - The decision on the application referred to in the previous paragraph shall be taken within three months.
- 6 - The expiry of a long-term resident's EC residence permit does not entail the loss of long-term resident status.
- 7 - Loss of long-term resident status entails the cancellation of the residence permit and seizure of the long-term resident's EC residence permit.
- 8 - The cancellation of the residence permit of the long-term resident is the competence of the Minister of Internal Administration, with the possibility of delegation to the Director-General of SEF.
- 9 - Where the loss of long-term resident status entails removal from the national territory of a third country national who has held a long-term EU residence permit as provided for in Article 130(4), such removal may be effected only to the country identified in the remark.
- 10 - In the situation referred to in the previous paragraph, if regarding the third country national there are serious reasons to believe that he/she is a threat to national security or public order, if he/she has been convicted by a final judgement of an intentional crime punishable by more than one year of imprisonment, even if in the case of conviction for a felonious 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 enforcement has been suspended, or if the international protection granted by another member state has been withdrawn, the removal may be carried out to a different country, observing the principle of non-refoulement.
- 11 - If the loss of long-term resident status does not lead to removal, the interested party will be granted a residence permit without a visa.

Article 132

(Procedural guarantees)

- 1 - Decisions rejecting an application for long-term resident status or withdrawing that status shall be notified to the interested party with an indication of the grounds for the decision, the right to judicial review and the time limit for doing so.
- 2 - Decisions rejecting an application for long-term resident status or withdrawing the above-mentioned status shall be communicated to ACIDI, I.P. electronically, including the grounds for the decision.
- 3 - The decision to reject the application for long-term resident status or the decision to lose this status may be challenged in court with suspensive effect before the administrative courts.

Article 133

(Equal treatment)

Beneficiaries of long-term status benefit from equal treatment with nationals under the terms of the Constitution and the law, namely as regards:

- a) Access to an independent or subordinate professional activity, provided that such activity does not imply, even occasionally, involvement in the exercise of public authority, without prejudice to the application of special rules to nationals of Portuguese-speaking countries;
- b) Access to employment and working conditions, including dismissal and pay;
- c) Vocational education and training, including grants and scholarships in accordance with applicable legislation;
- d) Recognition of professional diplomas, certificates and other qualifications, in accordance with the relevant national law and procedures;

- e) Social security, social assistance and social protection;
- f) Tax benefits;
- g) Healthcare;
- h) Access to goods and services and the supply of goods and services available to the public, as well as procedures for obtaining housing;
- i) Freedom of association and affiliation and membership of an organisation representing workers or employers or of any organisation whose members are engaged in a specific occupation, including the benefits conferred by such organisations, without prejudice to the national provisions on public policy and public security;
- j) Free access to the entire national territory.

CHAPTER VIII

Removal from national territory

Section I

General provisions

Article 134

(Grounds for the removal or decision of forced removal)

- 1 - Without prejudice to the provisions contained in international conventions to which Portugal is a party or is bound, foreign nationals shall be forcibly removed or judicially expelled from Portuguese territory:
 - a) Who enters or stays illegally in Portuguese territory;
 - b) Who threatens national security or public order;
 - c) Whose presence or activities in the country constitute a threat to the interests or dignity of the Portuguese State or its nationals;
 - d) Who improperly interferes with the exercise of political participation rights reserved for national citizens;
 - e) Who has committed acts which, had they been known to the Portuguese authorities, would have prevented his /her entry into the country;
 - f) in respect of whom there are serious grounds for believing that he has committed serious criminal acts or intends to commit such acts, in particular in the territory of the European Union;
 - g) Holders of a valid residence permit or other title giving them the right to stay in another Member State and who do not fulfil the obligation to go to that Member State immediately;
 - h) Has circumvented or tried to circumvent the applicable rules on entry and stay, in the national territory or in those of the Member States of the European Union or of the States where the Convention is in force, namely by using or resorting to false or falsified identity or travel documents, residence permits, visas or documents proving the fulfilment of the entry conditions.
- 2 - The provisions of the preceding subsection shall not preclude any criminal liability that the foreign national may have incurred.
- 3 - Refugees shall be covered by the most beneficial regime resulting from international law or convention to which the Portuguese State is bound.

Article 135

(Limits to removal)

- 1 - Foreign nationals cannot be forcibly removed or expelled from the country if they:

- a) Have been born in Portuguese territory and reside here;
 - b) Have dependent underage children of Portuguese nationality residing in Portugal;
 - c) Have minor children who are third country nationals residing in Portuguese territory, for whom they effectively assume parental responsibilities and for whom they provide maintenance and education;
 - d) Are in Portugal since they are under 10 years old and reside here.
- 2 - The provisions of the previous paragraph shall not apply in cases of reasonable suspicion or conviction for committing crimes of terrorism, sabotage or attack against national security.

Article 136

(Protection of long-term residents in Portugal)

- 1 - The decision to expel a long-term resident may be based only on the circumstance that he/she constitutes an actual and sufficiently serious threat to public policy or public security and must not be based on economic grounds.
- 2 - Before a decision to remove a long-term resident is taken, the following elements shall be taken into account:
 - a) The duration of residence in the territory;
 - b) The age of the interested party;
 - c) The consequences for that person and their family members;
 - d) The links with the country of residence or the absence of links with the country of origin.
- 3 - – The decision to remove is susceptible of judicial review, with suspensory effect.
- 4 - Long-term residents who do not have sufficient resources shall be granted legal aid, in accordance with the law.

Article 137

(Enforced removal of long-term residents from a Member State of the European Union)

- 1 - A removal order may be enforced against a person with long-term resident status granted by a Member State of the European Union if that person stays illegally on national territory.
- 2 - As long as a third country national holding a residence permit granted under Article 116 has not obtained long-term resident status in national territory, the decision on enforced removal may be taken under the terms of Article 136(1) and (2) only after consultation with the Member State of the European Union which granted the status.
- 3 - In the event of forced removal to the territory of the Member State of the European Union which granted the long-term resident status, SEF will notify the competent authorities of that State of the decision.
- 4 - SEF will take all measures to execute effectively such a decision and inform the competent authorities of the European Union Member State, which granted the long-term resident status to the interested party, of the measures taken with regard to the implementation of the decision of forced removal.

Article 138

(Voluntary departure from national territory)

- 1 - Foreign nationals who enter or stay illegally in national territory are notified by SEF to voluntarily leave the national territory within a fixed time limit, between 10 and 20 days.
- 2 - The foreign national whose residence permit has been cancelled is notified by SEF to voluntarily leave the national territory within the period fixed for him/her, between 10 and 20 days.
- 3 - The period referred to in the previous paragraphs may be extended by SEF taking into account, namely, the duration of the stay, the existence of children attending school and the existence of other family members and social ties, the foreign national being notified of this.

- 4 - In the event of a decision to cancel a residence permit under the terms of article 85, where there is danger of absconding in accordance with the provisions of paragraph 3 of article 142, or where an application for an extension of stay has been rejected as manifestly unfounded or fraudulent, the foreign national shall be notified to leave national territory immediately, under penalty of incurring the crime of qualified disobedience.
- 5 - Compliance with the order to leave national territory immediately presupposes that the foreign national will use the first means of travel available and appropriate to his/her situation.
- 6 - If, in addition to the conditions referred to in subparagraphs c) and d), paragraph 1 of Article 33 or paragraph 3 of Article 33, there is doubt as to identity or the foreign national has circumvented or attempted to circumvent the applicable rules on entry and stay in accordance with the provisions of subparagraph h), paragraph 1 of Article 134, a forced removal procedure will be initiated in accordance with the provisions of Article 146, whereby paragraph 1 of this Article shall not apply.
- 7 - Notification of voluntary abandonment is registered in the SEF's Integrated Information System specifying the duration of the illegal stay and is entered into the SIS with an entry of the deadline for abandonment, as an indication of return, for a period of one year.
- 8 - Within the scope of the provisions of the previous paragraph, the alert is immediately erased if the foreign national terminates the illegal stay, namely when he/she confirms that he/she has left the national territory and that of the States in which the Convention in force applies, or when SEF becomes aware of it by any means or as a result of its communication by another Member State of the European Union or the State where the Implementing Convention is in force.

Article 139

(Support for voluntary return)

- 1 - The State may support the voluntary return of foreign nationals who fulfil the conditions required in their countries of origin, within the framework of cooperation programmes established with international organisations, namely the International Organisation for Migration or non-governmental organisations.
- 2 - Foreign nationals benefiting from the support granted under the terms of the previous paragraph, when holding a residence permit, shall hand it in at the border post upon boarding.
- 3 - For a period of three years after abandonment, beneficiaries of support for voluntary return may only be admitted into national territory and into that of Member States of the European Union or States party or associated to the Convention if they repay the amounts received, plus interest at the legal rate.
- 4 - The provisions of the previous paragraph do not affect the possibility of an exceptional short-stay visa being issued for humanitarian reasons, as defined in Article 68
- 5 - Citizens who have benefited from temporary protection shall not be subject to the requirement laid down in paragraph 3.

Article 140

(Competent authorities)

- 1 - The decision of forced removal may be determined, under the terms of this law, by the National Director of SEF, with the power of delegation.
- 2 - The National Director of SEF shall be responsible for the decision to close the forced removal procedure.
- 3 - The judicial removal decision shall be determined by a competent judicial authority.
- 4 - A removal decision shall be in the nature of an accessory penalty or shall be adopted when the foreign national who is the object of the decision has entered or stayed lawfully in Portugal.

