

**Law No. 27/2008 - Official Gazette No. 124/2008, Series I of 30 June 2008**

**Establishes the conditions and procedures for granting asylum or subsidiary protection and the asylum seeker, refugee and subsidiary protection status, transposing into national law Council Directives 2004/83/EC of 29 April and 2005/85/EC of 1 December**

The Assembly of the Republic decrees, under the terms of Article 161(c) of the Constitution, the following:

**CHAPTER I**  
**General provisions**

**Article 1**  
(Object)

- 1 - The present law establishes the conditions and procedures for granting asylum or subsidiary protection and the asylum seeker, refugee and subsidiary protection status, transposing the following EU Directives into national law:
  - a) Council Directive 2004/83/EC of 29 April on minimum standards for the qualification and status of third-country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted;
  - b) Council Directive 2005/85/EC of 1 December on minimum standards on procedures for granting and withdrawing refugee status;
  - c) Council Directive 2011/95/EU of 13 December on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted;
  - d) Directive 2013/32/EU of the European Parliament and of the Council of 26 June on common procedures for granting and withdrawing international protection status;
  - e) Directive 2013/33/EU of the European Parliament and of the Council of 26 June laying down standards for the reception of applicants for international protection.
- 2 - Simultaneously, the transposition into national law of Council Directive 2003/9/EC of 27 January, made by Law 20/2006 of 23 June, establishing minimum standards for the reception of asylum seekers in Member States, is being consolidated.

**Article 2**  
(Definitions)

- 1 - For the purposes of the provisions of this law, the following definitions shall apply:
  - a) "Residence permit" means the permit issued by the Portuguese authorities in accordance with the law, allowing a foreigner or a stateless person to reside on national territory;
  - b) "Beneficiary of international protection" means a person who has been granted refugee status or subsidiary protection status as defined in subparagraphs (i) and (j);
  - c) "Reception centre" means any place used for collective housing of asylum seekers;
  - d) "Reception Conditions" means the set of measures adopted in favour of applicants for international protection in accordance with this law;
  - e) "Material reception conditions" means the reception conditions that include housing, food, clothing and transport costs, provided in kind, or as financial allowances or as vouchers or allowances for daily expenses;
  - f) "Geneva Convention" means the Convention relating to the refugees status done at Geneva on 28 July 1951, as amended by the New York Protocol of 31 January 1967;

- g) "Final decision" means a decision on the application for international protection against which there is no further appeal;
- h) "Detention" means a measure of confinement of an applicant for international protection in a special area;
- i) "Subsidiary protection status" means the recognition, by the competent Portuguese authorities, of a foreigner or a stateless person as a person eligible for a residence permit for subsidiary protection;
- j) "Refugee Status" means the recognition by the competent Portuguese authorities of a foreigner or a stateless person as a refugee who is allowed to remain in the national territory in that capacity;
- k) "Family members" means the relatives of the beneficiary of international protection:
  - i. Spouse or civil partner;
  - ii. Children who are minors or incapacitated and are dependants of the couple or of one of the spouses or of one of the members of the civil partnership;
  - iii. Minor children adopted, by decision of the competent authority of the country of origin, by the applicant or his spouse or unmarried partner;
  - iv. Ascendants in the direct line and in the first degree of the beneficiary of international protection if he/she is a minor;
  - v. Adult responsible for an unaccompanied minor;
- l) "Minor" means a third-country national or stateless person below the age of 18 years;
- m) "Unaccompanied minors" means any third-country national or stateless person below the age of 18, who arrives on national territory unaccompanied by an adult responsible for them whether by law or by custom, and for as long as they are not effectively taken into the care of such a person, or who is left unaccompanied after they have entered the national territory;
- n) "Reasons for persecution" means those which give reasons for the applicant's well-founded fear of being persecuted, which shall be assessed taking into account the notions of:
  - i. "Race", which includes, inter alia, considerations of colour, descent or membership of a particular ethnic group;
  - ii. "Religion", which covers, inter alia, the holding of theistic, non-theistic and atheistic beliefs, participation or abstention from participation in private or public worship services, either alone or with others, other religious acts or expressions of belief, or forms of personal or community behaviour founded on or imposed by religious beliefs;
  - iii. "Nationality", which is not limited to citizenship or the absence thereof, but covers in particular membership of a group determined by its cultural, ethnic or linguistic identity, common geographical or political origins or its relationship with the population of another State;
  - iv. "Group" means a specific social group in concrete cases where:
    - v. The members of that group share an innate characteristic or common history that cannot be changed, or share a characteristic or belief considered so fundamental to the identity or consciousness of the group members that they cannot be required to renounce it; and This group has a distinct identity in the country in question because it is seen as different by the society around it;
  - vi. "Political opinion", which includes, inter alia, the holding of an opinion, idea or ideal on a matter relating to the potential actors of the persecution of their policies or methods, whether or not that opinion, idea or ideal is expressed by the applicant's acts.
- o) "Determining authority" means the administrative body responsible for examining applications for international protection and competent to take a decision in first instance on such applications;
- p) "Country of origin" means the country or countries of nationality or, for stateless persons, the country in which they had their habitual residence;
- q) "Safe country of origin" means a country of which the applicant is a national or, being a stateless person, an habitual resident, for which the applicant has not invoked any serious grounds for

considering it to be unsafe, taking into account the personal circumstances of the applicant with regard to the fulfilment of refugee qualification and assessed on the basis of a range of sources of information, including in particular information from other Member States, the United Nations High Commissioner for Refugees (UNHCR), the Council of Europe and other relevant international organisations;

- r) "Safe third-country" means a country where the asylum seeker has stayed or transited before arriving in Portugal and where it can be shown that his/her life and freedom are not threatened, where the principle of non-refoulement and the right not to be subjected to torture or cruel, inhuman or degrading treatment is respected, and where he/she may request refugee status and, if granted, receive protection in accordance with the Geneva Convention, subject to the following rules:
- i. A connection between the asylum seeker and the third-country concerned which would normally allow the person to go to that country;
  - ii. A certification that the safe third-country concept may be applied to a particular country or to a particular applicant, including case- by-case consideration of the safety of the country for a particular applicant and national designation of countries considered to be generally safe;
  - iii. An individual assessment, in accordance with international law, of the safety of the third-country concerned for a particular applicant and which, as a minimum, allows the applicant to challenge the application of the safe third-country concept on the grounds that he/she would be subjected to torture, cruel, inhuman or degrading treatment or punishment;
- s) "Application for international protection" means an application for protection by a foreigner or a stateless person who otherwise claims refugee or subsidiary protection status and does not explicitly request another form of protection that can be applied for separately;
- t) "Subsequent application" means an application for international protection lodged after a final decision has been taken on a previous application, including cases where the applicant has explicitly withdrawn the application and those where there has been a decision rejecting it following implicit withdrawal;
- u) (Repealed.)
- v) "Loss of international protection" means the effect of the cessation, repeal, withdrawal or refusal to renew the right to asylum or subsidiary protection;
- w) "Remain in the country" means to remain in Portugal, where the application for international protection has been lodged or is being examined, including at the border and in transit zones;
- x) "Person eligible for subsidiary protection" means a third-country national or a stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that he/she cannot return to his/her country of origin, or, in the case of a stateless person, to the country of former habitual residence, either because of systematic breaches of human rights there or because he/she runs a real risk of suffering serious harm as defined in Article 7, and to whom Article 9(1) does not apply, and who is unable or, owing to such situations, unwilling to avail himself/herself of the protection of that country;
- y) "Particularly vulnerable persons" means persons with special needs, such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, members of single parent households with minor children and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence;
- z) "First country of asylum" means a country where the applicant has been recognised as a refugee and he/she may yet enjoy such protection or effective protection in that country, in accordance with the Geneva Convention, and where it has been established that his/her life and freedom would not be threatened, and where the principle of non-refoulement and the right to freedom from torture and cruel, inhuman or degrading treatment are respected, provided that he/she will be readmitted to that country;

- aa)* "Prohibition of refoulement" (principle of non-refoulement) means the principle of international asylum law, enshrined in Article 33 of the Geneva Convention, according to which asylum seekers must be protected against direct or indirect removal or refoulement to a place where their life or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group or political opinion; this protection does not apply to those who constitute a threat to national security or who have been convicted of a particularly serious crime or offence;
  - bb)* "International protection" means subsidiary protection status and refugee status as defined in subparagraphs (i) and (j);
  - cc)* "Refugee" means a foreigner or stateless person who, owing to well-founded fear of being persecuted due to the activity exercised in the State of his/her nationality or habitual residence for reasons of democracy, social and national liberation, peace among peoples, freedom and human rights, or because of his/her race, religion, nationality, political convictions or membership of a particular social group, is outside the country of his/her nationality and is unable or, owing to such fear, is unwilling to avail himself/herself of the protection of that country, or a stateless person, who, being outside the country of his/her former habitual residence, is unable or, owing to such fear, is unwilling to return to it, and to whom the provisions of Article 9 do not apply;
  - dd)* "Representative" means a person acting on behalf of an organisation representing an unaccompanied minor as legal guardian, a person acting on behalf of a national organisation which is responsible by law for the care and well-being of minors, or any other appropriate representative appointed according to law for representing the interests of the unaccompanied minor;
  - ee)* "Applicant" means a foreigner or a stateless person who has made an application for international protection in respect of which a final decision has not yet been taken;
  - ff)* "Applicant in need of special procedural guarantees" means an applicant whose ability to exercise the rights and fulfil the obligations provided for in this Law is limited due to personal circumstances;
  - gg)* "Applicant with special reception needs" means a vulnerable person such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of trafficking, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of domestic violence and victims of female genital mutilation, who is in need of special guarantees in order to enjoy the rights and comply with the obligations provided for in this law;
  - hh)* "Withdrawal of international protection status" means the decision by a competent authority to repeal, end or refuse to renew the refugee or subsidiary protection status of a person.
- 2 - - For the purposes of the provisions of subparagraph (n)(iv) of the previous paragraph, depending on the circumstances in the country of origin, a specific social group may include a group based on gender identity or a common characteristic of sexual orientation, which cannot be understood to include acts typified as crimes under the law, as well as considering gender -related aspects, although this alone should not create a presumption for qualification as a group.

