

**Law no. 37/2006 of 9 August**

**Regulates the exercise of the right of free movement and residence of European Union citizens and members of their families in the national territory and transposes to the domestic legal system the Directive no. 2004/38/CE, of the European Parliament and of the Council, of 29 April.**

Pursuant to Article 161(c) of the Constitution, the Assembly of the Republic decrees the following:

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

**Article 1**  
(Object)

1. This law transposes into national law the Directive no. 2004/38/EC, of the European Parliament and of the Council, of 29 April, and establishes:
  - a) The conditions governing the exercise of the right to move and reside freely within the national territory by Union citizens and their family members;
  - b) The legal regime for the right of permanent residence in the national territory of Union citizens and their family members;
  - c) The restrictions to the rights referred to in subparagraphs a) and b), based on reasons of public order, public security or public health.
2. This law also establishes the legal regime for the entry, residence and removal of nationals of the States party to the European Economic Area and Switzerland and of their family members, as well as of family members of nationals, regardless of their nationality.

**Article 2**  
(Definitions)

For the purposes of this law, the following definitions shall apply:

- a) "Union Citizen" means any person having the nationality of a Member State;
- b) "Member State" means any Member State of the European Union, with the exception of Portugal;
- c) "Host Member State" means Portugal, as the Member State to which a Union citizen goes in order to exercise his/her right of free movement and residence;
- d) "Third State" means any State which is not a member of the European Union;
- e) "Family member":
  - i. The spouse of a Union citizen;
  - ii. The partner with whom a Union citizen lives in a civil partnership formed in accordance with the law or with whom the Union citizen has a durable relationship duly attested by the competent authority of the Member State in which he/she resides;
  - iii. The direct descendants who are under the age of 21 or are dependants of a Union citizen, as well as that of the spouse or partner as defined in the previous subparagraph;
  - iv. The direct ascendant dependent on a Union Citizen and that of the spouse or partner as defined in subparagraph (ii);
- f) "Sufficient resources" means the citizen's resources which are not inferior to the level of income below which the Portuguese State may grant social rights and support to national citizens, taking into account the citizen's personal situation and, where appropriate, that of his/her family members.

### **Article 3**

(Personal scope of application)

- 1 - This law applies to all Union citizens travelling to or residing in Portugal, as well as to their family members as defined in subparagraph e) of the previous article, who accompany or join them.
- 2 - Without prejudice to the personal right of free movement and residence of the person concerned, the entry and residence of any other family member, irrespective of nationality, not covered by subparagraph e) of the previous Article who, in the country from which they have come, is dependant or a primary carer of the Union citizen having the primary right of residence, or where serious health grounds strictly require the personal care of the family member by the Union citizen, shall be facilitated in accordance with the general law.
- 3 - The decision concerning the entry and residence of persons covered by the previous paragraph may only be taken after consideration of all relevant personal circumstances and reasons shall be given for any refusal of entry or granting of a residence permit.
- 4 - Legal provisions referring to Union citizens are understood to cover nationals of States parties to the Agreement on the European Economic Area and Swiss nationals.
- 5 - The norms of this law applicable to family members shall be extended to the family members of Portuguese citizens, regardless of their nationality.

## **CHAPTER II**

### **Exit from and entry into national territory**

#### **Article 4**

(Entry into national territory)

- 1 - Union citizens are admitted to enter national territory on the simple presentation of a valid identity card or passport and without any entry visa or equivalent formality.
- 2 - Family members of Union citizens who are not nationals of a Member State are admitted to the national territory upon presentation of a valid passport and are only subject to the obligation of an entry visa in accordance with the rules in force in the European Union, benefiting however from all the facilities for obtaining the necessary visas, which are granted free of charge and with special procedures to ensure their fast issue.
- 3 - Family members of a Union citizen who are nationals of a third State and are subject to the requirement for an entry visa in accordance with the rules in force in the European Union may enter without a visa when they are in possession of a valid residence card, in which case no entry stamp will be affixed to their passport.
- 4 - If a Union citizen or a member of his/her family does not have the necessary travel documents or, if required, the necessary visas, he/she shall have the opportunity to obtain such documents or have them brought to him/her within a reasonable period of time and to confirm or prove by other means that he/she has the right of free movement and residence.
- 5 - A family member who is not a national of a Member State must report their presence in the national territory in accordance with the law, and failure to comply with this obligation shall be punished in accordance with the law on entry, stay, exit and removal of foreigners.

