

Migration Policies in Portugal 2017-2019

Pedroza, Luicy; Palop-García, Pau; Chang, So Young

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IMISEM

EVERY IMMIGRANT IS AN EMIGRANT
How Migration Policies Shape
the Paths to Integration

IMISEM CASE REPORT
Migration Policies in

Portugal

2017-2019

Coordinated by:


Luicy Pedroza
Pau Palop-García
So Young Chang

January 2022

G I G A

German  Institute for Global and Area Studies
Leibniz-Institut für Globale und Regionale Studien

Imprint

The IMISEM CASE REPORTS are Open Access publications licensed under the CC BY 4.0  available for download free of charge at our Project Website: www.imisem.info as well as in the Social Science Open Access Repository, which will also host the IMISEM Dataset.

“Every Immigrant is an Emigrant” (IMISEM) is a 4-year project that was funded by the Leibniz-Gemeinschaft and developed at the German Institute for Global and Area Studies (GIGA) from April 2017 until August 2021. The IMISEM project was led by Dr. Luicy Pedroza.

The case reports were authored by a multinational team of researchers coordinated by Luicy Pedroza, Pau Palop-García and So Young Chang. The team of authors (i.e., data collectors) comprised 18 persons (3 core researchers plus 15 student assistants and interns), in alphabetical order: Daniel Braga Nascimento, So Young Chang, Natalia Chudoba, Jenny García Ruales, Belén Goyeneche, Paula Koller, Elena Korshenko, Zihao Lin, Charlotte Metzger, Eduardo Pagés, Pau Palop-García, Luicy Pedroza, Barbara Pilz, Neslihan Önder, Mayya Solonina, Béla Soltész, Arnaz Tejakusuma, and Girindra Wiratni Puspa. For their commitment in the final editing phase, we acknowledge the valuable contributions of Great Uchechukwu Udochi and Micaela Lincango. We are also grateful for the institutional support of the GIGA, especially Peter Peetz, Petra Brandt, Sabine Barth, Jan Lüth, Bert Hoffmann and Verena Schweiger. We also thank Sonia Octavio and Bertram Richter for their support in the cover design and Andrew Crawford for his work in programming the website for the publication of these reports in addition to all the visualizations linked to the IMISEM dataset. Authors alone are responsible for the content of the reports. GIGA and the editors cannot be held liable for any errors and omissions, or for any consequences arising from the use of the information provided.

The data collection for IMISEM took place in Berlin (Germany) from 2017 to 2019 and reflects the state of migration policy at the time of data collection. For maximal transparency, this report follows the structure of the original questionnaire which the team used to collect the information. That tool -an empty questionnaire- is also available in our Project Website for anyone who would like to work further, either to update the cases in the IMISEM sample, or to collect information for cases which were not included in the IMISEM sample. The IMISEM Team encourages both kinds of extensions, which would be very valuable contributions to the scholarly community working on comparative migration policies.

This report you are about to open has been automatically created based on the information contained in the IMISEM dataset, with an R script (version 2.0) coded by Pau Palop-García. Editors of the IMISEM Case Reports: Dr. Luicy Pedroza & Dr. Pau Palop-García.

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German Institute for Global and Area Studies (GIGA) / Leibniz-Institut für Globale und Regionale Studien
Neuer Jungfernstieg 21
20354 Hamburg
Phone: +49 (0)40 - 428 25-593
Fax: +49 (0)40 - 428 25-547
Email: info@giga-hamburg.de
<http://www.giga-hamburg.de>

About IMISEM

“Every Immigrant is an Emigrant (IMISEM)” is a 4-year project that was funded by the Leibniz-Gemeinschaft and hosted at the German Institute for Global and Area Studies (GIGA) from April 2017 until August 2021. Its main distinctive feature is that it adopts a comprehensive view of migration policy. This includes not only the policies that regulate the stages of entry, immigrant residence and integration to citizenship access, but also encompasses the stages of emigration, emigrant rights abroad, and retention of citizenship. Thus, this project bridges for the first time the two sides of migration policy which both the policy and research communities have assumed to exist, but which so far have not been systematically analyzed in their connections. By collecting information on a vast array of information for policies across these six areas (three “stages” * two “sides”) for 32 cases from three world regions, we hope to offer the scholarly and policy communities the resources to discover connections between the different areas of migration policy within and across cases as well as noteworthy migration policy innovations in so far little-known cases in the world. The IMISEM project was led by Dr. Luicy Pedroza. The data collection for IMISEM took place in Berlin (Germany) from 2017 to 2019 and reflects the state of migration policy at the time of data collection. This report has been created based on the information contained in the IMISEM dataset.

The IMISEM case sample

The sample of 32 cases across Asia, Europe, and Latin America were selected based on heterogeneity in the level of economic development, levels of both flows and stocks of emigrants as well as immigrants, and then finally chosen upon taking into consideration the linguistic abilities and other pragmatic concerns that were decisive for the research team’s ability to explore and understand legal sources and policy regulations of the polities. The cases included in the sample are Argentina, Austria, Bolivia, Brazil, Chile, People’s Republic of China, Colombia, Costa Rica, Dominican Republic, East Timor, Ecuador, El Salvador, France, Germany, Guatemala, Hong Kong, Hungary, Indonesia, Ireland, Japan, Macau, Malaysia, Mexico, Peru, Philippines, Portugal, Singapore, South Korea, Spain, Taiwan, Trinidad and Tobago, and Uruguay.

We use the terms “country” and “state” in all the reports for purposes of consistency, but we are aware that some of the *polities* that we have included in the sample would require a different treatment because of situations of subordination to a higher-level political community (as in the cases of Hong Kong and Macau as Special Administrative Regions) or contested sovereignty issues (as in the case of Taiwan). We kindly ask our readers to bear in mind these important characteristics for any interpretation of the data presented.

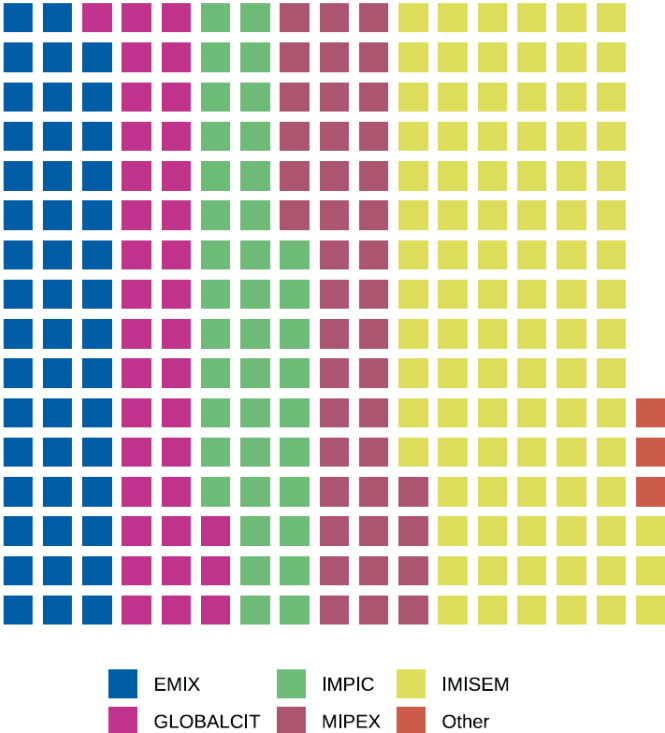
About the IMISEM Questionnaire

For maximal transparency, this report follows the same structure of the IMISEM Data Collection Tool (a questionnaire) which the team used to gather the information. This questionnaire was not distributed to experts to be filled in, but rather served as a systematic tool with which the data collectors/authors were able to collect information in an orderly, systematic, and comparable manner across cases. A template of the IMISEM Data Collection Tool is available for download on our website. It is important for us, the IMISEM Team, to acknowledge how the IMISEM Data Collection Tool builds on previous efforts in

data collection on migration policies. The strategy behind the selection of questions was the following: first, based on a wide survey of the literature, we decided which dimensions and sub-dimensions of policies were relevant for our research goals and noted down the questions that we deemed necessary to gather the information for each of the IMISEM dimensions. Second, we did a thorough review of all the questionnaires produced by previous projects and selected from them those that covered the policy dimensions identified in our initial literature review. As a final step, we came up with new questions that covered those areas that had not been addressed by previous projects and yet seemed crucial to understand migration policies comprehensively and across the three regions that we cover.

The final version includes 288 main questions (and over 800 sub-questions), 90 of which (31.3 %) are original formulations of the IMISEM project and 198 are based on questions developed previously by projects such as [IMPIC](#), [EMIX](#), [GLOBALCIT](#) and [MIPEX](#). The first draft of our Data Collection Tool was piloted on a case from each region and thereafter went through several revisions to refine and modify the wording of questions. As none of the existing tools we drew on had included Asian cases in their original sample, it was important that our tool itself reflected policies that we might encounter in the broader sample pool with their apparent priorities and specificities. An example of this is the addition of questions on broker agencies that assist potential migrants with emigration and immigration, which are highly visible actors in several Asian cases. Adapting questions coming from projects that had originally focused on European cases only also meant discarding items that captured regulations applicable only for European migrants/citizens (i. e. for the European cases in our sample we collect information that applies to “third-country nationals”). The iterative process of piloting and refining questions led to the final version of the IMISEM Data Collection Tool. Figure 1 shows the origin of the questions that are included in our questionnaire.

Figure 1: Origin of the questions included in the IMISEM Data Collection Tool



Each square represents a main question of the IMISEM Questionnaire/Data Collection Tool.

Source: Own elaboration.

Format of the answers contained in this report

The format of the answers that we present in this report follows the needs of the team to have comparable answers, so that we could more easily assign a numerical code later and therefore produce a dataset which lends itself to different analyses. Yet, we also wanted to include an explanation of the answer in some detail so that our readers can understand how we interpreted the sources and why we assigned a certain code. The importance of including an explanation for each answer cannot be understated. The explanations allow us to add nuance to the instances where there is room for debate and contestation over the interpretation of regulations. By explaining our answers, we hope to increase the transparency of the steps between data collection and data coding, and to invite other researchers to draw their own interpretations and conclusions, which may differ from our own.

Each of the answers in this report is composed of four fields:

Answer: this field contains the qualitative answer to the given question (for instance, “yes” or “no”).

Code: this field contains the quantitative answer to the given question. This reflects how we translated the qualitative answer into a number or code (for instance, “yes” can be coded as 0, and “no” as 1). The codes allow us to create composite indicators and compare across cases. The transformation of the qualitative answers into codes have been carried out following the IMISEM Codebook, the free access to which is also available on our website.

Explanation: this field contains the interpretation for the answer. It is meant to help the reader understand the logic behind the qualitative answer given by the coder. It often refers to the regulations -or lack thereof- and explains how we understood it.

Sources: this field contains a description of the sources consulted by the collector/author to come up with the answer and the explanation. Usually, primary sources (such as laws, all kinds of regulations and official government websites) are provided first, followed by consultations with official authorities (if the team considered necessary to corroborate information or decide for an interpretation), and secondary sources.

Format of the sources

We used a shortened version of the Chicago style for the citation of the different sources to reduce the length of the reports. The sources include the name of the web page, publication, report or legal document in the original language, followed by the translation in English within “[]”. Given the complexity of the questions, answering many of them required using more than one source. Therefore, in a single question, several references appear in the same paragraph. They are separated by the following sign: “/”.

For example, the following format was used for legal documents, the most used type of source:

Name of regulation in original language [Name of regulation in English]. Year of enactment (Year of the version). Art. X.

Example: Constitución Española [Spanish Constitution]. 1978 (1992). Art. 78.

Varieties of Standard English

In accordance with the diversity of nationalities and backgrounds in our team, we decided against homogenizing the use of English, which means that readers will find different spelling norms being applied across reports. We followed the use that is customary in the case we collected information for or that which our collectors felt at ease with. The same principle applies to other languages, such as Spanish or German.

Contact

We sincerely hope that our dataset proves useful for your purposes. Please let us know if you have any feedback at: lpedroza@colmex.mx or find us through our ORCID numbers:

Luicy Pedroza: 0000-0003-1971-4399

Pau Palop-García: 0000-0003-3458-4211

So Young Chang: 0000-0001-9632-3485

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1. Emigration policies

1.1. General

EMIGRATION_1: The attempt to leave the country is punishable by law.

Answer: No

Code: 1

Explanation: The Constitution explicitly says that everyone has the right to emigrate, leave the national territory, and the right to return. Portuguese citizens staying or residing abroad have the protection of the State as well as the same rights and obligations as they would have at home, except those exclusively related to their presence in the national territory.

Sources: Constitution of the Portuguese Republic. 1976. Art. 44. / Constitution of the Portuguese Republic. 1976. Art.14.

EMIGRATION_2: Exit fees.

Prospective emigrants need to pay a fee before emigrating.

Answer: No

Code: 1

Explanation: The Constitution only mentions the right to emigrate and no conditions. Furthermore, the only documentation required from persons over 18 in order to get a passport is a valid ID.

Sources: Constitution of the Portuguese Republic. 1976. Art. 44. / Serviço de Estrangeiros e Fronteiras (SEF) [Foreigners and Borders Service]. "Passaporte Eletrónico Português – O que necessita [Portuguese Electronic Passport - What you need]". Accessed August 21, 2018. <https://www.pep.pt/>.

Amount of the fee in country of origin currency:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Amount of the fee in US Dollars:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Prospective emigrants need to make a deposit before emigrating:

Answer: No

Code: 1

Explanation: The Constitution only mentions the right to emigrate and no conditions. Furthermore, the only documentation required from persons over 18 in order to get a passport is a valid ID.

Sources: Constitution of the Portuguese Republic. 1976. Art. 44. / Serviço de Estrangeiros e Fronteiras (SEF) [Foreigners and Borders Service]. "Passaporte Eletrónico Português – O que necessita [Portuguese Electronic Passport - What you need]". Accessed August 21, 2018. <https://www.pep.pt/>.

Amount of the deposit in the currency of the country of origin:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Amount of the deposit in US Dollars:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRATION_3: Citizens can only stay abroad for a given maximum of days.

Citizens can only stay abroad for a given maximum of days

Answer: No

Code: 1

Explanation: The Constitution only mentions return to the country as a right rather than an obligation. Furthermore, Portuguese passports can be renewed abroad meaning that documentation should not be an obstacle either.

Sources: Constitution of the Portuguese Republic. 1976. Art. 44. / Decreto-Lei no. 83/2000 [Decree-Law No. 83/2000]. 2000. Art. 15.

Maximum number of days that citizens can stay abroad:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

1.2. Documentation

1.2.1. Passport

EMIGRATION_4: Cost of ordinary passport.

Cost of ordinary passport in country currency (if there are different costs for passports with different validity, register the cost of the cheapest ordinary passport):

Answer: 65

Code: 65

Explanation: In Portugal (ordinary passport): 65 Euro. In a Portuguese consular representation (ordinary passport): 75 Euro. Delivery fees and other administrative fees may also be added to this cost depending on the case.

Sources: Portaria no. 418/2011 [Ordinance No. 418/2011]. Arts. 1 & 2.

Cost of ordinary passport in US Dollars (if there are different costs for passports with different validity, register the cost of the cheapest ordinary passport):

Answer: 73

Code: 73

Explanation: In Portugal (ordinary passport): 65 Euro. In a Portuguese consular representation (ordinary passport): 75 Euro. Delivery fees and other administrative fees may also be added to this cost depending on the case.

Sources: Portaria no. 418/2011 [Ordinance No. 418/2011]. Arts. 1 & 2.

EMIGRATION_5: Maximum length of procedure to process passport.

Maximum length of procedure to process passport is specified in the regulations or information on the average length is provided by official sources (if there are different lengths, use the minimum):

Answer: Yes

Code: 1

Explanation: The maximum length of procedure to process an ordinary electronic passport is six (6) working days from the day a complete valid request has been handed in to the competent authority.

Sources: Decreto-Lei no. 138/2006 [Decree-Law No. 138/2006]. 2006. Art. 22, 1.

Maximum length of procedure to process passport (in days):

Answer: 6

Code: 6

Explanation: The maximum length of procedure to process an ordinary electronic passport is six (6) working days from the day a complete valid request has been handed in to the competent authority.

Sources: Decreto-Lei no. 138/2006 [Decree-Law No. 138/2006]. 2006. Art. 22, 1.

Maximum length of procedure to process passport (by categories):

Answer: From 0 to 2 months

Code: 1

Explanation: The maximum length of procedure to process an ordinary electronic passport is six (6) working days from the day a complete valid request has been handed in to the competent authority.

Sources: Decreto-Lei no. 138/2006 [Decree-Law No. 138/2006]. 2006. Art. 22, 1.

EMIGRATION_6. Renewal of passport from abroad is possible:

Answer: Yes

Code: 1

Explanation: The consular authorities designated by the Minister of Foreign Affairs are the competent body for passport renewal abroad. A valid ID card is the only documentation requirement.

Sources: Serviço de Estrangeiros e Fronteiras (SEF) [Foreigners and Borders Service]. "Passaporte Eletrónico Português – O que necessita [Portuguese Electronic Passport - What you need]". Accessed August 21, 2018. <https://www.pep.pt/>. / Decreto-Lei no. 83/2000 [Decree-Law No. 83/2000]. 2000. Art. 15, c.

1.2.2. Other requirements

EMIGRATION_7. Local police certificate is necessary to emigrate:

Answer: No

Code: 1

Explanation: Emigration is a constitutional right with no restrictions mentioned in the law.

Sources: Constitution of the Portuguese Republic. 1976. Art. 44.

EMIGRATION_8. Superior/employer's permission is necessary to emigrate:

Answer: No

Code: 1

Explanation: Emigration is a constitutional right with no restrictions mentioned in the law.

Sources: Constitution of the Portuguese Republic. 1976. Art. 44.

EMIGRATION_9. Proof of income is necessary to emigrate:

Answer: No

Code: 1

Explanation: Emigration is a constitutional right with no restrictions mentioned in the law.

Sources: Constitution of the Portuguese Republic. 1976. Art. 44.

EMIGRATION_10. Registration abroad is mandatory.

Answer: No

Code: 1

Explanation: No, but only those registered with a consulate can benefit from consular services (such as passport renewal and document validation), and electoral registration.

Sources: Decreto-Lei no. 71/2009 [Decree-Law No. 71/2009]. 2009. Art. 60.

1.3. Quotas and restrictions

EMIGRATION_11. Quotas to emigrate based on ethnicity.

Quotas to emigrate based on ethnicity exist in the country:

Answer: No

Code: 1

Explanation: The Constitution explicitly says that everyone has the right to emigrate, leave the national territory, and also the right to return. No restriction based on ethnicity is made.

Sources: Constitution of the Portuguese Republic. 1976. Art. 44.

Quota to emigrate for 2017:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRATION_12: Quotas to emigrate based on income.

Quotas to emigrate based on income exist in the country:

Answer: No

Code: 1

Explanation: The Constitution explicitly says that everyone has the right to emigrate, leave the national territory, and also the right to return. No restriction based on income is made. Furthermore, no proof of income is required when requesting a passport.

Sources: Constitution of the Portuguese Republic. 1976. Art. 44. / Serviço de Estrangeiros e Fronteiras (SEF) [Foreigners and Borders Service]. "Passaporte Eletrónico Português – O que necessita [Portuguese Electronic Passport - What you need]". Accessed August 21, 2018. <https://www.pep.pt/>.

Quota to emigrate for 2017:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRATION_13. Those who are liable for military conscription are allowed to emigrate:

Answer: Not applicable (no military conscription in country of study)

Code: Not applicable

Explanation: No military conscription in Portugal.

Sources: Decreto-Lei no. 52/2009 [Decree-Law No. 52/2009]. 2009. Art. 1, 2. / Decreto-Lei no. 71/2009 [Decree-Law No. 71/2009]. 2009. Art. 69.

EMIGRATION_14: Banned countries for emigration.

There are countries that are banned as destination for emigrants:

Answer: No

Code: 1

Explanation: Information on this topic can only be found on the webpage for travel warnings, which also contains advice for those emigrating or residing abroad. In some cases (war, for example) the government advises emigrants to temporarily leave their country of residence, but also makes clear that the information works as “advice and guidance” rather than an obligation. Furthermore, no information on potential banned destinations (due to lack of diplomatic relations, for example) could be found on the website of the Ministry of Foreign Affairs.

Sources: Ministério dos Negócios Estrangeiros [Ministry of Foreign Affairs]. “Síria. Portal das Comunidades Portuguesas [Syria. Portuguese Communities Portal]”. Accessed August 22, 2018. <https://www.portaldascomunidades.mne.pt/pt/conselhos-aos-viajantes/s/281-sy/>. / Governo de Portugal [Government of Portugal]. “Representações diplomáticas portuguesas [Portuguese Diplomatic Representations]”. Accessed August 22, 2018. <https://www.portugal.gov.pt/pt/gc21/area-de-governo/negocios-estrangeiros/informacao-adicional/-representacoes-diplomaticas-portuguesas.aspx>.

List of countries banned for citizens in 2017:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Number of countries banned for citizens in 2017:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRATION_15. Higher education graduates must pay an education tax (or compensation) to be able to emigrate:

Answer: No

Code: 1

Explanation: The Constitution explicitly says that everyone has the right to emigrate and gives no conditions. The only required document to leave the country is a passport, which by law is a right of all Portuguese nationals. Furthermore, the latest tax legislation does not mention particular taxes applicable to graduates wishing to emigrate.

Sources: Constitution of the Portuguese Republic. 1976. Art. 44. / Decreto-Lei no. 83/2000 [Decree-Law No. 83/2000]. 2000. Art. 14. / Resolução do Conselho de Ministros no. 119/97 [Resolution of the Council of Ministers No. 119/97]. 1997.

EMIGRATION_16. Recipients of state scholarship are banned from emigrating:

Answer: No

Code: 1

Explanation: The most popular current scholarship for Portuguese students wishing to study abroad is the Erasmus+ programme, which is an EU-wide initiative that has an exclusive national government agency to manage it in Portugal (Agência Nacional Erasmus+ Educação e Formação). For this scheme students are not banned from emigrating for any given period. The only obligations are related to information provision.

Sources: Direção-Geral do Ensino Superior (DGES) [Directorate-General for Higher Education]. "Mobilidade para fora de Portugal [Mobility outside Portugal]". Accessed August 22, 2018. /pt/pagina/mobilidade-para-fora-de-portugal. / Resolução do Conselho de Ministros no. 15/2014 [Resolution of the Council of Ministers No. 15/2014]. 2014. Art. 1. / European Commission. 2018. Model Grant Agreement (Mono Beneficiary).

EMIGRATION_17: Ban for specific civil professional groups.

There is an emigration ban for specific professional group(s):

Answer: No

Code: 1

Explanation: The Constitution explicitly says that everyone has the right to emigrate and gives no conditions or restrictions in relation to one's profession.

Sources: Constitution of the Portuguese Republic. 1976. Art. 44.

There is a ban for medical doctors:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

There is a ban for other professions:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRATION_18. The ban can be overcome by a letter signed by a supervisor:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRATION_19. The ban can be overcome by a letter signed by an official authority.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

1.4. Policy incentives

EMIGRATION_20. Existence during 2017 of campaigns to encourage emigration:

Answer: Yes

Code: 1

Explanation: There is an information campaign called “Campaign Working Abroad” (Campanha Trabalhar no Estrangeiro) aimed at informing potential emigrants of their rights, obligations, and possibilities. Since 2012 the campaign has entered its third edition.

Sources: Portal das Comunidades Portuguesas [Portuguese Communities Portal]. “Trabalhar e Viver no Estrangeiro [Working and Living Abroad]”. Accessed August 22, 2018. [https://www.portaldascomunidades.mne.pt/pt/trabalhar-e-viver-no-estrangeiro.](https://www.portaldascomunidades.mne.pt/pt/trabalhar-e-viver-no-estrangeiro/) / Gabinete do Secretário de Estado das Comunidades Portuguesas (GSECP) [Office of the Secretary of State for Portuguese Communities], Direção Geral dos Assuntos Consulares e Comunidades Portuguesas (DGACCP) [General Directorate of Consular Affairs and Portuguese Communities], Instituto do Emprego e Formação Profissional (IEFP) [Institute of Employment and Training], Instituto da

Segurança Social (ISS) [Social Security Institute], Autoridade para as Condições do Trabalho (ACT) [Authority for Working Conditions]. 2015. Trabalhar no Estrangeiro – Brochura [Working Abroad - Brochure].

EMIGRATION_21. Existence during 2017 of campaigns to discourage emigration:

Answer: No

Code: 0

Explanation: No information campaign discouraging emigration was founded.

Sources: Resolução do Conselho de Ministros no. 12-B/2015 [Resolution of the Council of Ministers No. 12-B/2015]. 2015.

EMIGRATION_22. Existence of license system to recognize and authorize emigration brokers (i.e. persons or companies dedicated to facilitating the immigration process to emigrants):

Answer: No

Code: 0

Explanation: There is no indication that this exists.

Sources: Not applicable

EMIGRATION_23: Emigration lump sum.

State of origin pays a lump sum incentive to citizens willing to emigrate:

Answer: No

Code: 0

Explanation: None of the sources providing information on the rights and obligations of potential emigrants mention the possibility of receiving a lump sum from the government.

Sources: Portal das Comunidades Portuguesas [Portuguese Communities Portal]. “Trabalhar e Viver no Estrangeiro [Working and Living Abroad]”. Accessed August 22, 2018. <https://www.portaldascomunidades.mne.pt/pt/trabalhar-e-viver-no-estrangeiro>. / Gabinete do Secretário de Estado das Comunidades Portuguesas (GSECP) [Office of the Secretary of State for Portuguese Communities], Direção Geral dos Assuntos Consulares e Comunidades Portuguesas (DGACCP) [General Directorate of Consular Affairs and Portuguese Communities], Instituto do Emprego e Formação Profissional (IEFP) [Institute of Employment and Training], Instituto da Segurança Social (ISS) [Social Security Institute], Autoridade para as Condições do Trabalho (ACT) [Authority for Working Conditions]. 2015. Trabalhar no Estrangeiro – Brochura [Working Abroad - Brochure].

Register the amount of the sum in country currency:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Register the amount of the sum in US Dollars:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRATION_24. State of origin allows citizens willing to emigrate the withdrawal of accumulated social benefits (e.g. unemployment benefits) in a single transfer.

Answer: No

Code: 0

Explanation: Social benefits in Portugal are usually paid in (monthly) installments. The only possibility of a single transfer mentioned in the law is when the person wants to open her/his own business. No mention of a special possibility in the case of potential emigrants is made.

Sources: Decreto-Lei no. 220/2006 [Decree-Law No. 220/2006]. 2006. Art. 4, a.

1.5. Penalties

EMIGRATION_25: Loss of private property.

Risk of losing real state in case of emigration:

Answer: No

Code: 1

Explanation: The Portuguese Constitution guarantees the right to property. Loss of private property only occurs in specific cases related to “public utility”, as stated in the Constitution and in the law related to property expropriation.

Sources: Constitution of the Portuguese Republic. 1976. Art. 62. / Lei no. 168/99 [Law No. 168/99]. 1999. Art. 1.

Risk of losing bank accounts in case of emigration:

Answer: No

Code: 1

Explanation: The Portuguese Constitution guarantees the right to property. Loss of private property only occurs in specific cases related to “public utility”, as stated in the Constitution and in the law related to property expropriation.

Sources: Constitution of the Portuguese Republic. 1976. Art. 62. / Lei no. 168/99 [Law No. 168/99]. 1999. Art. 1.

EMIGRATION_26: Re-entry ban.

Existence of a re-entry ban after residence abroad for nationals by naturalization:

Answer: No

Code: 1

Explanation: The Constitution explicitly says that everyone has the right to emigrate, leave the national territory, and also the right to return. No re-entry penalties are mentioned.

Sources: Constitution of the Portuguese Republic. 1976. Art. 44.

Re-entry ban applies after how many months of residence abroad?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Existence of a re-entry ban after residence abroad for nationals by birth:

Answer: No

Code: 1

Explanation: The Constitution explicitly says that everyone has the right to emigrate, leave the national territory, and also the right to return. No re-entry penalties are mentioned.

Sources: Constitution of the Portuguese Republic. 1976. Art. 44.

Re-entry ban after residence abroad for nationals by birth after how many months of residence abroad?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Existence of a re-entry ban after residence abroad for nationals with dual or multiple nationality:

Answer: No

Code: 1

Explanation: The Constitution explicitly says that everyone has the right to emigrate, leave the national territory, and also the right to return. No re-entry penalties are mentioned.

Sources: Constitution of the Portuguese Republic. 1976. Art. 44.

Re-entry ban after residence abroad for nationals with dual or multiple nationality after how many months of residence abroad?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRATION_27. Existence of sanctions (other than a re-entry ban) for overstaying abroad:

Answer: No

Code: 1

Explanation: The Constitution explicitly says that everyone has the right to emigrate, leave the national territory, and also the right to return. Therefore, there are neither time limits for staying abroad nor sanctions for it.

Sources: Constitution of the Portuguese Republic. 1976. Art. 44.

1.6. Administration

EMIGRATION_28. Existence of institution/agency with competencies for exit and/or emigration:

Existence of institution/agency with competencies for exit and/or emigration:

Answer: Yes

Code: 1

Explanation: The Foreign and Borders Service (SEF - Serviço de Estrangeiros e Fronteiras) is responsible for exit control, whereas the General Directorate for Consular Affairs and Portuguese Communities (Direcção-Geral dos Assuntos Consulares e das Comunidades Portuguesas) and the Interministerial Commission for the Portuguese Communities (Comissão Interministerial para as Comunidades Portuguesas) are responsible for implementing and coordinating emigration policies (both under the Ministry of Foreign Affairs).

Sources: Decreto-Lei no. 252/2000 [Decree-Law No. 252/2000]. 2000. / Decreto-Lei no. 121/2011 [Decree-Law No. 121/2011]. 2011. Art. 12.

Name of the institution with competencies for exit and/or emigration in original language:

Answer: SEF - Serviço de Estrangeiros e Fronteiras / Direcção-Geral dos Assuntos Consulares e das Comunidades Portuguesas / Comissão Interministerial para as Comunidades Portuguesas

Name of the institution with competencies for exit and/or emigration in English:

Answer: Foreign and Borders Service / General Directorate for Consular Affairs and Portuguese Communities / Interministerial Commission for the Portuguese Communities

Place in the administrative hierarchy:

Answer: 2nd Rank in the public administration

Code: 0.75

Explanation: The Foreign and Borders Service (SEF - Serviço de Estrangeiros e Fronteiras) is responsible for exit control, whereas the General Directorate for Consular Affairs and Portuguese Communities (Direcção-Geral dos Assuntos Consulares e das Comunidades Portuguesas) and the Interministerial Commission for the Portuguese Communities (Comissão Interministerial para as Comunidades Portuguesas) are responsible for implementing and coordinating emigration policies (both under the Ministry of Foreign Affairs).

Sources: Decreto-Lei no. 252/2000 [Decree-Law No. 252/2000]. 2000. / Decreto-Lei no. 121/2011 [Decree-Law No. 121/2011]. 2011. Art. 12.

2. Emigrant policies

2.1. Policies of representation

2.1.1. Electoral rights

EMIGRANT_1. Voting is mandatory for citizens residing abroad:

Answer: No

Code: 0

Explanation: Voting in Portugal is a right rather than an obligation, the Constitution says it is a “civic” duty but not a legal obligation. Therefore, being registered to vote is mandatory but voting is not.

Sources: Constitution of the Portuguese Republic. 1976. Art. 49. / Lei no. 47/2018 [Law No. 47/2018]. 2018. Art. 1.

Does the country have presidential elections?

Answer: Yes

Code: 1

Does the country have a bicameral system (e.g. composed of a lower house and an upper house, or an originating chamber and a reviewer chamber)?

Answer: No, the country only has a Lower House

Code: 2

Presidential elections

EMIGRANT_2. Can non-resident citizens vote in national presidential elections from abroad?

Answer: Generally enfranchised

Code: 1

Explanation: Yes, the President is elected by universal secret voting of all registered Portuguese citizens living both in the national territory and abroad.

Sources: Constitution of the Portuguese Republic. 1976. Art. 121.

EMIGRANT_3. Can non-resident citizens stand as candidates in national presidential elections from abroad?

Answer: Generally enfranchised

Code: 1

Explanation: Neither the Constitution nor the law regulating presidential elections mention residence abroad as a constraint for eligibility. According to the law, all Portuguese citizens of origin, older than 35 years old can stand as candidates.

Sources: Constitution of the Portuguese Republic. 1976. Art. 122. / Decreto-Lei no. 319-A/76 [Decree-Law No. 319-A/76]. 1976. Art. 4.

Legislative elections

Lower house (National Elections)

EMIGRANT_4. Can non-resident citizens vote in national legislative elections (lower house) from abroad?

Answer: Generally enfranchised

Code: 1

Explanation: The law explicitly says that all Portuguese citizens registered to vote have the right to do so both in the home country and abroad. It is important to note that Portugal has a unicameral political system, having only one “house” instead of a distinction between upper and lower house. For simplification matters the single house (Portuguese Parliament) is considered as the lower house in this questionnaire, given that is directly elected by the citizens.

Sources: Lei no. 14/79 [Law No. 14/79]. 1979. Art. 3. / Constitution of the Portuguese Republic. 1976. Art. 147.

EMIGRANT_5. Can non-resident citizens stand as candidates in national legislative elections (lower house) from abroad?

Answer: Generally enfranchised

Code: 1

Explanation: Neither the Constitution nor the law regulating parliamentary elections mention residence abroad as a constraint for eligibility. According to the law, all Portuguese citizens regularly registered to vote. None of the special cases for ineligibility mentions place of residence.

Sources: Constitution of the Portuguese Republic. 1976. Art. 150. / Lei no. 14/79 [Law No. 14/79]. 1979. Art. 5.

Upper house (National Elections)

EMIGRANT_6. Can non-resident citizens vote in national legislative elections (upper house) from abroad?

Answer: Non applicable (no Upper House elections)

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRANT_7. Can non-resident citizens stand as candidates in national legislative elections (upper house) from abroad?

Answer: Non applicable (no Upper House elections)

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Registration

EMIGRANT_8. Registration in the electoral roll for non-resident citizens:

Answer: Automatic registration for citizens living abroad

Code: 1

Explanation: As any other citizen, those residing abroad are automatically registered to vote, the voting place being updated when the person's address changes. Even though the law does not explicitly say that consular registration is mandatory, it mentions that Portuguese citizens living abroad must register with a consulate to access consular services and for voter registration. Furthermore, only non-resident citizens can request to be withdrawn from automatic registration.

Sources: Lei no. 47/2018 [Law No. 47/2018]. 2018. Art. 3.

Remote voting

EMIGRANT_9. Voting methods from abroad:

Voting methods available to cast votes from abroad - Electronic voting:

Answer: No

Code: 0

Explanation: Voters abroad can vote at selected diplomatic representations only.

Sources: Lei no. 47/2018 [Law No. 47/2018]. 2018. Art. 2. / Comissão Nacional de Eleições [National Elections Commission]. "Perguntas Frequentes: Votação no estrangeiro [Frequently Asked Questions: Voting Abroad]". Accessed August 23, 2018. <http://www.cne.pt/faq2/113/6>.

Voting methods available to cast votes from abroad - Proxy voting:

Answer: No

Code: 0

Explanation: Voters abroad can vote at selected diplomatic representations only.

Sources: Lei no. 47/2018 [Law No. 47/2018]. 2018. Art. 2. / Comissão Nacional de Eleições [National Elections Commission]. "Perguntas Frequentes: Votação no estrangeiro [Frequently Asked Questions: Voting Abroad]". Accessed August 23, 2018. <http://www.cne.pt/faq2/113/6>.

Voting methods available to cast votes from abroad - Postal voting:

Answer: No

Code: 0

Explanation: Voters abroad can vote at selected diplomatic representations only.

Sources: Lei no. 47/2018 [Law No. 47/2018]. 2018. Art. 2. / Comissão Nacional de Eleições [National Elections Commission]. "Perguntas Frequentes: Votação no estrangeiro [Frequently Asked Questions: Voting Abroad]". Accessed August 23, 2018. <http://www.cne.pt/faq2/113/6>.

Voting methods available to cast votes from abroad - Personal voting in consulates or embassies:

Answer: Yes

Code: 1

Explanation: Voters abroad can vote at selected diplomatic representations.

Sources: Lei no. 47/2018 [Law No. 47/2018]. 2018. Art. 2. / Comissão Nacional de Eleições [National Elections Commission]. "Perguntas Frequentes: Votação no estrangeiro [Frequently Asked Questions: Voting Abroad]". Accessed August 23, 2018. <http://www.cne.pt/faq2/113/6>.

Voting methods available to cast votes from abroad - Ad hoc polling stations:

Answer: No

Code: 0

Explanation: Voters abroad can vote at selected diplomatic representations only.

Sources: Lei no. 47/2018 [Law No. 47/2018]. 2018. Art. 2. / Comissão Nacional de Eleições [National Elections Commission]. "Perguntas Frequentes: Votação no estrangeiro [Frequently Asked Questions: Voting Abroad]". Accessed August 23, 2018. <http://www.cne.pt/faq2/113/6>.

Special representation

EMIGRANT_10: Emigrant special representation.

Is there a special extraterritorial constituency (i.e. reserved seats) for non-resident voters in the country's lower house?

Answer: Yes

Code: 1

Explanation: Yes, Portugal uses the Hondt method of proportionality by geographical constituency. There are two special extraterritorial constituencies for non-resident citizens: one for Europe and one for third countries. (Incorporated counting/ General other)

Sources: Lei no. 14/79 [Law No. 14/79]. 1979. Art. 12.

Number of special seats reserved for non-resident candidates in the lower house:

Answer: 2

Code: 2

Explanation: There are two special extraterritorial constituencies for non-resident citizens: one for Europe and one for third countries. (Incorporated counting/ General other)

Sources: Lei no. 14/79 [Law No. 14/79]. 1979. Art. 12.

Number of special emigrant districts in the lower house:

Answer: 2

Code: 2

Explanation: There are two special extraterritorial constituencies for non-resident citizens: one for Europe and one for third countries. (Incorporated counting/ General other)

Sources: Lei no. 14/79 [Law No. 14/79]. 1979. Art. 12.

Is there a special extraterritorial constituency (i.e. reserved seats) for non-resident voters in the country's upper house?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Number of special seats reserved for non-resident candidates in the upper house:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Number of special emigrant districts in the upper house:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Remote voting implementation

EMIGRANT_11. External voting has been implemented (non-resident citizens have been able to vote from abroad in the past elections):

Answer: no

Code:

Explanation: External voting has been implemented.

Sources: Lei no. 14/79 [Law No. 14/79]. 1979. Art. 12. / Lei no. 47/2018 [Law No. 47/2018]. 2018. Art. 2.

EMIGRANT_12. In case external voting has not been implemented after its adoption, what are the main reasons?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

2.1.2. Regulation of political competition abroad

Party offices in the state of reception

EMIGRANT_13. Offices of political parties are legally allowed abroad:

Answer: No specific regulation of offices abroad

Code: 0.5|No specific regulation of offices abroad

Explanation: The law does not explicitly say if external party offices are legally allowed or forbidden. However, the law does mention that according to the “transparency principle” parties should report their activities both at a national and international level, which indicates that international activities are expected. Moreover, the law says that Portuguese political parties have the right to associate themselves with foreign political parties as well as take part in international federations of political parties, which also indicates that their participation abroad is possible.

Sources: Lei Orgânica no. 2/2003 [Organic Law No. 2/2003]. 2003. Art. 6. / Lei Orgânica no. 2/2003 [Organic Law No. 2/2003]. 2003. Art. 37.

EMIGRANT_14. Actual existence of permanent offices of home country parties abroad which target emigrants in order to capture funding for campaigns or political support:

Answer: Yes

Code: 1

Explanation: Yes, the parties clearly state regulations for the formation of party formations (“Núcleos, Secções e Federações”) abroad for the purpose of political inclusion of the Portuguese communities abroad in the political parties.

Sources: Partido Socialista [Socialist Party]. “ESTATUTOS DO PARTIDO SOCIALISTA [STATUTES OF THE SOCIALIST PARTY]”. Accessed May 19, 2018. https://ps.pt/wp-content/uploads/2018/05/Proposta-de-Alteracoes-Estatutarias_AC.pdf. / Partido Social Democrata (PSD) [Social Democratic Party]. “REGULAMENTO DAS ESTRUTURAS DAS COMUNIDADES PORTUGUESAS DO PSD os 12 September 2018 [REGULATION OF THE STRUCTURES OF THE PORTUGUESE COMMUNITIES OF THE PSD the 12 September 2018]”. Accessed May 19, 2018. <https://www.psd.pt/wp-content/uploads/2018/11/regulamento1537429202.pdf>.

EMIGRANT_15. Register the list of countries (in English) in which the three biggest political parties of the state of origin have offices abroad (consider parties or political movements with the highest number of votes in the last national legislative election).

Answer: Not applicable

Code: Not applicable

Explanation: Parties did not make this information publicly available online or per request (they were directly consulted and did not reply). PSD – Partido Socialista Democrata - <http://www.psd.pt/index2.php#.W37MqM4zaUk> CDS-PP – Partido do Centro Democrático e Social – Partido Popular - <http://www.cds.pt/historia.html> Partido Socialista - <https://ps.pt/index.php/documentos-e-regulamentos/>

Sources: Partido Social Democrata (PSD) [Social Democratic Party]. “Home Page”. Accessed May 29, 2019. <http://www.psd.pt/index2.php#.W37MqM4zaUk>. / Partido do Centro Democrático e Social – Partido Popular (CDS-PP) [Party of the Democratic and Social Center - Popular Party]. “História [History]”. Accessed May 29, 2019. <http://www.cds.pt/historia.html>. / Partido Socialista [Socialist

Party]. "Home Page". Accessed May 29, 2019. <https://ps.pt/index.php/documentos-e-regulamentos>.

EMIGRANT_16. Could external party offices receive public funding from state of origin?

Answer: No specific regulation

Code: 0.5

Explanation: All Portuguese political parties with representation in the Parliament (Assembleia da República) (or at least 50000 votes) can benefit from a specific public funding for political parties. The law does not regulate the allocation of the funding, meaning that parties are allowed to distribute the funding according to their own internal criteria. Therefore, external political party offices could in theory benefit from this state of origin public funding.

Sources: Lei no. 19/2003 [Law No. 19/2003]. 2003. Art. 5.

Political campaigns

EMIGRANT_17. Electoral campaigns abroad for home elections are legally regulated:

Answer: No specific regulation of campaigns abroad

Code: 0.5

Explanation: The law does not explicitly prohibit or regulate political campaigns abroad, it only mentions that any candidate or political party can freely carry out an electoral campaign throughout the national territory. However, the law does mention that according to the "transparency principle" parties should report their activities both at a national and international level, which indicates that international activities are expected. Moreover, the law says that Portuguese political parties have the right to associate themselves with foreign political parties as well as take part in international federations of political parties, which also indicates that their participation abroad is possible.

Sources: Lei Orgânica no. 3/2018 [Organic Law No. 3/2018]. Arts. 4 & 54. / Lei Orgânica no. 2/2003 [Organic Law No. 2/2003]. 2003. Art. 6. / Lei Orgânica no. 2/2003 [Organic Law No. 2/2003]. 2003. Art. 37.

EMIGRANT_18. Actual existence of campaigns abroad for home elections:

Answer: Yes

Code: 1

Explanation: Yes, outside of the EU, at least the Socialist Party (Partido Socialista) campaigns abroad in Brazil for home elections. The funding for campaigns abroad comes autonomously from the representations (offices), which are four in Brazil.

Sources: Consultation with Representative, Partido Socialista (PS) [Socialist Party]. 2018.

EMIGRANT_19. Existence of public funding for electoral campaigns in state of residence:

Answer: Yes, same regulation as in-country campaigns applies

Code: 1

Explanation: Not explicitly, but yes. Political parties submitting nominations for the elections to the National Parliament (Assembleia da República), the European Parliament, the Regional Legislative Assemblies and the local authorities as well as candidates for presidential elections, are entitled to a state subsidy to cover the expenses of the electoral campaigns, with some conditions defined by law. The conditions do not propose any obstacles to expenses abroad, indicating that political campaigns abroad could benefit from such funding.

Sources: Lei no. 19/2003 [Law No. 19/2003]. 2003. Art. 17.

Membership in political parties

EMIGRANT_20. Emigrant membership to home country political parties:

Answer: Legally allowed AND same status for emigrants as for residents

Code: 1

Explanation: The law establishes freedom of association when it comes to political parties, the only condition being that a person can only be associated to one political party at a time. None of the restrictions mentioned in the law related to place of residence.

Sources: Lei Orgânica no. 2/2003 [Organic Law No. 2/2003]. 2003. Art. 20-22.

2.1.3. Consultative bodies

2.1.4. Consultative bodies at the national level

EMIGRANT_21. Existence of a consultative body on emigrant issues:

Answer: Yes

Code: 1

Explanation: Yes, the Council of the Portuguese Communities (Conselho das Comunidades Portuguesas).

Sources: Lei no. 66-A/2007 [Law No. 66-A/2007]. 2007. Art. 1.

EMIGRANT_22. The consultation is structural or ad hoc:

Answer: Structural

Code: 1

Explanation: The Council of the Portuguese Communities works as a permanent council, in thematic commissions, in regional councils, as well as in sessions and sub-sessions.

Sources: Lei no. 29/2015 [Law No. 29/2015]. 2015. Arts. 2 & 31.

EMIGRANT_23. Composition of the consultative body:

Answer: 1

Code: 1

Explanation: Portuguese citizens (individuals) residing abroad and registered at the consular representation of their area of residence who are at least 18 years old up to 60 days before the election can vote/elect the members of the consultative body.

Sources: Lei no. 29/2015 [Law No. 29/2015]. 2015. Arts. 2 & 5, 1.

EMIGRANT_24. Who chairs the consultative body?

Answer: Emigrant appointed by the emigrant community

Code: 1

Explanation: All Portuguese citizens residing abroad who are registered for voting at Parliament elections (Assembleia da República) are eligible as a member/leader of the Council as long as their nomination is supported by at least 2% of the voters of her/his electoral jurisdiction.