Article 141

(Procedural competence)

- 1 - The National Director of SEF, with the power to delegate, is competent to initiate forced removal proceedings and to order the proceedings to continue, namely by determining that they be sent to the competent court.
- 2 - The Director-General of SEF is also responsible for deciding to close the case.

Article 142

(Coercive measures)

- 1 - In the context of deportation proceedings, in addition to the coercive measures listed in the Criminal Procedure Code, with the exception of preventive custody, the judge may also order the following, if there is a danger of absconding:
 - a) Periodic presentation at SEF;
 - b) Obligation of permanence in the dwelling with the use of electronic surveillance means, under the terms of the law;
 - c) Placement of the deportee in a temporary accommodation centre or similar space, in accordance with the law.
- 2 - The small criminal courts or district courts of the place where the foreign national is found to have jurisdiction to apply coercive measures.
- 3 - For the purposes of the provisions of paragraph 1, the risk of absconding shall be assessed with regard to the personal, family, social, economic or professional situation of the foreign national, with a view to determining the probability of his/her absconding to an unknown place with the intention of avoiding the enforcement of the decision to expel or the duty to leave the country, namely in situations where the foreign national's personal or professional domicile in national territory is unknown, where there are no family ties in the country, where there are doubts as to his/her identity, or where preparatory acts of absconding are known.

Article 143

(Country of destination)

- 1 - Forced removal and expulsion may not be effected to any country where the foreign national may be persecuted for the reasons which, under the law, justify the granting of the right of asylum or where the foreign national may suffer torture or inhuman or degrading treatment within the meaning of Article 3 of the European Convention on Human Rights.
- 2 - In order to benefit from the guarantee provided for in the previous paragraph, the interested party must invoke the fear of persecution and present the respective proof within the time limit that is granted.
- 3 - In the cases referred to in the previous paragraph the person is forwarded to another country that will accept him/her.

Article 144

(Time limit and territorial scope of the abandonment obligation and entry and stay prohibition)

- 1 - Foreign nationals subject to an order to leave shall be prohibited from entering and remaining in national territory for a period of up to five years. This period might be higher when there is a severe threat to public order, public security or national security.
- 2 - The measure of refusal of entry and stay shall be graduated from the mere illegal stay and may be aggravated, taking into account the length of the unauthorised stay, when, with the illegal stay, is observed:
 - a) the intentional breach of entry and stay rules; or
 - b) the commission of criminal offences or serious breach of obligations relating to the coercive measures listed in Article 142; or

- c) that the foreign national has been subject to more than one return decision or has entered in breach of an alert for refusal of entry and stay; or
 - d) the existence of the threat referred to in the previous paragraph.
- 3 - Where the foreign national is not allowed, by any means, to remain within the territory of the Member States of the European Union and the States in which the Convention is in force, the duty to leave, removal or expulsion and the indication of refusal of entry and stay shall also cover the territory of those States, and the territorial scope of the prohibition measure must be expressly stated in the notifications legally provided for in the respective procedure.

Section II

Forced removal ordered by administrative authority

Article 145 (Forced removal)

Without prejudice to the application of the readmission regime, the coercive removal may only be determined by an administrative authority on the grounds of illegal entry or stay in national territory, namely when it results from the provisions of subparagraph h), paragraph 1 of Article 134.

Article 146 (Procedure of the decision of forced removal)

- 1 - Foreign nationals who enter or remain illegally in national territory are arrested by police authorities and, whenever possible, handed over to SEF, accompanied by the respective report. They must be presented, within 48 hours of their arrest, to the small criminal court judge in the respective area of jurisdiction, or district court judge in other areas of the country, for validation and possible application of coercive measures.
- 2 - If placement in a temporary accommodation centre or similar space is determined, SEF will be informed of the fact so that it may promote the competent process for the foreign national's removal from national territory.
- 3 - The placement provided for in the previous paragraph may not extend beyond the time necessary to enable the enforcement of the decision for compulsory removal, without exceeding 60 days.
- 4 - If placement in a temporary accommodation centre is not determined, SEF is also notified for the purposes indicated in paragraph 2, and the foreign national is notified to appear at the respective service.
- 5 - Forced removal proceedings are not organised against a foreign national who:
 - a) Having entered the national territory irregularly, submits an asylum application to any police authority within 48 hours after entry;
 - b) Holds a valid residence permit or other title giving him/her the right to stay in another Member State and fulfils his/her obligation to go to that Member State immediately;
 - c) Is readmitted or accepted at the request of another Member State, in accordance with international agreements or conventions concluded to this effect, provided that he/she holds a title that entitles him/her to stay or reside legally in the national territory;
 - d) Is the holder of a residence permit or other title entitling him/her to stay legally in the national territory, in accordance with the legal provisions in force.
- 6 - Foreign nationals under the conditions referred to in subparagraph (a) of the previous paragraph shall await the decision of their application in freedom and must be informed by SEF of their rights and obligations, in accordance with the provisions of the law regulating the right to asylum.
- 7 - The authorities and agents of SEF, the National Republican Guard, the Public Security Police, the Judiciary Police and the Maritime Police shall be competent to make arrests, under the terms of paragraph 1.

Article 146-A
(Detention conditions)

- 1 - Foreign nationals held in a temporary accommodation centre or similar space are authorised, on request, to contact their legal representatives, family members and the competent consular authorities.
- 2 - A foreign national detained in a temporary accommodation centre or similar space has the right to communicate with his/her lawyer or legal counsel in private.
- 3 - Foreign nationals held in temporary accommodation centres or similar spaces have the right to emergency healthcare and basic treatment for illnesses, and special attention must be paid to the situation of vulnerable persons, in particular minors, unaccompanied minors, disabled persons, elderly people, pregnant women, families with minor children and persons who have been victims of torture, rape or other serious forms of psychological, physical or sexual violence.
- 4 - Within the scope of the management powers of the temporary reception centres conferred upon SEF, protocols may be signed with national or international organisations with recognised work in the area of immigration, with a view to defining the form of authorisation and conditions for visiting those centres.
- 5 - Foreign nationals in detention shall be provided with a document indicating the rules applied in the temporary accommodation centre or similar space, as well as their rights and duties, namely their right to contact the entities referred to in paragraph 1.
- 6 - Detained families should be housed in separate locations that guarantee adequate privacy.
- 7 - Accompanied minors in detention shall have the possibility to engage in leisure activities, including play and recreational activities appropriate to their age, and, depending on the length of their stay, they shall have access to education.

Article 147
(Driving to the border)

- 1 - The foreign national detained under the terms of paragraph 1 of article 146 who, during judicial questioning and after having been informed of the provisions in paragraphs 2 and 3, state their intention to leave the national territory, as well as the territory of the Member States of the European Union and of the States where the Convention is in force may, by determination of the competent judge and provided it is duly documented, be handed over to the custody of the SEF for the purpose of being taken to the border post and removed as soon as possible.
- 2 - Nationals who state their intention to be driven to the border post shall be prohibited from entering and remaining on the national territory and on the territory of the Member States of the European Union and of the States where the Implementing Convention is in force for a period of one year.
- 3 - 3- Driving to the border implies the registration of the national in the SIS and in the SEF's Integrated Information System, in accordance with the provisions of Article 33 et seq.

Article 148
(Proceeding)

- 1 - During the instruction of the proceeding, the person against whom the proceeding was opened shall be heard and shall enjoy all guarantees of defence.
- 2 - The hearing referred to in the previous paragraph shall, for all purposes, be considered as hearing of the interested party.
- 3 - The instructor shall promote the diligences deemed essential for ascertaining the truth, and may refuse, in a reasoned order, those requested by the person against whom the proceedings have been instituted, when he/she deems that the facts alleged by him/her are sufficiently proven.

- 4 - Once the investigation is concluded, the respective report is prepared, in which the instructor makes a description and assessment of the facts verified, proposing the resolution that he/she considers appropriate, and the process is presented to the competent entity to deliver a decision.

Article 149

(Decision of forced removal)

- 1 - The decision of forced removal falls under the competence of the National Director of SEF.
- 2 - The decision of forced removal is communicated electronically to the ACIME, I. P., and to the Advisory Board and is notified to the person against whom the proceedings have been instituted, indicating the grounds for the decision, the right to judicial review and the respective time limit, as well as the inclusion of the person in the Schengen Information System or in the national list of inadmissible persons, without prejudice to the applicable rules regarding the protection of personal data.
- 3 - The decision of forced removal must contain:
 - a) The grounds;
 - b) The legal obligations of the third country national subject to the forced removal order;
 - c) The prohibition of entry into and stay on national territory and the indication of refusal of entry into and stay on the territory of Member States of the European Union and of the States where the Convention is in force, where applicable, with the indication of the respective deadlines;
 - d) An indication of the country to which the foreign national benefiting from the guarantee provided for in Article 143 must not be sent.
- 4 - The procedure shall be closed and the alerts resulting from the removal shall be cancelled when the decision is not enforced due to the impossibility of notification or due to the failure to confirm the fulfilment of the duty to return, as long as twice the period of time concretely determined for the prohibition of entry and stay has elapsed from the date of its pronouncement.