## **Chapter II**

### **Beneficiaries of international protection**

#### **Article 3**

(Granting of the right to asylum)

- 1 - The right to asylum shall be guaranteed to foreigners and stateless persons persecuted or seriously threatened with persecution as a result of activities carried out in the State of their nationality or habitual residence for the promotion of democracy, social and national liberation, peace among peoples, freedom and human rights.
- 2 - The right to be granted asylum shall also apply to foreigners and stateless persons who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, are unable or, owing to such fear, are unwilling to return to the State of their nationality or habitual residence.
- 3 - Asylum may only be granted to a foreigner who has more than one nationality where the reasons for persecution referred to in the previous paragraphs apply to all the States of which he/she is a national.
- 4 - For the purpose of paragraph 2, it is immaterial whether the applicant actually possesses the racial, religious, national, social or political characteristic which attracts the persecution, provided that such a characteristic is attributed to the applicant by the persecutor.

#### **Article 4**

(Effects of granting of the right to asylum)

The granting of the right to asylum under the terms of the preceding article shall confer on the beneficiary the refugee status, under the terms of this law, without prejudice to the provisions of international treaties or conventions to which Portugal is a party or to which it adheres.

#### **Article 5**

(Acts of persecution)

- 1 - For the purposes of Article 3, acts of persecution on the basis of which the right to asylum may be founded must either constitute, by their nature or repetition, a serious breach of fundamental rights, or result in a combination of measures that affect the foreigner or stateless person in a similar manner to a serious breach of fundamental rights.
- 2 - The acts of persecution referred to in the previous paragraph can, inter alia, take the following forms:
  - a) Acts of physical or mental violence, including of a sexual nature;
  - b) Legal, administrative, police or judicial measures when they are discriminatory or applied in a discriminatory manner;
  - c) Disproportionate or discriminatory prosecution or penalties;
  - d) Refusal of access to judicial remedy resulting in a disproportionate or discriminatory penalty;
  - e) Prosecution or punishment for refusal to perform military service in a conflict situation in which performing military service would involve committing a crime or an act likely to lead to the exclusion from refugee status pursuant to Article 9(1)(c);
  - f) Acts committed specifically on the basis of gender or against minors.
- 3 - The information necessary to take decisions on international protection status cannot be obtained in such a way that actors of persecution are informed that the status is under consideration or that it endangers the physical integrity of the applicant or his/her family in Portugal or in the State of origin.

- 4 - For the purposes of recognition of the right to asylum, there must be a connection between the reasons for persecution and the acts of persecution referred to in paragraph 1 or the absence of protection in relation to such acts.

#### **Article 6**

(Actors of persecution)

- 1 - The following are actors of persecution:
- a. The State;
  - b. Parties or organisations that control the State or a significant part of the respective territory;
  - c. Non-State actors, if it is proved that the actors mentioned in subparagraphs (a) and (b), are incapable or unwilling to provide protection from persecution in accordance with the following paragraph.
- 2 - For the purposes of subparagraph (c) of the previous paragraph, protection shall be deemed to exist where the actors mentioned in subparagraphs (a) and (b) of the previous paragraph take appropriate steps to prevent, effectively and not temporarily, the persecution by, inter alia, putting in place an effective legal system to detect, prosecute and punish such acts, provided that the applicant has access to effective protection.

#### **Article 7**

(Subsidiary protection)

- 1 - A residence permit for subsidiary protection shall be granted to foreigners and stateless persons to whom the provisions of Article 3 do not apply and who are prevented or find it impossible to return to the country of their nationality or habitual residence either because of systematic breaches of human rights there or because they risk serious harm.
- 2 - For the purposes of the previous paragraph, serious harm shall be deemed to be, inter alia:
- a) The death penalty or execution;
  - b) Torture or inhuman or degrading treatment or punishment of the applicant in his/her country of origin; or
  - c) A serious threat to the applicant's life or physical integrity resulting from indiscriminate violence in situations of international or internal armed conflict or from generalised and indiscriminate breach of human rights.
- 3 - The provisions of the previous article shall apply accordingly.

#### **Article 8**

(Protection sur place)

- 1 - A well-founded fear of being persecuted as referred to in Article 3 or a risk of suffering serious harm as referred to in the previous Article may be based on events which have taken place or activities pursued since leaving the State of nationality or habitual residence, in particular where it is established that the activities on which the application for asylum is based constitute the expression and continuation of convictions or orientations held in that State.
- 2 - The provision in the previous paragraph does not apply when the fear or risk has its origin in circumstances created by the foreigner or stateless person after he/she has left the State of nationality or habitual residence, solely in order to benefit, without sufficient grounds, from the refugee status or subsidiary protection status.

### **Article 9**

(Exclusion from asylum and subsidiary protection)

- 1 - A foreigner or stateless person cannot be granted refugee status when:
  - a) He/she falls within the scope of Article 1(d) of the Geneva Convention, relating to protection or assistance from bodies or agencies of the United Nations other than UNHCR, provided that such protection or assistance has not ceased for any reason unless the situation of the person concerned has been definitely settled in accordance with the relevant resolutions of the General Assembly of the United Nations;
  - b) The competent authorities of the country in which he/she has established his/her residence are satisfied that he/she has the rights and obligations of possessing the nationality of that country or equivalent rights and obligations;
  - c) There are serious suspicions that:
    - i. He/she has committed a crime against peace, a war crime or a crime against humanity, in accordance with the international instruments establishing provisions for these crimes;
    - ii. He/she has committed a common law crime punishable by imprisonment for more than three years outside Portuguese territory before being admitted as a refugee;
    - iii. He/she has committed acts contrary to the purposes and principles of the United Nations as set out in the Preamble and Articles 1 and 2 of the Charter of the United Nations.
    - iv. He/she represents a danger or a well-founded threat to internal or external security or to public order.
- 2 - A foreigner or stateless person is not eligible for subsidiary protection status when:
  - a) One of the situations referred to in subparagraph (c) of the previous paragraph is verified;
  - b) He/she represents a danger or a well-founded threat to internal or external security or to public order;
  - c) He/she committed one or more crimes not covered by paragraph 1(c) that would be punishable by imprisonment if committed in Portuguese territory and has left his/her country of origin solely in order to avoid penalties arising from that crime or crimes.
- 3 - (Repealed.)
- 4 - For the purposes of paragraph 1(c) and paragraphs 2(a) and (c), persons to whom the provisions of Articles 26 and 27 of the Criminal Code are applicable shall also be considered.

## **Chapter III Procedure**

### **Section I Common provisions**

#### **Article 10**

(Application for international protection)

- 1 - Any application for protection, even if implicit, shall be deemed to be an application for international protection, in accordance with Article 2(1)(s).
- 2 - The assessment of applications for international protection shall first determine whether the applicant qualifies as a refugee and, if not, whether he/she is eligible for subsidiary protection.
- 3 - Applications for international protection submitted to the authorities of other Member States which carry out border or immigration controls in national territory are examined by the Immigration and Borders Service (SEF).

#### **Article 11**

(Right to remain in the national territory)

- 1 - Applicants for international protection are allowed to remain on national territory until the decision on the admissibility of the application is taken.
- 2 - This right to remain does not entitle the applicant to a residence permit.

#### **Article 12**

(Effects of the application for international protection on entry breaches)

- 1 - The presentation of the application for international protection prevents the knowledge of any administrative procedure or criminal proceedings for illegal entry into the national territory brought against the applicant and family members accompanying him/her.
- 2 - The procedure or proceeding is closed if international protection is granted.
- 3 - For the purposes of the provisions of the previous paragraphs, the application for international protection and the decision thereon shall be communicated to the entity where the administrative procedure or criminal proceeding is taking place, within five working days.

#### **Article 13**

(Submission of the application)

- 1 - The foreigner or stateless person who enters national territory in order to obtain international protection must submit his/her application without delay to SEF or any other police authority, and may do so in writing or orally, in which case a record will be drawn up.
- 2 - Any police authority that receives the application referred to in paragraph 1 shall forward it to SEF within forty-eight hours.
- 3 - SEF immediately informs the representative of UNHCR and the Portuguese Council for Refugees (CPR) as a non-governmental organization acting on its behalf of the presentation of the application for international protection and they can contact the applicant upon receipt of such communication in order to inform him/her of the correspondent procedure, as well as of their possible intervention in it, which depends of the applicant's consent.
- 4 - The applicant may request, until the decision of the application for international protection, its extension to the family members accompanying him/her, whether minors or adults, in which case the application must be preceded by prior express consent of the dependants, under penalty of inadmissibility.
- 5 - Before the prior consent referred to in the previous paragraph is requested, family members shall be informed in private of the relevant procedural consequences of making an application on their behalf and of their right to make a separate application for international protection.
- 6 - A minor applicant may submit an application on his/her behalf.
- 7 - SEF will register the application for international protection within three working days of its submission.

#### **Article 14**

(Proof of application and information)

- 1 - Within three days of registration, the applicant shall be provided with a statement proving that the application for international protection has been submitted and, at the same time, certifying that the holder is authorised to remain on national territory while the application is pending.

- 2 - The applicant for international protection is given knowledge of his/her rights and obligations in a language that he/she understands or is reasonably supposed to understand.