Sources: Lei no. 29/2015 [Law No. 29/2015]. 2015. Art. 7.

EMIGRANT_25. The body has the right of initiative to make its own reports or recommendations, even when not consulted:

Answer: Yes

Code: 1

Explanation: The statute that created the Council of the Portuguese Communities and one of its competencies is to formulate proposals and make recommendations on the objectives and applications of the principles of Portugal's emigrant policies.

Sources: Lei no. 29/2015 [Law No. 29/2015]. 2015. Arts. 1 & 2, 1, d.

EMIGRANT_26. Beyond consultation on policies affecting emigrants the body has the right to get a response from national authorities to its advice/recommendations:

Answer: No

Code: 0

Explanation: The law does not mention the Council's right to get a response on its recommendations. However, it does mention the duty of public bodies and consular representations to cooperate with the Council, including when it comes to access to information on emigrant communities.

Sources: Lei no. 29/2015 [Law No. 29/2015]. 2015. Art. 43.

EMIGRANT_27. Selection criteria to ensure representativeness

Existence of selection criteria to ensure a gender-balanced consultative body:

Answer: No

Code: 0

Explanation: No gender criterion found

Sources: Lei no. 29/2015 [Law No. 29/2015]. 2015. Art. 37.

Existence of selection criteria to ensure a geographically-balanced consultative body:

Answer: 1

Code: 1

Explanation: All levels of the Council of the Portuguese Communities have a geographic criterion to ensure representativeness.

Sources: Decreto-Lei no. 71/2009 [Decree-Law No. 71/2009]. 2009. Art. 16. / Decreto-Lei no. 124/2017 [Decree-Law No. 124/2017]. 2017. Art 1.

Consultative bodies at the consular level

EMIGRANT_28. Existence of a consultative body of emigrants at the consular level.

Answer: Yes

Code: 1

Explanation: Each consular representation has a consultative body of emigrants representing its jurisdiction as long as there are at least 1000 (one thousand) Portuguese citizens registered to that area. Furthermore, the Ministry of Foreign Affairs (Negócios Estrangeiros) encourages the creation of independent emigrant associations abroad, which includes providing financial support to such associations through Portugal's consular network.

Sources: Decreto-Lei no. 71/2009 [Decree-Law No. 71/2009]. 2009. Art. 16. / Decreto-Lei no. 124/2017 [Decree-Law No. 124/2017]. 2017. Art 1.

EMIGRANT_29. The consultation is structural or ad hoc:

Answer: Structural

Code: 1

Explanation: The council meets three times a year, on a date to be decided by its president, or extraordinarily by the president's initiative or upon request of at least one third of the members.

Sources: Decreto-Lei no. 71/2009 [Decree-Law No. 71/2009]. 2009. Art. 16, 5.

EMIGRANT_30. Composition of the consultative body:

Answer: Mixed (emigrants and representatives of the government and other institutions)

Code: 0.75

Explanation: Members are elected with state intervention. Two members are part of the consular representation (usually the Consul and her/his assistant), the coordinator for the teaching of Portuguese abroad in that area (or a Portuguese teacher in charge), and the remaining members are appointed by the leader of the consulate representation (usually the Consul) according to numerical proportionality, depending on how many Portuguese citizens live in a certain consular jurisdiction.

Sources: Ministério dos Negócios Estrangeiros, 2009. Decreto-Lei no. 71/2009 - Regulamento Consular, CIII, Art 16°, 2.

EMIGRANT_31. Who chairs the consultative body?

Answer: Member of the government

Code: 0.25

Explanation: The leader of the consulate representation (usually the Consul) is the president of the consular consultative body of emigrants.

Sources: Decreto-Lei no. 71/2009 [Decree-Law No. 71/2009]. 2009. Art. 16, 2, a.

EMIGRANT_32. The body has the right of initiative to make its own reports or recommendations, even when not consulted:

Answer: Yes

Code: 1

Explanation: The statute of Consular Regulation (Regulamento Consular) says that in addition to providing information on the matters affecting Portuguese citizens in its jurisdiction, a consular consultative body should also make its own recommendations when it comes to the application of emigrant policies.

Sources: Decreto-Lei no. 71/2009 [Decree-Law No. 71/2009]. 2009. Art. 16, 4.

EMIGRANT_33. Beyond consultation on policies affecting emigrants the body has the right to get a response from national authorities to its advice/recommendations:

Answer: No

Code: 0

Explanation: The law does not mention the right of consular consultative bodies to get a response on its recommendations.

Sources: Decreto-Lei no. 71/2009 [Decree-Law No. 71/2009]. 2009. Art. 16.

EMIGRANT_34. Selection criteria to ensure representativeness

Existence of selection criteria to ensure a gender-balanced consultative body:

Answer: No

Code: 0

Explanation: No gender criterion found.

Sources Decreto-Lei no. 71/2009 [Decree-Law No. 71/2009]. 2009. Art. 16, 2, c.

Existence of selection criteria to ensure a geographically-balanced consultative body:

Answer: Yes

Code: 1

Explanation: Yes, numerical proportionality by geographic area/consular jurisdiction, varying from 2 to 12 representatives per area, depending on how many Portuguese citizens live in the area.

Sources: Decreto-Lei no. 71/2009 [Decree-Law No. 71/2009]. 2009. Art. 16, 2, c.

2.1.5. Funding of emigrant associations

EMIGRANT_35. Existence of consular support (in kind or financial) to independent emigrant associations

Answer: Yes

Code: 1

Explanation: Yes: financial. Projects are financed for activities of organizations and their general budget from 50-80% of their budget, be it for activities in Portugal or abroad. Associations of Portuguese abroad that are non-for-profit and nonpartisan, and seek the socio-cultural wellbeing of their members and have more than 1 year from their date of their constitution are eligible. There have been several law initiatives mostly by the PCP since 2010 to start a Fund for the support of Portuguese Emigrants but despite being discussed in parliament. One of them became Law in 2017 (Decreto Lei N°. 124/2017 of 27 September. *AND there is ALSO support for IMMIGRANT associations through agreements with the Alto Comissariado para as Migracoes, I.P, but not for emigrant associations.

Sources: Decreto-Lei nº. 124/2017 [Decree-Law No. 124/2017]. 2017.

2.2. Economic Policies

2.2.1. Remittances

EMIGRANT_36. Government program/strategy to attract remittances from emigrants.

Existence of a government program to attract remittances from emigrants:

Answer: No

Code: 0

Explanation: No explicit government program/strategy to attract remittances from emigrants was found. However, the Bank of Portugal has a web page mentioning the (positive) importance of remittances and indicating where to find up-to-date statistics on emigrant remittances for Portugal.

Sources: Banco de Portugal [Bank of Portugal]. "Remessas- Sabe porque são importantes para o País [Remittances- Do you know why they are Important for the Country?]" . Accessed August 27, 2018. <https://www.bportugal.pt/page/remessas-sabe-porque-sao-importantes-para-o-pais>.

Measures to improve banking channels for remittances:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Existence of fee controls for remittances:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Remittances used for a co-development scheme (if remittances are used by the state of origin to fund development policies):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

2.2.2. Investment

EMIGRANT_37. Existence of a government program to attract investments from emigrants (i.e. investment in housing, local enterprises, etc.):

Answer: Yes

Code: 1

Explanation: The government has an office dedicated to identifying, supporting and facilitating emigrant micro and small investment aimed at Portugal, the Diaspora Investor Support Office (Gabinete de Apoio ao Investidor da Diáspora (GAID)). The office follows potential projects as well as those in progress or in order to stimulate and guide the internationalization initiatives of these companies/investors. In the years 2016 and 2017 the Office organized two annual meetings for emigrant investors aimed at providing a space for exchange and development of partnerships, as well as to highlight the economic value and importance of emigrant investment.

Sources: Portal das Comunidades Portuguesas - Ministério dos Negócios Estrangeiros [Portuguese Communities Portal - Ministry of Foreign Affairs]. "Gabinete de Apoio ao Investidor da Diáspora (GAID) [Diaspora Investor Support Office]". Accessed August 27, 2018. <https://www.portaldascomunidades.mne.pt/pt/gabinete-de-apoio-ao-investidor-da-diaspora-gaid>.

2.2.3. Brain circulation networks

EMIGRANT_38. Are there formally constituted networks aiming to build connections between emigrants and the state of origin to share knowledge?

Answer: Yes

Code: 1

Explanation: A joint venture between the state and a foundation. The GPS - Global Portuguese Scientists network is a digital platform to map the amount, the location and the paths of Portuguese scientists around the world. It aims to foster collaboration between Portuguese scientists working in different countries as well as to bring the scientific diaspora closer to the Portuguese society, in order to increase its visibility and recognition in Portugal. The network was idealized by the Francisco Manuel dos Santos Foundation and came to be as fruit of a collaboration with the National Agency for Scientific and Technological Culture (Agência Nacional para a Cultura Científica e Tecnológica), Universidade de Aveiro, and Altice Labs.

Sources: Fundação Francisco Manuel dos Santos [Francisco Manuel dos Santos Foundation]. "Apresentação Global Portuguese Scientists (GPS) [Global Portuguese Scientists Presentation]". Fundação Francisco Manuel dos Santos. Accessed August 28, 2018. <https://www.ffms.pt/conferencias/detalhe/1763/apresentacao-gps-global-portuguese-scientists>. / Global Portuguese Scientists (GPS). Acerca da Rede GPS [About the GPS Network]. Accessed August 28, 2018. <https://gps.pt>.

2.2.4. Return policies

EMIGRANT_39. Recognition of academic and professional qualifications acquired in the state of residence:

Recognition in state of origin of academic and professional qualifications emigrants acquired in the state of residence:

Answer: Yes

Code: 1

Explanation: A process needs to be started. The process varies depending on the type of degree. The recognition can be automatic, related to level, or specific. In general, the recognition process should be requested at a (or any) university or institute for higher education. The length of the deliberation process alone can vary from 30 to 90 days. It might take longer depending on time spent selecting the judging commission and processing documents.

Sources: Decreto-Lei no. 66/2018 [Decree-Law No. 66/2018]. 2018.

Timeframe for the recognition of academic/professional qualifications obtained abroad. If there are several processes (i.e. automatic, for higher education, for primary education.), register the one with the lengthier timeframe:

Answer: 6 months or less

Code: 1

Explanation: The length of the deliberation process alone can vary from 30 to 90 days. It might take longer depending on time spent selecting the judging commission and processing documents.

Sources: Decreto-Lei no. 66/2018 [Decree-Law No. 66/2018]. 2018.

EMIGRANT_40. Communication campaigns aiming to convince emigrants to return to home country:

Answer: No

Code: 0

Explanation: No explicit information campaign aiming to convince emigrants to return home has been found. However, Portugal's Strategic Plan for Migration (2015-2020) (Plano Estratégico para as Migrações (2015-2020)) mentions that the country should incentivize and support the return and integration of Portuguese emigrants who wish to come back. As part of such efforts the Portuguese High Commissioner for Migration (Alto Comissariado para as Migrações (ACM, I.P.)) created the Migrant Return Support Office (O Gabinete de Apoio ao Regresso Emigrante (GARE)) aimed at strengthening the connection, monitoring and support for Portuguese citizens who want to return to Portugal.

Sources: Resolução do Conselho de Ministros no. 12-B/2015 [Resolution of the Council of Ministers No. 12-B / 2015]. 2015. / Alto Comissariado para as Migrações [High Commissioner for Migration].

2018. “Gabinete de Apoio ao Regresso Emigrante (GARE) [Support Office for Emigrant Return]”. Accessed August 27, 2018. <https://www.acm.gov.pt/-/intro-gabinete-de-apoio-ao-empreendedor-migrante>.

EMIGRANT_41. Existence of brain gain programs developed by the government targeting highly qualified emigrants:

Answer: Yes

Code: 1

Explanation: Portugal has a special quota for emigrants and their family members who wish to take the national exam for accessing higher education. Seven (7) percent of the spaces (for the exam) in the first phase (out of 3) are reserved for them. In order to qualify for the quota one must have finished secondary education, permanently resided abroad for at least two years, and worked in the country of residence under a remunerated activity (both subordinated or independent). Furthermore, one of the targets under Portugal’s Strategic Plan for Migration (2015-2020) (Plano Estratégico para as Migrações (2015-2020)) is to “support the hiring of highly qualified Portuguese citizens living abroad”. This includes a ‘roadshow’ (mobile truck with information material) to disseminate the actions and projects aimed at Portuguese emigrants, “with the clear intention of supporting their return”. The first roadshow happened in 2015 with no evidence of other editions. Another initiative is the creation of a “Global Professional Mobility Platform” (Plataforma de Mobilidade Profissional Global), an online tool to particularly support the hiring of highly qualified emigrant professionals, with the objective of particularly promoting and disseminating work opportunities in Portugal for Portuguese engineers and nurses living abroad.

Sources: Portaria no. 211/2018 [Ordinance No. 211/2018]. 2018. Art. 10, 3, c. / Portaria no. 211/2018 [Ordinance No. 211/2018]. 2018. Art. 13. / Resolução do Conselho de Ministros no. 12-B/2015 [Resolution of the Council of Ministers No. 12-B/2015]. 2015. Art. 105. / Alto Comissariado para as Migrações (ACM) [High Commissioner for Migration]. “Roadshow -Portugal é onde estão os portugueses [Roadshow- Portugal is where the Portuguese are]”. Accessed October 2, 2018. <https://www.acm.gov.pt/-/roadshow-portugal-e-onde-estao-os-portugueses->. / Alto Comissariado para as Migrações (ACM). Plataforma de Mobilidade Profissional Global [Global Professional Mobility Platform]”. Accessed October 2, 2018. <https://www.acm.gov.pt/-/plataforma-ordem-dos-engenheiros>. / Mobilidade Profissional Global [Global Professional Mobility Platform]. “Plataforma de Mobilidade Profissional Global [Global Professional Mobility Platform]”. Accessed October 2, 2018. <http://mobilidadeglobal.org/plataforma-de-mobilidade-profissional-global/>.

EMIGRANT_42. Existence of welfare provisions or benefits that aim at facilitating the reintegration of emigrants in the home society:

Answer: No

Code: 0

Explanation: No evidence of an actual welfare scheme aimed at returning emigrants was found in the law or on the official website of the government bodies in charge of emigration policies. However, the Portuguese government has a Migrant Return Support Office (Gabinete de Apoio ao Regresso Emigrante (GARE)) aimed at strengthening the connection, monitoring and support for Portuguese citizens who want to return to Portugal. The office “offers Portuguese citizens living abroad tools and measures that facilitate the transformation of their ideas in projects and actions nationally”. This includes responding to queries and also operating as a structure that monitors the implementation of initiatives that target emigrants. Such initiatives include organizing a migrant mentoring programme, creating an online job seeking platform for emigrant engineers and nurses wishing to return to Portugal (Global Professional Mobility Platform - Plataforma de Mobilidade Profissional Global), as well facilitating a programme for emigrant entrepreneur empowerment.

Sources: Alto Comissariado para as Migrações (ACM) [High Commissioner for Migration]. “Portugal 2020 - Gabinete de Apoio ao Regresso Emigrante [Portugal 2020- Support Office for Emigrant Return]”. Accessed August 28, 2018. <https://www.acm.gov.pt/portugueses/> / Alto Comissariado para as Migrações (ACM) [High Commissioner for Migration]. “Gabinete de Apoio ao Regresso Emigrante (GARE) [Support Office for Emigrant Return]”. Accessed August 27, 2018. <https://www.acm.gov.pt/-/intro-gabinete-de-apoio-ao-emprededor-migrante>.

2.3. Social Policies

2.3.1. Retirement benefits

EMIGRANT_43. Retirement benefits after emigration (i.e. pensions):

Answer: Yes

Code: 1

Explanation: Although the law does not explicitly mention the possibility of maintaining retirement benefits once emigrated, it mentions that beneficiaries living abroad should file their application to receive the benefit with the “institutions provided for in the relevant international instruments”, with the National Pensions Center, or through the social security website. Such provision indicates that the right to maintaining retirement benefits once emigrated to another country exists. No mention of number of years of residence abroad or other conditions to retain entitlement related to residence were made in the law.

Sources: Decreto-Lei no. 187/2007 [Decree-Law No. 187/2007]. 2007. Art 76, 3. / Centro Nacional de Pensões [National Pension Center]. 2018. Guia Prático – Pensão de Velhice [Practical Guide - Old Age Pension]. Instituto da Seguranaça Social, I.P.

2.3.2. Health care benefits

EMIGRANT_44. Health care benefits.

Health coverage can be extended abroad (access to health services covered by the healthcare system in country of origin):

Answer: No

Code: 0

Explanation: The law on healthcare does not mention the possibility of extending health coverage abroad

Sources: Lei no. 48/90 [Law No. 48/90]. 1990. Base XXV.

Emigrants can keep their health insurance in the state of origin and access health care services when they visit the state of origin:

Answer: Yes

Code: 1

Explanation: The law on healthcare does not mention the possibility of extending health coverage abroad. The law mentions that all Portuguese citizens are beneficiaries of the National Healthcare Service (Serviço Nacional de saúde); no restrictions related to place of residence were mentioned in the law. This indicates that emigrants can keep their health coverage in the state of origin and can access its services if they visit the state of origin.

Sources: Lei no. 48/90 [Law No. 48/90]. 1990. Base XXV.

Emigrants can pay for their families' contributions to the public health care scheme of the state of origin:

Answer: No

Code: 0

Explanation: The law on healthcare does not mention the possibility of extending health coverage abroad. The law mentions that all Portuguese citizens are beneficiaries of the National Healthcare Service (Serviço Nacional de saúde); no restrictions related to place of residence were mentioned in the law. This indicates that emigrants can keep their health coverage in the state of origin and can access its services if they visit the state of origin.

Sources: Lei no. 48/90 [Law No. 48/90]. 1990. Base XXV.

2.3.3. Education

EMIGRANT_45. Education programs for emigrants.

Emigrants can access scholarships awarded by the state of origin in the same conditions as resident citizens:

Answer: No

Code: 0

Explanation: No such provision found.

Sources: Not applicable

State of origin has created schools abroad where emigrants can access education provided by the state of origin (i.e. follow the same curricula as schools in country of origin):

Answer: Yes

Code: 1

Explanation: Portugal has a public body exclusively dedicated to coordinating the creation and administration of Portuguese schools abroad: The Directorate of Teaching Services and Portuguese Schools Abroad (Direção de Serviços de Ensino e das Escolas Portuguesas no Estrangeiro). This network of Portuguese schools consists of 12 institutions located in Africa and Asia (EP). Furthermore, the Constitution says that the state should guarantee that the children of emigrants have the opportunity to learn the language and access Portuguese culture. The framework for teaching Portuguese as a foreign language is defined by its own law.

Sources: Portaria no. 30/2013 [Ordinance No. 30/2013]. 2013. / Direcção-Geral da Administração Escolar [Directorate-General for School Administration] “Ensino e Escolas Portuguesas no Estrangeiro (EEPE) [Portuguese Teaching and Schools Abroad]”. Accessed April 24, 2017.

<https://www.dgae.mec.pt/eepe/>. / Constitution of the Portuguese Republic. 1976. Art. 74, 2, i. / Portaria no. 914/2009 [Ordinance No.914/2009]. 2009.

State of origin offers language courses to emigrants to learn the language of the state of reception:

Answer: Yes

Code: 1

Explanation: The Ministry of Foreign Affairs has an institute - Camões Institute (Instituto Camões, I. P.) – that is responsible for managing a network of Portuguese learning abroad, at the primary, secondary and higher education levels (particularly in Portuguese schools and universities programmes abroad) in coordination with the Ministry of Education and Science. The institute also trains teachers to teach a modality of learning called Portuguese as Heritage Language (Português Língua de Herança). As of 2015 the Institute was present in 84 countries.

Sources: Decreto-Lei no. 21/2012 [Decree-Law No. 21/2012]. 2012. Art. 3, 4. / Portaria no. 1191/2010 [Ordinance No. 1191/2010]. 2010.

2.4. Cultural policies

2.4.1. Visits to country of origin

EMIGRANT_46. State of origin organizes visits to the origin country for emigrants on a regular basis:

Answer: Yes

Code: 1

Explanation: The ministry of Foreign Affairs has a programme called “Portugal in the Heart” (Portugal no Coração), which organizes and finances short duration visits for elderly Portuguese emigrants (still residing abroad). Only emigrants who have not visited the country for more than 20 years, older than 65 years of age, physically capable to travel, and are economically disadvantaged are eligible.

Sources: Área Cultural e Movimento Associativo [Cultural Area and Associative Movement]. “Programa- Portugal no Coração [Program - Portugal in the Heart]”. Accessed August 29, 2018. <https://www.portaldascomunidades.mne.pt/pt/apoios/area-cultural-e-movimento-associativo-old/156-programa-portugal-no-coracao>. / Ministério dos Negócios Estrangeiros [Ministry of Foreign Affairs], Ministério da Solidariedade [Ministry of Solidarity], Emprego e Segurança Social (Fundação INATEL)

[Employment and Social Security (INATEL Foundation)], TAP Portugal. 2018. Programa- Portugal no Coração- Regulamento [Program - Portugal in the Heart- Regulation].

2.4.2. Language courses for emigrants

EMIGRANT_47. State of origin finances cultural courses for learning the culture and traditions of the country of origin (this could include language courses to learn the language of origin):

Answer: Yes

Code: 1

Explanation: The Ministry of Foreign Affairs has an institute - Camões Institute (Instituto Camões, I. P.) – that is responsible for managing a network of Portuguese learning abroad, at the primary, secondary and higher education levels (particularly in Portuguese schools and universities programmes abroad) in coordination with the Ministry of Education and Science. The institute also trains teachers to teach a modality of learning called Portuguese as Heritage Language (Português Língua de Herança). As of 2015 the Institute was present in 84 countries.

Sources: Decreto-Lei no. 21/2012 [Decree-Law No. 21/2012]. 2012. Art. 3, 4. / Portaria no. 1191/2010 [Ordinance No. 1191/2010]. 2010. / Camões - Instituto da Cooperação e da Língua [Camões - Cooperation and Language Institute]. “Didática do Português Língua de Herança [Didactics of Portuguese Inheritance Language]”. Accessed August 29, 2018. <http://www.instituto-camoes.pt/activity/servicos-online/ensino-a-distancia/formacao-continua-de-professores/17893-didatica-do-portugues-lingua-de-heranca-pt>. / Camões - Instituto da Cooperação e da Língua [Camões - Cooperation and Language Institute], IP, Ministério dos Negócios Estrangeiros [Ministry of Foreign Affairs]. 2016. Relatório de Atividades do Camões [Camões Activity Report], IP. Lisboa.

2.5. Obligations

2.5.1. Military service

EMIGRANT_48. Emigrants have the obligation to comply with military service:

Answer: No existence of military service

Code: Not applicable

Explanation: Military service was formally abolished in 1999.

Sources: Lei no. 174/99 [Law No. 174/99]. 1999.

2.5.2. Social service

EMIGRANT_49. Emigrants have the obligation to comply with social service:

Answer: No existence of social service

Code: Not applicable

Explanation: The Portuguese Constitution does not mention the existence of social services as a civic duty at all. Furthermore, according to the law regulating the acquisition of educational degrees the only mentioned condition is the successful conclusion of courses.

Sources: Constitution of the Portuguese Republic. 1976. / Lei no. 46/86 [Law No. 46/86]. 1986. Art. 10, 5. / Lei no. 46/86 [Law No. 46/86]. 1986. Art.13.

2.5.3. Taxes

EMIGRANT_50. Obligation to pay taxes in state of origin

Emigrant must pay income taxes in state of origin:

Answer: No

Code: 0

Explanation: The law on income tax says that generally only individuals residing in Portugal are subject to taxes. Otherwise, non-residents can only be taxed on the income they obtain in Portugal. The law says that for tax purposes one is considered a resident of Portugal if she/he has remained in the country for more than 183 days in a 12-month period, consecutively or intercalated.

Sources: Lei no. 82-E/2014 [Law No. 82-E/2014]. Art. 15-16.

There are special taxes for emigrants:

Answer: No

Code: 0

Explanation: No special taxes for emigrants found

Sources: Not applicable

2.6. Administration

2.6.1. Home country administration

EMIGRANT_51. Existence of a home country administration agency/body for emigrants in state of origin.

Existence of institution/agency with competencies for emigrant policies:

Answer: Yes

Code: 1

Explanation: The General Directorate for Consular Affairs and Portuguese Communities (Direcção-Geral dos Assuntos Consulares e das Comunidades Portuguesas (DGACCP)) is an integrating body of the direct administration of the state, as part of the Ministry of Foreign Affairs. This Directorate is responsible for overseeing the application of consular protection, as well as coordinating and executing emigration and emigrant policies. A section of the DGACCP is the Interministerial Commission for the Portuguese Communities (Comissão Interministerial para as Comunidades Portuguesas), which “coordinates matters” related to emigration as well as emigrant policies (Portuguese communities abroad) In addition to these two bodies, the High Commissioner for Migration (Alto Comissariado para as Migrações, I.P.) is responsible for cooperating with the Ministry of Foreign Affairs when it comes to emigration and emigrants, particularly through actions that support, incentivize, and follow the return of emigrants or that strengthen their ties with Portugal.

Sources: Decreto-Lei no. 121/2011 [Decree-Law No. 121/2011]. 2011. Art. 12. / Decreto-Lei no. 31/2014 [Decree-Law No. 31/2014]. 2014. Art. 3, 2, g.

Name of the institution with competencies for emigrant policies in original language:

Answer: Direcção-Geral dos Assuntos Consulares e das Comunidades Portuguesas (DGACCP)

Name of the institution with competencies for emigrant policies in English:

Answer: General Directorate for Consular Affairs and Portuguese Communities

EMIGRANT_52. Place in the administrative hierarchy:

Answer: 2nd Rank in the public administration

Code: 0.75

Explanation: The Ministry of Foreign Affairs is the highest governing body with regards to emigrant affairs, belonging to the executive branch of power. The other two main bodies responsible for the administration of emigrant affairs are part of the MFA. The General Directorate for Consular Affairs and Portuguese Communities (Direcção-Geral dos Assuntos Consulares e das Comunidades Portuguesas (DGACCP)) is a section of the MFA, whereas the Interministerial Commission for the Portuguese Communities (Comissão Interministerial para as Comunidades Portuguesas) is subordinated to the (DGACCP). Meanwhile, the High Commissioner for Migration (Alto Comissariado para as Migrações, I.P.) is a public institute integrated to the indirect administration of the State, having administrative and financial autonomy.

Sources: Decreto-Lei no. 121/2011 [Decree-Law No. 121/2011]. 2011. Art. 12. / Decreto-Lei no. 31/2014 [Decree-Law No. 31/2014]. 2014. Art. 1, 1.

2.6.2. Consular network

EMIGRANT_53: Number of consulates.

Number of consular missions deployed by the state of origin (including consular sections in embassies but excluding honorary consulates):

Answer: 108

Code: 108

Explanation: Type of Consular Representation in 2017: Honorary Consulates (226), Consular sections (68), General Consulates (38), Vice-Consulates (8), Consulates (2). Total number of consulates excluding honorary consulates and Vice-Consulates: 108.

Sources: Direção Geral dos Assuntos Consulares e das Comunidades Portuguesas (DGACCP) [General Directorate for Consular Affairs and Portuguese Communities]. 2017. Atividade Consular no Mundo em 2016 - Rede, resultados e ações de proximidade: as permanências consulares [Consular Activity in the World in 2016 - Network, Results and Proximity Actions: Consular Permanencies]. / Direção Geral dos Assuntos Consulares e das Comunidades Portuguesas (DGACCP) [General Directorate for Consular Affairs and Portuguese Communities]. 2018. Atividade Consular no Mundo em 2017 [Consular Activity in the World in 2017].

Number of countries in which the state of origin has a consular mission (including consular sections in embassies but excluding honorary consulates):

Answer: 148

Code: 148

Explanation: 148 Countries.

Sources: Direção Geral dos Assuntos Consulares e das Comunidades Portuguesas (DGACCP) [General Directorate for Consular Affairs and Portuguese Communities]. 2017. Atividade Consular no Mundo em 2016 - Rede, resultados e ações de proximidade: as permanências consulares [Consular Activity in the World in 2016 - Network, Results and Proximity Actions: Consular Permanencies]. / Direção Geral dos Assuntos Consulares e das Comunidades Portuguesas (DGACCP) [General Directorate for Consular Affairs and Portuguese Communities]. 2018. Atividade Consular no Mundo em 2017 [Consular Activity in the World in 2017].

2.6.3. New consular functions

EMIGRANT_54: Extensions to the consular network services.

Existence of mobile consulates:

Answer: Yes

Code: 1

Explanation: The law on consular functions mentions that mobile consulates (presenças consulares) can be put in place to assure that consular support reaches underserved communities. These mobile consulates are capable of delivering all ordinary consular services.

Sources: Decreto-Lei no. 71/2009 [Decree-Law No. 71/2009]. 2009. Art. 6. / Consulado Geral de Portugal em São Paulo [Consulate General of Portugal in São Paulo]. 2018. Presenças Consulares [Consular Presences].

Consulates open on weekends on a regular basis (e.g. once monthly):

Answer: No

Code: 0

Explanation: No evidence of other extended functions such as weekend hours and online systems was found in the law or on official websites.

Sources Decreto-Lei no. 71/2009 [Decree-Law No. 71/2009]. 2009. Art. 6. / Consulado Geral de Portugal em São Paulo [Consulate General of Portugal in São Paulo]. 2018. Presenças Consulares [Consular Presences].

Consulates offer some services online:

Answer: No

Code: 0

Explanation: No evidence of other extended functions such as weekend hours and online systems was found in the law or on official websites.

Sources: Decreto-Lei no. 71/2009 [Decree-Law No. 71/2009]. 2009. Art. 6. / Consulado Geral de Portugal em São Paulo [Consulate General of Portugal in São Paulo]. 2018. Presenças Consulares [Consular Presences].

EMIGRANT_55: Adoption of new consular functions.

Consulates offer financial consultancy:

Answer: No

Code: 0

Explanation: No evidence of financial consultancy consular functions abroad was found in the law or on the online portals for consular services for “Portuguese communities abroad”. The Portal for Portuguese Communities Abroad has a section on social and legal support, however, the information is restricted to useful links and general services provided in the state of origin rather than consular functions.

Sources: Decreto-Lei no. 71/2009 [Decree-Law No. 71/2009]. 2009. / Portal das Comunidades Portuguesas [Portuguese Communities Portal]. “Área Jurídica – Apoios [Legal Area - Support]. Accessed September 3, 2018. <https://www.portaldascomunidades.mne.pt/pt/apoios/area-juridica>. / Portal das Comunidades Portuguesas [Portuguese Communities Portal]. “Área Social – Apoios [Social Area - Support]. Accessed September 3, 2018. <https://www.portaldascomunidades.mne.pt/pt/apoios/area-social>.

Consulates offer psychological consultancy:

Answer: No

Code: 0

Explanation: No evidence of psychological consultancy abroad was found in the law or on the online portals for consular services for “Portuguese communities abroad”. The Portal for Portuguese Communities Abroad has a section on social and legal support, however, the information is restricted to useful links and general services provided in the state of origin rather than consular functions.

Sources: Decreto-Lei no. 71/2009 [Decree-Law No. 71/2009]. 2009. / Portal das Comunidades Portuguesas [Portuguese Communities Portal]. “Área Jurídica – Apoios [Legal Area - Support]. Accessed September 3, 2018. <https://www.portaldascomunidades.mne.pt/pt/apoios/area-juridica>. / Portal das Comunidades Portuguesas [Portuguese Communities Portal]. “Área Social – Apoios [Social Area - Support]. Accessed September 3, 2018. <https://www.portaldascomunidades.mne.pt/pt/apoios/area-social>.

Consulates offer health services:

Answer: No

Code: 0

Explanation: No evidence of health functions abroad was found in the law or on the online portals for consular services for “Portuguese communities abroad”. The Portal for Portuguese Communities Abroad has a section on social and legal support, however, the information is restricted to useful links and general services provided in the state of origin rather than consular functions.

Sources: Decreto-Lei no. 71/2009 [Decree-Law No. 71/2009]. 2009. / Portal das Comunidades Portuguesas [Portuguese Communities Portal]. “Área Jurídica – Apoios [Legal Area - Support]. Accessed September 3, 2018. <https://www.portaldascomunidades.mne.pt/pt/apoios/area-juridica>. / Portal das Comunidades Portuguesas [Portuguese Communities Portal]. “Área Social – Apoios [Social Area - Support]. Accessed September 3, 2018. <https://www.portaldascomunidades.mne.pt/pt/apoios/area-social>.

2.6.4. Special offices

EMIGRANT_56. Existence of special migrant offices in state of reception created by state of origin (e.g. offices for migrant workers):

Answer: No

Code: 0

Explanation: All services provided to emigrants seem to be centralized in the consular representations and overseen by the General Directorate for Consular Affairs and Portuguese Communities (Direcção-Geral dos Assuntos Consulares e das Comunidades Portuguesas (DGACCP)).

Sources: Decreto-Lei no. 121/2011 [Decree-Law No. 121/2011]. 2011. Art. 12. / Decreto-Lei no. 71/2009 [Decree-Law No. 71/2009]. 2009.

3. Emigrant citizenship and nationality policies

CITNAT: Does the country make a distinction between citizenship and nationality?

Answer: No, it uses the terms 'nationality' and 'citizenship' indistinctly

Code: 0

Explanation: The Constitution defines citizenship as a personal right, generally related to civil capacities. Meanwhile, nationality, although lacking a definition in the law, is associated in Portuguese legal texts with entitlement to different forms of state protection. Even though the law texts bring this implicit differentiation in the use of the words "citizenship" and "nationality", in general the law uses the words "national" and "citizen" interchangeably, usually making reference to those persons who have both nationality and citizenship.

Sources: Constitution of the Portuguese Republic. 1976. Art. 26. / Decreto-Lei no. 237-A/2006 [Decree-Law no. 237-A/2006]. 2006.

3.1. Emigrant nationality

3.1.1. Dual nationality for emigrants

EMINAT_1. Deprivation of nationality for having acquired a foreign nationality.

Loss of nationality for acquisition of foreign citizenship (nationals by birth):

Answer: No provision

Code: 1

Explanation: Loss of Portuguese nationality can only occur if the person voluntarily requests/gives it up under the condition of already having another nationality.

Sources: Lei Orgânica no. 2/2018 [Organic Law No. 2/2018]. 2018. Art. 8.

Nationality can be withdrawn only if person resides abroad:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Nationality can be withdrawn only if person was born abroad:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Nationality can be withdrawn only if person acquires citizenship of other country voluntarily:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Loss of nationality can be prevented:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

3.1.2. Dual nationality only for some countries of residence

EMINAT_2. Dual nationality only tolerable if citizen by birth naturalizes in certain countries.

Dual nationality is only tolerable if citizen by birth naturalizes in certain countries with which state of origin has signed treaties:

Answer: No

Code: 1

Explanation: Loss of Portuguese nationality can only occur if the person voluntarily requests/gives it up under the condition of already having another nationality.

Sources: Decreto-Lei no. 237-A/2006 [Decree-Law No. 237-A/2006]. 2006. Art. 1, 2. / Lei Orgânica no. 2/2018 [Organic Law No. 2/2018]. 2018. Art. 8.

Which countries:

Answer: Not applicable

Code: Not applicable

Explanation: N/A

Sources: Not applicable

3.1.3. Loss of nationality after residence abroad

EMINAT_3: Loss of nationality after residence abroad.

Country of origin deprives their national citizens by birth who emigrated of that nationality because of residence abroad:

Answer: No provision

Code: 1

Explanation: Loss of Portuguese nationality can only occur if the person voluntarily requests/gives it up under the condition of already having another nationality.

Sources: Decreto-Lei no. 237-A/2006 [Decree-Law No. 237-A/2006]. 2006. Art. 1, 2. / Lei Orgânica no. 2/2018 [Organic Law No. 2/2018]. 2018. Art. 8.

Nationality can be withdrawn only if person resides abroad for 20 years or more:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Nationality can be withdrawn only if person has another citizenship:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Country of origin deprives their national citizens by naturalization who emigrated of that nationality because of residence abroad:

Answer: No provision = 1

Code: 1

Explanation: Loss of Portuguese nationality can only occur if the person voluntarily requests/gives it up under the condition of already having another nationality.

Sources: Decreto-Lei no. 237-A/2006 [Decree-Law No. 237-A/2006]. 2006. Art. 1, 2. / Lei Orgânica no. 2/2018 [Organic Law No. 2/2018]. 2018. Art. 8.

3.1.4. Jus sanguinis for emigrants

EMINAT_4: Transfer of nationality to children born abroad.

Country of origin permit parents to confer their nationality on their children who are born abroad:

Answer: Yes

Code: 1

Explanation: Children (2nd generation descendants) of a Portuguese mother or father born abroad have the Portuguese nationality by birth if their birth is registered under the Portuguese civil registry system or if they declare they would like to “be Portuguese”.

Sources: Lei Orgânica no. 2/2006 [Organic Law No. 2/2006]. 2006. Art. 1, 1, c.

Transfer of nationality is applicable to:

Answer: More than one generation

Code: 0.25

Explanation: Children (2nd generation descendants) of a Portuguese mother or father born abroad have the Portuguese nationality by birth if their birth is registered under the Portuguese civil registry system or if they declare they would like to “be Portuguese”.

Sources: Lei Orgânica no. 2/2006 [Organic Law No. 2/2006]. 2006. Art. 1, 1, c.

3.1.5. Jus sanguinis across generations

EMINAT_5: Transfer of nationality to children born abroad from former citizens.

Country of origin permits children who are born abroad to adopt the nationality of parents who are former citizens

Answer: Yes

Code: 1

Explanation: Yes, for the child and grandchild. According to the law, individuals born abroad with at least one ancestor of Portuguese nationality, up to the second degree of direct ancestry (i.e. children and grandchildren) can have Portuguese nationality by birth. The conditions are that the ancestor has not lost citizenship, that the person declares her/his wish to become a Portuguese citizen and has effective ties to the national community. Prior to starting the naturalization process the person's birth needs to then be registered in the national civil registry system.

Sources: Lei Orgânica no. 2/2006 [Organic Law No. 9/2015]. 2015. Art. 1, 1, d.

Transfer of nationality is applicable to:

Answer: More than one generation

Code: 0.25

Explanation: For the child and grandchild. According to the law, individuals born abroad with at least one ancestor of Portuguese nationality, up to the second degree of direct ancestry (i.e. children and grandchildren) can have Portuguese nationality by birth. The conditions are that the ancestor has not lost citizenship, that the person declares her/his wish to become a Portuguese citizen and has effective ties to the national community. Prior to starting the naturalization process the person's birth needs to then be registered in the national civil registry system.

Sources: Lei Orgânica no. 2/2006 [Organic Law No. 9/2015]. 2015. Art. 1, 1, d.

3.1.6. Renunciation of nationality is possible

EMINAT_6: Voluntary renunciation of nationality abroad is possible.

Country of origin provides for a national citizen that resides abroad to voluntarily renounce his/her nationality:

Answer: Renunciation is possible

Code: 1

Explanation: Yes, as long as the person has acquired another nationality prior to renunciation of the Portuguese one.

Sources: Lei Orgânica no. 2/2018 [Organic Law No. 2/2018]. 2018. Art. 8.

Renunciation abroad is only possible if person has another nationality:

Answer: Yes, person renouncing has to show prove of another nationality

Code: 1

Explanation: Renunciation of Portuguese nationality is only possible after the person has acquired another nationality.

Sources: Lei Orgânica no. 2/2018 [Organic Law No. 2/2018]. 2018. Art. 8.

Renunciation abroad is only possible if person was born outside of the country or acquired citizenship of the country by naturalization:

Answer: No

Code: 0

Explanation: Renunciation of Portuguese nationality is possible after the person has acquired another nationality.

Sources: Lei Orgânica no. 2/2018 [Organic Law No. 2/2018]. 2018. Art. 8.

3.1.7. Reacquisition of nationality

EMINAT_7. Country of origin provides for reacquisition of nationality for former nationals:

Answer: Yes

Code: 1

Explanation: The conditions are that the person has since not acquired another nationality as well as has law capacity (is over 18 or emancipated), has not been condemned for a crime punishable by three or more years of imprisonment, and is not a threat to national and public security.

Sources: Decreto-Lei no. 237-A/2006 [Decree-Law No. 237-A/2006]. 2006. Art. 21. / Decreto-Lei no. 71/2017 [Decree-Law No. 71/2017]. 2017. Arts. 2, 21, c.

3.2. Emigrant citizenship

3.2.1. Citizenship restrictions for dual nationals

EMICIT_1. Conditions or restrictions for the exercise of citizen rights if individual has dual or multiple nationalities (nationals by naturalization):

Answer: No restrictions

Code: 1

Explanation: In the case of dual or pluri-nationals the Portuguese nationality is the only one considered for legal purposes in Portugal and therefore no restrictions are imposed.

Sources: Lei no. 37/81 [Law No. 37/81]. 1981. Art. 27.

3.2.2. Different citizenship for emigrants

EMICIT_2. Is there a special status for nationals who are located temporarily or permanently outside the national territory such that they fall in an official category that is different to resident nationals/citizens and which carries legal consequences (e.g. Overseas Indians)?

Answer: No

Code: 0

Explanation: The law treats Portuguese citizens living in the country and Portuguese emigrants as a single category with no legal differentiation. The Constitution explicitly says that Portuguese citizens who reside abroad benefit from the protection of the State for the exercise of rights and are subject to same duties (except those incompatible with their physical absence from the country)

Sources: Constitution of the Portuguese Republic. 1976. Art. 14.

3.2.3. Loss or suspension of citizen rights after residence abroad

EMICIT_3: Country deprives their national citizens by birth who emigrated of their citizen rights.

Does the country deprive their national citizens by birth who emigrated of their citizenship rights (i.e. political rights mostly) or suspend them because of residence abroad?

Answer: No

Code: 0

Explanation: No, the Constitution mentions emigration as a right and says that political rights apply to all citizens.

Sources: Constitution of the Portuguese Republic. 1976. Art. 48. / Constitution of the Portuguese Republic. 1976. Art. 44.

Conditions for the exercise of citizen rights if individual resides abroad (nationals by birth) *If it is not specified in the regulation, it is coded as restrictions not conditional to return:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

4. Immigration policies

4.1. General

4.1.1. Number of entry tracks

IMMIGRATION_1: How many visa types does the country have?

Answer: 6

Code: 6

Explanation: The country has six (6) types of visa that can be granted from abroad.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 45.

IMMIGRATION_2: Categorical organization of visas

Are the visas organized by overarching categories?

Answer: Yes

Code: 1

Explanation: Visas are organized by categories. However, the law does not specify a hierarchical order; the following categories are mentioned, by order of appearance: a) Stopover visa, b) Transit visa, c) Short duration visa, d) Temporary stay visa, e) Residency visa (Visto para obtenção de autorização de residência), f) Special visa.

Sources: Assembleia da República, 2007. Lei no. 23/2007 - Regime jurídico, 2007, CIV, SI, Art. 45° & 68°.

How many categories?

Answer: 6

Code: 6

Explanation: a) Stopover visa, b) Transit visa, c) Short duration visa, d) Temporary stay visa, e) Residency visa (Visto para obtenção de autorização de residência), f) Special visa.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Arts. 45 & 68.

4.1.2. Biometric information

IMMIGRATION_3: Collection of biometric information.

Does the state collect biometric information from all citizens for example for passports?

Answer: Yes

Code: 1

Explanation: For electronic passports citizens are required to provide face photos (that can be recognized by machines when utilizing an electronic passport), as well as fingerprints.

Sources: Decreto-Lei 138/2006 [Decree-Law 138/2006]. 2006. Art. 2. / Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 211.

Does the state collect biometric information from immigrants for example for passports?

Answer: Yes

Code: 1

Explanation: The law mentions that the Foreign and Borders Service (SEF - Serviço de Estrangeiros e Fronteiras) might require (but not in all cases) facial images and fingerprints.

Sources: Decreto-Lei 138/2006 [Decree-Law 138/2006]. 2006. Art. 2. / Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 211.

4.1.3. Visa waivers

IMMIGRATION_4. Is there in the immigration law a specific provision by which the state can determine that certain countries or individuals under specific circumstances can be exempted from the regular visa procedures that apply to residence and work visas (excluding tourists, and regional migrants) (e.g. entry of Spaetaussiedler or Jewish immigrants in Germany)?

Answer: No

Code: 0

Explanation: There is no special visa exemption for specific countries or individuals.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007.

4.2. Documentation

IMMIGRATION_5: Issue of legal compulsory identification documents.

Are all immigrants issued legal compulsory identification documents (e.g. residence permit, IDs)?

Answer: Yes

Code: 1

Explanation: Both citizens and migrants have compulsory identification documents. All nationals either residing in Portugal or abroad are obliged to register for a government ID (Cartão de Cidadão) from the 20th day after the person's birth registration. Meanwhile any foreigner authorised to reside in Portugal will be given a residence ID (título de residência). The law does not mention if individuals are required to carry it at all times (for both cases).

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Sec. I. / Lei no. 23/2007 [Law No. 23/2007]. 2007.

Are they required to carry them at all times?

Answer: No

Code: 0

Explanation: The law does not mention if individuals are required to carry it at all times (for both cases).

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Sec. I. / Lei no. 23/2007 [Law No. 23/2007]. 2007.

4.3. Quotas and restrictions

4.3.1. General quota

IMMIGRATION_6: General quota for immigration.

Is there a general quota (numerical limit) for immigration?

Answer: No

Code: 1

Explanation: The new law on migration (2007) extinguished all the migration quotas established by the previous law on migration (2003). All its subsequent alterations (the latest being in 2017) do not mention any quotas either.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. / Decreto-Lei 34/2003 [Decree-Law 34/2003]. 2003. / Lei no. 102/2017 [Law No. 102/2017]. 2017.

Number of people that make up the quota:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

4.3.2. Specific quotas

IMMIGRATION_7: Quota for high-skilled migrants.

Is there a quota (numerical limit) on the number of high-skilled migrants that were allowed to enter the country?

