

Regulatory Decree No. 4/2022 of 30 September

Summary: Alters the regulation on the legal regime for entry, stay, exit and expulsion of foreign citizens from national territory.

Law No. 18/2022, of 25 August, made the ninth alteration to Law No. 23/2007, of 4 July, which approves the legal regime for the entry, stay, exit and expulsion of foreigners from national territory.

With this legislative amendment, the necessary measures were taken to implement the Agreement on Mobility between Member States of the Community of Portuguese-Speaking Countries (CPLP), signed in Luanda on 17 July 2021 and approved by Resolution of the Assembly of the Republic no. 313/2021, of 9 December, which aims to promote mobility and freedom of movement within the CPLP.

The execution of that agreement is a significant step in the promotion of the historic relations between the Lusophone countries and constitutes a legacy of high value for future generations. The facilitation of mobility between the different territories allows greater proximity between citizens and contributes decisively to strengthening the bonds that unite the people who make up the CPLP.

The present regulation of the Mobility Agreement is therefore an essential instrument for facilitating the entry and safe stay of citizens from CPLP Member States in Portugal.

The Mobility Agreement also gives a significant boost to cooperation between Member States in the various areas.

Also in line with the Programme of the XXIII Constitutional Government, Law no. 18/2022, of 25 August, also established procedures to attract regulated and integrated immigration, for the development of the country, to change the way Public Administration relates to immigrants and to guarantee conditions for the integration of immigrants, highlighting the implementation of the following measures:

i)) The creation of a limited duration visa allowing legal entry of immigrants in Portugal for the purpose of seeking work;

II) Simplification of procedures;

III) the possibility of temporary stay or residence visas also having the purpose of providing remote work, as well as the accompaniment, from the country of origin, of the family member qualified with the respective visa, allowing the family to enter national territory, in a regular manner, among other measures to promote family reunification;

IV) Increase of the limit of validity of documents;

V) Elimination of the existence of a global quota of employment opportunities to be fixed by the Council of Ministers, for the purpose of the concession of a visa to obtain a residence permit for the exercise of subordinated professional activity;

and VI) permission for the holder of a residence permit to carry out a professional activity for research, study, professional internship or volunteering, complementary to the activity that originated the visa;

Finally, Law No. 18/2022 of 25 August also implements in the national legal order Regulations (EU) Nos. 2018/1860, 2018/1861 and 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System, which dictated the reconfiguration of the second generation Schengen Information System regarding the return of illegally staying third-country nationals, in the field of border controls and police and judicial cooperation in criminal matters.

In this context, an amendment is being made to Regulatory Decree no. 84/2007, of 5 November, in its current wording, which regulates Law no. 23/2007, of 4 July, with a view to achieving the aforementioned objectives set out in Law no. 18/2022, of 25 August, in strict compliance with and in view of the adequate implementation of the European Union acquis on border control and fundamental rights, as well as international obligations arising from, in particular the Convention relating to the Status of Refugees, the European Convention on Human Rights and the Convention on the Rights of the Child.

Similarly, to its initial and subsequent versions, the most recent version of the legal regime for the entry, stay, exit and expulsion of foreign citizens in national territory, approved by Law no. 23/2007 of 4 July, in its current wording, presents a high normative density, with many provisions directly and immediately applicable.

As such, the present alterations to Regulatory Decree no. 84/2007, of 5 November, are limited to regulating the precepts whose proper implementation requires the existence of complementary norms.

It was heard the Council for Migration.

Thus:

Pursuant to Article 199 (c) of the Constitution and Article 216 (1) of Law No. 23/2007 of 4 July, in its current wording, the Government decrees the following:

Article 1

Object

The present regulatory decree makes the sixth amendment to Regulatory Decree No. 84/2007, of 5 November, as amended by Regulatory Decree No. 2/2013, of 18 March, by Decree-Law No. 31/2014, of 27 February, by Regulatory Decrees No. o 15-A/2015, of 2 September and 9/2018, of 11 September, and by Law no. 71/2018, of 31 December, which regulates Law no. 23/2007, of 4 July, approving the legal regime for the entry, stay, exit and expulsion of foreign citizens from national territory.

Article 2

Amendment to Regulatory Decree no. 84/2007, of 5 November

Articles 2, 8, 10, 12, 12-A, 13, 23-B, 24, 27, 28, 33, 38, 49, 51, 54, 58, 61, 65-D, 65-E, 73 and 82 of Regulatory Decree No. 84/2007, of 5 November, as amended, shall be replaced by the following:

Article 2

[...]

1 - After controlling the exit of the vessel or boat and concluding that there is no impediment resulting from the application of the legal regime governing aliens, the Foreigners and Borders Service (SEF) shall issue the respective exit document, which shall be sent to the local National Maritime Authority body, under the terms and for the purposes established in Article 13 of Decree-Law 44/2002, of 2 March, in its current wording, and in Decree-Law 370/2007, of 6 November, in its current wording.

2 - [...]

Article 8

[...]

1 - Entry into the country of foreign minors unaccompanied by the person exercising parental responsibility should only be authorised when there is a Portuguese citizen or foreign citizen regularly residing in Portugal who takes responsibility for their stay, after confirmation of the existence of appropriate valid authorisation issued by the respective legal representative and evaluation of all other relevant elements.

2 - In the event of refusal of entry and return of the unaccompanied minor, the carrier shall ensure that the minor is handed over in the country of origin or at the point where he/she started his/her journey to the person exercising parental responsibilities or to a person or organization to whom he/she may be entrusted, in observance of the principle of non-refoulement.

3 - National or foreign minors residing in the country who wish to leave an external border unaccompanied by the person exercising parental responsibilities must present authorization signed by one of the parents or by the person who, in this case, is responsible for him/her, certified by any of the legally foreseen forms.

4 - [...]

Article 10

[...]

1 - The visa application which, by force of the applicable legislation, must be submitted at a consular post and at a consular section of the embassy referred to, respectively, in paragraphs 2 and 5 of article 3 and in article 67 of the Consular Regulations, approved in annex to Decree-Law no. 51/2021, of 15 June, is formulated in a specific form, signed by the applicant and accompanied by all the necessary documentation.

2 - [...]

3 - [...]

4 - [...]

5 - [...]

6 - [...]

a) The applicant of visa for residence and temporary stay, national of a State where the Agreement on Mobility between Member States of the Community of Portuguese Speaking

Countries celebrated in Luanda on 17 July 2021 (CPLP Agreement) is in force, or national of another State to whom this dispensation is extended by international agreement;

b) [...]

c) [...]

7 - [...]

8 - [...]

9 - The collection of biometric identifiers, where applicable, shall be carried out at the consular posts and consular sections of embassies referred to respectively in paragraphs 2 and 5 of Article 3 and Article 67 of the Consular Regulations, approved in annex to Decree-Law 51/2021, of 15 June, except within the scope of external service providers.

10 - [...]

11 - [...]

Article 12

[...]

1 - [...]

a) [...]

b) [...]

c) [...]

d) [...]

e) [...]

f) Proof of the existence of means of subsistence, as defined by administrative ruling of the members of the Government responsible for the areas of internal administration and labour and social solidarity, taking into account the nature of the type of visa requested, without prejudice to the provisions of no. 4 of the following article;

g) [...]

2 - [...]

3 - Applicants for temporary stay or residence visas who are nationals of a State where the CPLP Agreement is in force, as well as nationals of another State to which the special conditions of that Agreement are extended by international agreement, are exempt from presenting the documents provided for in paragraphs e), f) and g) of no. 1, under the terms foreseen in that Agreement, provided that they present a letter of sponsorship under the terms and for the purposes of the provisions of paragraphs 2 and 3 of article 12-A.

4 - (Former no. 3.)

5 - When the visa application concerns a minor subject to the exercise of parental responsibilities or an accompanied adult, the respective authorisation must be presented.

6 - (Former no. 5.)

7 - (Former no. 6.)

Article 12-A

[...]

1 - [...]

2 - [...]

3 - [...]

4 - The request for a visa for seeking work shall be accompanied by proof of the availability of financial resources, for value of the minimum monthly salary guaranteed.

5 - In the case of a visa for seeking work, the citizen who signs the statement of responsibility as provided for in no. 3 above shall also have the means of subsistence referred to in the previous number.

6 - Visa applicants from a State where the CPLP Agreement is in force, as well as applicants from another State to which the special conditions of that Agreement are extended by international agreement, are exempt from proof of means of subsistence if they present a letter of sponsorship under the terms of paragraphs 2 or 3 of this article.

7 - When admitted into a higher education institution, the applicant for a residence visa, who is a national of a third State whose official language is Portuguese, is exempt from having to prove means of subsistence.

Article 13

[...]

1 - [...]

a) [...]

b) Check whether the applicant is a person, for whom an alert has been issued in the Schengen Information System for the purposes of return or refusal of entry and stay;

c) [...]

d) [...]

e) [...]

f) [...]

g) [...]

h) [...]

i) [...]

j) [...]

l) [...]

m) [...]

2 - [...]

3 - [...]

4 - [...]

Article 23-B

[...]

The request for a temporary stay visa to attend a course at an educational or vocational training establishment, provided for in of article 54/1)(k) of Law no. 23/2007, of 4 July, in its current wording, must be accompanied by the following documents:

a) [...]

b) [...]

Article 24

[...]

1 - The proof of possession of the necessary means of subsistence for the following purposes shall be defined by administrative ruling of the members of the Government responsible for the areas of internal administration and labour and social solidarity:

a) [Preceding subparagraph (a) in the body of the Article].

b) [Preceding subparagraph (b) in the body of the Article.]

c) [Preceding subparagraph (c) in the body of the Article.]

d) [Preceding subparagraph (d) in the body of the Article.]

e) [Preceding subparagraph (e) in the body of the Article.]

2 - For the purposes of the provisions of paragraph e) of the previous number, the application must be accompanied by a statement of responsibility and a document certifying the applicant's status as a minister of religion or member of an institute of consecrated life, issued by the church or religious community to which the applicant belongs, issued by the church or religious community to which they belong, duly recognised under the terms of the Portuguese legal order, together with the documents of article 62(8) or of article 59(5) of Law no. 23/2007, of 4 July, in its current wording, when the religious activity is carried out on a voluntary basis or when it involves the exercise of a subordinate professional activity.

Article 27

[...]

1 - When submitted, the job offers envisaged in article 59(4) of Law 23/2007, of 4 July, in its current wording, shall be advertised in a specific place on the IEFP, I. P. website, after the time of submission, duly identified and numbered, and shall be accessible to nationals of third countries.

2 - (Repealed.)

3 - Embassies and consular posts shall access the information available on the IEFP, I. P. Internet site, publish the job offers in the appropriate place and disseminate them, through diplomatic channels, to the competent services of the third country.

4 - A divulgação das ofertas de emprego pode, a pedido da entidade empregadora, ser suspensa, sendo a mesma retirada após comunicação do seu preenchimento.

4 - At the request of the employer, the publication of job offers may be suspended, and it shall be withdrawn after notification of its completion.

Article 28

[...]

1 - [...]

2 - Employers shall send the selected work contract or promise of a work contract to the foreign national.

3 - All the procedures referred to in the previous numbers shall be carried out by electronic communication, notwithstanding the use of other means of communication.

4 - If the job offer is filled, the employer shall inform the IEFP, I. P., for the purposes of no. 4 of the preceding article.

Article 33

[...]

1 - [...]

2 - [...]

3 - Applicants for residence visas for research activity or for attendance in higher education are exempt from presenting documents proving their admission in a research centre or higher education institution and proof of sufficient means of subsistence whenever they are beneficiaries of a study or research scholarship, and inform the consular posts and consular sections of embassies referred to, respectively, to the Article 3(2) and (5) of the Consular Regulations, approved in annex to Decree-Law No. 51/2021, of 15 June, where the visa is presented.

4 - Applicants for residence visas to attend higher, secondary or vocational education are exempt from presenting the documents proving their admission to a higher, secondary or vocational education institution and proof of sufficient means of subsistence when they are beneficiaries of scholarships awarded by Camões - Instituto da Cooperação e da Língua, I. P., and inform the consular posts and consular sections of embassies referred to, respectively, in Article 3 (2) and (5) of the Consular Regulations, approved in annex to Decree-Law No. 51/2021, of 15 June, where the visa is presented.

5 - [...]

6 - [...]

7 - (Repealed.)

8 - A autoridade consular comunica imediatamente ao SEF a concessão de visto de residência para frequência de programa de estudos de ensino superior, nos termos do n.º 8 do artigo 53.º da Lei n.º 23/2007, de 4 de julho, na sua redação atual.

8 - The consular authority shall immediately communicate to SEF the granting of a residence visa to attend a higher education study programme, under the terms of article 53 (8) of Law no. 23/2007, of 4 July, in its current wording.

Article 38

List of visas issued and notification of visas issued without a mandatory opinion from the Foreigners and Borders Service(SEF).

1 - [...]

2 - [...]

3 - [...]

4 - [...]

5 - When visas are granted, the career consular posts will communicate to SEF, electronically, the visas granted without the opinion of SEF or prior consultation, under the terms of article 53 (3) and (8) and (1)(a) of article 52-A of Law no. 23/2007, of 4 July, in its current wording.

6 - The visa processes granted without an opinion from SEF or prior consultation under the terms of the norms referred to in the previous number must be sent to SEF, electronically, expressly mentioning the domicile indicated in national territory and, when applicable, the data concerning the underwriters of the terms of responsibility for the purposes of the provisions set forth in article 12(6) of Law no. 23/2007, of 4 July, in its current wording.

Article 49

[...]

1 - [...]

2 - [...]

3 - The request for extension of stay submitted by the holder of a temporary stay visa issued for the exercise of professional, subordinate or independent activity, provided in national territory or remotely to an individual or collective person with residence or head office outside national territory, must be accompanied by:

a) [...]

b) Contract of partnership or of rendering services for the exercise of liberal profession, which, in the case of remote self-employment, may be substituted by a document demonstrating the services rendered to one or more entities, under the terms of sub-paragraph IV) of paragraph b) of number 1 of article 18-B;

c) [...]

d) When applicable, information necessary to verify the registration with the tax authorities and the regularity of the social security contributions, obtained under the terms of article 212(9) of Law no. 23/2007, of 4 of July, in its current wording.

4 - [...]

5 - [...]

6 - [...]

7 - [...]

8 - [...]

9 - [...]

10 - [...]

11 - The decision on the requests for extension of stay submitted by the holder of a visa accompanying a family member holding a temporary stay visa is taken in line with that adopted for the accompanied citizen.

Article 51

[...]

1 - [...]

2 - [...]

3 - [...]

4 - [...]

5 - The requests submitted under the terms of paragraphs 1 and 2 will always be notified electronically to the High Commission for Migrations, I. P.

6 - [...]

7 - [...]

8 - [...]

9 - [...]

10 - [...]

11 - [...]

Article 54

[...]

1 - [...]

2 - [...]

3 - [...]

4 - [...]

5 - The request for granting a residence permit for the exercise of subordinate professional activity presented by the holder of a visa for work search must be accompanied by the documents referred to in no. 1 of the previous article and by:

- a) Employment agreement concluded under the terms of the law;
- b) Information necessary to verify registration with the tax authorities and social security.

6 - The request for granting a residence permit for subordinate work formulated by the holder of a residence permit to exercise a self-employed professional activity under the terms of article 89 (3) of Law No. 23/2007, of 4 July, in its current wording, complies with the provisions of paragraph 1 of this article.

7 - The representatives in the Council for Migration from each of the immigrant communities shall submit to the approval of the Council the list of associations that are relevant for the purposes set out in article 88 (2) (a) of Law no. 23/2007, of 4 July, in its current wording, which will remain in force during the period corresponding to the respective mandate.

8 - (Former no. 7.)

Article 58

Exercise of professional activity by the holder of a residence permit for research, study, professional traineeship or volunteering.

1 - Holders of a residence permit for research, study, professional traineeship or volunteering may exercise a professional, subordinate or independent activity, complementary to the activity that originated the visa, for which purpose they may register with the Public Employment Service.

2 - [...]

3 - (Repealed.)

4 - (Repealed.)

5 - (Repealed.)

Article 61

[...]

1 - [...]

2 - [...]

3 - [...]

4 - [...]

5 - [...]

6 - [...]

7 - [...]

8 - [...]

9 - [...]

10 - [...]

11 - [...]

12 - [...]

13 - The application for a residence permit under the terms of Article 122 (k) (1) of Law No. 23/2007, of 4 July, in its current wording, is also accompanied by the following documents:

a) [...]

b) Evidence of the effective exercise of parental responsibilities and of the contribution to the minor's support, namely through a declaration of the non-applicant parent, confirming the exercise of parental responsibilities by the applicant parent, in duly justified cases.

14 - [...]

15 - [...]

16 - [...]

17 - [...]

18 - [...]

19 - [...]

20 - [...]

21 - The application for a residence permit, under the terms of article 122 (4) of Law No. 23/2007, of 4 July, in its current wording, may be made simultaneously with the one foreseen in No. 3 of the present article and accompanied by the following documents:

a) [...]

b) Proof that the minor's ascendant effectively exercises parental responsibilities, namely through a declaration of the non-applicant parent confirming the fact.

22 - The residence permit application, under the terms of Article 122 (8) of Law No. 23/2007, of 4 July, in its current wording, is accompanied by:

a) Document proving the quality of accompanying person or recognised informal carer;

b) Certified true copy of the medical certificate issued by an official or officially recognised health establishment, proving the long term illness that prevents the applicant from returning to the country, in order to avoid risks to the applicant's health, in cases where it is not submitted at the same time as the applicant's request for authorisation under the terms of Article 122 (g) (1) of Law No. 23/2007, of 4 July, in its current wording.

23 - The decision on the application for a residence permit under the terms of paragraphs 4 and 8 of article 122 of Law 23/2007, of 4 July, in its current wording, is taken in line with that adopted in relation to the accompanied citizen.

24 - (Former no. 22.)

25 - (Former no. 23.)

26 - (Former no. 24.)

27 - (Former no. 25.)

Article 65-D

[...]

1 - [...]

a) Statement, from a credit institution authorised or registered in national territory with the Bank of Portugal, attesting the ownership, free of liens and encumbrances, of deposit accounts with a balance equal to or higher than 1.5 million Euros, resulting from an international transfer, or of a share in the same amount when collective accounts are involved; or

b) In the case of acquisition of Portuguese State public debt instruments, namely treasury bonds, savings certificates or treasury certificates, a certificate attesting to ownership, free of liens and charges, issued by the Treasury and Public Debt Management Agency - IGCP, E. P. E. E. (IGCP, E. P. E.), of instruments with a value equal to or greater than EUR 1.5 million; or

c) [...]

d) [...]

e) [...]

f) [...]

g) [...]

h) [...]

i) [...]

2 - [...]

3 - [...]

4 - [...]

5 - [...]

6 - [...]

7 - [...]

8 - [...]

9 - [...]

10 - [...]

11 - [...]

12 - [...]

13 - [...]

14 - [...]

15 - [...]

16 - [...]

17 - [...]

18 - [...]

Article 65-E

[...]

1 - [...]

a) A statement, from a credit institution authorised or registered in Portugal with the Bank of Portugal, attesting to the ownership, free of liens and encumbrances, of deposit accounts with an average quarterly balance equal to or higher than 1.5 million Euros, or of a share in the same amount during such period when collective accounts are involved; or

b) In the case of acquisition of public debt instruments of the Portuguese State, a statement of the IGCP, E. P. E., certifying ownership, free of liens and encumbrances, of debt instruments with an average quarterly balance equal to or above 1.5 million euros; or

c) [...]

d) [...]

e) [...]

f) [...]

g) [...]

h) [...]

i) [...]

2 - The applicant may also prove the maintenance of the investment foreseen in the previous paragraph by proving the materialization of any of the investments foreseen in subparagraphs II) to VII) of paragraph d) of article 3 of Law no. 23/2007, of 4 July, in its current wording, provided that they are equal to or higher than 1.5 million euros, and the provisions set forth in the following numbers shall apply, with the necessary adaptations, to this type of investment.

3 - [...]

4 - [...]

5 - [...]

6 - [...]

7 - [...]

8 - [...]

9 - [...]

10 - [...]

11 - [...]

12 - [...]

13 - [...]

14 - [...]

15 - [...]

16 - [...]

17 - [...]

Article 73

[...]

1 - A duplicate of the residence permit may be requested in case of poor conservation status, loss or misplacement, destruction, theft or robbery, except if there is place for its renewal, under the terms of articles 78 or 121-E of Law no. 23/2007, of 4 of July, in its current wording.