Article 150

(Judicial review)

- 1 - The decision of forced removal, issued by the National Director of SEF, may be challenged in court with devolutive effect before the administrative courts.
- 2 - The provision in the previous paragraph is without prejudice to the foreign national's right to appeal to urgent proceedings or proceedings with suspensive effect, as provided for in the administrative procedural law.
- 3 - Foreign nationals shall enjoy, on request, legal protection, and Law no. 34/2004 of 29 July shall apply, with the necessary adaptations, to the regime provided for the appointment of the defendant's legal counsel for urgent proceedings.
- 4 - At the request of the interested party, translation and interpretation services may be provided for the purpose of the judicial review referred to in paragraphs 1 and 2.

Section III

Judicial removal

Subsection I

Additional penalty of removal

Article 151

(Additional penalty of removal)

- 1 - The accessory penalty of deportation may be applied to a foreign national who is not resident in the country and who is convicted of a felonious crime and is sentenced to more than six months' imprisonment or to a fine as an alternative to imprisonment for more than six months.
- 2 - The same penalty may be imposed on a foreign national residing in the country, convicted of a felonious crime and sentenced to more than one year in prison.
- 3 - Without prejudice to the provisions of the previous paragraph, the accessory penalty of deportation may only be applied to foreign nationals with permanent residence when their conduct constitutes a serious danger or threat to public order, security or national defence.
- 4 - Where the accessory penalty of deportation has been decreed, the Supervisory Judge shall order its execution as soon as the following has been served:
 - a) Half of the sentence, in cases of conviction by a sentence of five years' imprisonment or less;
 - b) Two thirds of the sentence in cases of conviction in excess of five years' imprisonment.
- 5 - The supervisory judge may, on the reasoned proposal of the prison director and without opposition from the offender, decide to bring forward the execution of the accessory penalty of deportation as soon as one-third of the sentence has been served, in cases where a sentence of five years' imprisonment or less has been imposed and provided that completion of the remaining part of the sentence in the country of destination is guaranteed.

Subsection II

Autonomous measure of judicial removal

Article 152

(Competent court)

- 1 – The following are competent to apply the autonomous removal measure:
 - a) In their respective areas of jurisdiction, the small criminal courts;
 - b) In the remaining areas of the country, the district courts.
- 2 Territorial jurisdiction is determined on the basis of the foreign national's residence in Portugal or, failing that, the place where he/she currently is.

Article 153

(Deportation process)

- 1 - Whenever SEF is aware of any fact that may constitute grounds for deportation, it organises a process whereby evidence is gathered to enable a decision to be taken.
- 2 - The deportation procedure shall commence with the order ordering its commencement and must contain, in addition to the identification of the foreign national against whom it was ordered to commence, all other relevant evidence concerning him/her, namely whether or not he/she is resident in the country and, if so, the period of residence.
- 3 - In the case of prosecution also for the crime of disobedience for not immediately leaving the national territory under the terms of Article 138(4), this shall be judged by appendix.

Article 154
(Judgement)

- 1 - Once the case is received, the judge sets the judgement, which must take place within the following five days, notifying the person against whom the case was filed, the witnesses named in the records and SEF, in the person of the respective regional director.
- 2 - The presence at the hearing of the person against whom the proceedings have been instituted is compulsory.
- 3 - The notification to the person against whom the proceedings have been instituted shall also mention that, if he/she so wishes, he/she may present the defence at the trial hearing and attach the list of witnesses and other evidence in his/her possession.
- 4 - Notification of SEF, in the person of the respective regional director, aims at designating an official or officials of the service who can provide the court with the clarifications considered of interest for the decision.
- 5 - In the cases provided for in Article 134(1)(f), the provisions of Article 382(1) and (2) and Articles 385 and 389 of the Criminal Procedure Code shall apply.

Article 155
(Postponement of the hearing)

- 1 - The judgement may only be postponed once and until the 10th day after the date on which it was due to take place:
 - a) If the person against whom proceedings have been instituted requests such time for the preparation of his/her defence;
 - b) If the person against whom proceedings have been instituted fails to attend the judgement;
 - c) If the judgement lacks witnesses that the Public Prosecution Service or the person against whom the proceedings have been instituted does not waive;
 - d) If the court, of its own motion, considers it necessary to take any measures of proof essential to uncover the truth of the facts and which can be expected to be taken within that time limit.
- 2 - The provisions of subparagraphs (a) to (c) of the previous paragraph shall not apply to the cases provided for in Article 134(1)(f).

Article 156
(Subsidiary application of the summary proceedings)

With the exception of the cases provided for in Article 134(1)(f), the provisions of the Criminal Procedure Code relating to summary proceedings shall apply, with the necessary adaptations.

Article 157
(Content of the decision)

- 1 - The judicial decision of removal must contain:
 - a) The grounds;
 - b) The legal obligations of the expellee;
 - c) The prohibition to enter and stay on national territory and to refuse entry and stay on the territory of Member States of the European Union and of the States where the Convention is in force, where applicable, with the indication of the respective deadlines;
 - d) An indication of the country to which the foreign national benefiting from the guarantee provided for in Article 143 must not be sent.

- 2 - Execution of the decision implies registration of the deportee in the SIS and in the SEF's Integrated Information System for the duration of the prohibition of entry and stay, under the terms of the provisions of article 33-A.
- 3 - The registration in the Schengen Information System is notified to the expelled by SEF.

Article 158

(Appeal)

- 1 - The judicial decision that determines the removal can be appealed to the Court of Appeal with devolutive effect.
- 2 - The provisions of the Criminal Procedure Code on ordinary appeal shall apply subsidiarily.

Section IV

Enforcement of orders for forced removal and judicial removal

Article 159

(Jurisdiction for the enforcement of the decision)

SEF is responsible for enforcing forced removal and removal decisions.

Article 160

(Compliance with the Decision)

- 1 - A foreign national against whom a decision of forced removal or judicial removal has been issued is granted a period of between 10 and 20 days to leave national territory.
- 2 - In duly substantiated situations, namely when there are concrete and objective reasons to believe that there is an intention to abscond, namely under the terms of paragraph 3 of article 142, whenever the third-country national uses false or falsified documents, or has been detected in situations indicating the commission of a crime, or there are serious reasons to believe that he/she has committed serious criminal acts or strong indications that he/she intends to commit such acts, the national will be remanded to the custody of SEF, with a view to the enforcement of the decision on forced removal or judicial expulsion.
- 3 - A request may be made to the competent judge that the foreign national remain subject to the regime until the enforced removal or judicial removal decision has been enforced and the period referred to in paragraph 1 has expired:
 - a) Placement in a temporary accommodation centre or similar space, for a period not exceeding 30 days;
 - b) Obligation to stay in the dwelling with the use of electronic surveillance means.
 - c) Periodic presentation at SEF or to the police authorities.
 - d) Payment of a bail.
- 4 - During the period granted, account will be taken of the special needs of vulnerable persons, in particular minors, disabled persons, elderly people, pregnant women, single parents with minor children and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence.
- 5 - During the period granted for voluntary departure, the foreign national is entitled to the maintenance of the family unit with the family members present in the national territory, to the provision of urgent healthcare and basic treatment of illnesses and, if a minor, to access to the public education system.
- 6 - The period defined in paragraph 3(a) may be longer, but may never exceed three months, in cases where there is strong reason to believe that the foreign national has committed, or intends to commit, serious criminal offences, has been convicted of a felonious crime, or is a threat to public policy, national security or

the international relations of a Member State of the European Union or of the States where the Convention is in force.

Article 161

(Disobedience of the decision)

- 1 - Foreign nationals who do not leave the national territory within the prescribed period shall be apprehended and taken to the border post for removal.
- 2 - If it is not possible to enforce the decision to forcibly expel or deport within 48 hours of detention, the judge of the small criminal court, in the respective area of jurisdiction, or the district court, in the remaining areas of the country, will be informed of the fact in order to determine whether the foreign national should be held in a temporary accommodation centre or in a similar space.

Article 162

(Communication of the decision)

The enforcement of the decision on forced removal or removal shall be communicated through diplomatic channels to the competent authorities of the country of destination of the foreign national.

Section V

Readmission

Article 163

(Concept of readmission)

- 1 - Under international conventions, foreign nationals who are illegally present on the territory of a State, coming directly from another State, may be readmitted by that State, on application by the State on which territory they are present.
- 2 - Readmission is active when Portugal is the requesting State and passive when Portugal is the requested State.

Article 164

(Competence)

The acceptance of readmission applications by Portugal, as well as the submission of readmission applications to another State, falls within the competence of the Director-General of SEF, with the power of delegation.

Article 165

(Active readmission)

- 1 - Whenever a foreign national staying illegally in national territory is to be readmitted by another State, SEF formulates the respective request, observing, with the necessary adaptations, the provisions of article 153.
- 2 - During the investigation of the readmission procedure, the foreign national to be returned to the requested State shall be given a hearing, which shall, to all intents and purposes, constitute the hearing of the interested party.

- 3 - If the request submitted by Portugal is accepted, the competent authority will order the foreign national to be sent back to the requested State.
- 4 - If the request is refused, removal proceedings are initiated.
- 5 - The decision to send the foreign national back to the requested State is taken by the person who submitted the readmission application.
- 6 - The sending back of the foreign national to the requested State implies the registration, under the terms of article 33-A, in the national list of non-admissible persons in the SEF's Integrated Information System and, if the requested State is a third State, in the SIS.

Article 166

(Appeal)

The decision to return the foreign national to the Requested State may be appealed against to the Minister of Internal Administration, to be lodged within 30 days, with devolutive effect.