#### **Article 5**

(Exit from national territory)

- 1 - Without prejudice to the provisions on travel documents applicable to checks at national borders, all Union citizens in possession of a valid identity card or passport, and their family members in possession of a valid passport, shall have the right to leave the national territory; an exit visa or equivalent formality shall not be required.
- 2 - The passport must be valid at least for all Member States and for countries through which the holder must pass when travelling between Member States
- 3 - No exit stamp shall be affixed in the passport of a family member if he/she presents the residence card.

### **CHAPTER III**

#### **Right of residence up to three months**

#### **Article 6**

(Right of residence up to three months)

- 1 - Union citizens shall have the right to reside within the national territory for a period of up to three months without any conditions or formalities other than the requirement to hold a valid identity card or passport
- 2 - The provisions of the preceding paragraph shall also apply to family members who, bearing a valid passport, accompany or join the Union citizen.

### **CHAPTER IV**

#### **Right of residence for over three months**

#### **Article 7**

(Right of residence for Union citizens and their family members)

- 1 - Every Union citizen shall have the right to reside on the national territory for a period of over three months, provided they meet one of the following conditions:
  - a) He/she exercises a subordinate or self-employed professional activity in Portugal;
  - b) He/she has sufficient resources for himself/herself and his/her family members, as well as a health insurance, as long as this is required in the Member State of his/her nationality for Portuguese citizens;
  - c) He/she is enrolled in an officially recognised public or private educational establishment, provided that he/she proves, through a statement or other means of proof of his/her choice, the possession of sufficient financial resources for himself/herself and his/her family members, as well as having health insurance, as long as this is required in the Member State of his/her nationality for Portuguese citizens;
  - d) He/she is a family member accompanying or joining a Union citizen covered by the above subparagraphs.
- 2 - Family members who are not nationals of a Member State and who accompany or join a Union citizen who meets the conditions referred to in subparagraphs a), b) or c) of the previous paragraph shall also have the right to reside in the national territory for a period exceeding three months.
- 3 - For the purposes of paragraph 1(a) a Union citizen who is no longer engaged in an occupational activity shall retain the status of employee or self-employed person in the following cases:

- a) When he/she is temporarily unable to work as a result of illness or accident;
- b) When he/she is in involuntary unemployment duly registered with the Instituto do Emprego e Formação Profissional, I.P. (Institute for Employment and Vocational Training), as a jobseeker;
- c) When attending vocational training, provided there is a link between the previous vocational activity and the training in question, except if the citizen is involuntarily unemployed.

#### **Article 8**

(Retention of the right of residence by family members of a Union citizen)

- 1 - Death or exit from the national territory of a Union citizen, as well as divorce, annulment of marriage or termination of partnership do not entail loss of the right of residence of his/her family members, irrespective of nationality.
- 2 - Until they acquire the right of permanent residence, the family members referred to in the previous paragraph, who have the nationality of a Member State, must fulfil the conditions set out article 7(1)(a), (b), (c) or (d) of the of Civil Procedure Code.
- 3 - As long as they have not acquired the right of permanent residence, family members referred to in paragraph 1 who are nationals of a third State shall retain their right of residence provided that they meet one of the following conditions:
  - a) They carry out a subordinate or self-employed professional activity;
  - b) They have sufficient resources and health insurance for themselves and their family members.
  - c) They are family members of a person who fulfils the conditions referred to in subparagraphs a) or b), provided that the family was constituted on national territory.
- 4 - The exit from national territory of a Union citizen or his/her death does not entail the loss of the right of residence of his/her children who reside in Portugal and are studying at an educational establishment, as well as of the person who has actual custody of them.