2 - The request is accompanied by a statement of the reasons that justify it and, in the case of loss, misplacement, destruction, theft or robbery, by a copy of the respective police authority report.

3 - [...]

4 - [...]

5 - The request for a duplicate of a residence permit due to loss, misplacement, destruction, theft or robbery determines the insertion of an indication of a stolen, misappropriated or lost object in the SEF Integrated Information System and in the Schengen Information System and prevents its holder from using it if he/she recovers it.

Article 82

[...]

1 - [...]

2 - [...]

3 - The execution of the decision implies the citizen's registration in the SEF Integrated Information System and in the Schengen Information System for the purposes of refusal of entry and stay.

4 - (Repealed.)

5 – If, after the notification referred to in paragraph 1, the foreign national does not leave the territory of the Member States of the European Union or of the States where the Convention implementing the Schengen Agreement is in force within the period referred to in paragraph 2, the execution of the decision shall also imply the registration of the citizen in the SEF Integrated Information System and in the Schengen Information System for the purpose of return, under the provisions of Article 33-A of Law No. 23/2007, of 4 July, in its current wording, with a view to arrest and transportation to the border or recognition of the decision of expulsion or removal.

6 - (Former no. 5.)

Article 3

Addition to Regulatory Decree No. 84/2007, of 5 November

Articles 8-A, 8-B, 8-C, 18-A, 18-B, 23-C, 24-A, 24-B, 31-A, 49-A, 51-A, 92-B and 92-C are added to Regulatory Decree No. 84/2007, of 5 November, in its current wording:

Article 8-A

Access to the asylum procedure and subsidiary protection

- 1 - The national authorities competent for border surveillance, supervision and control shall take all appropriate steps to guarantee access to the asylum procedure and subsidiary protection to foreigners presumed to be in need or to request it.
- 2 - The assessment of the need for international protection is subsequently carried out under the terms of the law by the competent authorities.
- 3 - The provisions of paragraph 1 above shall apply to persons who do not present valid documents or who have entered the national territory irregularly.

Article 8-B

Protection of minors and vulnerable adults

- 1 - The national authorities responsible for surveillance, inspection and border control shall carry out the appropriate measures to identify and refer minors and vulnerable adults to the competent services, namely the National Referral System for (presumed) Child Victims of Trafficking in Human Beings.

Article 8-C

Undocumented minors

- 1 - In the absence of documents, and in case of doubt, the national authorities competent for the surveillance, supervision and control of maritime, land and airport borders, shall apply the presumption that the person is under 18 years of age.
- 2 - The competent authorities subsequently assessed and determined age.

Article 18-A

Temporary stay visa to accompany an applicant for a temporary stay visa

- 1 - The request for a temporary stay visa to accompany an applicant of a temporary stay visa foreseen in article 54 (1) (g) (h) of Law, no. 23/2007, of 4 of July, in its current wording, is accompanied by:
 - a) Document proving the family relationship.
 - b) Proof of availability of stable and regular resources, sufficient for the needs of the temporary stay visa applicant and the family members accompanying him/her, for the requested stay period, determined under the terms of article 2 (2) of Ministerial Order no. 1563/2007, of 11 December.
- 2 - For the effects of the provisions of the previous number, the persons foreseen in article 99 (1) and in article 100 (1) of Law no. 23/2007, of 4 of July, in its current wording, are considered to be family members.

Article 18 - A

Temporary stay visa for the exercise of professional activity remotely provided outside the national territory

The request for a temporary stay visa for exercising a professional activity remotely, provided for in article 54 (1) (i) of Law no. 23/2007, of 4 of July, in its current wording, is accompanied by:

- a) In situations of subordinate work, one of the following documents
 - (i) Employment contract;
 - ii) Promise of employment contract;
 - iii) Declaração de empregador a comprovar o vínculo laboral;
- b) In situations of independent professional activity, one of the following documents:
 - i) Articles of association
 - ii) Service provision contract;
 - iii) A written proposal for a provision of services' contract;
 - iv) Document demonstrating the services provided to one or more entities;
- c) Proof of average monthly income earned in the last three months from subordinate or independent professional activity of a minimum value equivalent to four guaranteed minimum monthly remunerations;
- d) Document proving his/her fiscal residence.

Article 23-C

Seeking Work Visa

1 - The request for a visa to seek work, foreseen in article 57-A of Law no. 23/2007, of 4 of July, in its current wording, is accompanied by:

- a) Declaration indicating the conditions of the intended stay;
- b) Proof of submission of a declaration of interest for registration in the IEFP, I. P., presented online, in the appropriate place of the IEFP, I. P. website, identifying the academic qualifications and professional experience.

2 - The consular authority shall immediately inform the SEF and the IEFP, I. P., of the granting of the visas referred to in the previous number.

Article 24-A

Temporary-stay visa, work-seeker visa and residence visa for nationals of Member States of the Community of Portuguese-Speaking Countries

1 - The processes prepared under the terms of article 12 (3) give rise, depending on the case, to the issue of a CPLP temporary stay visa, a visa for seeking work, or a CPLP residence visa.

2 - Such requests shall be granted outright, unless the applicant is identified in the Schengen Information System as the subject of an alert for return or an alert for refusal of entry and stay.

3 - The consular authority shall immediately communicate to SEF the granting of the visas referred to in No. 1.

4 - Except in cases where a stay in Portuguese territory constitutes danger or a serious threat to public order, national security or public health, the granting of a CPLP residence visa, as well as the granting of a visa to a national of another State to which the special conditions of that Agreement are extended by international agreement, confers upon the holder the right to apply for a CPLP residence permit.

5 - CPLP visas shall have territorial validity limited to the national territory and shall be printed on a vignette in a form to be approved by a Ministerial Order from the members of the Government responsible for the areas of foreign affairs and internal administration.

Article 24-B

Residence visa to accompany an applicant for a residence visa

1 - The request for a residence visa to accompany an applicant of a residence visa foreseen in article 58 (5) of Law no. 23/2007, of 4 of July, in its current wording, is accompanied by:

- a) Document proving the family relationship;
- b) Proof of availability of stable and regular resources, sufficient for the needs of the applicant of the residence visa and the family members accompanying him/her, for the requested period of stay or for the 12-month period, whichever is shorter, determined under the terms of article 2 (2) of Ministerial Order no. 1563/2007, of 11 December.

2 - For the effects of the provisions of the previous number, the persons foreseen in article 99 (1) and in article 100 (1) of Law no. 23/2007, of 4 of July, in its current wording, are considered family members.

3 - For the purposes of the provisions of article 65 (4) of Law no. 23/2007, of 4 July, in its current wording, the articulation with the competent services of the Tax and Customs Authority, Social Security and the Directorate-General of Health for obtaining and attributing tax, social security and national health service identification numbers, is the responsibility of the entity competent for the decision granting the family reunion requests, which shall transmit them electronically to the holder of the visa, as soon as it is aware of them.

Article 31-A

Residence Visa for the exercise of professional activity remotely provided outside national territory

1 - The request for a residence visa for the exercise of a professional activity provided remotely, foreseen in article 61-B of Law no. 23/2007, of 4 July, in its current wording, is accompanied by:

- a) In situations of subordinate work, one of the following documents:
 - i) Work contract;

- ii) Statement from the employer proving the employment relationship;
- b) In situations of independent professional activity, one of the following documents:
 - i) Articles of association
 - ii) Service provision contract;
 - iii) Document demonstrating services provided to one or more entities;
- c) Proof of average monthly income earned in the last three months from subordinate or independent professional activity of a minimum value equivalent to four guaranteed minimum monthly remunerations;
- d) Document proving his fiscal residence.

2 - When the applicant does not hold a residence visa for remote work, the procedure defined in no. 2 and following articles 88 and 89 of Law no. 23/2007, of 4 July, in its current wording, shall apply, with the necessary adaptations, and for this purpose, the compliance with the provisions of the previous number is required.

Article 49-A

Extension of a visa for seeking work

The request for an extension of stay submitted by a holder of a visa for seeking work, in terms of article 57-A (1) (c) of Law no. 23/2007, in its current wording, is accompanied by proof of registration with the IEFP, I. P., and a declaration by the applicant indicating that the conditions of the foreseen stay have been maintained, and is assessed taking into consideration the reasons which justified its granting.

Article 51-A

Residence permit for nationals of Member States of the Community of Portuguese-Speaking Countries

1 - The requests for granting and renewal of residence permits presented by nationals of Member States of the CPLP, as well as the requests from nationals of another State to whom the special conditions of that Agreement are extended by international agreement, regardless of their purpose, shall be accompanied only by the documents referred to in article 12 (1) (a to d).

2 - In the cases foreseen in the previous number, for the purposes of issuing the residence permit, the competent services shall of their own motion consult the Portuguese criminal record of the applicant, under the terms of paragraph 3 of article 87-A of Law no. 23/2007, of 4 July, in its current wording.

Article 92-B

Communication between services and public entities under the terms of the provisions of article 124 (5) and article 215 of Law no. 23/2007, of 4 July, in its current wording, the competent services also communicate:

a) Social security, the Tax and Customs Authority and SPMS - Shared Services of the Ministry of Health, E. P. E., the attribution or alteration of the status of the visa or residence permit entitling the foreign citizen to work in national territory, namely for the purposes of attribution or maintenance of the right to social benefits and contributory framework;

b) To SEF and IEPF, I. P., electronically, the visas for work search granted.

Article 92-C

Identification of Foreigners

1 - The collection and processing of photographs, facial images and dactyloscopic data for the purpose of identifying foreign nationals, nationals of Member-States of the European Union, stateless persons and national citizens within the scope of the SEF Integrated Information System shall be carried out under the terms and for the purposes envisaged in national law and in the regulations applicable to the Schengen Information System, and in compliance with the minimum data quality standards and technical specifications foreseen in those instruments.

2 - The fingerprint data referred to in the previous paragraph shall relate to

a) On 10 flat fingerprints and 10 rolled fingerprints.

(b) On two palm prints, where complete fingerprinting is impossible or carried out for crime prevention and investigation purposes.

(c) On two palm prints for third-country nationals who are under an obligation to return because of a criminal conviction or who have committed a criminal offence on the territory of the Member State which issues a return decision.

Article 4

Systematic amendment to Regulatory Decree no. 84/2007, of 5 November

Chapter VIII is renamed "Supplementary, transitional and final provisions" and comprises Articles 91 to 93

Article 5

Repealing rule

Article 18(4), Articles 25 and 26, Article 27(2), Article 29, Article 30 (1) (b) and (2), Article 33(7), Article 58(3) to (5) and Article 82(4) of Regulatory Decree No. 84/2007 of 5 November, in its current wording, are hereby revoked.

Article 6

Republishing

Regulatory Decree No. 84/2007, of 5 November, with the wording introduced by the present regulatory decree, is republished as an annex to the present regulatory decree, of which it is an integral part.

Article 7

Entry into force

This Regulatory Decree shall enter into force 30 days after its publication.

Seen and approved by the Council of Ministers on 1 September 2022- Mariana Guimarães Vieira da Silva - Bernardo Forjaz Vieira Ivo Cruz - José Luís Pereira Carneiro - Ana Catarina Veiga dos Santos Mendonça Mendes - Elvira Maria Correia Fortunato - Gabriel Gameiro Rodrigues Bastos.

Promulgated on 23 September 2022.

To be published.

The President of the Republic, Marcelo Rebelo de Sousa.

Endorsed on 23 September 2022.

The Prime Minister, António Luís Santos da Costa.

ANNEX

(Referred to in Article 6)

Republishing of Regulatory Decree no. 84/2007, of 5 November

CHAPTER I

Entry into and exit from national territory

Article 1

Border checks

1 - Border control and control of persons crossing external borders shall be governed by the provisions of Regulation (EU) No 2016/399 of the European Parliament and of the Council of 9 March 2016, Law No 23/2007 of 4 July, as amended, and this regulatory decree.

2 - The exceptional reinstatement of document control at internal borders, provided for in Article 6(6) of Law No. 23/2007, of 4 July, as amended, is governed by the provisions of Articles 25 to 35 of Regulation (EU) No. 2016/399, of the European Parliament and of the Council, of 9 March 2016, as amended by Regulation (EU) No. 2016/1624, of the European Parliament and of the Council, of 14 September 2016.

3 - It is the responsibility of carriers to inform passengers using an internal section of a flight from or to countries, which are not signatories to the Convention implementing the Schengen Agreement that they are subject to border checks and must carry a travel document.

Article 2

Exit Clearance of Ships and Vessels

1 - After controlling the exit of the ship or vessel and concluding that there is no impediment resulting from the application of the legal regime governing aliens, the Foreigners and Borders Service (SEF) shall issue the respective exit document, which shall be sent to the local National

Maritime Authority body, under the terms and for the purposes established in Article 13 of Decree-Law 44/2002, of 2 March, in its current wording, and in Decree-Law 370/2007, of 6 November, in its current wording.

2 - Local traffic vessels, local and coastal fishing vessels, tugboats and local or coastal auxiliary vessels are exempt from SEF clearance.

Article 3

Authorisation for access to the international port area

1 - Authorisation for access to the international port area is valid for the time strictly necessary for the achievement of the purpose for which it was granted.

2 - Whenever the purpose and frequency of access so justify, authorisation with a longer validity period, not exceeding one year, may be granted.

3 - Persons authorised by SEF to have access to the international zone shall be issued with an access authorisation, the conditions for the issue and model of which shall be approved by an order of the member of the Government responsible for the area of internal administration.

Article 4

Validity of travel documents

For the purposes of entry into and exit from Portuguese territory, the validity of the travel document presented must be at least three months longer than the duration of the planned stay, except in the case of re-entry of a foreigner residing in the country or in the exceptional cases set out in article 13 (4).

Article 5

Liability Statement

1 - The proof of sponsorship guaranteeing food and accommodation to a third country national who intends to enter the country, as well as the replacement of removal costs, in the case of illegal stay, must be signed by a Portuguese citizen or a foreign citizen legally residing in national territory.

2 - The proof of sponsorship shall constitute proof of possession of sufficient means of subsistence, notwithstanding the possibility of presenting other valid means of proof.

3 - SEF may make the acceptance of the terms of responsibility conditional upon proof of the subscriber's financial capacity, certified, namely, through one of the following documents:

- a) Personal Income Tax (IRS) payment statement for the previous year;
- b) Remuneration statement issued by the social security services;
- c) Statement with the average bank balance;
- d) The last three receipts of payment of the amounts earned by the provision of subordinate or independent activity.

4 - The statement of responsibility to be submitted by the shipping agents, under the terms of article 8 (6) of Law No. 23/2007 of 4 July, as amended, is subject to the conditions laid down in article 12 (2) (4) of the same law.

5 - (Repealed.)

6 - (Repealed.)

Article 6

Verification of the authenticity of the documents

The competent authorities for issuing documents must provide SEF, by appropriate means, including electronically, with access to the applications concerning their granting or issuing, making available the consultation of the respective file and duplicates whenever requested or justified.

Article 7

Liability of carriers

1 - It is the carrier's responsibility, once notified under the terms of article 38 (3) of Law no. 23/2007, of 4 July, in its current wording, to bear all costs inherent to the foreign citizen's stay in the respective international zone or in a dwelling unit located within national territory until the moment of his/her re-embarkation.

2 - The expenses mentioned in Article 41 (4) of Law 23/2007 of 4 July, as amended, shall include, besides the fee provided for, the corresponding daily allowances, personal accident insurance, transport, accommodation as well as other expenses directly arising from the execution of the escort.

3 - The regime mentioned in the preceding number applies to the situations in which the carrier requests escort, if SEF concludes that it is necessary.

4 - In the case of transport by sea, ship-owners and the shipping agents that represent them are jointly liable for the charges.

Article 8

Entry and exit of minors

1 - Entry into the country of foreign minors unaccompanied by the person exercising parental responsibility should only be authorised when there is a Portuguese citizen or foreign citizen regularly residing in Portugal who takes responsibility for their stay, after confirmation of the existence of appropriate valid authorisation issued by the respective legal representative and evaluation of all other relevant elements.

2 - In the event of refusal of entry and return of the unaccompanied minor, the carrier shall ensure that the minor is handed over in the country of origin or at the point where he/she started his/her journey to the person exercising parental responsibilities or to a person or organisation to whom he/she may be entrusted, in observance of the principle of non-refoulement.

3 - National or foreign minors residing in the country who wish to leave an external border unaccompanied by the person exercising parental responsibilities must present authorisation

signed by one of the parents or by the person who, in this case, is responsible for him/her, certified by any of the legally foreseen forms.

4 - Whenever there is any doubt regarding the minor's situation, SEF takes all necessary measures to identify him/her, with a view to guaranteeing his/her protection and adequate referral.

Article 8-A

Access to the asylum procedure and subsidiary protection

1 - The national authorities competent for border surveillance, supervision and control shall take all appropriate steps to guarantee access to the asylum procedure and subsidiary protection to foreigners presumed to be in need or to request it.

2 - The assessment of the need for international protection is subsequently carried out under the terms of the law by the competent authorities.

3 - The provisions of paragraph 1 above shall apply to persons who do not present valid documents or who have entered the national territory irregularly.

Article 8-B

Protection of minors and vulnerable adults

1 - The national authorities responsible for surveillance, inspection and border control shall carry out the appropriate measures to identify and refer minors and vulnerable adults to the competent services, namely the National Referral System for (presumed) Child Victims of Trafficking in Human Beings.

2 - For the purposes of the preceding paragraph, vulnerable persons considered unaccompanied minors, persons with disabilities, the elderly, pregnant women, and families with minors and persons who have been victims, clearly or presumably, of trafficking, torture, rape or other serious forms of psychological, physical or sexual violence.

Article 8-C

Undocumented minors

1 - In the absence of documents, and in case of doubt, the national authorities competent for the surveillance, supervision and control of maritime, land and airport borders, shall apply the presumption that the person is under 18 years of age.

2 - The competent authorities subsequently assessed and determined age.

Article 9

Data transmission

SEF establishes the procedures and appropriate technological solutions for the transmission by air carriers, ship owners or shipping agents of the data provided for in Article 42 of Law 23/2007, of 4 July, in its current wording, under the terms defined by order of the member of the Government responsible for the area of internal administration.

CHAPTER II

Visas

SECTION I

Visas granted abroad

Article 10

Application for a visa

1 - The visa application which, by force of the applicable legislation, must be submitted at a consular post and at a consular section of the embassy referred to, respectively, in article 3 (2) (5) and in article 67 of the Consular Regulations, approved in annex to Decree-Law no. 51/2021, of 15 June, is formulated in a specific form, signed by the applicant and accompanied by all the necessary documentation.

2 - Except for reasonable reasons, the application shall be presented by the applicant in the country of his/her habitual residence or in the country of the consular jurisdiction of the State of his/her residence.

3 - When the applicant is a minor or incapable, the visa application must be signed by the respective legal representative.

4 - In exceptional cases, duly justified, or when the legislation expressly allows it, the person in charge of the embassy, career consular post or consular section may dispense the presence of the applicant, and the reasons for the dispense must be included in the application form.

5 - The waiver of the presence of the applicant may also take place in the case of a person known to the services for his or her integrity and repute.

6 - They are not required to be present for the submission of the visa application:

a) The applicant of residence visa and temporary stay national of a State where the Agreement on Mobility between Member States of the Community of Portuguese Language Countries celebrated in Luanda on 17 July 2021 (CPLP Agreement) is in force, or national of another State to whom this dispensation is extended by international agreement;

b) The applicant of a residence visa for entrepreneurial immigrants, under the terms of article 60 (2) (c) of Law no. 23/2007, of 4 of July, in its current wording;

c) The applicant of a residence visa for teaching activity, highly qualified and cultural, under the terms of article 61 (1) (c) of Law no. 23/2007, of 4 of July, in its current wording.

7 - Visa applications may also be submitted by qualified entities, duly accredited by the embassy, or with recourse to external service providers.

8 - The accreditation criteria for the qualified entities referred to in the previous number shall be fixed by an Order from the members of the Government responsible for the areas of foreign affairs and internal administration.

9 - The collection of biometric identifiers, where applicable, shall be carried out at the consular posts and consular sections of embassies referred to respectively in Article 3 (2) (5) and Article 67 of the Consular Regulations, approved in annex to Decree-Law 51/2021, of 15 June, except within the scope of external service providers.

10 - The visa application may give rise to the affixing of a stamp in the passport of the applicant, if the applicant, containing information as to the date, embassy, consular post or consular section where the visa application was made, except in the case of diplomatic or service passports, requests this.

