



Amendment of Foreigners Regulations

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Several changes were introduced to the rule that regulates the legal regime for the entry, stay, exit and removal of foreign citizens from the national territory. In this sense, we intend to highlight some of the most notorious changes introduced by the **Regulatory Decree no. 1/2024, of January 17th**.

AUTHORS



MÁRCIA ALVES FARIAS
LAWYER



CÍNTIA MANTINHA
TRAINEE

1 – Mandatory Opinions

The mandatory opinions, for the issuance of Visas, issued by AIMA I.P and UCFE are now subject to a deadline, so they must be issued within 7 or 20 days.



2 - Delivery of Documentation

The new Regulatory Decree aims to introduce and explore the use of computer/digital tools. Thus, one of the main changes is related to the elimination of the need to deliver documentation previously available in a database that AIMA and UCFE have access to.

In relation to visa applications that, by virtue of the applicable legislation, must be submitted at a consular post, it is now possible to submit the application in a specific form, in physical or electronic format.

On the other hand, applications for the granting and renewal of residence permits should preferably be submitted in a dematerialized form on a digital platform accessible through the single portal of services, without prejudice to the fact that the application may also be submitted in person or through assisted digital service at the locations disclosed by AIMA, I.P..

In addition, the application for the granting and renewal of a residence permit can now be submitted:

- a) By the applicant;
- b) In the case of a minor or adult accompanied by their legal representative;
- c) By the employer, in applications relating to the exercise of a subordinate professional activity, the relocation of undertakings and

intra-corporate transferees (TDE-ICT);

d) By the research center, higher education institution or other public or private entities, namely companies which host highly qualified and cultural teaching activities, in applications that have as their object the development of these activities;

e) By the educational establishment, vocational training or other public or private entities, in applications that have as their object study, research, internship or volunteering;

f) By a citizen residing in national territory who wishes to benefit from the right to family reunification or by a family member who has legally entered national territory and who depends on or cohabits with the holder of a valid residence permit.

Applications may also be submitted by lawyers, trainee lawyers and solicitors, outside the exercise of the legal mandate.

Regarding the **family reunification** in particular, citizens residing in national territory who wish to benefit from the right to family reunification can submit the respective request in the information system supporting the activity of AIMA, I.P., which must contain the identification of the applicant and the members of the family to which the request relates. The request should therefore be able to be made online.



It will also be possible to obtain various types of information *ex officio* from AIMA, I.P. through access to the database, in the case of applications for the granting of extensions of stay, authorizations and renewals of residence and long-term resident status, resulting in a decrease in the submission of documentation by applicants.

The identification elements and other elements contained in a valid travel document are now proven by:

- a) **Presentation of the document through an image captured in real time using a remote document verification system and subsequent collection of the image of the face to confirm identity using a biometric system, when the request is submitted in a digital channel or through assisted digital service, in the information system supporting AIMA's activity, I.P.;**
- b) **Presentation of the document in physical format, whenever the request is submitted in person.**

In other words, in all processes submitted digitally, it will be necessary to confirm that the applicant is the holder of the identification documents, and that he is the same one who is entering the process and confirming the identification elements inserted in the process.

With regard to the **applicant's criminal record**

in third countries, the information shall be substantiated as follows:

- a) **by consulting the criminal record information system of the country of nationality or of the country of residence in which he has resided for more than one year, as the case may be; or**
- b) **When it is not possible to access the information under the terms provided for in the previous paragraph, through a certificate of criminal record from the country of nationality or from the country of residence where you have resided for more than one year, as the case may be.**

With regard to **the information proving the legal entry and stay in national territory, it will be proven through consultation of the Entry/Exit System (SES) and the Border Control System and, in situations where a visa is required, also through consultation of the visa data exchange system between Schengen Member States.**

When it is not possible to access the information under the terms foreseen, or there is a need to present additional elements, the information on legal entry into national territory is proven through the presentation of the passport or other valid travel document with the respective stamps affixed.



