

# NEWSLETTER

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## "TECH VISA" PROGRAM

The "Tech Visa", regulated by Ministerial Order, Portaria No. 328/2018 of 19th December, is a certification program for technological and innovative companies that aims to ensure that qualified staff, especially in the technological field, can access jobs created by Portuguese companies by simplifying the procedures for obtaining a visa and residence permit.

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Business Team

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For the purposes of the Ministerial Order, Portaria, "Technological and innovative companies" means companies that are active in the field of technology and innovation and wish to hire highly qualified third-country nationals; and "highly qualified activity" means an activity whose exercise requires specialised technical skills or skills of an exceptional nature and, consequently, an appropriate qualification for its exercise, namely higher education.

This program has allowed for greater effectiveness and efficiency in the granting of residence visas and the granting of residence permits to highly qualified immigrants, and the Government is responsible for certifying companies that, by signing employment contracts with highly qualified and/or specialized staff, allow them to benefit from this programme, which speeds up their legalization in Portugal, provided that the requirements stipulated for this purpose are met.

*Is a certification program that aims to ensure that qualified staff, can access jobs created by Portuguese companies by simplifying the procedures for obtaining a visa and residence permit.*

For a company to be certified under this programme it must:

- Be legally constituted;
- Not have any debts to Social Security or the Tax Authorities;
- Not have unpaid wages;
- Not be considered a company undergoing restructuring;
- Fit into the technical areas of qualification preferably intended within the scope of the Programme, according to the National Qualifications Catalogue;
- Have a positive net worth, as evidenced in the latest Simplified Business Information (IES) available;
- Have a permanent establishment in Portuguese territory and carry out an activity which requires specialized technical skills, of an exceptional nature, or an appropriate qualification for the respective exercise;
- Be engaged in the production of internationalisable goods and services, namely, goods and services produced in sectors exposed to international competition and which may be subject to international exchange, or, in the case of technological interface centres recognised under the terms of Order No. 8563/2019, of 27th September, or collaborative laboratories recognised under the terms of Regulation

- No. 486-A/2017, of 12th September, have an economic activity of providing services to companies engaged in the production of internationalisable goods and services;
- Have a minimum number of internal employees, compatible with the feasibility of issuing terms of responsibility, in compliance with the limits of 50% of the workers hired simultaneously under this program, and if the activity is carried out in inland territories the limit is 80%;
  - Identify a company official responsible for the certification process with residence in Portugal;
  - Prove the technological and innovative base by fulfilling at least two of the following requirements:
    - Be a startup created at least 2 years ago that develops its activity in high or medium-high technology sectors, or with high knowledge intensity;
    - Have more than 15% of highly skilled workers (greater than or equal to Level VI)
    - Have an average annual turnover growth of more than 20% over the last 3 years;
    - Have raised venture capital investment, through Venture Capital or Business Angels funds in the last 3 years;
    - Have investment projects approved in the last 3 years, in Portugal 2020 or in the programme to be created under the Multiannual Financial Framework of the European Union to be in force until 2027, in the areas of Productive Innovation, Qualified and Creative Entrepreneurship or R&D Companies, not being considered for this purpose projects under the simplified regime (vouchers);
    - Have an application approved by the System of Tax Incentives for Business R&D (SIFIDE), in one of the last 3 years;
    - Have a project approved in the last 3 years under the European Union's Innovation Framework Programmes, namely Horizon 2020 or the future Horizon Europe;
  - Obtain a positive evaluation of the application in the following evaluation criteria: i) market potential, ii) degree of technological innovation and iii) orientation towards external markets.

With regard to employees, the following requirements should be considered in order to be eligible under the Programme:

- Be a citizen of a third country and not permanently reside in the European Union;
- To have the contributory situation regularized before the Tax Administration and Social Security;
- Not to have a criminal record;
- Be at least 18 years of age;
- Carry out a highly qualified activity demonstrated through fulfilment of one of the following requirements:
  - Possess a minimum qualification level of level V according to ISCED-2011;
  - In the case of employees with a qualification level IV, a higher professional technical course, according to ISCED-2011, they must demonstrate

specialized technical skills of an exceptional nature, obtained through at least 5 years' experience;

- Employment contract or promise of an employment contract with a minimum duration of 12 months;
- If you are transferred within the company, draw up an addendum to the employment contract;
- Have a minimum annual salary equivalent to 2.5 times the Social Support Index;
- Have a command of the Portuguese or English language appropriate to the duties to be performed.

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