11 - The model form provided for in No. 1 is also available in electronic format on the website made available by the Ministry of Foreign Affairs.

Article 11

Elements of the application

The visa application, presented on the appropriate form, shall contain the following elements:

- a) Full identification of the applicant and, in case of holding a family or collective passport, of the spouse, dependants or members of the group mentioned therein wishing to receive the visa, where applicable;
- b) The type, number, date and place of issue and validity of the travel document and the identification of the authority, which issued it;
- c) The purpose of the stay;
- d) The period of stay;
- e) Name of the host person or company and contact person in the host company, where applicable;
- (f) Intended place of accommodation, where applicable.

Article 12

Documents to submit

1 - Notwithstanding the specific documents required for each type of visa, the applications shall be accompanied by the following documents:

- a) Two recent, identical photographs, in colour with plain background, and in good conditions to identify the applicant;
- b) Passport or other valid travel document;
- c) Criminal record certificate issued by the competent authority of the applicant's country of nationality or the country where he/she has been residing for more than one year, when temporary stay and residence visas are required;
- d) Request for consultation of the Portuguese criminal record by SEF, when temporary stay and residence visas are requested;
- e) Valid travel insurance to cover necessary expenses for medical reasons, including urgent medical assistance and possible repatriation;
- f) Proof of the existence of means of subsistence, as defined by administrative ruling of the members of the Government responsible for the areas of internal administration and labour and social solidarity, taking into account the nature of the type of visa requested, notwithstanding the provisions of no. 4 of the following article;

g) Copy of the title of return transport, except when a residence visa is requested.

2 - The document provided for in subparagraph f) of the preceding paragraph may be dispensed with for holders of diplomatic passports and special or official duty passports.

3 - Applicants for temporary stay or residence visas who are nationals of a State where the CPLP Agreement is in force, as well as nationals of another State to which the special conditions of that Agreement are extended by international agreement, are exempt from presenting the documents provided for in paragraphs e), f) and g) of no. 1, under the terms foreseen in that Agreement, provided that they present a letter of sponsorship under the terms and for the purposes of the provisions of article 12-A (2) (3).

4 - Diplomatic missions or consular posts may decide, on a case-by-case basis, to make an exception to the requirement of travel medical insurance for holders of diplomatic, service and other official passports, or when this may protect national interests in terms of foreign policy, development policy or other areas of relevant public interest, and it must be ensured, within 90 days of entering national territory, that adequate health insurance is taken out.

5 - When the visa application concerns a minor subject to the exercise of parental responsibilities or an accompanied adult, the respective authorisation must be presented.

6 - Applicants who prove that it is impossible to obtain travel insurance may be exempted from presenting it.

7 - Citizens under 16 years of age are exempt from adding criminal record information to the process.

Article 12-A

Means of subsistence

1 - For the purposes set out in Article 12 (1) (f), the means arising from subsidies, scholarships, contracts or promises of contracts of employment shall be taken into consideration.

2 - The proof of subsistence means may be done through the presentation of a term of responsibility subscribed by the entity hosting trainees or workers as well as by the organization responsible for student or volunteer exchange programmes.

3 - Proof of possession of means of subsistence may also be provided by means of a letter of sponsorship signed by a Portuguese citizen or authorized foreign citizen, with a residence document in Portugal, which guarantees food and lodging for the visa applicant, as well as the replacement of removal costs, in case of irregular stay.

4 - The request for a visa for seeking work shall be accompanied by proof of the availability of financial resources, for value of the minimum monthly salary guaranteed.

5 - In the case of a visa for seeking work, the citizen who signs the statement of responsibility as provided for in no. 3 above shall also have the means of subsistence referred to in the previous number.

6 - Visa applicants from a State where the CPLP Agreement is in force, as well as applicants from another State to which the special conditions of that Agreement are extended by

international agreement, are exempt from proof of means of subsistence if they present a letter of sponsorship under the terms of paragraphs 2 or 3 of this article.

7 - When admitted into a higher education institution, the applicant for a residence visa, who is a national of a third State whose official language is Portuguese, is exempt from having to prove means of subsistence.

Article 13

Examination of the application

1 - The diplomatic or consular authority, when examining the application, shall:

a) Verify the applicant's identity

(b Verify that an alert on the applicant has been issued in the Schengen Information System for the purposes of return or refusal of entry and stay;

c) Verifying the regularity, authenticity and validity of the travel document presented by the applicant, bearing in mind, in the latter case, that it must exceed, by at least three months, the time limit of the stay requested;

d) Verifying that the travel document permits the applicant's return to the country of origin or entry into a third country;

e) Ascertain the existence and validity of the authorisation to leave or the visa to return to the country of provenance, when the competent authorities require this formality, the same procedure should be followed for authorisation to enter a third country

f) Check that the travel document is recognised and valid for all the signatory countries to the Convention, except when the visa requested is valid exclusively for one or more Contracting Parties, in which case recognition by the competent authorities will suffice;

g) Confirm that the economic situation of the applicant and the duration of stay are adequate to the cost and objectives of the trip and a letter of sponsorship may be presented;

h) In the exceptional situations foreseen in article 10 (2), verify the reasons that the applicant invokes to present the application in a country different from the one where he/she has habitual residence and if he/she is there regularly, carrying out, whenever necessary, a previous consultation with the respective central authority;

i) To require the presentation of elements that are necessary to clear any doubts about the elements presented in the application, namely medical-legal expertise of the claimed family relationship;

j) To verify if the applicant has been to Portugal in previous occasions and if in these occasions he/she did not exceed the authorised period of stay;

l) To issue the respective duly reasoned opinion;

m) Register the application in the national visa system, provided for in Article 39;

2 - The diplomatic or consular authority makes the acceptance of the letter of sponsorship provided in paragraph g) of the previous number dependent upon proof of the subscriber's financial capacity.

3 - At any stage of the process, the competent consular authority may require the presence of the applicant at the diplomatic mission or consular post with a view to gathering elements of knowledge convenient for the instruction and decision of the application.

4 - Exceptionally, namely for urgent reasons of humanitarian nature or national interest, visas may be affixed to travel documents whose period of validity is less than three months, provided that the validity of the document is longer than that of the visa and that the guarantee of return is not compromised.

Article 14

Mandatory Opinion

1 - Positive opinions in relation to residence visas, issued under the terms of article 53 (1) (a) of Law no. 23/2007, of 4 July, in its current wording, include, whenever the date of travel is indicated in the application, the scheduling of the presentation at SEF of the interested party for presentation of the application for a residence permit.

2 - The scheduling foreseen in the previous number must respect the validity period of the respective residence visa.

3 - The schedule foreseen in the preceding numbers shall be communicated to the interested party by the consular post when the residence visa is granted.

4 - The request for an opinion formulated under the terms of paragraph b) of No. 1 of Article 53 of Law No. 23/2007, of 4 July, in its current wording, shall be duly founded.

5 - The time limit of 7 or 20 days for issuing the opinions foreseen in article 53 (6) of Law 23/2007, of 4 July, in its current wording, is counted from the day of receipt of the request for an opinion submitted electronically.

6 - In diplomatic and consular representations where SEF liaison officers are stationed, the prior opinion referred to in the preceding number shall be processed by them.

Article 15

Preliminary rejection of the application

The consular authority may refuse outright any application which is unidentified or whose content is unintelligible.

Article 16

Transit Visa

1 - The request for an airport transit visa must be accompanied by a copy of the ticket for the country of final destination as well as proof that the passenger is in possession of the corresponding entry visa for that country, whenever required.

2 - (Repealed.)

Article 17

Short-stay visas

1 - The application for a short stay visa is accompanied by proof of the purpose and conditions of the intended stay.

2 - For the purposes of article 51 (2) of Law no. 23/2007, of 4 July, in its current wording, the short-stay visa may be issued for one, two or multiple entries, and the period of validity may not exceed five years.

3 - For the purposes of article 51 (3) of Law no. 23/2007, of 4 July, in its current wording, the multiple entry short stay visa is issued with a period of validity between six months and five years.

Article 17-A

Short-stay visa for seasonal work

1 - The application for a short stay visa for seasonal work is accompanied by the following documents:

a) Contract or promise of a work contract signed with a temporary work company or with an employer established in national territory, which identifies the place, time and type of work, duration, remuneration and paid holidays to which the worker is entitled;

b) Proof of work accident insurance provided by the employer;

c) Proof of health insurance or proof of adequate protection;

d) Contrato de arrendamento ou contrato de comodato de alojamento ou termo de responsabilidade da entidade empregadora quanto à disponibilidade de alojamento com indicação das suas condições, caso as condições de alojamento não constem do contrato ou da promessa de contrato de trabalho;

d) Lease contract or accommodation loan contract or term of responsibility of the employer regarding the availability of accommodation with indication of its conditions, in case the accommodation conditions are not included in the contract or promise of employment contract;

e) When applicable, declaration issued by a competent entity for verifying the requisites for exercising a profession that in Portugal is subject to special qualifications.

2 - For the purposes of checking the provisions of article 56-A (1) (e) (f) of Law no. 23/2007, of 4 July, in its current wording, the IEFP, I. P., keeps an updated list of temporary work companies.

Article 18

Temporary stay visas for medical treatment and for accompanying family members

1 - The application for a temporary stay visa provided for in article 54 (1) (a) of Law no. 23/2007, of 4 July, in its current wording, must be accompanied by a medical report and proof issued by the official or officially recognised health establishment that the applicant has ensured hospitalisation or out-patient treatment.

2 - The request for a temporary stay visa foreseen in of article 54 (1) (g) of Law no. 23/2007, of 4 July, in its current wording, shall be accompanied by proof of the family ties that justify accompaniment.

3 - The visa applications provided for in the preceding numbers shall also obey the provisions laid down in article 52 of Law 23/2007, of 4 July, in its current wording.

4 - (Repealed.)

Article 18-A

Temporary stay visa to accompany an applicant for a temporary stay visa

1 - The request for a temporary stay visa to accompany an applicant of a temporary stay visa foreseen in article 54 (1) (g) (h) of Law, no. 23/2007, of 4 of July, in its current wording, is accompanied by:

- a) Document proving the family relationship;
- b) Proof of availability of stable and regular resources, sufficient for the needs of the temporary stay visa applicant and the family members accompanying him/her, for the requested stay period, determined under the terms of no. 2 of article 2 of Ministerial Order no. 1563/2007, of 11 December.

2 - For the effects of the provisions of the previous number, the persons foreseen in article 99 (1) and in article 100 (1) of Law no. 23/2007, of 4 of July, in its current wording, are considered family members.

Article 18-B

Temporary stay visa for the exercise of professional activity remotely provided outside the national territory

The request for a temporary stay visa for exercising a professional activity remotely, provided for in article 54 (1) (i) of Law no. 23/2007, of 4 of July, in its current wording, is accompanied by:

a) In situations of subordinate work, one of the following documents:

- i) Work contract;
- ii) Promise of work contract;
- iii) Employer's statement proving the work relationship;

b) In situations of independent professional activity, one of the following documents:

- i) Articles of Association;
- ii) Service provision contract;
- iii) A written proposal for a service provision contract;
- iv) Document demonstrating services provided to one or more entities;

c) Proof of average monthly income earned in the last three months from subordinate or independent professional activity of a minimum value equivalent to four guaranteed minimum monthly remunerations;

d) Document proving his/her fiscal residence.

Article 19

Temporary stay visa within the scope of the transfer of workers

1 - The application for a temporary stay visa provided for under article 55 of Law no. 23/2007, of 4 July, in its current wording, shall be accompanied by documents, which certify that the requirements foreseen in paragraphs a), and b) of that article are met.

2 - When the facility from which the applicant is transferred is located in the country where the application is filed, the evidence may be issued by that same facility.

Article 19-A

Temporary residence permit for exercising a temporary self-employed activity

The application for a temporary stay visa provided for in article 54 (1) (c) of Law no. 23/2007, of 4 of July, in its current wording, shall be accompanied by the following documents:

a) Contrato ou promessa de contrato de prestação de serviços no âmbito de uma atividade profissional independente de carácter temporário;

b) When applicable, declaration issued by the entity competent for verifying the requisites for exercising the profession which, in Portugal, is subject to special qualifications.

Artigo 20.º

Visto de estada temporária para exercício de uma atividade profissional subordinada ou independente de carácter temporário

Article 20

Temporary residence permit to exercise a subordinate professional or independent activity of a temporary nature

(Repealed.)

Article 21

Temporary stay visa for research activity, teaching activity in higher education institution or highly qualified

1 - The application for a temporary stay visa provided for under article 57 of Law no. 23/2007, of 4 July, in its current wording, shall be accompanied by documents, which certify that the requirements foreseen in paragraphs a) and b) of that article are met.

2 - Research centres, higher education institutions, or other public or private entities, namely companies, that host highly qualified activities may send the documents referred to in the preceding number to the Ministry of Education and Science, which shall send them, or the corresponding information, preferably electronically, to the Ministry of Foreign Affairs, with a view to speeding up and facilitating the conduct of the procedure of the visa application.

3 - (Repealed.)

4 - The opinion referred to in the preceding number shall be issued within 20 days, after which the absence of an opinion shall correspond to a favourable opinion.

Article 22

Temporary stay visa for the exercise of amateur sports activity

The application for a temporary stay visa provided for in paragraph e) of no. 1 of article 54 of Law no. 23/2007, of 4 July, in its current wording, must be accompanied by a document issued by the respective federation, confirming the exercise of the sporting activity, as well as a letter of sponsorship signed by the sports association or club, assuming responsibility for accommodation and for the payment of any health care and repatriation expenses.

Article 23

Temporary stay visas in exceptional cases

1 - The request for a temporary stay visa foreseen in article 54 (1) (f) of Law no. 23/2007, of 4 July, in its current wording, shall be accompanied by proof of the exceptional situation and, for this purpose, the temporary stay of nationals of third countries who are covered by agreements, protocols or similar bilateral instruments, namely on holiday work, under the conditions and terms foreseen therein, shall be relevant.

2 - For the purposes of article 54 (1) (f) of Law no. 23/2007, of 4 July, in its current wording, the temporary stay visa to attend a study programme with a duration equal to or less than one year in an educational establishment, or within the scope of a student exchange programme with the same duration, is accompanied by:

a) Document issued by the educational establishment, proving the acceptance of the enrolment;

b) A statement proving that they have been fostered by a family under the conditions set out in Article 62 (6) (c) of Law No. 23/2007 of 4 July, as amended; or

c) Proof of accommodation.

3 - For the purposes of article 54 (1) (f) of Law no. 23/2007, of 4 July, in its current wording, the temporary stay visa for a professional traineeship is accompanied by a document issued by a company or officially recognised professional training body attesting admission to the traineeship, the respective programme and, if necessary, the training contract and the programme schedule.

4 - For the purposes of article 54 (1) (f) of Law no. 23/2007, of 4 July, in its current wording, the temporary stay visa for volunteering obeys proof of the minimum age fixed by administrative ruling of the member of the Government responsible for the area of internal administration, and is accompanied by a document issued by the organisation responsible in Portugal for the volunteering program, officially recognised, attesting to the admission.

5 - For the effects of article 54 (1) (f) of Law no. 23/2007, of 4 July, in its current wording, the temporary stay visa within the scope of international commitments on the freedom to provide services is issued upon presentation of the following documents:

- a) A contract for the provision of services concluded between the foreign national and the final consumer;
- b) Certificate of possession of the technical qualifications required for the provision of the service in question.

Article 23-A

Temporary stay visa for seasonal work exceeding 90 days

- 1 - For applications for temporary stays for seasonal work exceeding 90 days the provisions of article 17-A are applicable.
- 2 - The presentation of a transport ticket ensuring return may be exempt.

Article 23-B

Temporary stay visa to attend courses at an educational or vocational training establishment

The request for a temporary stay visa to attend a course at an educational or vocational training establishment, provided for in article 54 (1) (k) of Law no. 23/2007, of 4 July, in its current wording, must be accompanied by the following documents:

- a) Document issued by an officially recognised educational or vocational training establishment proving the admission of the applicant to a course of less than one year;
- b) Proof of means of subsistence and accommodation.

Article 23-C

Work Seeker Visa

- 1 - The request for a visa to seek work, provided for under article 57-A of Law no. 23/2007, of 4 July, in its current wording, is accompanied by:
 - a) Statement indicating the conditions of the intended stay;
 - b) Proof of submission of a statement of interest for enrolment in the IEF, I. P., presented online, in the appropriate place of the IEF, I. P. website, identifying the academic qualifications and professional experience.
- 2 - The consular authority shall immediately communicate to the SEF and the IEF, I. P., the granting of the visas referred to in the preceding paragraph.

Article 24

Residence Visa

1 - The proof of possession of the necessary means of subsistence for the following purposes shall be defined by administrative ruling of the members of the Government responsible for the areas of internal administration and labour and social solidarity:

- a) Applications for residence visas for carrying out a professional activity, study, unremunerated professional traineeship or voluntary service;
- b) Visa applications made by retired foreign citizens;
- c) Visa applications made by foreign citizens living from income from movable or immovable property or from intellectual property;
- d) Visa applications made by foreign citizens who live off income from financial investments;
- e) Visa applications made by foreign citizens in the capacity of ministers of religion, members of institutes of consecrated life or who professionally exercise a religious activity and that, as such, is certified by the church or religious community to which they belong, duly recognised under the terms of the Portuguese legal system.

2 - For the purposes of the provisions of paragraph e) of the previous number, the application must be accompanied by a letter of sponsorship and a document certifying the applicant's status as a minister of religion or member of an institute of consecrated life, issued by the church or religious community to which he or she belongs, duly recognised under the terms of the Portuguese legal system, together with the documents of article 62 (8) or of article 59 (5) of Law no. 23/2007 of 4 July, in its current wording, when the religious activity is performed on a voluntary basis or in a voluntary basis, of Article 62 (8) or Article 59 (5) of Law No. 23/2007, of 4 July, in its current wording, when the religious activity is provided on a voluntary basis or when it involves the exercise of a subordinate professional activity.

Article 24-A

Temporary stay visa, work-seeker visa and residence visa for nationals of Member States of the Community of Portuguese Language Countries

1 - The processes prepared under the terms of article 12 (3) give rise, depending on the case, to the issue of a CPLP temporary stay visa, a visa for seeking work, or a CPLP residence visa.

2 - Such requests shall be granted outright, unless the applicant is identified in the Schengen Information System as the subject of an alert for return or an alert for refusal of entry and stay.

3 - The consular authority shall immediately communicate to SEF the granting of the visas referred to in No. 1.

4 - Except in cases where a stay in Portuguese territory constitutes danger or a serious threat to public order, national security or public health, the granting of a CPLP residence visa, as well as the granting of a visa to a national of another State to which the special conditions of that Agreement are extended by international agreement, confers upon the holder the right to apply for a CPLP residence permit.

5 - CPLP visas shall have territorial validity limited to the national territory and shall be printed on a sticker of a model to be approved by an Executive Order of the Members of the Government responsible for the areas of foreign affairs and internal administration.

Article 24-B

Residence visa to accompany an applicant for a residence visa

1 - The request for a residence visa to accompany an applicant of a residence visa foreseen in no. 5 of article 58 of Law no. 23/2007, of 4 of July, in its current wording, is accompanied by:

- a) Document proving the family relationship;
- b) Proof of availability of stable and regular resources, sufficient for the needs of the applicant of the residence visa and the family members accompanying him/her, for the requested period of stay or for the period of 12 months, whichever is shorter, determined under the terms of no. 2 of article 2 of Ministerial Order no. 1563/2007, of 11 December.

2 - For the effects of the provisions of the previous number, the persons foreseen in number 1 of article 99 (1) article 100 (1) of Law no. 23/2007, of 4 of July, in its current wording, are considered family members.

3 - For the purposes of the provisions of number 4 of article 65 of Law no. 23/2007, of 4 July, in its current wording, the articulation with the competent services of the Tax and Customs Authority, Social Security and the Directorate-General of Health for obtaining and attributing tax, social security and national health service identification numbers, is the responsibility of the entity competent for the decision granting the family reunion requests, which shall transmit them electronically to the holder of the visa, as soon as it is aware of them.

Article 25

Bilateral simplification instruments

(Repealed.)

Article 26

Indicative global quota of employment opportunities

(Repealed.)

Article 27

Publicising (advertising) job vacancies

1 - Quando apresentadas as ofertas de emprego previstas no n.º 4 do artigo 59.º da Lei n.º 23/2007, de 4 de julho, na sua redação atual, são publicitadas em local próprio no sítio do IEFP, I. P., na Internet, após o momento da sua apresentação, devidamente identificadas e numeradas, ficando também acessíveis a cidadãos nacionais de países terceiros.