#### **Article 9**

(Retention of the right of residence)

- 1 - Union citizens and their family members shall have the right of residence provided for in Articles 7 and 8 as long as they meet the conditions set out therein.
- 2 - Verification of the conditions laid down in Articles 7 and 8 shall be admissible only in specific cases where there is a reasonable doubt as to whether a Union citizen or his/her family members meet those conditions and provided that it is not done systematically.
- 3 - Recourse to the Portuguese social security system by a Union citizen or his/her family members does not automatically lead to loss of the right of residence.
- 4 - By way of derogation from paragraph 1 and without prejudice to the provisions of Chapter VIII, a removal measure may in no case be taken against Union citizens or their family members in the following cases:
  - a) When they are subordinate or self-employed workers;
  - b) When Union citizens have entered Portugal to seek employment and can prove that they are still seeking employment.
- 5 - The expiry of the identity card or passport on the basis of which the person concerned entered the territory and was issued with a registration certificate or residence card shall not constitute a ground for removal from the national territory.
- 6 - The provisions of Articles 25 and 26 shall apply, mutatis mutandis, to any decision to withdraw the right of residence of Union citizens and their family members on grounds other than public policy, public security or public health, and in cases of removal no ban on entry into national territory may be imposed.

**CHAPTER V**  
**Right of permanent residence**

**Article 10**

(Right of permanent residence for Union citizens and their family members)

- 1 - Union citizens who have legally resided in the national territory for a period of five consecutive years have the right of permanent residence.
- 2 - National family members of a Third State, who have legally resided with the Union citizen in Portugal for a period of five consecutive years, enjoys the same right.
- 3 - The right of permanent residence for Union citizens and their family members shall not be subject to the conditions laid down in Chapter IV.
- 4 - Continuity of residence is not affected by temporary absences not exceeding six consecutive months a year, or by absences of a longer duration for compulsory military service, or by one absence of a maximum of twelve consecutive months for legitimate reasons such as pregnancy and childbirth, serious illness, study or vocational training, or a posting in another Member State or a third country.
- 5 - The Union citizen or his/her family member loses the acquired right of permanent residence only through absence from the national territory for a period exceeding two consecutive years.
- 6 - Continuity of residence may be attested by any admissible means of proof.
- 7 - Continuity of residence is interrupted by any valid decision to remove the person concerned that is executed.

**Article 11**

(Derogation for workers who have ceased their activity in Portugal)

- 1 - In derogation to the previous article, the following shall benefit from the right of permanent residence in the national territory before the end of five consecutive years of residence:
  - a) Employees or self-employed workers who, on the date they ceased their activity, have reached the age laid down by law for entitlement to an old-age pension, or employees who have ceased their activity because of early retirement, provided they have worked in Portugal for at least the last 12 months and have resided here continuously for more than three years;
  - b) Employees or self-employed workers who have resided continuously in Portugal for more than two years and cease their activity due to permanent incapacity to work;
  - c) Employees or self-employed workers who, after three consecutive years of activity and residence in Portugal, exercise their activity, subordinated or self-employed, in the territory of another Member-State, maintaining their residence in the Portuguese territory, to which they return, generally, every day or, at least, once a week.
- 2 - For the purposes of acquisition of the rights set out in subparagraphs a) and b) of the previous paragraph, periods of activity in the territory of the Member-State in which the citizen in question works shall be considered as permanence in Portugal.
- 3 - The periods of unemployment duly registered by the Instituto do Emprego e Formação Profissional, I.P. (Institute for Employment and Vocational Training), the periods of suspension of activity for reasons beyond the control of the person concerned and absenteeism from work or cessation of work for reasons of illness or accident are considered as periods of employment.
- 4 - The conditions of duration of residence and employment set out in paragraph 1(a) and the condition of duration of residence set out in paragraph 1(b) do not apply if the spouse or partner, within the meaning of article 2(e)(ii), of the employee or self-employed worker is a Portuguese national or has lost Portuguese nationality as a result of marriage.
- 5 - For the purposes of paragraph 1(a), if the citizen has exercised an unsalaried activity for which entitlement to an old-age pension is not recognized by law, the age requirement is deemed to have been met when the person concerned reaches the age of 60.