#### **Article 15**

(Duties of applicants for international protection)

- 1 - The applicant must submit all elements needed to justify the application for international protection, namely:
  - a) Identification of the applicant and his/her family members;
  - b) Indication of his/her nationality, country or countries and previous place or places of residence;
  - c) Indication of previous applications for international protection;
  - d) Account of the circumstances or facts justifying the need for international protection;
  - e) Allow fingerprinting of all fingers, provided he/she is at least 14 years old, in accordance with Regulation (EU) no. 603/2013 of the European Parliament and of the Council of 26 June, concerning the establishment of "Eurodac" for the comparison of fingerprints;
  - f) Keep SEF informed about his/her residence and immediately inform it of any change of address;
  - g) Appear before SEF when requested to do so, regarding any circumstance of his/her application.
- 2 - For the purposes of the provisions of the previous paragraph, the applicant must also, together with the application for international protection, submit the identification and travel documents at his/her disposal, as well as evidence, and may submit a maximum of 10 witnesses.

#### **Article 15-A**

(Translation of documents)

- 1 - When presenting the evidence referred to in paragraph 2 of the preceding article, the applicant shall arrange for its translation into Portuguese.
- 2 - At the request of the applicant, when the latter demonstrably does not have sufficient means, SEF will arrange for the translation of the documents.
- 3 - For the purposes of the provisions of the previous paragraph, the applicant must prove the relevance of the documents to be translated for the assessment of the application, and SEF shall evaluate the pertinence of the translation.
- 4 - The translation of the documents referred to in the previous paragraphs must be made before the expiration of the time limits foreseen for the decision of the application for protection.

#### **Article 16**

(Statements)

- 1 - Before any decision is taken on the application for international protection, the applicant is guaranteed the right to make a statement in his/her preferred language or in another language which he/she can understand and through which he/she can communicate clearly, under conditions that ensure appropriate confidentiality and that allow him/her to set out the circumstances on which the application is based.
- 2 - Statements are made on an individual basis, unless the presence of family members is deemed necessary for a proper assessment of the situation.
- 3 - For the purposes of the previous paragraphs, as soon as SEF receives the application for international protection, it immediately notifies the applicant to make a statement within two to five days.
- 4 - (Repealed.)
- 5 - The provision of statements can only be waived:
  - a) If the conditions are already in place for a favourable decision on refugee status on the basis of the available evidence;

- b) If the applicant is considered unfit or unable to do so due to enduring circumstances beyond his/her control;
  - c) (Repealed.)
- 6 - When there is no place for statements under the terms of the previous paragraph, SEF will arrange for the applicant or dependant to provide, by any means, other information.

**Article 17**  
(Report)

- 1 - After the steps referred to in the previous articles have been taken, the Immigration and Borders Service shall draw up a written report containing the essential information concerning the application.
- 2 - The report referred to in the previous paragraph shall be notified to the applicant so that he/she may comment on it within a period of five days.
- 3 - The report referred to in paragraph 1 shall be communicated to the representative of UNHCR and to the CPR as a non- governmental organisation acting on its behalf, provided that the applicant has given his/her consent, in order for that organisation, if it so wishes, to give its opinion within the same time limit as that given to the applicant.
- 4 - The reasons for the refusal of confirmation of the report by the applicant shall be noted in the applicant's file, and shall be without prejudice to the decision on the application.

**Article 17-A**  
(Special procedural guarantees)

- 1 - After the application for protection has been submitted and before the decision provided for in Articles 20 and 24, the need to promote special procedural guarantees for applicants whose capacity to exercise rights and fulfil obligations is limited due to personal circumstances, notably by reason of their age, gender, gender identity, sexual orientation, disability or serious illness, mental disorder, or because they have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, shall be assessed.
- 2 - Where applicants are identified in the circumstances referred to in paragraph 1, support and conditions shall be provided to enable them to exercise the rights and obligations attached to the international protection procedure.
- 3 - Within the framework of the special conditions to be provided, the time limits for conducting an interview or submitting evidence and for conducting interviews with the support of experts in the identified areas may be extended.
- 4 - In cases where it is not possible to provide support and conditions for identified applicants in need of special procedural guarantees due to torture, rape or other serious forms of psychological, physical or sexual violence, the special regime for applications lodged at border posts shall not apply.
- 5 - The measures provided for in this article are implemented by the district centre of the Instituto da Segurança Social. I.P. (Social Security Institute), and by entities that have signed protocols with it.

**Article 18**  
(Assessment of the application)

- 1 - In assessing each application for international protection, SEF will be responsible for analysing all relevant elements, namely the applicant's statements, made under the terms of the previous articles, and all available information.
- 2 - When assessing the application, SEF takes into account in particular:

- a) The relevant facts concerning the country of origin, obtained from sources such as the European Asylum Support Office, UNHCR and relevant human rights organisations, at the time of the decision on the application, including its laws and regulations and the guarantees of their implementation;
  - b) The personal circumstances of the applicant in order to assess, on the basis of that personal circumstances, whether the applicant has suffered or is likely to suffer serious harm or persecution;
  - c) Whether the applicant's activities since leaving his/her country of origin were engaged in for the sole or main purpose of creating the necessary conditions for applying for international protection, so as to assess whether those activities would expose him /her to persecution or serious harm if returned to that country;
  - d) Whether the applicant can reasonably be expected to avail himself/herself of the protection of another country from which he/she can claim citizenship;
  - e) The possibility of internal protection if, in one part of the country of origin, the applicant:
    - i. Has no well-founded fear of being persecuted or is not faced with a real risk of serious harm; or
    - ii. Has access to protection from persecution or serious harm as defined in Articles 5 and 7(2), can safely and legally travel to and be admitted from that part of the country and can reasonably be expected to settle there.
- 3 - It shall constitute a serious indication of a well-founded fear of being persecuted or of the risk of suffering serious harm if an applicant has already been subject to persecution or serious harm or to direct threats of such persecution or such harm, unless there are substantial grounds for believing that the reasons for that persecution or serious harm have ceased and will not recur.
- 4 - The applicant's statements shall be confirmed by documentary evidence or other means of proof admissible in law, unless the following conditions are cumulatively fulfilled:
- a) The applicant has made a genuine effort to substantiate his/her claim;
  - b) The applicant provides all the elements at his/her disposal and a satisfactory explanation for any lack of other elements considered relevant;
  - c) The statements provided by the applicant are found to be coherent, plausible and not contradictory to the information available;
  - d) The application was submitted as soon as possible, unless the applicant provides sufficient justification for not doing so;
  - e) The general credibility of the applicant has been established.

#### **Article 19**

(Accelerated procedure)

- 1 - The examination of the conditions to be fulfilled in order to benefit from international protection status shall be subject to an accelerated procedure and the application shall be considered unfounded where it is found that:
- a) The applicant has misled the authorities by presenting false information or documents or by concealing important information or documents with respect to his/her identity or nationality that could have had a negative impact on the decision;
  - b) It is likely that, in bad faith, the applicant has destroyed or disposed of an identity or travel document that would have helped establish his/her identity or nationality;
  - c) The applicant has made statements which are clearly inconsistent and contradictory, manifestly false or obviously untrue, which contradict sufficiently verified information on the country of origin, and which undermine the credibility of the claim as to the reasons for fulfilling the requirements for protection;

- d) The applicant entered or remained illegally on national territory and did not lodge an application for international protection as soon as possible without valid reasons;
- e) In submitting the application and setting out the facts, the applicant raises only issues that are not relevant or of minimal relevance to the examination of whether he/she qualifies as a refugee or a person eligible for subsidiary protection;
- f) The applicant comes from a safe country of origin;
- g) The applicant submitted a subsequent application which was not considered inadmissible under Article 19-A;
- h) The applicant made the application only with the intention of delaying or preventing the enforcement of an earlier or imminent decision resulting in his/her removal;
- i) The applicant represents a danger to internal security or public order;
- j) The applicant refuses to submit to the compulsory registration of his/her fingerprints in accordance with Regulation (EU) no. 603/2013 of the European Parliament and of the Council of 26 June concerning the establishment of "Eurodac" for the comparison of fingerprints.

2 - (Repealed.)

#### **Article 19-A**

(Inadmissible applications)

- 1 - The application shall be deemed inadmissible where it is found that:
  - a) It is subject to the special procedure for determining the State responsible for examining the application for international protection, provided for in Chapter IV;
  - b) It enjoys international protection status in another member state;
  - c) A country that is not a member state is considered to be a first country of asylum;
  - d) A country which is not a member state is considered as a safe third-country;
  - e) A subsequent application has been filed in which no new elements or data relating to the examination of the fulfilment of the conditions for international protection have arisen or been submitted;
  - f) An application has been made by a dependant of the applicant after he/she has consented to a previous application being made on his/her behalf and there is no evidence to justify a separate application.
- 2 - In the cases provided for in the previous paragraph, the analysis of the conditions to be met in order to benefit from the international protection status is waived.

#### **Article 20**

(Competence to assess and decide)

- 1 - It is the SEF national director's responsibility to issue a reasoned decision on unfounded and inadmissible applications within 30 days from the date of submission of the application for international protection.
- 2 - In the absence of a decision within the time limit provided for in the previous paragraph, the application shall be deemed admitted.
- 3 - The decision on the applications mentioned in the previous paragraphs is notified to the applicant within two days.
- 4 - In respect of substantiated applications, the SEF national director shall issue an admissibility decision.
- 5 - The decision referred to in paragraph 1 shall be communicated to the representative of UNHCR and to the CPR as a non- governmental organisation acting on its behalf, provided that the applicant has given his/her consent.

