



Legal Migration Fitness Check

Evidence base for practical
implementation

Member State summary

Portugal

Annex 2 PT

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LEGAL NOTICE

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Table of Contents

Introduction	1
1 Pre-application phase	3
1.1 Legal transposition of the EU legal migration acquis	3
1.2 Differences between national statuses and the EU legal migration acquis	4
2 Preparation phase	4
2.1 Legal transposition of the EU legal migration acquis	4
2.2 Practical application of the EU legal migration acquis	4
2.3 Differences between national statuses and the EU legal migration acquis	6
3 Application phase	6
3.1 Legal transposition of the EU legal migration acquis	6
3.2 Practical application of the EU legal migration acquis	6
3.3 Differences between national statuses and the EU legal migration acquis	8
4 Entry and travel phase	8
4.1 Legal transposition of the EU legal migration acquis	8
4.2 Practical application of the EU legal migration acquis	8
4.3 Differences between national statuses and the EU legal migration acquis	9
5 Post-application phase	9
5.1 Legal transposition of the EU legal migration acquis	9
5.2 Practical application of the EU legal migration acquis	9
5.3 Differences between national statuses and the EU legal migration acquis	10
6 Residency phase	10
6.1 Legal transposition of the EU legal migration acquis	10
6.2 Practical application of the EU legal migration acquis	10
6.3 Differences between national statuses and the EU legal migration acquis	12
7 Intra-EU mobility phase	13
7.1 Legal transposition of the EU legal migration acquis	13
7.2 Practical application of the EU legal migration acquis	13
7.3 Differences between national statuses and the EU legal migration acquis	13
8 End of legal stay / leaving the EU phase	13
8.1 Legal transposition of the EU legal migration acquis	13
8.2 Practical application of the EU legal migration acquis	14
8.3 Differences between national statuses and the EU legal migration acquis	14
9 Main findings and conclusions – state of practical implementation of EU legal migration legislation in the Member State	15
Annex 1 References	15

Introduction

Portugal has transposed all directives (all options of the RD have been implemented) and offers equivalent national statuses to BCD and to SPD. Only a few issues were identified regarding the practical implementation of the EU legal migration legislation in Portugal.

This document provides an overview of the legal and practical implementation of EU legal migration acquis in **Portugal**. The legal and practical implementation study is structured according to the eight steps – ‘phases’ of the migration process from the perspective of the migrant¹ for the following Directives:

Directive	FRD (Family Reunification Directive 2003/86/EC)	LTR (Long Term Residency Directive 2003/109/EC)	SD (Students Directive 2004/114/EC)	RD (Researchers Directive 2005/71/EC)	BCD (Blue Card Directive 2009/50/EC)	SPD (Single Permit Directive 2011/98/EU)
National parallel scheme					Autorização de residência para atividade de investigação ou altamente qualificada (Scheme for Scientific research and highly qualified individuals)	Autorização de residência para exercício de atividade profissional subordinada (Residence permit for employment purposes) Article 88 of the REPSAE in conjunction with article 51 and article 54 paragraph 2 et seq. of regulatory decree number 2/2013
					Specific visa: Article 61 of the REPSAE (Regime Jurídico de Entrada, Permanência, Saída e	

¹ . See ref document (EU summary) Under each phase, the following aspects are examined : :
Legal transposition of the EU legal migration acquis: including whether the MS has overall complied with the transposition of the relevant EU acquis in the respective phase and whether these non-compliance issues affect the practical application of the Directive;
Practical application of the EU legal migration acquis: overview of the main application issues/problems arising in the MS per each of the migration phases;
Differences between national statuses and the EU legal migration acquis: substantial differences at the level of legislation and practical implementation between the EU legal migration Directives and their national equivalents (where these exist).