Answer: No

Code: 1

Explanation: The new law on migration (2007) extinguished all the migration quotas established by the previous law on migration (2003). All its subsequent alterations (the latest being in 2017) do not mention any quotas either.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. / Decreto-Lei 34/2003 [Decree-Law 34/2003]. 2003. / Lei no. 102/2017 [Law No. 102/2017]. 2017.

Number of people that make up the quota:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_8: Quota for low-skilled migrants.

Is there a quota (numerical limit) on the number of low-skilled migrants that are allowed to enter the country?

Answer: No

Code: 1

Explanation: The new law on migration (2007) extinguished all the migration quotas established by the previous law on migration (2003). All its subsequent alterations (the latest being in 2017) do not mention any quotas either.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. / Decreto-Lei 34/2003 [Decree-Law 34/2003]. 2003. / Lei no. 102/2017 [Law No. 102/2017]. 2017.

Number of people that make up the quota:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_9: Quota for refugees.

Is there a quota (numerical limit) on the number of refugees?

Answer: No

Code: 1

Explanation: Portugal's asylum law does not establish an overall number of recognized refugees. The law (and its alteration), mention that they "transpose the principles" of EU Directives.

Sources: Lei no. 27/2008 [Law No. 27/2008]. 2008. / Lei no. 26/2014 [Law No. 26/2014].

Number of people that make up the quota:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_10: Quota for co-ethnics.

Is there a quota (numerical limit) on the number of co-ethnics that are allowed to enter the country?

Answer: No

Code: 1

Explanation: The migration law only establishes privileges to co-ethnics (Brazilians and other citizens from officially Portuguese-speaking Countries), but does not establish quotas of co-ethnics trying to enter the country.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. / Lei no. 102/2017 [Law No. 102/2017]. 2017.

Number of people that make up the quota:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

4.3.3. List of excluded persons

IMMIGRATION_11: Categories of excluded persons.

Are there categories of excluded persons from immigration?

Answer: Yes

Code: 0

Explanation: Yes, persons who are considered a threat to the public order, public safety, or public health can have their request for residence authorization denied. In terms of public health, it refers to persons who have infectious or contagious parasite diseases, particular the ones defined by the World Health Organization. However, if the person has contracted the disease after being granted the first residence permit then this does not qualify as a reason for denial of renewal. The law does not specify what a threat in the case of the other categories would be. However, the denial decision will take into account the severity or the type of offence.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Lei no. Art. 77, 78.

List of categories of excluded persons:

Answer: Persons who are considered a threat to the public order, public safety, or public health can have their request for residence authorization denied. In terms of public health, it refers to persons who have infectious or contagious parasite diseases, particular the ones defined by the World Health Organization. However, if the person has contracted the disease after being granted the first residence permit then this does not qualify as a reason for denial of renewal. The law does not specify what a threat in the case of the other categories would be. However, the denial decision will take into account the severity or the type of offence.

Code: Persons who are considered a threat to the public order, public safety, or public health can have their request for residence authorization denied. In terms of public health, it refers to persons who have infectious or contagious parasite diseases, particular the ones defined by the World Health Organization. However, if the person has contracted the disease after being granted the first residence permit then this does not qualify as a reason for denial of renewal. The law does not specify what a threat in the case of the other categories would be. However, the denial decision will take into account the severity or the type of offence

Explanation: Not applicable

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 77, 78.

4.3.4. List of excluded countries

IMMIGRATION_12: Countries excluded.

Is there a list of countries whose nationals are banned for immigration in this country?

Answer: No

Code: 1

Explanation: The section of the law on migration that defines the conditions for being denied entry and permanence in the country does not refer to nationality as criterion.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. no.33, 1. / Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. no.53.

List of countries excluded:

Answer: Not applicable

Code: Not applicable

Explanation: The section of the law on migration that defines the conditions for being denied entry and permanence in the country does not refer to nationality as criterion.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 33, 1. / Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 53.

4.4. Policy incentives

4.4.1. Recognized brokers

IMMIGRATION_13. State has a license system to recognize and authorize immigration brokers (i.e. persons or companies dedicated to facilitate the immigration process for immigrants):

Answer: No

Code: 0

Explanation: There is no indication in the relevant laws that this exists.

Sources: Not applicable

IMMIGRATION_14. State offers pecuniary incentives to citizens willing to immigrate:

Answer: No

Code: 0

Explanation: The law on migration defines that having one's own means of subsistence is a requirement for individuals attempting to entry or reside in the country. The law detailing what entails

“means of subsistence” does not mention the possibility or existence of any government pecuniary incentives.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art.no. 11. / Portaria no. 1563/2007 [Ordinance No. 1563/2007]. 2007.

4.5. Immigration control and penalties

4.5.1. Irregular residence

IMMIGRATION_15: Illegal residence.

Is illegal residence in the country considered a criminal offense?

Answer: No

Code: 1

Explanation: It is not considered a criminal offense.

Sources: Lei no. 29/2012 [Law No. 29/2012]. 2012. Art. 192.

Is illegal residence considered an administrative offense?

Answer: Yes

Code: 0

Explanation: Irregular residence is considered an administrative offense. The law on migration says that the permanence of a foreign citizen in Portuguese territory for a period longer than authorized constitutes an offense punishable by fines.

Sources: Lei no. 29/2012 [Law No. 29/2012]. 2012. Art. 192.no.

4.5.2. Forged documents

IMMIGRATION_16: Penalties for immigrants with forged documents.

Are there penalties for immigrants for forged documents?

Answer: Yes

Code: 0

Explanation: The law on migration mentions that the documents will be seized and sent to the national or foreign competent agency in “accordance to the applicable regulations”. In general, a foreign citizen who enters or remains illegally in the national territory is apprehended by a police authority and,

whenever possible, handed over to the SEF, accompanied by the respective order, and it must be presented to a judge within a maximum period of 48 hours from the detention. Therefore, a migrant caught using forged documents to irregularly enter the country is subject to detention. Furthermore, according to SEF's 2017 report on immigration, borders and asylum, when a migrant is caught using forged documents an expert report should be filed and sent to external entities such as judicial authorities and other criminal police agencies. The SEF report also mentions that in 2017 only 23,5% of the expert reports on forged documents were forwarded to external entities.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. no.34. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 146, 1. / Serviço de Estrangeiros e Fronteiras (SEF) [Foreign Service and Borders]. 2017. Relatório de Imigração, Fronteiras e Asilo [Immigration, Borders and Asylum Report].

Penalty is expulsion:

Answer: No

Code: 1

Explanation: Expulsion is not listed as a penalty.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 34. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 146, 1. / Serviço de Estrangeiros e Fronteiras (SEF) [Foreign Service and Borders]. 2017. Relatório de Imigração, Fronteiras e Asilo [Immigration, Borders and Asylum Report].

Penalty is a fine:

Answer: No

Code: 1

Explanation: Fine is not stated as a penalty in the law.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 34. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 146, 1. / Serviço de Estrangeiros e Fronteiras (SEF) [Foreign Service and Borders]. 2017. Relatório de Imigração, Fronteiras e Asilo [Immigration, Borders and Asylum Report].

Penalty is detention:

Answer: Yes

Code: 2

Explanation: The law on migration mentions that the documents will be seized and sent to the national or foreign competent agency in "accordance to the applicable regulations". In general, a foreign citizen who enters or remains illegally in the national territory is apprehended by a police authority and, whenever possible, handed over to the SEF, accompanied by the respective order, and it must be presented to a judge within a maximum period of 48 hours from the detention. Therefore, a migrant caught using forged documents to irregularly enter the country is subject to detention. Furthermore, according to SEF's 2017 report on immigration, borders and asylum, when a migrant is caught using forged documents an expert report should be filed and sent to external entities such as judicial authorities and other criminal police agencies. The SEF report also mentions that in 2017 only 23,5% of the expert reports on forged documents were forwarded to external entities.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 34. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 146, 1. / Serviço de Estrangeiros e Fronteiras (SEF) [Foreign Service and Borders]. 2017. Relatório de Imigração, Fronteiras e Asilo [Immigration, Borders and Asylum Report].

Penalty is imprisonment:

Answer: No

Code: 1

Explanation: Imprisonment is not stated in the law.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 34. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 146, 1. / Serviço de Estrangeiros e Fronteiras (SEF) [Foreign Service and Borders]. 2017. Relatório de Imigração, Fronteiras e Asilo [Immigration, Borders and Asylum Report].

IMMIGRATION_17: Penalties for immigrants with expired documents.

Are there penalties for immigrants with expired documents?

Answer: No

Code: 1

Explanation: The law does not mention any penalties for immigrants with expired documents. However, it says that all migrants are required to bear a valid travel document to enter or exit the Portuguese territory, except special cases.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. no.9. / Lei no. 29/2012 [Law No. 29/2012]. 2012. Art. 2.

Penalty is expulsion:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Penalty is a fine:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Penalty is detention:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Penalty is imprisonment:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

4.5.3. Aiding undocumented migrants

IMMIGRATION_18: Penalties for aiding undocumented migrants.**Are there penalties for aiding undocumented migrants?**

Answer: Yes

Code: 0

Explanation: On top of adopting the European Council Framework Decision (of 2002), Portugal also punishes those transporting undocumented migrants with a fine. The fine can vary from 400 (four hundred) to 6000 (six thousand) Euro per person, in the case of groups, and from 3000 (three thousand) to 5000 (five thousand) Euro, in the case of single persons.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 2. / Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. no.194. / Council of the European Union. 2002. Council Framework Decision of 28 November 2002. 2002/946/JHA.

Penalty is a fine:

Answer: Yes

Code: 2

Explanation: On top of adopting the European Council Framework Decision (of 2002), Portugal also punishes those transporting undocumented migrants with a fine. The fine can vary from 400 (four hundred) to 6000 (six thousand) Euro per person, in the case of groups, and from 3000 (three thousand) to 5000 (five thousand) Euro, in the case of single persons.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 2. / Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 194. / Council of the European Union. 2002. Council Framework Decision of 28 November 2002. 2002/946/JHA.

Penalty is imprisonment:

Answer: No

Code: 1

Explanation: Imprisonment is not listed as a penalty.

Sources: Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 185, A. / Lei no. 29/2012 [Law No. 29/2012]. 2012. Art. 3.

4.5.4. Employment obligations

IMMIGRATION_19: Penalties for employers who hire migrant workers without a legal work permit.

Are there sanctions for employers hiring migrant workers without a legal work permit?

Answer: Yes

Code: 0

Explanation: Portugal transposes to national law the European Council/Parliament Directive n. 2009/52/EC. In addition to that, the Portuguese law on migration defines that a person who uses the work of a foreigner citizen who does not possess the right to work will be punished with up to one year of imprisonment or a fine, for up to 240 days. When the number of employees is considered "expressive" (not specified in the law), the employer can face imprisonment for up to two years and be fined for 480 days. The fine scale goes as it follows: From 2.000 to 10.000 Euro if employing 1 to 4 persons; From 4.000 to 15.000 Euro if employing 5 to 10 persons; From 6.000 to 30.000 Euro if employing 11 to 50 persons; From 10.000 to 90.000 Euro if employing more than 50 persons. Furthermore, the employer is also obliged to reimburse some or all related public funding (including financing originating from the EU) referring to up to 12 months prior to the uncovering of the irregular activity.

Sources: Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 185, A. / Lei no. 29/2012 [Law No. 29/2012]. 2012. Art. 3.

Sanction is a fine:

Answer: Yes

Code: 2

Explanation: Portugal transposes to national law the European Council/Parliament Directive n. 2009/52/EC. In addition to that, the Portuguese law on migration defines that a person who uses the work of a foreigner citizen who does not possess the right to work will be punished with up to one year

of imprisonment or a fine, for up to 240 days. When the number of employees is considered “expressive” (not specified in the law), the employer can face imprisonment for up to two years and be fined for 480 days. The fine scale goes as it follows: From 2.000 to 10.000 Euro if employing 1 to 4 persons; From 4.000 to 15.000 Euro if employing 5 to 10 persons; From 6.000 to 30.000 Euro if employing 11 to 50 persons; From 10.000 to 90.000 Euro if employing more than 50 persons. Furthermore, the employer is also obliged to reimburse some or all related public funding (including financing originating from the EU) referring to up to 12 months prior to the uncovering of the irregular activity.

Sources: Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 185, A. / Lei no. 29/2012 [Law No. 29/2012]. 2012. Art. 3.

Penalty is imprisonment:

Answer: Yes

Code: 2

Explanation: Portugal transposes to national law the European Council/Parliament Directive n. 2009/52/EC. In addition to that, the Portuguese law on migration defines that a person who uses the work of a foreigner citizen who does not possess the right to work will be punished with up to one year of imprisonment or a fine, for up to 240 days. When the number of employees is considered “expressive” (not specified in the law), the employer can face imprisonment for up to two years and be fined for 480 days. The fine scale goes as it follows: From 2.000 to 10.000 Euro if employing 1 to 4 persons; From 4.000 to 15.000 Euro if employing 5 to 10 persons; From 6.000 to 30.000 Euro if employing 11 to 50 persons; From 10.000 to 90.000 Euro if employing more than 50 persons. Furthermore, the employer is also obliged to reimburse some or all related public funding (including financing originating from the EU) referring to up to 12 months prior to the uncovering of the irregular activity.

Sources: Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 185, A. / Lei no. 29/2012 [Law No. 29/2012]. 2012. Art. 3.

4.5.5. Landlord obligations

IMMIGRATION_20: Penalties for landlords who rent shelter to migrants without a regular migrant status.

Are there penalties for landlords who rent shelter to migrants without a regular migrant status?

Answer: Yes

Code: 0

Explanation: The migration law does not mention any explicit punishment for landlords who rent shelter to migrants without a legal migrant status. However, the law says that every landlord hosting/renting shelter for foreigners (regardless of the regularity of their status) should communicate to the Foreign and Borders Service (SEF - Serviço de Estrangeiros e Fronteiras), via an electronic system, when a foreigner has entered and exited their establishment. This includes hotels as well as private paid lodging. The communication (called Boletim/Comunicação do alojamento) should happen in the first three working days upon the foreigner’s arrival. Those landlords who omit information about the lodging of foreigners will be fined. The fine scale goes as it follows: From 100 to 500 Euro if

omitting information on 1 to 10 individuals; From 200 to 900 Euro if omitting information on 11 to 50 individuals; From 400 to 2000 Euro if omitting information on more than 51 individuals.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 15. / Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. no.203.

Penalty is a fine:

Answer: Yes

Code: 2

Explanation: The migration law does not mention any explicit punishment for landlords who rent shelter to migrants without a legal migrant status. However, the law says that every landlord hosting/renting shelter for foreigners (regardless of the regularity of their status) should communicate to the Foreign and Borders Service (SEF - Serviço de Estrangeiros e Fronteiras), via an electronic system, when a foreigner has entered and exited their establishment. This includes hotels as well as private paid lodging. The communication (called Boletim/Comunicação do alojamento) should happen in the first three working days upon the foreigner's arrival. Those landlords who omit information about the lodging of foreigners will be fined. The fine scale goes as it follows: From 100 to 500 Euro if omitting information on 1 to 10 individuals; From 200 to 900 Euro if omitting information on 11 to 50 individuals; From 400 to 2000 Euro if omitting information on more than 51 individuals.

Sources: Assembleia da República, 2007. Lei no. 23/2007 - Regime jurídico, 2007,CII, SIII, Art 15° / Assembleia da República, 2007. Lei no. 23/2007 - Regime jurídico, 2007,CX, Art 203°.

Penalty is imprisonment:

Answer: No

Code: 1

Explanation: The migration law does not mention any explicit punishment for landlords who rent shelter to migrants without a legal migrant status. However, the law says that every landlord hosting/renting shelter for foreigners (regardless of the regularity of their status) should communicate to the Foreign and Borders Service (SEF - Serviço de Estrangeiros e Fronteiras), via an electronic system, when a foreigner has entered and exited their establishment. This includes hotels as well as private paid lodging. The communication (called Boletim/Comunicação do alojamento) should happen in the first three working days upon the foreigner's arrival. Those landlords who omit information about the lodging of foreigners will be fined. The fine scale goes as it follows: From 100 to 500 Euro if omitting information on 1 to 10 individuals; From 200 to 900 Euro if omitting information on 11 to 50 individuals; From 400 to 2000 Euro if omitting information on more than 51 individuals.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 15. / Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 203.

4.5.6. Airline penalties

IMMIGRATION_21: Penalties for airlines carrying immigrants without documentation.

Are airlines or other carriers subject to penalties (fines, imprisonment and/or other penalties) for letting travel passengers lacking relevant documentation (such as entry permits or passports)?

Answer: Yes

Code: 0

Explanation: Airlines are not directly punished with fine or imprisonment. However, the airline that transports a foreign citizen lacking relevant documentation is obliged to return the person to the country of origin or a safe location as soon as possible. While the person is awaiting return, the airline is responsible for paying all sums related to the persons transport and lodging in an adequate temporary shelter.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. no.41.

Sanction is a fine:

Answer: No

Code: 1

Explanation: Airlines are not directly punished with fine or imprisonment. However, the airline that transports a foreign citizen lacking relevant documentation is obliged to return the person to the country of origin or a safe location as soon as possible. While the person is awaiting return, the airline is responsible for paying all sums related to the persons transport and lodging in an adequate temporary shelter.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 41.no.

Penalty is more than a fine:

Answer: No

Code: 1

Explanation: Airlines are not directly punished with fine or imprisonment. However, the airline that transports a foreign citizen lacking relevant documentation is obliged to return the person to the country of origin or a safe location as soon as possible. While the person is awaiting return, the airline is responsible for paying all sums related to the persons transport and lodging in an adequate temporary shelter.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 41.no.

4.6. Amnesty programs

IMMIGRATION_22: Existence of amnesty program.

In the past decade, did any amnesty program for irregular immigrants or any permanent regularization mechanism exist?

Answer: No

Code: 0

Explanation: No amnesty program in the previous ten years

Sources: Decreto Regulamentar No. 9/2018 [Regulatory Decree No. 9/2018]. 2018. Art. 62.

The amnesty program is/was:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Being employed is/was a condition to qualify for the amnesty program:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

A given duration of stay is/was a condition to qualify for the amnesty program:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Having a certain nationality is/was a condition to qualify for the amnesty program:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Does a case by case regularization for irregular immigrants existed?

Answer: Yes

Code: 1

Explanation: Yes, case by case regularization existed.

Sources: Decreto Regulamentar No. 9/2018 [Regulatory Decree No. 9/2018]. 2018. Art. 62.

Being employed is a condition to qualify for the case by case regularization program:

Answer: Yes

Code: 1

Explanation: Yes, being employed was a condition and regularization was also only applicable for those who are in Portugal for humanitarian reasons.

Sources: Decreto Regulamentar No. 9/2018 [Regulatory Decree No. 9/2018]. 2018. Art. 62.

A given duration of stay is a condition to qualify for the case by case regularization program:

Answer: Yes

Code: 1

Explanation: Yes, the duration of stay had to be for at least one year.

Sources: Decreto Regulamentar No. 9/2018 [Regulatory Decree No. 9/2018]. 2018. Art. 62.

Having a certain nationality is a condition to qualify for the case by case regularization program:

Answer: No

Code: 0

Explanation: No, the regularization was not restricted to certain nationalities.

Sources: Decreto Regulamentar No. 9/2018 [Regulatory Decree No. 9/2018]. 2018. Art. 62.

Is regularization through marriage possible:

Answer: No

Code: 0

Explanation: No, regularization through marriage was not possible.

Sources: Decreto Regulamentar No. 9/2018 [Regulatory Decree No. 9/2018]. 2018. Art. 62.

IMMIGRATION_23. The amnesty defines the types of irregular migrants as:

Answer: Foreign citizens who already work in Portugal without having entered legally but fulfil other requisites in the law and are working in Portugal since at least one year, paying social security, can benefit from the exceptional regularization for humanitarian reasons for getting a residence permit. “Cidadãos (as) estrangeiros (as) que já trabalham em Portugal; Quem não tenha comprovativo de entrada legal no país, mas cumpra todos os restantes requisitos previstos na Lei, e esteja a trabalhar em Portugal há mais de um ano, com descontos para a Segurança Social, pode beneficiar do regime excecional por razões humanitarias”. In 2010 the government approved an integration plan for migrants (II Plano para a Integração dos Imigrantes (2010-2013)), in which they mention that one of their general aims is to regularize the documentation of foreign citizens and their respective families.

Code: Foreign citizens who already work in Portugal without having entered legally but fulfil other requisites in the law and are working in Portugal since at least one year, paying social security, can benefit from the exceptional regularization for humanitarian reasons for getting a residence permit. “Cidadãos (as) estrangeiros (as) que já trabalham em Portugal; Quem não tenha comprovativo de entrada legal no país, mas cumpra todos os restantes requisitos previstos na Lei, e esteja a trabalhar em Portugal há mais de um ano, com descontos para a Segurança Social, pode beneficiar do regime excecional por razões humanitarias”. In 2010 the government approved an integration plan for migrants (II Plano para a Integração dos Imigrantes (2010-2013)), in which they mention that one of their general aims is to regularize the documentation of foreign citizens and their respective families.

Explanation: Not applicable

Sources: Decreto Regulamentar No. 9/2018 [Regulatory Decree No. 9/2018]. 2018. Art. 62. no./ Joana Henriques. “Governo regulariza imigrantes que estejam há um ano no mercado de trabalho [Government Regularizes Immigrants who have been in the Labor Market for a Year]”. Access date not available. <https://www.publico.pt/2018/06/28/sociedade/noticia/governo-aprova-simplificacao-para-pedidos-de-vistos-de-estrangeiros-1836233>.

4.7. Administration

IMMIGRATION_24_1: Administration in charge of immigration regulation.

Which institution is in charge of immigration regulation (in original language)?

Answer: Alto Comissariado para as Migrações

Code: Alto Comissariado para as Migrações

Explanation: Not applicable

Sources: Decreto-Lei no. 31/2014 [Decree-Law No. 31/2014]. 2014. Art. 3, 2, c. / Decreto-Lei no. 252/2000 [Decree-Law No. 252/2000]. 2000. Arts. 1 & 3.

Which institution is in charge of immigration regulation (in English language)?

Answer: High Commissioner for Migration

IMMIGRATION_24_2: Administration in charge of implementing immigration policies.

Which institution is in charge of the implementation of immigration policies (in original language)?

Answer: Alto Comissariado para as Migrações

Code: Alto Comissariado para as Migrações

Explanation: Not applicable

Sources: Decreto-Lei no. 31/2014 [Decree-Law No. 31/2014]. 2014. Art. 3, 2, c. / Decreto-Lei no. 252/2000 [Decree-Law No. 252/2000]. 2000. Arts. 1 & 3.

Which institution is in charge of immigration regulation (in English language)?

Answer: High Commissioner for Migration

IMMIGRATION_24_3: Administration in charge of border control.

Which institution is in charge of border control (in original language)?

Answer: SEF - Serviço de Estrangeiros e Fronteiras

Code: SEF - Serviço de Estrangeiros e Fronteiras

Explanation: Not applicable

Sources: Decreto-Lei no. 31/2014 [Decree-Law No. 31/2014]. 2014. Art. 3, 2, c. / Decreto-Lei no. 252/2000 [Decree-Law No. 252/2000]. 2000. Arts. 1 & 3.

Which institution is in charge of border control (in English language)?

Answer: Foreign and Borders Service

IMMIGRATION_24_4: Administration in charge of detentions.

Which institution is in charge of detentions (in original language)?

Answer: Autoridades de polícia criminal in the SEF - Serviço de Estrangeiros e Fronteiras

Code: Autoridades de polícia criminal in the SEF - Serviço de Estrangeiros e Fronteiras

Explanation: Not applicable

Sources: Decreto-Lei no. 31/2014 [Decree-Law No. 31/2014]. 2014. Art. 3, 2, c. / Decreto-Lei no. 252/2000 [Decree-Law No. 252/2000]. 2000. Arts. 1 & 3.

Which institution is in charge of detentions (in English language)?

Answer: Criminal Police Authorities of the Foreign and Borders Service

4.8. Proxy: Labor migration (high- and low-skilled)

IMMIGRATION_25: Visas applied to labor migration.

Is there a labor migration scheme that allows immigrants to enter the country to work in any capacity?

Answer: Yes

Code: 1

Explanation: There are 11 possible visas for immigration for work purposes.

Sources: Serviço de Estrangeiros e Fronteiras (SEF) [Foreigners and Frontiers Service], “Solicitar Residência em Portugal- Trabalhar em Portugal [Apply for Residence in Portugal- Working in Portugal]”. Accessed March 12, 2021. <https://imigrante.sef.pt/solicitar/trabalhar/>.

Is the same visa applied to (1) domestic worker proxy, (2) agricultural worker proxy, and (3) medical doctor proxy?

Answer: No

Code: 0

Explanation: No, medical doctors enter with a visa for the highly qualified, whereas domestic and agricultural workers would enter with a visa for the exercise of a subordinated activity either with a permit of residence or not (“Autorização de residência para exercício de atividades profissional subordinada, com visto de residência”)

Sources: SEF, “Solicitar Residência em Portugal. Trabalhar em Portugal”, <https://imigrante.sef.pt/solicitar/trabalhar/>. Accessed March 12, 2021. Serviço de Estrangeiros e Fronteiras (SEF) [Foreigners and Frontiers Service], “Solicitar Residência em Portugal- Trabalhar em Portugal [Apply for Residence in Portugal- Working in Portugal]”. Accessed March 12, 2021. <https://imigrante.sef.pt/solicitar/trabalhar/>.

4.8.1. Domestic workers

Is there a visa scheme (entry track) for domestic workers?

Answer: Yes

Code: 1

Explanation: There is no particular visa aimed at domestic workers but they can access a “residency visa for performing subordinated professional activity” (visto de residência para exercício de atividade profissional subordinada). This visa is only accessible when there are vacancies available for the

profession of domestic worker that could not be filled by Portuguese citizens, EU/EEA citizens, citizens from countries with which the European community has bilateral treaties of free circulation, or regular third country residents already living in Portugal.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 59.

IMMIGRATION_26. Do migrants trying to enter the country under this entry track, need to be sponsored by an individual or group?

Answer: No

Code: 1

Explanation: The only requirements are a job contract or the promise of a job contract.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 59 no., 5, a.

IMMIGRATION_27. Is a concrete job offer (e.g. acceptance letter, formal invitation) or a contract signed in advance required or beneficial for immigrating?

Answer: Yes, required

Code: 0.25

Explanation: Required. For 'visas for performing subordinated professional activity' a job contract or the promise of a job contract are required by the law.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 59, 5, a.

IMMIGRATION_28. Does the country use a national labor market test for covering posts under the domestic worker proxy (i.e. employers seeking to hire an immigrant had to prove no native worker could do the job)?

Answer: Yes

Code: 0.5

Explanation: The 'visa for performing subordinated professional activity' is only accessible when there are vacancies available, in this case specifically for the profession of domestic worker, that could not be filled by Portuguese citizens, EU/EEA citizens, citizens from countries with which the European community has bilateral treaties of free circulation, or regular third country residents already living in Portugal.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 59.

IMMIGRATION_29. Is the domestic worker entry track restricted to certain nationalities? (specify the nationalities in explanation).

Answer: No

Code: 1

Explanation: No. However, Portuguese citizens, EU/EEA citizens, citizens from countries with which the European community has bilateral treaties of free circulation, or regular third country residents already living in Portugal have priority, given the necessity of a market test.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 59.

IMMIGRATION_30: Restrictions based on age.

Are there age limits for migrant domestic workers in order to be admitted to the country?

Answer: No

Code: 1

Explanation: Age limits are not mentioned in the law as conditions to access a visa for performing subordinated professional activity.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 59.

Which minimum age?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_31. Is having a certain gender a requisite to be admitted to the country under the domestic worker entry track?

Answer: No

Code: 1

Explanation: The law does not mention any gender requisites to being admitted to the country under a visa for performing subordinated professional activity.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 59.

IMMIGRATION_32. Is having a certain marital status a requisite to be admitted to the country under the domestic worker track entry track?

Answer: No

Code: 1

Explanation: The law does not mention marital status as a requisite to be admitted to the country under a visa for performing subordinated professional activity.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 59.

IMMIGRATION_33. Do migrant domestic workers need to prove the ability to support themselves?

Answer: Yes

Code: 0.5

Explanation: All migrant workers applying for a temporary permit should have sufficient subsistence means. This refers to sufficient, stable and regular resources to cover the basic necessities of the applicant and her/his family, particular with relation to food, accommodation, and hygiene. The law defines that the amount should make reference to the minimum salary; however, no specific sum is defined.

Sources: Lei no. 102/2017 [Law No. 102/2017]. 2017. Arts. 3 & 52, 1, b. / Portaria no. 1563/2007 [Ordinance No. 1563/2007]. 2007. Art. 2.

IMMIGRATION_34. Is knowledge of the host country's language considered beneficial or required for the decision on whether someone could immigrate as a domestic worker?

Answer: Neither beneficial, nor required

Code: 1

Explanation: Not mentioned at all (therefore beneficial rather than required). The law on migration does not mention language skills as a factor or condition for any visa track.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007.

IMMIGRATION_35. Does the application under the domestic worker entry track cost a fee? Register the fee in US Dollars. If application does not cost anything, specify 0. If there are several fees (for example, for initiating the process and for issuing the document), add up the amounts.

Answer: 81.52

Code: 81.52

Explanation: All temporary working visas cost 75 Euro (81,52 USD).

Sources: Portaria no. 320-C/2011[Ordinance No. 320-C/2011]. 2011. Art. 62.

IMMIGRATION_36. How long is the domestic work permit valid for? Indicate the period in months.

Answer: 12

Code: 12

Explanation: The law does not specify the validity of the visa track for performing subordinated professional activity. However, the official website of the General Consulate of Portugal in Brazil

explicitly mentions that this visa is for periods over twelve (12) months. The website does not mention the maximum validity of the visa.

Sources: Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 54. / Consulado Geral de Portugal em São Paulo [Consulate General of Portugal in São Paulo]. "Visto para exercício de atividade profissional subordinada – D1 [Visa for the Exercise of Subordinate Professional Activity - D1]". Accessed July 25, 2018. <http://consuladportugalsp.org.br/visto-para-exercicio-de-atividade-profissional-subordinada-d1/>.

IMMIGRATION_37. Is it possible to renew the work permit granted under the domestic worker entry track?

Answer: Yes

Code: 1

Explanation: Yes, and it is not necessary to leave the country. The law mentions "extension" rather than renewal. In this case, work permits for those performing subordinated activities can be renewed as long as the conditions that granted the first visa remain valid and the applicant has a job contract, is registered in the national healthcare system or has her/his own health insurance.

Sources: Lei no. 102/2017 [Law No. 102/2017]. 2017. Art.no. 71.

IMMIGRATION_38: Possibility of changing jobs.

Is it possible for a migrant worker accepted under the domestic worker entry track to switch employers?

Answer: Yes

Code: 1

Explanation: Yes, all migrants (even stateless persons) have the same rights as do Portuguese workers, and protection against labor market discrimination. Thus, they are able to switch location, profession and employer.

Sources: Lei n.º 7/2009 [Law No. 7/2009]. 2009. Art. 4.

Is it possible for a migrant domestic worker accepted under this entry track to switch professional sectors?

Answer: Yes

Code: Yes

Explanation: Yes, all migrants (even stateless persons) have the same rights as do Portuguese workers, and protection against labor market discrimination. Thus, they are able to switch location, profession and employer.

Sources: Lei n.º 7/2009 [Law No. 7/2009]. 2009. Art. 4.

Is it possible for a migrant worker accepted under the domestic worker entry track to switch locations?

Answer: Yes

Code: 1

Explanation: Yes, all migrants (even stateless persons) have the same rights as do Portuguese workers, and protection against labor market discrimination. Thus, they are able to switch location, profession and employer.

Sources: Lei n.º 7/2009 [Law No. 7/2009]. 2009. Art. 4.

IMMIGRATION_39. Does loss of employment result in the withdrawal of a migrant domestic worker's resident permit under this track?

Answer: No

Code: 0

Explanation: No, they are protected socially as are Portuguese workers and if employment has been lost involuntarily by the migrant, they will receive unemployment insurance and their permit will not be at risk.

Sources: Portaria n.º 760/2009 [Ordinance No. 760/2009]. 2009. Arts. 1-3.

IMMIGRATION_40. Is it required by law that the work conditions (e.g. minimum wage, working hours, and benefits) of the migrant domestic workers were equal to those of native workers?

Answer: Yes

Code: 1

Explanation: A foreigner or stateless worker who is authorised to perform a subordinated professional activity in Portugal has the same rights and is subject to the same duties as a Portuguese worker.

Sources: Lei n.º 7/2009 [Law No. 7/2009]. 2009. Art. 4.

IMMIGRATION_41. Is a minimum level of education required to apply to the domestic entry track?

Answer: No

Code: 1

Explanation: No specific level of education is mentioned as a requirement to acquire a visa for performing subordinated professional activities.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 59.

IMMIGRATION_42. Is a test of good health required for migrant domestic worker?

Answer: No

Code: 1

Explanation: No. However, the law says that a third country national could be requested to undertake medical examination before entry in order to prove that she/he is not infected with contagious parasite diseases.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 32, 3.

4.8.2. Agricultural workers

Is there a visa scheme (entry track) for agricultural workers?

Answer: Yes

Code: 1

Explanation: Agricultural workers can access both short and long duration visas for seasonal workers. Portugal also transposes to national law the EU Directive 2014/36/EU.

Sources: Lei no. 102/2017 [Law No. 102/2017]. 2017. Arts. 2 & 3 & 51A & 56.

IMMIGRATION_43. Do migrants trying to enter the country under the agricultural worker entry track need to be sponsored by an individual or group?

Answer: No

Code: 1

Explanation: The only requirements are a job contract or the promise of a job contract, having appropriate health insurance cover, as well as guarantee of dignified lodging conditions.

Sources: Lei no. 102/2017 [Law No. 102/2017]. 2017. Arts. 2 & 3 & 51A & 56.

IMMIGRATION_44. Is a concrete job offer (e.g. acceptance letter, formal invitation) or a contract signed in advance required or beneficial for immigrating as an agricultural worker?

Answer: Yes, required

Code: 0.25

Explanation: Required. For 'visas for seasonal workers' a job contract or the promise of a job contract are required by the law.

Sources: Lei no. 102/2017 [Law No. 102/2017]. 2017. Arts. 2 & 3 & 51A & 56.

IMMIGRATION_45. Does the country use a national labor market test for covering posts under the agricultural worker proxy (i.e. employers seeking to hire an immigrant had to prove no native worker could do the job)?

Answer: No

Code: 1

Explanation: Market tests are not mentioned as a requirement for accessing visas for seasonal workers.

Sources: Lei no. 102/2017 [Law No. 102/2017]. 2017. Arts. 2 & 3 & 51A & 56.

IMMIGRATION_46. Is the agricultural worker entry track restricted to certain nationalities? (specify nationalities in the explanation).

Answer: No

Code: 1

Explanation: The law does not mention any nationality restrictions to accessing a seasonal worker visa.

Sources: Lei no. 102/2017 [Law No. 102/2017]. 2017. Arts. 2 & 3 & 51A & 56.

IMMIGRATION_47: Restrictions based on age.

Are age limits for migrant agricultural workers in order to be admitted to the country?

Answer: No

Code: 1

Explanation: Age limits are not mentioned in the law as conditions to access a visa for seasonal work.

Sources: Lei no. 102/2017 [Law No. 102/2017]. 2017. Arts. 2 & 3 & 51A & 56.

Which minimum age?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_48. Is having a certain gender a requisite to be admitted to the country under this entry track?

Answer: No

Code: 1

Explanation: The law does not mention any gender requisites to being admitted to the country under a visa for seasonal work.

Sources: Lei no. 102/2017 [Law No. 102/2017]. 2017. Arts. 2 & 3 & 51A & 56.

IMMIGRATION_49. Is having a certain marital status a requisite to be admitted to the country under the agricultural worker entry track?

Answer: No

Code: 1

Explanation: The law does not mention marital status as a requisite to be admitted to the country under a visa for seasonal work.

Sources: Lei no. 102/2017 [Law No. 102/2017]. 2017. Arts. 2 & 3 & 51A & 56.

IMMIGRATION_50. Do migrant agricultural workers need to prove the ability to support themselves?

Answer: No

Code: 1

Explanation: The only requirements are a job contract or the promise of a job contract, having appropriate health insurance cover, as well as guarantee of dignified lodging conditions.

Sources: Lei no. 102/2017 [Law No. 102/2017]. 2017. Arts. 2 & 3 & 51A & 56.

IMMIGRATION_51. Is knowledge of the host country's language considered beneficial or required for the decision on immigrating as an agricultural worker?

Answer: Neither beneficial, nor required

Code: 1

Explanation: Not mentioned at all (therefore beneficial rather required). The law on migration does not mention language skills as a factor or condition for any visa track.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007.

IMMIGRATION_52. Does the application under the agricultural worker entry track cost a fee? Register the fee in US Dollars. If application does not cost anything, specify 0. If there are several fees (for example, for initiating the process and for issuing the document), add up the amounts.

Answer: All temporary working visas cost 75 Euro (81,52 USD).

Code: All temporary working visas cost 75 Euro (81,52 USD).

Explanation: All temporary working visas cost 75 Euro (81,52 USD).

Sources: Portaria no. 320-C/2011 [Ordinance No. 320-C/2011]. 2011. Art. 62.

IMMIGRATION_53. How long is the work permit valid for? Indicate the period in months.

Answer: 9

Code: 9

Explanation: The general characteristic of long duration visas for seasonal work is that they are valid for a period at least longer than three months (90 days), in contrast to short duration visas for seasonal work, which are valid to up to 90 days. In the case of long duration visas for seasonal work the permit will have the same period of validity as the job contract, not exceeding 9 months during a period of 12 months (seasonal character).

Sources: Lei no. 102/2017 [Law No. 102/2017]. 2017. Arts. 2 & 56.

IMMIGRATION_54. Is it possible to renew the work permit granted under the agricultural worker entry track?

Answer: No

Code: 0

Explanation: No. However, a third country national that has been granted seasonal working visa in the previous five years and has complied with regulations related to it, is entitled to a simplified process if reapplying. The reapplication fast track includes a faster decision as well as less required documents.

Sources: Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56-C, 7.

IMMIGRATION_55: Possibility of changing jobs.

Is it possible for a migrant agricultural worker accepted under this entry track to switch employers?

Answer: Yes

Code: 1

Explanation: Yes, all migrants (even stateless persons) have the same rights as Portuguese workers, and protection against labor market discrimination. Thus, they are able to switch location, profession and employer.

Sources: Lei n.º 7/2009 [Law No. 7/2009]. 2009. Art. 4.

Is it possible for a migrant agricultural worker accepted under this entry track to switch professional sectors?

Answer: Yes

Code: 1

Explanation: Yes, all migrants (even stateless persons) have the same rights as do Portuguese workers, and protection against labor market discrimination. Thus, they are able to switch location, profession and employer.

Sources: Lei n.º 7/2009 [Law No. 7/2009]. 2009. Art. 4.

Is it possible for a migrant agricultural worker accepted under this entry track to switch locations?

Answer: Yes

Code: 1

Explanation: Yes, all migrants (even stateless persons) have the same rights as do Portuguese workers, and protection against labor market discrimination. Thus, they are able to switch location, profession and employer.

Sources: Lei n.º 7/2009 [Law No. 7/2009]. 2009. Art. 4.

IMMIGRATION_56. Does loss of employment result in the withdrawal of a migrant agricultural worker's resident permit under this track?

Answer: No

Code: 0

Explanation: No, they are protected socially as are Portuguese workers and if employment has been lost involuntarily by the migrant, they will receive unemployment insurance and their permit will not be at risk.

Sources: Portaria n.º 760/2009 [Ordinance No. 760/2009]. 2009. Introduction and Arts. 1-3.

IMMIGRATION_57. Is it required by law that the work conditions (e.g. minimum wage, working hours, and benefits) of the migrant agricultural workers were equal to those of native workers?

Answer: Yes

Code: 1

Explanation: Yes. Portugal guarantees those under a seasonal working visa equality of treatment in relation to national workers. This includes all labour rights, payment of delayed salaries, as well as access to counseling on seasonal work and vocational education and training.

Sources: Lei no. 102/2017 [Law No. 102/2017]. 2017. Arts. 3 & 56-D. no.

IMMIGRATION_58. Is a minimum level of education required to apply to the agricultural worker entry track?

Answer: No

Code: 1

Explanation: The law says that only in the case of regulated professions a license is required. The profession of agricultural worker is not regulated in Portugal.

Sources: Lei no. 102/2017 [Law No. 102/2017]. 2017. Arts. 3 & 51-A. / Direção Geral do Emprego e das Relações de Trabalho (DGERT) [General Directorate for Employment and Labor Relations]. "Profissões reguladas e regulamentadas em Portugal [Regulated and Regulated Professions in Portugal]". Accessed July 30, 2018. <https://www.dgert.gov.pt/profissoes-reguladas-e-regulamentadas-em-portugal>.

IMMIGRATION_59. Is a test of good health required for migrant agricultural workers?

Answer: No

Code: 1

Explanation: The migration law only mentions that seasonal workers must be health insured, but no test of good health is mentioned as a requirement. However, the law says that a third country national could be requested to undertake medical examination before entry in order to prove that she/he is not infected with contagious parasite diseases.

Sources: Lei no. 102/2017 [Law No. 102/2017]. 2017. Arts. 3 & 51-A. no./ Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 32, 3.

4.8.3. Medical doctors

Is there a visa scheme (entry track) for medical doctors?

Answer: Yes

Code: 1

Explanation: Medical doctors can access the residency visa for performing subordinated professional activity or the visa for performing independent professional activities (Visto de residência para exercício de actividade profissional independente). Note: Information was confirmed by the staff of the Portuguese Consulate in Berlin.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art.no. 60.

IMMIGRATION_60. Do migrants trying to enter the country under the medical doctor entry track, needed to be sponsored by an individual or group?

Answer: No

Code: 1

Explanation: The only requirements for accessing a 'visa for performing independent professional activities' are having a service contract or a written proposal of service related to her/his field of self-

employment, as well as being accredited to perform the activity. In the case of medical doctors that would be the validation of degrees.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 60.no.

IMMIGRATION_61. Are a concrete job offer (e.g. acceptance letter, formal invitation) or a contract signed in advance required or beneficial for immigrating as a medical doctor?

Answer: Yes, required

Code: 0.25

Explanation: For 'visas for performing independent professional activities' having a service contract or a written proposal of service related to her/his field of self-employment is required.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 60.

IMMIGRATION_62. Does the country use a national labor market test for covering posts under the medical doctor proxy (i.e. employers seeking to hire an immigrant had to prove that no native worker could do the job)?

Answer: No

Code: 1

Explanation: Labor market tests are only used in the case of 'subordinated professional activity'. They are not used for 'visas for performing independent professional activities'

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Arts. 59 & 60.

IMMIGRATION_63. Is the medical doctor entry track restricted to certain nationalities? (Specify nationalities in the explanation).

Answer: No

Code: 1

Explanation: The law does not mention any nationality restrictions to accessing visas for performing independent professional activities.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Arts. 59 & 60.

IMMIGRATION_64: Restrictions based on age.

Are there age limits for migrant medical doctors to be admitted to the country?

Answer: No

Code: 1

Explanation: Age limits are not mentioned in the law as conditions to access a visa for performing independent professional activity.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Arts. 59 & 60.

Which minimum age?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_65. Is having a certain gender a requisite to be admitted to the country under the medical doctor entry track?

Answer: No

Code: 1

Explanation: The law does not mention any gender requisites to being admitted to the country under a visa for performing independent professional activity.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Arts. 59 & 60.

IMMIGRATION_66. Is having a certain marital status a requisite to be admitted to the country under the medical doctor entry track?

Answer: No

Code: 1

Explanation: The law does not mention marital status as a requisite to be admitted to the country under a visa for performing independent professional activity.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Arts. 59 & 60.

IMMIGRATION_67. Do migrant medical doctors need to prove the ability to support themselves?

Answer: Yes

Code: 0.5

Explanation: All migrant workers applying for a temporary permit should have sufficient subsistence means. This refers to sufficient, stable and regular resources to cover the basic necessities of the applicant and her/his family, particularly in relation to food, accommodation, and hygiene. The law defines that the amount should be based on the minimum salary; however, no specific sum is defined.

Sources: Lei no. 102/2017 [Law No. 102/2017]. 2017. Arts. 3 & 52, 1, b. / Portaria no. 1563/2007 [Ordinance No. 1563/2007]. 2007. Art. 2.

IMMIGRATION_68. Is knowledge of the host country's language considered beneficial or required for the decision on whether someone could immigrate as a medical doctor?

Answer: Neither beneficial, nor required

Code: 1

Explanation: Not mentioned at all (therefore beneficial rather than required). The law on migration does not mention language skills as a factor or condition for any visa track.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007.

IMMIGRATION_69. Does the application under the medical doctor entry track cost a fee? Register the fee in US Dollars. If application did not cost anything, specify 0. If there are several fees (for example, for initiating the process and for issuing the document), add up the amounts.

Answer: 81.52

Code: 81.52

Explanation: All temporary working visas cost 75 Euro (81,52 USD).

Sources: Portaria no. 320-C/2011[Ordinance No. 320-C/2011]. 2011. Art. 62.

IMMIGRATION_70. How long is the medical doctor work permit valid for? Indicate the period in months.

Answer: 12

Code: 12

Explanation: Under the visa track for performing independent professional activity the work permit is valid for a maximum of twelve (12) months. No minimum validity was mentioned in the law.

Sources: Lei no. 102/2017 [Law No. 102/2017]. 2017. Arts. 2 & 54.

IMMIGRATION_71. Is it possible to renew the work permit granted under the medical doctor entry track?

Answer: Yes

Code: 1

Explanation: Yes, and it is not necessary to leave the country. The law mentions "extension" rather than renewal. In this case, work permits for those performing independent activities can be renewed as long as the conditions that granted the first visa remain valid.

Sources: Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 71.

IMMIGRATION_72: Possibility of changing jobs.

Is it possible for a migrant medical doctor to switch employers?

Answer: Yes

Code: 1

Explanation: Yes, all migrants (even stateless persons) have the same rights as do Portuguese workers, and protection against labor market discrimination. Thus, they can switch location, profession and employer.

