



Tax & Business Lawyers



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NEWSLETTER

MAIS HABITAÇÃO PACKAGE (1/4): GOLDEN VISA - UPDATE

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SUMMARY

Following the portuguese "Mais Habitação " Program, a set of measures designed by the Portuguese government to tackle the housing crisis in the country, and after the Public Consultation process, the Government made known the Proposed Law no. 71/XV/1ª, which proposes measures with an impact, among other matters, on the current regime regarding residence permits for investment activity, and which is now subject to approval by the Parliament.

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INTRODUCTION

1. At the beginning of the year 2023, the Government announced its intention, within the scope of the package of measures "Mais Habitação" (translating, more housing), not to admit new residence permits for investment activity (better known as Golden Visa).

In this context, and after the public consultation, during March, of the Draft Bill where these changes are included, the Government made known the Proposed Law no. 71/XV/1st where concrete measures are included that, among other aspects, aim to change the current regime regarding residence permits for investment activity (ARI).

REPEAL OF GOLDEN VISAS

2. As expected, the Draft Law revokes the Golden Visa Program.

However, unlike the initial draft, the draft law only establishes that no new applications for ARI will be admitted as from its entry into force date (instead of the submission date of the draft, 16 February).

RENEWALS AND RESIDENCE PERMIT FOR FAMILY REUNIFICATION

3. The draft law establishes that the repeal of the Golden Visa regime does

not prejudice the possibility of renewal of Golden Visas already granted.

The same regime is also applicable to the processes of granting and renewal of Residence Permits for Research.

Regarding renewals, it is also foreseen that the Golden Visa already granted will be converted into a residence permit for entrepreneurial immigrants, under the terms of the current legislation, safeguarding the minimum periods of stay in Portugal currently in force (7 consecutive or interspersed days - for the 1st year - and 14 days - for the subsequent periods of two years).

PERMANENT RESIDENCE PERMIT

4. On a relevant note, the Draft Law also indicates that the revocation of the Golden Visa does not prejudice the possibility for those who meet the respective requirements to apply for a permanent investment residence permit.

PENDING REQUESTS

5. The proposal is to keep valid the pending applications already submitted to the SEF, which are currently awaiting a decision from the competent authorities, as well as the applications that are

pending prior control procedures in the City Councils.

Similarly to the renewal of requests already granted, those pending can be converted into a residence permit for entrepreneurial immigrants, under the terms of the current legislation, safeguarding the minimum periods of stay in Portugal currently in force (7 consecutive or interspersed days - for the 1st year - and 14 days - for subsequent periods of two years).

It is also foreseen that in relation to pending requests, the respective investment may be validated by a competent entity for that purpose, namely Agency for Investment and Foreign Trade; Banco Fomento; Agency for Competitiveness; Innovation; GEPAC or others).

INVESTMENT IN OR SUPPORT FOR ARTISTIC PRODUCTION, THE RESTORATION OR MAINTENANCE OF NATIONAL CULTURAL HERITAGE

6. Finally, it is foreseen that residence permits for investment or support to artistic production, rehabilitation, or maintenance of national cultural heritage, on which a declaration of GEPAC has already been issued, will be maintained.

The minimum periods of stay in Portugal currently in force (7 consecutive or interspersed days - for the first year - and 14 days - for the subsequent two-year periods) will apply to these new residence permits.

CONCLUSIONS

7. Taking into account that a date of entry into force of the Law is not yet known, there seems to be a window of opportunity for the last Golden Visa applications, with the exception that applications related to investment or support to cultural activities may be accepted after the entry into force of the Proposal, even if under the terms already mentioned.

Thus, it is with great expectation that we will follow the developments of this Proposal of Law, at the level of the performance of the Assembly of the Republic.

Lisbon, May 16 2023

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