Article 167

(Prohibition of entry and stay)

Foreign nationals returned to another State under the terms of an international convention are forbidden to enter and stay in the country for a period of three years, and are subject to an alert refusing entry and stay in the SIS for the same period when readmitted to a third State.

Article 168

(Passive readmission)

- 1 - Foreign nationals who have been readmitted to Portuguese territory and who do not meet the conditions legally required to stay in the country shall be subject to the measures for removal from national territory provided for in this Chapter.
- 2 - Third country nationals shall be readmitted immediately and without formalities to the national territory if:
 - a) They have acquired the status of long-term resident in Portugal, as well as their family members, whenever they have been subject to a decision of forced removal from the Member State where they have exercised their right of residence;
 - b) They are holders of a residence permit (EU Blue Card), issued under the terms of articles 121-A et seq., as well as their family members, even if the permit has expired or has been withdrawn during the examination of the application, when they have been subject to a decision of forced removal from the member state to which they have gone for highly qualified work;
 - c) They are the object of a request for acceptance formulated by another Member State, under the terms of agreements or conventions to that effect, on condition that they hold titles entitling them to stay or reside legally in the national territory.
- 3 - The readmission obligation referred to in the previous paragraph shall not affect the possibility of the long-term resident and his/her family members moving to a third Member State.

Section VI
Mutual recognition of removal decisions

Article 169

(Recognition of a removal decision taken against a third country national)

- 1 - A removal decision taken by a competent administrative authority of a Member State of the European Union or of a State party to the Convention against a third country national present within its territory shall be recognised and enforced in accordance with the provisions of this Section, provided that the removal decision is based on:
 - a) A serious and current threat to public order or to the national security of the State issuing the decision;
 - b) Failure on the part of the third country national concerned to comply with the regulations on the entry and residence of foreign nationals of the country which issued the removal decision.
- 2 - A removal decision based on the provisions of subparagraph (a) of the previous paragraph shall only be recognised if it has been taken in the event of:
 - a) The third country national has been convicted by the removal ordering State of an offence punishable by at least one year's imprisonment;
 - b) The existence of serious grounds for believing that a third country national has committed serious criminal acts or the existence of solid evidence of his/her intention to commit such acts within the territory of a Member State of the European Union or of a State party to the Convention.
- 3 - If the person covered by the previous paragraph is the holder of a residence permit issued in national territory, recognition and enforcement of the removal measure may only be ordered by a judicial authority, in accordance with Articles 152 to 158.
- 4 - For the purposes of the provisions of Article 28 of Regulation (EU) 2018/1861, of the European Parliament and of the Council, of 28 November 2018, where the person who is the subject of an expulsion decision referred to in paragraphs 1 and 2 holds a residence permit issued by a Member State of the European Union or by a State party to the Convention Implementing the Schengen Agreement, SEF shall consult the competent authorities of that State, for the purpose of possible cancellation of the residence permit in accordance with the legal provisions in force there, as well as the State which issued the expulsion decision.
- 5 - The removal decision under paragraphs 1 and 2 shall only be recognised if it is not postponed or suspended by the issuing State.
- 6 - The provisions of this Article shall be without prejudice to the provisions regarding the determination of the responsibility of Member States of the European Union for examining an asylum application and readmission agreements concluded with Member States of the European Union.

Article 170

(Competence)

- 1 - SEF is competent for the execution of the removal measures referred to in the previous article.
- 2 - Where a removal decision, taken by a competent national authority, is enforced by a Member State of the European Union or by a State party to the Convention Implementing the Schengen Agreement, SEF will provide the competent authority of the enforcing State with all documents necessary to certify the enforceability of the removal order as being of a permanent nature.
- 3 - SEF shall be authorised to create and maintain a personal data file for the purposes set out in this Section, subject to compliance with constitutional and legal rules on data protection.
- 4 - SEF shall also be responsible for cooperating and exchanging relevant information with the competent authorities of the other Member States of the European Union or of the States Parties to the Convention in order to implement the recognition and enforcement of removal decisions, under the terms of the previous article.

Article 171

(Enforcement of removal)

- 1 - A removal decision recognised under the provisions of Article 169 shall only be enforced if the provisions of Article 135 are complied with and after a prior examination of the situation of the interested party in order to ensure that neither the Constitution, the relevant international conventions nor the law preclude its enforcement.
- 2 - A third country national staying illegally on national territory and in respect of whom a decision has been issued under the terms of Article 169 is arrested by a police authority and handed over to the custody of SEF, accompanied by the respective report, and is taken to the border.
- 3 - The decision to enforce the removal may be challenged in court, with devolutive effect, before the administrative courts.
- 4 - A foreign national who is the subject of a decision under Article 169(3) shall be forwarded to the custody of SEF for the purpose of being brought to the border and removed as soon as possible.
- 5 - Whenever it is not possible to carry out the removal within forty-eight hours of detention, the third country national shall be brought before the judge of the small criminal court in the respective area of jurisdiction or the competent district court for validation of the detention and possible application of coercive measures.
- 6 - The order of validation of the detention and delivery to the custody of SEF may be appealed against under the terms foreseen in article 158.
- 7 - Once the removal order has been executed, SEF will inform the competent authority of the Member State which issued the removal order.

Article 172

(Financial compensation)

Financial compensation for the costs incurred in removing third country nationals shall be granted in accordance with criteria adopted by the Council of the European Union.

Section VII

Assistance for removal by air during transit by air

Article 173

(Preference for direct flights)

When removing a third country national by air, the possibilities of using a direct flight to the country of destination should be assessed.

Article 174

(Application for transit by air within the territory of a Member State)

- 1 - If the use of a direct flight is not possible, transit by air may be requested from the competent authorities of another Member State, provided that this does not entail a change of airport on the territory of the requested Member State.
- 2 - An application for escorted or unescorted transit by air and the associated assistance measures, in particular those referred to in Article 177(2), shall be made in writing and communicated to the requested Member State as soon as possible and in any case no later than two days before the transit.
- 3 - The General Director of SEF is competent to formulate the transit by air application, with the power of delegation.
- 4 - No transit by air shall be started without the authorisation of the requested Member State, except in cases where there is no reply to the request referred to in paragraph 1 within the time limits within which the requested Member State is obliged, and the transit operation may be started by way of a simple notification.

- 5 - For the purposes of processing the application referred to in paragraph 1, the requested Member State shall be sent the information contained in the transit by air application and authorisation form annexed to Council Directive 2003/110/EC of 25 November.
- 6 - SEF shall take the appropriate measures to ensure that the transit operation takes place as soon as possible and at the latest within twenty-four hours.
- 7 - A third country national shall be readmitted immediately to Portuguese territory if:
 - a) The transit by air authorisation has been refused or revoked; or
 - b) During transit, the third country national has entered the requested Member State without authorisation; or
 - c) It has not been possible to enforce the removal of the third country national to another transit country or the country of destination, or to board the connecting flight; or
 - d) Transit by air is not possible for any other reason.
- 8 - The costs of readmitting the third country national will be borne by SEF.
- 9 - The costs of the transit by air support measures referred to in Article 177(2) taken by the requested Member State shall be borne by SEF.

Article 175

(Support for transit by air on national territory)

- 1 - Transit by air may be allowed at the request of the competent authorities of a Member State removing a third country national where necessary.
- 2 - – Transit by air may be refused if:
 - a) The third country national has been charged with a criminal offence or has been ordered to be detained in order to serve a sentence in accordance with applicable law; or
 - b) Transit through other States or admission into the country of destination is not feasible; or
 - c) A removal measure implies a change of airport at national territory; or
 - d) It is not possible, for practical reasons, to provide at a given time the support requested; or
 - e) The presence of a third country national in national territory constitutes a threat to public order, public security or public health or to the international relations of the Portuguese State.
- 3 - In the case of subparagraph (d) of the previous paragraph, the requesting Member State shall be informed as soon as possible of a date as close as possible to that initially requested when transit by air may be assisted, provided that the other requirements are met.
- 4 - – A transit by air authorisation that has already been issued may be revoked if circumstances that justify a refusal of transit in accordance with paragraph 2 subsequently come to light.
- 5 - SEF shall inform the competent authorities of the requesting Member State, without delay, of the refusal or repeal of the transit by air authorisation, under the terms of paragraph 2 or of the previous paragraph, or the impossibility to carry it out for any other reason, stating the reasons for the decision.

Article 176

(Decision to grant transit by air support)

- 1 - The decision to authorise or refuse transit by air is the responsibility of the Director-General of SEF, with the power to delegate.
- 2 - The decision to authorise or refuse transit by air shall be communicated to the competent authorities of the requesting Member State within forty-eight hours, extendable for an equal period in duly justified cases.
- 3 - If no decision is taken within the period referred to in the previous paragraph, the transit operations requested may be started by means of a simple notification by the requesting Member State.