Sources: Assembleia da República, Lei n.º 7/2009, de 12 de fevereiro 9 Código do Trabalho, Art. 4.

Is it possible for a migrant medical doctor to switch professional sectors?

Answer: Yes

Code: 1

Explanation: Yes, all migrants (even stateless persons) have the same rights as do Portuguese workers, and protection against labor market discrimination. Thus, they can switch location, profession and employer.

Sources: Lei n.º 7/2009 [Law N.º 7/2009]. 2009. Art. 4.

Is it possible for a migrant medical doctor to switch locations?

Answer: Yes

Code: 1

Explanation: Yes, all migrants (even stateless persons) have the same rights as do Portuguese workers, and protection against labor market discrimination. Thus, they can switch location, profession and employer.

Sources: Lei n.º 7/2009 [Law N.º 7/2009]. 2009. Art. 4.

IMMIGRATION_73. Does loss of employment result in the withdrawal of a migrant worker's resident permit under the medical doctor track?

Answer: No

Code: 0

Explanation: No, they are protected socially as are Portuguese workers and if employment has been lost involuntarily by the migrant, they will receive unemployment insurance and their permit will not be at risk [*same for all proxies].

Sources: Portaria n.º 760/2009 [Ordinance No. 760/2009]. 2009. Introduction and Arts. 1-3.

IMMIGRATION_74. Is it required by law that the work conditions (e.g. minimum wage, working hours, and benefits) of the migrant medical doctors were equal to those of native workers?

Answer: Yes

Code: 1

Explanation: A foreigner or stateless worker who is authorised to perform a subordinated professional activity in Portugal has the same rights and is subject to the same duties as a Portuguese worker.

Sources: Lei n.º 7/2009 [Law N.º 7/2009]. 2009. Art. 4. / Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 83, 2. / Constitution of the Portuguese Republic. 1976. Art. 59.

IMMIGRATION_75. Is a minimum level of education required to apply to the medical doctor entry track?

Answer: Yes

Code: 0

Explanation: The law says that in the case of visas for performing independent professional activities when applicable (as in, depending on the profession), the person should be licensed. Given that in the case of medical doctors a medical license is in general required, this also applies for visa applicants.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 60.

IMMIGRATION_76. Is a test of good health required for migrant medical doctors?

Answer: No

Code: 0

Explanation: No. However, the law says that a third country national could be requested to undertake medical examination before entry to prove that she/he is not infected with contagious parasite diseases.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 32, 3.

4.9. Proxy: Refugees

4.9.1. Existence of track

IMMIGRATION_77. Does the country grant refugee status?

Answer: Yes

Code: 1

Explanation: Yes. The country also transposes the following EU Directives to national law: 2011/95/EU; 2013/32/EU; 2013/33/EU.

Sources: Lei no. 26/2014 [Law No. 26/2014]. 2014.

IMMIGRATION_78. Are certain countries deemed safe third countries (i.e. could persons arriving through these countries be precluded from claiming asylum)?

Answer: Yes

Code: 0

Explanation: If the applicant comes from a safe third country the asylum request will be considered unfounded.

Sources: Lei no. 26/2014 [Law No. 26/2014]. 2014. no.Art. 19, f.

IMMIGRATION_79: Safe countries of origin.

Are certain countries deemed safe countries of origin (i.e. refugee claims arising out of persecution in those countries could be precluded)?

Answer: Yes

Code: 0

Explanation: Yes. If the applicant's country of origin is considered a "safe country" the asylum request will be considered unfounded. No list of countries is mentioned in the law but Portugal transposes the EU Directive 2013/32/EU to national law.

Sources: Lei no. 26/2014 [Law No. 26/2014]. 2014. Art. 19-A,1, d.

How many countries?

Answer: Not applicable

Code: Not applicable

Explanation: No list of countries is mentioned in the law but Portugal transposes the EU Directive 2013/32/EU to national law.

Sources: Lei no. 26/2014 [Law No. 26/2014]. 2014. Art. 19-A,1, d.

4.9.2. Restrictions

IMMIGRATION_80: Refugee status restricted for certain nationalities.

Is refugee status restricted to certain nationalities?

Answer: No

Code: 1

Explanation: Any foreign citizen or stateless person who has been persecuted or threatened by the reasons specified in the law can be granted humanitarian protection regardless of their nationality.

Sources: Lei no. 27/2008 [Law No. 27/2008]. 2008. Art. 3.

Which nationalities?

Answer: Not applicable

Code: Not applicable

Explanation: N/A

Sources: Not applicable

IMMIGRATION_81: Restrictions based on age.

Are there age limits for potential refugees to be admitted to the country?

Answer: No

Code: 1

Explanation: No. However, the law mentions that, in its application, the best interests of minors (under 18 years of age) must be considered.

Sources: Lei no. 27/2008 [Law No. 27/2008]. 2008. Art. no.78.

Which minimum age?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Is being below a certain age limit beneficial for the decision on whether someone gains access to refugee status?

Answer: Yes

Code: 0.5

Explanation: The law mentions that, in its application, the best interests of minors (under 18 years of age) must be considered.

Sources: Lei no. 27/2008 [Law No. 27/2008]. 2008. Art. 78.

Below which age?

Answer: Younger than 25 years

Code: 5

Explanation: The law mentions that, in its application, the best interests of minors (under 18 years of age) must be considered.

Sources: Lei no. 27/2008 [Law No. 27/2008]. 2008. Art. 78.

IMMIGRATION_82. Is having a certain gender a requisite to be granted refugee status?

Answer: No

Code: 0

Explanation: No. However, the law mentions that persecution on the specific grounds of gender is considered a plausible reason for requesting humanitarian protection.

Sources: Lei no. 27/2008 [Law No. 27/2008]. 2008. Art. 5, 1, f.

IMMIGRATION_83. Is having a certain marital status a requisite to be granted refugee status?

Answer: No

Code: 0

Explanation: No mention of marital status as a requisite is made in the law.

Sources: Lei no. 27/2008 [Law No. 27/2008]. 2008./ Lei no. 26/2014 [Law No. 26/2014]. 2014.

4.9.3. Place of application

IMMIGRATION_84: Place of application

Can asylum seekers file an application for asylum from outside the destination country's territory?

Answer: No

Code: 0

Explanation: The law says that generally a foreigner citizen or stateless person who enters the national territory to file an application for asylum must do so as soon as possible by the Foreign and Borders Service (SEF - Serviço de Estrangeiros e Fronteiras) or any police authority either in written or oral form. However, those who do not possess the requisites to enter the country can file an application at a border point.

Sources: Lei no. 27/2008 [Law No. 27/2008]. 2008. Arts. no.13 & 23.

Can asylum seekers file an application for asylum at the border/ports of entry of country's territory?

Answer: Yes

Code: 1

Explanation: The law says that generally a foreigner citizen or stateless person who enters the national territory to file an application for asylum must do so as soon as possible by the Foreign and Borders Service (SEF - Serviço de Estrangeiros e Fronteiras) or any police authority either in written or oral form. However, those who do not possess the requisites to enter the country can file an application at a border point.

Sources: Lei no. 27/2008 [Law No. 27/2008]. 2008. Arts. 13 & 23.

Can asylum seekers file an application for asylum on the destination country's territory?

Answer: Yes

Code: 1

Explanation: The law says that generally a foreigner citizen or stateless person who enters the national territory to file an application for asylum must do so as soon as possible by the Foreign and Borders Service (SEF - Serviço de Estrangeiros e Fronteiras) or any police authority either in written or oral form.

Sources: Lei no. 27/2008 [Law No. 27/2008]. 2008. Arts. 13 & 23.

4.9.4. Permit validity

IMMIGRATION_85. How long is the initial residence permit for recognized refugees valid for?

Answer: Temporary, between 37 and 60 months

Code: 3

Explanation: Those who are granted refugee status have an initial temporary residence permit valid for five years.

Sources: Lei no. 26/2014 [Law No. 26/2014]. 2014. Art. 67, 1.

IMMIGRATION_86: Permit renewal.

Is it possible to renew a temporary residence permit?

Answer: Yes

Code: 1

Explanation: The law says that those with a refugee status can successively renew their permit for another five years (same validity as the initial one).

Sources: Lei no. 26/2014 [Law No. 26/2014]. 2014. Art. 67, 1.

Is it possible to apply for a permanent resident permit for recognized refugees?

Answer: Yes, it is possible to apply for a permanent permit after 5-6 years

Code: 3

Explanation: Yes, applicants are eligible after 5 years of residence in Portugal.

Sources: Portaria n.º 1563/2007 [Ordinance No. 1563/2007]. 2007.

IMMIGRATION_87. Can a recognized refugee lose his or her status as a refugee when the threatening situation in his or her country of origin ceases?

Answer: Yes

Code: 0

Explanation: The ceasing of the circumstances which grounded the asylum recognition is a cause for cessation, revocation, suppression or refusal of renewal of the person's refugee status. Furthermore, Portugal adopts the EU Directive n.º 2005/85/EC.

Sources: Lei no. 27/2008 [Law No. 27/2008]. 2008. Art. 41.

4.9.5. Maximum timeframe for application resolution

IMMIGRATION_88: Timeframe for resolution.

Is there a maximum of days to process the application of asylum seekers?

Answer: Yes

Code: 1

Explanation: After being considered eligible the application should be processed in a maximum of 180 days.

Sources: Lei no. 27/2008 [Law No. 27/2008]. 2008. Art. 28, 2.

What is the maximum of days?

Answer: 180

Code: 180

Explanation: After being considered eligible the application should be processed in a maximum of 180 days.

Sources: Lei no. 27/2008 [Law No. 27/2008]. 2008. Art. 28, 2.

4.9.6. Possibility to change migratory status

IMMIGRATION_89. If an application on refugee status is rejected, does the applicant have the right to appeal?

Answer: Yes

Code: 1

Explanation: Yes, if the application is rejected the applicant has 15 (fifteen) days to appeal to an administrative court. The new decision is given maximum 15 (fifteen) days later.

Sources: Lei no. 27/2008 [Law No. 27/2008]. 2008. Art. 30.

IMMIGRATION_90. Is it possible for recognized refugees to change their migratory status?

Answer: No

Code: 0

Explanation: No, but they would have no reason to do it: as recognized refugees they have a residence authorization that grants them full access to employment in the same terms as Portuguese workers.

Sources: Lei no. 27/2008 [Law No. 27/2008]. 2008. / Lei no.º 26/2014 [Law No. 26/2014]. 2014. Art. 54.

4.9.7. Detention

IMMIGRATION_91: Detention

Are asylum seekers detained while their claims are being processed?

Answer: No

Code: 4

Explanation: The law says that those requesting international protection cannot be detained based on the fact that they have requested asylum. However, the law says that asylum seekers might be kept in temporary centres (centro de instalação temporária) as a last resort for reasons of public security, public order, or risk of escaping, which will be assessed on an individual basis. Furthermore, if in general other less harmful measures cannot be applied, asylum seekers may also be kept in temporary centres (circumstances or grounds not specified by the law).

Sources: Lei no. 26/2014 [Law No. 26/2014]. 2014. Art. 35-A.

Are asylum seekers detained after their claims are processed?

Answer: No

Code: 2

Explanation: Asylum seekers may be kept in temporary centres only for security reasons, order and further circumstances or grounds not specified by the law.

Sources: Lei no. 26/2014 [Law No. 26/2014]. 2014. Art. 35-A. no.

4.9.8. Status after rejection

IMMIGRATION_92. What is the status of asylum seekers whose applications are rejected?

Answer: Issued a temporary certificate and then deportation

Code: 2

Explanation: If the decision is negative the person needs to leave the country (no conditions specified) within a maximum of 30 days after the decision has been informed. After this period, the person is subject to the migration law (in contrast to refugee law) but still protected by the non-refoulement principle. Neither the refugee law nor the law on migration specify the (if any) documentation associated with this status or any standard procedure for leaving the country.

Sources: Lei no. 27/2008 [Law No. 27/2008]. 2008. no./ Lei no. 23/2007 [Law No. 23/2007]. 2007.

IMMIGRATION_93. Do asylum seekers have the possibility to work during the process of application?

Answer: Yes

Code: 1

Explanation: Those applicants who have been issued a temporary residence permit (to wait for a decision on their application) have guaranteed access to the labour market.

Sources: Lei no. 26/2014 [Law No. 26/2014]. 2014. Art. 54, 1.

4.9.9. Translation and interpretation

IMMIGRATION_94. Does the state provide official translation or interpretation for the process of asylum seekers?

Answer: Yes

Code: 1

Explanation: Asylum applicants can benefit from the services of an interpreter whenever necessary throughout the handling of the application as well as during the processing of the application. With regards to translation, official translation can be provided by the state if the applicant proves that she/he has insufficient means to cover the costs, otherwise translation should be self-funded by the applicant.

Sources: Lei no. 26/2014 [Law No. 26/2014]. 2014. Art. 49, 1, d.3 / Lei no. 26/2014 [Law No. 26/2014]. 2014. Art. 15-A.

4.10. Proxy: Co-ethnics

4.10.1. General

IMMIGRATION_95. Existence of co-ethnics in 2017 (i.e. group(s) of immigrants that were granted easier access).

Are there group(s) of immigrants that are granted easier access to immigration and citizenship due to colonial history, language, religion, ancestry, and/or ill-treatment in the past?

Answer: Yes

Code: 1

Explanation: Portugal maintains privileged ties of friendship and cooperation with Portuguese-speaking countries. When it comes to easier access to immigration, no co-ethnic group is privileged. When it comes to immigrant rights, Brazilian citizens are the only co-ethnics group due to the treaty of friendship between Brazil and Portugal which gives citizens of the other country a full range of rights as immigrant residents (a quasi-citizen treatment). Citizens from other Portuguese-speaking countries only have facilitated access when it comes to visitor visas. For this reason, this section focuses almost exclusively on the rights of Brazilian citizens.

Sources: Constitution of the Portuguese Republic. 1976. Art. 7, 4. / Resolução da Assembleia da República no. 83/2000 [Resolution of the Assembly of the Republic No. 83/2000]. 2000.

IMMIGRATION_96. Register the name of the group(s).

Answer: Brazilian citizens and other citizens from Lusophone countries (here for coding the focus lies on Brazilian citizens)

Code: Brazilian citizens

Explanation: No commonly used name but the legislation considers as co-ethnics Brazilian citizens.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. / Resolução da Assembleia da República no. 83/2000 [Resolution of the Assembly of the Republic No. 83/2000]. 2000.

4.10.2. Reasons for co-ethnicity

IMMIGRATION_97. Reasons for co-ethnicity.

Shared language:

Answer: Yes

Code: 1

Explanation: In the case of Brazil, cultural and historic (as in colonial) ties are mentioned as reason for co-ethnicity. In the case of the rest of countries, shared language is the official ground, but in practice it is the nationality of those persons rather than their individual ability to speak the language which counts.

Sources: Resolução da Assembleia da República no. 83/2000 [Resolution of the Assembly of the Republic No. 83/2000]. 2000.

Shared religion:

Answer: No

Code: 0

Explanation: In the case of Brazil, cultural and historic (as in colonial) ties are mentioned as reason for co-ethnicity.

Sources: Resolução da Assembleia da República no. 83/2000 [Resolution of the Assembly of the Republic No. 83/2000]. 2000.

Shared ancestry:

Answer: No

Code: 0

Explanation: In the case of Brazil, cultural and historic (as in colonial) ties are mentioned as reason for co-ethnicity.

Sources: Resolução da Assembleia da República no. 83/2000 [Resolution of the Assembly of the Republic No. 83/2000]. 2000.

Citizen of former colony:

Answer: Yes

Code: 1

Explanation: In the case of Brazil, cultural and historic (as in colonial) ties are mentioned as reason for co-ethnicity. In the case of the citizens of Lusophone countries, shared language is the official definitory ground to select those countries, but in practice it is the nationality of those persons rather than their individual ability to speak the language which counts.

Sources: Resolução da Assembleia da República no. 83/2000 [Resolution of the Assembly of the Republic No. 83/2000]. 2000.

III treatment by country in the past:

Answer: No

Code: 0

Explanation: In the case of Brazil, cultural and historic (as in colonial) ties are mentioned as reason for co-ethnicity.

Sources: Resolução da Assembleia da República no. 83/2000 [Resolution of the Assembly of the Republic No. 83/2000]. 2000.

Self-declaration: avowal to be of country's ethnicity:

Answer: No

Code: 0

Explanation: In the case of Brazil, cultural and historic (as in colonial) ties are mentioned as reason for co-ethnicity.

Sources: Resolução da Assembleia da República no. 83/2000 [Resolution of the Assembly of the Republic No. 83/2000]. 2000.

Other:

Answer: No

Code: 0

Explanation: In the case of Brazil, cultural and historic (as in colonial) ties are mentioned as reason for co-ethnicity.

Sources: Resolução da Assembleia da República no. 83/2000 [Resolution of the Assembly of the Republic No. 83/2000]. 2000.

IMMIGRATION_98. May converts apply?

Answer: Not applicable

Code: Not applicable

Explanation: Religion is not understood as a form of co-ethnicity.

Sources: Not applicable

IMMIGRATION_99. If ancestry is sufficient to claim entitlement to preferential immigration rights, what is the degree of ancestry required?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

4.10.3. Language test

IMMIGRATION_100. What is the required level of language skills?

Answer: Not applicable

Code: Not applicable

Explanation: Being a citizen of Brazil (which is also a Portuguese-speaking country) is enough to be considered co-ethnics. No language test is mentioned.

Sources: Not applicable

4.10.4. Place of residence

IMMIGRATION_101. Does the applicant have to reside in a specific country to be entitled to easier access and right to permanent settlement? (If yes, specify country in the explanation).

Answer: No

Code: 0

Explanation: No, given that co ethnics do not have easier access to permanent settlement. Privileges of Brazilian citizens are related to the reciprocal “equality status” (estatuto de igualdade) between Brazilian and Portuguese citizens. This means that in general Brazilians who have a residence permit in Portugal can request equality status. Having equality status means that: ultimately, a person will benefit from the same rights, and be subject to the same duties, as nationals of Portugal as long as they have a valid residence permit. When it comes to political rights, the Brazilian citizen is required to have had Portugal as her/his habitual residence for at least 3 (three) years.

Sources: Resolução da Assembleia da República no. 83/2000 [Resolution of the Assembly of the Republic No. 83/2000]. 2000. Art. 12. / Decreto-Lei no. 154/2003 [Decree-Law No. 154/2003]. 2003.

4.10.5. Place of application

IMMIGRATION_102. Place of application.

Can applicants file an application from outside the territory of the host country?

Answer: No

Code: 0

Explanation: In order to be eligible for equality status the person must be residing in Portugal. To apply for “equality status” (estatuto de igualdade) the applicant must file an application at a branch of the central services of the Foreign and Borders Service (SEF - Serviço de Estrangeiros e Fronteiras), or at a regional directorate.

Sources: Decreto-Lei no. 154/2003 [Decree-Law No. 154/2003]. 2003. Art. 8.

Can applicants file an application on host country's territory?

Answer: Yes

Code: 1

Explanation: In order to be eligible for equality status the person must be residing in Portugal. To apply for “equality status” (estatuto de igualdade) the applicant must file an application at a branch of the central services of the Foreign and Borders Service (SEF - Serviço de Estrangeiros e Fronteiras), or at a regional directorate.

Sources: Decreto-Lei no. 154/2003 [Decree-Law No. 154/2003]. 2003. Art. 8.no.

4.10.6. Date of birth

IMMIGRATION_103. Do applicants need to be born before or after a certain date to be eligible?

Answer: No

Code: 0

Explanation: The only reason for co-ethnicity is being citizen of Brazil therefore date of birth is not taken into account for eligibility.

Sources: Resolução da Assembleia da República no. 83/2000 [Resolution of the Assembly of the Republic No. 83/2000]. 2000.

4.10.7. Permit validity

IMMIGRATION_104. If citizenship is not granted right away/after a shorter period, how long is the resident permit valid for?

Answer: Not applicable

Code: Not applicable

Explanation: Privileges for co-ethnics are related to political and civil rights rather than to a facilitated residence permit. In that case, the “equality status” (estatuto de igualdade), has the same validity as the person’s residence permit.

Sources: Decreto-Lei no. 154/2003 [Decree-Law No. 154/2003]. 2003. Art. 14.

IMMIGRATION_105. Permit renewal.

Is it possible to renew a temporary residence permit for co-ethnics?

Answer: Not applicable

Code: Not applicable

Explanation: Privileges for co-ethnics are related to political and civil rights rather than to facilitated access to residence permits. Brazilian citizens with a residence permit in Portugal are entitled to request “equality status” (estatuto de igualdade) but the renewal of permit or application for a permanent permit has no relation to their coethnic condition.

Sources: Decreto-Lei no. 154/2003 [Decree-Law No. 154/2003]. 2003. Art. 5.

Is it possible to apply for a permanent resident permit for co-ethnics?

Answer: Not applicable

Code: Not applicable

Explanation: Privileges for co-ethnics are related to political and civil rights rather than to facilitated access to residence permits. Brazilian citizens with a residence permit in Portugal are entitled to request “equality status” (estatuto de igualdade) but the renewal of permit or application for a permanent permit has no relation to their coethnics condition.

Sources: Decreto-Lei no. 154/2003 [Decree-Law No. 154/2003]. 2003. Art. 5.

5. Immigrant policies

5.1. Permanent residence

5.1.1. Eligibility

IMMIGRANT_1: General existence of a permanent residence scheme.

Answer: Yes

Code: 1

Explanation: Yes. Furthermore, in addition to a permanent residence scheme, Portugal has a scheme named “long duration resident status” (estatuto de residente de longa duração), which when acquired by those regularly residing in the country for at least five years provides them with equality of treatment throughout a myriad of civil and social rights. This includes unrestricted access to the labour market, education, and healthcare system, for example.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 74. / Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 133.

IMMIGRANT_2: Existence of a permanent residence scheme for different proxies. Do asylum seekers have access to permanent residence?

Answer: No

Code: 0

Explanation: No, given that asylum seekers are not eligible for a temporary residence permit, which is a condition for requesting permanent residency.

Sources: Lei no. 27/2008 [Law No. 27/2008]. 2008. Art. 11, 2. / Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 80.

Do refugees have access to permanent residence?

Answer: Yes

Code: 1

Explanation: Yes, after five years of temporary residency in Portugal and if fulfilling other conditions mentioned in the law.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 80.

Do co-ethnics have access to permanent residence?

Answer: No

Code: 0

Explanation: No. Privileges for co-ethnics are related to political and civil rights rather than to facilitated access to permanent residency. The “equality status” is generally not permanent in itself, given that its validity is tied to the validity of the person’s current residence permit. Therefore co-ethnics could only access permanent residency if following the standard procedures, according to their residence permit type. Furthermore, the law regulating the application of “equality status” (estatuto de igualdade) does not mention any possibility of easier access to residence permit for co-ethnics.

Sources: Decreto-Lei no. 154/2003 [Decree-Law No. 154/2003]. 2003. Art. no.15. / Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 80.

Do domestic workers have access to permanent residence?

Answer: Yes

Code: 1

Explanation: Yes, after five years of holding a temporary residency permit in Portugal and if fulfilling some other conditions mentioned in the law.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 80.

Do agricultural workers have access to permanent residence?

Answer: No

Code: 0

Explanation: No. Visas for seasonal workers are not equivalent to residency permits and are only valid for a maximum of 9 months in a 12 period. This means that agricultural workers under a seasonal worker visa could not fulfill the residency condition for requesting permanent residency.

Sources: Lei no. 102/2017 [Law No. 102/2017]. 2017. Arts 2 & 3 & 51-A & 56. / Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 80.

Do medical doctors have access to permanent residence?

Answer: Yes

Code: 1

Explanation: Yes, after five years of holding a temporary residency permit in Portugal and if fulfilling some other conditions mentioned in the law.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 80.

IMMIGRANT_3: Required time of habitual residence.

How many months of habitual residence are required from asylum seekers for accessing permanent residence?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

How many months of habitual residence are required from refugees for accessing permanent residence?

Answer: 60

Code: 60

Explanation: Yes, after five years of temporary residency in Portugal and if fulfilling some other conditions mentioned in the law.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 80.

How many months of habitual residence are required from co-ethnics for accessing permanent residence?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

How many months of habitual residence are required from domestic workers for accessing permanent residence?

Answer: 60

Code: 60

Explanation: Yes, after five years of holding a temporary residency permit in Portugal and if fulfilling some other conditions mentioned in the law.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 80.

How many months of habitual residence are required from agricultural workers for accessing permanent residence?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

How many months of habitual residence are required from medical doctors for accessing permanent residence?

Answer: 60

Code: 60

Explanation: Yes, after five years of holding a temporary residency permit in Portugal and if fulfilling some other conditions mentioned in the law.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 80.

IMMIGRANT_4: Periods of absence allowed.

Are periods of absence allowed before granting of permanent status for asylum seekers? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e.g. ten months in a period of five years), calculate the average per year.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Are periods of absence allowed before granting of permanent status for refugees? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.

Answer: 8

Code: 8

Explanation: Generally, anyone holding a temporary residence permit (which is a requirement for requesting a permanent one) can lose their permit if absent for six consecutive months or 8 interpolated months.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 85.

Are periods of absence allowed before granting of permanent status for co-ethnics? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Are periods of absence allowed before granting of permanent status for domestic workers? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.

Answer: 8

Code: 8

Explanation: Generally, anyone holding a temporary residence permit (which is a requirement for requesting a permanent one) can lose their permit if absent for six consecutive months or 8 interpolated months.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 85.

Are periods of absence allowed before granting of permanent status for agricultural workers? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Are periods of absence allowed before granting of permanent status for medical doctors? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.

Answer: 8

Code: 8

Explanation: Generally, anyone holding a temporary residence permit (which is a requirement for requesting a permanent one) can lose their permit if absent for six consecutive months or 8 interpolated months.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 85.

IMMIGRANT_5. Result of a regularization process.

The regularization process leads to:

Answer: temporal residence permit

Code: 0.25

Explanation: Since August 2017 a temporary residence permit could be issued on a "promise of a work contract" and an "enrollment" in Social Security. Earlier, a contract and registration of contributions were required that served as proof of the immigrant's stay in Portugal (Lei n.º 102/2017, de 28 de agosto, que altera à Lei n.º 23/2007, de 4 de julho, que aprova o regime jurídico de entrada, permanência, saída e afastamento de estrangeiros do território nacional e transpõe as Diretivas 2014/36/UE, de 26 de fevereiro, e 2014/66/UE de 15 de maio de 2014, e 2016/801, de 11 de maio de 2016.). In 2018 the regularization was also possible for youths registered in education institutions for "humanitarian reasons" (an exceptional regime defined in the Law of Asylum and concerns persecuted for political, racial, religious reasons) and was directed mainly to the undocumented people, about 30 000, according to the associations of immigrants, who entered without a visa. In relation to foreigners who are already in Portugal irregularly, temporary residence could be granted for humanitarian reasons (Art. 123, Regime excecional introduced by Law 26/2018 of 5.7.2018).

*As of March 2019 regularization has been significantly expanded: The law 28/2019 of 29.03.2019 amended (with the favorable votes of PS, PCP, BE and PAN, and against PSD and CDS- PP) the Law 59/2017 of 31.07.2017 on the regime of entry, stay, exit and removal of foreigners from the national territory. The law amendment establishes that undocumented foreigners with at least 12 months of contributions to social security are presumed to have entered the country legally. With this change, the law of 2007 removes the requirement that immigrants could only have the visa if they had entered the country legally. Undocumented immigrants will see their residence visa simplified, provided they have already deducted at least one year for Social Security, without going through the temporary visa application until the resolution of their lawsuit, according to the approved text.

Sources: Lei n.º 102/2017 [Law No. 102/2017]. 2017. / Lei n.º 26/2018 [Law 26/2018]. 2018. Art. 123. / LEGISPÉDIA SEF. "Artigo 88.º – Autorização de residência para exercício de atividade profissional subordinada [Article 88- Residence Permit for the Exercise of Subordinate Professional Activity]". Accessed July 5, 2019. <https://sites.google.com/site/leximigratoria/artigo-88-o-autorizacao-de-residencia-para-exercicio-de-atividade-profissional-subordinada>. / Diário de Notícias [Newspaper]. "Marcelo promulga diploma que simplifica acesso ao visto de residência [Marcelo Promulgates Diploma that Simplifies Access to Residence Visa]". Accessed March 23, 2019. <https://www.dn.pt/poder/interior/presidente-da-republica-promulgou-diploma-que-simplifica-acesso-ao-visto-de-residencia-10717990.html>.

IMMIGRANT_6: Language test.

Is there a language requirement for asylum seekers to access permanent residence?

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Is there a language requirement for refugees to access permanent residence?

Answer: yes, basic knowledge of language of state of reception is required

Code: 0.5

Explanation: Yes. Any migrant holding a valid temporary residency permit who wishes to apply for a residence permit should prove “basic knowledge of Portuguese”. According to the online portal of the Foreign and Borders Service (SEF - Serviço de Estrangeiros e Fronteiras) this can be done through presenting one of the following: A certificate issued by a Portuguese official or officially recognized teaching establishment, or / Where the applicant attended an official or officially recognized teaching establishment in a Portuguese speaking country, an attestation of successful completion of studies issued by that teaching establishment, or/ Attestation of successful completion of elementary Portuguese studies issued by the Institute for Employment and Professional Training (IEFP) or by any other official or officially recognized teaching establishment, or/ A Certificate of Portuguese at an elementary level, after seating a test in an Assessment Centre of Portuguese as a foreign language, acknowledged by the Ministry of Education.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. no.80, 1, e. / Serviço de Estrangeiros e Fronteiras (SEF) [Foreign Service and Borders]. “Permanent Residence Permit”. Accessed June 8, 2018. <http://www.imigrante.pt/PagesEN/DocumentosNecessarios/ConcessaoAR/26Art80.aspx>.

Is there a language requirement for co-ethnics to access permanent residence?

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Is there a language requirement for domestic workers to access permanent residence?

Answer: yes, basic knowledge of language of state of reception is required

Code: 0.5

Explanation: Yes. Any migrant holding a valid temporary residency permit who wishes to apply for a residence permit should prove “basic knowledge of Portuguese”. According to the online portal of the Foreign and Borders Service (SEF - Serviço de Estrangeiros e Fronteiras) this can be done through presenting one of the following: A certificate issued by a Portuguese official or officially recognized teaching establishment, or / Where the applicant attended an official or officially recognized teaching establishment in a Portuguese speaking country, an attestation of successful completion of studies issued by that teaching establishment, or/ Attestation of successful completion of elementary Portuguese studies issued by the Institute for Employment and Professional Training (IEFP) or by any other official or officially recognized teaching establishment, or/ A Certificate of Portuguese at an elementary level, after seating a test in an Assessment Centre of Portuguese as a foreign language, acknowledged by the Ministry of Education.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 80, 1, e. / Serviço de Estrangeiros e Fronteiras (SEF) [Foreign Service and Borders]. “Permanent Residence Permit”. Accessed June 8, 2018. <http://www.imigrante.pt/PagesEN/DocumentosNecessarios/ConcessaoAR/26Art80.aspx.no>.

Is there a language requirement for co-ethnics to access permanent residence?

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Is there a language requirement for medical doctors to access permanent residence?

Answer: yes, basic knowledge of language of state of reception is required

Code: 0.5

Explanation: Yes. Any migrant holding a valid temporary residency permit who wishes to apply for a residence permit should prove "basic knowledge of Portuguese". According to the online portal of the Foreign and Borders Service (SEF - Serviço de Estrangeiros e Fronteiras) this can be done through presenting one of the following: A certificate issued by a Portuguese official or officially recognized teaching establishment, or / Where the applicant attended an official or officially recognized teaching establishment in a Portuguese speaking country, an attestation of successful completion of studies issued by that teaching establishment, or/ Attestation of successful completion of elementary Portuguese studies issued by the Institute for Employment and Professional Training (IEFP) or by any other official or officially recognized teaching establishment, or/ A Certificate of Portuguese at an elementary level, after seating a test in an Assessment Centre of Portuguese as a foreign language, acknowledged by the Ministry of Education.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 80, 1, e. / Serviço de Estrangeiros e Fronteiras (SEF) [Foreign Service and Borders]. "Permanent Residence Permit". Accessed June 8, 2018. <http://www.imigrante.pt/PagesEN/DocumentosNecessarios/ConcessaoAR/26Art80.aspx>.

IMMIGRANT_7: Economic resources.

Is there an economic resources requirement for applying to permanent residence for asylum seekers?

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Is there an economic resources requirement for applying to permanent residence for refugees?

Answer: income source linked to employment or no use of social assistance

Code: 0

Explanation: Income source linked to employment or no use of social assistance. According to the law, anyone applying for permanent residence permit should have stable and regular resources that are sufficient to fulfill the essential necessities of the applicant (and his/her family when applicable) when it

comes to food, shelter, healthcare, and hygiene. No specific amount is mentioned in the law but is rather defined by specific calculation criteria defined in the Labour Law.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 80, 1, no.c. / Portaria no. 1563/2007 [Ordinance No. 1563/2007]. 2007. Art. 2.

Is there an economic resources requirement for applying to permanent residence for co-ethnics?

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Is there an economic resources requirement for applying to permanent residence for domestic workers?

Answer: income source linked to employment or no use of social assistance

Code: 0

Explanation: Income source linked to employment or no use of social assistance. According to the law, anyone applying for permanent residence permit should have stable and regular resources that are sufficient to fulfill the essential necessities of the applicant (and his/her family when applicable) when it comes to food, shelter, healthcare, and hygiene. No specific amount is mentioned in the law but is rather defined by specific calculation criteria defined in the Labour Law.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 80, 1, c. / Portaria no. 1563/2007 [Ordinance No. 1563/2007]. 2007. Art. 2.

Is there an economic resources requirement for applying to permanent residence for agricultural workers?

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Is there an economic resources requirement for applying to permanent residence for medical doctors?

Answer: income source linked to employment or no use of social assistance

Code: 0

Explanation: According to the law, anyone applying for permanent residence permit should have stable and regular resources that are sufficient to fulfill the essential necessities of the applicant (and his/her family when applicable) when it comes to food, shelter, healthcare, and hygiene. No specific amount is mentioned in the law but is rather defined by specific calculation criteria defined in the Labour Law.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 80, 1, c. / Portaria no. 1563/2007 [Ordinance No. 1563/2007]. 2007. Art. 2.

IMMIGRANT_8: Cost of application.

What is the cost of the application of permanent residence in the original currency (include the cost of issuance if any)?

Answer: 219.1

Code: 219.1

Explanation: As of March 1, 2018 each permanent residence application costs a total of €219,10.

Sources: Serviço de Estrangeiros e Fronteiras (SEF) [Foreign Service and Borders]. 2018. Tabela de Taxas e Demais Encargos a Cobrar pelos Procedimentos Administrativos Previstos na Lei n°23/2007, de 04 de julho, com as respetivas alterações [Table of Fees and Other Charges to be Charged for Administrative Procedures foreseen in Law No. 23/2007, of July 4th, with the Respective Changes].

What is the cost of the application of permanent residence in the USD (include the cost of issuance if any)?

Answer: 241.64

Code: 241.64

Explanation: As of March 1, 2018 each permanent residence application costs a total of €219,10.

Sources: Serviço de Estrangeiros e Fronteiras (SEF) [Foreign Service and Borders]. 2018. Tabela de Taxas e Demais Encargos a Cobrar pelos Procedimentos Administrativos Previstos na Lei n°23/2007, de 04 de julho, com as respetivas alterações [Table of Fees and Other Charges to be Charged for Administrative Procedures foreseen in Law No. 23/2007, of July 4th, with the Respective Changes].

IMMIGRANT_9: Employer sponsorship.

Do asylum seekers have to be sponsored by an employer?

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do refugees have to be sponsored by an employer?

Answer: no, sponsorship is not required

Code: 1

Explanation: The permanent residence application requires proof of means of subsistence and, according to an administrative ordinance (Portaria), "Proof of sufficiency of means of subsistence may be achieved by the amount of social benefits which benefit from the application of any other scheme of the social security system." Sponsorship is not mentioned as a requirement.

Sources: Decreto Regulamentar n.º 84/2007 [Regulatory Decree No. 84/2007]. 2007. Art. 64, 4. / Portaria n.º 1563/2007 [Ordinance No. 1563/2007]. 2007. Art. 8, 2.

Do co-ethnics have to be sponsored by an employer?

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do domestic have to be sponsored by an employer?

Answer: no, sponsorship is not required

Code: 1

Explanation: Not needed; the permanent residence application only requires proof of means of subsistence and, according to an administrative ordinance (Portaria), "Proof of sufficiency of means of subsistence may be achieved by the amount of social benefits which benefit from the application of any other scheme of the social security system."

Sources: Not applicable

Do agricultural workers have to be sponsored by an employer?

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do medical doctors have to be sponsored by an employer?

Answer: no, sponsorship is not required

Code: 1

Explanation: Not needed; the permanent residence application only requires proof of means of subsistence and, according to an administrative ordinance (Portaria), "Proof of sufficiency of means of subsistence may be achieved by the amount of social benefits which benefit from the application of any other scheme of the social security system."

Sources: Decreto Regulamentar n.º 84/2007 [Regulatory Decree No. 84/2007]. 2007. Art. 64, 4. / Portaria n.º 1563/2007 [Ordinance No. 1563/2007]. 2007. Art. 8, 2.

5.1.2. Security of status

IMMIGRANT_10: Maximum length of application procedure.

Maximum length of application procedure for asylum seekers in months:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Maximum length of application procedure for asylum seekers:

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Maximum length of application procedure for refugees in months:

Answer: 3

Code: 3

Explanation: Once the request has been filed a decision should be made in up to ninety (90) days.

Sources: Lei no. 63/2015 [Law No. 63/2015]. 2015. Art 82.

Maximum length of application procedure for refugees:

Answer: less than six months

Code: 1

Explanation: Once the request has been filed a decision should be made in up to ninety (90) days.

Sources: Lei no. 63/2015 [Law No. 63/2015]. 2015. Art 82.

Maximum length of application procedure for co-ethnics in months:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Maximum length of application procedure for co-ethnics:

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Maximum length of application procedure for domestic workers in months:

Answer: 3

Code: 3

Explanation: Once the request has been filed a decision should be made in up to ninety (90) days.

Sources: Lei no. 63/2015 [Law No. 63/2015]. 2015. Art 82.

Maximum length of application procedure for domestic workers:

Answer: less than six months

Code: 1

Explanation: Once the request has been filed a decision should be made in up to ninety (90) days.

Sources: Lei no. 63/2015 [Law No. 63/2015]. 2015. Art 82.

Maximum length of application procedure for agricultural workers in months:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Maximum length of application procedure for agricultural workers:

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Maximum length of application procedure for medical doctors in months:

Answer: 3

Code: 3

Explanation: Once the request has been filed a decision should be made in up to ninety (90) days.

Sources: Lei no. 63/2015 [Law No. 63/2015]. 2015. Art 82.

Maximum length of application procedure for medical doctors:

Answer: less than six months

Code: 1

Explanation: Once the request has been filed a decision should be made in up to ninety (90) days.

Sources: Lei no. 63/2015 [Law No. 63/2015]. 2015. Art 82.

IMMIGRANT_11: Grounds for rejection.

Not fulfilling the original conditions that were required to access original permit is a ground for rejecting permanent residence application:

Answer: no

Code: 0

Explanation: Not fulfilling the original conditions is not a ground for rejection.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 80, 1, b.

IMMIGRANT_12: Legal guarantees.

Rejection of applications must be reasoned:

Answer: yes

Code: 1

Explanation: Whenever a decision takes longer than the maximum duration to be made given reasons that the applicant is not accountable for, it is automatically considered as accepted. Furthermore, in case of a negative decision the applicant is receives a notification with the explicit reasons for denial, as well as stating their right to appeal and the timeframe to do so.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. no.82.

Rejected applicants have the right to appeal:

Answer: yes

Code: 1

Explanation: Whenever a decision takes longer than the maximum duration to be made given reasons that the applicant is not accountable for, it is automatically considered as accepted. Furthermore, in case of a negative decision the applicant is receives a notification with the explicit reasons for denial, as well as stating their right to appeal and the timeframe to do so.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 82.

IMMIGRANT_13: Expulsion is precluded for victims of violence or crime.

Expulsion is precluded for immigrants of all categories who are victims of violence or crime:

Answer: no

Code: 0

Explanation: No, only for certain groups. The law mentions the possibility of an autonomous residency permit for non-national spouses victims of domestic violence. Furthermore it states that victims of human trafficking or victims of criminal offenses linked to aiding illegal immigration (with irregular migratory status) are granted a residency permit.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 109.

5.2. Policies of representation

IMMIGRANT_14: Regulation of electoral rights.

Subnational electoral rights can be regulated at the subnational level:

Answer: no

Code: 0

Explanation: Electoral rights are defined in the Constitution and valid for the whole country.

Sources: Constitution of the Portuguese Republic. 1976. Art. 113.

5.2.1. Electoral rights

IMMIGRANT_15: Voting eligibility for non-citizens.

Does the country have presidential elections?

Answer: yes

Code: 1

Does the country have a bicameral system (composed of a lower house and an upper house)?

Answer: no, the country only has a lower house

Code: 2

Can non-citizen residents vote in national presidential elections?

Answer: only non-citizen residents from certain nationalities

Code: 0.5

Explanation: Citizens of Brazil who have resided in Portugal for at least three years and have applied for “equality status” (estatuto de igualdade) are enfranchised at all levels, except for accessing public offices as President of the Republic, Prime Minister, president of high courts, military service, and diplomatic career. Furthermore, citizens of Brazil, Cape Verde, Argentina, Chile, Colombia, Iceland, Norway, New Zealand, Peru, Uruguay, and Venezuela have active electoral rights at the local (municipality) level with a longer residence requirement than European citizen residents. Some of these by virtue of being PALOP countries; the others by virtue of legal reciprocity.

Sources: Decreto-Lei no. 154/2003 [Decree-Law No. 154/2003]. 2003. Art. 5, 2. / Decreto-Lei no. 154/2003 [Decree-Law No. 154/2003]. 2003. Art. 16, 2. / Declaração no. 30/2017 [Declaration No. 30/2017]. 2017. Art. 1.

Can non-citizen residents vote in national legislative elections (lower house)? :

Answer: only non-citizen residents from certain nationalities

Code: 0.5

Explanation: Citizens of Brazil who have resided in Portugal for at least three years and have applied for “equality status” (estatuto de igualdade) are enfranchised at all levels, except for accessing public offices as President of the Republic, Prime Minister, president of high courts, military service, and diplomatic career. Furthermore citizens of Brazil, Cape Verde, Argentina, Chile, Colombia, Iceland,

Norway, New Zealand, Peru, Uruguay, and Venezuela have active electoral rights at the local (municipality) level with a longer residence requirement than European citizen residents. Some of these by virtue of being PALOP countries; the others by virtue of legal reciprocity.

Sources: Decreto-Lei no. 154/2003 [Decree-Law No. 154/2003]. 2003. Art. 5, 2. / Decreto-Lei no. 154/2003 [Decree-Law No. 154/2003]. 2003. Art. 16, 2. / Declaração no. 30/2017 [Declaration No. 30/2017]. 2017. Art. 1.

Can non-citizen residents vote in national legislative elections (upper house)? :

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRANT_16: Residence duration-based requirements for active electoral rights.

Previous residence required for being eligible to vote in presidential elections:

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Previous residence required for being eligible to vote in lower house elections:

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Previous residence required for being eligible to vote in upper house elections:

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRANT_17: Registration in the electoral roll for non-citizen residents.

Registration in the electoral roll for non-citizen residents:

Answer: automatic registration

Code: 1

Explanation: Citizens of Brazil who have resided in Portugal for at least three years and have applied for “equality status” (estatuto de igualdade) are granted political rights. Citizens of Cape Verde (PALOP country) have to regularly reside for more than two years in Portugal in order to acquire active electoral capacity, whereas citizens of the countries entitled to active electoral rights by virtue of legal reciprocity (Argentina, Chile, Colombia, Iceland, Norway, New Zealand, Peru, Uruguay, and Venezuela) have to regularly reside in the country for more than three years.

Sources: Decreto-Lei no. 154/2003 [Decree-Law No. 154/2003]. 2003. Art. no.36. / Lei no. 47/2018 [Law No. 47/2018]. 2018. Art 9 & 10.

IMMIGRANT_18: Passive electoral rights for non-citizen residents.

Can non-citizen residents stand as candidates in national presidential elections?

Answer: generally disenfranchised

Code: 0

Explanation: Citizens of Brazil who have resided in Portugal for at least three years and have applied for “equality status” (estatuto de igualdade) are enfranchised at all levels, except for accessing public offices as President of the Republic, Prime Minister, president of high courts, military service, and diplomatic career. Furthermore citizens of Brazil and Cape Verde have passive electoral rights at the local (municipality) level. The other countries with which Portugal has reciprocity treaties have active electoral rights but are not entitled to passive electoral rights.

Sources: Decreto-Lei no. 154/2003 [Decree-Law No. 154/2003]. 2003. Art. 5, 2. no./ Decreto-Lei no. 154/2003 [Decree-Law No. 154/2003]. 2003. Art. 16, 2. / Declaração no. 30/2017 [Declaration No. 30/2017]. 2017. Art. 2.

Can non-citizen residents stand as candidates in national legislative elections (lower house)?

Answer: only non-citizen residents from certain nationalities

Code: 0.5

Explanation: Citizens of Brazil who have resided in Portugal for at least three years and have applied for “equality status” (estatuto de igualdade) are enfranchised at all levels, except for accessing public offices as President of the Republic, Prime Minister, president of high courts, military service, and diplomatic career. Furthermore citizens of Brazil and Cape Verde have passive electoral rights at the local (municipality) level. The other countries with which Portugal has reciprocity treaties have active electoral rights but are not entitled to passive electoral rights.

Sources: Decreto-Lei no. 154/2003 [Decree-Law No. 154/2003]. 2003. Art. 5, 2. / Decreto-Lei no. 154/2003 [Decree-Law No. 154/2003]. 2003. Art. 16, 2. / Declaração no. 30/2017 [Declaration No. 30/2017]. 2017. Art. 2.

Can non-citizen residents stand as candidates in national legislative elections (upper house)?