1 - When the job offers provided for in no. 4 of article 59 of Law 23/2007, of 4th July, in its current wording, are presented, they shall be advertised in a specific place on the IEFP, I. P. website, after the time of their presentation, duly identified and numbered, and shall also be accessible to third country nationals.

1 - When the job offers provided for in no. 4 of article 59 of Law 23/2007, of 4th July, in its current wording, are presented, they shall be advertised in a specific place on the IEPF, I. P. website, after the time of their presentation, duly identified and numbered, and shall also be accessible to third country nationals.

2 - (Repealed.)

3 - Embassies and consular posts shall access the information available on the IEPF, I. P. website, advertise the job offers in the appropriate place and disseminate them, through diplomatic channels, to the competent services of the third country.

4 - A divulgação das ofertas de emprego pode, a pedido da entidade empregadora, ser suspensa, sendo a mesma retirada após comunicação do seu preenchimento.

4 - At the request of the employer, the disclosure of job vacancies may be suspended, and the same shall be withdrawn after notification of their completion.

Article 28

Application for job vacancies

1 - Third country nationals who wish to fill a job vacancy shall submit their application, preferably by electronic means, to the employer's own address.

2 - Employers shall send the selected work contract or promise of a work contract to the foreign national.

3 - All the procedures referred to in the preceding numbers shall be carried out by electronic communication, notwithstanding the use of other means of communication.

4 - If the job offer is filled, the employing entity shall inform the IEPF, I. P., for the purposes of no. 4 of the previous article.

Article 29

Applicable procedure

(Repealed.)

Article 30

Residence visa for the exercise of subordinate professional activity

1 - The application for a residence visa for the exercise of subordinate professional activity is accompanied by the following documents:

a) Employment contract, promise of employment contract or individualised expression of interest;

b) (Repealed.)

c) Proof that he/she is qualified to exercise the profession, when this is regulated in Portugal.

2 - (Repealed.)

3 - (Repealed.)

Article 31

Residence visa for self-employed professionals or entrepreneurial immigrants

1 - The application for a residence visa for the exercise of independent professional activity, included in the list of professions in force for the identification of IRS taxpayers, is accompanied by:

- a) Company contract or written contract or proposal of service provision contract;
- b) When applicable, declaration issued by the entity competent for verifying the requisites for exercising the profession which, in Portugal, is subject to special qualifications.

2 - The residence visa application for entrepreneurial immigrants who intend to invest in Portugal or have already done so is accompanied by:

- a) (Repealed.)
- b) Proof of having carried out investment operations; or
- c) Proof that it has available financial means in Portugal, including those obtained from a financial institution in Portugal, and of the intention to carry out an investment operation in Portuguese territory, duly described and identified; or
- d) A declaration from IAPMEI - Agency for Competitiveness and Innovation, I. P., proving the signing of an incubation contract with a certified incubator, under the terms of the applicable legislation

3 - (Repealed.)

Article 31-A

Residence Visa for the exercise of professional activity remotely provided outside national territory

1 - The application for a residence visa for the exercise of a professional activity provided remotely, provided for in article 61-B of Law no. 23/2007, of 4 July, in its current wording, is accompanied by:

- a) In situations of subordinate work, one of the following documents:
 - i) Work contract;
 - ii) Statement from the employer proving the work relationship;
 - iii) Document demonstrating services provided to one or more entities;
- c) Proof of average monthly income earned in the last three months from subordinate or independent professional activity of a minimum value equivalent to four guaranteed minimum monthly remunerations;
- d) Document proving his/her fiscal residence.

2 - When the applicant does not hold a residence visa for remote work, the procedure defined in no. 2 and following numbers, of articles 88 and 89 of Law no. 23/2007, of 4 July, in its current wording, shall apply, with the necessary adaptations, and for this purpose, the compliance with the provisions of the preceding number is required.

Article 32

Residence Visa for teaching, highly qualified or cultural activity

1 - O pedido de visto de residência previsto no artigo 61.º da Lei n.º 23/2007, de 4 de julho, na sua redação atual, é acompanhado dos documentos que atestem um dos requisitos previstos no n.º 1 do mesmo artigo.

2 - (Repealed.)

3 - (Repealed.)

4 - (Repealed.)

5 - (Repealed.)

Article 32-A

Residence visa for highly qualified activity exercised by subordinate worker

1 - The residence visa application provided for under article 61-A of Law no. 23/2007, of 4 July, in its current wording, is accompanied by the documents, which certify the fulfilment of the requirements provided for in no. 1 of the same article.

2 - (Repealed.)

3 - (Repealed.)

4 - (Repealed.)

Article 33

Residence Visa for research, study, pupil exchange, internship and volunteer work

1 - The application for a residence visa under the terms of article 62 of Law no. 23/2007, of 4th July, in its current wording, is accompanied by the documents that certify the fulfilment of the requirements foreseen in that article.

2 - (Repealed.)

3 - Applicants for residence visas for research activities or to attend higher education are exempt from presenting documents proving admission to a research centre or higher education institution and proof of sufficient means of subsistence whenever they are beneficiaries of study or research scholarships and inform the consular posts and consular sections of embassies referred to, respectively, in article 3 (2) (5) of the Consular Regulations, approved in annex to Decree-Law no. 51/2021, of 15 June, where the visa is presented.

4 - Applicants for residence visas for the purpose of attending higher, secondary or vocational education are exempt from presenting documents proving their admission in an institution of higher, secondary or vocational education and proof of sufficient means of subsistence when they are beneficiaries of scholarships awarded by Camões - Instituto da Cooperação e da Língua, I. P., and inform the consular posts and consular sections of embassies referred to, respectively, in paragraphs 2 and 5 of Article 3 of the Consular Regulations, approved in annex to Decree-Law no. 51/2021, of 15 June, where the visa is presented.

5 - (Repealed)

6 - The applicant of a residence visa for higher education purposes is exempt from presenting documents proving the payment of fees and means of subsistence when admitted to a higher education institution approved for the application of Law no. 23/2007, of 4 July, in its current wording, under the terms of no. 5 of article 91 of the same law.

7 - (Repealed.)

8 - The consular authority shall immediately communicate to SEF the granting of a residence visa to attend a higher education study programme, under the terms of no. 8 of article 53 of Law no. 23/2007, of 4 July, in its current wording.

Artigo 34.º

Visto de residência no âmbito da mobilidade de estudantes do ensino superior

(Repealed.)

SECTION II

Supplementary Provisions

Article 35

Mandatory prior opinion

1 - For the purposes of issuing the mandatory opinion of SEF foreseen in No. 1 of article 53 of Law No. 23/2007, of 4 July, in its current wording, the person responsible for the embassy, career consular post or consular section shall send the duly completed process, accompanied by the respective opinion on its admissibility, via the Ministry of Foreign Affairs, by electronic means.

2 - For the fulfilment of the provisions of article 53 (1) (2) (3) (5) of Law 23/2007, of 4 July, in its current wording, the National Director of SEF is competent with the possibility of delegation.

3 - In diplomatic and consular representations where SEF liaison officers are posted, the prior opinion provided for in no. 1 above may be processed by them, under the terms of an order issued by the National Director of SEF.

4 - The prior consultation provided for in article 53 (4) of Law 23/2007, of 4 July, in its current wording, shall be carried out by the Ministry of Foreign Affairs, directly with the Security Intelligence Service, which shall also inform SEF whenever the opinion is unfavourable to the admission of the foreign national into national territory.

5 - The implementation of the provisions of paragraph 1 of article 53 of Law 23/2007, of 4 July, in its current wording, is ensured through the national visa system.

Article 36

Granting of visas

1 - Visas must be affixed to travel documents valid and recognised by Portugal.

2 - The period of stay authorised by the visa shall be conditional on the observance of the provisions of article 13 (1) (c), without prejudice to the provisions of no. 4 of the same article.

3 - The validity of the visa granted to accompanying family members of holders of a temporary stay visa may not exceed the validity of the visa of the family member to be accompanied.

4 - Embassies, consular sections and consular posts may authorise, exceptionally, the visa to be affixed on an autonomous sheet, which must always accompany the travel document.

5 - The granting of visas is the responsibility of the person responsible for the embassy, consular section or consular post and, in his/her absences and impediments, of the respective legal substitute.

Article 37

Deadline for issuing consular visas

Consular visas shall be issued within a maximum period of 90 days after they have been issued and shall expire after this period if their issue is due to the non-appearance of the applicant.

Article 38

List of visas issued and notification of the issue of visas issued without the mandatory opinion of the Immigration and Borders Service

1 - Consular posts shall send the monthly list of cancelled stickers to the competent services of the Ministry of Foreign Affairs.

2 - The list referred to in the preceding paragraph shall contain the name, nationality, type of visa, passport number and type, validity of the visa, period of stay and previous consultation.

3 - (Repealed.)

4 - Previously unused stickers must accompany the list referred to in paragraphs 1 and 2.

5 - When visas are granted, the career consular posts will communicate to SEF, electronically, the visas granted without the opinion of SEF or prior consultation, under the terms of article 53 (3) (8) and of article 52-A ((1) (a) of Law no. 23/2007, of 4 July, in its current wording.

6 - The visa processes granted without an opinion from SEF or prior consultation under the terms of the norms referred to in the previous number must be sent to SEF, electronically, expressly mentioning the domicile indicated in national territory and, when applicable, the data concerning the signatories of the terms of responsibility for the purposes of the provisions set forth in article 12 (6) of Law no. 23/2007, of 4 July, in its current wording.

Article 39

National visa system

Nos termos das disposições regulamentares da União Europeia e da legislação interna, o SEF organiza o sistema nacional de vistos no quadro do sistema europeu de informações de vistos.

In accordance with European Union regulations and internal legislation, SEF organises the national visa system within the framework of the European Visa Information System.

Article 40

Exemption of residence visa

1 - Third country nationals resident in a Member-State of the European Union and regularly employed in a company established in a Member-State of the European Union who, while maintaining their employment relationship, travel to Portuguese territory to provide services, do not need a residence or temporary stay visa.

2 - The citizens referred to in the previous number must make a declaration of entry with SEF, within three days of entering national territory, under the terms of article 14 of Law no. 23/2007, of 4 July, in its current wording.

3 - Upon presentation of proof of the circumstances mentioned in paragraph 1, SEF shall extend the stay under the terms of article 71 of Law 23/2007, of 4 July, in its current wording, for the duration of the secondment.

SECTION III

Visas issued at border posts

Article 41

Short-stay visas

1 - The granting of short stay visas under the terms of article 67 (1) of Law no. 23/2007, of 4 July, in its current wording, is subject to the verification, if possible attested by documentary evidence, of the unforeseen reasons, which prevented the applicant from presenting himself/herself with the necessary visa.

2 - Issuance of the visas referred to in the preceding paragraph consists of affixing a visa-type sticker on the applicant's travel document.

Article 42

Special visa

1 - The special visa provided for in Article 68 of Law 23/2007, of 4th July, in its current wording, is issued on a visa sticker, which is affixed to the respective travel document.

2 - If the citizen presents him/herself without a valid travel document, the sticker referred to in the preceding paragraph shall be affixed on a special form.

3 - O visto especial é válido para uma entrada em território nacional, habilitando o seu titular a uma permanência até 15 dias.

3 - The special visa is valid for one entry into national territory, entitling its holder to a stay of up to 15 days.

CHAPTER III

Extension of stay

Article 43

Formulation and manner for granting requests for an extension of stay

1 - Requests for an extension of stay are presented, in any SEF regional direction or delegation, using the appropriate form signed by the applicant or by his/her legal representative or by

electronic means, accompanied, if necessary, by two recent, identical photographs, in colour with a plain background, and in good identification conditions.

2 - The respective legal representative shall formulate and sign the application when the applicant is a minor or incapable.

3 - SEF may preliminarily refuse the requests whose contents are unintelligible, have not been presented in person or have not been signed by a legal representative, in case of a minor or incapable person.

4 - The extension of stay shall be granted in the form of a sticker of a model approved by administrative ruling of the Government member responsible for the area of internal administration.

5 - The flow of information resulting from requests for an extension of stay shall be processed under the terms of Article 212 (2) of Law 23/2007 of 4 July, in its current wording.

6 - The provisions in paragraph 1 do not exempt the applicant from collecting biometric data and the affixing of the respective sticker by SEF.

Article 44

Documents required

1 - Notwithstanding the specific documents required for each type of extension, the requests shall be accompanied by the following probative means:

a) Passport or other valid travel document;

b) Proof of means of subsistence, considering the nature of the type of extension requested;

c) Proof of accommodation;

d) Request for consultation of Portuguese criminal record by SEF, whenever the requested stay is over 90 days;

e) Title of transport that assures the return, except in the situations foreseen in Article 54 (1) (a) (g) of Law No. 23/2007 of 4 July, as amended, or whenever the requested stay exceeds 90 days;

f) When visiting family, proof of the respective relationship invoked.

2 - In duly proven and documented situations, the document requested in no. 1 (e) may be substituted by proof of travel reservation with indication of the return date.

3 - When applying for an extension of stay documents that have already been integrated in SEF's electronic workflow and which are still valid may not be submitted.

4 - Citizens under 16 years of age are exempt from adding criminal record information to the process.

Article 45

Extension of stay

1 - The extension of stay requested under the terms of article 56 (4), of article 71 (1) and of article 71-A of Law no. 23/2007, of 4 July, in its current wording, is granted provided that the conditions that allowed the foreign citizen to be admitted in national territory are maintained.

2 - In the event of a new event occurring after the regular entry into national territory, an extension of stay is granted, under the terms of article 71 (3) of Law 23/2007, of 4 July, in its current wording, whenever compelling personal or professional reasons are invoked and the request must be accompanied by the documents stipulated in the preceding article.

3 - (Repealed.)

4 - The extension of the duration of stay or of the validity of a Schengen visa is only allowed to persons who have benefited from a uniform visa with a validity inferior to the limit foreseen in the Convention implementing the Schengen Agreement, according to the nature of the visa and provided that the extension period does not exceed 90 days in 180 days.

5 - (Repealed.)

Article 46

Extension of stay in special cases

1 - The stay requested under the terms of Article 72 (3) of Law 23/2007, of 4 July, in its current wording, shall be extended whenever there are compelling personal or humanitarian reasons.

2 - In cases where they do not already exist in the process, the request must be accompanied by the following elements:

- a) Document proving the family relationship;
- b) Proof of the justification invoked.

Article 47

Extension of transit visas

(Repealed.)

Article 48

Extension of special visas

1 - The request for extension of stay submitted by a holder of a special visa shall be assessed taking into consideration the maintenance of the humanitarian reasons or reasons of national interest, which justified the granting of the visa, confirmed by the entity, which determined the issuing of the visa.

2 - The visa extension is granted in the travel document or on the form provided for in Article 42.

Article 49

Extension of temporary stay visas

1 - The request for extension of stay submitted by the holder of a temporary stay visa issued for the purposes of medical treatment shall be accompanied by proof that the applicant is still

undergoing medical treatment and has ensured in-patient or out-patient treatment or is enrolled on a waiting list or on the integrated management system for surgery.

2 - An application for an extension of stay submitted by the holder of a temporary stay visa issued within the scope of a transfer of business must be accompanied by a document issued by the company located in national territory confirming that the conditions, which led to the granting of the visa, have been maintained.

3 - The request for extension of stay submitted by the holder of a temporary stay visa issued for the exercise of professional, subordinate or independent activity, provided in national territory or remotely to an individual or collective person with residence or head office outside national territory, must be accompanied by:

a) Work contract or statement of the employer confirming the continuity of the employment relationship; or

b) Contract of partnership or of rendering services for the exercise of liberal profession, which, in the case of remote self-employment, may be substituted by a document demonstrating the services rendered to one or more entities, under the terms of article 18-B (1) (sub-paragraph IV) (b);

c) Health insurance or proof that the National Health Service covers he/she;

d) When applicable, information necessary to verify the registration with the tax authorities and the regularity of the social security contributions, obtained under the terms of article 212 (9) of Law no. 23/2007, of 4 of July, in its current wording.

4 - The request for extension of stay submitted by the holder of a temporary stay visa issued for research activity or highly qualified must be accompanied by:

a) Work contract or statement of the employer confirming the continuity of the employment relationship; or

b) Service provision contract or statement of the beneficiary of the service provision confirming the maintenance of the contractual link; or

c) Evidence of holding a scientific research scholarship;

d) Health insurance or proof that the National Health Service covers him;

e) Information necessary to verify the registration with the tax administration and the regularity of the social security contributions, obtained under the terms of article 212 (9) of Law no. 23/2007, of 4 of July, in its current wording, when applicable.

5 - The application for extension of stay submitted by the holder of a temporary stay visa issued for amateur sports activity must be accompanied by a document issued by the respective federation confirming the exercise of the sports activity and a statement of responsibility signed by the sports association or club assuming responsibility for accommodation and for the payment of any health care and repatriation expenses.

6 - The request for extension of stay submitted by the holder of a temporary stay visa issued to attend a study programme of less than one year in an educational establishment, or within the scope of a student exchange programme of the same duration, must be accompanied by:

a) Document issued by the educational establishment, proving the enrolment and attendance;

b) Statement proving the maintenance of foster care by a family, under the conditions set out in Article 62 (5) (c) of the Law No. 23/2007 of 4 July, as amended; or

c) Proof of accommodation.

7 - The request for extension of stay submitted by the holder of a temporary stay visa issued for a professional traineeship must be accompanied by a document issued by a company, or an officially recognised professional training body, attesting to the attendance of the traineeship programme in accordance with the timetable defined therein.

8 - The request for extension of stay submitted by the holder of a temporary stay visa issued for volunteering purposes obeys to proof of the minimum age established by an ordinance of the member of the Government responsible for the area of internal administration, and is accompanied by a document issued by the officially recognised organisation responsible in Portugal for the volunteering programme, which attests to the continuity of the programme, without exceeding one year.

9 - The decision on requests for an extension of stay submitted by a holder of a temporary stay visa for the purposes of accompanying a citizen undergoing medical treatment shall be taken in consonance with that adopted in respect of the accompanied citizen.

10 - For the purposes of article 72 (e) (1) (2) of Law no. 23/2007, of 4 July, in its current wording, the validity of the temporary stay visa, including the respective permanence extension, cannot exceed one year.

11 - The decision on the requests for extension of stay submitted by the holder of a visa accompanying a family member holding a temporary stay visa is taken in accordance with that adopted for the accompanied citizen.

Article 49-A

Extension of a visa for seeking work

The request for extension of stay submitted by a holder of a visa for seeking work, in terms of article 57-A (1) (c) of Law no. 23/2007, in its current wording, is accompanied by proof of registration with the IEFPP, I. P., and a statement by the applicant indicating that the conditions of the foreseen stay have been maintained.

Article 50

Extension of residence visa

1 - The request for extension of stay submitted by a holder of a residence visa shall be accompanied by proof of the application for a residence permit or EU Blue Card.

2 - The request is accompanied by proof of permanence in national territory, except if the reason for absence arises from an imperious need to remain temporarily in the country of origin.

CHAPTER IV

Residence permit and EU Blue Card

SECTION I

General provisions

Article 51

Formulation and conduct of the application

- 1 - The application for granting and renewal of a residence permit or EU Blue Card is formulated in a specific form and signed by the applicant or by his/her legal representative and may be presented in any SEF regional direction or delegation, which may forward it, after instruction and decision, to the regional direction or delegation of the applicant's area of residence.
- 2 - The application may also be presented at the National Immigrant Support Centres (CNAI) where the presence of SEF officers is ensured.
- 3 - The requests whose contents are unintelligible, or which have not been signed by a legal representative, in the case of a minor or incapacitated person, shall be preliminarily rejected.
- 4 - For requests for granting or renewing a residence permit or EU Blue Card, documents already integrated in SEF's electronic workflow and which remain valid are exempted.
- 5 - The High Commission for Migrations, I. P. will always be notified electronically of the requests submitted under the terms of paragraphs 1 and 2.
- 6 - The flow of information resulting from requests for granting and renewing residence permits and EU Blue Cards shall be processed under the terms of Article 212 (2) of Law No. 23/2007, of 4 July, in its current wording.
- 7 - Applications for granting and renewal of a residence permit shall be accompanied by all the required documents, and the applicant shall be notified immediately to present the missing documents within 10 days, under penalty of being rejected.
- 8 - The biometric data necessary for the issuance of the residence permit shall be collected at the time of submission of the application, and shall be eliminated in case of refusal.
- 9 - Requests for renewal of a residence permit and granting of a residence permit to holders of a residence visa may be submitted through an electronic platform, exempted with the delivery of documents and the collection of biometric data already integrated in SEF's electronic workflow, notwithstanding the possibility of requesting their display at the time of visit to SEF.
- 10 - Within the scope of the administrative procedure for granting or renewing a residence permit, SEF shall proceed to documentary verification and to the necessary security consultations, and shall not require the applicant to join documents already presented that are invalid due to the lapse of time, for reasons not imputable to the applicant.
- 11 - The competent authority for granting and renewing a residence permit is the regional director of SEF, with the possibility of delegation.