**Article 21**  
(Effects of the decision)

- 1 - The decision on admissibility of the application for international protection shall determine the conduct of the procedure in accordance with Section III of Chapter III.
- 2 - The decision of non-admissibility of the application determines the notification of the applicant to leave the country within 20 days, if he/she is in an irregular situation.
- 3 - If the applicant does not comply with the provisions set out in the previous paragraph, SEF shall promote the process with a view to their forced removal, under the terms foreseen in the legal regime for the entry, stay, exit and removal of foreigners from national territory, approved by Law no. 23/2007, of 4 July, amended by Law no. 29/2012, of 9 August.

**Article 22**  
(Judicial challenge)

- 1 - The decision taken by the National Director of the Immigration and Borders Service may be judicially challenged before the administrative courts within eight days, with suspensive effect.
- 2 - The procedure and time limits provided for in Article 110 of the Administrative Courts Procedure Code shall apply to the judicial challenge referred to in the previous paragraph, with the exception of the provisions of its paragraph 3.

**Section II**  
**Applications submitted at border posts**

**Article 23**  
(Special regime)

- 1 - The decision on applications for international protection submitted at border posts by foreigners who do not meet the legal requirements for entry into national territory is subject to the regime provided for in the previous articles with the modifications set out in this Section.
- 2 - Personnel receiving applicants for international protection at border posts shall have appropriate training and adequate knowledge of the relevant standards applicable in the field of international protection law.

**Article 24**  
(Assessment of the application and decision)

- 1 - SEF communicates the submission of the application for international protection referred to in the previous article to the representative of UNHCR and to CPR as a non-governmental organisation acting on its behalf, who may interview the applicant if they so wish.
- 2 - The applicant shall be informed in writing, in a language which he/she understands or is reasonably supposed to understand, of his/her rights and obligations and shall make statements which shall, for all purposes, constitute his/her prior hearing.
- 3 - The provisions of article 16 shall apply to the statements referred to in the previous paragraph.
- 4 - The SEF national director will issue a reasoned decision on applications within seven days.
- 5 - The decision provided for in the previous paragraph shall be notified to the applicant in writing with information on the rights of judicial challenge, in a language that he/she understands or is reasonably

supposed to understand, and shall be communicated to the representative of UNHCR and the CPR as a non-governmental organisation acting on its behalf, provided that the applicant has given his/her consent.

**Article 25**  
(Judicial challenge)

- 1 - The decision issued by the SEF National Director may be challenged before the administrative courts within four days, with suspensive effect.
- 2 - The procedure and time limits provided for in Article 110 of the Administrative Courts Procedure Code shall apply to the judicial challenge referred to in the previous paragraph, with the exception of the provisions of its paragraph 3.
- 3 - Judicial challenge of decisions relating to the judicial challenge referred to in paragraph 1 shall have suspensive effect.
- 4 - The interested party enjoys the benefit of legal protection, applying, with the necessary adaptations, the legal regime provided for the appointment of a defendant's legal counsel for urgent proceedings, and may also request the swift appointment of a legal counsel, under conditions to be established by protocol between the Government member responsible for the area of internal administration and the Portuguese Bar Association.

**Article 26**  
(Effects of the application and the decision)

- 1 - The applicant remains in the international zone of the port or airport, while awaiting the notification of the SEF national director's decision, applying the procedures and other guarantees provided by law.
- 2 - Temporary settlement of unaccompanied or separated minors is subject to special conditions, under internationally recommended terms, namely by UNHCR, UNICEF and the International Committee of the Red Cross.
- 3 - Without prejudice to the provisions of the previous article, the decision of inadmissibility of the application determines the application of the legal regime of entry, stay, exit and removal of foreigners from the national territory.
- 4 - The decision admitting the application or the expiry of the time limit referred to in article 24(4), without the applicant having been notified of the decision, determines the entry of the applicant into national territory, followed by the lodging of the procedure, under the terms of the following articles.

**Section III**  
**Instruction of the procedure**

**Article 27**  
(Provisional residence permit)

- 1 - In situations where the application for international protection has been admitted, SEF issues a provisional residence permit, valid for a period of six months counting from the date of the decision admitting the application, renewable until a final decision is taken, or, in the situation foreseen in article 31, until the expiration of the term established therein.
- 2 - The model of the residence permit referred to in the previous paragraph shall be established by an ordinance of the Government member responsible for the area of internal administration.

- 3 - Members of the applicant's family to whom the effects of international protection have been extended shall be issued a residence permit under the terms of paragraph 1.
- 4 - While the international protection procedure is pending, the provisions of this law shall apply to the applicant and, additionally, the legal regime for the entry, stay, exit and removal of foreigners from the national territory.

**Article 28**  
(Instruction)

- 1 - SEF proceeds with the required diligences and investigates all the facts, knowledge of which is convenient for a fair and quick decision, and is responsible for the instruction of the international protection procedures.
- 2 - The period for the investigation is six months, which may be extended to nine months in particularly complex cases. The applicant must be informed of this situation and, upon request, of the reasons for the extension and the expected time limit for the decision.
- 3 - In the context of the instruction of international protection procedures, SEF may, if necessary, ask for the opinion of experts on specific issues, namely of a medical or cultural nature.
- 4 - During the preliminary examination, the representative of UNHCR or the CPR as a non-governmental organisation acting on its behalf may attach reports or information on the applicant's country of origin and obtain information on the application for international protection and the progress of the procedure, provided that the applicant has given his/her consent.
- 5 - At any stage of the procedure, the representative of UNHCR or the CPR as a non-governmental organisation acting on its behalf may submit its observations to SEF in the exercise of its functions under Article 35 of the Geneva Convention.

**Article 29**  
(Decision)

- 1 - Once the investigation is complete, SEF prepares a reasoned proposal for granting or refusing international protection.
- 2 - The applicant shall be notified of the content of the proposal referred to in the previous paragraph and may express his/her opinion thereon within a period of 10 days.
- 3 - (Repealed.)
- 4 - After the time limit referred to in paragraph 2 has elapsed, the duly substantiated proposal shall be forwarded to the SEF national director, who shall submit it to the Government member responsible for the area of internal administration within 10 days.
- 5 - The Government member responsible for the area of internal administration shall decide within eight days from the date of submission of the proposal referred to in the previous paragraph.
- 6 - SEF shall notify the decision to the applicant in a language he/she understands or is reasonably supposed to understand, stating the right to which he/she is entitled under the following article, and shall communicate it to the representative of UNHCR or to the CPR as a non-governmental organisation acting on behalf of UNHCR, provided that the applicant has given his/her consent.

**Article 30**  
(Judicial challenge)

- 1 - The decision issued under the terms of the previous article may be judicially challenged before the administrative courts within 15 days, with suspensive effect.

- 2 - The procedure and time limits provided for in Article 110 of the Administrative Courts Procedure Code shall apply to the judicial challenge referred to in the previous paragraph, with the exception of the provisions of the respective paragraph 3.

#### **Article 31**

(Effects of a decision to refuse)

1. In the event of a decision to refuse international protection, the applicant may remain on national territory for a transitional period not exceeding 30 days.
2. The applicant shall be subject to the legal regime of entry, stay, exit and removal of foreigners from the national territory as from the end of the period of time provided for in the previous paragraph.

#### **Article 32**

(Extinction of the procedure)

- 1 - The procedure is declared closed when the applicant for international protection explicitly withdraws the application or there is an implicit withdrawal of the application and the procedure is stopped for more than 90 days, namely when the applicant:
  - a) Is notified to do so, not providing information essential to its application;
  - b) Fails to attend the personal interview;
  - c) Disappears or leaves without contacting SEF;
  - d) Fails to comply with the obligation to attend or other reporting obligation.
- 2 - The SEF national director is responsible for declaring the procedure extinct, with the power to sub-delegate.
- 3 - Without prejudice to a declaration of extinction pronounced under the terms of the previous paragraph, the applicant for international protection who reports again to the authorities has the right to request the reopening of the procedure, which, in this case, shall be resumed at the stage where it was interrupted.

### **Section IV**

#### **Subsequent application**

#### **Article 33**

(Submission of a subsequent application)

- 1 - The applicant who has been refused the right of international protection may, without prejudice to the expiry of time limits for challenging it through the courts, make a subsequent application when he/she has new evidence to support the right of international protection or when he/she understands that the reasons for which the decision of inadmissibility or rejection of the application for international protection was taken no longer exist.
- 2 - The subsequent application is addressed to SEF and must be accompanied by all the evidence supporting its submission, and SEF may grant the applicant a reasonable period of time to present new facts, information or evidence.
- 3 - SEF informs the UNHCR representative and the CPR as a non-governmental organisation acting on its behalf of the submission of a subsequent application.
- 4 - SEF will make a preliminary assessment of the application within 10 days from its presentation or from the date of presentation of the elements that, under the terms of paragraph 2, have been requested from the applicant.

- 5 - When the preliminary assessment shows that the applicant meets the conditions to benefit from the right of international protection, the procedure follows the terms established in articles 27 and following, and the diligence of evidence already produced in the previous procedure, to the benefit of the applicant, may be waived.
- 6 - If it is concluded that no new elements of proof have been presented, the SEF national director shall issue a decision of inadmissibility of the application, immediately notifying the applicant, in a language he/she understands or may reasonably be presumed to understand, of the reasons for the decision, taking into account the result of the preliminary assessment, as well as the possibility of judicial challenge, before the administrative courts, within four days, with suspensive effect.
- 7 - The procedure and time limits provided for in Article 110 of the Administrative Courts Procedure Code shall apply to the judicial challenge referred to in the previous paragraph, with the exception of the provisions of the respective paragraph 3.
- 8 - Judicial challenge of decisions relating to the judicial challenge referred to in paragraph 1 shall have a purely devolutive effect.
- 9 - When the applicant is in national territory, the notification of the decision referred to in paragraph 6 shall also mention that he/she must leave the country within a period of 20 days, being subject to the legal regime of entry, stay, exit and removal of foreigners from the national territory after the expiration of that period, except when the applicant already benefits from a more favourable term, under the provisions of this law.