3 – Proof of Means of Subsistence

Income from grants, scholarships, contract or promise of an employment contract, memorandum of association or contract or written proposal for a contract for the provision of services have been added to the list of evidence for the purposes of having means of subsistence.

4 – Collection of Biometric Data

When the residence process is initiated through the visa application, whenever the date of travel is indicated in the application, the appointment for presentation at AIMA, I.P. of the interested party, for submission of the application for a residence permit, must already be scheduled and affixed to the respective visa, **except in cases where the collection of biometric data and other elements necessary for the instruction of the residence permit application has been obtained by the consular network and is made available to AIMA, I.P., for these purposes.** Thus, it may not even be necessary to collect biometric data in a second phase of the process of obtaining a residence permit from AIMA, I.P., if the biometric data are available in the consular network database and can be applied to the consulates by AIMA, I.P..

5 – Delivery of the Residence Permit

No less important change refers to the form of delivery of the residence permit, **where indication of the place of delivery** of the residence permit will be made by means of a communication sent to the holder's address. In other words, **AIMA, I.P. will indicate the place of delivery of the residence permit, by sending a communication with such information to the address of the applicants that appears in the applications.**

Except for the exceptions provided for in the regulation, **the residence permit is always delivered in person, at the services of AIMA, I.P., to the holder or to the person representing the minor or accompanied adult holder who needs representation for the act,** after collection and confirmation of the respective biometric data under the terms of the applicable legislation and this Regulatory Decree.

As for requests for **duplicates/second cards**, these may be requested by the interested parties in case of poor state of conservation, loss or misplacement, destruction, theft or robbery, unless there is a place for their renewal. **The application must be accompanied by a statement indicating the reasons for it** and, in the case of loss, misplacement, destruction, theft or robbery,



with information proving the respective report to the police authority and, if necessary, must be accompanied by a **facial image**, under the terms provided for the application for a residence permit and, in the case of poor state of conservation, it must also be accompanied by the return of the initial title.

6 - The Golden Visa

(residence permit for investment)

The values of investments for the purpose of applying **for a residence permit for investment are reduced by 20%**, provided that they are made in low-density territories, as previously implemented.

The investments that are now allowed, to which the 20% reduction can be applied, are:

- i) Creation of at least 10 jobs;
- ii) Transfer of capital in an amount equal to or greater than EUR 500 000 which is applied in research activities carried out by public or private scientific research institutions;
- iii) Transfer of capital in an amount equal to or greater than EUR 250 000 which is applied in investment or support for artistic production.

Thus, no reduction applies to the other two types of investment still eligible, namely:

Transfer of capital in an amount equal to or greater than EUR 500 000 for the acquisition of shares of non-real estate collective investment

undertakings, which are incorporated under Portuguese law, whose maturity, at the time of the investment is at least five years and at least 60% of the value of the investments is carried out in commercial companies headquartered in national territory;

2. Transfer of capital in an amount equal to or greater than EUR 500 000 for the incorporation of a commercial company headquartered in Portugal, combined with the creation of five permanent jobs or for the reinforcement of the share capital of a commercial company headquartered in Portugal, already incorporated, with the creation of at least five permanent jobs or maintenance of at least ten jobs, with a minimum of five permanent posts, and for a minimum period of three years.

There were also further clarifications on the means of proving investments still eligible.

In addition, the fees payable for residence permits for investment activity have also changed.

Finally, in relation to the renewal of existing titles, granted under the previous legislation, it is indicated that it will continue to be accepted, applying, with the necessary adaptations, the residence permit regime for entrepreneurial immigrants – which will need some clarification by AIMA, I.P..



It is hoped that with these changes applicants will be relieved of a large number of bureaucracies and a faster response from the services will be possible.

Nevertheless, the rules for the presentation and submission of cases are "tighter" to avoid access by people other than the applicants or their legal representatives.

These changes came into effect on January 18th, 2024.