Article 51-A

Residence Permit to nationals of Member States of the Community of Portuguese Language Countries

1 - The requests for granting and renewal of residence permits presented by nationals of Member States of the CPLP, as well as the requests from nationals of another State to whom the special conditions of that Agreement are extended by international agreement, regardless of their purpose, shall be accompanied only by the documents referred to in article 12 (1) (a to d).

2 - In the cases foreseen in the preceding number, for the purposes of issuing the residence permit, the competent services shall of their own motion consult the Portuguese criminal record of the applicant, under the terms of article 87-A (3) of Law no. 23/2007, of 4 July, in its current wording.

Article 52

Competence

(Repealed.)

SECTION II

Temporary residence permit

Article 53

Application for a temporary residence permit or an EU Blue Card

1 - In addition to the specific documents required according to the purpose of the residence, the application for granting a residence permit or an EU Blue Card submitted by an appropriate visa holder shall be accompanied by the following documents

- a) Passport or other valid travel document;
- b) Proof of means of subsistence, under the terms defined by ordinance from the members of the Government responsible for the areas of internal administration, employment and social solidarity;
- c) Proof of accommodation, applicable to situations of concession of temporary residence permit;
- d) Document proving the family relationship, when justified;
- e) Proof of professional certification, in the case of regulated professions, when applicable;
- f) Request for consultation of the Portuguese criminal record by SEF.

2 - The request is, also, instructed with the necessary information for the verification of registration with the tax administration and social security, when applicable, obtained under the terms of article 212 (9) of Law 23/2007, of 4 of July, in its current wording.

3 - In case of doubt, additional proof of family relationship may be requested.

4 - The requests for concession of a residence permit or EU Blue Card in the scope of the norms of Law no. 23/2007, of 4 July, in its current wording, which allow for the concession of the title with exemption of the visa are accompanied by a certificate of criminal record issued by the competent authority of the country of nationality of the applicant or of the country in which he/she has been residing for more than one year.

5 - Citizens under 16 years of age are exempt from adding criminal record information to the process.

6 - Refusal to grant a temporary residence permit or EU Blue Card based on reasons of public health shall follow the procedures and rules laid down in article 77 (3) (4) (5) of Law No. 23/2007, of 4 July, in its current wording.

Article 54

Application for a residence permit for the exercise of subordinate professional activity

1 - The application for a residence permit for the exercise of subordinate professional activity submitted by a holder of a residence visa for the same purpose must be accompanied by a work contract concluded in accordance with the law.

2 - The request for exemption from the residence visa under the terms of article 88 (2) of Law no. 23/2007, of 4 July, in its current wording, must be accompanied by the following documents:

a) Contract or promise of a work contract signed under the terms of the law or a document issued by any of the entities foreseen in article 88 (2) (a) of Law no. 23/2007, of 4 of July, in its current wording, which proves the existence of the work relationship;

b) Document proving the legal entry of the applicant in national territory;

c) Information necessary to verify the registration with the tax administration and, if applicable, the regularity of their social security contributions, obtained under the terms of article 212 (9) of Law no. 23/2007, of 4 of July, in its current wording.

3 - (Repealed.)

4 - (Repealed.)

5 - The request for concession of a residence permit for the exercise of subordinate professional activity presented by the holder of a visa for work search must be accompanied by the documents referred to in no. 1 of the preceding article and by:

a) Work contract concluded under the terms of the law;

b) Information necessary to verify registration with the tax authorities and social security.

6 - The request for concession of a residence permit for subordinate work formulated by the holder of a residence permit to exercise a self-employed professional activity under the terms of Article 89 (3) of Law No. 23/2007, of 4 July, in its current wording, complies with the provisions of paragraph 1 of this article. The replacement of the residence permit will only take place at the express request of the interested party.

7 - The representatives in the Council for Migration from each of the immigrant communities shall submit to the Council's approval the list of associations that are relevant for the purposes set out in article 88 (2) (a) of Law no. 23/2007, of 4 July, in its current wording. This will remain in force during the period corresponding to the respective mandate.

8 - O pedido de dispensa de visto de residência pode ser apresentado simultaneamente com o pedido de autorização de residência para exercício de atividade profissional subordinada, caso em que o requerente deve juntar todos os documentos exigíveis para o efeito.

Article 55

Application for a residence permit for the exercise of independent professional activity or for entrepreneurial immigrants

1 - The application for a residence permit for the exercise of independent professional activity under the terms of paragraph 1 of Article 89 of Law No. 23/2007, of 4 July, in its current wording, presented by a holder of a residence visa for the same purpose must be accompanied by the following documents:

- a) Contract of company or services contract for the exercise of liberal profession; or
- b) Proof of certificate of commencement of activity before the tax and social security authorities as a natural person;
- c) When applicable, declaration issued by the respective professional body on the verification of the registration requisites or document proving that he/she is qualified to exercise the profession when this, in Portugal, is subject to special qualifications.

2 - When applying for a residence visa waiver under the terms of article 89 (2) of Law no. 23/2007, of 4 July, in its current wording, the applicant must attach to the residence permit request the application for a residence visa waiver and proof of legal entry into the national territory.

3 - (Repealed.)

4 - (Repealed.)

5 - The application for a residence permit for self-employment submitted by the holder of a residence permit to exercise a subordinate professional activity under the terms of Article 88 (5) of Law 23/2007, of 4 July, in its current wording, complies with the provisions of this article.

6 - The application for a residence permit for the development of an entrepreneurial project or the creation of a company with an innovative base, foreseen in no. 4 of article 89 of Law 23/2007, of 4 July, in its current wording, must be accompanied by a declaration from IAPMEI - Agency for Competitiveness and Innovation, I. P. This shall prove the signing of an incubation contract with a certified incubator, under the terms of the applicable legislation.

Article 56

Application for a residence permit for teaching, highly qualified and cultural activity

1 - The request for concession of a temporary residence permit or the EU Blue Card foreseen, respectively, in articles 90 and 121-B of Law 23/2007, of 4 July, in its current wording, shall be

accompanied by the documents that certify the fulfilment of any of the requirements foreseen in paragraphs 1 of those articles.

2 - (Repealed.)

3 - Research centres, higher education establishments or other public or private entities, namely companies, which host teaching activities, highly qualified and cultural, independent or subordinated, may send, preferably electronically, the documents referred to in paragraph 1 to SEF, having in mind the celerity of the processing of the requests.

4 - The application for granting of a residence permit under the terms of this article may be presented by the entities referred to in the preceding number, which does not exempt the presence of the applicant under the terms of article 51.

Article 57

Application for a residence permit for study, research, traineeship or volunteering

1 - The application for a residence permit to study at a secondary or higher education institution or to attend level 4 or 5 courses of the National Qualifications Framework (QNQ) or vocational training courses provided by education or vocational training institutions must be accompanied by the following documents:

- a) Proof of enrolment in an officially recognised educational or vocational training establishment;
- b) Proof of payment of the fees required by the establishment, when applicable;
- c) Health insurance or proof that the National Health Service covers him/her;
- d) Proof of accommodation;
- e) Proof of means of subsistence.

2 - The presentation of the documents provided for in paragraphs a), b), c) and e) of the preceding number is waived in cases where the applicant is the beneficiary of a scholarship awarded by Camões - Instituto da Cooperação e da Língua, I. P., an entity that informs SEF, for the purposes of the residence permit.

3 - Higher education students are exempted from presenting the documents referred to in no. 1 (b) (e) whenever they have been admitted into a higher education institution approved under the terms of article 91 (5) of Law no. 23/2007, of 4 of July, in its current wording.

4 - The application for a residence permit to attend a professional traineeship must be accompanied by the following documents:

- a) Training contract signed with a company or officially recognised professional training body, under the terms of no. 7 of article 62 of Law no. 23/2007, of 4 of July, in its current wording;
- b) Proof of means of subsistence;
- c) Proof of accommodation;
- d) Proof of health insurance or proof that the National Health Service covers he/she.

5 - The application for a residence permit to attend a voluntary service programme shall be accompanied by the following documents:

a) Copy of the contract signed between the applicant and the organisation responsible for the volunteering programme, with the elements mentioned in article 62 (8) (a) of Law no. 23/2007, of 4 of July, in its current wording;

b) Health insurance or proof that the National Health Service covers he/she;

c) Proof of civil liability insurance, when applicable.

6 - The application for a residence permit for the exercise of research activity shall be accompanied by the following documents:

a) Work contract or service provision contract, research scholarship or hosting agreement with a higher education institution or scientific research body;

b) Evidence of subsistence means, when it does not result from the documents mentioned in the preceding item;

c) Social security registration, in situations of work contract or provision of services, and, optionally, voluntary social security registration.

7 - Researchers admitted into a research centre recognised under the terms of article 91-B (3 to 5) of Law 23/2007, of 4 July, in its current wording, are exempt from presenting the documents provided for in subparagraphs b) and c) of the preceding number.

8 - Higher education students who present proof of legal entry into national territory shall not be required to obtain a residence visa.

9 - Students in secondary, post-secondary or vocational education may be exempted, upon request, from obtaining a residence visa if they present a document proving legal entry and stay in national territory.

Article 58

Exercise of professional activity by the holder of a residence permit for research, study, professional training or volunteering

1 - Holders of a residence permit for research, study, professional training or volunteering may exercise a professional, subordinate or independent activity, complementary to the activity that originated the visa, for which purpose they may register with the Public Employment Service.

2 - (Repealed.)

3 - (Repealed.)

4 - (Repealed.)

5 - (Repealed.)

Article 58-A

Mobility of students in higher education

1 - The communication of mobility foreseen in article 91-A of Law no. 23/2007, of 4th July, in its current wording, must be accompanied by the following documents:

- a) Valid passport;
- b) Copy of the residence permit issued by the European Union Member State where he/she is resident;
- c) Proof of health insurance or proof that the National Health Service covers him/her;
- d) Proof of subsistence means;
- e) Proof of admission to a higher education institution under a European Union mobility programme or under an agreement with the home higher education institution.

2 - If within 30 days of the communication referred to in the previous number SEF does not communicate in writing its opposition under the terms of article 91-A (5) of Law 23/2007, of 4 July, in its current wording, a statement confirming the authorization to remain in national territory for study purposes shall be immediately issued.

3 - To the student who is the holder of a declaration issued under the terms of the present article, the provisions of the preceding article shall apply with the necessary adaptations.

4 - A student in mobility who does not communicate it within the legal deadline will have his/her stay extended for successive periods of 90 days, by submitting the documentation referred to in no. 1.

Article 58-B

Mobility of researchers

1 - The application for a residence permit provided for under article 91-C of Law no. 23/2007, of 4 July, in its current wording, must be accompanied by the documents provided for under articles 53 and 54 (4), and the provisions of article 54(5) shall apply to it.

2 - If within 30 days of the date of presentation of the request referred to in the preceding number SEF does not communicate in writing its opposition under the terms of article 91-A (5) of Law 23/2007, of 4 July, in its current wording, a statement confirming the residence permit in national territory for the purposes of study or research shall be immediately issued.

Article 59

Granting of a residence permit to victims of trafficking in human beings or citizens subjected to action to facilitate illegal immigration who cooperate with the authorities in the investigation

1 - The public authorities, namely the judicial authority, the criminal police bodies competent for the investigation of crimes of human trafficking or action to aid illegal immigration, the police authorities or the associations acting within the scope of victim protection, must inform the foreign citizen, in writing, and inform SEF, of the possibility of benefiting from the granting of a residence permit under the terms of Law no. 23/2007, of 4 July, in its current wording.

2 - The communication to SEF, by the authorities responsible for the investigation, of the request for collaboration or of the manifestation of the will to collaborate with them starts the reflection period provided for in article 111 (1) of Law no. 23/2007, of 4 July, in its current

wording, as long as there is evidence that the person in question is a victim of human trafficking or action to aid illegal immigration.

3 - During the minimum legal reflection period, the authority responsible for the criminal investigation shall issue an opinion on the fulfilment of the requirements foreseen in article 109 (2) (a to c) of Law 23/2007, of 4 July, in its current wording, for the purposes of SEF initiating the process of granting a residence permit or to extend the reflection period up to a maximum limit of 60 days, when these requirements have not yet been fulfilled.

4 - When the authority responsible for the investigation considers that the foreign citizen unequivocally demonstrates a will to collaborate in the investigation and considers that there is strong evidence that such cooperation is not fraudulent, nor that the victim's complaint is unfounded or fraudulent, it shall record that fact in the communication referred to in paragraph 2 of this provision for the purpose of immediately beginning the process of granting a residence permit and applying the measures foreseen in article 112 of Law 23/2007, of 4 July, in its current wording.

Article 60

Application for a residence permit or an EU Blue Card by holders of a long-term resident status or an EU Blue Card granted by a Member State of the European Union

1 - The application for a residence permit submitted by a holder of long-term resident status granted by a Member State of the European Union shall be accompanied by the following documents:

- a) Passport or other valid travel document;
- b) Proof of possession of means of subsistence;
- c) Proof of accommodation;
- d) Work, partnership or services provision contract; or
- e) Proof of declaration of commencement of activity to the tax authorities and social security as a natural person; or
- f) A document proving enrolment in an officially recognised higher education institution or admission to an establishment or company that offers officially recognised vocational training; or
- g) Provides a reasonable reason, under the terms of article 116 (1) (d) of Law no. 23/2007, of 4 July, in its current wording;
- h) When applicable, declaration issued by the respective professional order or other entity that regulates the profession on the verification of the registration requisites or a document proving that he/she is qualified to exercise the profession when this, in Portugal, is subject to special qualifications;
 - (i) Long-term resident's permit or a certified copy thereof;
- (j) Extract from criminal record issued by the Member State, which granted the long-term resident status;
- l) Health insurance or proof that the National Health Service covers he/she;

m) Request for consultation of the Portuguese criminal record by SEF.

2. An application for an EU Blue Card from an EU Blue Card holder issued by a Member State of the European Union shall be accompanied by the following documents:

a) Passport or other valid travel document;

b) EU Blue Card or certified copy thereof;

c) Proof of means of subsistence;

d) Work contract and social security registration;

e) In case of regulated profession identified in the work contract or in the binding job offer, submit proof of professional certification, when applicable, namely a statement issued by the respective professional association or other entity that regulates the profession on the verification of the registration requirements;

f) In the case of unregulated profession, present evidence of high professional qualifications in the activity or sector specified in the work contract, or in the binding job offer, being possible to adopt the professional qualification criterion of the major groups 1 and 2 of the International Standard Classification (CITP);

g) Criminal record certificate issued by the Member State that granted the title referred to in paragraph b) and request for consultation of the Portuguese criminal record by SEF;

h) Health insurance or proof that the National Health Service covers he/she.

3 - The application for a residence permit for family members of a holder of a long-term resident status or an EU Blue Card granted by a Member State of the European Union, when the family was already constituted there, is accompanied by the following documents:

a) Passport or other valid travel document;

(b) Long-term resident permit or EU Blue Card;

(c) Proof of residence in the Member State, which granted the status or the card as a member of the family or as a life partner of a holder of long-term resident status or the EU Blue Card;

d) Proof of subsistence means;

e) Health insurance or proof that the National Health Service covers he/she;

f) Criminal record certificate issued by the Member State that granted the title referred to in paragraph b) and a request for consultation of the Portuguese criminal record by SEF.

4 - The request for family reunion formulated by holders of long-term resident status or EU Blue Cards granted by a Member State of the European Union, in cases where the family was not constituted in that Member State, obeys the provisions of articles 98 and following of Law no. 23/2007, of 4 July, in its current wording.

5 - The granting of an EU Blue Card or of a residence permit within the scope of family reunification under the terms of the previous numbers, as well as the decisions of renewal, refusal and cancellation, are communicated by SEF, preferably electronically, to the authorities of the Member State of the European Union which granted the long-term resident status or the EU Blue Card.

Article 61

Application for the grant of a residence permit with waive of the residence visa

1 - The request for concession of a residence permit with waive of visa under the terms of article 122 of Law no. 23/2007, of 4 of July, in its current wording, is accompanied by the following documents:

- a) Passport or other valid travel document;
- b) Proof of accommodation;
- c) Proof of subsistence means, under the terms to be defined in an ordinance of the members of the Government responsible for the areas of internal administration, employment and social solidarity;
- d) Request for consultation of the Portuguese criminal record by SEF;
- e) Criminal record certificate from the country of origin, except when applications are submitted under Article 122 (1) (b) (c) (d) (j) of Law No. 23/2007, of 4 July, in its current wording.

2 - The application for a residence permit under the terms of article 122 (1) (a) of Law 23/2007, of 4 July, in its current wording, is accompanied by a birth certificate of the minor and a certificate of consular enrolment with photograph, with dispensation of the documents foreseen in the preceding number.

3 - In situations where there is no consular representation in Portugal, the registration referred to in the preceding number may be replaced by another means of proof, including a declaration of honour signed by one of the parents.

4 - The application for a residence permit under the terms of article 122 (1) (b), of Law No. 23/2007, of 4 July, in its current wording, is also accompanied by the following documents:

- a) Birth certificate of the minor and consular registration certificate with photograph;
- b) Proof of attendance at a pre-school, primary, secondary or vocational school.

5 - The application for a residence permit under the terms of paragraph c) of article 122 (1) (c) of Law No. 23/2007, of 4 July, in its current wording, is also accompanied by proof of the activity developed during the stay in national territory, namely the schooling curriculum.

6 - The application for a residence permit under the terms of Article 122 (1) (d) of Law No. 23/2007, of 4 July, in its current wording, is also accompanied by the following documents:

- a) Birth registration certificate;
- b) Proof of the activity developed during the stay in national territory, namely the schooling curriculum.

7 - The application for a residence permit under the terms of Article 122 (1) (e) of Law No. 23/2007, of 4 July, in its current wording, is also accompanied by the following documents:

- a) A certificate of decision granting guardianship of the minor; or

b) Original or certified copy of the decision of promotion and protection of the minor, issued by the Commission for the Protection of Children and Young People.

8 - The application for a residence permit submitted by a foreign citizen covered by article 122 (1) (f) of Law no. 23/2007, of 4 July, in its current wording, is submitted without the need for the documents provided for in paragraphs a) and e) of no. 1.

9 - The application for a residence permit under the terms of Article 122(1) (g) of Law No. 23/2007, of 4 July, in its current wording, is also accompanied by a medical certificate issued by an official or officially recognised health establishment, proving prolonged illness that prevents the applicant from returning to the country, in order to avoid risk to the applicant's health.

10 - The application for a residence permit under the terms of article 122 (1) (h) of Law no. 23/2007, of 4 July, in its current wording, is also accompanied by a document attesting to the completion of effective military service in the Portuguese Armed Forces.

11 - The application for a residence permit under the terms of article 122 (1) (i) of Law no. 23/2007, of 4 July, in its current wording, is also accompanied by a document proving the loss of Portuguese nationality or, in its absence, a statement about the circumstances that determined its loss, as well as a document proving the presence in national territory, namely the professional activity developed by the applicant.

12 - The application for a residence permit under the terms of Article 122 (1) (j) of Law No. 23/2007, of 4 July, in its current wording, is also accompanied by a document proving presence in national territory.

13 - The application for a residence permit under the terms of Article 122 (1) (k) of law No. 23/2007, of 4 July, in its current wording, is also accompanied by the following documents:

a) Birth certificate of the minor, except when it is already included in the minor's file;

b) Evidence of the effective exercise of parental responsibilities and of the contribution to the minor's support, namely through a declaration of the non-applicant parent, confirming the exercise of parental responsibilities by the applicant parent. It may be waived in duly substantiated cases.

14 - The application for a residence permit under the terms of Article 122 (1) (l) of Law No. 23/2007, of 4 July, in its current wording, is also accompanied by the following documents:

a) Proof of accreditation in Portugal for a period of no less than three years;

b) Proof of the family relationship in the case of a spouse, ascendant or dependent descendant.