Article 177

(Measures to support transit by air)

- 1 - In the light of mutual consultations with the requesting Member State, within available means and in accordance with applicable international standards, all necessary support measures shall be provided to ensure that the third country national has left.
- 2 - The support measures referred to in the previous paragraph consist of:
 - a) Receive the third country national on board the aircraft and escort him/her within the area of the transit by air, namely to the connecting flight;
 - b) Provide emergency medical treatment to the third country national and, if necessary, his/her escort;
 - c) Ensure the feeding of the third country national and, if necessary, his/her escort;
 - d) Receive, keep and forward travel documents, particularly in the case of unescorted removals;
 - e) In cases of unescorted transit, inform the requesting Member State of the place and time of departure of the third country national from the national territory;
 - f) Inform the requesting member state of any serious incident during the transit of the third country national.
- 3 - Mutual consultations under paragraph 1 shall not be required for the provision of support measures referred to in subparagraph (b) of the previous paragraph.
- 4 - Without prejudice to the readmission of the third country national, in cases where no transit operations can be carried out despite the assistance provided in accordance with paragraphs 1 and 2, all necessary assistance measures for the continuation of the transit operation, which can be carried out within 48 hours, may be taken, upon request of and in consultation with the requesting Member State.
- 5 - Information shall be made available to the requesting Member State on the costs incurred for the services provided under paragraph 2(b) and (c), as well as on the criteria for quantifying the other costs, actually incurred, referred to in paragraph 2.
- 6 - Support shall be granted for the readmission of the third country national by the requesting Member State where such readmission takes place.

Article 178

(International conventions)

- 1 - The initiation of transit operations by way of pure notification may be the subject of international conventions concluded with one or more Member States.
- 2 - The international conventions referred to in the previous paragraph shall be notified to the European Commission.

Article 179

(Central authority)

- 1 - SEF is the central authority responsible for receiving applications for transit by air assistance.
- 2 - The Director-General of SEF shall designate, for all relevant transit airports, contact points which can be contacted throughout the transit operations.

Article 180

(Escort)

- 1 - For the purposes of this Section, an escort means a person of the requesting Member State accompanying the third country national during transit by air on national territory, including persons responsible for medical care and interpreters.

- 2 - When carrying out the transit operation, the powers of the escorts are restricted to self-defence.
- 3 - Where there are no national police officers providing assistance, the escorts may react in a reasonable and proportionate manner to an immediate and serious risk of the third country national absconding, injuring himself/herself, third parties or causing damage to property.
- 4 - The escorts must in all circumstances comply with national legislation.
- 5 - During transit by air the escort shall not be armed and shall wear civilian clothes.
- 6 - The escort shall display suitable means of identification, including the transit authorisation or, where applicable, the notification referred to in Article 176(3).

Article 180-A

(Implementation of removal decisions)

- 1 - The decision by the Portuguese State to organise or participate in joint flights for the removal from the territory of two or more Member States of third country nationals who are the subject of a forced removal or judicial removal decision falls within the competence of the National Director of SEF.
- 2 - This decision is guided by principles of effectiveness through the sharing of existing resources and, in particular, by compliance with international human rights conventions or agreements that are binding on member states.
- 3 - Whenever it is decided to organise a joint removal operation by open air, the participation of the other Member States must ensure:
 - a) The necessary information to the competent national authorities of the other Member States to ascertain their interest in participating in the operation;
 - b) The implementation of the measures necessary for the proper development of the joint operation bearing in mind, inter alia, the provisions of Article 4 of Council Decision no. 2004/573/EC of 29 April and its Annex.
- 4 - For the purpose of the previous paragraph, the organising national authority undertakes, in line with the common guidelines on security provisions set out in that Annex, to:
 - a) Ensure that third country nationals are in possession of valid travel documents and entry visas, if required, for the country or countries of transit or destination of the joint flight;
 - b) Provide appropriate medical, medicinal and linguistic assistance, as well as escort services, acting in accordance with the principles of necessity, proportionality and identification set out in Article 180;
 - c) Monitor each joint removal operation by means of monitoring by an appropriate entity, to be designated by order of the Government member responsible for the area of internal administration;
 - d) Draw up an internal and confidential report on the joint removal operation, preferably including, if available, statements on incidents or the application of forced or medical measures and partial reports from the other participating Member States.
- 5 - Without prejudice to Council Decision no. 2004/573/EC and its Annex, the participation of the Portuguese State in joint operations organised by other Member States shall be subject to the arrangements contained in this Article, with the necessary adaptations.

CHAPTER IX

Criminal provisions

Article 181

(Illegal entry, stay and transit)

- 1 - The entry of foreign nationals into Portuguese territory or into the territories of the Member States of the European Union and the States where the Convention is in force is considered illegal in breach of the provisions of Articles 6, 9 and 10 and Article 32, paragraphs 1 and 2, as well as the provisions of the Schengen Borders Code.
- 2 - The stay of foreign nationals in Portuguese territory is considered illegal when:
 - a) The residence has not been authorised in accordance with the provisions of this law or the law regulating the right to asylum;
 - b) The foreign nationals have ceased to fulfil the entry conditions or have exceeded the duration of the stay authorised in the Portuguese territory or in the territories of the Member States of the European Union and of the States where the Convention is in force;
 - c) Residence permits of foreign nationals have expired or been cancelled;
 - d) Illegal entry under the terms of the previous paragraph has taken place.
- 3 - The transit of foreign nationals through Portuguese territory is considered illegal when their admission into the country of destination is not guaranteed.

Article 182

(Criminal and civil liability of legal persons and similar entities)

- 1 - Legal persons and similar entities shall be liable, under the general terms, for the crimes provided for in this law.
- 2 - The entities referred to in paragraph 1 above shall be jointly and severally liable, in accordance with civil law, for the payment of the fines, penalties, compensation and other benefits to which the perpetrators of the offences provided for in this law are sentenced.
- 3 - In addition to criminal liability for committing the crimes provided for in Articles 183 to 185-A, there shall be civil liability for the payment of all expenses inherent in the stay and removal of the foreign nationals involved, including any expenses for the costs of sending back to the country of origin funds arising from outstanding labour claims.

Article 183

(Assistance to illegal immigration)

- 1 - Whoever favours or facilitates, by any means, the illegal entry or transit of a foreign national in national territory is punished with a prison sentence of up to 3 years.
- 2 - Whoever favours or facilitates, by any means, the illegal entry, stay or transit of a foreign national in national territory, with lucrative intent, is punished with a prison sentence of between one and five years.
- 3 - If the acts are committed by transporting or keeping the foreign national in inhuman or degrading conditions or by endangering his/her life or causing him/her serious injury to physical integrity or death, the perpetrator is punished with a prison sentence of 2 to 8 years.
- 4 - Attempt is punishable.
- 5 - The penalties applicable to the entities referred to in Article 182(1) are fines, which minimum and maximum limits are doubled, or prohibition from exercising the activity from one to five years.

Article 184

(Association to aid illegal immigration)

- 1 - Whoever promotes or founds a group, organisation or association which purpose or activity is directed towards the commission of the crimes set out in the previous article shall be punished by imprisonment for a term of between one and six years.
- 2 - Anyone belonging to such groups, organisations or associations shall incur the same penalty, as shall anyone supporting or providing aid for the recruitment of new elements.
- 3 - Whoever leads or directs the groups, organisations or associations mentioned in the previous paragraphs shall be punished by imprisonment for a term of between two and eight years.
- 4 - Attempt is punishable.
- 5 - The penalties applicable to the entities referred to in Article 182(1) are fines, which minimum and maximum limits are doubled, or prohibition from exercising the activity from one to five years.

Article 185

(Illegal labour recruitment)

- 1 - Whoever, with lucrative intent, for himself/herself or for a third party, entices or recruits with the purpose of introducing into the labour market foreign nationals who do not hold a residence permit or a visa that enables them to exercise a professional activity, is punished with a penalty of imprisonment of between one and five years.
- 2 - Whoever repeatedly commits the acts set out in the previous paragraph shall be punished by imprisonment for a term of between two and six years.
- 3 - Attempt is punishable.

Article 185-A

(Use of the activity of a foreign national in an illegal situation)

- 1 - Whoever habitually uses the work of foreign nationals who do not hold a residence permit or a visa allowing them to stay legally in Portugal is punished with a prison sentence of up to one year or with a fine of up to 240 days.
- 2 - Whoever, in the cases referred to in the previous paragraph, uses, simultaneously, the activity of a significant number of foreign nationals in an illegal situation, shall be punished by a prison sentence of up to two years or a fine of up to 480 days.
- 3 - Whoever uses the work of a foreign national, a minor, in an illegal situation, even if admitted to work under the terms of the Labour Code, is punished with a prison sentence of up to two years or with a fine of up to 480 days.
- 4 - If the conduct referred to in the previous paragraphs is accompanied by particularly abusive or degrading working conditions, the perpetrator shall be punished with a prison sentence of between one and five years, if a more serious penalty is not applicable under any other legal provision.
- 5 - The employer or user of the work or services of a foreign national in an illegal situation, with the knowledge that the latter is a victim of criminal offences related to human trafficking, is punished with a prison sentence of between two and six years, if a more serious penalty is not applicable under any other legal provision.
- 6 - In case of recidivism, the penalty limits will be increased in general terms.
- 7 - The penalties applicable to the entities referred to in Article 182(1) are fines, which minimum and maximum limits are doubled, and prohibition from exercising the activity for a period of between three months and five years may also be declared.

Article 186

(Marriage or partnership of convenience)

- 1 - Marriage and partnerships entered into for the sole purpose of obtaining a visa, a residence permit or an EU Blue Card or for the purpose of circumventing existing legislation on the acquisition of nationality will be punished by a term of imprisonment of between one and five years.
- 2 - Whoever, in a repeated or organised manner, encourages or creates conditions for the practice of the acts set out in the previous paragraph, shall be punished by imprisonment for a term of between two and six years.
- 3 - Attempt is punishable.