- 6 - For the purposes of the provisions of paragraph 1(b), if the incapacity results from an accident at work or an occupational disease entitling the person concerned to a benefit payable in full or in part by a national institution, the requirement of a period of residence shall not apply.

#### **Article 12**

(Derogation for family members of workers who have ceased their activity in Portugal)

- 1 - Without prejudice to the provisions of paragraph 2, the family members of an employee or self-employed worker who reside with him/her in the Portuguese territory have, irrespective of their nationality, the right of permanent residence in the national territory if the worker himself/herself has acquired the right of permanent residence in Portugal, under the terms of the previous article.
- 2 - In case of death of the employee or self-employed worker, still during his/her working life, but before having acquired the right of permanent residence in Portugal, under the terms of the previous article, the relatives living with him/her in the Portuguese territory have the right to permanent residence as long as they meet one of the following conditions:
  - a) The employee or self-employed worker, on the date of his/her death, has resided in the Portuguese territory for two consecutive years;
  - b) Their death was caused by an accident at work or an occupational disease;
  - c) The surviving spouse lost Portuguese nationality as a result of the marriage to that worker.

#### **Article 13**

(Acquisition of the right of permanent residence by third State national family members)

Without prejudice to Article 12, family members of a Union citizen, under the conditions laid down in Article 8(3), acquire the right of permanent residence after having resided legally for a period of five consecutive years in the Portuguese territory.

### **CHAPTER V**

#### **Administrative formalities**

##### **Section I**

#### **Right of residence for more than three months**

#### **Article 14**

(Union citizens' registration)

- 1 - Union citizens whose stay in the national territory lasts longer than three months must carry out the registration formalising their right of residence within 30 days after three months of entering national territory.
- 2 - The registration referred to in the preceding paragraph shall be made with the city council of the area of residence.
- 3 - At the time of registration, a registration certificate is issued, of a model to be approved by a decree of the Government member responsible for the area of administration, with the name and address of the holder of the residence right and date of registration.
- 4 - The registration certificate referred to in the previous paragraph shall be valid for five years from the date of issue or for the envisaged period of residence of the Union Citizen, if the period is less than five years.

- 5 - A valid identity card or passport, as well as a sworn statement that the applicant fulfils the conditions referred to in Article 7(1)(a), (b) or (c), as appropriate, shall be required for the issue of the certificate of registration of the Union citizen.
- 6 - For the issue of the registration certificate to the Union citizen residing as a family member, the following documents are required:
  - a) A valid identity card or passport;
  - b) A document proving the family relationship or the quality of partner, within the meaning article 2(e)(ii), if it is not evident from the documents mentioned in the previous subparagraph that such relationship or quality;
  - c) A registration certificate of the Union citizen whom they accompany or join;
  - d) Documentary evidence that they are dependants for the purposes of Article 2(e)(iii) and (iv);
  - e) In cases falling under Article 3(2), a document issued by the relevant authority in the country of origin or country from which they are arriving certifying that they are dependants or members of the household of the Union citizen, or proof of the existence of serious health grounds which strictly require personal assistance by the Union citizen.

#### **Article 15**

(Residence card of a family member of a Union citizen who is a third State national)

- 1 - Family members of a Union citizen who are nationals of a third State and whose stay in national territory lasts for more than three months must request the issue of a residence card, in accordance with the model approved by ordinance of the Government member responsible for the area of internal administration.
- 2 - The request for the residence card referred to in the previous paragraph shall be made to the regional directorate or delegation of the Immigration and Borders Service in the area of residence, within 30 days after three months have elapsed since entry into national territory.
- 3 - At the moment of presentation of the request, a certificate proving the request for a residence card shall be issued.
- 4 - For the issue of the residence card, the presentation of the following documents is required:
  - a) Valid passport;
  - b) Documentary evidence of the family relationship with the Union citizen or of the status of partner as defined in Article 2(e)(ii);
  - c) Registration certificate of the Union citizen whom they accompany or join;
  - d) in the cases referred to in Article 2(e)(iii) and (iv), documentary evidence that they are dependants of the Union citizen;
  - e) In the case referred to in Article 3(2), a document issued by the relevant authority in the country of origin or country from which they are arriving certifying that they are dependants or members of the household of the Union citizen, or proof of the existence of serious health grounds which strictly require the personal attendance of the family member by the Union citizen.
- 5 - The residence card referred to in the previous paragraph shall be issued within a maximum period of three months from the submission of the request.
- 6 - The residence card mentioned in paragraph 1 shall be valid for five years from the date of issue or for the planned period of residence of the Union citizen if this period is less than five years.
- 7 - The right of residence of family members shall not be affected by temporary absences not exceeding 6 consecutive months a year, by longer absences for compulsory military service, by one absence of up to 12 consecutive months for important reasons such as pregnancy and childbirth, serious illness, study or vocational training, or departure for another Member State or third country for work.

