

NEW FOREIGNERS LAW APPROVED BY THE PORTUGUESE PARLIAMENT



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“THE NEW WORDING MARKS A PROFOUND CHANGE IN PORTUGUESE MIGRATION POLICY, WITH GREATER RESTRICTIONS ON THE ENTRY AND STAY OF FOREIGNERS AND SIGNIFICANT CHANGES IN RESIDENCE AND FAMILY REUNIFICATION RIGHTS. THE GOVERNMENT'S DECLARED OBJECTIVE IS TO "LIMIT MIGRATORY FLOWS" AND INCREASE THE RESPONSE CAPACITY OF AIMA(...)”

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On September 30, 2025, the Assembly of the Republic approved a new version of the **Foreigners Law (Law No. 23/2007)**, after months of debate and adjustments required by the Constitutional Court. The diploma now goes to the President of the Republic, who may promulgate it or request a new preventive inspection.

The new wording marks a profound change in Portuguese migration policy, with greater restrictions on the entry and stay of foreigners and significant changes in residence and family reunification rights. The Government's declared objective is to "limit migratory flows" and increase the response capacity of AIMA – Agency for Integration, Migration and Asylum.

Below we highlight the main changes:

1. Family Reunification:

Holders of a residence permit will only be able to apply for family reunification after two years of valid residence in Portugal. There are some exceptions provided for in the Law, namely:

- 1.families with minor or incapable children;
- 2.holders of Golden Visa, Blue Card or residence visa for highly qualified activities;
- 3.de facto unions without children: The period of legal residence in Portugal was set at 15 months, provided that there is proof of cohabitation for at least 18 months prior to entering Portugal.

As for the documents necessary to instruct the application for family reunification, the following will be requested: a) Proof of adequate accommodation in national territory; b) Own means of subsistence, without recourse to social support such as unemployment benefit;

c) Participation in integration programs, including training in the Portuguese language and constitutional values.

Once the family reunification processes have been submitted, AIMA will have 9 (nine) months to decide, extendable only in exceptional and duly justified cases, with mandatory notification to the applicant.

2. Job Search Visa

The visa for job search in Portugal is now exclusive for highly qualified professionals, defined by future Government ordinance. Thus, unskilled workers or workers in sectors with less academic/technical demand can no longer use this entry mechanism.

The visa requires the presentation of the return travel document, ensuring that if the holder does not find a job within the legal deadline, he must leave Portugal and can only instruct a new application one year after the end date of the validity of the previous visa.



This decision is the result of formal requests submitted by these jurisdictions under Article 63-D(3) of the General Tax Law, following pos

3. CPLP visas and entry into Portugal

It is no longer possible to apply for a CPLP residence permit while already in Portuguese territory, even through the courts. Entry into the country now depends on obtaining a visa issued at the consulate of origin.

It should be noted that the requirement of real ties (work, housing, cultural integration) will determine an increase in supervision and may imply difficulties in the renewal of residence permits if the holders do not meet the mandatory requirements.

4. Legal proceedings against AIMA

Previously declared unconstitutional, the Government had to rectify this legal provision in the diploma, in order to clarify

“THE NEW VERSION OF THE FOREIGNERS LAW REPRESENTS A SIGNIFICANT CHANGE IN MIGRATORY RULES IN PORTUGAL, REFLECTING THE GOVERNMENT'S INTENTION TO CONTROL MIGRATORY FLOWS MORE RIGOROUSLY. HOWEVER, EXCEPTIONS REMAIN THAT AIM TO PROTECT FAMILIES WITH MINOR CHILDREN AND HOLDERS OF HIGHLY QUALIFIED RESIDENCE PERMITS.”

that judicial protection is only possible if AIMA's inaction seriously compromises, in a proven way, the exercise of fundamental rights.

The judge must also consider AIMA's administrative burden before ruling.

5. Other relevant changes

Bilateral agreements: the Government is authorised to negotiate with third States labour mobility mechanisms in strategic sectors of the economy.

Deadline for conversion of titles: holders of residence permits for self-employment or for subordinate employment have 180 days after the entry into force of the Law to request the conversion of their respective residence permits to a residence permit for highly qualified workers, provided they meet the legally established requirements.

Repealing rule: the definitive end of the expression of *interest is confirmed*.

The new version of the Foreigners Law represents a significant change in migratory rules in Portugal, reflecting the Government's intention to control migratory flows more rigorously. However, exceptions remain that aim to protect families with minor children and holders of highly qualified residence permits.

It should be noted that the diploma has not yet entered into force - it was sent to the President of the Republic on October 8, who may still choose to send it to the Constitutional Court (until October 16). The final decision to enact or veto the diploma must be taken by October 28th.

For foreign citizens who already reside in Portugal or intend to start the migratory process, it is essential to understand the new requirements and plan ahead, ensuring that each application meets all legal requirements.