Answer not applicable (no presidential elections)

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRANT_19: Residence duration-based restrictions for passive electoral rights.

Previous residence required for being eligible to stand as candidate in presidential elections:

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Previous residence required for being eligible to stand as candidate in lower house elections:

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

5.2.2. Regulation of participation in parties

IMMIGRANT_20: Emigrant membership to home country political parties.

Non-citizen resident membership to state or reception political parties:

Answer: legally allowed but restricted status for non-citizen residents

Code: 0.5

Explanation: The law concerning political parties has the principle of freedom of membership. Nobody can be denied membership to a political party for reasons of race, language, or origin, for example. Foreigners and stateless persons legally residing in Portugal can acquire membership to a political party but their right of participation will be limited to the respective political status given by their visa (usually none, with exception of Brazilians under “equality status” (estatuto de igualdade))

Sources: Lei Orgânica no. 2/2003 [Organic Law No. 2/2003]. 2003.

5.2.3. Consultative bodies

IMMIGRANT_21: Existence of a consultative body of immigrants acting at the national level.

Existence of a consultative body on immigrant issues:

Answer: yes

Code: 1

Explanation: Yes. It is called Migrations Council (Conselho para as Migrações).

Sources: Decreto-Lei no. 31/2014 [Decree-Law No. 31/2014]. 2014. Art 8.

IMMIGRANT_22: Structural or ad hoc consultation.

The consultation is:

Answer: structural

Code: 1

Explanation: Structural. The Council functions with plenary session (three times a year), both ordinary and extraordinary. The Council has a three-year mandate renewable for equal periods.

Sources: Decreto-Lei no. 31/2014 [Decree-Law No. 31/2014]. 2014. Arts. 8, 5-6. / Alto Comissariado para as Migrações [High Commissioner for Migration]. 2015. Regulamento Interno do Conselho para as Migrações [Internal Regulations of the Council for Migration].

IMMIGRANT_23: Composition of the consultative body.

Composition of the consultative body:

Answer: mixed (immigrants and representatives of the government and other institutions)

Code: 0.75

Explanation: The council is composed by representatives of migrant communities, organisations or institutions with interest in the topic of immigration, as well as government representatives to relevant areas (such as education, health, and security forces, among others.). The migrant representatives are appointed by associations of migrants that are recognized by the country's High Commissioner on Migration.

Sources: Lei no. 31/2014 [Decree-Law No. 31/2014]. 2014. 8, 2.

IMMIGRANT_24: Leadership of the consultative body.

Who chairs the consultative body?

Answer: member of the government

Code: 0.25

Explanation: The Migrations Council is chaired by the High Commissioner for Migration, who is a national authority. As of August 2018, the High Commissioner is Pedro Calado.

Sources: Decreto-Lei no. 31/2014 [Decree-Law No. 31/2014]. 2014. 8, no. 2, a.

IMMIGRANT_25: Right of initiative to make its own reports or recommendations.

The body has the right of initiative to make its own reports or recommendations, even when not consulted:

Answer: yes

Code: 1

Explanation: Both the law and the internal regulation of the Migration Council mention as one of its competencies the initiation of discussions on issues related to public policies (cross-sectoral and sectoral) for social inclusion, citizenship rights, and the recruitment and integration of migrants.

Sources: Decreto-Lei no. 31/2014 [Decree-Law No. 31/2014]. 2014. 8, 4. / Alto Comissariado para as Migrações [High Commissioner for Migration]. 2015. Regulamento Interno do Conselho para as Migrações [Internal Regulations of the Council for Migration].

IMMIGRANT_26: Right to get a response from the government to recommendation.

Beyond consultation on policies affecting immigrants the body has the right to get a response from national authorities to its advice/recommendations:

Answer: no

Code: 0

Explanation: Neither the law or the internal regulation of the Migration Council mention the right to get a response from national authorities when it comes to their advice. The law only mentions the Council's right to make recommendations at all levels but does not regulate the right to response.

Sources: Decreto-Lei no. 31/2014 [Decree-Law No. 31/2014]. 2014.

IMMIGRANT_27: Selection criteria to ensure representativeness.

Existence of selection criteria to ensure a gender-balanced consultative body:

Answer: no

Code: 0

Explanation: No gender criterion found.

Sources: Decreto-Lei no. 31/2014 [Decree-Law No. 31/2014]. 2014. Art. 8, 2, b & c.

Existence of selection criteria to ensure a geographic-balanced consultative body:

Answer: yes

Code: 1

Explanation: When it comes to migrant representativeness the Migration Council determines that at least one representative of each of the migrant communities from Portuguese-speaking countries should be included, as well as one representative from each of the other three most numerous migrant communities in the country.

Sources: Decreto-Lei no. 31/2014 [Decree-Law No. 31/2014]. 2014. Art. 8, 2, b & c.

5.3. Economic policies

5.3.1. Access to labor market

IMMIGRANT_28: Migrant access to labor market.

Can asylum seekers access the labor market?

Answer: yes, equal access

Code: 1

Explanation: Yes, equal access. Those applying for asylum are guaranteed access to the labour marker according to the general law.

Sources: Lei no. 26/2014 [Law No. 26/2014]. 2014. Arts. 2 & 54, 1.

Can refugees access the labor market?

Answer: yes, equal access

Code: 1

Explanation: Yes, equal access. Those benefiting from refugee status are guaranteed access to the labour marker according to the general law.

Sources: Lei no. 26/2014 [Law No. 26/2014]. 2014. Arts. 2 & 54, 1.

Can co-ethnics access the labor market?

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Yes, but under certain conditions. The condition is to have been granted “equality status” (estatuto de igualdade).

Sources: Decreto-Lei no. 154/2003 [Decree-Law No. 154/2003]. 2003. Art. 15.

Can domestic workers access the labor market?

Answer: no

Code: 0

Explanation: No. Their access to the labour market is tied to their job contract (visa for performing a subordinated professional activity).

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 59.

Can agricultural workers access the labor market?

Answer: Yes.

Code: 1

Explanation: Visas for seasonal workers are tied to a one-off contract with a specific employer at a specific time of the year.

Sources: Lei n.º 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Can medical doctors access the labor market?

Answer: Yes, but under certain conditions

Code: 1

Explanation: In order to access the labour market through a visa/residence permit for performing independent professional activities a medical doctors must have a service contract or have formed a formal professional association.

Sources: Lei n.º 102/2017 [Law No. 102/2017]. 2017. Art. 89.

Can permanent residents access the labor market?

Answer: yes, equal access

Code: 1

Explanation: Yes, equal access. A permanent resident does not require previous authorization nor needs to fulfill certain conditions to access the labour market.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. no.83.

IMMIGRANT_29: Migrant access to self-employment.

Can asylum seekers access self-employment?

Answer: yes, equal access

Code: 1

Explanation: Yes, equal access. Those applying for asylum are guaranteed access to the labour market according to the general law.

Sources: Lei no. 26/2014 [Law No. 26/2014]. 2014. Arts. 2 & 54, 1.

Can refugees access self-employment?

Answer: yes, equal access

Code: 1

Explanation: Yes, equal access. Those applying for asylum are guaranteed access to the labour market according to the general law.

Sources: Lei no. 26/2014 [Law No. 26/2014]. 2014. Arts. 2 & 54, 1.

Can co-ethnics access self-employment?

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Yes, but under certain conditions. The condition is to have been granted "equality status" (estatuto de igualdade).

Sources: Decreto-Lei no. 154/2003 [Decree-Law No. 154/2003]. 2003. Art. 15.

Can domestic workers access self-employment?

Answer: no

Code: 0

Explanation: No. Their access to the labour market is tied to their job contract (visa for performing a subordinated professional activity).

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. no.59.

Can agricultural workers access self-employment?

Answer: no

Code: 0

Explanation: No. Visas for seasonal workers are tied to a one-off contract with a specific employer at a specific time of the year.

Sources: Lei n.º 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Can medical doctors access self-employment?

Answer: yes, but under certain conditions

Code: 0.5

Explanation: They have access, but under certain conditions. In order to access the labour market through a visa/residence permit for performing independent professional activities a medical doctors must have a service contract or have formed a formal professional association.

Sources: Lei n.º 102/2017 [Law No. 102/2017]. 2017. Art. 89.

Can permanent residents access self-employment?

Answer: yes, equal access

Code: 1

Explanation: Yes, equal access. A permanent resident does not require previous authorization nor needs to fulfill certain conditions to access the labour market.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 83.

IMMIGRANT_30: Migrant access to civil service.

Can asylum seekers access employment in schools (primary and secondary)?

Answer: no

Code: 0

Explanation: Art. 15 of the Constitution, n. 2 states that foreigners are excluded from: “political rights, the exercise of public functions without a predominantly technical nature, other rights reserved by the Constitution to Portuguese citizens. The citizens of the Portuguese-speaking States with permanent residence in Portugal are recognized, under the terms of the law and in conditions of reciprocity, rights not conferred on foreigners, except for access to the positions of President of the Republic, President of the Assembly of the Republic, Prime Minister, Presidents of supreme courts and service in the Armed Forces and in the diplomatic service.”. Note that the exclusion from political rights is later qualified for foreigners who come from countries where Portuguese have political rights, for the interest of reciprocity, with a limitation (active and passive electoral capacity for an election of the organs of local autarchies, that is, local government). The law may also be granted on a reciprocal basis to citizens of the Member States of the European Union.

Sources: Constitution of the Republic of Portugal. 1976. Art. 15.

Can refugees access employment in schools (primary and secondary)?

Answer: no

Code: 0

Explanation: Art. 15 of the Constitution, n. 2 states that foreigners are excluded from: “political rights, the exercise of public functions without a predominantly technical nature, other rights reserved by the Constitution to Portuguese citizens. The citizens of the Portuguese-speaking States with permanent residence in Portugal are recognized, under the terms of the law and in conditions of reciprocity, rights not conferred on foreigners, except for access to the positions of President of the Republic, President of the Assembly of the Republic, Prime Minister, Presidents of supreme courts and service in the Armed Forces and in the diplomatic service.”. Note that the exclusion from political rights is later qualified for foreigners who come from countries where Portuguese have political rights, for the interest of reciprocity, with a limitation (active and passive electoral capacity for an election of the organs of local autarchies, that is, local government). The law may also be granted on a reciprocal basis to citizens of the Member States of the European Union.

Sources: Constitution of the Republic of Portugal. 1976. Art. 15.

Can co-ethnics access employment in schools (primary and secondary)?

Answer: yes, equal access

Code: 1

Explanation: Yes, to all but Armed Forces: based on the Equal Rights and Duties Statute, signed between Brazil and Portugal (Decree-Law No. 154/2003, of July 15), Brazilians who are legalized in the country may apply for the Equal Rights and Duties Statute in Brazil to the Foreigners and Borders Service (SEF) and participate in public tenders and competitions for public service positions that are not reserved only to Portuguese born.

Sources: Decreto-Lei no. 154/2003 [Decree-Law No. 154/2003]. 2003. / Constitution of the Republic of Portugal. 1976. Art. 15.

Can domestic workers access employment in schools (primary and secondary)?

Answer: no

Code: 0

Explanation: Art. 15 of the Constitution, n. 2 states that foreigners are excluded from: “political rights, the exercise of public functions without a predominantly technical nature, other rights reserved by the Constitution to Portuguese citizens. The citizens of the Portuguese-speaking States with permanent residence in Portugal are recognized, under the terms of the law and in conditions of reciprocity, rights not conferred on foreigners, except for access to the positions of President of the Republic, President of the Assembly of the Republic, Prime Minister, Presidents of supreme courts and service in the Armed Forces and in the diplomatic service.”. Note that the exclusion from political rights is later qualified for foreigners who come from countries where Portuguese have political rights, for the interest of reciprocity, with a limitation (active and passive electoral capacity for an election of the organs of local autarchies, that is, local government). The law may also be granted on a reciprocal basis to citizens of the Member States of the European Union.

Sources: Constitution of the Republic of Portugal. 1976. Art. 15.

Can agricultural workers access employment in schools (primary and secondary)?

Answer: no

Code: 0

Explanation: Art. 15 of the Constitution, n. 2 states that foreigners are excluded from: “political rights, the exercise of public functions without a predominantly technical nature, other rights reserved by the Constitution to Portuguese citizens. The citizens of the Portuguese-speaking States with permanent residence in Portugal are recognized, under the terms of the law and in conditions of reciprocity, rights not conferred on foreigners, except for access to the positions of President of the Republic, President of the Assembly of the Republic, Prime Minister, Presidents of supreme courts and service in the Armed Forces and in the diplomatic service.”. Note that the exclusion from political rights is later qualified for foreigners who come from countries where Portuguese have political rights, for the interest of reciprocity, with a limitation (active and passive electoral capacity for an election of the organs of local autarchies, that is, local government). The law may also be granted on a reciprocal basis to citizens of the Member States of the European Union.

Sources: Constitution of the Republic of Portugal. 1976. Art. 15.

Can medical doctors access employment in schools (primary and secondary)?

Answer: no

Code: 0

Explanation: Art. 15 of the Constitution, n. 2 states that foreigners are excluded from: “political rights, the exercise of public functions without a predominantly technical nature, other rights reserved by the Constitution to Portuguese citizens. The citizens of the Portuguese-speaking States with permanent residence in Portugal are recognized, under the terms of the law and in conditions of reciprocity, rights not conferred on foreigners, except for access to the positions of President of the Republic, President of the Assembly of the Republic, Prime Minister, Presidents of supreme courts and service in the Armed Forces and in the diplomatic service.”. Note that the exclusion from political rights is later qualified for foreigners who come from countries where Portuguese have political rights, for the interest of reciprocity, with a limitation (active and passive electoral capacity for an election of the organs of local autarchies, that is, local government). The law may also be granted on a reciprocal basis to citizens of the Member States of the European Union.

Sources: Constitution of the Republic of Portugal. 1976. Art. 15.

Can permanent residents access employment in schools (primary and secondary)?

Answer: yes, equal access

Code: 1

Explanation: Yes in primary and secondary education, Public administration, and Police. No in Armed Forces.

Sources: Constitution of the Republic of Portugal. 1976. Art. 15.

Can asylum seekers access employment in public administration?

Answer: no

Code: 0

Explanation: Art. 15 of the Constitution, n. 2 states that foreigners are excluded from: “political rights, the exercise of public functions without a predominantly technical nature, other rights reserved by the Constitution to Portuguese citizens. The citizens of the Portuguese-speaking States with permanent residence in Portugal are recognized, under the terms of the law and in conditions of reciprocity, rights not conferred on foreigners, except for access to the positions of President of the Republic, President of the Assembly of the Republic, Prime Minister, Presidents of supreme courts and service in the Armed Forces and in the diplomatic service.”. Note that the exclusion from political rights is later qualified for foreigners who come from countries where Portuguese have political rights, for the interest of reciprocity, with a limitation (active and passive electoral capacity for an election of the organs of local autarchies, that is, local government). The law may also be granted on a reciprocal basis to citizens of the Member States of the European Union.

Sources: Constitution of the Republic of Portugal. 1976. Art. 15.

Can refugees access employment in public administration?

Answer: no

Code: 0

Explanation: Art. 15 of the Constitution, n. 2 states that foreigners are excluded from: “political rights, the exercise of public functions without a predominantly technical nature, other rights reserved by the Constitution to Portuguese citizens. The citizens of the Portuguese-speaking States with permanent residence in Portugal are recognized, under the terms of the law and in conditions of reciprocity, rights not conferred on foreigners, except for access to the positions of President of the Republic, President of the Assembly of the Republic, Prime Minister, Presidents of supreme courts and service in the Armed Forces and in the diplomatic service.”. Note that the exclusion from political rights is later qualified for foreigners who come from countries where Portuguese have political rights, for the interest of reciprocity, with a limitation (active and passive electoral capacity for an election of the organs of local autarchies, that is, local government). The law may also be granted on a reciprocal basis to citizens of the Member States of the European Union.

Sources: Constitution of the Republic of Portugal. 1976. Art. 15.

Can co-ethnics access employment in public administration?

Answer: yes, equal access

Code: 1

Explanation: Yes, based on the Equal Rights and Duties Statute, signed between Brazil and Portugal (Decree-Law No. 154/2003, of July 15), Brazilians who are legalized in the country may apply for the Equal Rights and Duties Statute in Brazil to the Foreigners and Borders Service (SEF) and participate in public tenders and competitions for public service positions that are not reserved only to Portuguese born.

Sources: Decreto-Lei no. 154/2003 [Decree-Law No. 154/2003]. 2003. / Constitution of the Republic of Portugal. 1976. Art. 15.

Can domestic workers access employment in public administration?

Answer: no

Code: 0

Explanation: Art. 15 of the Constitution, n. 2 states that foreigners are excluded from: “political rights, the exercise of public functions without a predominantly technical nature, other rights reserved by the Constitution to Portuguese citizens. The citizens of the Portuguese-speaking States with permanent residence in Portugal are recognized, under the terms of the law and in conditions of reciprocity, rights not conferred on foreigners, except for access to the positions of President of the Republic, President of the Assembly of the Republic, Prime Minister, Presidents of supreme courts and service in the Armed Forces and in the diplomatic service.”. Note that the exclusion from political rights is later qualified for foreigners who come from countries where Portuguese have political rights, for the interest of reciprocity, with a limitation (active and passive electoral capacity for an election of the organs of local autarchies, that is, local government). The law may also be granted on a reciprocal basis to citizens of the Member States of the European Union.

Sources: Constitution of the Republic of Portugal. 1976. Art. 15.

Can agricultural workers access employment in public administration?

Answer: no

Code: 0

Explanation: Art. 15 of the Constitution, n. 2 states that foreigners are excluded from: “political rights, the exercise of public functions without a predominantly technical nature, other rights reserved by the Constitution to Portuguese citizens. The citizens of the Portuguese-speaking States with permanent residence in Portugal are recognized, under the terms of the law and in conditions of reciprocity, rights not conferred on foreigners, except for access to the positions of President of the Republic, President of the Assembly of the Republic, Prime Minister, Presidents of supreme courts and service in the Armed Forces and in the diplomatic service.”. Note that the exclusion from political rights is later qualified for foreigners who come from countries where Portuguese have political rights, for the interest of reciprocity, with a limitation (active and passive electoral capacity for an election of the organs of local autarchies, that is, local government). The law may also be granted on a reciprocal basis to citizens of the Member States of the European Union.

Sources: Constitution of the Republic of Portugal. 1976. Art. 15.

Can medical doctors access employment in public administration?

Answer: no

Code: 0

Explanation: Art. 15 of the Constitution, n. 2 states that foreigners are excluded from: “political rights, the exercise of public functions without a predominantly technical nature, other rights reserved by the Constitution to Portuguese citizens. The citizens of the Portuguese-speaking States with permanent residence in Portugal are recognized, under the terms of the law and in conditions of reciprocity, rights not conferred on foreigners, except for access to the positions of President of the Republic, President of the Assembly of the Republic, Prime Minister, Presidents of supreme courts and service in the Armed Forces and in the diplomatic service.”. Note that the exclusion from political rights is later qualified for foreigners who come from countries where Portuguese have political rights, for the

interest of reciprocity, with a limitation (active and passive electoral capacity for an election of the organs of local autarchies, that is, local government). The law may also be granted on a reciprocal basis to citizens of the Member States of the European Union.

Sources: Constitution of the Republic of Portugal. 1976. Art. 15.

Can permanent residents access employment in public administration?

Answer: yes, equal access

Code: 1

Explanation: Yes.

Sources: Constitution of the Republic of Portugal. 1976. Art. 15.

Can asylum seekers access employment in the police?

Answer: no

Code: 0

Explanation: Art. 15 of the Constitution, n. 2 states that foreigners are excluded from: “political rights, the exercise of public functions without a predominantly technical nature, other rights reserved by the Constitution to Portuguese citizens. The citizens of the Portuguese-speaking States with permanent residence in Portugal are recognized, under the terms of the law and in conditions of reciprocity, rights not conferred on foreigners, except for access to the positions of President of the Republic, President of the Assembly of the Republic, Prime Minister, Presidents of supreme courts and service in the Armed Forces and in the diplomatic service.”. Note that the exclusion from political rights is later qualified for foreigners who come from countries where Portuguese have political rights, for the interest of reciprocity, with a limitation (active and passive electoral capacity for an election of the organs of local autarchies, that is, local government). The law may also be granted on a reciprocal basis to citizens of the Member States of the European Union.

Sources: Constitution of the Republic of Portugal. 1976. Art. 15.

Can refugees access employment in the police?

Answer: no

Code: 0

Explanation: Art. 15 of the Constitution, n. 2 states that foreigners are excluded from: “political rights, the exercise of public functions without a predominantly technical nature, other rights reserved by the Constitution to Portuguese citizens. The citizens of the Portuguese-speaking States with permanent residence in Portugal are recognized, under the terms of the law and in conditions of reciprocity, rights not conferred on foreigners, except for access to the positions of President of the Republic, President of the Assembly of the Republic, Prime Minister, Presidents of supreme courts and service in the Armed Forces and in the diplomatic service.”. Note that the exclusion from political rights is later qualified for foreigners who come from countries where Portuguese have political rights, for the interest of reciprocity, with a limitation (active and passive electoral capacity for an election of the organs of local autarchies, that is, local government). The law may also be granted on a reciprocal basis to citizens of the Member States of the European Union.

Sources: Constitution of the Republic of Portugal. 1976. Art. 15.

Can co-ethnics access employment in the police?

Answer: yes, equal access

Code: 1

Explanation: Yes, Brazilians who are legalized in the country may apply for the Equal Rights and Duties Statute in Brazil to the Foreigners and Borders Service (SEF) and participate in public tenders and competitions for public service positions that are not reserved only to Portuguese born.

Sources: Decreto-Lei no. 154/2003 [Decree-Law No. 154/2003]. 2003. / Constitution of the Republic of Portugal. 1976. Art. 15.

Can domestic workers access employment in the police?

Answer: no

Code: 0

Explanation: Art. 15 of the Constitution, n. 2 states that foreigners are excluded from: "political rights, the exercise of public functions without a predominantly technical nature, other rights reserved by the Constitution to Portuguese citizens. The citizens of the Portuguese-speaking States with permanent residence in Portugal are recognized, under the terms of the law and in conditions of reciprocity, rights not conferred on foreigners, except for access to the positions of President of the Republic, President of the Assembly of the Republic, Prime Minister, Presidents of supreme courts and service in the Armed Forces and in the diplomatic service.". Note that the exclusion from political rights is later qualified for foreigners who come from countries where Portuguese have political rights, for the interest of reciprocity, with a limitation (active and passive electoral capacity for an election of the organs of local autarchies, that is, local government). The law may also be granted on a reciprocal basis to citizens of the Member States of the European Union.

Sources: Constitution of the Republic of Portugal. 1976. Art. 15.

Can agricultural workers access employment in the police?

Answer: no

Code: 0

Explanation: Art. 15 of the Constitution, n. 2 states that foreigners are excluded from: "political rights, the exercise of public functions without a predominantly technical nature, other rights reserved by the Constitution to Portuguese citizens. The citizens of the Portuguese-speaking States with permanent residence in Portugal are recognized, under the terms of the law and in conditions of reciprocity, rights not conferred on foreigners, except for access to the positions of President of the Republic, President of the Assembly of the Republic, Prime Minister, Presidents of supreme courts and service in the Armed Forces and in the diplomatic service.". Note that the exclusion from political rights is later qualified for foreigners who come from countries where Portuguese have political rights, for the interest of reciprocity, with a limitation (active and passive electoral capacity for an election of the organs of local autarchies, that is, local government). The law may also be granted on a reciprocal basis to citizens of the Member States of the European Union.

Sources: Constitution of the Republic of Portugal. 1976. Art. 15.

Can medical doctors access employment in the police?

Answer: no

Code: 0

Explanation: Art. 15 of the Constitution, n. 2 states that foreigners are excluded from: “political rights, the exercise of public functions without a predominantly technical nature, other rights reserved by the Constitution to Portuguese citizens. The citizens of the Portuguese-speaking States with permanent residence in Portugal are recognized, under the terms of the law and in conditions of reciprocity, rights not conferred on foreigners, except for access to the positions of President of the Republic, President of the Assembly of the Republic, Prime Minister, Presidents of supreme courts and service in the Armed Forces and in the diplomatic service.”. Note that the exclusion from political rights is later qualified for foreigners who come from countries where Portuguese have political rights, for the interest of reciprocity, with a limitation (active and passive electoral capacity for an election of the organs of local autarchies, that is, local government). The law may also be granted on a reciprocal basis to citizens of the Member States of the European Union.

Sources: Constitution of the Republic of Portugal. 1976. Art. 15.

Can permanent residents access employment in the police?

Answer: yes, equal access

Code: 1

Explanation: Art. 15 of the Constitution, n. 2 states that foreigners are excluded from: “political rights, the exercise of public functions without a predominantly technical nature, other rights reserved by the Constitution to Portuguese citizens. The citizens of the Portuguese-speaking States with permanent residence in Portugal are recognized, under the terms of the law and in conditions of reciprocity, rights not conferred on foreigners, except for access to the positions of President of the Republic, President of the Assembly of the Republic, Prime Minister, Presidents of supreme courts and service in the Armed Forces and in the diplomatic service.”. Note that the exclusion from political rights is later qualified for foreigners who come from countries where Portuguese have political rights, for the interest of reciprocity, with a limitation (active and passive electoral capacity for an election of the organs of local autarchies, that is, local government). The law may also be granted on a reciprocal basis to citizens of the Member States of the European Union.

Sources: Constitution of the Republic of Portugal. 1976. Art. 15.

Quotas for preferential hiring of asylum seekers exist:

Answer: no

Code: 0

Explanation: No such quota found for any proxy

Sources: Not applicable

Quotas for preferential hiring of refugees exist:

Answer: no

Code: 0

Explanation: No such quota found for any proxy

Sources: Not applicable

Quotas for preferential hiring of co-ethnics exist:

Answer: no

Code: 0

Explanation: No such quota found for any proxy

Sources: Not applicable

Quotas for preferential hiring of domestic workers exist:

Answer: no

Code: 0

Explanation: No such quota found for any proxy

Sources: Not applicable

Quotas for preferential hiring of agricultural workers exist:

Answer: no

Code: 0

Explanation: No such quota found for any proxy

Sources: Not applicable

Quotas for preferential hiring of medical doctors:

Answer: no

Code: 0

Explanation: No such quota found for any proxy

Sources: Not applicable

Quotas for preferential hiring of permanent residents:

Answer: no

Code: 0

Explanation: No such quota found for any proxy

Sources: Not applicable

Can asylum seekers access employment in the armed forces?

Answer: no

Code: 0

Explanation: Art. 15 of the Constitution, n. 2 states that foreigners are excluded from: "political rights, the exercise of public functions without a predominantly technical nature, other rights reserved by the Constitution to Portuguese citizens. The citizens of the Portuguese-speaking States with permanent residence in Portugal are recognized, under the terms of the law and in conditions of reciprocity, rights not conferred on foreigners, except for access to the positions of President of the Republic, President of the Assembly of the Republic, Prime Minister, Presidents of supreme courts and service in the Armed Forces and in the diplomatic service.". Note that the exclusion from political rights is later qualified for foreigners who come from countries where Portuguese have political rights, for the interest of reciprocity, with a limitation (active and passive electoral capacity for an election of the organs of local autarchies, that is, local government). The law may also be granted on a reciprocal basis to citizens of the Member States of the European Union.

Sources: Constitution of the Republic of Portugal. 1976. Art. 15.

Can refugees access employment in the armed forces?

Answer: no

Code: 0

Explanation: Art. 15 of the Constitution, n. 2 states that foreigners are excluded from: "political rights, the exercise of public functions without a predominantly technical nature, other rights reserved by the Constitution to Portuguese citizens. The citizens of the Portuguese-speaking States with permanent residence in Portugal are recognized, under the terms of the law and in conditions of reciprocity, rights not conferred on foreigners, except for access to the positions of President of the Republic, President of the Assembly of the Republic, Prime Minister, Presidents of supreme courts and service in the Armed Forces and in the diplomatic service.". Note that the exclusion from political rights is later qualified for foreigners who come from countries where Portuguese have political rights, for the interest of reciprocity, with a limitation (active and passive electoral capacity for an election of the organs of local autarchies, that is, local government). The law may also be granted on a reciprocal basis to citizens of the Member States of the European Union.

Sources: Constitution of the Republic of Portugal. 1976. Art. 15.

Can co-ethnics access employment in the armed forces?

Answer: no

Code: 0

Explanation: Art. 15 of the Constitution, n. 2 states that foreigners are excluded from: “political rights, the exercise of public functions without a predominantly technical nature, other rights reserved by the Constitution to Portuguese citizens. The citizens of the Portuguese-speaking States with permanent residence in Portugal are recognized, under the terms of the law and in conditions of reciprocity, rights not conferred on foreigners, except for access to the positions of President of the Republic, President of the Assembly of the Republic, Prime Minister, Presidents of supreme courts and service in the Armed Forces and in the diplomatic service.”. Note that the exclusion from political rights is later qualified for foreigners who come from countries where Portuguese have political rights, for the interest of reciprocity, with a limitation (active and passive electoral capacity for an election of the organs of local autarchies, that is, local government). The law may also be granted on a reciprocal basis to citizens of the Member States of the European Union.

Sources: Constitution of the Republic of Portugal. 1976. Art. 15.

Can domestic workers access employment in the armed forces?

Answer: no

Code: 0

Explanation: Art. 15 of the Constitution, n. 2 states that foreigners are excluded from: “political rights, the exercise of public functions without a predominantly technical nature, other rights reserved by the Constitution to Portuguese citizens. The citizens of the Portuguese-speaking States with permanent residence in Portugal are recognized, under the terms of the law and in conditions of reciprocity, rights not conferred on foreigners, except for access to the positions of President of the Republic, President of the Assembly of the Republic, Prime Minister, Presidents of supreme courts and service in the Armed Forces and in the diplomatic service.”. Note that the exclusion from political rights is later qualified for foreigners who come from countries where Portuguese have political rights, for the interest of reciprocity, with a limitation (active and passive electoral capacity for an election of the organs of local autarchies, that is, local government). The law may also be granted on a reciprocal basis to citizens of the Member States of the European Union.

Sources: Constitution of the Republic of Portugal. 1976. Art. 15.

Can agricultural workers access employment in the armed forces?

Answer: no

Code: 0

Explanation: Art. 15 of the Constitution, n. 2 states that foreigners are excluded from: “political rights, the exercise of public functions without a predominantly technical nature, other rights reserved by the Constitution to Portuguese citizens. The citizens of the Portuguese-speaking States with permanent residence in Portugal are recognized, under the terms of the law and in conditions of reciprocity, rights not conferred on foreigners, except for access to the positions of President of the Republic, President of the Assembly of the Republic, Prime Minister, Presidents of supreme courts and service in the Armed Forces and in the diplomatic service.”. Note that the exclusion from political rights is later qualified for foreigners who come from countries where Portuguese have political rights, for the interest of reciprocity, with a limitation (active and passive electoral capacity for an election of the organs of local autarchies, that is, local government). The law may also be granted on a reciprocal basis to citizens of the Member States of the European Union.

Sources: Constitution of the Republic of Portugal. 1976. Art. 15.

Can medical doctors access employment in the armed forces?

Answer: no

Code: 0

Explanation: Art. 15 of the Constitution, n. 2 states that foreigners are excluded from: “political rights, the exercise of public functions without a predominantly technical nature, other rights reserved by the Constitution to Portuguese citizens. The citizens of the Portuguese-speaking States with permanent residence in Portugal are recognized, under the terms of the law and in conditions of reciprocity, rights not conferred on foreigners, except for access to the positions of President of the Republic, President of the Assembly of the Republic, Prime Minister, Presidents of supreme courts and service in the Armed Forces and in the diplomatic service.”. Note that the exclusion from political rights is later qualified for foreigners who come from countries where Portuguese have political rights, for the interest of reciprocity, with a limitation (active and passive electoral capacity for an election of the organs of local autarchies, that is, local government). The law may also be granted on a reciprocal basis to citizens of the Member States of the European Union.

Sources: Constitution of the Republic of Portugal. 1976. Art. 15.

Can permanent residents access employment in the armed forces?

Answer: no

Code: 0

Explanation: Art. 15 of the Constitution, n. 2 states that foreigners are excluded from: “political rights, the exercise of public functions without a predominantly technical nature, other rights reserved by the Constitution to Portuguese citizens. The citizens of the Portuguese-speaking States with permanent residence in Portugal are recognized, under the terms of the law and in conditions of reciprocity, rights not conferred on foreigners, except for access to the positions of President of the Republic, President of the Assembly of the Republic, Prime Minister, Presidents of supreme courts and service in the Armed Forces and in the diplomatic service.”. Note that the exclusion from political rights is later qualified for foreigners who come from countries where Portuguese have political rights, for the interest of reciprocity, with a limitation (active and passive electoral capacity for an election of the organs of local autarchies, that is, local government). The law may also be granted on a reciprocal basis to citizens of the Member States of the European Union.

Sources: Constitution of the Republic of Portugal. 1976. Art. 15.

5.3.2. Access to support

IMMIGRANT_31: Public employment services.

Can asylum seekers access public employment services?

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Yes, as long as they have been granted a temporary residency authorization (which gives them access to the labour market). The law says that the conditions for accessing public employment services will be defined by the competent ministries (not mentioned in the law).

Sources: Lei no. 26/2014 [Law No. 26/2014]. 2014. Arts. 54 & 55.

Can refugees access public employment services?

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Yes, but under certain circumstances. The asylum law says that asylum seekers and refugees have access to programmes and measures related to employment and training as long as they have been granted a temporary residency authorization (which gives them access to the labour market). The law says that the conditions for accessing public employment services will be defined by the competent ministries (not mentioned in the law).

Sources: Lei no. 26/2014 [Law No. 26/2014]. 2014. Arts. 54 & 55.

Can co-ethnics access public employment services?

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Yes, but under certain circumstances. Only when granted “equality status” (estatuto de igualdade) between Brazilian and Portuguese citizens. Having equality status means that: ultimately, a person will benefit from the same rights, and be subject to the same duties, as nationals of Portugal.

Sources: Resolução da Assembleia da República no. 83/2000 [Resolution of the Assembly of the Republic No. 83/2000]. 2000. Art. 12.

Can domestic workers access public employment services?

Answer: Yes, equal access

Code: 1

Explanation: Yes, equal access as nationals. As long as the migrant is regularly staying in the country and has adequate documentation to prove their status she/he is entitled to access public employment services offered by the Institute of Employment and Training (Instituto do Emprego e Formação Profissional).

Sources: Instituto do Emprego e Formação Profissional (IEFP) [Institute of Employment and Training]. 2018. Migrant Access to Employment and Vocational Services.

Can agricultural workers access public employment services?

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Yes, but under certain circumstances. Agricultural workers on a seasonal working visa have access to public employment services only related to seasonal work.

Sources: Lei n.º 102/2017 [Law No. 102/2017]. 2017. Art. 56-D, 2.

Can medical doctors access public employment services?

Answer: Yes, equal access

Code: 1

Explanation: Yes, equal access as nationals. As long as the migrant is regularly staying in the country and has adequate documentation to prove their status she/he is entitled to access public employment services offered by the Institute of Employment and Training (Instituto do Emprego e Formação Profissional).

Sources: Instituto do Emprego e Formação Profissional (IEFP) [Institute of Employment and Training]. 2018. Migrant Access to Employment and Vocational Services.

Can permanent residents access public employment services?

Answer: Yes, equal access

Code: 1

Explanation: Yes, equal access as nationals. According to the migration law all foreigners with a permanent residence permit will be guaranteed equal access to services that are offered to the general public. In Portugal, public employment services are offered by the Institute of Employment and Training (Instituto do Emprego e Formação Profissional).

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 83, 2.

IMMIGRANT_32: Recognition of qualifications.

Recognition of qualifications acquired abroad by asylum seekers:

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: The asylum law does not mention the existence of a specific procedure for recognition of titles for asylum seekers, only for refugees and persons under subsidiary humanitarian protection. However, they can access the general recognition procedure instated by Decreto-Lei No. 341/2007, which was made for Portuguese as well as for foreigners: "The equivalence regime approved by Decree-Law no. 283/83, of 21 June, is maintained, to which holders of foreign academic degrees may apply, to which the automatic recognition model is not applied, and through which bodies of higher education institutions proceed to the case-by-case assessment of merit. This law is part of a set of measures that aim to guarantee effective and unbureaucratic mobility, national and international, of students and graduates, aimed at attracting and establishing qualified human resources, both Portuguese or foreign, in Portugal".

Sources: Lei no. 26/2014 [Law No. 26/2014]. 2014. Art. no.70, 3.

Recognition of qualifications acquired abroad by refugees:

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Yes, same procedures and fees as for nationals. The asylum law says that when it comes to procedures for recognizing academic qualifications acquired abroad, refugees are guaranteed the same access as nationals.

Sources: Lei no. 26/2014 [Law No. 26/2014]. 2014. Art. 70, 3.

Recognition of qualifications acquired abroad by co-ethnics:

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Yes, same procedures and fees as for nationals, as long as the person has acquired "equality status" (estatuto de igualdade) between Brazilian and Portuguese citizens. Having equality status means that: ultimately, a person will benefit from the same rights, and be subject to the same duties, as nationals of Portugal.

Sources: Resolução da Assembleia da República no. 83/2000 [Resolution of the Assembly of the Republic No. 83/2000]. 2000. Art. 12.

Recognition of qualifications acquired abroad by domestic workers:

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Yes, same procedures and fees as for nationals. In Portugal there are three processes to have foreign academic titles validated: equivalence, recognition and register. According to the Portuguese law, in general, third country citizens can only benefit from the equivalence regime if one's country of origin has specific bilateral treaties with Portugal or has reciprocity to Portuguese citizens when it comes to recognition of academic qualifications acquired abroad, regardless of their visa category. Since 2007, however, there is a general recognition procedure instated by Decreto-Lei No. 341/2007, which was made for Portuguese as well as for foreigners: "The equivalence regime approved by Decree-Law no. 283/83, of 21 June, is maintained, to which holders of foreign academic degrees may apply, and to which the automatic recognition model is not applied, and through which bodies of higher education institutions proceed to the case-by-case assessment of merit. This law is part of a set of measures that aim to guarantee effective and unbureaucratic mobility, national and international, of students and graduates, aimed at attracting and establishing qualified human resources, both Portuguese or foreign, in Portugal".

Sources: Decreto-Lei no. 283/83 [Decree-Law No. 283/83]. 1983. Art 1. / Decreto-Lei 341/2007 [Decree-Law No. 341/2007]. 2007. / Diário da República n.º 197/2007 [Republic Diary No. 197/2007]. 2007.

Recognition of qualifications acquired abroad by agricultural workers:

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Yes, same procedures and fees as for nationals. In Portugal there are three processes to have foreign academic titles validated: equivalence, recognition and register. According to the Portuguese law, in general, third country citizens can only benefit from the equivalence regime if one's country of origin has specific bilateral treaties with Portugal or has reciprocity to Portuguese citizens when it comes to recognition of academic qualifications acquired abroad, regardless of their visa category. Since 2007, however, there is a general recognition procedure instated by Decreto-Lei No. 341/2007, which was made for Portuguese as well as for foreigners: "The equivalence regime approved by Decree-Law no. 283/83, of 21 June, is maintained, to which holders of foreign academic degrees may apply and to which the automatic recognition model is not applied, and through which bodies of higher education institutions proceed to the case-by-case assessment of merit. This law is part of a set of measures that aim to guarantee effective and unbureaucratic mobility, national and international, of students and graduates, aimed at attracting and establishing qualified human resources, both Portuguese or foreign, in Portugal".

Sources: Decreto-Lei no. 283/83 [Decree-Law No. 283/83]. 1983. Art 1. / Decreto-Lei 341/2007 [Decree-Law No. 341/2007]. 2007. / Diário da República n.º 197/2007 [Republic Diary No. 197/2007]. 2007.

Recognition of qualifications acquired abroad by medical doctors:

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Yes, same procedures and fees as for nationals. In Portugal there are three processes to have foreign academic titles validated: equivalence, recognition and register. According to the Portuguese law, in general, third country citizens can only benefit from the equivalence regime if one's country of origin has specific bilateral treaties with Portugal or has reciprocity to Portuguese citizens when it comes to recognition of academic qualifications acquired abroad, regardless of their visa category. Since 2007, however, there is a general recognition procedure instated by Decreto-Lei No. 341/2007, which was made for Portuguese as well as for foreigners: "The equivalence regime approved by Decree-Law no. 283/83, of 21 June, is maintained, to which holders of foreign academic degrees may apply, and to which the automatic recognition model is not applied, and through which bodies of higher education institutions proceed to the case-by-case assessment of merit. This law is part of a set of measures that aim to guarantee effective and unbureaucratic mobility, national and international, of students and graduates, aimed at attracting and establishing qualified human resources, both Portuguese or foreign, in Portugal".

Sources: Decreto-Lei no. 283/83 [Decree-Law No. 283/83]. 1983. Art 1. / Decreto-Lei 341/2007 [Decree-Law No. 341/2007]. 2007. / Diário da República n.º 197/2007 [Republic Diary No. 197/2007]. 2007.

Recognition of qualifications acquired abroad by permanent residents:

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Yes, same procedures and fees as for nationals. According to the migration law all foreigners with a permanent residence permit will be guaranteed equal access as nationals to recognition of foreign diplomas.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 83.

5.3.3. Worker's rights

IMMIGRANT_33: Membership in trade unions.

Can asylum seekers be members and participate in trade union associations and work-related negotiation bodies?

Answer: Yes, equal access

Code: 1

Explanation: Equal access with nationals. The Portuguese Constitution states that all workers without discrimination have the right of union freedom, to defend their rights and interests. Furthermore, the Labour Code of Portugal says that workers have the right to constitute trade union associations at all levels to defend and promote their socio-professional interests. Finally, Portugal follows the specifications of the ILO Convention n.º 87 on trade union freedom and protection of the right of trade union association.

Sources: Constitution of the Portuguese Republic. 1976. Art. 55. / Lei no. 7/2009 [Law No. 7/2009]. 2009. Art. 440. / Lei no. 45/77 [Law No. 45/77]. 1977. Art. 2.

Can refugees be members and participate in trade union associations and work-related negotiation bodies?

Answer: Yes, equal access

Code: 1

Explanation: Equal access with nationals. The Portuguese Constitution states that all workers without discrimination have the right of union freedom, to defend their rights and interests. Furthermore, the Labour Code of Portugal says that workers have the right to constitute trade union associations at all levels to defend and promote their socio-professional interests. Finally, Portugal follows the specifications of the ILO Convention n.º 87 on trade union freedom and protection of the right of trade union association.

Sources: Constitution of the Portuguese Republic. 1976. Art. 55. / Lei no. 7/2009 [Law No. 7/2009]. 2009. Art. 440. / Lei no. 45/77 [Law No. 45/77]. 1977. Art. 2.

Can co-ethnic be members and participate in trade union associations and work-related negotiation bodies?

Answer: Yes, equal access

Code: 1

Explanation: Equal access with nationals. The Portuguese Constitution states that all workers without discrimination have the right of union freedom, to defend their rights and interests. Furthermore, the Labour Code of Portugal says that workers have the right to constitute trade union associations at all levels to defend and promote their socio-professional interests. Finally, Portugal follows the specifications of the ILO Convention n.º 87 on trade union freedom and protection of the right of trade union association.

Sources: Constitution of the Portuguese Republic. 1976. Art. 55. / Lei no. 7/2009 [Law No. 7/2009]. 2009. Art. 440. / Lei no. 45/77 [Law No. 45/77]. 1977. Art. 2.

Can domestic workers be members and participate in trade union associations and work-related negotiation bodies?

Answer: Yes, equal access

Code: 1

Explanation: Equal access with nationals. The Portuguese Constitution states that all workers without discrimination have the right of union freedom, to defend their rights and interests. Furthermore, the Labour Code of Portugal says that workers have the right to constitute trade union associations at all levels to defend and promote their socio-professional interests. Finally, Portugal follows the specifications of the ILO Convention n.º 87 on trade union freedom and protection of the right of trade union association.

Sources: Constitution of the Portuguese Republic. 1976. Art. 55. / Lei no. 7/2009 [Law No. 7/2009]. 2009. Art. 440. / Lei no. 45/77 [Law No. 45/77]. 1977. Art. 2.

Can agricultural workers be members and participate in trade union associations and work-related negotiation bodies?

Answer: Yes, equal access

Code: 1

Explanation: Equal access with nationals. The Portuguese Constitution states that all workers without discrimination have the right of union freedom, to defend their rights and interests. Furthermore, the Labour Code of Portugal says that workers have the right to constitute trade union associations at all levels to defend and promote their socio-professional interests. Finally, Portugal follows the specifications of the ILO Convention n.º 87 on trade union freedom and protection of the right of trade union association.

Sources: Constitution of the Portuguese Republic. 1976. Art. 55. / Lei no. 7/2009 [Law No. 7/2009]. 2009. Art. 440. / Lei no. 45/77 [Law No. 45/77]. 1977. Art. 2.

Can medical doctors be members and participate in trade union associations and work-related negotiation bodies?

Answer: Yes, equal access

Code: 1

Explanation: Equal access with nationals. The Portuguese Constitution states that all workers without discrimination have the right of union freedom, to defend their rights and interests. Furthermore, the Labour Code of Portugal says that workers have the right to constitute trade union associations at all

levels to defend and promote their socio-professional interests. Finally, Portugal follows the specifications of the ILO Convention n.º 87 on trade union freedom and protection of the right of trade union association.

Sources: Constitution of the Portuguese Republic. 1976. Art. 55. / Lei no. 7/2009 [Law No. 7/2009]. 2009. Art. 440. / Lei no. 45/77 [Law No. 45/77]. 1977. Art. 2.

Can permanent residents be members and participate in trade union associations and work-related negotiation bodies?

Answer: Yes, equal access

Code: 1

Explanation: Equal access with nationals. The Portuguese Constitution states that all workers without discrimination have the right of union freedom, to defend their rights and interests. Furthermore, the Labour Code of Portugal says that workers have the right to constitute trade union associations at all levels to defend and promote their socio-professional interests. Finally, Portugal follows the specifications of the ILO Convention n.º 87 on trade union freedom and protection of the right of trade union association.