## **Section II**

### **Right of permanent residence**

#### **Article 16**

(Union citizen's certificate of permanent residence)

- 1 - The Immigration and Borders Service shall issue to Union citizens with the right to permanent residence, at their request, a document of a model to be approved by an ordinance of the Government member responsible for the area of internal administration, certifying permanent residence.
- 2 - The certificate of permanent residence referred to in the previous paragraph shall be issued by the Immigration and Borders Service within a maximum period of 15 days, depending exclusively on the verification of the duration of residence.

#### **Article 17**

(Permanent residence card for third State nationals who are family members of a Union citizen)

- 1 - Family members of citizens of the Union who are nationals of a third State who have the right to permanent residence shall be issued with a permanent residence card, of a model to be approved by an ordinance of the Government member responsible for the area of internal administration.
- 2 - The permanent residence card provided for in the previous paragraph shall be issued by the Immigration and Border Service within a maximum period of three months from the submission of the request.
- 3 - The request for a permanent residence card shall be submitted before the residence card referred to in Article 15 expires.
- 4 - Interruptions of residence not exceeding 30 consecutive months do not affect the right of permanent residence.
- 5 - For the issue of a permanent residence card, it is sufficient to present the residence card of a family member of a Union citizen.

## **CHAPTER VII**

### **Common provisions on the right of residence and the right of permanent residence**

#### **Article 18**

(Territorial scope of the right of residence)

The right to stay, the right of residence and the right of permanent residence cover the entire national territory.

#### **Article 19**

(Related rights of family members of the Union citizen)

Irrespective of nationality, family members of a Union citizen who enjoy the right of residence or the right of permanent residence on the national territory are entitled to be employed or self-employed.



**Article 20**  
(Equal treatment)

- 1 - Union citizens residing on national territory shall enjoy equal treatment with nationals, subject to any limitations allowed by Community law.
- 2 - Family members of a Union citizen who are nationals of a third State shall benefit from the provisions of the previous paragraph.
- 3 - By way of derogation from paragraphs 1 and 2, no entitlement to solidarity allowances shall be granted to the Union citizen or his/her family members during the first three months of residence or for a longer period if the Union citizen has entered the national territory in order to seek employment as provided for by Article 9(4)(b) of the Directive.
- 4 - Before acquiring the right of permanent residence, no scholarships or any kind of social support for studies or professional training shall be granted.
- 5 - The provisions of the previous paragraph shall not apply to citizens of the Union who are or remain employees or self-employed persons or to members of their families.

**Article 21**  
(General provisions concerning residence documents)

Possession of a registration certificate as referred to in Article 14, of the permanent residence certificate, of a certificate attesting submission of a request for a family member residence card, of a residence card or of a permanent residence card, shall under no circumstances be made a precondition for the exercise of a right or the completion of an administrative formality and the status of beneficiary of the right of residence under the Community regime may be attested by any other means of proof.