#### **Article 34**

(Extensive application)

REPEALED

#### **Section V**

#### **Resettlement of refugees**

#### **Article 33-A**

(Submission of an application following a removal decision)

- 1 - A foreigner or stateless person who, after having been the subject of a forced removal or judicial removal procedure, submits an application for international protection shall be subject to the rules of this article.
- 2 - The application referred to in the previous paragraph is addressed to SEF and must be accompanied by all the evidence that justifies its submission.
- 3 - SEF informs the UNHCR representative and the CPR as a non-governmental organisation acting on its behalf as soon as the application is submitted.
- 4 - Before any decision is taken on the application, the applicant shall be guaranteed the right to make statements, to which the regime provided for in Article 16 shall apply, and which shall count for all purposes as a prior hearing of the interested party.
- 5 - SEF will assess the application under the terms of article 18 and the SEF National Director will be responsible for issuing a decision within a maximum of 10 days after its submission.
- 6 - The decision issued by the SEF National Director must be immediately notified to the applicant, as well as the possibility of judicial challenge, before the administrative courts, within four days, with suspensive effect.
- 7 - The procedure and time limits provided for in Article 110 of the Administrative Courts Procedure Code shall apply to the judicial challenge referred to in the previous paragraph, with the exception of the provisions of the respective paragraph 3.
- 8 - Judicial challenge of decisions concerning the challenge referred to in paragraph 6 above shall be limited to judicial challenge.

**Section VI**  
**Resettlement of refugees**

**Article 35**  
(Resettlement request)

- 1 - Requests for resettlement of refugees under UNHCR mandate are submitted to the Government member responsible for the area of internal administration.
- 2 - SEF will take the necessary steps to process and decide on the applications within 60 days.
- 3 - The non-governmental organisation designated under the protocol established for this purpose shall be informed of the applications submitted and may issue an opinion on them within 10 days.
- 4 - The Government member responsible for the area of internal administration decides on the acceptance of the resettlement request within 15 days of its submission by SEF.
- 5 - The acceptance of the resettlement request confers on the interested parties the same status as that provided for in Chapter VII.

**Section VII**  
**Placement or maintenance regime in a temporary installation facility**

**Article 35-A**  
(Placement or maintenance in a temporary installation facility)

- 1 - Applicants for international protection may not be held in detention for the sole reason that they have applied for protection.
- 2 - Applicants may be placed or kept in a temporary installation facility only on grounds of national security, public health or where there is a risk of absconding, on the basis of an individual assessment and if other less onerous alternative measures cannot be applied effectively.
- 3 - Applicants may also be placed or kept in a temporary reception facility if other less onerous alternative measures cannot be applied effectively:
  - a) In the context of applications at border posts, as provided for in Section II of Chapter III;
  - b) in the context of applications submitted following an order to leave the national territory, as provided for in Section V of Chapter III;
  - c) In the course of the special procedure for determining the Member State responsible for assessing the application for international protection, provided for in Article 28 of Regulation (EU) no. 604/2013 of the European Parliament and of the Council of 26 June establishing the criteria and mechanisms for determining the Member State responsible for assessing an application for international protection submitted in one of the Member States by a third-country national or a stateless person.
- 4 - For the purposes of the application of the previous paragraph, the following are considered less onerous alternative measures:
  - 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.
- 5 - Placement under this article, as well as alternative measures, shall be determined by the small criminal court in the respective area of jurisdiction or by the district court in the remaining areas of the country.
- 6 - In the case of applications for international protection made at border posts, the stay in a temporary installation facility or similar space is communicated within 48 hours to the small criminal court judge of the

respective area of jurisdiction, or to the district court in the remaining areas of the country, for assessment under the terms of this article.

#### **Article 35-B**

(Conditions of placement or maintenance in a temporary installation facility)

- 1 - Placement in a temporary installation facility or similar space, as referred to in the previous article, cannot be longer than necessary and cannot exceed 60 days and the decision may be officially reassessed or upon request of the applicant if there are relevant circumstances or new information likely to undermine the legality of the measure.
- 2 - The applicants shall be informed immediately in writing in a language which they understand or may reasonably be supposed to understand of the reasons for their establishment and the legal remedies available to them and of the possibility of legal aid in accordance with the law applicable.
- 3 - Applicants are allowed, on request, to contact their legal representatives, their relatives and representatives of the UNHCR or the CPR as a non-governmental organisation acting on their behalf and other organisations active in this field.
- 4 - Access to the premises of temporary set-up installation facilities may be restricted only for reasons of security, public order or administrative management, provided that access is not severely restricted or rendered impossible.
- 5 - Applicants shall be provided with information about the rules in force in the premises where they are staying and about their rights and obligations, in a language that they understand or may reasonably be presumed to understand.
- 6 - As far as possible unaccompanied minors shall be provided with accommodation in institutions provided with personnel and facilities which take into account the personal needs of their age.
- 7 - Families should be provided with separate accommodation guaranteeing the necessary privacy and, in the case of female applicants, separate accommodation should be ensured.
- 8 - Vulnerable persons should be ensured regular monitoring and adequate support, taking into account their specific situation, including their state of health.
- 9 - Installed applicants should have access to open air spaces.

### **Chapter IV**

#### **Special procedure for determining the State responsible for examining applications for international protection**

#### **Article 36**

(Determination of the State responsible)

Where the State responsible for assessing an application for international protection is to be determined, a special procedure governed by this Chapter shall be organised.

#### **Article 37**

(Application for international protection submitted in Portugal)

- 1 - When it is considered that the responsibility for assessing the application for international protection belongs to another Member State, in accordance with the provisions of Regulation (EU) no. 604/2013 of the European Parliament and of the Council of 26 June, SEF requests the respective authorities to take charge or take back.
- 2 - If the responsibility is accepted by the addressed State, the SEF national director shall within five days issue a decision under Article 19-A(1)(a) and Article 20, which shall be notified to the applicant in a language he/she

understands or is reasonably supposed to understand and which shall be communicated to the representative of UNHCR and to CPR as a non-governmental organization acting on its behalf, upon request submitted, accompanied by the consent of the applicant.

- 3 - The notification provided for in the previous paragraph is accompanied by the delivery to the applicant of a laissez-passer, to be issued by SEF according to the model to be approved by statutory order of the Government member responsible for the area of internal administration.
- 4 - The decision issued by the SEF National Director may be legally challenged before the administrative courts within five days, with suspensive effect.
- 5 - The procedure and time limits provided for in Article 110 of the Administrative Courts Procedure Code shall apply to the judicial challenge referred to in the previous paragraph, with the exception of the provisions of the respective paragraph 3.
- 6 - Judicial challenge of decisions relating to the judicial challenge referred to in paragraph 4 shall have suspensive effect.
- 7 - Where the requested State responds negatively to the request made by SEF under paragraph 1, the provisions of Chapter III shall apply.

#### **Article 38**

(Implementation of the transfer decision)

SEF is responsible for ensuring the execution of the transfer of the applicant for international protection.

#### **Article 39**

(Suspension of the time limit for the decision)

The assessment of the procedure for determining the State responsible for examining the application for international protection shall, until a final decision is taken, suspend the running of the time limits laid down in Article 20(1) and Article 24(4).

#### **Article 40**

(Application for international protection submitted in another member state of the European Union)

- 1 - It is the SEF National Director's responsibility to decide whether the Portuguese State accepts responsibility for examining an application for international protection submitted in other Member States of the European Union.
- 2 - The decision provided for in the previous paragraph shall be made within a maximum of two months from the date of receipt of the application for acceptance formulated by the State in which the applicant for international protection is or has been submitted.
- 3 - In cases qualified as urgent by the State where the application has been made, the time limit referred to in the previous paragraph shall be reduced to eight days.

### **Chapter V**

#### **Loss of the right to international protection**

#### **Article 41**

- 1 - The right to asylum ceases when the foreigner or stateless person:

- a) Decides voluntarily to avail again of the protection of the country of which he/she is a national;
  - b) If he/she has lost his/her nationality, he/she can reacquire it voluntarily;
  - c) Acquires a new nationality and enjoys the protection of the country which nationality he/she has acquired;
  - d) Returns voluntarily to the country which he/she has left or outside which he/she has remained for fear of persecution;
  - e) Can no longer refuse to avail himself/herself of the protection of the country of nationality because the circumstances in connection with which he/she was recognised as a refugee have ceased to exist;
  - f) In the case of a stateless person, is able to return to the country of former habitual residence because the circumstances in connection with which he/she was recognised as a refugee have ceased to exist;
  - g) Expressly renounces the right to asylum.
- 2 - Subsidiary protection shall cease when the circumstances which led to its grant no longer exist or have changed to such an extent that protection is no longer required.
- 3 - For the purposes of paragraphs 1(e) and (f) and 2, and without prejudice to Article 47, cessation may only be declared where SEF concludes that the change of circumstances in the State of nationality or habitual residence of the beneficiary of the right to asylum or subsidiary protection is of such a significant and non-temporary nature that there is no well-founded fear of persecution or risk of suffering serious harm.
- 4 - Paragraph 1(e) and (f) shall not apply to a refugee who is able to invoke compelling reasons arising out of previous persecution for refusing to avail himself/herself of the protection of the country of nationality or, being a stateless person, of the country of former habitual residence.
- 5 - The renewal of the right to asylum or subsidiary protection shall be terminated, suspended or refused if it is established that the foreigner or stateless person:
- a) Should have been or could be excluded from the right to asylum or subsidiary protection under Article 9;
  - b) Has misrepresented or omitted facts, including the use of false documents, which were decisive for the right to asylum or subsidiary protection;
  - c) Represents a danger to internal security;
  - d) Having been convicted by a final sentence of an intentional common law crime punishable by imprisonment for more than three years, he/she represents a danger to internal security or public order.
- 6 - For the purposes of a prior hearing, SEF notifies the beneficiary of the draft decision, who may comment within eight days.