15 - O pedido de autorização de residência nos termos da alínea m) do n.º 1 do artigo 122.º da Lei n.º 23/2007, de 4 de julho, na sua redação atual, é ainda acompanhado dos seguintes documentos:

15 - The application for a residence permit under the terms of Article 122 (1) (m) of Law No. 23/2007, of 4 July, in its current wording, is also accompanied by the following documents:

a) Copy of the writ of complaint;

b) Declaration, issued by the Authority for Working Conditions or the judicial authority, confirming the collaboration of the applicant with the investigation and the existence of indicative evidence of the infractions;

c) Declaration, issued by the Authority for Working Conditions, attesting to the existence of a situation of social unprotecting, salary and schedule exploitation.

16 - The application for a residence permit under the terms of Article 122 (1) (n) of Law No. 23/2007, of 4 July, in its current wording, is also accompanied by a declaration issued by the judicial authority from which the termination of the need for collaboration is concluded, or by the certificate of the judicial sentence.

17 - The application for a residence permit under the terms of paragraph o) of no. 1 of article 122 (1) (o) of Law no. 23/2007, of 4 July, in its current wording, is also accompanied by proof of completion of the study plan at secondary level or 1st cycle of higher education, and a work contract or promise of a work contract, a contract for the provision of services or a declaration of commencement of self-employed activity issued by the Tax and Customs Authority (AT).

18 - The application for a residence permit under the terms of article 122 (1) (p) of Law 23/2007, of 4th July, in its current wording, is also accompanied by proof of the conclusion of the study plan at the level of 2nd and 3rd cycles of higher education or the conclusion of the research project and a declaration by the applicant that he/she intends to take advantage of a maximum period of one year to seek work in Portugal, compatible with his/her qualifications.

19 - The application for a residence permit under the terms of article 122 (1) (q) of Law 23/2007, of 4 July, in its current wording, shall also be accompanied by a work or service provision contract concerning research activity, teaching activity in a higher education institution or highly qualified, or proof that the foreign citizen is in the conditions set out in article 18 (2) of the Convention implementing the Schengen Agreement.

20 - The application for a residence permit under the terms of Article 122 (1) (r) of Law No. 23/2007, of 4 July, in its current wording, is also accompanied by the elements foreseen in Article 65-A and following of the present regulatory decree.

21 - The application for a residence permit under the terms of article 122 (4) of Law No. 23/2007, of 4 of July, in its current wording, can be made simultaneously with the one foreseen in No. 3 of this article and be accompanied by the following documents:

a) Birth certificate of the minor, unless it is included in the respective file;

b) Proof that the ascendant of the minor effectively exercises parental responsibilities, namely through a declaration of the non-applicant parent confirming the fact.

22 - The application for a residence permit under the terms of Article 122 (8) of Law 23/2007, of 4 July, in its current wording, is accompanied by:

a) Document proving the quality of accompanying person or recognised informal carer;

b) Certified true copy of the medical certificate issued by an official or officially recognised health establishment, proving the long term illness that prevents the applicant from returning to the country, in order to avoid risks to the applicant's health, in cases where it is not presented simultaneously with the application of the applicant for authorisation under the terms of Article 122 (1) (g) of Law No. 23/2007, of 4 July, in its current wording.

23 - The decision on the application for a residence permit under the terms of article 122 (4) (8) of Law 23/2007, of 4 July, in its current wording, is taken in line with that adopted in accordance to the accompanied citizen.

24 - The application for a residence permit submitted by a foreign citizen, whose long-term resident status or EU Blue Card has been cancelled, without a decision to leave national territory, is accompanied by the documents referred to in no. 1.

25 - Until a decision is made on the request mentioned in the preceding number, and if the authorised period of stay of the applicant in national territory has finished, an extension of stay may be granted.

26 - The request for concession of a residence permit with visa exemption in the scope of article 122 of Law no. 23/2007, of 4 July, in its current wording, does not oblige the extension of the stay in national territory under the terms of articles 71 and following of the same law.

27 - For the purposes of paragraph 1(d), a residence permit with visa exemption shall only be granted to foreign citizens who have not been sentenced to a penalty or penalties that, in isolation or cumulatively, exceed 1 year of imprisonment, even if, in the case of a conviction for an intentional crime foreseen in this law or related to it, or for a crime of terrorism, violent crime, or especially violent or highly organised crime, the respective execution has been suspended.

Article 62

Granting of a residence permit within the scope of the exceptional regime

1 - The unofficial procedure for granting a residence permit, triggered under article 123 of Law No. 23/2007, of 4 July, in its current wording, is governed, with the necessary adaptations, by the provisions of articles 54 and following of the Administrative Procedure Code and must be accompanied by the following probative means:

- a) Passport or other valid travel document or, still, in cases where it is proven impossible to obtain a passport, proof of identity of the foreign citizen;
- b) Criminal record certificate issued by the competent authority of the applicant's country of nationality and the country where he/she has been residing for more than one year;
- c) Request for consultation of the Portuguese criminal record by SEF, when there is evidence that the applicant has remained in national territory for more than one year in the last five years;
- d) Proof of an exceptional situation testifying to the humanitarian character or national interest of the request; or
- e) Proof of relevant activity in scientific, cultural, sporting, economic or social fields.

2 - For the purposes of article 123 (1) (b) of Law no. 23/2007, of 4 July, in its current wording, SEF shall consider, weighting the concrete circumstances of the case, as humanitarian reasons the insertion in the labour market for a period exceeding one year.

Article 62-A

Special regime for relocation of companies

The application for a residence permit under Article 123-A of Law 23/2007, of 4 July, in its current wording, must be accompanied by the following documents:

- a) Updated commercial registration certificate;
- b) Work contract or service provision contract or document proving the capacity of owner of the company or corporate body;
- c) Proof of social security registration;
- d) Residence permit from the country of provenance;
- e) Criminal record certificate from the country of previous residence and authorisation to consult the Portuguese criminal record.

Article 62-B

Intra-corporate transferees – “TDE-ICT Residence Permit”.

- 1 - The application for a residence permit in the scope of article 124-B of Law 23/2007, of 4 July, in its current wording, must be accompanied by the documents referred to in paragraph 1 of that article, as well as by proof of legal entry into national territory.
- 2 - The documents provided for in article 124-B (1) (b) (c) (e) ((h) and (i) of Law no. 23/2007, of 4 July, in its current wording, are waived for workers transferred within a company certified in accordance with no. 3 of the same article.
- 3 - The provisions of the previous numbers are applicable to the holder of an ICT residence permit granted by another Member State of the European Union who applies for a residence permit for long-term mobility in the scope of article 124-E of Law No. 23/2007, of 4 July, in its current wording.

Article 63

Application for renewal of a temporary residence permit or an EU Blue Card

- 1 - The application for renewal of temporary residence permit must be accompanied by the following documents:
 - a) Passport or other valid travel document;
 - b) Proof of subsistence means, under the terms defined in the ordinance referred to in article 52 (1) (d) of Law No. 23/2007, in its current wording;
 - c) Proof of accommodation;
 - d) Request for consultation of the Portuguese criminal record by SEF.
- 2 - The application for renewal of the EU Blue Card must be accompanied by the following documents:
 - a) Passport or other valid travel document;
 - b) Proof of subsistence means, under the terms to be defined by ordinance referred to in Article 52 (1) (d) of Law No. 23/2007, of 4 July, in its current wording;

c) Work contract or declaration of the employer entity confirming the maintenance of the labour relation or other legally authorised entity;

d) Request for consultation of the Portuguese criminal record by SEF.

3 - The renewal requests referred to in the preceding numbers are also accompanied by the necessary information for the verification of compliance with tax and social security obligations, obtained under the terms of article 212 (9) of Law 23/2007 of 4 July, in its current wording.

4 - If necessary, additional steps may be taken and the residence permit renewed, in the event that there is insufficiency of information in the social security system for a reason that is not attributable to the worker and he/she proves having lodged a complaint with the competent authorities.

5 - The application for renewal of a residence permit issued for the exercise of a professional activity is also accompanied by the following documents:

a) Work contract or declaration of the employer confirming the maintenance of the employment relationship or other legally authorised entity; or

b) Service provision contract or request for verification of the VAT return with the tax administration, in order to certify the maintenance of the activity.

6 - The application for renewal of a residence permit issued for the exercise of teaching, highly qualified or cultural activity shall also be accompanied by a work contract, a service provision contract or a declaration of the beneficiary of the service provision or cultural activity that attests to the maintenance of the contractual tie.

7 - The application for renewal of a residence permit issued for study purposes is also accompanied by the following documents:

a) Document of enrolment in an educational establishment and proof of school activity;

b) Proof of payment of the fees required by the establishment, when applicable;

c) Health insurance or proof that the National Health Service covers him/her;

d) When authorised to work, the documents mentioned in paragraph a) of no. 5;

e) When applicable, a document proving the attendance of a professional traineeship, even if it is of an extra-curricular nature, which is connected with the higher education study plan followed in national territory.

8 - The presentation of the documents required in paragraph b) of no. 1 and in paragraphs a), b) and c) of the preceding number is exempted in cases where the applicant is the beneficiary of a scholarship awarded by Camões - Instituto da Cooperação e da Língua, I. P., an entity that, for the purposes of the residence permit, informs SEF.

9 - In the weighting of school activity referred to in paragraph 7(a), negative factors shall be taken into account, namely the voluntary withdrawal from any subject, except if motivated by a fact that is not attributable to the individual, such as prolonged illness, accident, pregnancy or the fulfilment of legal obligations, and positive factors, namely passing grades or transition from one year to the next.

10 - The application for renewal of a residence permit issued to an immigrant entrepreneur is accompanied by a statement from IAPMEI - Agência para a Competitividade e Inovação, I. P., proving that the incubation contract with a certified incubator has been maintained, under the terms of the applicable legislation.

11 - The request for renewal of a residence permit issued for the purpose of scientific research shall be accompanied by proof of holding a scientific research scholarship or a statement by the host entity confirming the continuation of the contractual link or of the scientific research activity.

12 - The renewal of the residence permit due to alteration of the identification elements, theft, loss or deterioration does not determine the alteration of its validity period.

13 - For the purposes set out in the preceding number, the resident foreign citizen must prove the alteration of the identification elements.

14 - Notwithstanding the provisions of articles 78 or 121-E of Law no. 23/2007, of 4 July, in its current wording, the right of residence shall not expire before six months have elapsed from the expiration date of the title to be renewed.

15 - The residence permit granted under the terms of article 122 (1) (p) of Law no. 23/2007, of 4 July, in its current wording, and of article 61 (18) of the present regulatory decree shall only be renewed if insertion in the labour market is confirmed. The renewal process must also be accompanied by an employment contract, a services provision contract or proof of registration with a professional association recognised by Portuguese law.

16 - The renewal request may be applied for between 90 and 30 days prior to the expiration of the title.

SECTION III

Permanent residence permit

Article 64

Application for the grant of a permanent residence permit

1 - The application for a residence permit submitted by a holder of a temporary residence permit for at least five years is accompanied by the following documents:

- a) Passport or other valid travel document;
- b) Proof of means of subsistence, under the terms to be defined in ordinance from the members of the Government responsible for the areas of internal administration, employment and social solidarity;
- c) Proof of accommodation;
- d) Request for consultation of the Portuguese criminal record by SEF;
- e) Qualifications certificate issued by a Portuguese official teaching institution or private or cooperative teaching institution legally recognised, certificate of success in the basic Portuguese course issued by the IEFP, I. P., or by an official teaching institution or private or cooperative teaching institution legally recognised. In addition, a certificate of knowledge of

basic Portuguese by taking a test in an evaluation centre for Portuguese as a foreign language, recognised by the Ministry of Education and Science.

2 - In relation to the documents mentioned in paragraph e) of the previous number, in the case of a person who has attended an official teaching establishment or private or cooperative teaching establishment recognised under the legal terms in a Portuguese speaking country, the knowledge of basic Portuguese may be proved through a qualification certificate issued by that teaching establishment.

3 - SEF may exempt the presentation of the documents mentioned in paragraph e) of no. 1 and in no. 2, at the reasoned request of the interested party, whenever there are no doubts as to the verification of the requirements that they were intended to prove.

4 - The request is also accompanied by the necessary information for the verification of compliance with tax and social security obligations, obtained under the terms of Article 212 (9) of Law 23/2007 of 4 July, in its current wording.

5 - Foreign citizens to whom a permanent residence permit is granted shall be issued a residence permit valid for five years, renewable for equal periods.

SECTION IV

Residence Permit for Investment Activity

Article 65

Application for Renewal of Permanent Residence Permit

1 - The application for renewal of the permanent residence permit is accompanied by a request for consultation of the Portuguese criminal record by SEF.

2 - In exceptional circumstances, linked to doubts concerning the identity of the applicant or to absence from national territory for long periods, SEF may require the presentation of a valid passport or a certified copy thereof.

3 - If the application for renewal of the title is presented after its period of validity has expired, the application must always be accompanied by proof of permanence in national territory or proof of the reasons for the absence.

4 - The provisions of article 63 (12) (13) are applicable to the renewal of the permanent residence title due to a change in the identification elements.

5 - The renewal application may be requested between 90 and 30 days prior to the expiry of the title.

Article 65-A

Requirements relating to investment activity

1 - For the purposes of the residence permit for investment activity, minimum quantitative investment requirements are considered to be the verification in national territory of at least one of the situations set out in Article 3 (1) (d) of Law No. 23/2007, of 4 July, in its current wording.

2 - Investment in immovable property shall be considered fulfilled whenever the applicant proves to be the owner of such property, and may acquire it through a single shareholder

limited liability company of which he/she is a partner or in the regime of joint ownership, if each joint owner invests the minimum amount required.

3 - (Repealed.)

4 - Applicants who make investments through the acquisition of immovable property may encumber such property in the part exceeding the minimum investment amount set forth in the law or grant it for rental, exploitation for commercial, industrial, agricultural, or tourism purposes.

5 - In the event of temporary impossibility of acquiring ownership of the property, the applicant may present a promissory contract of purchase and sale, with a down payment equal to or higher than the minimum value of the investment required by law.

6 - (Repealed.)

7 - The investments foreseen in Article 3 (d) of Law no. 23/2007, of 4 July, in its current wording, may be carried out individually or through a single shareholder company of which the applicant is a member.

8 - (Repealed.)

9 - The investments foreseen in Article 3 subparagraphs II) to VI) (d) of Law no. 23/2007, of 4 July, in its current wording, may be 20% lower when the activities are carried out in low density territories.

10 - For the purposes of the preceding paragraph, territories of low density are considered to be those at level III of the Nomenclature of Territorial Units for Statistics (NUTS III) with fewer than 100 inhabitants per square kilometre or a per capita Gross Domestic Product (GDP) lower than 75% of the national average, according to the official statistics produced by the National Institute of Statistics.

11 - (Repealed.)

12 - The investments must have been made at the time of submission of the application for the residence permit.

13 - Whenever the investments are carried out through a single shareholder limited liability company, the applicant for the grant or renewal of the residence permit shall submit an updated certificate from the Commercial Registry proving that the applicant is the partner of the single shareholder limited liability company.

14 - Notwithstanding the checks to be carried out ex officio, for the purposes of verification of the requirements foreseen in article 77 (1) (b) of Law no. 23/2007, of 4 July, the applicant for an investment residence permit shall submit information relative to personal tax identification numbers, or equivalent, of his/her country of origin, residence or tax residence.

Article 65-B

Minimum time requirement for investment activity

The minimum time requirement of five years for maintaining the investment activity is calculated from the date of granting the residence permit.

Article 65-C

Minimum periods of stay

For the purposes of renewing a residence permit, the applicant citizens referred to in Article 90-A of Law no. 23/2007, of 4 July, in its current wording, must comply with the following minimum periods of stay:

- a) 7 days, consecutive or interpolated, in the first year;
- b) 14 days, consecutive or interpolated, in the subsequent two-year periods.

Article 65-D

Means of Proof of Investment

1 - To prove compliance with the requirement set out in Article 3 (d) (i) of Law No. 23/2007, of 4 July, in its current wording, the applicant shall submit:

- a) Certificate, from a credit institution authorised or registered in national territory with the Bank of Portugal, attesting the ownership, free of liens and charges, of deposit accounts with a balance equal to or higher than 1.5 million Euros, resulting from an international transfer, or of a share in the same amount when collective accounts are involved; or
- b) In the case of acquisition of Portuguese State public debt instruments, namely treasury bonds, savings certificates or treasury certificates, a certificate attesting to ownership, free of liens and charges, issued by Agência de Gestão de Tesouraria e Dívida Pública - IGCP, E. P. E. E. (IGCP, E. P. E.), of instruments with a value equal to or higher than EUR 1.5 million; or
- c) In the case of acquisition of book-entry securities, a certificate of title, free of encumbrances and charges, issued by the respective registering entity under the terms and for the purposes of article 78 (1) (2) of the Portuguese Securities Code; or
- d) In the case of acquisition of bearer securities deposited with a depositary pursuant to Article 99 of the Portuguese Securities Code, a certificate of title, free of encumbrances and charges, issued by the depositary; or
- e) In the case of acquisition of nominative titled securities not integrated in a centralised system, a certificate of title, free of encumbrances and charges, issued by the respective issuer; or
- f) In case of acquisition of securitised securities integrated in a centralised system, a certificate of title, free of liens and charges, issued by the financial intermediary with which the respective account integrated in the centralised system is opened; or
- g) In the case of acquisition of a shareholding not covered in the preceding sub-paragraphs, an updated certificate from the commercial registry, certifying ownership of the shareholding, and the contract through which the respective acquisition was made, indicating the acquisition value;
- h) (Repealed.)
- i) (Repealed.)

2 - To prove compliance with the requirement set out in article 3 (d) (II) of Law 23/2007, of 4 July, in its current wording, the applicant must present the individual work contracts signed with the workers.

3 - To prove compliance with the requirement set out in Article 3 (d) (III) (IV) of Law No. 23/2007, of 4 July, in its current wording, the applicant must submit:

- a) Title to purchase or a promissory title to purchase and sell the properties;
- b) Statement, from a credit institution authorised or registered in national territory with the Bank of Portugal, attesting the international transfer of capital for the acquisition of the real estate or for the payment, as a down payment in the promissory sale agreement, of an amount equal or superior to that legally required;
- c) Up-to-date certificate from the land registry office, with the registers, endorsements and inscriptions in force, attesting to ownership of real estate, free of encumbrances or charges, or a certificate from the land registry office showing the valid provisional registry of acquisition of the promissory contract of purchase and sale, whenever legally feasible, with a down payment equal to or superior to the amount legally required;
- d) Land registry certificate, whenever legally possible;
- e) (Repealed.)

4 - To prove compliance with the requirement set out in Article 3 (d) (IV) of Law No. 23/2007, of 4 July, in its current wording, the applicant must also submit:

- a) (Repealed.)
- b) (Repealed.)
- c) (Repealed.)
- d) (Repealed.)
- e) Prior notice or licensing application to carry out the urban rehabilitation operation or a works contract to carry out rehabilitation works on the properties subject to acquisition, signed with a legal entity duly authorised by the Institute of Public Markets, Real Estate and Construction (Instituto dos Mercados Públicos, do Imobiliário e da Construção), I. P.; and
- f) (Repealed.)
- g) (Repealed.)
- h) Proof of completion of the construction of the property or properties at least 30 years ago, if this is not stated in the land registry certificate; or
- i) Certificate from the competent authority attesting that the property is located in an area of urban rehabilitation.

5 - Should the applicant present the documents foreseen in item i) of the preceding number and the amount of the investment resulting from the purchase of the real estate property and the works contract does not reach the legal minimum amount, the difference between the purchase price of the real estate property and the minimum investment amount required must be deposited in a credit institution, authorised or registered in national territory with the Bank

of Portugal for a deposit account, free of liens and charges, of which the applicant is the holder.

6 - When the applicant presents the documents foreseen in paragraph e) of No. 4, the applicant must present a receipt of payment of the price of the work contract or deposit the amount of the price of the work contract in a deposit account, free of liens and encumbrances, held by the applicant, at an authorised credit institution or registered in national territory with the Bank of Portugal. To this end must present a declaration of the said credit institution attesting the effective transfer of an amount equal or superior to the price of the work contract.

7 - To prove compliance with the requirement set out in Article 3 (d) (V) of Law No. 23/2007, of 4 July, in its current wording, the applicant must submit:

a) (Repealed.)

b) Statement, issued by a public or private scientific research institution integrated in the national scientific and technological system, certifying the effective transfer of that capital;

c) (Repealed.)