**CHAPTER VIII**

**Restrictions on the right of entry and the right of residence on grounds of public policy, public security or public health**

**Article 22**  
(General principles)

- 1 - The right of free movement and residence of Union citizens and their family members, irrespective of nationality, may be restricted only on grounds of public policy, public security or public health, in accordance with the provisions of this Chapter.
- 2 - The grounds of public policy, public security and public health cannot be invoked for economic purposes.
- 3 - Measures taken on grounds of public policy or public security must comply with the principle of proportionality and be based exclusively on the conduct of the person concerned which must represent a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society and justifications not related to the specific case or based on general prevention reasons cannot be used.
- 4 - The existence of previous criminal convictions cannot, in itself, serve as a basis for the measures referred to in the previous paragraph.
- 5 - In order to determine whether the person in question constitutes a danger to public policy or public security, when issuing the registration certificate or residence card, information concerning the person's criminal record may, where considered essential, be requested from the Member State of origin and possibly from other Member States.
- 6 - The consultation referred to in the previous paragraph shall not be of a regular nature.

- 7 - Whenever the national authorities are requested to provide the information referred to in the previous paragraph, they shall provide it within a period of one month.
- 8 - Holders of national identity cards or passports who are removed from the territory of another Member State for reasons of public order, public security or public health shall be admitted into the national territory without any formalities, even if the document has expired or the nationality of the person concerned has been contested.

### **Article 23**

(Protection against removal)

- 1 - Before taking a removal decision on grounds of public policy or public security, account shall be taken in particular of how long the individual concerned has resided on national territory, his/her age, state of health, family and economic situation, social and cultural integration in the country and importance of ties with the country of origin.
- 2 - Union citizens and their family members, irrespective of nationality, who have the right of permanent residence cannot be removed from Portuguese territory except on serious grounds of public policy or public security.
- 3 - Except for imperative reasons of public security, the removal of Union citizens may not be decided if they have resided in Portugal during the previous ten years or are minors.
- 4 - The provisions of the previous paragraph shall not apply if the removal concerns a minor and is decided in the best interests of the child, as provided for in the United Nations Convention on Children Rights, of 20 November 1989.

### **Article 24**

(Public health)

- 1 - The only diseases justifying measures restricting the right of free movement are the diseases with epidemic potential as defined by the relevant instruments of the World Health Organisation and other infectious, contagious or parasitic diseases subject to protective provisions applicable to nationals.
- 2 - The occurrence of diseases three months after the date of entry into the territory does not constitute grounds for removal from the territory.
- 3 - If serious indications so justify, within three months from the date of entry into national territory, the holders of the right of residence may be required to undergo, free of charge, a medical examination, including complementary diagnostic tests, to certify that they do not suffer from any of the diseases mentioned in paragraph 1.
- 4 - The medical examinations referred to in the previous paragraph cannot be of a routine nature.

### **Article 25**

(Notification of decisions)

- 1 - Any decision referred to in article 22(1) must be notified in writing to the person concerned, in a manner that allows him/her to understand the content and the respective effects on his/her personal sphere.
- 2 - The person concerned is informed, in a clear and complete manner, of the grounds of public policy, public security or public health upon which the decision is based, unless this is contrary to the security interests of the State.

- 3 - The notification shall specify the court or administrative authority before which the person may challenge the decision, the time limit within which he/she may do so and, where applicable, the time allowed for leaving the national territory.
- 4 - Save in duly substantiated cases of urgency, the time allowed to leave the territory may not be less than one month from the date of notification.

#### **Article 26**

##### (Review)

- 1 - The decisions taken within the scope of this chapter are subject to hierarchical appeal and judicial review.
- 2 - If the review of the removal decision is accompanied by a request for an interim order to suspend the enforcement of the decision, the removal from the territory may not be carried out until the decision on the provisional measure.
- 3 - The provisions of the previous paragraph shall not apply when:
  - a) The removal decision is based on a previous judicial decision; or
  - b) The persons concerned have previously challenged their removal before the courts; or
  - c) The removal decision is based on imperative grounds of public security under Article 23(3).
- 4 - An appeal shall allow an examination of the lawfulness of the decision and of the facts and circumstances on which the decision is based and shall certify that the decision is not disproportionate, in particular as regards the conditions laid down in Article 23.
- 5 - The right to present one's defence in person shall be guaranteed, unless the presence of the citizen concerned is likely to cause serious disturbance to public policy or public security or the objection concerns refusal of entry to the territory.