#### **Article 42**

(Effects of the loss of the right to international protection)

- 1 - (Repealed.)
- 2 - The loss of the right to international protection under the terms of the previous article determines the application of the legal regime for the entry, stay, exit and removal of foreigners from national territory.
- 3 - (Repealed.)

#### **Article 43**

Competence to declare the loss of the right to international protection and the removal from national territory)

- 1 - It is up to the Government member responsible for the area of internal administration, on the proposal of the SEF national director, to declare the loss of the right to international protection.

- 2 - The statement provided for in the previous paragraph shall be notified to the applicant in a language he/she understands or is reasonably supposed to understand.
- 3 - The UNHCR representative or the CPR as a non-governmental organisation acting on its behalf are informed of the declaration of loss of the right to international protection.

**Article 44**  
(Judicial challenge)

- 1 - A decision issued under the terms of paragraph 1 of the preceding Article may be judicially challenged before the administrative courts within a period of eight days, with suspensive effect.
- 2 - The procedure and time limits provided for in Article 110 of the Administrative Courts Procedure Code shall apply to the judicial challenge referred to in the previous paragraph, with the exception of the provisions of its paragraph 3.

REPEALED

**Article 45**  
(Communications)

Repealed by Article 5 of Law No. 26/2014 - Official Gazette No. 85/2014, Series I of 5 May 2014, in force from 4 July 2014

REPEALED

**Article 46**  
(Execution of the removal order)

Repealed by Article 5 of Law No. 26/2014 - Official Gazette No. 85/2014, Series I of 5 May 2014, in force from 4 July 2014

**Article 47**  
(Prohibition to remove or repel)

- 1 - Where the loss of the right of international protection gives rise to a procedure for forced removal, such a procedure shall be carried out in accordance with the principle of non-refoulement as defined in Article 2(1)(aa).
- 2 - No one shall be returned, removed, extradited or expelled to a country where he/she would be subjected to torture or to cruel or degrading treatment.

## **Chapter VI**

### **Asylum seeker status and subsidiary protection status**

#### **Section I**

##### **General provisions**

#### **Article 48**

(Effects of asylum and subsidiary protection on extradition)

- 1 - - The granting of asylum or subsidiary protection shall prevent any subsequent application for extradition of the beneficiary on the grounds of the facts on which the international protection is granted.
- 2 - - The final decision on any extradition procedure concerning the applicant which is pending shall be suspended while the application for international protection is under examination, either in the administrative or judicial phase.
- 3 - - For the purposes of complying with the provisions of the previous paragraph, the presentation of the application for international protection shall be communicated by the Immigration and Borders Service to the entity where the respective process is taking place within two working days.

#### **Article 49**

(Applicants' rights)

- 1 - Without prejudice to the following Articles, applicants for asylum or subsidiary protection shall enjoy the following guarantees:
  - a) Be informed immediately or, when the application has been submitted through another entity, within five days from the registration of the application, in a language that they understand or may reasonably be supposed to understand, of their rights and obligations concerning reception, notably on:
    - i. The time limits and means available to comply with the duty to submit the elements relevant for the examination of the application;
    - ii. The procedural procedure;
    - iii. The organisations or groups of persons providing specific legal assistance;
    - iv. The organisations that can support or inform them about the available reception conditions, including medical assistance;
    - v. The consequences of any failure to comply with the duties and lack of cooperation provided for in Article 15;
  - b) Be informed at the time of collection of their fingerprint data, in a language which they understand or may reasonably be presumed to understand, of the purpose for which their personal data are being processed, as well as of all other rights of data subjects provided for in Regulation (EU) no. 603/2013 of the European Parliament and of the Council of 26 June concerning the establishment of "Eurodac" for the comparison of fingerprints;
  - c) Be informed of the decision on the admissibility of the application and its contents, even through a legal representative, if they are assisted by a lawyer;
  - d) Benefit, whenever necessary, from the services of an interpreter to assist them in formalising the application and during the respective procedure;
  - e) Benefit from free legal advice at all stages of the procedure, to be provided by a public entity or non-governmental organisation with which a protocol has been signed;
  - f) Benefit from legal aid under the terms of the law.

- 2 - Without prejudice to the provisions of subparagraph a) of the previous paragraph, SEF shall provide the applicant for asylum or subsidiary protection with an information leaflet in a language that he/she can understand, without prejudice to the fact that the same information may also be given orally.
- 3 - (Repealed.)
- 4 - (Repealed.)
- 5 - Lawyers representing the applicant for asylum or subsidiary protection shall have access to the information in his/her file.
- 6 - The applicant's lawyers, UNHCR representatives, the CPR as a non-governmental organisation acting on behalf of the applicant and representatives of other non-governmental organisations active in this field are also entitled to have access to closed areas, such as places of detention or transit, in order to provide the applicant with appropriate advice.
- 7 - When making the statements referred to in Article 16, applicants for asylum or subsidiary protection may be accompanied by a lawyer, unless their absence does not prevent the performance of that procedural act.

#### **Article 50**

(Obligations of the applicant for asylum or subsidiary protection)

REPEALED

#### **Section II**

#### **Provisions relating to reception conditions**

#### **Article 51**

(Livelihoods)

- 1 - Social support for accommodation and food shall be granted to applicants for asylum or subsidiary protection who are in a situation of economic and social deprivation and to members of their families, under the terms of the legislation in force.
- 2 - For the purposes of the provisions of the previous paragraph, when granting accommodation, the appropriate measures shall be taken, with the agreement of the applicants, in order to maintain as much as possible the unity of the family present in national territory, namely those provided for in article 59(1)(a) and (b).

#### **Article 52**

(Medical assistance and medicines)

- 1 - Asylum seekers or applicants for subsidiary protection and the respective family members shall be granted access to the National Health Service under the terms to be defined by a joint ordinance of the Government members responsible for the areas of internal administration and health.
- 2 - The document confirming the filing of the application for asylum or subsidiary protection, issued under the terms of article 14, shall be deemed sufficient to establish the applicant's status for the purpose of the previous paragraph.
- 3 - For the purposes of this Article, the health authorities may require, for reasons of public health, applicants to undergo a medical examination to certify that they do not suffer from any of the diseases defined in applicable instruments of the World Health Organization or other contagious, infectious or parasitic diseases subject to protection measures on national territory, the results of which are confidential and do not affect the asylum procedure.

- 4 - The medical examinations and measures referred to in the previous paragraph shall not be performed systematically.
- 5 - Particularly vulnerable applicants shall be provided with medical or other necessary assistance.

**Article 53**

(Access to education)

- 1 - Minor children of applicants for asylum or subsidiary protection and applicants for asylum or subsidiary protection who are minors shall have access to the education system under the same conditions as nationals and other citizens for whom Portuguese is not their mother tongue.
- 2 - The possibility of continuing secondary education cannot be denied on the grounds that the minor has reached the age of majority.

**Article 54**

(Right to work)

- 1 - Applicants for asylum or subsidiary protection shall be ensured access to the labour market, under the terms of general law, and the application of the social support regime provided for in article 56 shall cease when it is demonstrated that the applicant and his/her family members have sufficient means to enable their subsistence.
- 2 - (Repealed.)
- 3 - (Repealed.)
- 4 - In cases of judicial challenge of a decision refusing international protection, the right of access to the labour market is maintained until the respective judgement dismissing the claim is rendered.

**Article 55**

(Employment and vocational training programmes and measures)

- 1 - Applicants for asylum or subsidiary protection shall have access to employment and vocational training programmes and measures under conditions to be established by the ministries responsible for the area in question, provided that they meet the requirements established in the previous article.
- 2 - (Repealed.)

**Section III**

**Material reception and healthcare conditions**

**Article 56**

(Social support)

- 1 - Applicants for asylum or subsidiary protection and their family members who do not have sufficient means to support themselves shall be provided with material reception conditions and healthcare as described in this Section, with a view to ensuring that their basic needs are met under conditions of human dignity.
- 2 - Especially vulnerable asylum seekers or subsidiary protection applicants and particularly vulnerable family members and asylum seekers or subsidiary protection applicants at border points shall also be provided with appropriate material reception conditions and appropriate healthcare.

- 3 - For the purposes of paragraph 1, an applicant who lacks resources of any nature or of a value inferior to the social support subsidy calculated under the terms of the applicable legislation shall be considered not to have sufficient means.
- 4 - Where it is established that an applicant has sufficient resources, he/she may be required to make a full or partial contribution towards the cost of material reception conditions and of healthcare.
- 5 - If it is established that an applicant had sufficient means to pay for material reception conditions and healthcare at the time when these basic needs were being met, the competent authority may demand reimbursement.

#### **Article 57**

(Modalities of concession)

- 1 - Material reception conditions may take the following forms:
  - a) Accommodation in kind;
  - b) Food in kind;
  - c) A monthly cash social support allowance to cover food, clothing, hygiene and transport costs;
  - d) Supplementary allowance for accommodation, on a monthly basis;
  - e) Supplementary allowance for personal expenses and transport.
- 2 - Accommodation and food in kind may take one of the following forms:
  - a) In facilities equivalent to reception centres for asylum seekers, in cases where the application is made at border posts;
  - b) In an installation facility for asylum seekers or a similar establishment offering adequate living conditions;
  - c) In private houses, flats, hotels or other premises adapted for the reception of asylum seekers.
- 3 - The following reception modalities may be cumulated:
  - a) Accommodation and food in kind with the additional allowance for personal expenses and transport;
  - b) Accommodation in kind or supplementary allowance for accommodation with social support cash benefit.
- 4 - Exceptionally and for a determined period, material reception conditions different from those foreseen in the previous paragraphs may be established whenever:
  - a) An initial assessment of the specific needs of the applicants is required;
  - b) Material reception conditions as provided for in paragraph 2 are not available in the geographical area where the applicant is located;
  - c) The available reception capacities are temporarily exhausted; or
  - d) Applicants for asylum or subsidiary protection who are in detention at a border post which does not have facilities equivalent to reception centres.

