



REGULATION OF THE LATEST ALTERATIONS TO THE LEGAL REGIME OF FOREIGNERS

NEWS, LATEST,
CURRENT TOPICS

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On the 30th September 2022, Regulatory Decree no. 4/2022 was published, introducing the necessary changes to the Legal Regime for the Entry, Stay, Exit and Expulsion of Foreign Citizens from National Territory, following the entry into force of Law no. 18/2022, of 25 August, which determined the measures necessary for the implementation of the Agreement on Mobility between Member States of the Community of Portuguese-Speaking Countries (hereinafter the CPLP Agreement), as well as creating two new types of visas, one to search for employment in Portugal and the other for the so-called "digital nomads".



Below we highlight the main changes introduced by the Regulatory Decree no. 4/2022 of 30th September.

Special Conditions for CPLP Citizens

Citizens from Member States of the CPLP, where the CPLP Agreement is in force, as well nationals from another State to whom this Agreement is extended, and who intend to obtain a residence visa or temporary stay in Portugal:

- Will not be required to be present (in person) for the submission of the visa application at the competent Portuguese Consulate;
- Are exempt from presenting valid travel insurance, proof of subsistence, as well as a copy of the return ticket, as long as they present a term of responsibility signed by an entity hosting trainees or workers, or by an organization responsible for student exchange or volunteer programs, as well as by a Portuguese citizen or qualified foreigner, with a residence document in Portugal, guaranteeing food and accommodation for the visa applicant.

In addition, requests for temporary stay visas, for the purpose of seeking work and residence, from CPLP citizens must be preliminarily granted, unless the applicant is identified in the Schengen Information System as being subject to an alert for the purposes of return or refusal of entry and stay.

The granting of a CPLP residence visa allows the holder to apply for a CPLP residence permit unless their stay in Portuguese territory constitutes a serious danger or threat.

Also, applications for granting, as well as renewals of residence permits submitted by nationals of a Member State of the CPLP, or of another Member State to which the Agreement extends, need only present two photographs, passport or other valid travel document, criminal record and request for consultation of criminal records by SEF, and are exempt from the remaining requirements.

Visa to search for employment

This new visa must be accompanied by a statement indicating the conditions of the intended stay and by proof of submission of a declaration of interest for registration with the IEFP., I.P. (employment institute), submitted online, in the appropriate place of the IEFP, I.P. website, identifying the academic qualifications and professional experience.



The request for a visa to seek work must also be accompanied by proof of the availability of financial resources, in the amount of at least three times the value of the minimum monthly salary.

In order to extend this visa, proof of registration with the IEFPP, I.P. and a declaration by the applicant indicating that the conditions of the foreseen stay, have to be maintained.

Visa for "Digital Nomads"

Regarding the regulation for the new visa to exercise a professional activity remotely, the so-called "digital nomads" will have the possibility to choose one of the following options:

- Temporary stay visa, which allows the entry and stay in national territory for a period of less than one year.
- Residence visa, which allows the entry into Portugal with the purpose of applying for a residence permit. This visa is valid for 4 months and allows two entries in Portugal.

Regardless of the situation, the visa application must be accompanied by the following specific documents:

- Proof of average monthly income earned in the exercise of subordinate or independent professional activity in the last three months, with a minimum value equivalent to four monthly minimum remunerations;
- Document proving the tax residency.

In addition to these documents, and depending on the situation, the following specific documents will be required:

- Subordinate work situations, one of the following documents:
 - Employment contract;
 - Promise of employment contract; or
 - Statement of employer proving the employment relationship;
- Self-employment situations, one of the following documents:
 - Company Contract;
 - Contract of services;
 - Written proposal for a service contract; or
 - Document demonstrating the services rendered to one or more entities;

The present diploma entered into force on the 30th of October 2022.