#### **Article 27**

##### (Duration of the prohibition of entry into the national territory)

- 1 - A person against whom a measure banning entry to the national territory has been imposed on grounds of public policy or public security may submit a request for lifting of the ban on entry to the territory after a reasonable period, depending on the circumstances, and, in any event, three years after the enforcement of the final banning decision that has been legally taken.
- 2 - For the purposes of the provisions of the previous paragraph, the interested party must invoke means that can prove that there has been a material change in the circumstances that justified the interdiction of entry into the territory.
- 3 - The decision on the request formulated under the terms of the previous paragraphs must be taken within six months of its presentation.
- 4 - The persons referred to in paragraph 1 are not entitled to enter Portuguese territory while their request is being considered.

## **CHAPTER VII**

### **Special provisions**

#### **Article 28**

(Removal as an ancillary penalty)

- 1 - Removal from the territory may only be ordered as an ancillary penalty to a custodial sentence, in accordance with the conditions laid down in Articles 22 , 23 and 24.
- 2 - After more than two years from the date of the removal decision referred to in the previous paragraph, it can only be enforced after an assessment of whether the person concerned continues to constitute a present and actual threat to public policy or public security and an evaluation of whether there has been a material change in circumstances since the removal decision was taken.

## **CHAPTER IX**

### **Fees**

#### **Article 29**

(Fees and charges)

- 1 - For the issue of the registration certificate referred to in article 14, the certificate of permanent residence, the certificate stating that a family member residence card, a residence card or a permanent residence card has been requested, as well as for the procedures and other documents provided for in this law, fees shall be charged.
- 2 - The proceeds from the fee for issuing the registration certificate referred to in article 14 shall revert, whenever made before the city council:
  - a) 50% for the municipality;
  - b) 50% for the Immigrations and Borders Service.
- 3 - The proceeds of the remaining fees revert to the Immigration and Borders Service.
- 4 - The charges and fees for issuing the documents referred to in paragraph 1 above shall not be higher than those required from nationals for the issue of identity cards.

## **CHAPTER X**

### **Administrative offences**

#### **Article 30**

(Administrative offences)

- 1 - Failure to comply with any of the obligations set out in article 14(1), article 15(1) and article 17(3) constitutes an administrative offence punishable with a fine of EUR 400 to EUR 1,500.
- 2 - The registration referred to in article 14 or its maintenance without the conditions set out in articles 7 and 8 constitutes an administrative offence punishable with a fine of EUR 500 to EUR 2500.
- 3 - Negligence is punishable.

- 4 - In case of negligence, the minimum and maximum limits of the fines provided for in paragraphs 1 and 2 are reduced by half.
- 5 - The application of the fines provided for in this article falls within the competence of the Director-General of the Immigration and Borders Service, who may delegate it under the terms of the law.
- 6 - Sixty per cent of the proceeds of the fines go to the State and 40 per cent to the Immigration and Borders Service.

## CHAPTER XI

### Final and transitional provisions

#### Article 31

(Abuse of rights)

- 1 - In the event of abuse of rights, fraud or a simulated marriage or union of convenience, the residence rights and social support granted under the terms of this law shall be refused and withdrawn.
- 2 - The provisions of Articles 25 and 26 are applicable to any decision taken under the terms of the previous paragraph.

#### Article 32

(Subsidiary law)

In all matters not regulated by the present law, the provisions of the general law that are compatible with the provisions of Community law shall be observed.

#### Article 33

(Transitional standard)

Residence permits issued under the terms of Decree-Law no. 60/93, of 3 March, will remain valid, and may be substituted by the registration certificate or by the residence card, depending on the case, at the request of the respective holders.

#### Article 34

(Repealing standard)

Decree-Law no. 60/93, of 3 March is repealed. Approved on 22 June 2006.

The President of the Assembly of the Republic, *Jaime Gama*.

Promulgated on 26 July 2006. To be published.

The President of the Republic, ANÍBAL CAVACO SILVA .

Ratified on 27 July 2006.

The Prime Minister, *José Sócrates Carvalho Pinto de Sousa*.

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### Supplementary Information

**Law no. 37/2006 of 9 August** (in Portuguese):

[Original Version](#)