Article 187

(Breach of the entry ban)

- 1 - A foreign national who enters the national territory during the period in which entry was prohibited is punished with a prison sentence of up to two years or a fine of up to 100 days.
- 2 - In the event of conviction, the court may additionally decree, by a duly founded judicial decision, the deportation of the foreign national, in accordance with the provisions of article 135.
- 3 - Notwithstanding the provisions of paragraph 1, foreign nationals may be expelled from national territory to complete the remainder of the period during which they are forbidden to enter, in accordance with the procedure whereby their removal was ordered.

Article 188

(Investigation)

- 1 - In addition to the competent entities, SEF is responsible for investigating the crimes provided for in this chapter and others related to it, namely human trafficking.
- 2 - The undercover actions developed by SEF, within the scope of the prevention and investigation of crimes related to illegal immigration in which criminal associations are involved, follow the terms foreseen in Law no. 101/2001 of 25 August.

Article 189

(Loss of objects)

- 1 - The objects seized by SEF that will be declared lost to the State are allocated to it when:
 - a) Whether they are documents, weapons, ammunition, vehicles, telecommunications and computer equipment or other equipment of interest to the institution;
 - b) They result from compliance with international conventions and are correlated with illegal immigration.
- 2 - The usefulness of the objects referred to in subparagraph (a) of the previous paragraph shall be proposed by SEF in the final report of the respective criminal proceedings.
- 3 - The objects referred to in paragraph 1(a) may be used provisionally by SEF as from their apprehension and until they are declared lost or returned, by means of an order of the Director-General of SEF, to be transmitted to the authority supervising the case.

Article 190

(Additional penalties and enforcement measures)

In relation to the offences provided for in this law, the accessory penalties of prohibition or suspension from exercising public functions provided for in the Criminal Code, as well as the enforcement measures provided for in the Criminal Procedure Code, may be applied.

Article 191

(Forwarding of sentences)

The courts will send SEF, as soon as possible and in electronic format:

- a) Certificates from condemnatory decisions given at proceedings against foreign nationals;
- b) Certificates of decisions handed down in proceedings instituted for crimes of facilitating illegal immigration and recruiting illegal labour;
- c) Certificates of decisions rendered in deportation proceedings;
- d) Certificates of decisions rendered in extradition processes concerning foreign nationals.

CHAPTER X **Misdemeanours**

Article 192

(Illegal stay)

- 1 - The stay of a foreign national in Portuguese territory or in the territory of Member States of the European Union and of States where the Convention for the Application of Laws is in force for a period of time exceeding that authorised constitutes an administrative offence punishable by the fines specified below:
 - a) From (euro) 80 to (euro) 160, if the period of stay does not exceed 30 days;
 - b) From (euro) 160 to (euro) 320, if the period of stay is longer than 30 days but not more than 90 days;
 - c) From (euro) 320 to (euro) 500, if the period of stay is longer than 90 days but not more than 180 days;
 - d) From (euro) 500 to (euro) 700, if the period of stay exceeds 180 days.
- 2 - The same fine shall be applied when the breach provided for in the previous paragraph is detected on leaving the country.

Article 193

(Unauthorised access to the international area of the port)

- 1 - Access to the international area of the port by an individual not authorised by SEF constitutes an administrative offence punishable by a fine of between (euro) 300 and (euro) 900.
- 2 - Access on board vessels by an individual not authorised by SEF constitutes an administrative offence punishable by a fine of between (euro) 500 and (euro) 1000.

Article 194

(Transport of a person with unauthorised entry into the country)

The transport, into Portuguese territory, of a foreign national who does not possess a valid travel document or visa, by a carrier or by any person exercising a professional activity, constitutes an administrative offence punishable, for each foreign national transported, with a fine of between (euro) 4000 and (euro) 6000, in the case of companies, and between (euro) 3000 and (euro) 5000 in the case of natural persons.

Article 195

(Lack of transit by air visa)

Carriers, as well as those who, in the course of their professional activity, transport foreign nationals who do not hold a stopover visa when they need one, will be subject to a fine of between (euro) 4000 and (euro) 6000 per foreign national, in the case of legal persons, and between (euro) 3000 and (euro) 5000 in the case of natural persons.

Article 196

(Failure to comply with the obligation to communicate data)

Carriers which have not transmitted the information they are required to transmit according to Articles 42 and 43, or have transmitted it in an incorrect, incomplete or false manner or after the time limit, shall be punished, for each journey, with a fine of from (euro) 4000 to (euro) 6000, in case of legal persons, or from (euro) 3000 to (euro) 5000, in case of natural persons.

Article 197

(Lack of declaration of entry)

The breach of the provisions of Article 14(1) constitutes an administrative offence punishable by a fine of between (euro) 60 and (euro) 160.

Article 198

(Unauthorised exercise of professional activity)

- 1 - The exercise of a self-employed professional activity by a foreign national who does not hold an appropriate residence permit, when required, constitutes an administrative offence punishable by a fine of between (euro) 300 and (euro) 1200.
- 2 - The accessory sanctions provided for in articles 21 and following of the general regime of administrative offences may be applied for the practice of the administrative offences provided for in the previous paragraph.
- 3 - (Repealed.)
- 4 - (Repealed.)
- 5 - (Repealed.)
- 6 - (Repealed.)
- 7 - (Repealed.)
- 8 - (Repealed.)
- 9 - (Repealed.)
- 10 - (Repealed.)

Article 198-A

(Use of the activity of a foreign national in an illegal situation)

- 1 - Whoever uses the activity of a foreign national who does not have a residence permit or visa authorising the exercise of a subordinate professional activity will be subject to the application of one of the following fines:
 - a) From (euro) 2000 to (euro) 10000 if using the activity of 1 to 4 citizens;
 - b) From (euro) 4000 to (euro) 15000 if using the activity of 5 to 10 citizens;
 - c) From (euro) 6000 to (euro) 30000, if using the activity of 11 to 50 citizens;
 - d) From (euro) 10000 to (euro) 90000, if using the activity of more than 50 citizens.
- 2 - The following accessory sanctions may be applied for the practice of the administrative offences provided for in this article:
 - a) Those provided for in articles 21 and following of the General Regime of Administrative Offences;
 - b) The obligation to reimburse some or all public benefits, aid or subsidies, including European Union funding, granted to the employer up to 12 months prior to the discovery of the use of the activity of a foreign national in an illegal situation, when the offence has been committed in the exercise or because of the activity in favour of which the benefit was granted;
 - c) The publicity of the conviction.
- 3 - The sanctions referred to in Article 21(1)(b) to (g) of the General Regime of Administrative Offences, when applied in accordance with the provisions of the previous paragraph, shall have a maximum duration of five years.
- 4 - The accessory sanction referred to in paragraph 2(c) of this Article shall presuppose:
 - a) The publication, at the offender's expense, of an extract containing the identification of the offender, the offence, the rule that has been breached and the sanction applied, on SEF's portal on the internet, in a national newspaper and in a regional or local periodical in the area where the offender has its registered office;
 - b) The sending of the extract referred to in the previous subparagraph to the competent administrative authority whenever the exercise or access to the service activity provided by the offender requires administrative permissions, namely permits, licenses, authorisations, validations, authentications, certifications and acts issued as a result of prior notifications and registrations.
- 5 - The employer, the user under a contract for the provision of services, a occasional transfer agreement or the use of temporary work and the general contractor are jointly and severally liable:
 - a) For the payment of the fines provided for in the previous paragraphs and of the salary claims arising from the employment contract, its breach or termination;
 - b) For sanctions arising from non-compliance with labour legislation;
 - c) For sanctions arising from the non-declaration of income subject to tax and social security contributions in respect of the work performed by the foreign worker whose activity was used illegally;
 - d) For the payment of the necessary expenses for the stay and the removal of the foreign nationals concerned;
 - e) For the payment of any expenses arising from the remittance of funds arising from labour claims to the country to which the foreign national has voluntarily or compulsorily returned.
- 6 - The construction owner who does not obtain from the other party a declaration of compliance with the obligations arising from the law in relation to foreign contracted workers is also jointly and severally liable, under the terms of the previous paragraph.
- 7 - If the construction owner is the Public Administration, failure to comply with the previous paragraph may lead to disciplinary liability.
- 8 - For the purpose of accounting for salary claims and income subject to deductions for tax administration and social security, it is assumed, without prejudice to the provisions of labour and tax law, that the level of remuneration corresponds, at least, to the minimum monthly remuneration guaranteed by law, collective agreements or in accordance with established practices in the activity sectors in question, and that the

- employment relationship is of at least three months' duration, unless the employer, the user of the activity or the worker proves otherwise.
- 9 - Under the terms of labour legislation, failure to comply with the obligations set out in paragraphs 5 and 6 is a very serious offence.
 - 10 - In the event of non-payment of the amounts due in respect of wage credits arising from work actually carried out, as well as for the payment of the necessary expenses for the stay and removal of the foreign nationals involved, the liquidation statement made in the respective process constitutes an enforceable title, applying the rules of the common execution process for payment of a certain sum.
 - 11 - If the offender is a legal person or equivalent, the respective directors, managers or officers are jointly and severally liable for the payment of the fine.