Sources: Constitution of the Portuguese Republic. 1976. Art. 55. / Lei no. 7/2009 [Law No. 7/2009]. 2009. Art. 440. / Lei no. 45/77 [Law No. 45/77]. 1977. Art. 2.

IMMIGRANT_34: Job transferability.

Can asylum seekers change their employer without risking their immigration status?

Answer: Yes, without conditions

Code: 1

Explanation: Yes, without conditions, as long as their application has been admitted (even if asylum is not yet granted).

Sources: Lei no. 26/2014 [Law No. 26/2014]. 2014. Art. 55. / Lei n.º 27/2008 [Law No. 27/2008]. 2008. / Diretiva no. 2011/95/UE do Parlamento Europeu [European Parliament Directive 2011/95/EU]. 2011. / Diretiva no. 2013/32/UE do Parlamento Europeu [European Parliament Directives 2013/32/EU]. 2013. / Diretiva no. 2013/33/UE do Parlamento Europeu [European Parliament Directive 2013/33/EU]. 2013.

Can refugees change their employer without risking their immigration status?

Answer: Yes, without conditions

Code: 1

Explanation: Yes, without conditions.

Sources: Lei no. 26/2014 [Law No. 26/2014]. 2014. Art. 71. / Lei n.º 27/2008 [Law No. 27/2008]. 2008. / Diretiva no. 2011/95/UE do Parlamento Europeu [European Parliament Directive 2011/95/EU]. 2011. / Diretiva no. 2013/32/UE do Parlamento Europeu [European Parliament Directive

2013/32/EU]. 2013. / Diretiva no. 2013/33/UE do Parlamento Europeu [European Parliament Directive 2013/33/EU]. 2013.

Can co-ethnics change their employer without risking their immigration status?

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Co-ethnicity does not guarantee that a migrant under this proxy will have the freedom to change their employer without risking their immigration status.

Sources: Not applicable

Can domestic workers change their employer without risking their immigration status?

Answer: Yes, without conditions

Code: 1

Explanation: No evidence that conditions exist; only a contract is necessary to get their temporary residence visa, and also for the residence visa only proof of having enough means of living and social security contributions are necessary.

Sources: Baptista, Patrícia. "Imigração e Trabalho Doméstico: o Caso Português [Immigration and Domestic Work: The Portuguese Case]". Access date not available.
https://www.om.acm.gov.pt/documents/58428/179891/Tese34_WEB2.pdf/c75f97.

Can agricultural workers change their employer without risking their immigration status?

Answer: Yes, without conditions

Code: 1

Explanation: Yes, without conditions.

Sources: Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 71-A. / Lei n.º 23/2007 [Law No. 23/2007]. 2007. / Diretiva no. 2014/36/UE do Parlamento Europeu [European Parliament Directive 2014/36/EU]. 2014. / Diretiva no. 2014/66/UE do Parlamento Europeu [European Parliament Directive 2014/66/EU]. 2014.

Can medical doctors change their employer without risking their immigration status?

Answer: Yes, without conditions

Code: 1

Explanation: Yes, at least there is no evidence of this in Art. 61-A of the Ley 102/2017.

Sources: Lei n.º 102/2017 de 28 de agosto [Law No. 102/2017 of 28 August]. 2017.

Can permanent residents change their employer without risking their immigration status?

Answer: Yes, without conditions

Code: 1

Explanation: Yes. Permanent residents have the right to perform any professional activity without prior authorization related to their migratory status.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 83, 1.

IMMIGRANT_35: Right to redress.

Do asylum seekers have the right to redress if the terms of their employment contracts have been violated?

Answer: Yes, without restrictions

Code: 1

Explanation: Yes. All third country migrant workers can report violation of their employment contract for the reasons of non-payment of salary, existence of an employment relationship that reveals conditions of social risk, exploitative conditions of wage or working hours, as well as other particular abusive working conditions and the irregular employment of minors. The reporting should be done through worker unions or migrant protection organizations (governmental and non-governmental as long as recognized as a migrant representative entity). This also applies to agricultural workers on a seasonal working visa. Permanent residents have the right to directly access the justice system and all courts on the same conditions as nationals.

Sources: Lei no. 102/2017de 28 de agosto [Law No. 102/2017 of 28 August]. 2017. Art. 198-B. / Lei no. 102/2017de 28 de agosto [Law No. 102/2017 of 28 August]. 2017. Art. 56-D. / Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 83.

Do refugees have the right to redress if the terms of their employment contracts have been violated?

Answer: Yes, without restrictions

Code: 1

Explanation: Yes. All third country migrant workers can report violation of their employment contract for the reasons of non-payment of salary, existence of an employment relationship that reveals conditions of social risk, exploitative conditions of wage or working hours, as well as other particular abusive working conditions and the irregular employment of minors. The reporting should be done through worker unions or migrant protection organizations (governmental and non-governmental as long as recognized as a migrant representative entity). This also applies to agricultural workers on a seasonal working visa. Permanent residents have the right to directly access the justice system and all courts on the same conditions as nationals.

Sources: Lei no. 102/2017de 28 de agosto [Law No. 102/2017 of 28 August]. 2017. Art. 198-B. / Lei no. 102/2017de 28 de agosto [Law No. 102/2017 of 28 August]. 2017. Art. 56-D. / Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 83.

Do co-ethnics have the right to redress if the terms of their employment contracts have been violated?

Answer: Yes, without restrictions

Code: 1

Explanation: Yes. All third country migrant workers can report violation of their employment contract for the reasons of non-payment of salary, existence of an employment relationship that reveals conditions of social risk, exploitative conditions of wage or working hours, as well as other particular abusive working conditions and the irregular employment of minors. The reporting should be done through worker unions or migrant protection organizations (governmental and non-governmental as long as recognized as a migrant representative entity). This also applies to agricultural workers on a seasonal working visa. Permanent residents have the right to directly access the justice system and all courts on the same conditions as nationals.

Sources: Lei n.º 102/2017de 28 de agosto [Law No. 102/2017 of 28 August]. 2017. Art. 198-B. / Lei n.º 102/2017de 28 de agosto [Law No. 102/2017 of 28 August]. 2017. Art. 56-D. / Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 83.

Do domestic workers have the right to redress if the terms of their employment contracts have been violated?

Answer: Yes, without restrictions

Code: 1

Explanation: Yes. All third country migrant workers can report violation of their employment contract for the reasons of non-payment of salary, existence of an employment relationship that reveals conditions of social risk, exploitative conditions of wage or working hours, as well as other particular abusive working conditions and the irregular employment of minors. The reporting should be done through worker unions or migrant protection organizations (governmental and non-governmental as long as recognized as a migrant representative entity). This also applies to agricultural workers on a seasonal working visa. Permanent residents have the right to directly access the justice system and all courts on the same conditions as nationals.

Sources: Lei n.º 102/2017de 28 de agosto [Law No. 102/2017 of 28 August]. 2017. Art. 198-B. / Lei n.º 102/2017de 28 de agosto [Law No. 102/2017 of 28 August]. 2017. Art. 56-D. / Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 83.

Do agricultural workers have the right to redress if the terms of their employment contracts have been violated?

Answer: Yes, without restrictions

Code: 1

Explanation: Yes. All third country migrant workers can report violation of their employment contract for the reasons of non-payment of salary, existence of an employment relationship that reveals conditions of social risk, exploitative conditions of wage or working hours, as well as other abusive working conditions and the irregular employment of minors. The reporting should be done through worker unions or migrant protection organizations (governmental and non-governmental as long as recognized as a migrant representative entity). This also applies to agricultural workers on a seasonal

working visa. Permanent residents have the right to directly access the justice system and all courts on the same conditions as nationals.

Sources: Lei n.º 102/2017de 28 de agosto [Law No. 102/2017 of 28 August]. 2017. Art. 198-B. / Lei n.º 102/2017de 28 de agosto [Law No. 102/2017 of 28 August]. 2017. Art. 56-D / Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 83.

Do medical doctors have the right to redress if the terms of their employment contracts have been violated?

Answer: Yes, without restrictions

Code: 1

Explanation: Yes. All third country migrant workers can report violation of their employment contract for the reasons of non-payment of salary, existence of an employment relationship that reveals conditions of social risk, exploitative conditions of wage or working hours, as well as other abusive working conditions and the irregular employment of minors. The reporting should be done through worker unions or migrant protection organizations (governmental and non-governmental as long as recognized as a migrant representative entity). This also applies to agricultural workers on a seasonal working visa. Permanent residents have the right to directly access the justice system and all courts on the same conditions as nationals.

Sources: Lei n.º 102/2017de 28 de agosto [Law No. 102/2017 of 28 August]. 2017. Art. 198-B. / Lei n.º 102/2017de 28 de agosto [Law No. 102/2017 of 28 August]. 2017. Art. 56-D. / Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 83.

Do permanent residents have the right to redress if the terms of their employment contracts have been violated?

Answer: Yes, without restrictions

Code: 1

Explanation: Yes. All third country migrant workers can report violation of their employment contract for the reasons of non-payment of salary, existence of an employment relationship that reveals conditions of social risk, exploitative conditions of wage or working hours, as well as other abusive working conditions and the irregular employment of minors. The reporting should be done through worker unions or migrant protection organizations (governmental and non-governmental as long as recognized as a migrant representative entity). This also applies to agricultural workers on a seasonal working visa. Permanent residents have the right to directly access the justice system and all courts on the same conditions as nationals.

Sources: Lei no. 102/2017de 28 de agosto [Law No. 102/2017 of 28 August]. 2017. Art. 198-B. / Lei no. 102/2017de 28 de agosto [Law No. 102/2017 of 28 August]. 2017. Art. 56-D. / Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 83.

5.3.4. Property rights

IMMIGRANT_36: Property rights.

Can asylum seekers acquire property in the state of reception?

Answer: Yes, without restrictions

Code: 1

Explanation: Yes, as long as they have a number of fiscal identification (and residence) in Portugal.

Sources: Seara.com. "Living in Portugal". Access date not available. <http://www.livinginportugal.com>.

Can refugees acquire property in the state of reception?

Answer: Yes, without restrictions

Code: 1

Explanation: Yes, as long as they have a number of fiscal identification (and residence) in Portugal.

Sources: Seara.com. "Living in Portugal". Access date not available. <http://www.livinginportugal.com>.

Can co-ethnics acquire property in the state of reception?

Answer: Yes, without restrictions

Code: 1

Explanation: Yes, as long as they have a number of fiscal identification (and residence) in Portugal.

Sources: Seara.com. "Living in Portugal". Access date not available. <http://www.livinginportugal.com>.

Can domestic workers acquire property in the state of reception?

Answer: Yes, without restrictions

Code: 1

Explanation: Yes, as long as they have a number of fiscal identification (and residence) in Portugal.

Sources: Seara.com. "Living in Portugal". Access date not available. <http://www.livinginportugal.com>.

Can agricultural workers acquire property in the state of reception?

Answer: Yes, without restrictions

Code: 1

Explanation: Yes, as long as they have a number of fiscal identification (and residence) in Portugal.

Sources: Seara.com. "Living in Portugal". Access date not available. <http://www.livinginportugal.com>.

Can medical doctors acquire property in the state of reception?

Answer: Yes, without restrictions

Code: 1

Explanation: Yes, as long as they have a number of fiscal identification (and residence) in Portugal.

Sources: Seara.com. "Living in Portugal". Access date not available. <http://www.livinginportugal.com>.

Can permanent residents acquire property in the state of reception?

Answer: Yes, without restrictions

Code: 1

Explanation: Yes, as long as they have a number of fiscal identification (and residence) in Portugal.

Sources: Seara.com. "Living in Portugal". Access date not available. <http://www.livinginportugal.com>.

5.4. Social policies

5.4.1. Family reunification

Can asylum seekers bring their families to their country of residence?

Answer: yes

Code: 1

Explanation: According to the law anyone requesting a residency permit can simultaneously request family reunification.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 81, 4.

Can refugees bring their families to their country of residence?

Answer: yes

Code: 1

Explanation: Recognised refugees are entitled to request family reunification for both family members outside and inside Portugal.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 98, 3.

Can co-ethnics bring their families to their country of residence?

Answer: yes

Code: 1

Explanation: Any person with a valid residency permit is entitled to family reunification with family members who live abroad, with whom the applicant has lived together in another country, or are her/his dependents, notwithstanding if the family ties have come to exist before or after the applicant's (resident) entry in Portugal.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 98, 1.

Can domestic workers bring their families to their country of residence?

Answer: yes

Code: 1

Explanation: Any person with a valid residency permit is entitled to family reunification with family members who live abroad, with whom the applicant has lived together in another country, or are her/his dependents, notwithstanding if the family ties have come to exist before or after the applicant's (resident) entry in Portugal.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 98, 1.

Can agricultural workers bring their families to their country of residence?

Answer: no

Code: 0

Explanation: Agricultural workers on a seasonal visa cannot access a residency permit, only a short term visa, and therefore are not entitled to applying for family reunification.

Sources: Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Can medical doctors bring their families to their country of residence?

Answer: yes

Code: 1

Explanation: Any person with a valid residency permit is entitled to family reunification with family members who live abroad, with whom the applicant has lived together in another country, or are her/his dependents, notwithstanding if the family ties have come to exist before or after the applicant's (resident) entry in Portugal.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 98, 1.

Can permanent residents bring their families to their country of residence?

Answer: yes

Code: 1

Explanation: Any person with a valid residency permit is entitled to family reunification with family members who live abroad, with whom the applicant has lived together in another country, or are her/his dependents, notwithstanding if the family ties have come to exist before or after the applicant's (resident) entry in Portugal.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 98, 1.

Eligibility

IMMIGRANT_37: Resident requirement for ordinary legal residents.

Residence requirement for ordinary legal residents (asylum seekers). In months:

Answer: 0

Code: 0

Explanation: No residence requirement. According to the law anyone requesting a residency permit can simultaneously request family reunification.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 81, 4.

Residence requirement for ordinary legal residents (asylum seekers):

Answer: no residence requirement

Code: 1

Explanation: No residence requirement. According to the law anyone requesting a residency permit can simultaneously request family reunification.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 81, 4.

Residence requirement for ordinary legal residents (refugees). In months:

Answer: 0

Code: 0

Explanation: No residence requirement. Recognised refugees are entitled to request family reunification for both family members outside and inside Portugal.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 98, 3.

Residence requirement for ordinary legal residents (refugees):

Answer: no residence requirement

Code: 1

Explanation: No residence requirement. Recognised refugees are entitled to request family reunification for both family members outside and inside Portugal.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 98, 3.

Residence requirement for ordinary legal residents (co-ethnics). In months:

Answer: 0

Code: 0

Explanation: No residence requirement. Any person with a valid residency permit is entitled to family reunification with family members who live abroad, with whom the applicant has lived together in another country, or are her/his dependents, notwithstanding if the family ties have come to exist before or after the applicant's (resident) entry in Portugal.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 98, 1.

Residence requirement for ordinary legal residents (co-ethnics):

Answer: no residence requirement

Code: 1

Explanation: No residence requirement. Any person with a valid residency permit is entitled to family reunification with family members who live abroad, with whom the applicant has lived together in another country, or are her/his dependents, notwithstanding if the family ties have come to exist before or after the applicant's (resident) entry in Portugal.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 98, 1.

Residence requirement for ordinary legal residents (domestic workers). In months:

Answer: 0

Code: 0

Explanation: No residence requirement. Any person with a valid residency permit is entitled to family reunification with family members who live abroad, with whom the applicant has lived together in another country, or are her/his dependents, notwithstanding if the family ties have come to exist before or after the applicant's (resident) entry in Portugal.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 81, 4. / Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 98. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Residence requirement for ordinary legal residents (domestic workers):

Answer: no residence requirement

Code: 1

Explanation: Residence permit for less than one year, given that there is no residence requirement for all proxies to request family reunification, except agricultural workers under a seasonal visa. The exception is the proxy 'agricultural workers' on a seasonal working visa (rather than a residency permit), which due to lack of a valid residence permit are not entitled to family reunification.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 98, 1.

Residence requirement for ordinary legal residents (agricultural workers). In months:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Residence requirement for ordinary legal residents (agricultural workers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Residence requirement for ordinary legal residents (medical doctors). In months:

Answer: 0

Code: 0

Explanation: No residence requirement. Any person with a valid residency permit is entitled to family reunification with family members who live abroad, with whom the applicant has lived together in another country, or are her/his dependents, notwithstanding if the family ties have come to exist before or after the applicant's (resident) entry in Portugal.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 98, 1.

Residence requirement for ordinary legal residents (medical doctors):

Answer: no residence requirement

Code: 1

Explanation: No residence requirement. Any person with a valid residency permit is entitled to family reunification with family members who live abroad, with whom the applicant has lived together in another country, or are her/his dependents, notwithstanding if the family ties have come to exist before or after the applicant's (resident) entry in Portugal.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 98, 1.

Residence requirement for ordinary legal residents (permanent residents). In months:

Answer: 0

Code: 0

Explanation: No residence requirement. Any person with a valid residency permit is entitled to family reunification with family members who live abroad, with whom the applicant has lived together in another country, or are her/his dependents, notwithstanding if the family ties have come to exist before or after the applicant's (resident) entry in Portugal.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 81, 4. / Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 98. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Residence requirement for ordinary legal residents (permanent residents):

Answer: no residence requirement

Code: 1

Explanation: No residence requirement. Any person with a valid residency permit is entitled to family reunification with family members who live abroad, with whom the applicant has lived together in another country, or are her/his dependents, notwithstanding if the family ties have come to exist before or after the applicant's (resident) entry in Portugal.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 81, 4. / Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 98. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

IMMIGRANT_38: Family members considered for reunification.

Family member eligible for reunification (asylum seekers): Spouse.

Answer: yes

Code: 1

Explanation: Any person with a valid residency permit is entitled to family reunification with the spouse, partner in a civil union or long-term relationship (as legally recognized in national family laws), children (including adopted, under certain circumstances), and parents.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 99, 1.

Family member eligible for reunification (asylum seekers): Partner in a civil union or long-term relationship.

Answer: yes

Code: 1

Explanation: Any person with a valid residency permit is entitled to family reunification with the spouse, partner in a civil union or long-term relationship (as legally recognized in national family laws), children (including adopted, under certain circumstances), and parents.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 99, 1.

Family member eligible for reunification (asylum seekers): Children.

Answer: yes

Code: 1

Explanation:

Sources:

Family member eligible for reunification (asylum seekers): Parents.

Answer: yes

Code: 1

Explanation: Any person with a valid residency permit is entitled to family reunification with the spouse, partner in a civil union or long-term relationship (as legally recognized in national family laws), children (including adopted, under certain circumstances), and parents.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 99, 1.

Family member eligible for reunification (asylum seekers): Grandparents.

Answer: no

Code: 0

Explanation: Any person with a valid residency permit is entitled to family reunification with the spouse, partner in a civil union or long-term relationship (as legally recognized in national family laws), children (including adopted, under certain circumstances), and parents.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 99, 1.

Family member eligible for reunification (refugees): Spouse.

Answer: yes

Code: 1

Explanation: Any person with a valid residency permit is entitled to family reunification with the spouse, partner in a civil union or long-term relationship (as legally recognized in national family laws), children (including adopted, under certain circumstances), and parents.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 99, 1.

Family member eligible for reunification (refugees): Partner in a civil union or long-term relationship.

Answer: yes

Code: 1

Explanation: Any person with a valid residency permit is entitled to family reunification with the spouse, partner in a civil union or long-term relationship (as legally recognized in national family laws), children (including adopted, under certain circumstances), and parents.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 99, 1.

Family member eligible for reunification (refugees): Children.

Answer: yes

Code: 1

Explanation: Any person with a valid residency permit is entitled to family reunification with the spouse, partner in a civil union or long-term relationship (as legally recognized in national family laws), children (including adopted, under certain circumstances), and parents.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 99, 1.

Family member eligible for reunification (refugees): Parents.

Answer: yes

Code: 1

Explanation: Any person with a valid residency permit is entitled to family reunification with the spouse, partner in a civil union or long-term relationship (as legally recognized in national family laws), children (including adopted, under certain circumstances), and parents.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 99, 1.

Family member eligible for reunification (refugees): Grandparents.

Answer: no

Code: 0

Explanation: Any person with a valid residency permit is entitled to family reunification with the spouse, partner in a civil union or long-term relationship (as legally recognized in national family laws), children (including adopted, under certain circumstances), and parents.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 99, 1.

Family member eligible for reunification (co-ethnics): Spouse.

Answer: yes

Code: 1

Explanation: Any person with a valid residency permit is entitled to family reunification with the spouse, partner in a civil union or long-term relationship (as legally recognized in national family laws), children (including adopted, under certain circumstances), and parents.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 99, 1.

Family member eligible for reunification (co-ethnics): Partner in a civil union or long-term relationship.

Answer: yes

Code: 1

Explanation: Any person with a valid residency permit is entitled to family reunification with the spouse, partner in a civil union or long-term relationship (as legally recognized in national family laws), children (including adopted, under certain circumstances), and parents.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 99, 1.

Family member eligible for reunification (co-ethnics): Children.

Answer: yes

Code: 1

Explanation: Any person with a valid residency permit is entitled to family reunification with the spouse, partner in a civil union or long-term relationship (as legally recognized in national family laws), children (including adopted, under certain circumstances), and parents.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 99, 1.

Family member eligible for reunification (co-ethnics): Parents.

Answer: yes

Code: 1

Explanation: Any person with a valid residency permit is entitled to family reunification with the spouse, partner in a civil union or long-term relationship (as legally recognized in national family laws), children (including adopted, under certain circumstances), and parents.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 99, 1.

Family member eligible for reunification (co-ethnics): Grandparents.

Answer: no

Code: 0

Explanation: Any person with a valid residency permit is entitled to family reunification with the spouse, partner in a civil union or long-term relationship (as legally recognized in national family laws), children (including adopted, under certain circumstances), and parents.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 99, 1.

Family member eligible for reunification (domestic workers): Spouse.

Answer: yes

Code: 1

Explanation: Any person with a valid residency permit is entitled to family reunification with the spouse, partner in a civil union or long-term relationship (as legally recognized in national family laws), children (including adopted, under certain circumstances), and parents.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 99, 1.

Family member eligible for reunification (domestic workers): Partner in a civil union or long-term relationship.

Answer: yes

Code: 1

Explanation: Any person with a valid residency permit is entitled to family reunification with the spouse, partner in a civil union or long-term relationship (as legally recognized in national family laws), children (including adopted, under certain circumstances), and parents.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 99, 1.

Family member eligible for reunification (domestic workers): Children.

Answer: yes

Code: 1

Explanation: Any person with a valid residency permit is entitled to family reunification with the spouse, partner in a civil union or long-term relationship (as legally recognized in national family laws), children (including adopted, under certain circumstances), and parents.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 99, 1.

Family member eligible for reunification (domestic workers): Parents.

Answer: yes

Code: 1

Explanation: Any person with a valid residency permit is entitled to family reunification with the spouse, partner in a civil union or long-term relationship (as legally recognized in national family laws), children (including adopted, under certain circumstances), and parents.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 99, 1.

Family member eligible for reunification (domestic workers): Grandparents.

Answer: no

Code: 0

Explanation: Any person with a valid residency permit is entitled to family reunification with the spouse, partner in a civil union or long-term relationship (as legally recognized in national family laws), children (including adopted, under certain circumstances), and parents.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 99, 1.

Family member eligible for reunification (agricultural workers): Spouse.

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (agricultural workers): Partner in a civil union or long-term relationship.

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (agricultural workers): Children.

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (agricultural workers): Parents.

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (agricultural workers): Grandparents.

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (medical doctors): Spouse.

Answer: yes

Code: 1

Explanation: Any person with a valid residency permit is entitled to family reunification with the spouse, partner in a civil union or long-term relationship (as legally recognized in national family laws), children (including adopted, under certain circumstances), and parents.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 99, 1.

Family member eligible for reunification (medical doctors): Partner in a civil union or long-term relationship.

Answer: yes

Code: 1

Explanation: Any person with a valid residency permit is entitled to family reunification with the spouse, partner in a civil union or long-term relationship (as legally recognized in national family laws), children (including adopted, under certain circumstances), and parents.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 99, 1.

Family member eligible for reunification (medical doctors): Children.

Answer: yes

Code: 1

Explanation: Any person with a valid residency permit is entitled to family reunification with the spouse, partner in a civil union or long-term relationship (as legally recognized in national family laws), children (including adopted, under certain circumstances), and parents.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 99, 1.

Family member eligible for reunification (medical doctors): Parents.

Answer: yes

Code: 1

Explanation: Any person with a valid residency permit is entitled to family reunification with the spouse, partner in a civil union or long-term relationship (as legally recognized in national family laws), children (including adopted, under certain circumstances), and parents.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 99, 1.

Family member eligible for reunification (medical doctors): Grandparents.

Answer: no

Code: 0

Explanation: Any person with a valid residency permit is entitled to family reunification with the spouse, partner in a civil union or long-term relationship (as legally recognized in national family laws), children (including adopted, under certain circumstances), and parents.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 99, 1.

Family member eligible for reunification (permanent residents): Spouse.

Answer: yes

Code: 1

Explanation: Any person with a valid residency permit is entitled to family reunification with the spouse, partner in a civil union or long-term relationship (as legally recognized in national family laws), children (including adopted, under certain circumstances), and parents.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 99, 1.

Family member eligible for reunification (permanent residents): Partner in a civil union or long-term relationship.

Answer: yes

Code: 1

Explanation: Any person with a valid residency permit is entitled to family reunification with the spouse, partner in a civil union or long-term relationship (as legally recognized in national family laws), children (including adopted, under certain circumstances), and parents.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 99, 1.

Family member eligible for reunification (permanent residents): Children.

Answer: yes

Code: 1

Explanation: Any person with a valid residency permit is entitled to family reunification with the spouse, partner in a civil union or long-term relationship (as legally recognized in national family laws), children (including adopted, under certain circumstances), and parents.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 99, 1.

Family member eligible for reunification (permanent residents): Parents.

Answer: yes

Code: 1

Explanation: Any person with a valid residency permit is entitled to family reunification with the spouse, partner in a civil union or long-term relationship (as legally recognized in national family laws), children (including adopted, under certain circumstances), and parents.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 99, 1.

Family member eligible for reunification (permanent residents): Grandparents.

Answer: no

Code: 0

Explanation: Any person with a valid residency permit is entitled to family reunification with the spouse, partner in a civil union or long-term relationship (as legally recognized in national family laws), children (including adopted, under certain circumstances), and parents.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 99, 1.

Security of status

IMMIGRANT_39: Length of application procedure.

Length of application procedure in months (asylum seekers).

Answer: 3

Code: 3

Explanation: Less or equal six months defined by law. A decision should be made as soon as possible or ultimately within 3 months. In exceptionally complex cases the length of the procedure can be extended for another three months. If a decision is not made in a total of six months the application is tacitly considered as accepted.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 105. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Length of application procedure (asylum seekers).

Answer: less or equal six months defined by law

Code: 1

Explanation: Less or equal six months defined by law. A decision should be made as soon as possible or ultimately within 3 months. In exceptionally complex cases the length of the procedure can be extended for another three months. If a decision is not made in a total of six months the application is tacitly considered as accepted.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 105. / Lei 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Length of application procedure in months (refugees).

Answer: 3

Code: 3

Explanation: Less or equal six months defined by law. A decision should be made as soon as possible or ultimately within 3 months. In exceptionally complex cases the length of the procedure can be extended for another three months. If a decision is not made in a total of six months the application is tacitly considered as accepted.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 105. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Length of application procedure (refugees).

Answer: less or equal six months defined by law

Code: 1

Explanation: Less or equal six months defined by law. A decision should be made as soon as possible or ultimately within 3 months. In exceptional complex cases the length of the procedure can be extended for another three months. If a decision is not made in a total of six months the application is tacitly considered as accepted.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 105. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Length of application procedure in months (co-ethnics).

Answer: 3

Code: 3

Explanation: Less or equal six months defined by law. A decision should be made as soon as possible or ultimately within 3 months. In exceptional complex cases the length of the procedure can be extended for another three months. If a decision is not made in a total of six months the application is tacitly considered as accepted.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 105. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.
102/2017 - Quinta Alteração ao Regime Jurídico, Art 56°.

Length of application procedure (co-ethnics).

Answer: less or equal six months defined by law

Code: 1

Explanation: Less or equal six months defined by law. A decision should be made as soon as possible or ultimately within 3 months. In exceptional complex cases the length of the procedure can be extended for another three months. If a decision is not made in a total of six months the application is tacitly considered as accepted. The exception is the proxy 'agricultural workers' on a seasonal working visa (rather than a residency permit), which due to lack of a valid residence permit are not entitled to family reunification.

Sources: Lei No. 23/2007 [Law No. 23/2007]. 2007. Art. 105. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Length of application procedure in months (domestic workers).

Answer: 3

Code: 3

Explanation: Less or equal six months defined by law. A decision should be made as soon as possible or ultimately within 3 months. In exceptional complex cases the length of the procedure can be extended for another three months. If a decision is not made in a total of six months the application is tacitly considered as accepted.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 105. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Length of application procedure (domestic workers).

Answer: less or equal six months defined by law

Code: 1

Explanation: Less or equal six months defined by law. A decision should be made as soon as possible or ultimately within 3 months. In exceptional complex cases the length of the procedure can be extended for another three months. If a decision is not made in a total of six months the application is tacitly considered as accepted.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 105. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Length of application procedure in months (agricultural workers).

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Length of application procedure (agricultural workers).

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Length of application procedure in months (medical doctors).

Answer: 3

Code: 3

Explanation: Less or equal six months defined by law. A decision should be made as soon as possible or ultimately within 3 months. In exceptional complex cases the length of the procedure can be extended for another three months. If a decision is not made in a total of six months the application is tacitly considered as accepted.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 105. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Length of application procedure (medical doctors).

Answer: less or equal six months defined by law

Code: 1

Explanation: Less or equal six months defined by law. A decision should be made as soon as possible or ultimately within 3 months. In exceptional complex cases the length of the procedure can be extended for another three months. If a decision is not made in a total of six months the application is tacitly considered as accepted.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 105. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Length of application procedure in months (permanent residents).

Answer: 3

Code: 3

Explanation: Less or equal six months defined by law. A decision should be made as soon as possible or ultimately within 3 months. In exceptional complex cases the length of the procedure can be extended for another three months. If a decision is not made in a total of six months the application is tacitly considered as accepted. The exception is the proxy 'agricultural workers' on a seasonal working visa (rather than a residency permit), which due to lack of a valid residence permit are not entitled to family reunification.

Sources: Not applicable

Length of application procedure (permanent residents).

Answer: less or equal six months defined by law

Code: 1

Explanation: Less or equal six months defined by law. A decision should be made as soon as possible or ultimately within 3 months. In exceptional complex cases the length of the procedure can be extended for another three months. If a decision is not made in a total of six months the application is tacitly considered as accepted.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 105. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

IMMIGRANT_40: Duration of permit.

Duration of validity of permit (asylum seekers):

Answer: equal to sponsor's residence permit

Code: 1

Explanation: A beneficiary of family reunification will be granted a residency permit with validity equal to the sponsor's residence permit. However, the law does not specify the general grounds for renewing it. The exception is the proxy 'agricultural workers' on a seasonal working visa (rather than a residency permit), which due to lack of a valid residence permit are not entitled to family reunification.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 107, 1. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Duration of validity of permit (refugees):

Answer: equal to sponsor's residence permit

Code: 1

Explanation: A beneficiary of family reunification will be granted a residency permit with validity equal to the sponsor's residence permit. However, the law does not specify the general grounds for renewing it.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 107, 1. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Duration of validity of permit (co-ethnics):

Answer: equal to sponsor's residence permit

Code: 1

Explanation: Not applicable

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 107, 1. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Duration of validity of permit (domestic workers):

Answer: equal to sponsor's residence permit

Code: 1

Explanation: A beneficiary of family reunification will be granted a residency permit with validity equal to the sponsor's residence permit. However, the law does not specify the general grounds for renewing it.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 107, 1. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Duration of validity of permit (agricultural workers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Duration of validity of permit (medical doctors):

Answer: equal to sponsor's residence permit

Code: 1

Explanation: A beneficiary of family reunification will be granted a residency permit with validity equal to the sponsor's residence permit. However, the law does not specify the general grounds for renewing it.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 107, 1. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Duration of validity of permit (permanent residents):

Answer: equal to sponsor's residence permit

Code: 1

Explanation: A beneficiary of family reunification will be granted a residency permit with validity equal to the sponsor's residence permit. However, the law does not specify the general grounds for renewing it.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 107, 1. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

IMMIGRANT_41: Grounds for rejection, withdrawing or refusing to renew status.

Being an actual and serious threat to national security is a ground for rejecting family reunification application (asylum seekers):

Answer: yes

Code: 1

Explanation: The law says that a request for family reunification can be refused if the family member is interdicted from entering the country, or her/his presence could be a threat to the public order, public security, or public health. Furthermore, the law also mentions that a residency permit for family reunification can be cancelled if there is proven fraud in the acquisition of permit when it comes to an inexistent relationship.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 1. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (asylum seekers):

Answer: yes

Code: 1

Explanation: The law says that a request for family reunification can be refused if the family member is interdicted from entering the country, or her/his presence could be a threat to the public order, public security, or public health. Furthermore, the law also mentions that a residency permit for family reunification can be cancelled if there is proven fraud in the acquisition of permit when it comes to an inexistent relationship.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 1. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Break-up of family relationship is a ground for rejecting family reunification application (asylum seekers):

Answer: no

Code: 0

Explanation: The law says that a request for family reunification can be refused if the family member is interdicted from entering the country, or her/his presence could be a threat to the public order, public security, or public health. Furthermore, the law also mentions that a residency permit for family reunification can be cancelled if there is proven fraud in the acquisition of permit when it comes to an inexistent relationship.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 1. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Being an actual and serious threat to national security is a ground for rejecting family reunification application (refugees):

Answer: yes

Code: 1

Explanation: The law says that a request for family reunification can be refused if the family member is interdicted from entering the country, or her/his presence could be a threat to the public order, public security, or public health. Furthermore, the law also mentions that a residency permit for family reunification can be cancelled if there is proven fraud in the acquisition of permit when it comes to an inexistent relationship.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 1. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (refugees):

Answer: yes

Code: 1

Explanation: The law says that a request for family reunification can be refused if the family member is interdicted from entering the country, or her/his presence could be a threat to the public order, public security, or public health. Furthermore, the law also mentions that a residency permit for family reunification can be cancelled if there is proven fraud in the acquisition of permit when it comes to an inexistent relationship.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 1. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Break-up of family relationship is a ground for rejecting family reunification application (refugees):

Answer: no

Code: 0

Explanation: The law says that a request for family reunification can be refused if the family member is interdicted from entering the country, or her/his presence could be a threat to the public order, public security, or public health. Furthermore, the law also mentions that a residency permit for family reunification can be cancelled if there is proven fraud in the acquisition of permit when it comes to an inexistent relationship.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 1. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Being an actual and serious threat to national security is a ground for rejecting family reunification application (co-ethnics):

Answer: yes

Code: 1

Explanation: The law says that a request for family reunification can be refused if the family member is interdicted from entering the country, or her/his presence could be a threat to the public order, public security, or public health. Furthermore, the law also mentions that a residency permit for family reunification can be cancelled if there is proven fraud in the acquisition of permit when it comes to an inexistent relationship.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 1. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (co-ethnics):

Answer: yes

Code: 1

Explanation: The law says that a request for family reunification can be refused if the family member is interdicted from entering the country, or her/his presence could be a threat to the public order, public security, or public health. Furthermore, the law also mentions that a residency permit for family reunification can be cancelled if there is proven fraud in the acquisition of permit when it comes to an inexistent relationship.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 1. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Break-up of family relationship is a ground for rejecting family reunification application (co-ethnics):

Answer: no

Code: 0

Explanation: The law says that a request for family reunification can be refused if the family member is interdicted from entering the country, or her/his presence could be a threat to the public order, public security, or public health. Furthermore, the law also mentions that a residency permit for family reunification can be cancelled if there is proven fraud in the acquisition of permit when it comes to an inexistent relationship.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 1. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Being an actual and serious threat to national security is a ground for rejecting family reunification application (domestic workers):

Answer: yes

Code: 1

Explanation: The law says that a request for family reunification can be refused if the family member is interdicted from entering the country, or her/his presence could be a threat to the public order, public security, or public health. Furthermore, the law also mentions that a residency permit for family reunification can be cancelled if there is proven fraud in the acquisition of permit when it comes to an inexistent relationship.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 1. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (domestic workers):

Answer: yes

Code: 1

Explanation: The law says that a request for family reunification can be refused if the family member is interdicted from entering the country, or her/his presence could be a threat to the public order, public security, or public health. Furthermore, the law also mentions that a residency permit for family reunification can be cancelled if there is proven fraud in the acquisition of permit when it comes to an inexistent relationship.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 1. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Break-up of family relationship is a ground for rejecting family reunification application (domestic workers):

Answer: no

Code: 0

Explanation: The law says that a request for family reunification can be refused if the family member is interdicted from entering the country, or her/his presence could be a threat to the public order, public security, or public health. Furthermore, the law also mentions that a residency permit for family

reunification can be cancelled if there is proven fraud in the acquisition of permit when it comes to an inexistent relationship.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 1. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Being an actual and serious threat to national security is a ground for rejecting family reunification application (agricultural workers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (agricultural workers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Break-up of family relationship is a ground for rejecting family reunification application (agricultural workers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Being an actual and serious threat to national security is a ground for rejecting family reunification application (medical doctors):

Answer: yes

Code: 1

Explanation: The law says that a request for family reunification can be refused if the family member is interdicted from entering the country, or her/his presence could be a threat to the public order, public security, or public health. Furthermore, the law also mentions that a residency permit for family reunification can be cancelled if there is proven fraud in the acquisition of permit when it comes to an inexistent relationship.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 1. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (medical doctors):

Answer: yes

Code: 1

Explanation: The law says that a request for family reunification can be refused if the family member is interdicted from entering the country, or her/his presence could be a threat to the public order, public security, or public health. Furthermore, the law also mentions that a residency permit for family reunification can be cancelled if there is proven fraud in the acquisition of permit when it comes to an inexistent relationship.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 1. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Break-up of family relationship is a ground for rejecting family reunification application (medical doctors):

Answer: no

Code: 0

Explanation: The law says that a request for family reunification can be refused if the family member is interdicted from entering the country, or her/his presence could be a threat to the public order, public security, or public health. Furthermore, the law also mentions that a residency permit for family reunification can be cancelled if there is proven fraud in the acquisition of permit when it comes to an inexistent relationship.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 1. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Being an actual and serious threat to national security is a ground for rejecting family reunification application (permanent residents):

Answer: yes

Code: 1

Explanation: The law says that a request for family reunification can be refused if the family member is interdicted from entering the country, or her/his presence could be a threat to the public order, public security, or public health. Furthermore, the law also mentions that a residency permit for family reunification can be cancelled if there is proven fraud in the acquisition of permit when it comes to an inexistent relationship.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 1. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (permanent residents):

Answer: yes

Code: 1

Explanation: The law says that a request for family reunification can be refused if the family member is interdicted from entering the country, or her/his presence could be a threat to the public order, public security, or public health. Furthermore, the law also mentions that a residency permit for family reunification can be cancelled if there is proven fraud in the acquisition of permit when it comes to an inexistent relationship.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 1. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Break-up of family relationship is a ground for rejecting family reunification application (permanent residents):

Answer: no

Code: 0

Explanation: The law says that a request for family reunification can be refused if the family member is interdicted from entering the country, or her/his presence could be a threat to the public order, public security, or public health. Furthermore, the law also mentions that a residency permit for family reunification can be cancelled if there is proven fraud in the acquisition of permit when it comes to an inexistent relationship.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 1. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

IMMIGRANT_42: Special circumstances.

Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (asylum seekers):

Answer: yes

Code: 1

Explanation: The law says that both before refusal or withdrawal of s residency permit acquired through family reunification, due account is taken of the nature and solidity of the sponsor's family ties, the duration of her/his residence in Portugal, as well as social and cultural links with her/his country of origin.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 3. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (asylum seekers):

Answer: yes

Code: 1

Explanation: The law says that both before refusal or withdrawal of s residency permit acquired through family reunification, due account is taken of the nature and solidity of the sponsor's family ties, the duration of her/his residence in Portugal, as well as social and cultural links with her/his country of origin.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 3. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Before refusal or withdrawal, due account is taken of existing links with country of origin (asylum seekers):

Answer: yes

Code: 1

Explanation: The law says that both before refusal or withdrawal of s residency permit acquired through family reunification, due account is taken of the nature and solidity of the sponsor's family ties, the duration of her/his residence in Portugal, as well as social and cultural links with her/his country of origin.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 3. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Before refusal or withdrawal, due account is taken of physical or emotional violence (asylum seekers):

Answer: no

Code: 0

Explanation: The law says that both before refusal or withdrawal of s residency permit acquired through family reunification, due account is taken of the nature and solidity of the sponsor's family ties, the duration of her/his residence in Portugal, as well as social and cultural links with her/his country of origin.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 3. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (refugees):

Answer: yes

Code: 1

Explanation: The law says that both before refusal or withdrawal of s residency permit acquired through family reunification, due account is taken of the nature and solidity of the sponsor's family ties, the duration of her/his residence in Portugal, as well as social and cultural links with her/his country of origin.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 3. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (refugees):

Answer: yes

Code: 1

Explanation: The law says that both before refusal or withdrawal of s residency permit acquired through family reunification, due account is taken of the nature and solidity of the sponsor's family ties, the duration of her/his residence in Portugal, as well as social and cultural links with her/his country of origin.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 3. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Before refusal or withdrawal, due account is taken of existing links with country of origin (refugees):

Answer: yes

Code: 1

Explanation: The law says that both before refusal or withdrawal of s residency permit acquired through family reunification, due account is taken of the nature and solidity of the sponsor's family ties, the duration of her/his residence in Portugal, as well as social and cultural links with her/his country of origin.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 3. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Before refusal or withdrawal, due account is taken of physical or emotional violence (refugees):

Answer: no

Code: 0

Explanation: The law says that both before refusal or withdrawal of s residency permit acquired through family reunification, due account is taken of the nature and solidity of the sponsor's family ties, the duration of her/his residence in Portugal, as well as social and cultural links with her/his country of origin.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 3. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (co-ethnics):

Answer: yes

Code: 1

Explanation: The law says that both before refusal or withdrawal of s residency permit acquired through family reunification, due account is taken of the nature and solidity of the sponsor's family ties, the duration of her/his residence in Portugal, as well as social and cultural links with her/his country of origin.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 3. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (co-ethnics):

Answer: yes

Code: 1

Explanation: The law says that both before refusal or withdrawal of s residency permit acquired through family reunification, due account is taken of the nature and solidity of the sponsor's family ties, the duration of her/his residence in Portugal, as well as social and cultural links with her/his country of origin.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 3. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Before refusal or withdrawal, due account is taken of existing links with country of origin (co-ethnics):

Answer: yes

Code: 1

Explanation: The law says that both before refusal or withdrawal of s residency permit acquired through family reunification, due account is taken of the nature and solidity of the sponsor's family ties, the duration of her/his residence in Portugal, as well as social and cultural links with her/his country of origin.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 3. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.
23/2007 - Regime jurídico, CVI, SIV, Art 106°, 3. / Assembleia da República, 2017.

Before refusal or withdrawal, due account is taken of physical or emotional violence (co-ethnics):

Answer: no

Code: 0

Explanation: The law says that both before refusal or withdrawal of a residency permit acquired through family reunification, due account is taken of the nature and solidity of the sponsor's family ties, the duration of her/his residence in Portugal, as well as social and cultural links with her/his country of origin.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 3. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (domestic workers):

Answer: yes

Code: 1

Explanation: The law says that both before refusal or withdrawal of s residency permit acquired through family reunification, due account is taken of the nature and solidity of the sponsor's family ties, the duration of her/his residence in Portugal, as well as social and cultural links with her/his country of origin.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 3. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (domestic workers):

Answer: yes

Code: 1

Explanation: The law says that both before refusal or withdrawal of s residency permit acquired through family reunification, due account is taken of the nature and solidity of the sponsor's family ties, the duration of her/his residence in Portugal, as well as social and cultural links with her/his country of origin.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 3. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Before refusal or withdrawal, due account is taken of existing links with country of origin (domestic workers):

Answer: yes

Code: 1

Explanation: The law says that both before refusal or withdrawal of s residency permit acquired through family reunification, due account is taken of the nature and solidity of the sponsor's family ties, the duration of her/his residence in Portugal, as well as social and cultural links with her/his country of origin.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 3. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Before refusal or withdrawal, due account is taken of physical or emotional violence (domestic workers):

Answer: no

Code: 0

Explanation: The law says that both before refusal or withdrawal of s residency permit acquired through family reunification, due account is taken of the nature and solidity of the sponsor's family ties, the duration of her/his residence in Portugal, as well as social and cultural links with her/his country of origin.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 3. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (agricultural workers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (agricultural workers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of existing links with country of origin (agricultural workers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of physical or emotional violence (agricultural workers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (medical doctors):

Answer: yes

Code: 1

Explanation: The law says that both before refusal or withdrawal of s residency permit acquired through family reunification, due account is taken of the nature and solidity of the sponsor's family ties, the duration of her/his residence in Portugal, as well as social and cultural links with her/his country of origin.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 3. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (medical doctors):

Answer: yes

Code: 1

Explanation: The law says that both before refusal or withdrawal of s residency permit acquired through family reunification, due account is taken of the nature and solidity of the sponsor's family ties, the duration of her/his residence in Portugal, as well as social and cultural links with her/his country of origin.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 3. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Before refusal or withdrawal, due account is taken of existing links with country of origin (medical doctors):

Answer: yes

Code: 1

Explanation: The law says that both before refusal or withdrawal of s residency permit acquired through family reunification, due account is taken of the nature and solidity of the sponsor's family ties, the duration of her/his residence in Portugal, as well as social and cultural links with her/his country of origin.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 3. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Before refusal or withdrawal, due account is taken of physical or emotional violence (medical doctors):

Answer: no

Code: 0

Explanation: Not applicable

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 3. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (permanent residents):

Answer: yes

Code: 1

Explanation: The law says that both before refusal or withdrawal of s residency permit acquired through family reunification, due account is taken of the nature and solidity of the sponsor's family ties, the duration of her/his residence in Portugal, as well as social and cultural links with her/his country of origin.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 3. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (permanent residents):

Answer: yes

Code: 1

Explanation: The law says that both before refusal or withdrawal of s residency permit acquired through family reunification, due account is taken of the nature and solidity of the sponsor's family ties, the duration of her/his residence in Portugal, as well as social and cultural links with her/his country of origin.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 3. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Before refusal or withdrawal, due account is taken of existing links with country of origin (permanent residents):

Answer: yes

Code: 1

Explanation: The law says that both before refusal or withdrawal of s residency permit acquired through family reunification, due account is taken of the nature and solidity of the sponsor's family ties, the duration of her/his residence in Portugal, as well as social and cultural links with her/his country of origin.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 3. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Before refusal or withdrawal, due account is taken of physical or emotional violence (permanent residents):

Answer: no

Code: 0

Explanation: The law says that both before refusal or withdrawal of s residency permit acquired through family reunification, due account is taken of the nature and solidity of the sponsor's family ties, the duration of her/his residence in Portugal, as well as social and cultural links with her/his country of origin.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 3. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

IMMIGRANT_43: Legal guarantees and redress in case of refusal or withdrawal.

