



Global Immigration alert

June 2024

Portugal

New Action Plan for Migration approved by the Council of Ministers

Executive summary

On 3 June 2024, the Portuguese government announced a new action plan to address the delays at the Agency for Integration, Migration and Asylum (AIMA), which currently has over 400,000 pending applications in process. Among other initiatives, it published Decree-Law No. 37-A/2024, which introduces substantial amendments to the “Entry, Stay, Exit and Removal of Foreign Citizens from National Territory Law” (commonly referred to as the Portuguese Immigration Law).

Background

Considering the significant backlog that AIMA is currently experiencing, combined with lack of staff, the Agency now has over 400,000 pending processes that require analysis and decision. Recognizing the impact of these delays on the lives of thousands of immigrants, the Portuguese government published Decree-Law No. 37-A/2024 on 3 June 2024 and elaborated an action plan with 41 initiatives to address these constraints and improve the immigration situation in Portugal.

Key developments

The initiatives include the following:

- ▶ *Setting up a temporary “Mission Structure” to address pending cases.* The government announced the creation of a temporary “Mission Structure” (i.e., a special team composed of different entities, with a considerable increase in available human resources) to address the growing number of pending cases to be closed by AIMA.
- ▶ *Eliminating the “Expression of Interest” regime.* As per Decree-Law No. 37-A/2024, the “Expression of Interest” regime has been eliminated. Consequently, all procedures that previously allowed foreigners to enter Portugal legally

without a work visa through an “Expression of Interest” and formalize their stay in Portugal for employment purposes upon securing a work contract have been revoked. Therefore, whoever wishes to travel to Portugal for work/employment purposes must now apply for a Residence Visa or Job Seeking Visa. While the Decree-Law entered into force on 3 June 2024, all Expressions of Interest submitted prior to that date will still be analyzed and decided based on the previous law.

- ▶ *Focusing migration on highly qualified workers, students and their family members.* The government intends to focus on attracting foreign students and highly qualified workers to Portugal, as well as facilitate the Family Reunification process, with more detailed procedures to be published in due course.
- ▶ *Conducting an institutional reorganization.* Several measures have been proposed including the creation of the Foreigners and Borders Unit in the Public Security Police, as well as the restructuring of AIMA's competencies and the strengthening of AIMA's human and technological resources, thereby creating an incentive for productivity and performance.

Impact on employers

Considering the termination of the “Expression of Interest” regime, employers may ensure that employees traveling to Portugal to work or seek employment apply for the appropriate visa. In light of the announced reorganization initiatives to address pending cases, employers stand to benefit from speedier processing of immigration applications.

Key steps

EY will continue to monitor these developments. Should you have any questions, we encourage you to contact one of our immigration professionals.

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EYG no. 005398-24GbI

2101-3682263
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