Article 198-B

(Support for third country nationals whose activities have been used illegally)

- 1 - The unions or immigrant associations with representation recognised under the terms of the law by ACIDI, I. P. and other entities with attributions or activities in immigrant integration, may present a complaint against the employer and the user of the activity of a foreign national in an illegal situation, to the inspection service of the ministry responsible for labour, namely in the following cases:
 - a) For non-payment of salary claims;
 - b) For the existence of an employment relationship revealing conditions of social unprotection, wage or hour exploitation or in particularly abusive working conditions;
 - c) For unlawful use of activity of minors.
- 2 - Without prejudice to the provisions of the previous paragraph, organisations which purpose is to defend or promote the rights and interests of immigrants, namely against the use of the activity of foreign nationals in an illegal situation, the use of the activity of minors, discrimination concerning access to employment, training or the conditions for providing independent or subordinate work, have legal standing to intervene, in representation or in assistance of the interested party, provided that, cumulatively, the following conditions are met:
 - a) If the defence of the interests in question is expressly included in its attributions or in its statutory objectives;
 - b) There is express authorisation from the interested party.
- 3 - The return, voluntary or forced, to the country of origin of the third country national whose activity is being used illegally is without prejudice to the provisions of the previous paragraphs.
- 4 - Third country nationals whose activities are used illegally and who are subject to a decision of forced removal from Portuguese territory shall be informed of their rights under this article at the time of notification of the decision of forced removal, in accordance with article 149.

Article 198-C

(Inspections)

- 1 - SEF is competent to carry out regular inspections in order to control the use of the activity of third country nationals who are illegally staying in the national territory, under the terms of article 181(2).
- 2 - The inspections referred to in paragraph 1 shall be carried out taking into account SEF's assessment of the risk existing in the national territory of the use of illegally staying third country nationals, by sector of activity.
- 3 - SEF shall transmit until the end of May each year to the Government member responsible for the area of internal administration, who shall communicate to the European Commission until 1 July, the final report of the inspections carried out under the terms of the previous paragraphs and with reference to the previous year.

Article 199

(Failure to present a travel document)

The breach of the provisions of Article 28 constitutes an administrative offence punishable by a fine of between (euro) 60 and (euro) 120.

Article 200

(Failure to apply for a residence permit)

The breach of the provisions of Article 124(2) constitutes an administrative offence punishable by a fine of between (euro) 60 and (euro) 120.

Article 201

(Failure to renew residence permits on time)

An application for renewal of a temporary residence permit submitted after the time limit set out in Article 78(1) constitutes an administrative offence punishable by a fine of between (euro) 75 and (euro) 300.

Article 202

(Failure to comply with certain duties)

- 1 - Breach of the communication duties set out in Article 86 constitutes an administrative offence punishable by a fine of between (euro) 45 and (euro) 90.
- 2 - Breach of the duty set out in Article 6(1) constitutes an administrative offence punishable by a fine of between (euro) 200 and (euro) 400.
- 3 - The embarkation and disembarkation of foreign nationals outside border crossing points qualified for that purpose, in breach of the provisions of Article 6(1) constitutes an administrative offence punishable by a fine of between (euro) 50000 and (euro) 100000.
- 4 - The carrier and its representatives on Portuguese territory are jointly and severally liable for the payment of the fines provided for in the previous paragraph.

Article 203

(Failure to communicate the accommodation)

- 1 - The omission of electronic registration of foreign nationals, in accordance with article 15(4) or the failure to present the accommodation receipt, in accordance with article 16(1) or (2), constitutes an administrative offence punishable with the following fines:
 - a) From (euro) 100 to (euro) 500, from 1 to 10 receipts or citizens whose registration is omitted;
 - b) From (euro) 200 to (euro) 900, from 11 to 50 receipts or citizens whose registration is omitted;
 - c) From (euro) 400 to (euro) 2000, if the receipts were not sent or if the registration of more than 51 citizens is omitted.
- 2 - In the case of negligent failure to comply with the time limit for notifying accommodation or departure of the foreign national, the minimum and maximum limits of the fine to be imposed are reduced to one quarter.

Article 204

(Negligence and voluntary payment)

- 1 - On offences provided for in previous articles, negligence is always punishable.

- 2 - In cases of negligence, the minimum and maximum amounts of the fine are reduced by half.
- 3 - In the event of voluntary payment, the minimum and maximum amounts of the fine are reduced by half.

Article 205
(Failure to pay a fine)

In cases where the law allows for an extension of stay, such extension may not be granted unless the fine imposed as a result of administrative offence proceedings for the offences provided for in Articles 192, 197 and 199 and Article 198(1) and 202 (2) has been paid.

Article 206
(Destination of the fines)

The proceeds of the fines imposed under the terms of this law shall revert:

- a) 60% for the State;
- b) 40% for SEF.

Article 207
(Competence for the application of fines)

- 1 - The application of the fines and accessory sanctions provided for in this chapter falls under the competence of the National Director of SEF, who may delegate it, without prejudice to the specific competences attributed to other entities in relation to the provisions of article 198A(9).
- 2 - For the purposes set out in the previous paragraph, SEF shall organise an individual register, without prejudice to the legal rules applicable in matters of personal data protection.

Article 208
(Updating of fines)

Without prejudice to the maximum limits provided for in the general regime for administrative offences, the amounts of the fines are automatically updated in accordance with the percentages of increase of the highest national minimum wage, the result obtained being rounded up to the next higher euro unit.

CHAPTER XI
Fees and other charges

Article 209
(Applicable regime)

- 1 - The fees to be charged for the granting of visas by consular posts shall be those set out in the table of consular fees.
- 2 - The fees and other charges to be levied for the administrative procedures set out in this law shall be established by an ordinance of the Minister of Internal Administration.
- 3 - Fees will be charged for escorting foreign nationals whose removal from Portuguese territory is the carriers' responsibility, as well as for placing non-admitted passengers in temporary accommodation centres or similar spaces, under the terms of article 41.
- 4 - The proceeds of the fees and other charges to be levied under paragraphs 2 and 3 above shall constitute SEF revenue.

Article 210

(Exemption or reduction of fees)

- 1 - Without prejudice to the provisions of the previous article, the Director-General of SEF may, exceptionally, grant the exemption or reduction of the amount of the fees due for the procedures provided for in this law.
- 2 - – The following are exempt from a fee:
 - a) Visas to be granted in accordance with Articles 48(1)(a), 57 and 61;
 - b) Visas and extensions of stay granted to foreign nationals holding diplomatic, service, official and special passports or travel documents issued by international organisations;
 - c) Visas issued to the descendants of holders of residence permits under the provisions on family reunification;
 - d) Visas and residence permits granted to foreign nationals benefiting from scholarships awarded by the Portuguese State;
 - e) Special visas.
- 3 - Third country nationals benefit from tax exemption or reduction when in these countries identical treatment to Portuguese citizens is ensured.

CHAPTER XII

Final provisions

Article 211

(Change of nationality)

- 1 - The Central Registry Office communicates, whenever possible by electronic means, to SEF the changes of nationality that it registers, concerning individuals residing in national territory.
- 2 - The communication provided for in the previous paragraph shall be made within 15 days of registration.
- 3 - If the communication and consultation of the relevant databases reveal the existence of an alert or alerts for the purpose of return or refusal of entry and stay in the SIS, SEF shall report the acquisition of nationality to the issuing Member State or States, with a view to its deletion.

Article 212

(Identification of foreign nationals)

- 1 - In order to establish or confirm the identity of foreign nationals, SEF may resort to the means of civil identification provided for by law and by Community regulations applicable to the issue of identification cards and visas, namely by obtaining facial images and fingerprints, using biometrics when possible, as well as expert opinions.

- 2 - The registration of personal data is part of an integrated information system, which is managed by and under the responsibility of SEF, hereinafter referred to as SII/SEF, and which complies with the following rules and characteristics:
- a) The collection of data for automated processing within the IIS/SEF must be limited to what is strictly necessary for the management of the control of entry, stay and exit of foreign nationals, the prevention of a specific danger or the prosecution of a specific criminal offence within the scope of its attributions and competences;
 - b) The different categories of data collected should, as far as possible, be differentiated according to their degree of accuracy or reliability, with a distinction being made between factual data and data assessing facts;
 - c) The SII/SEF is made up of personal data and data on legal assets, integrating information within the scope of the attributions conferred upon it by law:
 - i. Foreign nationals, nationals of Member States of the European Union, stateless persons and nationals, in relation to the control of their transit across land, sea and air borders, as well as their stay and activities on national territory, namely for the purposes of consultation, entry, storage and processing of data in connection with alerts for the purposes of return or refusal of entry and stay of third country nationals or others, in accordance with this law and the rules applicable to the use of the SIS;
 - ii. Identification and whereabouts of foreign nationals or nationals of Member States of the European Union regarding suspected or actual facilitation of illegal immigration or criminal association to that end;
 - d) The personal data collected for processing, in addition to those referred to in the previous paragraph, within the scope of the IIS/SEF are:
 - i. Name, parentage, nationality or nationalities, country of birth, place of birth, marital status, gender, date of birth, date of death, professional situation, diseases that constitute a danger or serious threat to public health under the terms of this law, the names of the people that make up the household and the possible status of family member of a national or European Union national or holder of the right of free movement, addresses, signature, references of individuals and legal entities in national territory, as well as the number, place and date of issue and validity of the identification and travel documents, copies of the same, photographs and facial images and fingerprint data;
 - ii. Judicial decisions which, by force of law, are communicated to SEF;
 - iii. Participation or indications of participation in illegal activities, as well as data regarding specific objective and unalterable physical characteristics, names and surnames at birth, nicknames, indication that the person concerned is armed, violent, the reason why the person concerned is signalled, namely when he/she has fled or escaped, presents a suicide risk, constitutes a threat to public health or has been involved in one of the activities referred to in Law No. 52/2003, of 22 August, in its current wording, along with references to the conduct or conducts to adopt;
 - iv. In relation to legal persons or equivalent entities, in addition to the aforementioned data, the following are also collected: name, business name or denomination, domicile, address, collective person identification number or taxpayer number, nature, start and end of the activity.
- 3 - With a view to preventing the consultation, modification, suppression, addition, destruction or communication of data from the SII/SEF in a manner not consented to by this law and in accordance with Article 31 of Law No. 59/2019 of 8 August on the processing of personal data for the purposes of prevention, detection, investigation or prosecution of criminal offences or the enforcement of criminal penalties, the necessary technical measures to ensure security shall be adopted and periodically updated:
- a) Data carriers and their transportation in order to prevent them from being read, copied, altered or deleted by any unauthorised person or means;