Legal guarantee in case of refusal or withdrawal: reasoned decision (asylum seekers):

Answer: yes

Code: 1

Explanation: Not applicable

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. no.106, 5-7. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Legal guarantee in case of refusal or withdrawal: right to appeal (asylum seekers):

Answer: yes

Code: 1

Explanation: The law says that in case of refusal or withdrawal the applicant receives a copy of the process stating the reasons for denial. The communication of the negative decision should also inform the applicant the right to appeal and the deadline to do so. The decision can be taken to administrative courts, which are independent from the Foreign and Borders Service (SEF - Serviço de Estrangeiros e Fronteiras) who is the competent authority deciding on the applications.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 5-7. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (asylum seekers):

Answer: yes

Code: 1

Explanation: Not applicable

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 5-7. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Legal guarantee in case of refusal or withdrawal: reasoned decision (refugees):

Answer: yes

Code: 1

Explanation: The law says that in case of refusal or withdrawal the applicant receives a copy of the process stating the reasons for denial. The communication of the negative decision should also inform the applicant the right to appeal and the deadline to do so. The decision can be taken to administrative courts, which are independent from the Foreign and Borders Service (SEF - Serviço de Estrangeiros e Fronteiras) who is the competent authority deciding on the applications.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 5-7. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Legal guarantee in case of refusal or withdrawal: right to appeal (refugees):

Answer: yes

Code: 1

Explanation: The law says that in case of refusal or withdrawal the applicant receives a copy of the process stating the reasons for denial. The communication of the negative decision should also inform the applicant the right to appeal and the deadline to do so. The decision can be taken to administrative courts, which are independent from the Foreign and Borders Service (SEF - Serviço de Estrangeiros e Fronteiras) who is the competent authority deciding on the applications.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 5-7. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (refugees):

Answer: yes

Code: 1

Explanation: The law says that in case of refusal or withdrawal the applicant receives a copy of the process stating the reasons for denial. The communication of the negative decision should also inform the applicant the right to appeal and the deadline to do so. The decision can be taken to administrative courts, which are independent from the Foreign and Borders Service (SEF - Serviço de Estrangeiros e Fronteiras) who is the competent authority deciding on the applications.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 5-7. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Legal guarantee in case of refusal or withdrawal: reasoned decision (co-ethnics):

Answer: yes

Code: 1

Explanation: The law says that in case of refusal or withdrawal the applicant receives a copy of the process stating the reasons for denial. The communication of the negative decision should also inform the applicant the right to appeal and the deadline to do so. The decision can be taken to administrative courts, which are independent from the Foreign and Borders Service (SEF - Serviço de Estrangeiros e Fronteiras) who is the competent authority deciding on the applications.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 5-7. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Legal guarantee in case of refusal or withdrawal: right to appeal (co-ethnic):

Answer: yes

Code: 1

Explanation: The law says that in case of refusal or withdrawal the applicant receives a copy of the process stating the reasons for denial. The communication of the negative decision should also inform the applicant the right to appeal and the deadline to do so. The decision can be taken to administrative courts, which are independent from the Foreign and Borders Service (SEF - Serviço de Estrangeiros e Fronteiras) who is the competent authority deciding on the applications.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 5-7. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (co-ethnic):

Answer: yes

Code: 1

Explanation: The law says that in case of refusal or withdrawal the applicant receives a copy of the process stating the reasons for denial. The communication of the negative decision should also inform the applicant the right to appeal and the deadline to do so. The decision can be taken to administrative courts, which are independent from the Foreign and Borders Service (SEF - Serviço de Estrangeiros e Fronteiras) who is the competent authority deciding on the applications.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 5-7. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Legal guarantee in case of refusal or withdrawal: reasoned decision (domestic workers):

Answer: yes

Code: 1

Explanation: The law says that in case of refusal or withdrawal the applicant receives a copy of the process stating the reasons for denial. The communication of the negative decision should also inform the applicant the right to appeal and the deadline to do so. The decision can be taken to administrative courts, which are independent from the Foreign and Borders Service (SEF - Serviço de Estrangeiros e Fronteiras) who is the competent authority deciding on the applications.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 5-7. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Legal guarantee in case of refusal or withdrawal: right to appeal (domestic workers):

Answer: yes

Code: 1

Explanation: The law says that in case of refusal or withdrawal the applicant receives a copy of the process stating the reasons for denial. The communication of the negative decision should also inform the applicant the right to appeal and the deadline to do so. The decision can be taken to administrative courts, which are independent from the Foreign and Borders Service (SEF - Serviço de Estrangeiros e Fronteiras) who is the competent authority deciding on the applications.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 5-7. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (domestic workers):

Answer: yes

Code: 1

Explanation: The law says that in case of refusal or withdrawal the applicant receives a copy of the process stating the reasons for denial. The communication of the negative decision should also inform the applicant the right to appeal and the deadline to do so. The decision can be taken to administrative courts, which are independent from the Foreign and Borders Service (SEF - Serviço de Estrangeiros e Fronteiras) who is the competent authority deciding on the applications.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 5-7. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Legal guarantee in case of refusal or withdrawal: reasoned decision (agricultural workers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Legal guarantee in case of refusal or withdrawal: right to appeal (agricultural workers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (agricultural workers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Legal guarantee in case of refusal or withdrawal: reasoned decision (medical doctors):

Answer: yes

Code: 1

Explanation: The law says that in case of refusal or withdrawal the applicant receives a copy of the process stating the reasons for denial. The communication of the negative decision should also inform the applicant the right to appeal and the deadline to do so. The decision can be taken to administrative courts, which are independent from the Foreign and Borders Service (SEF - Serviço de Estrangeiros e Fronteiras) who is the competent authority deciding on the applications.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 5-7. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Legal guarantee in case of refusal or withdrawal: right to appeal (medical doctors):

Answer: yes

Code: 1

Explanation: The law says that in case of refusal or withdrawal the applicant receives a copy of the process stating the reasons for denial. The communication of the negative decision should also inform the applicant the right to appeal and the deadline to do so. The decision can be taken to administrative courts, which are independent from the Foreign and Borders Service (SEF - Serviço de Estrangeiros e Fronteiras) who is the competent authority deciding on the applications.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 5-7. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (medical doctors):

Answer: yes

Code: 1

Explanation: The law says that in case of refusal or withdrawal the applicant receives a copy of the process stating the reasons for denial. The communication of the negative decision should also inform the applicant the right to appeal and the deadline to do so. The decision can be taken to administrative courts, which are independent from the Foreign and Borders Service (SEF - Serviço de Estrangeiros e Fronteiras) who is the competent authority deciding on the applications.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 5-7. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Legal guarantee in case of refusal or withdrawal: reasoned decision (permanent residents):

Answer: yes

Code: 1

Explanation: The law says that in case of refusal or withdrawal the applicant receives a copy of the process stating the reasons for denial. The communication of the negative decision should also inform the applicant the right to appeal and the deadline to do so. The decision can be taken to administrative courts, which are independent from the Foreign and Borders Service (SEF - Serviço de Estrangeiros e Fronteiras) who is the competent authority deciding on the applications.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 5-7. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Legal guarantee in case of refusal or withdrawal: right to appeal (permanent residents):

Answer: yes

Code: 1

Explanation: The law says that in case of refusal or withdrawal the applicant receives a copy of the process stating the reasons for denial. The communication of the negative decision should also inform the applicant the right to appeal and the deadline to do so. The decision can be taken to administrative courts, which are independent from the Foreign and Borders Service (SEF - Serviço de Estrangeiros e Fronteiras) who is the competent authority deciding on the applications.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 5-7. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (permanent residents):

Answer: yes

Code: 1

Explanation: The law says that in case of refusal or withdrawal the applicant receives a copy of the process stating the reasons for denial. The communication of the negative decision should also inform the applicant the right to appeal and the deadline to do so. The decision can be taken to administrative

courts, which are independent from the Foreign and Borders Service (SEF - Serviço de Estrangeiros e Fronteiras) who is the competent authority deciding on the applications.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 106, 5-7. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

IMMIGRANT_44: Right to autonomous permit.

Right to autonomous residence permit for partners and children at age of majority (asylum seekers):

Answer: after less or equal 3 years

Code: 0.75

Explanation: The law says that in general after two (2) years of being granted the first residency permit on the grounds of family reunification, and as long as the family ties still remain, the family member is entitled to an autonomous permit. In the case of judicial separation between spouses, reaching the age of majority, or condemnation for domestic violence, the required period can be reduced. Furthermore, in the case of spouses married for more than five (5) years the first residence permit is already autonomous.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. no.107, 3-5. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Right to autonomous residence permit for partners and children at age of majority (refugees):

Answer: after less or equal 3 years

Code: 0.75

Explanation: The law says that in general after two (2) years of being granted the first residency permit on the grounds of family reunification, and as long as the family ties still remain, the family member is entitled to an autonomous permit. In the case of judicial separation between spouses, reaching the age of majority, or condemnation for domestic violence, the required period can be reduced. Furthermore, in the case of spouses married for more than five (5) years the first residence permit is already autonomous.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 107, 3-5. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Right to autonomous residence permit for partners and children at age of majority (co-ethnics):

Answer: after less or equal 3 years

Code: 0.75

Explanation: The law says that in general after two (2) years of being granted the first residency permit on the grounds of family reunification, and as long as the family ties still remain, the family member is entitled to an autonomous permit. In the case of judicial separation between spouses, reaching the age of majority, or condemnation for domestic violence, the required period can be reduced. Furthermore, in the case of spouses married for more than five (5) years the first residence permit is already autonomous.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 107, 3-5. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Right to autonomous residence permit for partners and children at age of majority (domestic workers):

Answer: after less or equal 3 years

Code: 0.75

Explanation: The law says that in general after two (2) years of being granted the first residency permit on the grounds of family reunification, and as long as the family ties still remain, the family member is entitled to an autonomous permit. In the case of judicial separation between spouses, reaching the age of majority, or condemnation for domestic violence, the required period can be reduced. Furthermore, in the case of spouses married for more than five (5) years the first residence permit is already autonomous. Again, this does not apply to the proxy 'agricultural workers' on a seasonal working visa (rather than a residency permit), which due to lack of a valid residence permit are not entitled to family reunification.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 107, 3-5. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Right to autonomous residence permit for partners and children at age of majority (agricultural workers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Right to autonomous residence permit for partners and children at age of majority (medical doctors):

Answer: after less or equal 3 years

Code: 0.75

Explanation: The law says that in general after two (2) years of being granted the first residency permit on the grounds of family reunification, and as long as the family ties still remain, the family member is entitled to an autonomous permit. In the case of judicial separation between spouses, reaching the age of majority, or condemnation for domestic violence, the required period can be reduced. Furthermore, in the case of spouses married for more than five (5) years the first residence permit is already autonomous.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 107, 3-5. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.

Right to autonomous residence permit for partners and children at age of majority (permanent residents):

Answer: after less or equal 3 years

Code: 0.75

Explanation: The law says that in general after two (2) years of being granted the first residency permit on the grounds of family reunification, and as long as the family ties still remain, the family member is entitled to an autonomous permit. In the case of judicial separation between spouses, reaching the age of majority, or condemnation for domestic violence, the required period can be reduced. Furthermore, in the case of spouses married for more than five (5) years the first residence permit is already autonomous.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 107, 3-5. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56.
102/2017 - Quinta Alteração ao Regime Jurídico, Art 56°.

5.4.2. Education

IMMIGRANT_45: Access to education.

Children of asylum seekers have access to compulsory education:

Answer: yes, explicit obligation for all children to access education

Code: 1

Explanation: The official website of the Portuguese High Commissioner for Migration says that all foreign minors between the age of 6 and 18, regardless of their migratory status, have access to education as any other children. Furthermore, Portugal has a law of compulsory schooling for children between 6 and 18 years of age, which also mentions its universal and free character. Therefore, giving migrant children access to school on the same conditions as nationals is an obligation.

Sources: Alto Comissariado para as Migrações [High Commissioner for Migration]. "Os meus filhos tem direito de acesso à escola? [Do my Children have Access to School?]" Accessed August 15, 2018. <https://www.acm.gov.pt/ru/-/os-meus-filhos-tem-direito-de-acesso-a-escola->.

Children of refugees have access to compulsory education:

Answer: yes, explicit obligation

Code:1

Explanation: The official website of the Portuguese High Commissioner for Migration says that all foreign minors between the age of 6 and 18, regardless of their migratory status, have access to education as any other children. Furthermore, Portugal has a law of compulsory schooling for children between 6 and 18 years of age, which also mentions its universal and free character. Therefore, giving migrant children access to school on the same conditions as nationals there is an obligation.

Sources: Alto Comissariado para as Migrações [High Commissioner for Migration]. “Os meus filhos tem direito de acesso à escola? [Do my Children have Access to School?]”. Accessed August 15, 2018. <https://www.acm.gov.pt/ru/-/os-meus-filhos-tem-direito-de-acesso-a-escola->.

Children of co-ethnics have access to compulsory education:

Answer: yes, explicit obligation

Code: 1

Explanation: The official website of the Portuguese High Commissioner for Migration says that all foreign minors between the age of 6 and 18, regardless of their migratory status, have access to education as any other children. Furthermore, Portugal has a law of compulsory schooling for children between 6 and 18 years of age, which also mentions its universal and free character. Therefore, giving migrant children access to school on the same conditions as nationals is an obligation.

Sources: Alto Comissariado para as Migrações [High Commissioner for Migration]. “Os meus filhos tem direito de acesso à escola? [Do my Children have Access to School?]”. Accessed August 15, 2018. <https://www.acm.gov.pt/ru/-/os-meus-filhos-tem-direito-de-acesso-a-escola->.

Children of domestic workers have access to compulsory education:

Answer: yes, explicit obligation

Code: 1

Explanation: The official website of the Portuguese High Commissioner for Migration says that all foreign minors between the age of 6 and 18, regardless of their migratory status, have access to education as any other children. Furthermore, Portugal has a law of compulsory schooling for children between 6 and 18 years of age, which also mentions its universal and free character. Therefore, giving migrant children access to school on the same conditions as nationals is an obligation.

Sources: Alto Comissariado para as Migrações [High Commissioner for Migration]. “Os meus filhos tem direito de acesso à escola? [Do my Children have Access to School?]”. Accessed August 15, 2018. <https://www.acm.gov.pt/ru/-/os-meus-filhos-tem-direito-de-acesso-a-escola->.

Children of agricultural workers have access to compulsory education:

Answer: yes, explicit obligation

Code: 1

Explanation: The official website of the Portuguese High Commissioner for Migration says that all foreign minors between the age of 6 and 18, regardless of their migratory status, have access to education as any other children. Furthermore, Portugal has a law of compulsory schooling for children between 6 and 18 years of age, which also mentions its universal and free character. Therefore, giving migrant children access to school on the same conditions as nationals is an obligation.

Sources: Alto Comissariado para as Migrações [High Commissioner for Migration]. “Os meus filhos tem direito de acesso à escola? [Do my Children have Access to School?]”. Accessed August 15, 2018. <https://www.acm.gov.pt/ru/-/os-meus-filhos-tem-direito-de-acesso-a-escola->.

Children of medical doctors have access to compulsory education:

Answer: yes, explicit obligation

Code: 1

Explanation: The official website of the Portuguese High Commissioner for Migration says that all foreign minors between the age of 6 and 18, regardless of their migratory status, have access to education as any other children. Furthermore, Portugal has a law of compulsory schooling for children between 6 and 18 years of age, which also mentions its universal and free character. Therefore, giving migrant children access to school on the same conditions as nationals there is an obligation.

Sources: Alto Comissariado para as Migrações [High Commissioner for Migration]. "Os meus filhos tem direito de acesso à escola? [Do my Children have Access to School?]" Accessed August 15, 2018. <https://www.acm.gov.pt/ru/-/os-meus-filhos-tem-direito-de-acesso-a-escola->.

Children of permanent residents have access to compulsory education:

Answer: yes, explicit obligation

Code: 1

Explanation: The official website of the Portuguese High Commissioner for Migration says that all foreign minors between the age of 6 and 18, regardless of their migratory status, have access to education as any other children. Furthermore, Portugal has a law of compulsory schooling for children between 6 and 18 years of age, which also mentions its universal and free character. Therefore, giving migrant children access to school on the same conditions as nationals is an obligation.

Sources: Alto Comissariado para as Migrações [High Commissioner for Migration]. "Os meus filhos tem direito de acesso à escola? [Do my Children have Access to School?]" Accessed August 15, 2018. <https://www.acm.gov.pt/ru/-/os-meus-filhos-tem-direito-de-acesso-a-escola->.

IMMIGRANT_46: Access to higher education.

Asylum seekers and their children have access to higher education:

Answer: Restrictions in law on access for this proxy

Code: 0.5

Explanation: The law gives explicit access to higher education to adults who have recognized refugee status but does not mention any regulations for asylum seekers; therefore this category does not have explicit access to this level (higher education).

Sources: Lei no. 27/2008 [Law No. 27/2008]. 2008. Art. 70.

Refugees have access to higher education:

Answer: Yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Explicit obligation in law for all categories of migrants to have same access as nationals. All adults with recognised refugee status have general access to education at all levels under the same conditions as nationals.

Sources: Lei no. 27/2008 [Law No. 27/2008]. 2008. Art. 70, 2.

Co-ethnics have access to higher education:

Answer: Yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Explicit obligation in law for all categories of migrants to have same access as nationals, as long as they have been granted “equality status” (estatuto de igualdade) between Brazilian and Portuguese citizens. Having equality status means that: ultimately, a person will benefit from the same rights, and be subject to the same duties, as nationals of Portugal.

Sources: Resolução da Assembleia da República no. 83/2000 [Resolution of the Assembly of the Republic No. 83/2000]. 2000. Art. 12. / Decreto-Lei no. 154/2003 [Decree-Law No. 154/2003]. 2003. Sec. I.

Domestic workers have access to higher education:

Answer: Restrictions on law on access for permanent residents and their children

Code: 0

Explanation: The Statute of the International Student only gives access to higher education to third country migrants who have been legally and uninterruptedly residing in Portugal for more than two years on the first day of the year that they wish to access higher education. This also applies to their children who are legally residing in the country. Therefore, even though this proxy can generally access higher education, domestic workers who have been living in Portugal for less than two years cannot.

Sources: Decreto-Lei no. 62/2018 [Decree-Law No. 62/2018]. 2018. Art. 3, c.

Agricultural workers have access to higher education:

Answer: Restrictions on law on access for permanent residents and their children

Code: 0

Explanation: Access to higher education for migrants in Portugal has a residence requirement of at least two uninterrupted years. Given that agricultural workers on a seasonal working visa can only live in the country for a maximum of 9 (nine) months at a time, they do not fulfill the requirement and therefore are not eligible for accessing higher education.

Sources: Decreto-Lei no. 62/2018 [Decree-Law No. 62/2018]. 2018. Art. 3, c. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56, 3.

Medical doctors have access to higher education:

Answer: Restrictions on law on access for permanent residents and their children

Code: 0

Explanation: Restrictions in law on access for some categories of migrants. The Statute of the International Student only gives access to higher education to third country migrants who have been legally and uninterruptedly residing in Portugal for more than two years on the first day of the year that they wish to access higher education. This also applies to their children who are legally residing in the country. Therefore, even though this proxy can generally access higher education, medical doctors under a visa for performing independent professional activity who have been living in Portugal for less than two years cannot, unless they change their visa category to a residency permit for performing research or high qualified or cultural activity.

Sources: Decreto-Lei no. 62/2018 [Decree-Law No. 62/2018]. 2018. Art. 3, c. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 61.

Permanent residents have access to higher education:

Answer: Yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Explicit obligation in law for all categories of migrants to have same access as nationals. All permanent residents have full right to access all levels of education without prior authorization.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 83, 1, a.

IMMIGRANT_47: Support for language instruction.

Provision of education support in language(s) of instruction for migrant pupils:

Answer: yes

Code: 1

Explanation: The adoption of the subject Portuguese as Foreign Language (Português Língua não Materna (PLNM)) in primary schools is mentioned in the law as a possibility (rather than an obligation).

Sources: Decreto-Lei no. 139/2012 [Decree-Law No. 139/2012]. 2012. Art. 10.

IMMIGRANT_48: Intercultural education.

Intercultural education is included in pre-service training in order to qualify as a teacher:

Answer: no

Code: 0

Explanation: As of 2018 the law defining the general principles of qualification for teachers does not explicitly mention intercultural education as a required topic in pre-service training. However, one of the policies included on Portugal's Migration Plan 2015-2020 is the promotion of intercultural education, particularly the integration of the topic in the curriculum as well as in the pedagogy of

schools. The Plan also aims to deepen and encourage qualification and research on the topic of intercultural education.

Sources: Lei no. 46/86 [Law No. 46/86]. 1986. Art. 31. / Presidência do Conselho de Ministros, 2015. Resolução do Conselho de Ministros 12-B/2015 [Resolution of the Council of Ministers No. 12-B / 2015]. 2015. Eixo I, 40.

IMMIGRANT_49: Integration in teachers' syllabus.

Migration and integration are obligatory topics in professional development training:

Answer: Yes

Code: 1

Explanation: The law defining the general principles of qualification for teachers does not explicitly mention migration and integration as required topics in professional development training. However, one of the policies included on Portugal's Migration Plan 2015-2020 is the promotion of intercultural education, particularly the integration of the topic in the curriculum as well as in the pedagogy of schools. The Plan also aims to deepen and encourage qualification and research on the topic of intercultural education. Furthermore, around 500 teachers are under the Teacher's Association for Intercultural Education, a non-governmental organization (supported by the government), which aims to development teacher's skills when it comes to intercultural education, including matters related to the welcoming of migrants and appreciation of ethnical diversity.

Sources: Lei no. 46/86 [Law No. 46/86]. 1986. Art. 30. / Presidência do Conselho de Ministros, 2015. Resolução do Conselho de Ministros 12-B/2015 [Resolution of the Council of Ministers No. 12-B / 2015]. 2015. Eixo I, 40. / Associação de professores para a educação intercultural (APEDI) [Association of Teachers for Intercultural Education]. "Quem somos [Who we are]". Accessed August 15, 2018. http://www.apedi.pt/pages/a_apedi/quemsomos.html.

5.4.3. Health care

IMMIGRANT_50: Conditions for inclusion in the health care system

Conditions for inclusion of asylum seekers in the health care system:

Answer: inclusion is unconditional

Code: 1

Explanation: Asylum seekers as well as their family members have the recognized right to access the National Health Service (Serviço Nacional de Saúde), under conditions to be defined by the competent authorities (not mentioned in the law).

Sources: Lei no. 27/2008 [Law No. 27/2008]. 2008. Art. 52.

Conditions for inclusion of refugees in the health care system:

Answer: inclusion is unconditional

Code: 1

Explanation: Inclusion is unconditional. Recognised refugees and their family members have the right to access the National Health Service (Serviço Nacional de Saúde) under the same conditions as nationals.

Sources: Lei no. 27/2008 [Law No. 27/2008]. 2008. Art. 73, 1.

Conditions for inclusion of co-ethnics in the health care system:

Answer: some conditions for inclusion (e.g. length of stay)

Code: 0.5

Explanation: Some conditions for inclusion. The person must acquire “equality status” (estatuto de igualdade) between Brazilian and Portuguese citizens. Having equality status means that: ultimately, a person will benefit from the same rights, and be subject to the same duties, as nationals of Portugal.

Sources: Decreto-Lei no. 154/2003 [Decree-Law No. 154/2003]. 2003. Art. 5

Conditions for inclusion of domestic workers in the health care system:

Answer: some conditions for inclusion (e.g. length of stay)

Code: 0.5

Explanation: All foreigners residing in Portugal can benefit from the National Health Service (Serviço Nacional de Saúde), as long as there is reciprocal treatment for Portuguese citizens in the person's country of origin. In the case of domestic workers holding a temporary visa for performing a subordinated activity, being registered by the National Health Service or having health insurance is a condition to extend the visa.

Sources: Lei no. 48/90 [Law No. 48/90]. 1990. Base XXV. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 71.

Conditions for inclusion of agricultural workers in the health care system:

Answer: some conditions for inclusion (e.g. length of stay)

Code: 0.5

Explanation: “Immigrants who are holders of residence permits, regulated under the terms of current immigration legislation may carry out their registration with the Health Center of the residence area. For the purposes of registration with the National Health Service, they must present proof of a residence permit. The payment of health care provided by the institutions and services that constitute the National Health Service, to the immigrants and their respective aggregates referred to in the previous number, shall be ensured under the regulations” (Arts. 2-4). For irregular migrants this is guaranteed as well: Immigrants who are not holders of a residence permit and are in an irregular situation vis-à-vis the immigration legislation in force have access to the National Health Service by submitting a document from the Board of Parish of their area of residence that certifies that they are residing in Portugal for over ninety days, in accordance with the provisions of article 34 of Decree Law no. 135/99 of 22 April. The health care units, verifying that the immigrant, in the immigration legislation in force, it is not the holder of a document residence permit or a document certifying been residing in Portugal for more than ninety days, without prejudice to the health care needed by the immigrant,

should turn the migrant later to a National Immigrant Support Center or to a Local Immigration Center for the Support for the Integration of Immigrants, in conjunction with other official entities competent for the regularisation of their situation.(Arts. 5-6)”

Sources: Direcção-Geral da Saúde [Directorate-General for Health]. “Circular Informativa Acesso dos Imigrantes ao Serviço Nacional de Saúde N°12/DQS/DMD [Information Circular Access of Immigrants to the National Health Service N°12 / DQS / DMD]”. 07/05/2009.

Conditions for inclusion of medical doctors in the health care system:

Answer: some conditions for inclusion (e.g. length of stay)

Code: 0.5

Explanation: Some conditions for inclusion. All foreigners residing in Portugal can benefit from the National Health Service (Serviço Nacional de Saúde), as long as there is reciprocal treatment for Portuguese citizens in the person’s country of origin.

Sources: Lei no. 48/90 [Law No. 48/90]. 1990. Base XXV.

Conditions for inclusion of permanent residents in the health care system:

Answer: inclusion is unconditional

Code: 1

Explanation: Inclusion is unconditional. Permanent residents have the right to access the public healthcare system without prior authorization.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 83, 1, e.

IMMIGRANT_51: Coverage of health care services.

Health care coverage for asylum seekers.

Answer: same coverage as nationals

Code: 1

Explanation: The National Health Service (Serviço Nacional de Saúde) is universal when it comes to its beneficiaries. This means that once included in the system the proxy migrant will have the same coverage as nationals.

Sources: Lei no. 48/90 [Law No. 48/90]. 1990. Base XXIV, a. / Lei no. 48/90 [Law No. 48/90]. 1990. Base XXV.

Health care coverage for refugees.

Answer: same coverage as nationals

Code: 1

Explanation: The National Health Service (Serviço Nacional de Saúde) is universal when it comes to its beneficiaries. This means that once included in the system the migrant will have the same coverage as nationals.

Sources: Lei no. 48/90 [Law No. 48/90]. 1990. Base XXIV, a. / Lei no. 48/90 [Law No. 48/90]. 1990. Base XXV.

Health care coverage for co-ethnics.

Answer: same coverage as nationals

Code: 1

Explanation: The National Health Service (Serviço Nacional de Saúde) is universal when it comes to its beneficiaries. This means that once included in the system the migrant will have the same coverage as nationals.

Sources: Lei no. 48/90 [Law No. 48/90]. 1990. Base XXIV, a. / Lei no. 48/90 [Law No. 48/90]. 1990. Base XXV.

Health care coverage for domestic workers.

Answer: same coverage as nationals

Code: 1

Explanation: The National Health Service (Serviço Nacional de Saúde) is universal when it comes to its beneficiaries. This means that once included in the system the migrant will have the same coverage as nationals.

Sources: Lei no. 48/90 [Law No. 48/90]. 1990. Base XXIV, a. / Lei no. 48/90 [Law No. 48/90]. 1990. Base XXV.

Health care coverage for agricultural workers.

Answer: same coverage as nationals

Code: 1

Explanation: "Immigrants who are holders of residence permits, regulated under the terms of current immigration legislation may carry out their registration with the Health Center of the residence area. For the purposes of registration with the National Health Service must present proof of a residence permit. The payment of health care provided by the institutions and services that constitute the National Health Service, to the immigrants and their respective aggregates referred to in the previous number, shall be ensured under the regulations" (Arts. 2-4). For irregular migrants this is guaranteed as well: Immigrants who are not holders of a residence permit and are in an irregular situation vis-à-vis the immigration legislation in force have access to the National Health Service by submitting a document from the Board of Parish of their area of residence that certifies that they are residing in Portugal for over ninety days, in accordance with the provisions of article 34 of Decree Law no. 135/99 of 22 April. The health care units, verifying that the immigrant, in the immigration legislation in force, it is not the holder of a document residence permit or a document certifying been residing in Portugal for more than ninety days, without prejudice to the health care needed by the immigrant, should turn the migrant later to a National Immigrant Support Center or to a Local Immigration Center for the Support

for the Integration of Immigrants, in conjunction with other official entities competent for the regularisation of their situation.(Arts. 5-6)”

Sources: Direcção-Geral da Saúde [Directorate-General for Health]. “Circular Informativa Acesso dos Imigrantes ao Serviço Nacional de Saúde N°12/DQS/DMD [Information Circular Access of Immigrants to the National Health Service N°12 / DQS / DMD]”. 07/05/2009. Art. 7.

Health care coverage for medical doctors.

Answer: same coverage as nationals

Code: 1

Explanation: The National Health Service (Serviço Nacional de Saúde) is universal when it comes to its beneficiaries. This means that once included in the system the proxy migrant will have the same coverage as nationals.

Sources: Lei no. 48/90 [Law No. 48/90]. 1990. Base XXIV, a. / Lei no. 48/90 [Law No. 48/90]. 1990. Base XXV.

Health care coverage for permanent residents.

Answer: same coverage as nationals

Code: 1

Explanation: The National Health Service (Serviço Nacional de Saúde) is universal when it comes to its beneficiaries. This means that once included in the system the proxy migrant will have the same coverage as nationals.

Sources: Lei no. 48/90 [Law No. 48/90]. 1990. Base XXIV, a. / Lei no. 48/90 [Law No. 48/90]. 1990. Base XXV.

5.4.4. Unemployment benefits

IMMIGRANT_52: Unemployment benefits.

Access of asylum seekers to unemployment benefits as compared to citizen residents:

Answer: equal access

Code: 1

Explanation: Equal access, as long as they have a valid temporary protection permit.

Sources: Departamento de Prestações e Contribuições [Services and Contributions Department]. 2018. Guia Prático - Subsídio de Desemprego [Practical Guide - Unemployment Benefit]. / Linha Segurança Social [Social Security Line]. 2018. Migrant Access to Unemployment and Retirement Benefits.

Access of refugees to unemployment benefits as compared to citizen residents:

Answer: equal access

Code: 1

Explanation: Equal access, as long as they have a valid temporary protection permit.

Sources: Departamento de Prestações e Contribuições [Services and Contributions Department]. 2018. Guia Prático - Subsídio de Desemprego [Practical Guide - Unemployment Benefit]. / Linha Segurança Social [Social Security Line]. 2018. Migrant Access to Unemployment and Retirement Benefits.

Access of co-ethnics to unemployment benefits as compared to citizen residents:

Answer: equal access

Code: 1

Explanation: Equal access. Just as any other foreigner, as long as the person holds a valid residence permit or other authorization enabling her/him to have an employment contract, she/he is entitled to unemployment benefits. In the case of this proxy, their quality of co-ethnics does not bring any advantage in relation to other migrants when it comes to accessing unemployment benefits.

Sources: Departamento de Prestações e Contribuições [Services and Contributions Department]. 2018. Guia Prático - Subsídio de Desemprego [Practical Guide - Unemployment Benefit]. / Linha Segurança Social [Social Security Line]. 2018. Migrant Access to Unemployment and Retirement Benefits.

Access of domestic workers to unemployment benefits as compared to citizen residents:

Answer: equal access

Code: 1

Explanation: Equal access. In general, as long as the foreigner holds a valid residence permit or other authorization enabling her/him to have an employment contract, she/he is entitled to unemployment benefits. In the case of domestic workers in Portugal (both nationals and foreigners), a couple of extra conditions need to be fulfilled. Domestic workers in Portugal have access to unemployment benefits provided that they are hired on a full-time monthly basis and have a written agreement with the employer to deduct the actual salary for social security contributions. The agreement has to be delivered to the competent Social Security and the conditions verified.

Sources: Departamento de Prestações e Contribuições [Services and Contributions Department]. 2018. Guia Prático - Subsídio de Desemprego [Practical Guide - Unemployment Benefit]. / Linha Segurança Social [Social Security Line]. 2018. Migrant Access to Unemployment and Retirement Benefits.

Access of agricultural workers to unemployment benefits as compared to citizen residents:

Answer: equal access

Code: 1

Explanation: Equal access. The law says that migrant workers under a seasonal working visa fall under the same provisions that ensure equal treatment of foreign nationals for matters of social security, which includes unemployment benefits.

Sources: Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. no.83. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 56-D, 2.

Access of medical doctors to unemployment benefits as compared to citizen residents:

Answer: equal access

Code: 1

Explanation: Equal access. As long as the person holds a valid residence permit or other authorization enabling her/him to have an employment contract, she/he is entitled to unemployment benefits.

Sources: Departamento de Prestações e Contribuições [Services and Contributions Department]. 2018. Guia Prático - Subsídio de Desemprego [Practical Guide - Unemployment Benefit]. / Linha Segurança Social [Social Security Line]. 2018. Migrant Access to Unemployment and Retirement Benefits.

Access of permanent residents to unemployment benefits as compared to citizen residents:

Answer: equal access

Code: 1

Explanation: Permanent residents have equality of treatment in relation to national citizens when it comes to social security, which includes unemployment benefits.

Sources: Lei 23/2007 [Law No. 23/2007]. 2007. Art. 83, 2.

5.4.5. Retirement benefits

IMMIGRANT_53: Retirement benefits.

Access of asylum seekers to retirement benefits as compared to citizen residents:

Answer: equal access

Code: 1

Explanation: Equal access. The law on social security in Portugal says that everyone has the right to access social security in Portugal. The same law mentions that there should be no discrimination on grounds of sex and nationality, regardless the grounds for residence or the existence of reciprocity. According to the Institute of Social Security (Instituto da Segurança Social, I.P.), foreigners and stateless persons residing in Portugal for more than one year are entitled to register to the Voluntary Social Security Scheme (Seguro Social Voluntário). Furthermore, a study by Observatório da Imigração (Immigration Observatory) affirms that foreigners that regularly work and reside in Portugal, as well as their family members, are subject to the same duties and rights as national citizens.

Therefore, they are entitled to receive the same social benefits as nationals, including pension schemes. The study mentions that the possibility of creating a special regime for migrants has not yet been considered by the government.

Sources: Lei 83-A/2013 [Law No. 83-A/2013]. 2013. Arts. 2 & 7. / Departamento de Prestações e Contribuições [Services and Contributions Department]. 2011. Guia Prático - Inscrição, Alteração e Cessação do Seguro Social Voluntário [Practical Guide - Registration, Alteration and Termination of Voluntary Social Security]. / João Peixoto, Carolina Marçalo, Nancy C. Tolentino. 2011. *Imigrantes e Segurança Social em Portugal [Immigrants and Social Security in Portugal]*. Lisbon: Observatório da Imigração [Immigration Observatory].

Access of refugees to retirement benefits as compared to citizen residents:

Answer: equal access

Code: 1

Explanation: Equal access. The law on social security in Portugal says that everyone has the right to access social security in Portugal. The same law mentions that there should be no discrimination on grounds of sex and nationality, regardless the grounds for residence or the existence of reciprocity. According to the Institute of Social Security (Instituto da Segurança Social, I.P.), foreigners and stateless persons residing in Portugal for more than one year are entitled to register to the Voluntary Social Security Scheme (Seguro Social Voluntário). Furthermore, a study by Observatório da Imigração (Immigration Observatory) affirms that foreigners that regularly work and reside in Portugal, as well as their family members, are subject to the same duties and rights as national citizens. Therefore, they are entitled to receive the same social benefits as nationals, including pension schemes. The study mentions that the possibility of creating a special regime for migrants has not yet been considered by the government.

Sources: Lei no. 83-A/2013 [Law No. 83-A/2013]. 2013. Arts. 2 & 7. / Departamento de Prestações e Contribuições [Services and Contributions Department]. 2011. Guia Prático - Inscrição, Alteração e Cessação do Seguro Social Voluntário [Practical Guide - Registration, Alteration and Termination of Voluntary Social Security]. / João Peixoto, Carolina Marçalo, Nancy C. Tolentino. 2011. *Imigrantes e Segurança Social em Portugal [Immigrants and Social Security in Portugal]*. Lisbon: Observatório da Imigração [Immigration Observatory].

Access of co-ethnics to retirement benefits as compared to citizen residents:

Answer: equal access

Code: 1

Explanation: The law on social security in Portugal says that everyone has the right to access social security in Portugal. The same law mentions that there should be no discrimination on grounds of sex and nationality, regardless the grounds for residence or the existence of reciprocity. According to the Institute of Social Security (Instituto da Segurança Social, I.P.), foreigners and stateless persons residing in Portugal for more than one year are entitled to register to the Voluntary Social Security Scheme (Seguro Social Voluntário). Furthermore, a study by Observatório da Imigração (Immigration Observatory) affirms that foreigners that regularly work and reside in Portugal, as well as their family members, are subject to the same duties and rights as national citizens. Therefore, they are entitled to receive the same social benefits as nationals, including pension schemes. The study mentions that the possibility of creating a special regime for migrants has not yet been considered by the government.

Sources: Lei no. 83-A/2013 [Law No. 83-A/2013]. 2013. Arts. 2 & 7. / Departamento de Prestações e Contribuições [Services and Contributions Department]. 2011. Guia Prático - Inscrição, Alteração e Cessação do Seguro Social Voluntário [Practical Guide - Registration, Alteration and Termination of

Voluntary Social Security]. / João Peixoto, Carolina Marçalo, Nancy C. Tolentino. 2011. *Imigrantes e Segurança Social em Portugal [Immigrants and Social Security in Portugal]*. Lisbon: Observatório da Imigração [Immigration Observatory].

Access of domestic workers to retirement benefits as compared to citizen residents:

Answer: equal access

Code: 1

Explanation: The law on social security in Portugal says that everyone has the right to access social security in Portugal. The same law mentions that there should be no discrimination on grounds of sex and nationality, regardless the grounds for residence or the existence of reciprocity. According to the Institute of Social Security (Instituto da Segurança Social, I.P.), foreigners and stateless persons residing in Portugal for more than one year are entitled to register to the Voluntary Social Security Scheme (Seguro Social Voluntário). Furthermore, a study by Observatório da Imigração (Immigration Observatory) affirms that foreigners that regularly work and reside in Portugal, as well as their family members, are subject to the same duties and rights as national citizens. Therefore, they are entitled to receive the same social benefits as nationals, including pension schemes. The study mentions that the possibility of creating a special regime for migrants has not yet been considered by the government.

Sources: Lei no. 83-A/2013 [Law No. 83-A/2013]. 2013. Arts. 2 & 7. / Departamento de Prestações e Contribuições [Services and Contributions Department]. 2011. Guia Prático - Inscrição, Alteração e Cessação do Seguro Social Voluntário [Practical Guide - Registration, Alteration and Termination of Voluntary Social Security]. / João Peixoto, Carolina Marçalo, Nancy C. Tolentino. 2011. *Imigrantes e Segurança Social em Portugal [Immigrants and Social Security in Portugal]*. Lisbon: Observatório da Imigração [Immigration Observatory].

Access of agricultural workers to retirement benefits as compared to citizen residents:

Answer: equal access

Code: 1

Explanation: The law on social security in Portugal says that everyone has the right to access social security in Portugal. The same law mentions that there should be no discrimination on grounds of sex and nationality, regardless the grounds for residence or the existence of reciprocity. According to the Institute of Social Security (Instituto da Segurança Social, I.P.), foreigners and stateless persons residing in Portugal for more than one year are entitled to register to the Voluntary Social Security Scheme (Seguro Social Voluntário). Furthermore, a study by Observatório da Imigração (Immigration Observatory) affirms that foreigners that regularly work and reside in Portugal, as well as their family members, are subject to the same duties and rights as national citizens. Therefore, they are entitled to receive the same social benefits as nationals, including pension schemes. The study mentions that the possibility of creating a special regime for migrants has not yet been considered by the government.

Sources: Lei no. 83-A/2013 [Law No. 83-A/2013]. 2013. Arts. 2 & 7. / Departamento de Prestações e Contribuições [Services and Contributions Department]. 2011. Guia Prático - Inscrição, Alteração e Cessação do Seguro Social Voluntário [Practical Guide - Registration, Alteration and Termination of Voluntary Social Security]. / João Peixoto, Carolina Marçalo, Nancy C. Tolentino. 2011. *Imigrantes e Segurança Social em Portugal [Immigrants and Social Security in Portugal]*. Lisbon: Observatório da Imigração [Immigration Observatory].

Access of medical doctors to retirement benefits as compared to citizen residents:

Answer: equal access

Code: 1

Explanation: The law on social security in Portugal says that everyone has the right to access social security in Portugal. The same law mentions that there should be no discrimination on grounds of sex and nationality, regardless the grounds for residence or the existence of reciprocity. According to the Institute of Social Security (Instituto da Segurança Social, I.P.), foreigners and stateless persons residing in Portugal for more than one year are entitled to register to the Voluntary Social Security Scheme (Seguro Social Voluntário). Furthermore, a study by Observatório da Imigração (Immigration Observatory) affirms that foreigners that regularly work and reside in Portugal, as well as their family members, are subject to the same duties and rights as national citizens. Therefore, they are entitled to receive the same social benefits as nationals, including pension schemes. The study mentions that the possibility of creating a special regime for migrants has not yet been considered by the government.

Sources: Lei no. 83-A/2013 [Law No. 83-A/2013]. 2013. Arts. 2 & 7. / Departamento de Prestações e Contribuições [Services and Contributions Department]. 2011. Guia Prático - Inscrição, Alteração e Cessação do Seguro Social Voluntário [Practical Guide - Registration, Alteration and Termination of Voluntary Social Security]. / João Peixoto, Carolina Marçalo, Nancy C. Tolentino. 2011. *Imigrantes e Segurança Social em Portugal [Immigrants and Social Security in Portugal]*. Lisbon: Observatório da Imigração [Immigration Observatory].

Access of permanent residents to retirement benefits as compared to citizen residents:

Answer: equal access

Code: 1

Explanation: The law on social security in Portugal says that everyone has the right to access social security in Portugal. The same law mentions that there should be no discrimination on grounds of sex and nationality, regardless the grounds for residence or the existence of reciprocity. According to the Institute of Social Security (Instituto da Segurança Social, I.P.), foreigners and stateless persons residing in Portugal for more than one year are entitled to register to the Voluntary Social Security Scheme (Seguro Social Voluntário). Furthermore, a study by Observatório da Imigração (Immigration Observatory) affirms that foreigners that regularly work and reside in Portugal, as well as their family members, are subject to the same duties and rights as national citizens. Therefore, they are entitled to receive the same social benefits as nationals, including pension schemes. The study mentions that the possibility of creating a special regime for migrants has not yet been considered by the government.

Sources: Lei no. 83-A/2013 [Law No. 83-A/2013]. 2013. Arts. 2 & 7. / Departamento de Prestações e Contribuições [Services and Contributions Department]. 2011. Guia Prático - Inscrição, Alteração e Cessação do Seguro Social Voluntário [Practical Guide - Registration, Alteration and Termination of Voluntary Social Security]. / João Peixoto, Carolina Marçalo, Nancy C. Tolentino. 2011. *Imigrantes e Segurança Social em Portugal [Immigrants and Social Security in Portugal]*. Lisbon: Observatório da Imigração [Immigration Observatory].

5.5. Cultural policies

IMMIGRANT_54: Funding for bilingual education.

Is there public funding for bilingual education in the language of majoritarian migrant groups?

Answer: no

Code: 0

Explanation: No. The only funding available for bilingual education is directed to Portuguese-English schools with the aim of inserting English as a second language from early age but not related to the presence of migrant groups.

Sources: Lei no. 46/86 [Law No. 46/86]. 1986. 46/86 - Lei de Bases do Sistema Educativo. / Direção-Geral da Educação, 2018. Programa Escolas Bilingues/Bilingual Schools Programme. Direção-Geral da Educação. URL <http://www.dge.mec.pt/programa-escolas-bilinguesbilingual-schools-programme> (accessed 8.16.18).

IMMIGRANT_55: Funding for media on main migrant group's language.

Is there public funding for media in the language of the main migrant group?

Answer: no

Code: 0

Explanation: No. The law regulating public funding for media, particularly television, only mentions the possibility of funding for projects in Portuguese. No other information on public funding for other media sources was found.

Sources: Assembleia da República, 2007. Lei no. 27/2007 [Law No. 27/2007]. 2007. Art. 15.

5.6. Mobility policies

5.6.1. Identity documents

IMMIGRANT_56: Confiscation of identification documents.

