



CHANGES TO IMMIGRATION LAW

NEWS, LATEST,
CURRENT TOPICS

On 25th August of 2022, Law no. 18/2022 was published, amending the legal regime for the entry, stay, exit and expulsion of foreign citizens from the national territory.

This law aims to create the necessary conditions for the application of the Agreement on Mobility signed between the Member States of the Community of Portuguese Language Countries (CPLP), signed in Luanda on 17th July of 2021, by streamlining the processes. In addition, this law creates new visas for those who wish to come to Portugal looking for work and for foreign citizens who are able to work remotely and wish to do so from Portugal.

AUTHOR



MÁRCIA FARIAS
LAWYER



INÊS NEVES
TRAINEE



We highlight the main innovations:

1) Special conditions for CPLP national citizens:

Citizens who are nationals of member states of the Community of Portuguese-Speaking Countries who wish to apply for a visa, of any kind, do not need SEF's prior approval, and the competent services will therefore consult the Schengen Information System (SIS) databases directly and immediately. The visa can only be refused if this database contains a ban on the entry and stay of the applicant.

In addition, for citizens of the CPLP who are holders of short-stay visas, or temporary stay visas, or who have legally entered the national territory, they can apply to SEF for a CPLP residence permit.

2) New Visa to search for employment:

This visa, granted for a period of 120 days, extendable for another 60, allows one entry into Portugal and authorizes its holder to enter and stay in national territory, for the purpose of searching for employment.

In addition, it allows the holder to exercise a dependent work activity, until the expiration of the visa or until the residence permit is granted.

After the visa is granted, an appointment is made at the competent services for the granting of a residence permit within 120 days, conferring the right to request a temporary residence permit after the constitution and formalization of the employment relationship.

If the validity of the visa expires without the holder having established a working relationship, he will have to leave the country and can only reapply for a new visa for this purpose one year after the expiration of the previous visa.

3) Residence visa for professional activities performed remotely outside national territory - "Digital Nomads":

Residence visas can be granted to employees and independent professionals for the exercise of professional activity, rendered remotely, to individuals or legal entities that have their domicile or head office outside national territory. For this purpose, proof must be provided



through an employment relationship or the provision of services.

In addition to the creation of these new visas, is the **residence permit for British citizens who are beneficiaries of the United Kingdom's Exit Agreement from the European Union**. In these cases, in addition to SEF, other public entities may collect biometric data for civil identification purposes, namely the “*Instituto dos Registos e do Notariado*” and the “*Espaços Cidadão*”, who are now also competent for issuing and renewing residence permits.

This Law no. 18/2022 came into effect on 26th August 2022.