- b) The input of data in order to prevent the input as well as any unauthorised disclosure, modification or deletion of personal data;
 - c) Automated data processing systems to prevent them from being used by unauthorised persons through data transmission facilities;
 - d) Access to data, so that authorised persons can only access data that is relevant to the exercise of their legal powers;
 - e) The transmission of the data to ensure that its use is limited to authorised entities;
 - f) The input of personal data into automated processing systems in order to verify what data has been input, when and by whom.
- 4 - Data may be communicated within the scope of international and community conventions by which Portugal is bound, as well as within the scope of international or national cooperation, to the security forces and services and to public services, within the framework of the legal attributions of the entity requesting them and only in respect of the data relevant to the purpose for which they are communicated.
- 5 - Personal data shall be kept for the period strictly necessary for the purpose on which the registration in the IIS/SEF was based and in accordance with that purpose. The need to keep personal data shall be verified 10 years after the last issue of documents concerning the holder, after which the data may be kept in a historical file for 20 years after the date of that document.
- 6 - The provisions of the previous paragraphs do not impede the automated processing of information for statistical or study purposes, provided that the persons to whom the information relates cannot be identified.
- 7 - The number that will appear on the identification card referred to in paragraph 1 shall also be used for identification purposes before the Public Administration, namely in the tax, social security and health fields.
- 8 - The transmission to the competent judicial body or to other holders of the right of access of any documents forming part of the electronic workflow used by SEF for the exercise of the competencies provided for by law shall always be carried out in electronic format.
- 9 - With the aim of facilitating the procedures for issuing titles, the citizen is exempted from delivering certificates or other documents that aim to certify data contained in the Public Administration information systems; SEF must obtain them, namely from the tax administration, social security and employment services, and attach them to the process.

Article 213

(Expenses)

- 1 - The expenses necessary for the removal from the country that cannot be borne by the foreign national or that he/she is not required to pay under the terms of special regimes provided for in international conventions, nor are borne by the entities referred to in article 41 shall be borne by the State.
- 2 - The State may also bear the necessary expenses for the voluntary departure from the country:
- a) Members of the foreign national's family who are the subject of the enforced removal or removal order when they are dependent on him/her and provided that they are unable to pay the respective costs;
 - b) Foreign nationals in need of means of subsistence, as long as it is not possible to obtain the necessary support from the diplomatic representations of their countries.
- 3 - In order to satisfy the charges resulting from the application of this law, SEF budget shall include the necessary appropriation.

Article 214

(Duty to cooperate)

- 1 - All services and bodies of the Public Administration have the duty to ensure that the entities with which they enter into administrative contracts do not receive work performed by illegal foreign nationals.

- 2 - The aforementioned services and bodies may terminate, with just cause, the contracts entered into if, after their signing, the private entities receive work performed by illegal foreign nationals.
- 3 - Public Administration bodies and persons in charge of vessels have a special duty to inform in the following situations:
 - a) When the seizure or detention of a vessel is ordered, as well as when these measures cease;
 - b) When evacuating a ship's crew or passengers for health reasons;
 - c) When passengers or crew of a ship are missing;
 - d) When a vessel is refused clearance from the port;
 - e) When detaining passengers or crew of a vessel;
 - f) When emergency plans are triggered in national ports;
 - g) When they are taken off board by the competent authority, namely the Maritime Police, and at the request of the ship's captain, crew members or passengers.

Article 215

(Duty to communicate)

- 1 - The application for a visa that enables a foreign national to work in national territory, as well as a permit that regularises, under the terms of this law, the situation of a foreign national who is in national territory is communicated by the competent services to social security, the Tax and Customs Authority and the Serviços Partilhados do Ministério da Saúde, E. P. E. (Shared Services of the Ministry of Health), for the purpose of automatic attribution of the social security identification number, the tax identification number and the national user number.
- 2 - In the situations provided for in the previous paragraph, the competent authorities shall also communicate to the Instituto de Emprego e da Formação Profissional, I. P., for the purposes of registration”

Article 216

(Regulation)

- 1 - The diploma regulating the present law and the ordinances provided for therein shall be approved within 90 days.
- 2 - The special legislation provided for in Article 109 shall be adopted within 120 days.

Article 217

(Transitional provisions)

- 1 - For all legal purposes the holders of a work visa, a residence permit, a temporary stay visa with permission to carry out a subordinate professional activity, an extension of stay entitling them to exercise a subordinate professional activity and a study visa granted under Decree-Law no. 244/98, of 8 August, with the alterations introduced 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 be holders of a residence permit. When these titles expire, they will be replaced by residence titles, and the provisions relating to the renewal of the temporary residence authorisation or the granting of the permanent residence authorisation will apply, depending on the case.
- 2 - For the purposes of the provisions of article 80(1)(a), the period of legal stay under the titles mentioned in the previous paragraph shall be counted.
- 3 - Applications for an extension of stay enabling the exercise of a professional activity under article 71 of Regulatory Decree No. 6/2004, of 26 April, shall be converted into applications for a residence permit for the exercise of a subordinate professional or selfemployed activity under this law, with exemption from the visa requirement.

- 4 - Foreign nationals covered by article 71 of Regulatory Decree no. 6/2004, of 26 April, shall have their stay extended by three months, in order to enable them to obtain an employment contract or to prove the existence of a work relationship, by a trade union, by an association with a seat on the Consultative Council or by the Inspectorate-General of Labour, for the purposes of granting a residence permit under the terms of the previous paragraph.
- 5 - Applications for work visas under article 6(2) of the Agreement between the Portuguese Republic and the Federative Republic of Brazil on the Reciprocal Contracting of Nationals, of 11 July 2003, shall be transformed into applications for residence permits, with exemption from visa requirements.
- 6 - Until such time as the quota of job opportunities provided for in article 59 is determined, the Institute for Employment and Vocational Training or, in the Autonomous Regions, the respective departments shall disclose all job vacancies unfilled within 30 days by Portuguese nationals, nationals of Member-States of the European Union, of the European Economic Area, of third countries with which the European Community has entered into an agreement for the free movement of persons, or by nationals of third countries, with legal residence in Portugal.
- 7 - The residence visa to obtain a residence permit to exercise a subordinate professional activity may be granted up to the limit of the job offers referred to in the previous paragraph, provided that all other legal conditions are complied with.
- 8 - The holders of a residence permit issued under the terms of the legislation that precedes the present law shall proceed to replace the title they hold by the card provided for in article 212(1), under the terms and within the period of time to be established in regulatory legislation.

Article 218
(Repealing standard)

- 1 - – The following are repealed:
 - a) Article 6 of Law no. 34/94 of 14 September;
 - b) Law no. 53/2003, of 22 August;
 - c) Decree-Law no. 244/98 of 8 August, as amended by Law no. 97/99 of 26 July, Decree-Law no. 4/2001 of 10 January and Decree Law no. 34/2003 of 25 February.
- 2 - Until express repeal, Regulatory Decree No. 6/2004, of 26 April, as well as the ordinances approved under Decree-Law No. 244/98, of 8 August, with the amendments introduced by Law No. 97/99, of 26 July, Decree-Law No. 4/2001, of 10 January, and Decree-Law No. 34/2003, of 25 February, shall remain in force, insofar as they are compatible with the regime established by the present law.

Article 219
(Autonomous Regions)

The provisions contained in the previous articles do not affect the competences entrusted, in the Autonomous Regions of the Azores and Madeira, to the corresponding regional bodies and services, and the due articulation between them and the services of the Republic and of the European Union intervening in the procedures provided for in this law shall be ensured.

Article 220
(Entry into force)

The present law shall enter into force on the 30th day after its publication.

Signature

Adopted on 10 May 2007.

The President of the Assembly of the Republic, Jaime Gama. Ratified on 18 June 2007.

To be published.

The President of the Republic, ANÍBAL CAVACO SILVA. Approved on 19 June 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) Law no. 29/2015, of 9 August;
- b) Law no. 56/2015, of 23 June;
- c) Law no. 63/2015, of 30 June;
- d) Law no. 59/2017, of 31 July;
- e) Law no. 102/2017, of 28 August;
- f) Law no. 26/2018, of 5 July;
- g) Law no. 28/2019, of 29 March;
- h) Decree Law no. 14/2021, of 12 February;
- i) Law no. 18/2022, of 25 August.

Law no. 23/2007 of 4 July (in Portuguese):

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