Do asylum seekers have the right not to have their identity document confiscated by any-one (excluding public authorities)?

Answer: yes

Code: 1

Explanation: Though no guaranty is made in law against confiscation of documents, the general standard possibility of document control at the borders. Even then no mention of the possibility of confiscation of one's documents is made.

Sources: Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 6.

Do refugees have the right not to have their identity document confiscated by anyone (excluding public authorities)?

Answer: yes

Code: 1

Explanation: The law only mentions the general standard possibility of document control at the borders. Even then no mention of the possibility of confiscation of one's documents is made.

Sources: Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 6.

Do co-ethnics have the right not to have their identity document confiscated by anyone (excluding public authorities)?

Answer: yes

Code: 1

Explanation: Though no guaranty is made in law against confiscation of documents, the law only mentions the general standard possibility of document control at the borders. Even then no mention of the possibility of confiscation of one's documents is made.

Sources: Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 6.

Do domestic workers have the right not to have their identity document confiscated by anyone (excluding public authorities)?

Answer: yes

Code: 1

Explanation: Though no guaranty is made in law against confiscation of documents, the law only mentions the general standard possibility of document control at the borders. Even then no mention of the possibility of confiscation of one's documents is made.

Sources: Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 6.

Do agricultural workers have the right not to have their identity document confiscated by anyone (excluding public authorities)?

Answer: yes

Code: 1

Explanation: Though no guaranty is made in law against confiscation of documents, the law only mentions the general standard possibility of document control at the borders. Even then no mention of the possibility of confiscation of one's documents is made.

Sources: Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 6.

Do medical doctors have the right not to have their identity document confiscated by anyone (excluding public authorities)?

Answer: yes

Code: 1

Explanation: Though no guaranty is made in law against confiscation of documents, the law only mentions the general standard possibility of document control at the borders. Even then no mention of the possibility of confiscation of one's documents is made.

Sources: Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 6.

Do permanent residents have the right not to have their identity document confiscated by anyone (excluding public authorities)?

Answer: yes

Code: 1

Explanation: Though no guaranty is made in law against confiscation of documents, the law only mentions the general standard possibility of document control at the borders. Even then no mention of the possibility of confiscation of one's documents is made.

Sources: Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 6.

5.6.2. Freedom of movement

IMMIGRANT_57: Freedom of movement within country.

Do asylum seekers have the right to move freely within the country?

Answer: yes

Code: 1

Explanation: The law explicitly mentions that asylum seekers have the right to remain in the national territory until a decision on their application has been made. The law only mentions "national territory" as a whole, not specifying any movement restrictions. However, this right to remain in the country does not incur in being granted a residency permit.

Sources: Lei no. 27/2008 [Law No. 27/2008]. 2008. Art. 11.

Do refugees have the right to move freely within the country?

Answer: yes

Code: 1

Explanation: Yes. According to the law beneficiaries of refugee status should have the guarantee of freedom of movement in the national territory, under the same conditions as any other foreigner legally residing in Portugal. No specific conditions are mentioned.

Sources: Lei no. 27/2008 [Law No. 27/2008]. 2008. Art. 75.

Do co-ethnics have the right to move freely within the country?

Answer: yes

Code: 1

Explanation: Yes, as long as the person has acquired “equality status” (estatuto de igualdade) between Brazilian and Portuguese citizens. Having equality status means that: ultimately, a person will benefit from the same rights, and be subject to the same duties, as nationals of Portugal.

Sources: Decreto-Lei no. 154/2003 [Decree-Law 154/2003]. 2003. Art. 5.

Do domestic workers have the right to move freely within the country?

Answer: yes

Code: 1

Explanation: Yes, but like any holder of a residence permit, they must inform the SEF (Service of Foreigners and Borders) about their change of domicile within 60 days.

Sources: Serviço de Estrangeiros e Fronteiras (SEF) [Foreign Service and Borders]. 2017. Direitos e deveres do titular de autorização de residência – Portal de Informação ao Imigrante [Rights and Duties of the Residence Permit Holder - Immigrant Information Portal].

Do agricultural workers have the right to move freely within the country?

Answer: no

Code: 0

Explanation: No, although the law does not explicitly impose restrictions of movement to agricultural workers on a seasonal working visa, one of the conditions to be granted this visa is to have a job contract containing the specific job location. This means that holders of a seasonal working visa can only be based in the specific location of their contract.

Sources: Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 51-A.

Do medical doctors have the right to move freely within the country?

Answer: yes

Code: 1

Explanation: Yes. The law does not mention any particular restriction when it comes to permanent residents; on the contrary, they have the same treatment as nationals when it comes to the majority of social rights.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 83.

Do permanent residents have the right to move freely within the country?

Answer: yes

Code: 1

Explanation: Yes. The law does not mention any particular restriction when it comes to permanent residents; on the contrary, they have the same treatment as nationals when it comes to most social rights.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 83.

IMMIGRANT_58: Freedom to move outside the country.

Do asylum seekers have the right to leave the country?

Answer: no

Code: 0

Explanation: While their process of recognition as refugees is pending, if their application is admitted, they get a provisional authorization to remain for 6 months. In this period the same rules apply to them as they apply to foreigners (Arts. 11 and 27 of the Lei de Asilo). In theory this means that they have the same right as others, but since the general law states that “holding a temporary residence permit, [the migrant] should not be abroad for longer six consecutive months or eight interpolated months, within the total period of validity of the authorization (unless in the country of origin and with proper justification)”, then they practically have no right to leave.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Arts. 11 & 27 & 85: 2, a, 4. / Lei n.º 29/2012, de 9 de agosto [Law No. 29/2012, of 9 August]. 2012. / Lei n.º 56/2015, de 23 de junho [Law No. 56/2015, of 23 June]. 2015. / Lei n.º 63/2015, de 30 de junho [Law No. 63/2015, of June 30]. 2015.

Number of months of absence allowed per year (asylum seekers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do refugees have the right to leave the country?

Answer: yes

Code: 1

Explanation: Yes, but holding a temporary residence permit, should not be abroad for longer six consecutive months or eight interpolated months, within the total period of validity of the authorization (unless in the country of origin and with proper justification).

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Arts. 11 & 27 & 85: 2, a, 4. / Lei n.º 29/2012, de 9 de agosto [Law No. 29/2012, of 9 August]. 2012. / Lei n.º 56/2015, de 23 de junho [Law No. 56/2015, of 23 June]. 2015. / Lei n.º 63/2015, de 30 de junho [Law No. 63/2015, of June 30]. 2015.

Number of months of absence allowed per year (refugees):

Answer: 8

Code: 8

Explanation: Yes, but holding a temporary residence permit, should not be abroad for longer six consecutive months or eight interpolated months, within the total period of validity of the authorization (unless in the country of origin and with proper justification).

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Arts. 11 & 27 & 85: 2, a, 4. / Lei n.º 29/2012, de 9 de agosto [Law No. 29/2012, of 9 August]. 2012. / Lei n.º 56/2015, de 23 de junho [Law No. 56/2015, of 23 June]. 2015. / Lei n.º 63/2015, de 30 de junho [Law No. 63/2015, of June 30]. 2015.

Do co-ethnics have the right to leave the country?

Answer: yes

Code: 1

Explanation: Here the Art. 8 of the Treaty of Friendship, Cooperation and Consultation between Portugal and Brazil applies: "The visa exemption established in the previous article does not exempt its beneficiaries from observance of the existing regulations and regulations concerning the entry and permanence of foreigners in the country of entry." Thus the same applies as to other foreign residents in Portugal: holding a temporary residence permit, should not be abroad for longer six consecutive months or eight interpolated months, within the total period of validity of the authorization (unless in the country of origin and with proper justification).

Sources: Tratado de Amizade, Cooperação e Consulta entre a República Portuguesa e a República Federativa do Brasil [Treaty of Friendship, Cooperation and Consultation between the Portuguese Republic and the Federative Republic of Brazil]. Art. 8. / Lei n.º 23/2007 de 4 de julho [Law No. 23/2007 of 4 July]. Art. 85: 2, a and 4. / Lei n.º 29/2012 de 9 de agosto [Law No. 29/2012 of 9 August]. 2012. / Lei n.º 56/2015 de 23 de junho [Law No. 56/2015 of 23 June]. 2015. / Lei n.º 63/2015 de 30 de junho [Law No. 63/2015 of June 30]. 2015.

Number of months of absence allowed per year (co-ethnics):

Answer: 8

Code: 8

Explanation: Here the Art. 8 of the Treaty of Friendship, Cooperation and Consultation between Portugal and Brazil applies: "The visa exemption established in the previous article does not exempt its beneficiaries from observance of the existing regulations and regulations concerning the entry and permanence of foreigners in the country of entry." Thus the same applies as to other foreign residents in Portugal: holding a temporary residence permit, should not be abroad for longer six consecutive months or eight interpolated months, within the total period of validity of the authorization (unless in the country of origin and with proper justification).

Sources: Tratado de Amizade, Cooperação e Consulta entre a República Portuguesa e a República Federativa do Brasil [Treaty of Friendship, Cooperation and Consultation between the Portuguese Republic and the Federative Republic of Brazil]. Art. 8. / Lei n.º 23/2007 de 4 de julho [Law No. 23/2007 of 4 July]. Art. 85: 2, a and 4. / Lei n.º 29/2012 de 9 de agosto [Law No. 29/2012 of 9 August]. 2012. / Lei n.º 56/2015 de 23 de junho [Law No. 56/2015 of 23 June]. 2015. / Lei n.º 63/2015 de 30 de junho [Law No. 63/2015 of June 30]. 2015.

Do domestic workers have the right to leave the country?

Answer: yes

Code: 1

Explanation: Yes, but holding a temporary residence permit, should not be abroad for longer six consecutive months or eight interpolated months, within the total period of validity of the authorization (unless in the country of origin and with proper justification).

Sources: Lei n.º 23/2007 de 4 de julho [Law No. 23/2007 of 4 July]. Art. 85: 2, a and 4. / Lei n.º 29/2012 de 9 de agosto [Law No. 29/2012 of 9 August]. 2012. / Lei n.º 56/2015 de 23 de junho [Law No. 56/2015 of 23 June]. 2015. / Lei n.º 63/2015 de 30 de junho [Law No. 63/2015 of June 30]. 2015.

Number of months of absence allowed per year (domestic workers):

Answer: 8

Code: 8

Explanation: Yes, but holding a temporary residence permit, should not be abroad for longer six consecutive months or eight interpolated months, within the total period of validity of the authorization (unless in the country of origin and with proper justification).

Sources: Lei n.º 23/2007 de 4 de julho [Law No. 23/2007 of 4 July]. Art. 85: 2, a and 4. / Lei n.º 29/2012 de 9 de agosto [Law No. 29/2012 of 9 August]. 2012. / Lei n.º 56/2015 de 23 de junho [Law No. 56/2015 of 23 June]. 2015. / Lei n.º 63/2015 de 30 de junho [Law No. 63/2015 of June 30]. 2015.

Do agricultural workers have the right to leave the country?

Answer: yes

Code: 1

Explanation: Yes, but holding a temporary residence permit, should not be abroad for longer six consecutive months or eight interpolated months, within the total period of validity of the authorization (unless in the country of origin and with proper justification).

Sources: Lei n.º 23/2007 de 4 de julho [Law No. 23/2007 of 4 July]. Art. 85: 2, a and 4. / Lei n.º 29/2012 de 9 de agosto [Law No. 29/2012 of 9 August]. 2012. / Lei n.º 56/2015 de 23 de junho [Law No. 56/2015 of 23 June]. 2015. / Lei n.º 63/2015 de 30 de junho [Law No. 63/2015 of June 30]. 2015.

Number of months of absence allowed per year (agricultural workers):

Answer: 8

Code: 8

Explanation: Yes, but holding a temporary residence permit, should not be abroad for longer six consecutive months or eight interpolated months, within the total period of validity of the authorization (unless in the country of origin and with proper justification).

Sources: Lei n.º 23/2007 de 4 de julho [Law No. 23/2007 of 4 July]. Art. 85: 2, a and 4. / Lei n.º 29/2012 de 9 de agosto [Law No. 29/2012 of 9 August]. 2012. / Lei n.º 56/2015 de 23 de junho [Law No. 56/2015 of 23 June]. 2015. / Lei n.º 63/2015 de 30 de junho [Law No. 63/2015 of June 30]. 2015.

Do medical doctors have the right to leave the country?

Answer: yes

Code: 1

Explanation: Yes, but holding a temporary residence permit, should not be abroad for longer six consecutive months or eight interpolated months, within the total period of validity of the authorization (unless in the country of origin and with proper justification).

Sources: Lei n.º 23/2007 de 4 de julho [Law No. 23/2007 of 4 July]. Art. 85: 2, a and 4. / Lei n.º 29/2012 de 9 de agosto [Law No. 29/2012 of 9 August]. 2012. / Lei n.º 56/2015 de 23 de junho [Law No. 56/2015 of 23 June]. 2015. / Lei n.º 63/2015 de 30 de junho [Law No. 63/2015 of June 30]. 2015.

Number of months of absence allowed per year (medical doctors):

Answer: 8

Code: 8

Explanation: Yes, but holding a temporary residence permit, should not be abroad for longer six consecutive months or eight interpolated months, within the total period of validity of the authorization (unless in the country of origin and with proper justification).

Sources: Lei no. 23/2007 de 4 de julho [Law No. 23/2007 of 4 July]. Art. 85: 2, a and 4. / Lei n.º 29/2012 de 9 de agosto [Law No. 29/2012 of 9 August]. 2012. / Lei n.º 56/2015 de 23 de junho [Law No. 56/2015 of 23 June]. 2015. / Lei n.º 63/2015 de 30 de junho [Law No. 63/2015 of June 30]. 2015.

Do permanent residents have the right to leave the country?

Answer: yes

Code: 1

Explanation: The law does not mention any particular restriction when it comes to permanent residents. The Constitution protects the right of anybody to leave the country.

Sources: Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 83. / Constitution of the Portuguese Republic. 1976.

Number of months of absence allowed per year (permanent residents):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

5.6.3. Obligations

5.6.4. Military service

IMMIGRANT_59: Military service.

Do asylum seekers have the obligation to comply with military service?

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: No. The law explicitly says that military conscription in Portugal is exclusively for Portuguese citizens.

Sources: Lei no. 174/99 [Law No. 174/99]. 1999. Art. 1, 2.

Do refugees have the obligation to comply with military service?

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: No. The law explicitly says that military conscription in Portugal is exclusively for Portuguese citizens.

Sources: Lei no. 174/99 [Law No. 174/99]. 1999. Art. 1, 2.

Do co-ethnics have the obligation to comply with military service?

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: No. The law explicitly says that military conscription in Portugal is exclusively for Portuguese citizens.

Sources: Lei no. 174/99 [Law No. 174/99]. 1999. Art. 1, 2.

Do domestic workers have the obligation to comply with military service?

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: No. The law explicitly says that military conscription in Portugal is exclusively for Portuguese citizens.

Sources: Lei no. 174/99 [Law No. 174/99]. 1999. Art. 1, 2.

Do agricultural workers have the obligation to comply with military service?

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: No. The law explicitly says that military conscription in Portugal is exclusively for Portuguese citizens.

Sources: Lei no. 174/99 [Law No. 174/99]. 1999. Art. 1, 2.

Do medical doctors have the obligation to comply with military service?

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: No. The law explicitly says that military conscription in Portugal is exclusively for Portuguese citizens.

Sources: Lei no. 174/99 [Law No. 174/99]. 1999. Art. 1, 2.

Do permanent residents have the obligation to comply with military service?

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: No. The law explicitly says that military conscription in Portugal is exclusively for Portuguese citizens.

Sources: Lei no. 174/99 [Law No. 174/99]. 1999. Art. 1, 2.

5.6.5. Social service

IMMIGRANT_60: Social service.

Do asylum seekers have the obligation to comply with social service?

Answer: no social service in state of reception

Code: 97

Explanation: The Portuguese Constitution does not mention the existence of social services as a civic duty at all.

Sources: Constituent Assembly, 1976. Constitution of the Portuguese Republic. / Assembleia da República, 1986. Lei no. 46/86 - Lei de Bases do Sistema Educativo, CII, SII, Sbs II, Art 10°, 5. / Assembleia da República, 1986. Lei no. 46/86 - Lei de Bases do Sistema Educativo, CII, SII, Sbs III, Art 13°.

Do refugees have the obligation to comply with social service?

Answer: no social service in state of reception

Code: 97

Explanation: The Portuguese Constitution does not mention the existence of social services as a civic duty at all.

Sources: Constitution of the Portuguese Republic. 1976. / Lei no. 46/86 [Law No. 46/86]. 1986. Art. 10, 5. / Lei no. 46/86 [Law No. 46/86]. 1986. Art. 13.

Do co-ethnics have the obligation to comply with social service?

Answer: no social service in state of reception

Code: 97

Explanation: The Portuguese Constitution does not mention the existence of social services as a civic duty at all.

Sources: Constitution of the Portuguese Republic. 1976. / Lei no. 46/86 [Law No. 46/86]. 1986. Art. 10, 5. / Lei no. 46/86 [Law No. 46/86]. 1986. Art. 13.

Do domestic workers have the obligation to comply with social service?

Answer: no social service in state of reception

Code: 97

Explanation: The Portuguese Constitution does not mention the existence of social services as a civic duty at all.

Sources: Constitution of the Portuguese Republic. 1976. / Lei no. 46/86 [Law No. 46/86]. 1986. Art. 10, 5. / Lei no. 46/86 [Law No. 46/86]. 1986. Art. 13.

Do agricultural workers have the obligation to comply with social service?

Answer: no social service in state of reception

Code: 97

Explanation: The Portuguese Constitution does not mention the existence of social services as a civic duty at all.

Sources: Constitution of the Portuguese Republic. 1976. / Lei no. 46/86 [Law No. 46/86]. 1986. Art. 10, 5. / Lei no. 46/86 [Law No. 46/86]. 1986. Art. 13.

Do medical doctors have the obligation to comply with social service?

Answer: no social service in state of reception

Code: 97

Explanation: The Portuguese Constitution does not mention the existence of social services as a civic duty at all.

Sources: Constitution of the Portuguese Republic. 1976. / Lei no. 46/86 [Law No. 46/86]. 1986. Art. 10, 5. / Lei no. 46/86 [Law No. 46/86]. 1986. Art. 13.

Do permanent residents have the obligation to comply with social service?

Answer: no social service in state of reception

Code: 97

Explanation: The Portuguese Constitution does not mention the existence of social services as a civic duty at all.

Sources: Constitution of the Portuguese Republic. 1976. / Lei no. 46/86 [Law No. 46/86]. 1986. Art. 10, 5. / Lei no. 46/86 [Law No. 46/86]. 1986. Art. 13.

5.6.6. Taxes

IMMIGRANT_61: Income taxes.

Do asylum seekers have to pay income taxes in state of reception?

Answer: yes

Code: 1

Explanation: Yes. According to the tax law in Portugal all residents are subject to income tax, at least. This also includes income acquired abroad while residing in Portugal. Theoretically asylum seekers and agricultural workers would not be considered residents and therefore would be tax exempt; however, there is no explicit clarification of these cases in the law.

Sources: Decreto-Lei no. 442-A/88 [Decree-Law No. 442-A/88]. 1988. Art. 15.

Do refugees have to pay income taxes in state of reception?

Answer: yes

Code: 1

Explanation: Yes. According to the tax law in Portugal all residents are subject to income tax, at least. This also includes income acquired abroad while residing in Portugal. Theoretically asylum seekers and agricultural workers would not be considered residents and therefore would be tax exempt; however, there is no explicit clarification of these cases in the law.

Sources: Decreto-Lei no. 442-A/88 [Decree-Law No. 442-A/88]. 1988. Art. 15.

Do co-ethnics have to pay income taxes in state of reception?

Answer: yes

Code: 1

Explanation: Yes. According to the tax law in Portugal all residents are subject to income tax, at least. This also includes income acquired abroad while residing in Portugal. Theoretically asylum seekers and agricultural workers would not be considered residents and therefore would be tax exempt; however, there is no explicit clarification of these cases in the law.

Sources: Decreto-Lei no. 442-A/88 [Decree-Law No. 442-A/88]. 1988. Art. 15.

Do domestic workers have to pay income taxes in state of reception?

Answer: yes

Code: 1

Explanation: Yes. According to the tax law in Portugal all residents are subject to income tax, at least. This also includes income acquired abroad while residing in Portugal. Theoretically asylum seekers and agricultural workers would not be considered residents and therefore would be tax exempt; however, there is no explicit clarification of these cases in the law.

Sources: Decreto-Lei no. 442-A/88 [Decree-Law No. 442-A/88]. 1988. Art. 15.

Do agricultural workers have to pay income taxes in state of reception?

Answer: yes

Code: 1

Explanation: Yes. According to the tax law in Portugal all residents are subject to income tax, at least. This also includes income acquired abroad while residing in Portugal. Theoretically asylum seekers and agricultural workers would not be considered residents and therefore would be tax exempt; however, there is no explicit clarification of these cases in the law.

Sources: Decreto-Lei no. 442-A/88 [Decree-Law No. 442-A/88]. 1988. Art. 15.

Do medical doctors have to pay income taxes in state of reception?

Answer: yes

Code: 1

Explanation: Yes. According to the tax law in Portugal all residents are subject to income tax, at least. This also includes income acquired abroad while residing in Portugal. Theoretically asylum seekers and agricultural workers would not be considered residents and therefore would be tax exempt; however, there is no explicit clarification of these cases in the law.

Sources: Decreto-Lei no. 442-A/88 [Decree-Law No. 442-A/88]. 1988. Art. 15.

Do permanent residents have to pay income taxes in state of reception?

Answer: yes

Code: 1

Explanation: Yes. According to the tax law in Portugal all residents are subject to income tax, at least. This also includes income acquired abroad while residing in Portugal. Theoretically asylum seekers and agricultural workers would not be considered residents and therefore would be tax exempt; however, there is no explicit clarification of these cases in the law.

Sources: Decreto-Lei no. 442-A/88 [Decree-Law No. 442-A/88]. 1988. Art. 15.

5.7. Administration

IMMIGRANT_62: Existence of immigrant integration agency in state of reception.

Existence of institution/agency with competencies for immigrant policies:

Answer: yes

Code: 1

Explanation: Yes. The High Commissariat for Migration (Alto Comissariado para as Migrações, I.P.). It is a public institute integrated to the indirect administration of the State. It has administrative and financial autonomy. Its competencies include promote and develop programmes on integration as well as professional and social qualification of migrants. The institute should also cooperate with other entities on the implementation of migration policies, end of discrimination, and migration research.

Sources: Decreto-Lei no. 31/2014 [Decree-Law No. 31/2014]. 2014. Art. 3.

Name of the institution with competencies for immigrant policies in original language:

Answer: Alto Comissariado para as Migrações, I.P.

Name of the institution with competencies for immigrant policies in English:

Answer: The High Commissariat for Migration

Access to antidiscrimination body.

Migrants can access antidiscrimination bodies and prerogatives (e.g. make official complaints to an Ombudsperson) regardless of migrant status (they might be explicitly mentioned as eligible, or not; what we care about is that they are not explicitly excluded, for instance, by statements that restrict access to nationals):

Answer: Yes

Code: 1

Explanation: Yes, since 2017 the government has a Commission for Equality and Against Racial Discrimination (Comissão para a Igualdade e Contra a Discriminação Racial), which is responsible for promoting equality and non-discrimination when it comes to ethnical origin, nationality, background, and territory of origin. This Commission is also responsible for receiving official complaints and open administrative processes on misconduct.

Sources: Lei no. 93/2017 [Law No. 93/2017]. 2017. Art. 8.

6. Immigrant citizenship and nationality

6.1. Immigrant nationality

6.1.1. Immigrant dual nationality

IMNAT_1: Renunciation of previous nationality.

Does the country require applicants to naturalization by residence to renounce their previous nationality?

Answer: No

Code: 1

Explanation: No. The country does not require applicants to naturalization by residence to renounce their previous nationality. The only requirements are civil capacity, age, language, and residency time.

Sources: Lei no. 37/81 [Law No. 37/81]. 1981. Art. 6.

Citizenship can be withdrawn only if person resides outside the country:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Are there exceptions?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMNAT_1_1: Sanctions.

Are there sanctions for naturalized persons who are later found to have the nationality of the country or origin despite there being a procedure and having pledged to renounce it?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

6.1.2. Emigrant dual nationality for immigrants who naturalized

IMNAT_2: Emigrant dual nationality for naturalized immigrants.

Does the country deprive their national citizens by naturalization of nationality (or provide for the involuntary loss of it) for having acquired a foreign one (i.e. of their place of residence) and, if so, under which conditions?

Answer: No provision

Code: 1

Explanation: Acquiring a foreign nationality after naturalization is not mentioned in the law as a reason to lose Portuguese nationality. The only way a Portuguese national can lose her/his nationality is if he/she requests so.

Sources: Lei no. 37/81 [Law No. 37/81]. 1981. Art. 8.

6.1.3. Loss of nationality after residence abroad for naturalized immigrants

IMNAT_3: Loss after residence abroad for naturalized immigrants

For national citizens by naturalization who emigrated, does the country deprive them of their nationality (or provide for the involuntary loss of it) because of residence abroad

Answer: No provision

Code: 1

Explanation: Emigrating after naturalization is not mentioned in the law as a reason to lose Portuguese nationality. The only way a Portuguese national can lose her/his nationality is if he/she requests so.

Sources: Lei no. 37/81 [Law No. 37/81]. 1981. Art. 8.

After how many years abroad?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

6.1.4. Unrestrictive jus soli

IMNAT_4: Unrestrictive jus soli.

Does the country provide for a child to acquire nationality by birth in the territory irrespective of the birthplace of the parents?

Answer: No

Code: 0

Explanation: No, there is only qualified jus soli. A child born in Portugal from foreign parents can have “original nationality” (nacionalidade originária) when at least one of the parents has habitually and regularly (legally) resided in Portugal for at least two years and is not performing civil service for her/his country of origin or, under no conditions if the child does not have another nationality by birth.

Sources: Lei Orgânica no. 2/2018 [Organic Law No. 2/2018]. 2018. Art. 1, 1, f. / Lei no. 37/81 [Law No. 37/81]. 1981. Art. 1, 1, d.

6.1.5. Qualified jus soli

IMNAT_5: Qualified jus soli.

Does the country provide for children to acquire nationality by birth in the territory only if their parents were also born there?

Answer: Yes

Code: 1

Explanation: A child born in Portugal from foreign parents can have “original nationality” (nacionalidade originária) when at least one of the parents has habitually and regularly (legally) resided in Portugal for at least two years and is not performing civil service for her/his country of origin or, under no conditions if the child does not have another nationality by birth.

Sources: Lei no. 37/81 [Law No. 37/81]. 1981. Art. 1, 1, a.

6.1.6. Standard naturalization procedure for immigrants due to residence

IMNAT_6: Ordinary naturalization.

Does the country provide for standard naturalization procedure for immigrants due to residence in it?

Answer: Yes, provision for standard naturalization based on residence

Code: 1

Explanation: Ordinary naturalization based on residence is provided when a migrant has regularly (legally) resided in the country for at least five years, has reached the age of majority, has sufficient knowledge of the Portuguese language, has not been condemned for more than 3 years of imprisonment, and is not a threat to public security due to involvement with terrorist activities. In the case of minors, naturalization can be granted if at least one parent has had a residency permit for the five years prior to the request, and the minor has concluded at least one cycle of primary school or secondary school in Portugal.

Sources: Lei Orgânica no. 9/2015 [Organic Law No. 9/2015]. 2015. Art. 6, 1, a,c,e. / Lei Orgânica no. 2/2018 [Organic Law No. 2/2018]. 2018. Art. 6, 1, b,d. / Lei Orgânica no. 2/2018 [Organic Law No. 2/2018]. 2018. Art. 6, 2.

Number of years of residence required for naturalization:

Answer: 5

Code: 5

Explanation: Ordinary naturalization based on residence is provided when a migrant has regularly (legally) resided in the country for at least five years, has reached the age of majority, has sufficient knowledge of the Portuguese language, has not been condemned for more than 3 years of imprisonment, and is not a threat to public security due to involvement with terrorist activities. In the case of minors, naturalization can be granted if at least one parent has had a residency permit for the five years prior to the request, and the minor has concluded at least one cycle of primary school or secondary school in Portugal.

Sources Lei Orgânica no. 9/2015 [Organic Law No. 9/2015]. 2015. Art. 6, 1, a,c,e. / Lei Orgânica no. 2/2018 [Organic Law No. 2/2018]. 2018. Art. 6, 1, b,d. / Lei Orgânica no. 2/2018 [Organic Law No. 2/2018]. 2018. Art. 6, 2.

Number of continuous years of residence required for naturalization:

Answer: 5

Code: 5

Explanation: Ordinary naturalization based on residence is provided when a migrant has regularly (legally) resided in the country for at least five years, has reached the age of majority, has sufficient knowledge of the Portuguese language, has not been condemned for more than 3 years of imprisonment, and is not a threat to public security due to involvement with terrorist activities. In the case of minors, naturalization can be granted if at least one parent has had a residency permit for the five years prior to the request, and the minor has concluded at least one cycle of primary school or secondary school in Portugal.

Sources: Lei Orgânica no. 9/2015 [Organic Law No. 9/2015]. 2015. Art. 6, 1, a,c,e. / Lei Orgânica no. 2/2018 [Organic Law No. 2/2018]. 2018. Art. 6, 1, b,d. / Lei Orgânica no. 2/2018 [Organic Law No. 2/2018]. 2018. Art. 6, 2.

Permanent residence status is required for naturalization:

Answer: No

Code: 0

Explanation: Ordinary naturalization based on residence is provided when a migrant has regularly (legally) resided in the country for at least five years, has reached the age of majority, has sufficient knowledge of the Portuguese language, has not been condemned for more than 3 years of imprisonment, and is not a threat to public security due to involvement with terrorist activities. No mention is made of having attained permanent residence first a requirement..

Sources: Lei Orgânica no. 9/2015 [Organic Law No. 9/2015]. 2015. Art. 6, 1, a,c,e. / Lei Orgânica no. 2/2018 [Organic Law No. 2/2018]. 2018. Art. 6, 1, b,d. / Lei Orgânica no. 2/2018 [Organic Law No. 2/2018]. 2018. Art. 6, 2.

Renunciation of previous nationality is required:

Answer: No renunciation requirement

Code: 0

Explanation: The country does not require applicants to naturalization by residence to renounce their previous nationality. The only requirements are civil capacity, age, language, and residency time.

Sources: Lei no. 37/81 [Law No. 37/81]. 1981. Art. 6.

Language condition for naturalization:

Answer: Without tests or certification and discretionary assessment of level of competence or with certification and specified level of competence at A2

Code: 0.5

Explanation: A sufficient knowledge of the Portuguese language is a requirement.

Sources: Lei Orgânica no. 9/2015 [Organic Law No. 9/2015]. 2015. Art. 6, 1, a,c,e. / Lei Orgânica 2/2018 [Organic Law No. 2/2018]. 2018. Art. 6, 1, b,d. / Lei Orgânica no. 2/2018 [Organic Law No. 2/2018]. 2018. Art. 6, 2.

Civil knowledge is a requisite for naturalization:

Answer: No naturalization test or cultural assimilation condition

Code: 0

Explanation: Ordinary naturalization based on residence is provided when a migrant has regularly (legally) resided in the country for at least five years, has reached the age of majority, has sufficient knowledge of the Portuguese language, has not been condemned for more than 3 years of imprisonment, and is not a threat to public security due to involvement with terrorist activities. In the case of minors, naturalization can be granted if at least one parent has had a residency permit for the five years prior to the request, and the minor has concluded at least one cycle of primary school or secondary school in Portugal.

Sources: Lei Orgânica no. 9/2015 [Organic Law No. 9/2015]. 2015. Art. 6, 1, a,c,e. / Lei Orgânica no. 2/2018 [Organic Law No. 2/2018]. 2018. Art. 6, 1, b,d. / Lei Orgânica no. 2/2018 [Organic Law No. 2/2018]. 2018. Art. 6, 2.

Clean criminal record is a requisite:

Answer: 0.5No basic good character requirement commonly used also for citizens OR no crimes carrying sentences of more than 1 and less than 5 years

Code: 0.5No basic good character requirement commonly used also for citizens OR no crimes carrying sentences of more than 1 and less than 5 years

Explanation: Ordinary naturalization based on residence is provided when a migrant has regularly (legally) resided in the country for at least five years, has reached the age of majority, has sufficient knowledge of the Portuguese language, has not been condemned for more than 3 years of imprisonment, and is not a threat to public security due to involvement with terrorist activities. In the case of minors, naturalization can be granted if at least one parent has had a residency permit for the five years prior to the request, and the minor has concluded at least one cycle of primary school or secondary school in Portugal.

Sources: Lei Orgânica no. 9/2015 [Organic Law No. 9/2015]. 2015. Art. 6, 1, a,c,e. / Lei Orgânica no. 2/2018 [Organic Law No. 2/2018]. 2018. Art. 6, 1, b,d. / Lei Orgânica no. 2/2018 [Organic Law No. 2/2018]. 2018. Art. 6, 2.

Economic resources as requisite for naturalization:

Answer: No requirement on income, employment, or welfare dependency

Code: 0

Explanation: Ordinary naturalization based on residence is provided when a migrant has regularly (legally) resided in the country for at least five years, has reached the age of majority, has sufficient knowledge of the Portuguese language, has not been condemned for more than 3 years of imprisonment, and is not a threat to public security due to involvement with terrorist activities. In the case of minors, naturalization can be granted if at least one parent has had a residency permit for the five years prior to the request, and the minor has concluded at least one cycle of primary school or secondary school in Portugal.

Sources: Lei No. 2/2018 [Organic Law No. 2/2018]. 2018. Art. 6, 1, b,d. / Lei Orgânica no. 2/2018 [Organic Law No. 2/2018]. 2018. Art. 6, 2.

6.1.7. Socialization based acquisition of citizenship

IMNAT_7: Naturalization by socialization.

Does the country provide for acquisition of nationality of minors who reside for a certain period or schooling in the country?

Answer: Yes

Code: 1

Explanation: In the case of minors, naturalization can be granted if at least one parent has had a residency permit for the five years prior to the request, and the minor has concluded at least one cycle of primary school or secondary school in Portugal. The minor should also have sufficient knowledge of the Portuguese language, have not been condemned for more than 3 years of imprisonment, and not be a threat to public security due to involvement with terrorist activities.

Sources: Lei Orgânica no. 9/2015 [Organic Law No. 9/2015]. 2015. Art. 6, 1,c,e. / Lei Orgânica no. 2/2018 [Organic Law No. 2/2018]. 2018. Art. 6, 1, d. / Lei Orgânica no. 2/2018 [Organic Law No. 2/2018]. 2018. Art. 6, 2.

6.1.8. Special procedure for immigrants with very long residence in country

IMNAT_8: Long residence.

Does the country provide for acquisition of nationality by a person who has resided there for a very long time (e.g. more or equal of 12 years)?

Answer: No

Code: 0

Explanation: No. When it comes to acquisition of nationality the country does not provide any beneficial procedure for those residing in the country for a very long time. However, Portugal has a scheme named "long duration resident status" (estatuto de residente de longa duração), which when acquired by those regularly residing in the country for at least five years provides them with equality of treatment throughout a myriad of civil and social rights. This includes unrestricted access to the labour market, education, and healthcare system, for example.

Sources: Lei Orgânica 9/2015 [Organic Law No. 9/2015]. 2015. Art. 6, 1,c,e. / Lei Orgânica no. 2/2018 [Organic Law No. 2/2018]. 2018. Art. 6, 1, d. / Lei Orgânica 2/2018 [Organic Law No. 2/2018]. 2018. Art. 6, 2. / Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 133.

6.1.9. Preferential naturalization for immigrants from specific countries

IMNAT_9: Preferential naturalization by country.

Does the country provide for a special (e.g. quicker, easier) acquisition of nationality by a person who is a national of another specific country?

Answer: No

Code: 0

Explanation: No. The law does not mention any preferential treatment given to nationals of other countries when it comes to acquisition of nationality.

Sources: Lei Orgânica no. 9/2015 [Organic Law No. 9/2015]. 2015. Art. 6, 1,c,e. / Lei Orgânica no. 2/2018 [Organic Law No. 2/2018]. 2018. Art. 6, 2. / Lei no. 23/2007 [Law No. 23/2007]. 2007. Art. 6°.

6.1.10. Cultural affinity/Ethnic ties

IMNAT_10: Preferential naturalization due to cultural or ethnic ties.

Does the country provide for acquisition of nationality by a person who has an affinity with its culture or is somehow defined as co-ethnic?

Answer: Yes

Code: 1

Explanation: Yes. Residency and language requirements can be waived to persons who have had the Portuguese nationality in the past, descended from Portuguese citizens, are members of communities of Portuguese ancestry, or foreigners who have been called to provide relevant services to the Portuguese State.

Sources: Lei Orgânica no. 9/2015 [Organic Law No. 9/2015]. 2015. Art. 6, 6.

6.1.11. Spousal transfer

IMNAT_11: Spousal transfer.

Does the country provide for acquisition of nationality by the spouse or registered partner of a person who is already a national citizen?

Answer: Yes

Code: 1

Explanation: As long as the person has been married or has lived together (união de facto) with the Portuguese national for at least three years. No distinction between "original" and naturalized citizens is made in the law.

Sources: Lei Orgânica no. 9/2015 [Organic Law No. 9/2015]. 2015. Art. 3.

6.1.12. Filial transfer

IMNAT_12: Filial transfer.

Does the country provide for acquisition of nationality by the child of a person who is already a national citizen?

Answer: Yes

Code: 1

Explanation: If the child is still a minor or has legal/civil incapacity, they can also acquire the Portuguese nationality when presenting a declaration.

Sources: Lei Orgânica no. 9/2015 [Organic Law No. 9/2015]. 2015. Art. 2.

6.1.13. Special naturalization for refugees

IMNAT_13: Refugees.

Does the country facilitate the acquisition of nationality by a refugee in its territory?

Answer: No

Code: 0

Explanation: Neither the Nationality Law nor the Asylum Law mentions any facilitation of the acquisition of nationality by a refugee.

Sources: Lei no. 27/2008 [Law No. 27/2008]. 2008. / Lei no. 37/81 [Law No. 37/81]. 1981. / Lei Orgânica no. 9/2015 [Organic Law No. 9/2015]. 2015. / Lei Orgânica no. 2/2018 [Organic Law No. 2/2018]. 2018.

6.1.14. Naturalization for special achievements/talents

IMNAT_14: Special talents.

Does the country provide for the acquisition of nationality by a person in account of special achievements/talents?

Answer: Yes

Code: 1

Explanation: Yes. Person has rendered or is called to render relevant services to Portugal or to the Portuguese community, but absence of criminal convictions is still a requirement.

Sources: Lei no. 37/81 [Law No. 37/81]. 1981.no. / Lei Orgânica no. 2/2018 [Organic Law No. 2/2018]. 2018. / GLOBALCIT. "Global Database on Modes of Acquisition of Citizenship, version 1.0. San Domenico di Fiesole: Global Citizenship Observatory / Robert Schuman Centre for Advanced Studies / European University Institute". Access date not available. <http://globalcit.eu/acquisition-citizenship/>.

6.1.15. Naturalization due to investment/financial assets

IMNAT_15: Financial assets.

Does the country provide for the acquisition of nationality by a person with special financial assets (say which) or persons who invest money in the country?

Answer: No

Code: 0

Explanation: No. The only grounds for acquisition of nationality are: filial, marriage, adoption, standard naturalization, and reacquisition. Even though Portugal does not provide for the acquisition of nationality by a person with special financial assets or persons who invest money in the country, it does, however, have a renewable residence permit scheme aimed at those people (investors). The law includes several categories of investors that vary according to the amount or sector invested, as well as to the duration of the investment. This residency permit (so called 'golden permit') can generally be renewed every two years.

Sources: Lei no. 37/81 [Law No. 37/81]. 1981. / Lei Orgânica no. 2/2018 [Organic Law No. 2/2018]. 2018. / Lei no. 29/2012 [Law No. 29/2012]. 2012. Art 90-A. / Lei no. 102/2017 [Law No. 102/2017]. 2017. Art. 90-A, 2.

6.1.16. Transfer to other relatives

IMNAT_16: Transfer to other relatives.

Does the country provide for the acquisition of nationality by a relative other than the spouse or child of a person who is already a citizen?

Answer: No

Code: 0

Explanation: No. The only cases mentioned in the Nationality Law of citizenship transfer are through marriage and filial (in the case of minors or legal/civil incapacity).

Sources: Lei Orgânica no. 9/2015 [Organic Law No. 9/2015]. 2015. Art. 3. / Lei Orgânica 9/2015 [Organic Law No. 9/2015]. 2015. Art. 2.

6.1.17. Nationality for the stateless

IMNAT_17: Stateless.

Does the country facilitate the naturalization of a stateless person in its territory?

Answer: No

Code: 0

Explanation: No, only for stateless children born in Portugal. The only grounds for acquisition of nationality are: filial, marriage, adoption, standard naturalization, and reacquisition, in which no facilitation for stateless persons is mentioned.

Sources: Lei no. 37/81 [Law No. 37/81]. 1981. / Lei Orgânica no. 2/2018 [Organic Law No. 2/2018]. 2018. Art. 1, g.

6.1.18. Nationality for regularized immigrants

IMNAT_18: Regularization.

Does the country make any differentiation in terms of naturalization procedures regarding persons that have benefited from regularization programs ((i.e. is there any special naturalization scheme for regularized immigrants)?

Answer: No differentiation

Code: 0.5

Explanation: Portuguese law has a standardized procedure that does not make any differentiation. In the case of naturalization by time of residence only the time of regular residence is taken into account.

Sources: Lei Orgânica no. 2/2018 [Organic Law No. 2/2018]. 2018. Art. 6, 1, b.

6.1.19. Naturalization possible even if applicant had irregular status before

IMNAT_19: Irregular status.

Does the country provide for a person who has or has had irregular migrant status who can however prove having had resided long enough in the country to apply for naturalization (i. e. is ever having been an irregular migrant an impediment to regularize)?

Answer: No

Code: 0

Explanation: Acquisition of nationality due to time of residence only takes into account regular time of residence. No mention of special circumstances for previously irregular migrants is made.

Sources: Lei Orgânica no. 2/2018 [Organic Law No. 2/2018]. 2018. no.Art. 6, 1, b. / Lei no. 37/81 [Law No. 37/81]. 1981.

6.2. Immigrant citizenship

6.2.1. Restrictions on citizenship for naturalized immigrants

IMCIT_1: Restrictions for naturalized immigrants.

Does the country restrict citizenship (i.e. mainly political-electoral rights, either passive or active) of those who have naturalized (even if they only have that one nationality)?

Answer: Yes

Code: 1

Explanation: The Constitution says that all citizens over 18 have active electoral rights, making no distinction to those citizens by naturalization. However, when it comes to passive electoral rights for presidential elections, the Constitution says that only those with “original” Portuguese citizenship (nacionalidade originária or portugueses de origem), over 35 years old, are eligible.

Sources: Constitution of the Portuguese Republic. 1976. Art. 49, 1. / Constitution of the Portuguese Republic. 1976. Art. 122. / Lei no. 14/79 [Law No. 14/79]. 1979. Ch. I.

For how long are the restrictions applied?

Answer: indefinitely

Code:

Explanation: Not applicable

Sources: Not applicable

Do the restrictions apply to electoral rights?

Answer: Yes

Code: 1

Explanation: The Constitution says that all citizens over 18 have active electoral rights, making no distinction to those citizens by naturalization. However, when it comes to passive electoral rights for presidential elections, the Constitution says that only those with “original” Portuguese citizenship (nacionalidade originária or portugueses de origem), over 35 years old, are eligible.

Sources: Constitution of the Portuguese Republic. 1976. Art. 49, 1. / Constitution of the Portuguese Republic. 1976. Art. 122. / Lei no. 14/79 [Law No. 14/79]. 1979. Ch. I.

Do the restrictions apply to public office posts?

Answer: No

Code: 0

Explanation: The Constitution says that all citizens over 18 have active electoral rights, making no distinction to those citizens by naturalization. However, when it comes to passive electoral rights for presidential elections, the Constitution says that only those with “original” Portuguese citizenship (nacionalidade originária or portugueses de origem), over 35 years old, are eligible.

Sources: Constitution of the Portuguese Republic. 1976. Art. 49, 1. / Constitution of the Portuguese Republic. 1976. Art. 122. / Lei no. 14/79 [Law No. 14/79]. 1979. Ch. I.

Other type of restrictions

Answer: No

Code: 0

Explanation: The Constitution says that all citizens over 18 have active electoral rights, making no distinction to those citizens by naturalization.

Sources: Constitution of the Portuguese Republic. 1976. Art. 49, 1. / Constitution of the Portuguese Republic. 1976. Art. 122. / Lei no. 14/79 [Law No. 14/79]. 1979. Ch. I.

6.2.2. Loss or suspension of citizenship after residence abroad for immigrants who naturalized

IMCIT_2. Loss or suspension of citizenship.

Does the country deprive their national citizens by naturalization who emigrated of their citizenship rights (i.e. political rights mostly) or suspend them because of residence abroad?

Answer: No

Code: 0

Explanation: The law only mentions one possibility of losing citizenship and that is by voluntary renunciation.

Sources: Lei no. 37/81 [Law No. 37/81]. 1981. Art. 8.

Are these rights recovered upon return?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

6.2.3. Restrictions on citizenship for naturalized immigrants who are dual nationals

IMCIT_3: Restrictions for naturalized immigrants who are dual nationals.

Does the country restrict citizenship (i.e. mainly political-electoral rights, either passive or active) of those who have naturalized and have another/other nationality/ies?

Answer: No

Code: 0

Explanation: In order to avoid conflict between nationalities in the case of dual nationals, there is a premise in the Nationality Law that states that if someone has more than one nationality, one being the Portuguese, only this one will be considered when it comes to legal affairs (including rights).

Sources: Lei no. 37/81 [Law No. 37/81]. 1981. Art. 27.

How long do the restrictions apply?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do the restrictions apply to electoral rights?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do the restrictions apply to public office post?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Other type of restrictions (beyond electoral and public office posts).

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable