

Mobility: Immigration alert

September 2022



Portugal

Portugal introduces new visas for job seekers and remote workers and updates existing immigration rules

Executive summary

On 25 August 2022, Portugal published Law 18/2022 (“the Law”) which introduced significant changes to the rules governing the entry and right of residence of foreign nationals in Portugal. It also implements part of the Mobility Agreement between the Community of Portuguese-speaking Countries (“CPLP”) Member States. The Law, which went into effect on 26 August 2022, creates new visa categories for job seekers and remote workers and introduces several changes to existing categories.

New visa for job seekers

The Law introduces a new Job Seeker Visa that allows visa holders to enter Portugal once for the purpose of seeking work. The Job Seeker Visa may be issued for up to 120 days initially and can be extended for up to 60 days for a cumulative maximum validity period of 180 days. Visa holders may only engage in subordinate work activities (i.e., activities conducted pursuant to an employment contract). Visa holders who secure a job offer and enter into an employment contract with a Portuguese company may apply to obtain a Temporary Residence Permit at the offices of the Foreigners and Borders Service (SEF) before the expiration of their Job Seeker Visa. Visa holders who fail to secure an employment contract with a local company prior to the expiration of their Job Seeker Visa must leave Portugal and wait for at least one year before re-applying under this category. Applicants for the Job Seeker Visa will be required to provide proof that they have a return ticket from Portugal.

New visa for remote workers

The Law creates a new Temporary Stay Visa and a Residence Visa for foreign nationals who seek to work remotely from Portugal for companies headquartered outside of the country. Residence Visa holders may enter Portugal only twice and remain in the country for no more than four months. Temporary Stay Visa holders are permitted to remain in Portugal for up to one year, and there is no limit on the number of times they can enter the country. Individuals seeking to obtain Residence Visas or Temporary Stay Visas to work remotely in Portugal must demonstrate that they have a valid employment or services agreement with a non-Portuguese company or entity and submit a copy of the same when applying for these visas.

Family reunification

The Law makes it possible for individuals who intend to work in Portugal to include their qualifying, accompanying family members in their applications and sponsor them to obtain Residence Visas as dependents. These individuals will be issued Pre-Residence Permits and assigned tax, social security and national health services numbers. Previously, dependent applications could only be filed after the primary application was approved.

EU Blue Card

Under the Law, EU Blue Cards are now valid for up to two years initially (up from one year previously) and can be renewed in increments of three years (up from two years previously). The EU Blue Card is a residence permit for individuals who engage in highly qualified professional activities in Portugal.

Elimination of the quota for Residence Visas to perform subordinate professional activities

The Law eliminates the quota for Residence Visa holders who engage in subordinate professional activities. Previously, the issuance of these visas was based on available vacancies not already filled by Portuguese nationals, nationals of the European Union (EU)/European Economic Area (EEA) Member States and nationals of certain countries outside the EU and EEA.

Implied authorization to work for Residence Permit applicants

Under the Law, applicants may engage in professional activities while their Residence Permit application is being processed in situations where there are delays in processing that are outside the applicant's control (e.g., delays caused due to COVID-19).

Faster government processing for CPLP nationals

Measures have been introduced to speed up the issuance of visas to CPLP nationals. Individuals who apply for Short-Term, Temporary Stay or Residence Visas under the Mobility Agreement between CPLP Member States are now exempt from the requirement to obtain an opinion from the SEF prior to being issued their visas. Portuguese Consulates will now consult the second-generation Schengen Information System (SIS II) and may refuse the visa request based on the information contained in the SIS II. Consulates that approve visa applications will communicate their approvals to the SEF. The SEF may then cancel the visa at its discretion.

Trainees, students, researchers and interns

The Law grants holders of Residence Permits for research, study, professional internships or volunteering the right to engage in professional activities for the first time. It also allows trainees who hold Residence Permits to remain in the country for three months after the end of their training/internship program (if the program lasts less than six months) or for two years in the case of long-term programs (up from six months previously). Further, individuals seeking to obtain Residence Visas as students no longer require prior approval from the SEF, provided they were admitted to study at Portuguese universities or educational institutions.

Social security, tax and health authorities

Under the Law, the Portuguese immigration authorities will inform other government bodies, including the social security, tax, health and labor authorities, once a foreigner is granted authorization to work in Portugal. This notification to other government bodies will trigger the issuance of the foreigner's social security, tax identification and national health services numbers.

Impact on employers

The creation of new visas for job seekers and remote workers, simplification of the family reunification process, and granting of new benefits to various Residence Permit holders are designed to attract and retain foreign talent in Portugal and stimulate the Portuguese economy as the country continues to experience labor shortages following the outbreak of the COVID-19 pandemic.

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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