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NEWSLETTER

THE NEW TYPES OF RESIDENCE VISA AND TEMPORARY STAY VISA FOR FAMILY MEMBERS (2/4)

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SUMMARY

The new amendments to the Foreigners' Law brought the implementation of new visa regimes, among which is the family reunification visa. As such, we would like to point out the general and special conditions for granting these new visas, to whom it may be granted and what is its purpose.



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FRAMEWORK

With the recent amendment to the Foreigners' Law (Law no. 23/2007, of 4 July), recently published on 25 August in the Portuguese Official Gazette (see our [Newsletter – The New Amendments to the Foreigners' Law](#)), which changes the legal regime for the entry, stay, exit and deportation of foreigners from the national territory, brought about the implementation of new visa regimes, among which we would highlight the visa for family members.

Prior to the introduction of amendments to the Foreigners' Law, family members of a visa applicant had to wait for the visa to be issued, so that they could subsequently apply for a visa for family members.

However, the new regime of **Residence Visas and Temporary Stay Visas for family members** now allows the possibility of being requested, simultaneously, – both the visa of the main applicant, as well as the visa of the respective family members – without the need to wait for the approval and granting of a visa or a residence permit issued by SEF in favor of the main applicant.

THE VISA FOR FAMILY MEMBERS

The purpose of granting residence and temporary stay visas to third-country nationals is to enable them to accompany a family member who holds the respective titles.

In view of the new changes, the visa holder's family members are considered to be: (i) spouse, (ii) minor or incapable children under the care of the couple or one of the spouses, (iii) adult children, borne by the couple or one of the spouses, who are single and studying in an educational establishment in Portugal, (iv) the ascendants in the straight line and in the 1st degree of the resident or spouse, (v) younger siblings, among others.

With the aforementioned changes, it is now possible for the visa applications of the main applicant and the family member who intends to regroup with them to be applied simultaneously, notwithstanding the previous regime of family reunification, applicable to cases in which the family member only intends to enter Portuguese territory after the main applicant has been granted a residence permit.



It should be noted, however, that if an individual intends to acquire a temporary stay visa to accompany a family member holding a temporary stay visa, the latter cannot have the purpose of performing seasonal work.

We can conclude that the introduction of this visa for family members fosters the family unit and simplifies the administrative procedure, particularly from the perspective of applicants.

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