



AMENDMENTS TO THE LEGAL FRAMEWORK FOR THE ENTRY, STAY, EXIT AND EXPULSION OF FOREIGNERS FROM THE NATIONAL TERRITORY

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On 26 August 2022, Law No. 18/2022 of 25 August came into force amending the legal framework for the entry, stay, exit and expulsion of foreigners from the national territory.

The amendments introduced aim to create conditions for the implementation of the Agreement on Mobility between the Member States of the Community of Portuguese Language Countries and facilitate the entry of foreign workers in Portugal.

The following amendments are of note:

CREATION OF THE WORK SEARCH VISA

- This visa allows foreign citizens to enter Portugal to look for work.
- The visa has a maximum duration of 120 days, extendable for a further 60 days.
- This visa authorises its holder to engage in a dependent employment activity, until the expiry of the visa or until a residence permit is granted.
- If the holder of the visa does not begin a work activity within this period, they will have to leave the country and can only submit a new visa application for the same purpose after 1 year.

VISA FOR SEASONAL WORK

The holder of a short stay visa or of a temporary stay visa for seasonal work, is no longer limited to the activity specified in the respective visa, and may engage in other activities, at one or successive employers.

FAMILY REUNIFICATION

The purpose of the residence visa may now be to accompany the family member applying for a residence visa, and it will now be possible for family reunification applications to be raised simultaneously.

SIMPLIFICATION OF THE RESIDENCE VISA FOR WORK

- Employers are no longer obliged to make a job offer available with IEFP for the period 30 days when they intend to hire a specific foreign citizen.
- Foreign citizens who meet the general requirements necessary to obtain any visa and who have a work contract, a promise of a work contract, or benefit from an individualized expression of interest from the employer, will have the right to a residence visa for the exercise of a subordinate professional activity.
- While the application for a residence permit is pending, for reasons not attributable to the applicant, the latter may engage in a professional activity.
- Holders of a residence permit for research, study, vocational training or voluntary work may engage in a professional activity, subordinate or independent, complementary to the activity which gave rise to the visa.

CREATION OF THE RESIDENCE VISA FOR THE EXERCISE OF PROFESSIONAL ACTIVITIES CARRIED OUT REMOTELY OUTSIDE NATIONAL TERRITORY

It is granted to subordinate workers and independent professionals for the exercise of professional activities remotely provided to individuals or legal persons with their domicile or head-office outside national territory, where the employment relationship or provision of services, as the case may be, must be demonstrated.

ISSUING OF A RESIDENCE PRE-AUTHORISATION

With the granting of the residence visa a residence pre-authorisation is issued, which contains the information regarding the obtaining of the residence permit and the provisional attribution of the tax identification, social security and national health service numbers.

EXTENSION OF THE DURATION OF RESIDENCE PERMITS

- The temporary residence permit will now be valid for 2 years, renewable for successive periods of three years, without prejudice to special cases provided for by law, as is the case of the residence permit for investment activity, which remains renewable for periods of 2 years.
- The residence permit for higher education students is now valid for three years, renewable for equal periods, and in cases where the duration of the study programme is less than three years, it is issued for the duration of the study programme.
- The residence permit for researchers is now valid for two years, renewable for equal periods, or for the duration of the host agreement, if this is less than two years.
- The EU Blue Card will be valid for two years, renewable for periods of 3 years.
- The residence permit for trainees is granted for 6 months, for the duration of the traineeship programme plus a period of 3 months (if this is less than 6 months), or for 2 years in the case of a long-term traineeship (in this case, it may be renewed once for the remainder of the traineeship programme).

THE CREATION OF SPECIAL CONDITIONS FOR GRANTING VISAS TO NATIONALS OF CPLP MEMBER STATES

Where the visa applicant is a national of a State* in which the CPLP Agreement is in force:

- The prior opinion of the SEF is waived;
- The services competent for issuing the visa will directly and immediately consult the SIS databases;
- The competent services may only refuse to issue the visa if there is an indication of a prohibition of entry and stay in the SIS and the applicant does not have the authorisation provided for in paragraph g) of no. 1 of the previous article;

*The CPLP Agreement is in force for the following countries: Portugal / São Tomé and Príncipe / Guinea-Bissau / Mozambique / Brazil / Angola / Timor-Leste.

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