8 - To prove compliance with the requirement set out in Article 3 (d) (VI) of Law No. 23/2007, of 4 July, in its current wording, the applicant must submit:

a) Statement, issued by the beneficiary entity, certifying the effective transfer of the capital legally required;

b) Statement, issued by the Office for Cultural Strategy, Planning and Evaluation, after hearing the service in the cultural area with attributions in the sector, certifying the nature of the investment or support to artistic production, recovery or maintenance of the national cultural heritage;

c) (Repealed.)

9 - To prove compliance with the requirement set out in Article 3 (d) (VII) of Law No. 23/2007, of 4 July, in its current wording, the applicant must submit:

a) A certificate of ownership of the units, free of liens and encumbrances, issued by the entity responsible for keeping an up-to-date register of unit-holders, in accordance with the law, the respective management regulations or a contractual instrument;

b) Statement, issued by the management company of the respective investment fund, attesting the viability of the capitalisation plan, the maturity of at least five years, and the investment of at least 60% of the investment in commercial companies based in national territory;

c) (Repealed.)

d) (Repealed.)

10 - To prove the compliance with the requirement foreseen in article 3 (d) (VIII) of Law No. 23/2007, of 4 July, in its current wording, the applicant must present:

A certificate attesting to the constitution of a commercial company with share capital equal to or higher than the legally required and the respective updated certificate from the commercial registry, or

In the case of acquisition of a shareholding, an updated extract from the register of companies attesting to the holding of the shareholding, and the contract under which the respective acquisition was made, indicating the purchase price, and SEF will automatically verify the situation before social security.

11 - Besides the documents provided for in the preceding numbers, the applicant must present a declaration from the credit institution authorised or registered in national territory with the Bank of Portugal attesting the effective transfer of an amount equal or superior to that legally required.

12 - (Repealed.)

13 - (Repealed.)

14 - The proof of the tax and contributory situation in order, shall be carried out through the presentation, by the applicant, of an updated negative statement of debt issued by the TA and Social Security or, in its impossibility, a statement of non-existence of registration with these entities.

15 - The applicant must submit a sworn statement attesting to the compliance with the minimum quantitative and time requisite of the investment activity in national territory.

16 - The means of proof and the statement referred to in the preceding numbers shall be presented at the time of the application for granting of the residence permit, preceded by electronic registration in a platform for the purpose.

17 - The decision on the request falls within the competence of the National Director, upon proposal by the Regional Director of SEF.

18 - SEF may request competent national entities to issue an opinion on the compliance with the legal requirements due to the investment.

Article 65-E

Means of proof for the renewal of a residence permit

1 - For the renewal of the residence permit issued under the scope of article 90-A of Law no. 23/2007, of 4 of July, in its current wording, the applicant must prove the maintenance of the investment in national territory through:

a) A statement, from a credit institution authorised or registered in Portugal with the Bank of Portugal, attesting to the ownership, free of liens and encumbrances, of deposit accounts with an average quarterly balance equal to or higher than 1.5 million Euros, or of a share in the same amount during such period when collective accounts are involved; or

b) In the case of acquisition of public debt instruments of the Portuguese State, a statement of IGCP, E. P. E., certifying ownership, free of liens and encumbrances, of debt instruments with an average quarterly balance equal to or above 1.5 million euros; or

c) In the case of acquisition of book-entry securities, a certificate of title, free of encumbrances and charges, issued by the respective registering entity under the terms and for the purposes of article 78 (1) (2) of the Portuguese Securities Code; or

d) In the case of acquisition of bearer securities deposited with a depositary pursuant to Article 99 of the Portuguese Securities Code, a certificate of title, free of encumbrances and charges, issued by the depositary; or

e) In the case of acquisition of nominative titled securities not integrated in a centralised system, a certificate attesting to its ownership, free of encumbrances and charges, issued by the respective issuer; or

f) In case of acquisition of securitised securities integrated in a centralised system, a certificate of title, free of liens and charges, issued by the financial intermediary with which the respective account integrated in the centralised system is opened; or

g) In the case of acquisition of a shareholding not covered in the preceding subparagraphs, an updated certificate from the commercial registry, certifying ownership of the shareholding and the contract through which the respective acquisition was made, indicating the acquisition value;

h) (Repealed.)

i) In case of application of amounts not foreseen in the statement issued under no. 15 of the preceding article, a statement of the credit institution authorised or registered in national territory with the Bank of Portugal certifying the effective transfer of capital for the realisation of the investment.

2 - The applicant may also prove the maintenance of the investment foreseen in the preceding paragraph by proving the materialisation of any of the investments foreseen in Article 3 (d) (VII) (II) of Law no. 23/2007, of 4 July, in its current wording, if the amount involved is equal or higher than 1.5 million Euros. The provisions set out in the following paragraphs shall apply, with the necessary adaptations, to this type of investment.

3 - In order to prove the maintenance of the investment foreseen in article 3 (d) (II) of Law no. 23/2007, of 4 July, in its current wording, SEF will automatically verify the maintenance of the minimum number of jobs required.

4 - To prove the maintenance of the investment foreseen in Article 3 (d) (III) (IV) of Law no. 23/2007, of 4 July, in its current wording, the applicant shall submit:

a) Property title deed and updated certificate from the land registry office, with the registers, endorsements and inscriptions in force, proving the ownership of the immovable property;

b) Land registry book updated;

c) (Repealed.)

d) (Repealed.)

e) (Repealed.)

5 - In the first application for renewal of the residence permit the applicant may present a promissory sale and purchase contract and, whenever legally admissible, a land registry

certificate stating the provisional registry of acquisition of the valid promissory sale and purchase contract, with a down payment equal or superior to the minimum legally required.

6 - To prove the maintenance of the investment foreseen in Article 3 (d) (IV) of Law No. 23/2007, of 4 July, in its current wording, the applicant must also submit:

a) In the case of works subject to licensing for the execution of reconstruction or alteration works of a building that constitute urban rehabilitation works, the permit, when applicable, the works contract signed for the execution of the rehabilitation works of the property. And, when applicable, the declaration of the managing entity of the competent urban rehabilitation operation that attests that the urban rehabilitation operation is under execution or fully executed; or

b) In the case of work subject to prior notification, a statement from the managing body of the competent urban rehabilitation operation attesting that the urban rehabilitation operation is being carried out or has been fully carried out, and a works contract entered into for carrying out the property rehabilitation works;

c) In the case of a work that is not subject to licensing or advance notice, a works contract for the rehabilitation of the properties subject to the acquisition;

d) Receipt of payment of the price of the works contract, whenever possible.

7 - (Repealed.)

8 - (Repealed.)

9 - (Repealed.)

10 - (Repealed.)

11 - In case of impossibility of full payment of the price of the work contract, for a reason not attributable to the applicant, the applicant must submit a statement from a credit institution authorised or registered in national territory with the Bank of Portugal attesting the ownership of deposit accounts with an average quarterly balance equal to or greater than the price of the work contract, or a share in the same amount during such a period, when collective accounts are involved.

12 - In case the applicant has made partial payment of the price of the work contract, the applicant must present the respective receipt of partial discharge, as well as a statement from a credit institution authorised or registered in national territory with the Bank of Portugal attesting the ownership of deposit accounts with an average quarterly balance equal to or higher than the amount corresponding to the remainder of the price of the work contract, or a share in the same amount, during such a period, when collective accounts are involved.

13 - To prove the maintenance of the investment set forth in Article 3 (d) (V) of Law no. 23/2007, of 4 July, in its current wording, the applicant shall submit a statement issued by a public or private scientific research institution integrated in the national scientific and technological system, certifying that no supervening alterations, imputable to the applicant,

14 - To prove the maintenance of the investment foreseen in Article 3 (d) (VI) of Law No. 23/2007, of 4 July, in its current wording, the applicant must submit:

a) Statement, issued by the Office for Cultural Strategy, Planning and Evaluation, certifying that no supervening alterations have occurred, imputable to the applicant, that may have compromised the investment or support carried out or granted;

b) Statement, issued by the beneficiary entity, attesting the maintenance of the investment or support carried out or granted.

15 - To prove the maintenance of the investment foreseen in Article 3 (d) (VII) of Law No. 23/2007, of 4 July, in its current wording, the applicant must submit:

a) A certificate of ownership of the units, free of liens and encumbrances, issued by the entity responsible for keeping an up-to-date register of unit-holders, in accordance with the law, the respective management regulations or a contractual instrument;

b) Statement, issued by the management company of the respective investment fund, attesting to the maintenance of the investment conditions.

16 - In order to prove the maintenance of the investment foreseen in article 3 (d) (VIII) of Law no. 23/2007, of 4 of July, in its current wording, the applicant must submit an updated certificate from the Commercial Registry, attesting the maintenance of the company incorporated or the ownership of the share participation acquired, and SEF will automatically verify the maintenance of the minimum number of jobs required.

17 - SEF may request competent national entities to issue an opinion on the compliance with the legal requirements due to the investment.

Article 65-F

Disclosure and filing of applications

1 - The Ministry of Foreign Affairs and the Agency for Investment and External Trade of Portugal, E. P. E. (AICEP, E. P. E.), are responsible for disseminating the residence permit scheme for investment activities and shall provide other entities with the necessary information with a view to pursuing this objective.

2 - Through their diplomatic, consular and commercial networks, the Ministry of Foreign Affairs and AICEP, E. P. E., promote, outside national territory, the dissemination of the residence permit regime for investment activities, in their respective areas of competence.

3 - By means of a protocol between the Ministry of the Economy, the Ministry of Foreign Affairs and the SEF, information offices may be opened for investors at the premises of AICEP, E. P. E., or Turismo de Portugal, I. P.

Article 65-G

Consular verification

SEF, through the Ministry of Foreign Affairs, can consult the diplomatic and consular posts whenever, in assessing applications for granting or renewing residence permits for investment activities and related family reunion, it requires additional information about the evidence presented or about other specific objective elements of the application, which need to be verified in the country of provenance or last habitual residence of the applicant.

Article 65- H

Monitoring group

1 - A monitoring group is created, consisting of the national director of SEF, the director-general of Consular Affairs and Portuguese Communities, the president of AICEP, E. P. E., a representative of the member of the Government responsible for the area of culture, and a representative of the member of the Government responsible for the areas of education and science.

2 - The Monitoring Group shall hold ordinary meetings once a month, when convened by any of its members. They may also convene extraordinary meetings.

3 - The members of the Monitoring Group referred to in paragraph 1 may appoint representatives to replace them in case of impediment or absence.

4 - The monitoring group has the following competences within the scope of the special regime of residence permit for investment activity:

a) Debate and present proposals for solutions or clarification of any doubts that may arise, for which purpose they may request the technical opinion or participation in their meetings of experts in the matters under discussion;

b) To debate, coordinate and make proposals on the system's internal and external disclosure activities, with a view to attracting new investors;

c) Monitor the statistical evolution of the residence permit regime for investment activity and present reports to the respective supervising entities with a status report and the proposals it deems appropriate.

Article 65-I

Audit

(Repealed.)

Article 65-J

SEF Manual of Procedures

SEF draws up a manual of internal procedures relating to the processing of residence permits for investment activities, which is approved by the member of the Government responsible for the area of internal administration.

Article 65-K

Granting of a permanent residence permit to holders of a residence permit for investment activity

Aos cidadãos titulares de autorização de residência para atividade de investimento e seus familiares que cumpram os requisitos previstos no artigo 80.º da Lei n.º 23/2007, de 4 de julho, na sua redação atual, e requeiram a concessão de autorização de residência permanente será emitida uma autorização de residência para atividade de investimento permanente, excecionando a este regime o previsto na alínea b) do n.º 2 e nos n.os 3 e 4 do artigo 85.º do mesmo diploma.

SECÇÃO V Citizens who hold a residence permit for investment activity and their family members who meet the requirements foreseen in article 80 of Law 23/2007, of 4 July, in its current wording, and request the granting of a permanent residence permit will be issued a residence permit for permanent investment activity, with an exception to the regime foreseen in article 85 (2) (b) (3) (4) of the same law.

Family Reunification

Article 66

Request

1 - A citizen residing in national territory who intends to benefit from the right to family reunion shall submit the respective application to the SEF regional directorate or delegation in the area of his/her residence, which must contain the identification of the applicant and of the family members to whom the application concerns.

2 - Family members who have legally entered national territory may also submit by family members who have legally entered national territory and depend on or cohabit with the holder of a valid residence permit.

3 - O disposto nos números anteriores é aplicável ao titular de cartão azul UE que pretenda beneficiar do direito ao reagrupamento familiar, nos termos do n.º 2 do artigo 121.º-A da Lei n.º 23/2007, de 4 de julho, na sua redação atual.

3 - The provisions of the preceding numbers are applicable to the holder of an EU Blue Card who intends to benefit from the right to family reunion, under the terms of article 121-A (2) of Law no. 23/2007, of 4 July, in its current wording.

Article 67

Instruction

1 - The application for family reunion is accompanied by the following documents:

- a) Duly authenticated proof of the invoked family ties;
- b) Certified copies of the identification documents of the applicant's family members
- c) Proof of accommodation;
- d) Proof that he/she has sufficient means of subsistence to meet the needs of his/her family, under the terms to be defined in an ordinance from the members of the Government responsible for the areas of internal administration, employment and social solidarity;
- e) Application of the family member for consultation of the Portuguese criminal record by SEF, whenever he/she has remained in national territory for more than one year in the last five years;
- f) Criminal record certificate issued by the competent authority of the country of nationality of the family member and of the country where he/she has been residing for more than one year.

2 - The request is also accompanied by the following documents:

- a) Proof of incapacity of the adult child, in case of dependent incapacitated adult children;
- b) Certificate of the decision that has ordered the adoption, accompanied by a certificate of the decision of the national authority, which has recognised it, where applicable;
- c) Copy of complete narrative birth certificate, proof of economic dependence situation and proof of enrolment at the school in Portugal, in case of adult dependent children;
- d) Proof of economic dependence, in the case of a first-degree ascendant;
- e) Certificate of the decision that decreed the guardianship, accompanied by a certificate of the decision of the national authority that recognised it, when applicable, in the case of minor siblings;
- f) Written authorisation of the non-resident parent authenticated by a Portuguese consular authority or a copy of the decision that attributes the legal trust of the minor child or the guardianship of the incapacitated to the resident or his/her spouse, when applicable;
- g) Proof of the non-marital partnership, as provided for in article 2-A of Law no. 7/2001, of 11 May, amended by Law no. 23/2010, of 30 August, accompanied, whenever possible, by any indicative elements of the non-marital partnership that should be taken into consideration for the purposes of article 104 (2) of Law no. 23/2007, of 4 July, in its current wording.

3 - In the case of minors referred to in article 99 (1) (b) (f) of Law 23/2007, of 4 July, in its current wording, who have legally entered national territory, the applications may be accompanied, as an alternative to the documents referred to in the paragraphs of the previous number, by an original or certified copy of the decision of promotion and protection of the minor, issued by the Commission for the Protection of Children and Young People.

4 - In case of doubt, additional proof of kinship may be requested.

Article 68

Notification of approval

1 - The granting of the request formulated under the terms of article 98 (1) and article 121-A (2) of Law no. 23/2007, of 4 July, in its current wording, shall be communicated to the member of the Government responsible for the area of foreign affairs, electronically, accompanied by a digitalised copy of the relevant procedural documents. The applicants shall be granted a residence visa, except in the case of verification of facts that if they had been known to the competent authority would have prevented the recognition of the right to family reunification.

2 - The holder of the right to family reunion shall be notified of the decision of granting within 8 days, and shall be informed that his/her family members must go to the diplomatic mission or consular post of their respective area of residence within 90 days, in order to formalise the application for the issuing of a residence visa.

3 - Failure to present the residence visa application in the terms of paragraph 2 implies the expiry of the decision of recognition of the right to family reunion.

Article 69

Cancellation of residence permit

Notwithstanding the provisions of article 108 (7) and article 121-A (2) of Law no. 23/2007, of 4 July, in its current wording, the cancellation of residence permits set forth in those articles shall operate regardless of any other process of another nature, provided that in the respective procedure evidence is produced that the marriage, partnership or adoption had the sole purpose of allowing the beneficiary of family reunion to enter and reside in the country.

SECTION VI

Residence permit

Article 70

Nature and conditions of validity

- 1 - The residence title is individual and is the only identification document capable of proving the quality of legal resident in Portuguese territory.
- 2 - The civil identification rules shall apply to the residence title, with the necessary adaptations.
- 3 - The residence permit is only valid if its titleholder's signature appears on it, except if in the indicated place the issuing entity mentions that he/she does not know how to or cannot sign.
- 4 - The issuance of the residence permit obeys to the provisions of the uniform model and other conditions established in the community regulations in force.

Article 71

Consignment and external service

- 1 - The residence title may be sent to its holder under mail registration, upon prior payment of the postage and shipping costs.
- 2 - The collection of the elements necessary for the issuance of the residence permit may take place at the location where the applicant is if he/she produces duly justified proof of the illness that prevents him/her from going to the issuing services by his/her own means.
- 3 - An additional fee shall be payable for the performance of the external service, and the cost of the transport necessary for displacement shall be paid by the applicant.
- 4 - The personal collection of the residence permit at SEF is subject to the payment of the respective tax aggravated by 50%.

Article 72

Complaints

- 1 - The granting of the claim of the interested party, based on an error of the issuing services, implies the issuing of a new residence permit.
- 2 - The issue provided for in the previous number is free of charge as long as the claim has been presented within 30 days counting from the date of delivery of the title.

Article 73

Duplicate of the residence permit

- 1 - A duplicate of the residence permit may be requested in case of poor conservation status, loss or misplacement, destruction, theft or robbery, except if there is place for its renewal, under the terms of articles 78 or 121-E of Law no. 23/2007, of 4 of July, in its current wording.
- 2 - The request is accompanied by a statement of the reasons that justify it and, in the case of loss, mislaid, destruction, theft or robbery, by a copy of the respective police authority report.
- 3 - The application must be accompanied, if necessary, by two photographs of the applicant, equal, passport type, in colour and plain background, updated and with good identification conditions and, in case of bad state of conservation, it must also be accompanied by the return of the initial title.
- 4 - In case of doubt as to the identity of the applicant or the legitimacy of the request, the issue of the duplicate copy may be granted or refused after the provision of additional proof that can be obtained under the terms of Article 212 (1) of Law 23/2007 of 4 July, in its current wording.
- 5 - The request for a second copy of a residence permit due to loss, mislaid, destruction, theft or robbery determines the insertion of an indication of a stolen, misappropriated or lost object in the SEF Integrated Information System and in the Schengen Information System and prevents its holder from using it if he/she recovers it. In this case, they should be delivered to the SEF.

CHAPTER V

Long-term resident status

Article 74

Application for long-term resident status

- 1 - The application for long-term resident status provided for in Article 125 (1) or in Article 121-J (1) of Law 23/2007, of 4 July, as amended, is formulated in a specific form, of a model approved by an order of the National Director of SEF and signed by the applicant or, in the case of a minor or incapacitated person, by his/her legal representative, to be presented in person at the SEF regional directorate or delegation in the area of residence of the interested party and accompanied by the following documents:
 - a) Valid travel document or a certified copy of it;
 - b) A document proving that he/she has stable and regular resources, in compliance with the provisions of article 126 (1) (b) (6) of Law no. 23/2007, of 4 of July, in its current wording;
 - c) Proof of accommodation;
 - d) Copy of the health insurance contract or proof that the National Health System covers him/her;
 - e) Request for consultation of the Portuguese criminal record by SEF;
 - f) Document proving the secondment, in the situations referred to in article 126 (5) of Law no. 23/2007, of 4 July, in its current wording;

g) When applicable, certificate of higher education issued by a Portuguese official teaching institution or private or cooperative teaching institution legally recognised, certificate of success in the course of basic Portuguese issued by the IEFP, I. P., or by an official teaching institution or private or cooperative teaching institution legally recognised, or, also, certificate of knowledge of basic Portuguese by taking a test in an evaluation centre for Portuguese as a foreign language, recognised by the Ministry of Education and Science.

2 - The request is also accompanied by the necessary information for the verification of compliance with tax and social security obligations, obtained under the terms of Article 212 (9) of Law 23/2007 of 4 July, in its current wording.

3 - Foreign citizens who are granted long-term resident status shall be issued a residence permit, under the terms of articles 121-J or 130 of Law 23/2007, of 4 July, in its current wording, valid for five years.

Article 75

Application for Renewal of Long-Term Resident Permit

1 - The application for renewal of a long-term resident permit shall be accompanied by an application for consultation of the Portuguese criminal record by SEF.

