



SOCIEDADE DE ADVOGADOS, SP,RL  
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# NEWSLETTER

THE NEW AMENDMENTS TO  
 THE FOREIGNER'S LAW

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 Chambers & Partners – Band 1 Tax "RFF Ranked Lawyer", 2013, 2014, 2015, 2016, 2017, 2018, 2019 and Band 1 "Private Wealth Law" – HNW "RFF Ranked Lawyer", 2018  
 International Tax Review – "Best European Newcomer" (shortlisted) 2013 / "Tax Controversy Leaders", 2014, 2015, 2016, 2017, 2018, 2019 / "Indirect Tax Leaders", 2015, 2016, 2017, 2018, 2019 / "Women in Tax Leaders Guide", 2015, 2016, 2017, 2018, 2019 / "European Best Newcomer", 2016 / "Tax Firm of the Year", "European Tax Disputes of the Year" and "European Indirect Tax Firm of the Year", (shortlisted) 2017  
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 Legal Week – RFF was the only Portuguese in the "250 Private Client Global Elite Lawyers" 2018  
 STEP Private Clients Awards – RFF "Advocate of the Year 2019" (shortlisted)  
 IBFD Tax Correspondent Angola, Mozambique and East-Timor, 2013, 2014, 2015, 2016, 2017, 2018, 2019

## SUMMARY

Recently, in order to create conditions for the implementation of the Agreement on Mobility between the Member States of the Community of Portuguese-Speaking Countries, which entered into force on 1 January 2022, the Portuguese Parliament approved the Proposed Law no. 19/XV, which amends the Foreigners' Act. In this context, it is important to highlight the main changes related to this legal regime of entry, stay, exit and expulsion of foreigners in national territory.



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## FRAMEWORK

The 9th amendment to the Law on Foreigners (Law no. 23/2007, of 4 July) was published today, following the approval by the Portuguese Parliament, last July, of the Proposed Law no. 19/XV.

This amendment creates new types of visas and residence permits, such as visas for seeking employment and for digital nomads, also implementing several measures, with the aim of creating conditions to achieve the objectives enshrined in the Agreement on Mobility between Member States of the Community of Portuguese Language Countries (CPLP).

In particular, the recently published amendments aim to simplify the mobility of citizens between the Member States of the CPLP countries, to increase cooperation relations in various fields - namely social, cultural, and economic - and to speed up, reduce bureaucracy and make the procedures for visa applications and residence permits more flexible.

## THE NEW AMENDMENTS

With the approved amendments, it is created a visa of limited duration, which

allows the legal entry of immigrants in Portugal for the purpose of seeking employment. This visa will have a duration of 120 days, extendable for more than 60 days, and will be limited to national territory.

With the creation of a job-seeker visa, the new changes have also brought about a greater facilitation in the granting of a residence visa, whenever the applicant is admitted to a Portuguese higher education institution, which is no longer dependent on SEF's prior approval.

There has also been an increase in the possibilities of granting a residence visa and temporary stay for the purpose of exercising a professional activity provided, whether independently or as an employee, through remote work - being this visa especially aimed at the well-known digital nomads.

It is also important to point out the amendment to the requirements for the granting of visas for accompanying family members, foreseeing the possibility that temporary stay or residence visas may have the purpose of accompanying family members applying for residence visas, and that both visas may be applied for at the same time - except if the

purpose of the latter is to carry out seasonal work.

This allows the family of a citizen holding a valid visa to regularly enter national territory - notwithstanding the family reunification regime provided for by law - thus waiving the requirement for the family member who wishes to be reunited to wait until the main applicant holds a residence permit issued by SEF.

In addition, the granting of visas for citizens of the CPLP will be simplified, and the issuing of a prior assessment by SEF will not be required when it comes to the granting of residence, short-stay, and temporary stay visas.

Last but not least, it's worth mentioning the set of new measures that aim at the operationalization of the 2nd generation Schengen Information System (SIS II) - this system is a database that enables the national authorities responsible for border control, immigration, law enforcement and visa issuance to have access to information about persons and objects. As an example, the approved proposal establishes the duty of the Immigration and Border Services (SEF) to enter and communicate to the SIS alerts for refusal of entry and stay when this is determined by a

specific and individualized threat to international or national public order and security.

## ENTRY INTO FORCE

The measures listed above, included in the approved amendment to the Foreigner's Law - Law 23/2007 - will come into force on 24 September 2022.

## CONCLUSIONS

The new measures aim to promote greater mobility and movement within the Community of Portuguese-Speaking Countries (CPLP) and to stimulate the Portuguese labor market, in order to attract labor supply.

In this context, the set of amendments to the legal regime of entry, stay, exit and expulsion of foreigners from the national territory (commonly known as the "Foreigners' Law") clearly promotes the immigration of the working-age population, which is to be welcomed.

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