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 ROGÉRIO FERNANDES FERREIRA
 & ASSOCIADOS



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NEWSLETTER

NEW VISA REGIME FOR CITIZENS OF
 THE PORTUGUESE-SPEAKING COUN-
 TRIES COMMUNITY (4/4)

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 IBFD Tax Correspondent Angola, Mozambique and East-Timor, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020

SUMMARY

Recently, with the purpose of creating conditions for the materialization of the Agreement on Mobility between the Member States of the Portuguese Speaking Countries Community (CPLP), the alterations to the Law on Foreigners, approved by the Portuguese Parliament, were published in the Official Gazette. In these terms, among the various new measures, the creation of a new visa regime for nationals of States that integrate the CPLP stands out.



www.rfflawyers.com
 Avenida da Liberdade, 136 – 3º e 4º (Receção)
 1250-146 Lisboa • Portugal
 Rua Eng.ª Ferreira Dias n.º 924
 4100-241 Porto
 T: +351 215 915 220 • F: +351 215 915 244

FRAMEWORK

With the recent amendments to the Foreigners Law (Law no. 23/2997, of July 4), published last August 25 in the Diário da República (see our Newsletter - The New Amendments to the Foreigners Law), and with the inherent purpose of creating conditions to achieve the goals established in the Agreement on Mobility between Member States of the Portuguese-Speaking Countries Community, special - and simplified - requirements were established to obtain a visa when the applicant is a national of a State belonging to the CPLP.

It should be noted that, currently, the Community of Portuguese Language Countries is composed of nine Member States. As such, in addition to Portugal, Angola, Brazil, Cape Verde, Guinea-Bissau, Equatorial Guinea, Mozambique, Sao Tome and Principe and East Timor are part of the CPLP.

THE VISA FOR CPLP NATIONALS

The amendments recently published in the Official Gazette (Diário da República) determine that the granting of visas for residence and temporary stay to nationals of one of the above-mentioned States is not dependent on

the issue of a prior opinion from the Immigration and Borders Service (SEF), notwithstanding the fact that the granting of visas will be communicated to SEF, for the purposes of the exercise of its powers in matters of internal security.

The services responsible for issuing visas may only refuse to issue a visa when, on the one hand, there is an indication of a ban on entry and stay in the 2nd generation Schengen Information System (SIS II) or, on the other hand, the applicant is a minor and does not have parental authorisation or an equivalent document.

Additionally, it should be noted that when the applicant is covered by the CPLP Agreement and is the holder of a short stay visa, temporary stay visa or has legally entered national territory, he/she may apply to SEF for a residence permit as a national of a State belonging to the CPLP, provided that the general requirements are met (such as possession of means of subsistence, accommodation in Portugal, not being a danger to public safety, amongst others).



CONCLUSION

In short, the creation of this new regime will simplify the process of obtaining a visa, by nationals of States belonging to the CPLP, and consequently the process of obtaining a residence permit.

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Rogério M. Fernandes Ferreira
Duarte Ornelas Monteiro
Joana Marques Alves
Ricardo Miguel Martins
Marta Cabugueira Leal
João Rebelo Maltez
Bárbara Teixeira Neves
Raquel Silva Simões

(Private Clients Team)

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