#### **Article 58**

(Amounts of the allowances)

The cash benefits referred to in paragraph 1(c) and (d) of the preceding article shall be calculated by reference to the social support subsidy provided for in the applicable legislation, and shall not exceed the following percentages:

- a) A monthly cash social support allowance to cover the costs of food, clothing, hygiene and transport, corresponding to 70% of the amount established;
- b) Supplementary allowance for accommodation, on a monthly basis, corresponding to 30% of the amount established;
- c) A monthly allowance for personal expenses and transport, corresponding to 30% of the amount established.

#### **Article 59**

(Additional accommodation guarantees)

- 1 - The entity responsible for granting accommodation in kind, in the forms provided for in Article 57(2), shall:
  - a) Provide protection for the applicants' family life;
  - b) Provide, where appropriate, for minor children of the applicants or applicants who are minors to be lodged with their parents or with the adult family member responsible for them under the law;
  - c) Ensuring, as far as possible, that adult applicants with special reception needs are accommodated with close adult relatives who are already present on the national territory and who are responsible for them by law;
  - d) Ensure that applicants are able to communicate with their family or legal representatives, as well as with representatives of UNHCR or CPR as a non-governmental organisation acting on their behalf;
  - e) Take appropriate measures to prevent assault and violence, including gender-based violence, including harassment and sexual assault, within the premises and reception centres referred to in Article 57(2).
- 2 - The transfer of applicants for asylum or subsidiary protection from one accommodation facility to another may only take place where necessary for the smooth conduct of the procedure or for the improvement of the accommodation conditions.
- 3 - Applicants transferred in accordance with the previous paragraph shall be ensured the possibility of informing their legal representatives of the transfer and of their new address.
- 4 - Lawyers of the applicants, representatives of UNHCR or of the CPR as a non-governmental organisation acting on its behalf and of other non-governmental organisations developing activities in this field, and recognised as such by the State, shall be granted access to installation facilities and other accommodation facilities in order to assist applicants for asylum or subsidiary protection.
- 5 - The persons working in the reception facilities shall receive appropriate training and shall be bound by a duty of confidentiality in respect of any information which comes to their knowledge in the course of their work.

#### **Section IV**

##### **Reduction or termination of the benefit of reception conditions**

#### **Article 60**

(Reduction and termination of the benefit of reception conditions)

- 1 - Social support ceases with the decision to refuse the application for international protection, and the challenge of this decision before the administrative court and the judicial challenge of the decision confirming it have the effects foreseen, respectively, in Article 30(1) and (2).
- 2 - The termination of support under the terms of the previous paragraph shall not take place when the economic and social situation of the applicant is evaluated and it is concluded that there is a need for its maintenance.
- 3 - Reception conditions may be withdrawn in whole or in part if the asylum seeker or applicant for subsidiary protection, unjustifiably:
  - a) Has left the place of residence established by the competent authority without informing SEF or without the required authorisation;
  - b) Has left their place of residence without informing the competent accommodation authority;
  - c) Has failed to comply with the obligations to report;
  - d) Has failed to provide the information requested or to attend individual interviews when summoned to do so;

- e) Has concealed their financial resources and therefore unduly benefited from material reception conditions;
  - f) Has submitted a subsequent application.
- 4 - If, after the cessation of reception conditions due to non-compliance with the provisions of subparagraphs (a) to (c) of the previous paragraph, the applicant is traced or voluntarily reports to the competent authorities, a reasoned decision shall be taken on the reinstatement of some or all of the reception conditions.
  - 5 - Decisions concerning the reduction and termination of reception conditions in the situations mentioned in paragraph 1 shall be taken individually, objectively and impartially and reasons shall be given.
  - 6 - The decisions referred to in the previous paragraph shall be based exclusively on the particular situation of the person concerned, especially with regard to particularly vulnerable persons, taking into account the principle of proportionality.
  - 7 - The reduction or termination of benefits is without prejudice to access to emergency healthcare, basic treatment for illness and serious mental disorders and medical or other necessary assistance for applicants with special reception needs, including appropriate psychological assistance if needed.
  - 8 - The decisions referred to in paragraph 3 shall be subject to appeal as provided for in Article 63(1).

## **Section V**

### **Guarantees of effectiveness of the reception system**

#### **Article 61** (Competences)

- 1 - The Ministry responsible for the area of internal administration shall be in charge of guaranteeing to asylum seekers or applicants for subsidiary protection who are stranded at border posts the conditions of accommodation and access to healthcare, as well as the satisfaction of the costs inherent to the granting of material reception conditions, until a decision has been made on the admissibility of the application, which may be ensured by other public or private non-profit entities, under the terms defined in a protocol.
- 2 - The Ministry responsible for the area of solidarity, employment and social security shall bear the expenses resulting from the attribution of material reception conditions to asylum seekers or applicants for subsidiary protection who enter or stay in national territory, from the admission of the application until the final decision on it, which may be provided directly or through other public or private non-profit entities with which a protocol is signed.
- 3 - It is the responsibility of the entities in charge of the National Health Service to ensure access to healthcare for asylum seekers or applicants for subsidiary protection and members of their families, under the terms of the applicable legislation.
- 4 - The access of minors to the education system is guaranteed by the competent entities within the ministry responsible for the area of education and science.
- 5 - The decisions referred to in article 60 are the responsibility of the entities responsible for granting the material reception conditions set out in this law.

#### **Article 62** (Personnel and resources)

The authorities and other organisations referred to in the previous article shall provide their personnel with basic training appropriate to the needs of applicants for international protection.

**Article 63**  
(Guarantees)

- 1 - Decisions taken pursuant to Article 60 affecting individual applicants for asylum or subsidiary protection shall be subject to the exercise of administrative and judicial guarantees and, when they are challenged before the administrative courts, shall have the effects specified in Article 30(1) and (2) respectively.
- 2 - The modalities of legal aid shall be governed by the applicable legislation.

**Article 64)**  
(Collaboration of non-governmental organisations with the State)

- 1 - Non-governmental organisations may collaborate with the State in carrying out the measures provided for in this law.
- 2 - The collaboration of non-governmental organisations with the State in the implementation of measures concerning asylum seekers or applicants for subsidiary protection referred to in the previous paragraph may be translated into the organisation of information and voluntary work, legal support, provision of support in reception and other forms of social support, through protocols or other means of reciprocal linkage.

**Chapter VII**  
**Refugee and subsidiary protection status**

**Article 65**  
(Rights and obligations)

Beneficiaries of refugee and subsidiary protection status shall enjoy the rights and be subject to the duties of foreigners residing in Portugal, insofar as they do not contravene the provisions of this Law, the 1951 Geneva Convention and the 1967 New York Protocol, also being under the obligation to respect the laws and regulations, as well as the measures aimed for the maintenance of public order.

**Article 66**  
(Information)

In the notification of granting refugee status or subsidiary protection status, SEF informs the beneficiary of the rights and duties relating to the respective status, in a language that he/she understands or is reasonably supposed to understand.

**Article 67**  
(Residence permit)

- 1 - Beneficiaries of refugee status shall be granted a residence permit valid for an initial period of five years, renewable for equal periods, unless imperative reasons of national security or public order prevent it and without prejudice to the provisions of Chapter V.
- 2 - Beneficiaries of subsidiary protection status are granted a residence permit for subsidiary protection valid for an initial period of three years, renewable for equal periods, preceded by an analysis of the evolution of the situation in the country of origin, unless imperative reasons of national security or public order prevent it and without prejudice to the provisions of Chapter V.

- 3 - Members of the family of the beneficiary of refugee or subsidiary protection status are issued an extraordinary residence permit, of identical validity to that of the beneficiary of asylum or subsidiary protection, with exemption from the requirements demanded by the legal regime for the entry, stay, exit and removal of foreigners from national territory.
- 4 - It is incumbent upon the Government member responsible for the area of internal administration, upon proposal by the SEF national director, to grant, with exemption from any fee, the residence permit provided for in the present article, in accordance with the model established by ordinance of the said Government member.
- 5 - It is up to the SEF national director to decide on the granting of the extraordinary residence permit provided for in paragraph 3, as well as to decide on the renewal of the residence permits provided for in the previous paragraphs, with exemption of the fee.
- 6 - (Repealed.)

#### **Article 68**

(Preservation of family unity)

- 1 - Beneficiaries of refugee or subsidiary protection status are entitled to family reunion with their family members referred to in Article 2(1)(k), under the conditions set out in the legal regime for the entry, stay, exit and removal of foreigners from national territory.
- 2 - The effects of asylum or subsidiary protection must be declared to extend to the family members referred to in the previous paragraph.
- 3 - The provisions of the previous paragraphs do not apply in cases where the family member is excluded from refugee or subsidiary protection status or loses it under the terms of the present law.

#### **Article 69**

(Travel documents)

- 1 - Beneficiaries of refugee status shall be issued, upon application, with a travel document in accordance with the provisions of the Annex to the Geneva Convention, entitling them to travel outside the national territory, unless compelling reasons of national security or public order otherwise require.
- 2 - Beneficiaries of subsidiary protection status, who prove to be unable to obtain a national passport, may be issued, upon application by the interested parties, a Portuguese passport for foreigners that allows them to travel abroad the national territory, unless compelling reasons of national security or public order require otherwise.
- 3 - The fee due for the issue of such documents shall be fixed by administrative ruling of the Government member responsible for the area of internal administration.

