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AMENDMENTS TO THE LEGAL REGIME GOVERNING THE ENTRY, STAY AND DEPARTURE OF FOREIGNERS IN PORTUGAL

Law No. 61/2025, published on 22 October and in force since 23 October, introduces substantial changes to the legal regime applicable to the entry, stay, exit, and removal of foreign nationals from national territory.

The new law aims to strengthen immigration control and attract qualified talent, introducing significant changes in areas such as skilled-worker visas, family reunification, decision timelines, the regime applicable to citizens of the CPLP, judicial protection, and the gradual phasing out of expressions of interest.

VISA FOR SKILLED WORK

The law amends the existing framework, establishing that visas for seeking work can only be granted to applicants whose professional activity is considered a skilled activity.

The holder of this visa must have appropriate technical skills or higher education and start highly skilled professional activity before the visa expires, which remains limited to 120 days, extendable in justified cases.

When issuing the visa, AIMA (Agency for Integration, Migration and Asylum) must schedule a date for the holder to appear before the competent services within the period as mentioned above.

If the professional activity does not commence within this period, the holder must leave the country and may only submit a new visa application after one year.

FAMILY REUNIFICATION

The new regime imposes a minimum period of legal residence of two years for the holder to apply for family reunification, introducing greater rigor in the control and verification of applications.

There are exceptions for spouses, minor children, highly skilled workers, and holders of residence permits for investment (Golden Visa).



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It is now also required that the applicant and their spouse or equivalent be at least 18 years of age at the time of application.

Reunited family members must comply with integration measures, namely Portuguese language training and training modules on constitutional principles and values.

DECISION DEADLINES

AIMA now has a maximum of nine months to decide on applications for residence permits, which may be extended in exceptional circumstances.

The law provides that AIMA shall organize and publish the schedule of interviews and assessment procedures to ensure transparency and administrative predictability.

JUDICIAL REVIEW

A new judicial review regime is introduced, establishing that legal actions relating to AIMA decisions or omissions take the form of administrative actions.

The use of subpoenas for the protection of rights, freedoms, and guarantees is permitted when AIMA's actions or omissions compromise, in a proven serious and direct manner, the timely exercise of those rights.

The court must consider the human and material resources available, as well as the principle of equal treatment between applicants.

CPLP REGIME, ENTREPRENEURSHIP, AND PROTECTION OF MINORS

The new law introduces changes in several complementary areas:

- Nationals of Portuguese-speaking countries (CPLP) who hold a residence visa may apply for a CPLP temporary residence permit directly in Portuguese territory.
 - The possibility of residence permits for entrepreneurship projects is created, including the establishment of innovative companies integrated into certified incubators.
 - Children and young people in public, cooperative, social, or private institutions with a cooperation agreement with the Portuguese State, within the scope of promotion and protection processes, are now eligible for residence permits.
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EXPRESSIONS OF INTEREST AND TRANSITIONAL REGIME

From now on, applications for residence permits can only be submitted by foreigners who have entered Portugal legally with a visa corresponding to the purpose of their intended residence.

However, a transitional period has been established during which:

- Applications for residence permits based on expressions of interest must be submitted by 31 December 2025.
- Applications that are not submitted by that date will automatically expire.
- Within 180 days of the law coming into force, holders of existing residence permits may apply to convert their permit to other categories, such as teaching, highly skilled, or cultural activity.

During the same period, it is permitted to apply for the reunification of family members who are already legally in Portugal.

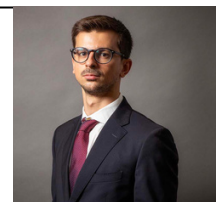
FINAL CONSIDERATIONS

Law No. 61/2025 marks a structural change in Portuguese migration policy, replacing the model of subsequent regularization with a system based on prior planning and legal entry.

The changes impose greater responsibility on companies when hiring foreign workers and greater documentary rigor on citizens who wish to reside or work in Portugal.

Legal entry and stay now depend on obtaining the appropriate visa and complying with all legal requirements from the outset of the process.

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