2 - In exceptional circumstances, linked to doubts as to the identity of the applicant or to absence from the national territory for long periods, SEF may require the presentation of a valid passport or a certified copy thereof, notwithstanding the provisions of article 212 (1) of Law 23/2007 of 4 July, in its current wording.

3 - If the application for renewal of the title is presented after its period of validity has expired, the application must always be accompanied by proof of permanence in national territory or proof of the reasons for the absence.

Article 76

Cancellation of long-term resident status

1 - A decisão de cancelamento do estatuto de residente de longa duração é proferida em processo próprio, a instruir pelo SEF, sempre que ocorra uma das situações mencionadas numa das alíneas do n.º 1 do artigo 131.º da Lei n.º 23/2007, de 4 de julho, na sua redação atual.

1 - The decision to cancel long-term resident status shall be pronounced in a specific process to be handled by SEF whenever one of the situations mentioned in one of the subparagraphs of paragraph 1 of article 131 of Law 23/2007, of 4 July, in its current wording, occurs.

2 - O disposto no número anterior aplica-se ao cancelamento do estatuto de residente de longa duração de ex-titulares de cartão azul UE, com as adaptações constantes da parte final do n.º 5 do artigo 121.º-I da Lei n.º 23/2007, de 4 de julho, na sua redação atual.

2 - The provisions of the previous number shall apply to the cancellation of long-term resident status of former holders of the EU Blue Card, with the adaptations contained in the final part of number 5 of article 121-I of Law no. 23/2007, of 4 July, in its current wording.

Article 77

Re-acquisition of status

1 - Long-term residents who have lost the status of long-term resident due to absence from national territory or the European Union may reacquire it, under the terms and conditions of article 131 of Law no. 23/2007, of 4 of July, in its current wording, upon request, accompanied by a travel document and the following documents:

- a) Proof of the possession of stable and regular means of subsistence;
- b) Copy of the health insurance contract or proof that the National Health System covers him/her;
- c) Proof of accommodation.

2 - Until a decision has been made on the request mentioned in the preceding paragraph and if the applicant's authorised period of stay in national territory under the terms of a visa or under a visa exemption regime has expired, an extension of stay may be granted.

Article 78

Communication

The granting of long-term resident status to a citizen who holds a residence permit or EU Blue Card issued, respectively, under the terms of Articles 116 and 118 or 121-I of Law 23/2007, of 4 July, in its current wording, is communicated by SEF, preferably electronically, to the authorities of the Member State of the European Union which granted the long-term resident status or the EU Blue Card.

CHAPTER VI

Removal

SECTION I

General provisions

Article 79

Identification of Foreign Citizens

1 - When identifying a foreign citizen under the terms of article 250 of the Code of Criminal Procedure, the police authorities referred to in article 146 (7) of Law 23/2007, of 4 July, in its current wording, must consult SEF in order to:

- a) Prove the regularity of the citizen's documental situation;
- b) Present the foreign citizen to SEF for the purposes of applying the article 138 of Law 23/2007, of 4 July, in its current wording;
- c) (Repealed.)

2 - The notification referred to in Article 138 (1) of Law 23/2007, of 4th July, in its current wording, and to request the performance of the notification from the authorities referred to in the previous paragraph are the SEF authority agents.

3 - When the foreign citizen is identified under the terms of article 146 (1) (7) of Law 23/2007, of 4 July, in its current wording, or whenever the foreign citizen is detained for identification

under the terms of article 146 (1) of the same law, this fact is always communicated to SEF for the purposes of compliance with paragraph b) of paragraph 1 and paragraph 2 of this article.

Article 80

Admission after benefiting from voluntary return support

1 - Foreign citizens benefiting from voluntary return support provided for under article 139 of Law no. 23/2007, of 4 July, in its current wording, shall be informed of the obligations to which they are subject by SEF or by organisations with which cooperation programmes have been established.

2 - In the case of a beneficiary of voluntary return support intending to return to Portugal during the three-year period after leaving the country, he/she must apply to the diplomatic mission or consular post in the country of habitual residence or in the country of consular jurisdiction of the State of his/her residence.

3 - The diplomatic mission or consular post shall forward the application to SEF, which shall diligently ascertain and communicate to the interested party, by the same means, the amount to be refunded and the conditions for refunding it, namely the number of the bank account to which the amount to be refunded shall be transferred or deposited.

4 - The beneficiary sends to SEF a bank document proving the refund of the amount calculated for the purposes of elimination of the respective non-admission measure.

5 - Elimination takes place as soon as possible and in any case cannot exceed 30 days.

6 - SEF sends to the beneficiary a document proving that the payment was made and that the measure of non-admission was eliminated.

Article 81

Decision to remove a long-term resident or an EU Blue Card holder from a Member State of the European Union

1 - Prior to the enforced expulsion of long-term residents or EU Blue Card holders granted by a Member State of the European Union, the competent authority for determining the expulsion shall ensure that the competent authority of the respective Member State collects the relevant information for analysing the case in accordance with Article 136 (1) (2) of Law 23/2007, of 4 July, as amended, as well as communicating the initiation of the expulsion process and the intention to carry it out to the territory of that Member State.

2 - Once the decision to expel a person to the territory of the Member State, which granted him/her long-term resident status, or the EU Blue Card has been taken, SEF will ensure that it is notified to the authorities of that Member State, as well as communicating the measures adopted in relation to its implementation.

3 - The collection of information and the communications foreseen in the previous numbers are carried out, preferably electronically, with the authorities of the Member State of the European Union, which granted the long-term resident status, or the EU Blue Card, through the contact point designated by the SEF national director.

Article 82

Compliance with the decision

1 - Once the removal decision has been notified and after expiry of the time limit referred to in Article 160 (1) of Law 23/2007, of 4 July, in its current wording, SEF shall proceed to execute it and take the citizen to the border.

2 - In the circumstances referred to in article 160 (2) of Law 23/2007, of 4 July, in its current wording, SEF shall execute the removal decision as soon as possible, leading the citizen to the border.

3 - The execution of the decision implies the citizen's registration in the SEF Integrated Information System and in the Schengen Information System for the purposes of refusal of entry and stay.

4 - (Repealed.)

5 - If, after the notification referred to in paragraph 1, the foreign national does not leave the territory of the Member States of the European Union or of the States where the Convention implementing the Schengen Agreement is in force within the period provided for in paragraph 2, the execution of the decision shall also imply registration of the foreign national in the SEF Integrated Information System and in the Schengen Information System for the purposes of return. If, after the notification referred to in paragraph 1, the foreign national does not leave the territory of the Member States of the European Union or of the States where the Convention implementing the Schengen Agreement is in force within the period provided for in paragraph 2, the enforcement of the decision shall also imply the registration of the citizen in the SEF Integrated Information System and in the Schengen Information System for the purposes of return, under the terms of the provisions of article 33-A of Law 23/2007, of 4 July, in its current wording, with a view to arrest and transportation to the border or recognition of the decision to expel or remove the citizen.

6 - For the purposes of the provisions of article 151 (4) (5) of Law 23/2007, of 4th July, in its current wording, the competent authority must communicate to SEF, at least 60 days in advance, the identification details of citizens who meet the requirements for anticipated deportation due to the expiry of the legal term for serving a prison sentence.

SECTION II

Mutual recognition of expulsion decisions

Article 83

Procedure for the recognition of expulsion decisions

1 - Whenever SEF is aware of an expulsion decision taken by the competent administrative authority of another Member State of the European Union or of a State Party to the Convention implementing the Schengen Agreement against a third-country national who is on national territory, it will organize a process in which the necessary documentation will be gathered from the competent authority of the other State in order to verify the elements foreseen in article 169 of Law no. 23/2007 of 4 July, in its current wording, namely the identification of the entity that issued the decision, its grounds and the enforceable nature of the measure. This includes identification of the entity that issued the decision, the grounds for the decision and the enforceable nature of the measure, accompanied by information on the legal or illegal situation of the citizen in national territory.

2 - Once the circumstances referred to in the previous number have been verified in relation to the third-country national who is apprehended and presented to the competent judge, under the terms of article 146 of Law 23/2007, of 4 July, in its current wording, the national director of SEF will issue a decision recognising the decision to expel, and the citizen will remain in the custody of SEF for transportation to the border, under the terms of article 171 of the same law.

3 - In the remaining cases, once the elements referred to in no. 1 have been gathered, the SEF national director shall order the process to be sent to the competent court in order for a decision to be made on recognition by a judicial entity, in accordance with the provisions of articles 152 to 158 of Law no. 23/2007, of 4 July, in its current wording.

Article 84

Decision on recognition

1 - The provisions laid down in article 149 (2) (3) of Law 23/2007, of 4 July, in its current wording, shall apply to the recognition decision issued under the terms of the previous article.

2 - The recognition decision is executed by SEF as soon as possible, by leading the citizen to the border.

Article 85

National contact point

SEF is the national contact point for the application of Decision No. 2004/191/EC, of the Council of the European Union, of 23 February, which defines the appropriate criteria and practical arrangements for the compensation of the financial imbalances that may result from the Council Directive No. 2001/40/EC of 28 May, transposed in Articles 169 to 172 of Law No. 23/2007 of 4 July, in its current wording.

Article 86

Requests for reimbursement to be submitted by SEF

Where SEF, following a recognition decision under article 83, enforces an expulsion measure taken less than four years previously by another Member State of the European Union or a State party to the Convention implementing the Schengen Agreement, it shall submit a written request for reimbursement to the competent authority of the respective State, within a maximum period of one year from the date of enforcement of the expulsion decision, accompanied by documentary evidence of the costs of the removal operations.

Article 87

Requests for reimbursement submitted to SEF

1 - SEF shall immediately inform the contact point of the respective Member State of the European Union or of a State party to the Convention implementing the Schengen Agreement of the reception of a request for reimbursement addressed to it in connection with the enforcement of an expulsion decision issued by a national competent authority.

2 - The assessment of the reimbursement request shall take into account the date of the expulsion decision, the date of the respective execution and the nature of the expenses submitted.

3 - SEF shall reply to the reimbursement request within a maximum period of three months and, in case of refusal, shall indicate the respective grounds.

4 - The grounds for refusal are, namely:

- a) The execution of the expulsion decision took place more than four years after it was issued;
- b) The request for reimbursement was submitted more than one year after the execution of the decision;
- c) The expulsion decision was issued prior to 28 February 2004
- d) The expenses claimed are not considered eligible under the following article;
- e) The application for reimbursement was not submitted in writing or was not accompanied by supporting documents for the eligible expenditure.

5 - In case of acceptance of the payment, SEF shall make the payment within a maximum period of three months from the date of reply to the reimbursement request.

Article 88

Eligible expenditure

1 - The request for reimbursement for expenses incurred in carrying out a removal measure recognised under national provisions transposing Council Directive 2001/40/EC of 28 May 2001 may cover the following costs:

- a) Costs of transport, of the expellee and of the escort, related to the actual costs of airline tickets up to the amount of the official IATA tariff for the flight concerned at the time of the enforcement or to the actual costs of land transport by road or rail or sea on the basis of the tariff of a second-class boat or train ticket for the distance concerned at the time of the enforcement;
- b) Administrative costs relating to the actual costs of issuing visas and other documents required for the repatriation journey (laissez-passer);
- c) Daily subsistence allowances of escorts in accordance with applicable national law and practice;
- d) Accommodation costs for the escorts, which are related to the actual costs for the stay of the escorts in a transit area of a third country and to the costs for the short stay strictly necessary for the fulfilment of his/her mission in the country of origin, not exceeding two escorts per deported alien, unless, on the basis of the assessment of the competent authority for the implementation and in agreement with the competent authority of the issuing Member State, more escorts are required;
- e) Accommodation costs for aliens who are the subject of removal orders, relating to the actual costs of their stay in suitable accommodation, in accordance with national legislation and/or practice, up to a maximum stay of three months;
- f) Health care costs for medical treatment of foreign nationals and members of escorts in cases of emergency, including necessary hospitalisation costs.

2 - Whenever it appears that the citizen's stay in appropriate premises may last longer than the three months foreseen in paragraph e) of the preceding number, SEF and the competent authority of the other State shall agree on the excess costs.

3 - Whenever necessary, the SEF and the competent authority of the other State shall consult each other in order to agree on costs other than those mentioned in paragraph 1 or on additional costs.

SECTION III

Assistance for removal by air during airport transit

Article 89

Charges for transit assistance

1 - Following the provision of support measures requested by another Member State of the European Union to Portugal, SEF will establish the amounts of charges to be borne by that Member State and, as soon as possible, will inform the respective central authority accordingly, forwarding the relevant accounting documentation.

2 - The costs of support measures provided by another Member State following a previous request formulated by SEF shall be borne by SEF in accordance with the applicable accounting rules and in the form agreed upon with the central authority of the Member State concerned.

CHAPTER VII

Fees and Charges

Article 90

Fees and charges

1 - The fees and other charges to be collected for the administrative acts and procedures provided for in this Decree-Law shall be established by an Ordinance of the Government member responsible for the area of internal administration.

2 - The fees payable for residence permits for investment activities are those set out in the Annex to Ordinance 1334-E/2010, of 31 December, amended by Ordinance 305-A/2012, of 4 October.

CHAPTER VIII

Supplementary, transitional and final provisions

Article 91

Transitional provision

1 - For all legal purposes, holders of a work visa, a residence permit, a temporary stay visa with authorisation to exercise a subordinate professional activity, an extension of stay enabling the exercise of a subordinate professional activity and a study visa granted under the terms of Decree-Law no. 244/98, of 8 August, as amended by Law no. 97/99, of 26 July, by Decree-Law no. 4/2001, of 10 January, and by Decree-Law no. 34/2003, of 25 February, are deemed to be holders of a residence permit No. 97/99, of 26 July, by Decree-Law No. 4/2001, of 10 January, and by Decree-Law No. 34/2003, of 25 February, are considered to be holders of a residence

permit, and at the end of the validity of these titles, they will proceed to substitute them by residence titles, whereby the provisions regarding the renewal of the temporary residence permit or the granting of the permanent residence permit will apply, depending on the case.

2 - For the purposes of the provisions of article 80 (1) (a) of Law No. 23/2007, of 4 July, in its current wording, the legal permanence period under the titles mentioned in the preceding number shall be counted.

3 - The requests presented by bearers of valid titles mentioned in no. 1, due to alteration of the identification elements, theft, loss or deterioration, determine the issuance of a duplicate of those titles, with the same nature and validity period, until its expiration.

4 - Requests for an extension formulated by holders of a temporary stay visa issued under the terms of article 38 (a) of Decree-Law no. 244/98, of 8 August, shall be decided according to the provisions of article 49 (1), with the necessary adaptations.

5 - Requests for extension formulated by holders of temporary stay visas issued under the terms of article 38 (b) of Decree-Law no. 244/98, of 8 August, to family members of foreign citizens holding a visa or extension of stay for medical treatment shall be decided in accordance with the provisions of article 49 (6).

6 - Requests for extensions formulated by holders of temporary stay visas issued under the terms of article 38 (b) of Decree-Law 244/98, of 8 August, to family members of foreign citizens holding work visas or study visas shall be decided in accordance with the provisions of articles 99 et seq. of Law 23/2007, of 4 July, in its current wording, and article 67 of the present regulatory decree, with the necessary adaptations.

7 - Requests for extension formulated by holders of temporary stay visas issued under the terms of article 38 (c) of Decree-Law 244/98, of 8 August, to family members of foreign citizens holding a stay permit shall be decided in accordance with the provisions of articles 99 and following of Law 23/2007, of 4 July, in its current wording, and article 67 of the present regulatory decree, with the necessary adaptations.

8 - Requests for an extension formulated by holders of a work visa issued under the terms of article 36 of Decree-Law no. 244/98, of 8 August, shall be decided in accordance with the provisions of article 78 of Law no. 23/2007, of 4 July, in its current wording, and article 63 of the present regulatory decree, with the necessary adaptations.

9 - The requests for extension formulated by holders of study visas issued under the terms of article 35 (a) (b) of Decree-Law no. 244/98, of 8 August, shall be decided in accordance with the provisions of article 78 of Law no. 23/2007, of 4 July, in its current wording, and article 63 of the present regulatory decree, with the necessary adaptations and observing the provisions of article 95 of the afore-mentioned law.

10 - The requests for extension formulated by holders of study visas issued under the terms of article 35 (c) (d) of Decree-Law no. 244/98, of 8 August, shall be decided in accordance with the provisions of article 78 of Law no. 23/2007, of 4 July, in its current wording, and article 63 of the present regulatory decree, with the necessary adaptations, and the provisions of article 93 of the afore-mentioned law shall be observed.

11 - Citizens who have held the titles mentioned in the preceding numbers for at least five years may be granted, depending on the case, a permanent residence permit, in accordance

with the provisions of article 80 of Law no. 23/2007, of 4 July, in its current wording, as well as article 64 of the present regulatory decree, with the necessary adaptations.

12 - The long-term resident status may be granted to citizens holding the titles mentioned in numbers 4 to 8 for a period of no less than five years, in accordance with the provisions of articles 125 and following of Law no. 23/2007, of 4 July, in its current wording, and article 74 of the present regulatory decree, with the necessary adaptations.

13 - Under the terms of article 217 (8) of Law no. 23/2007, of 4 July, in its current wording, and for the purposes of obtaining the identification card provided for under of article 212 (1) of the same law, SEF shall summon the bearers of the titles issued under the preceding legislation and proceed with their replacement in accordance with a schedule approved by order of the member of the Government responsible for the area of internal administration.

14 - Until the employment opportunities quota provided for in Article 59 of Law 23/2007, of 4 July, in its current wording, the IEPF, I. P., shall adopt provisional measures to publish, via the Internet, all job vacancies not filled within 30 days by workers who enjoy preference under the terms of the law, and the procedures set out in Articles 20 and 27 to 29 of this Decree-law shall apply.

15 - Up to the limit of the job offers referred to in the preceding number, and provided that all other legal conditions are met, residence visas may be granted in order to obtain a residence permit to exercise a subordinate professional activity, under the terms of article 30 of the present regulatory decree.

16 - Foreign citizens who have registered for the purposes set out in article 71 of Regulatory Decree no. 6/2004, of 26 April, and who, meeting the conditions set out therein, have not had their process decided by the date on which the present regulatory decree enters into force, shall continue to be able to benefit, within the time limit set out in article 217 (4) of Law no. 23/2007, of 4 July, in its current wording, from the rights previously assured, applying, with the necessary adaptations, the provisions set out in the present regulatory decree.

Article 92

Monitoring and surveillance

SEF and the Authority for Working Conditions shall establish the appropriate cooperation mechanisms to monitor and supervise the practices of issuing and carrying out promises of work contracts or individualised expressions of interest, so as to ensure the strict application of the system for admission of workers provided for in Article 59 of Law No. 23/2007, of 4 July, in its current wording.

Article 92-A

Monitoring by the High Commissioner for Migrations, I. P.

The High Commission for Migrations, I.P., can liaise with current and potential immigrants in administrative procedures or outside them, notwithstanding the competences of other public bodies, by counselling them, contacting other public and private entities, using electronic means, and preparing the relevant documentation.

Article 92-B

Communication between services and public entities

Under the terms of the provisions of article 124 (5) and article 215 of Law no. 23/2007, of 4 July, in its current wording, the competent services also communicate:

- a) Social security, the Tax and Customs Authority and SPMS - Shared Services of the Ministry of Health, E. P. E., the attribution or alteration of the status of the visa or residence permit entitling the foreign citizen to work in national territory, namely for the purposes of attribution or maintenance of the right to social benefits and contributory framework;
- b) To SEF and IEPF, I. P., electronically, the visas for work search granted.

Article 92-C

Identification of Foreigners

1 - The collection and processing of photographs, facial images and dactyloscopic data for the purpose of identifying foreign nationals, nationals of Member-States of the European Union, stateless persons and national citizens within the scope of the SEF Integrated Information System shall be carried out under the terms and for the purposes envisaged in national law and in the regulations applicable to the Schengen Information System, and with respect for the minimum data quality standards and technical specifications foreseen in those instruments.

2 - The dactyloscopic data referred to in the preceding paragraph shall concern:

- a) On 10 flat fingerprints and 10 rolled fingerprints;
- (b) On two palm prints, where complete fingerprinting is impossible or carried out for crime prevention and investigation purposes;
- c) On two palm prints for third-country nationals who are under an obligation to return because of a criminal conviction or who have committed a criminal offence on the territory of the Member State which issues a return decision.

Artigo 93.º

Norma revogatória

É revogado o Decreto Regulamentar n.º 6/2004, de 26 de abril.

Article 93

Repealable norm

Regulatory Decree No. 6/2004, of 26 April is hereby repealed.