#### **Article 70**

(Access to education)

- 1 - Minors who are granted refugee or subsidiary protection status are granted full access to the education system under the same conditions as nationals.
- 2 - Adults who have been granted refugee or subsidiary protection status are allowed access to the education system in general, as well as to vocational training, further training or retraining, under the same conditions as nationals.
- 3 - Equality of treatment between beneficiaries of refugee or subsidiary protection status and nationals shall be ensured in respect of the procedures in force for the recognition of foreign diplomas, certificates and other evidence of formal qualifications.

**Article 71**  
(Access to employment)

- 1 - Beneficiaries of refugee or subsidiary protection status shall be guaranteed access to the labour market, under the terms of the general law, and the application of the social support regime provided for in Article 56 shall cease as soon as they take up paid employment.
- 2 - Training opportunities related to adult employment, vocational training and practical workplace experience are also provided to beneficiaries of refugee or subsidiary protection status under the same conditions as nationals.
- 3 - The legal provisions on remuneration and other conditions of employment shall apply.

**Article 72**  
(Social security)

The legal provisions concerning the social security system shall apply to beneficiaries of refugee or subsidiary protection status.

**Article 73**  
(Healthcare)

- 1 - Beneficiaries of refugee or subsidiary protection status and their family members have access to the National Health Service under the same conditions as nationals.
- 2 - Adequate healthcare, including treatment of mental disorders when needed, shall be ensured to beneficiaries of refugee or subsidiary protection status who fall within particularly vulnerable groups of persons under the same conditions as nationals.
- 3 - Pregnant women, disabled persons, victims of torture, rape or other serious forms of physical, psychological or sexual violence, such as victims of domestic violence and victims of female genital mutilation, minors who have suffered any form of abuse, neglect, exploitation, torture, cruel, inhuman or degrading treatment or the effects of armed conflict, shall be considered as having special needs for the purposes of the previous paragraph.

**Article 74**  
(Accommodation)

Beneficiaries of refugee or subsidiary protection status are guaranteed access to accommodation under equivalent conditions to those of foreigners legally residing in Portugal.

**Article 75**  
(Freedom of movement within national territory)

Beneficiaries of refugee or subsidiary protection status are guaranteed freedom of movement in national territory, under the same conditions as those provided for foreigners legally residing in Portugal.

**Article 76**  
(Integration programmes)

In order to facilitate the integration of refugees and beneficiaries of subsidiary protection into Portuguese society, integration programmes should be promoted by the competent entities.

**Chapter VIII**  
**Common provisions on the status of applicants for and beneficiaries of asylum and subsidiary protection**

**Article 77**  
(Provisions for particularly vulnerable persons)

- 1 - The situation of particularly vulnerable persons shall be taken into account in the examination procedure and in the provision of material reception conditions and healthcare, in accordance with the following articles.
- 2 - When lodging the application for international protection or subsidiary protection or at any stage of the procedure, the competent body shall identify the persons whose special needs must be taken into consideration, as well as the nature of such needs, in accordance with the provisions of the previous paragraph.
- 3 - The assessment of applicants with special reception needs shall be carried out within a reasonable period of time after the submission of the application for international protection.

**Article 78**  
(Minors)

- 1 - In the application of the present law, the best interests of minors shall be taken into consideration.
- 2 - For the purposes of the provisions of the previous paragraph, the best interests of the minor shall be considered to be, namely:
  - a) Their placement with appropriate parents or, in their absence, successively with adult relatives, in foster care, in specialised centres for accommodation for minors or in places with the necessary conditions;
  - b) (Repealed.)
  - c) (Repealed.)
  - d) The non-separation of families;
  - e) Stability of life, with changes of place of residence limited to a minimum;
  - f) Their well-being and social development, taking into account their origins;
  - g) The safety and security aspects, especially if there is a risk of being a victim of human trafficking;
  - h) Their opinion, given their age and maturity.
- 3 - The competent public administration entities shall ensure that minors who have been victims of any form of abuse, neglect, exploitation, torture, cruel, inhuman and degrading treatment or who have suffered from armed conflicts, have access to rehabilitation services, as well as to adequate psychological assistance, providing qualified support if necessary.
- 4 - The rules set out in the previous paragraphs shall apply to unaccompanied minors.

**Article 79**  
(Unaccompanied minors)

- 1 - Minors who are applicants for or beneficiaries of international protection shall be represented by a non-governmental entity or organisation, or by any other form of representation recognised by law, without prejudice to any protection measures applicable under the legislation protecting minors, and the minor shall be informed thereof.
- 2 - It is SEF's responsibility to communicate the request presented by a minor or incapacitated person to the competent court, for the purpose of representation, so that the minor or incapacitated applicant can exercise the rights and fulfil the duties foreseen in the law.
- 3 - The representative shall be informed by SEF, in due time, of the time and the making of the statement referred to in Article 16, in order to be present, and may intervene in it.
- 4 - SEF shall ensure that the representative is given the opportunity to inform the unaccompanied minor about the meaning and possible consequences of the personal interview and, where appropriate, how to prepare for it.
- 5 - SEF may require the presence of the unaccompanied minor at the personal interview even if the representative is present.
- 6 - In order to determine the age of the unaccompanied minor, SEF may resort to medical expertise, through non-invasive expert examination, presuming that the applicant is a minor if there are still well-founded doubts.
- 7 - Unaccompanied minors shall be informed that their age will be determined by expert examination and their representative shall consent to this.
- 8 - The refusal to carry out an expert examination does not determine the rejection of the application for international protection, nor does it prevent a decision being made on it.
- 9 - The provisions of Article 19(1)(g) and Article 19-A(1)(b), (e) and (f) shall apply to applications by unaccompanied minors.
- 10 - Unaccompanied minors aged 16 years or over may be placed in reception centres for adults seeking international protection only where it is in their best interests.
- 11 - In cases where there is a threat to the life or integrity of a minor or its close relatives, particularly if they are in the country of origin, the collection, processing and circulation of information concerning those persons is undertaken on a confidential basis, so as to avoid jeopardising their safety.
- 12 - Those involved in assessing applications for international protection involving unaccompanied minors shall have received appropriate training concerning their specific needs and shall be bound by the confidentiality principle in relation to any information which they obtain in the course of their work.
- 13 - The Commissions for the Protection of Children and Young People at Risk with responsibility for the protection and safeguarding of unaccompanied minors who are awaiting a decision on return may lodge an application for international protection on behalf of the unaccompanied minor if, as a result of an assessment of his/her personal situation, they are of the opinion that the minor may need such protection.
- 14 - In order to protect the unaccompanied minor's best interests, SEF, in liaison with the other entities involved in the procedure and with the ministry responsible for foreign affairs, should initiate the process to find the family members.
- 15 - If international protection has already been granted and the search referred to in the previous paragraph has not yet been initiated, the process should be started as soon as possible.

**Article 80**  
(Victims of torture or violence)

Persons who have been victims of acts of torture, rape or other acts of serious violence are ensured special treatment appropriate to the damage caused by the acts referred to, namely through special attention and

monitoring by the respective district centre of the Instituto da Segurança Social, I.P. (Social Security Institute), and health services or by entities that have signed support protocols with it.

**Article 81**  
(Voluntary repatriation)

Assistance may be provided to asylum seekers and beneficiaries of asylum or subsidiary protection who express a wish to be repatriated, including through voluntary return and reintegration programmes provided for in the applicable legislation.

**Chapter IX**  
**Final provisions**

**Article 82**  
(Form of notification)

- 1 - Notifications to the applicant shall be made in person or by registered letter with acknowledgement of receipt, to be sent to the applicant's last known address.
- 2 - If the letter is returned, the representative of UNHCR and the Portuguese Council for Refugees shall be immediately notified, and notification shall be deemed to have been served if the applicant does not appear at the Immigration and Borders Service within 20 days of the date of return.

**Article 83**  
(Training and confidentiality)

Persons involved in the asylum procedure as well as those working with asylum seekers, beneficiaries of refugee or subsidiary protection status, including in reception centres and border posts, shall be adequately trained and shall be bound by the confidentiality principle in relation to any information which comes to their knowledge in the course of their work.

**Article 84**  
(Free and urgent procedures)

Procedures for granting or denying the right to asylum or subsidiary protection and for removal are free of charge and urgent, both in the administrative and in the judicial phase.

**Article 85**  
(Simplification, dematerialisation and identification)

The provisions of Article 212 of Law no. 23/2007 of 4 July, as amended by Law no. 29/2012 of 9 August, regarding simplification, dematerialisation and identification of persons shall apply, with the necessary adaptations.

**Article 86**

(Interpretation and integration)

The provisions of this law shall be interpreted and integrated in accordance with the Universal Declaration of Human Rights, the European Convention on Human Rights, the Geneva Convention of 28 July 1951 and the Additional Protocol of 31 January 1967.

**Article 87**

(Law no. 67/2003, of 23 August)

The provisions of the present law do not prejudice the legal regime provided for in Law no. 67/2003 of 23 August (transposing Council Directive no. 2001/55/EC of 20 July into national law).

**Article 88**

(Repealing standard)

Laws no. 15/98, of 26 March and 20/2006, of 23 June are hereby repealed.

**Article 89**

(Entry into force)

This law shall enter into force 60 days after the date of its publication and shall apply to pending asylum applications.

Signature

Adopted on 8 May 2008.

The President of the Assembly of the Republic, Jaime Gama. Ratified on 20 June 2008.

To be published.

The President of the Republic, Aníbal Cavaco Silva. Approved on 20 June 2008.

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. 26/2014, of 5 May.
- b) Law no. 18/2022, of 25 August.

**Law no. 27/2008, of 30 June** (in Portuguese):

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