	<p>Afastamento de Estrangeiros do território nacional/ legal framework on the entry, permanence, exit and removal of foreigners from national territory)</p> <p>Residence permit:</p> <p>Article 90 2 of the REPSAE, in conjunction with article 56 of the regulatory decree number 2/2013</p>
Options implemented?	<p>Pupil</p> <p>Trainee</p> <p>Volunteer</p>

Main differences between EU statuses and the respective national parallel schemes

There are some differences between EU statuses and the respective national parallel schemes when it concerns two specific schemes:

- BCD: In the case of the "scientific research and highly qualified status": highly qualified means that the immigrant should either hold academic qualifications at the tertiary level (at least ISCED 2011 level 5)¹ or prove that he/she holds exceptional technical competences required to perform the work contract. Furthermore, no wage threshold applies unlike the "Blue card directive" and the deadline for issuing visa (30 working days) is half of the regular deadline (60 working days)

- LTR: a) The Permanente Residence Permit does not allow a TCN to reside in another MS b) The Permanent Residence Permit is cancelled if the TCN is absent from national territory for more than 24 consecutive months or more than 30 months in 3 years. While in the case of the Long-term resident status, the permit is cancelled if the TCN is absent from national territory for more than 6 years or absence from the territory of the Community for a period of 12 consecutive months. c) The legal deadline for a decision regarding the acceptance/refusal of the request for a Permanent Residence permit is 90 working days and therefore shorter than in the case of a request for Long-term resident status (6 months + 3 months in exceptional cases).

1 Pre-application phase

1.1 Legal transposition of the EU legal migration acquis

No major non-compliance issues identified by national researchers, except for a potential problem with the Article 9 of the SPD as the national law does not clearly set out an obligation for the competent authority to provide the adequate information to the third-country national and the future employer on the documents required to make a complete application for the permit.

Practical application of the EU legal migration acquis

Directive	FRD (Family Reunification Directive 2003/86/EC)	LTR (Long Term Residency Directive 2003/109/EC)	SD (Students Directive 2004/114/EC)	RD (Research ers Directive 2005/71/EC)	BCD (Blue Card Directive 2009/50/EC)	SPD (Single Permit Directive 2011/98/EU)
Languages	National language(s) English French (if not national) Spanish (if not national) Mandarin Russian Hindi Turkish					
The information is easy to find*	2	2	2	2	2	2

* 1: Strongly agree; 2: Agree; 3: Neither agree/nor disagree; 4. Disagree; 5. Strongly disagree

Information can be found on the following aspects of the application procedure:

Application procedure	Conditions for admission	Entry requirements (e.g. visa etc.)	Cost of application	Applicable deadlines	Rights upon admission	Any differences between the Directives
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Yes	Yes	Yes	Yes	Yes	Yes	No information for LTR on applicable deadlines
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Information upon request

Information is provided upon request, including through face-to-face consultation. The authorities that provide information are the following:

- Serviço Estrangeiros e Fronteiras / Immigration and Borders Service (SEF)
- Alto-comissário para as Migrações/High Commission for Migration (ACM)
- Ministério dos Negócios Estrangeiros - Direção Geral dos Assuntos Consulares e das Comunidades Portuguesas/ Ministry of Foreign Affairs – Directorate-General of Consular matters and Portuguese Communities (MFA)

No major practical application issues were identified.

However, it is important to highlight that information available on the websites of the main official entities is very succinct and presented in a legalistic way without further guidance, and in a few cases incomplete (e.g., required documents), not updated (e.g., deadlines to grant permit) and available in Portuguese only (e.g., application fees). Nonetheless, applicants can use other available channels (email, hotlines and help desk) to obtain more detailed and personalised information and guidance.

1.2 Differences between national statuses and the EU legal migration acquis

No substantial differences between the LTR and BCD and their national equivalents were identified in this phase.

2 Preparation phase

2.1 Legal transposition of the EU legal migration acquis

No major non-compliance issues were identified.

However, a few issues that may be considered as partial conformity have been identified regarding the transposition of LTR, in particular:

Article 5(1)(a), since the determination of the subsistence means is carried out by reference to a minimum absolute threshold and not by reference to a relative threshold.

Article 5(1)(b), since it is not clear that the family of the third-country national has to have sickness insurance;

2.2 Practical application of the EU legal migration acquis

The submission of the application is done in a single step. The applicant needs to fill in the application form and submit it together with the required additional documentation to SEF (Immigration and Borders Service).

Ease of the application procedure:

Step	FRD	LTR	SD	RD	BCD	SPD
------	-----	-----	----	----	-----	-----

The information that applicants need to complete is not extensive	NA	NA	NA	NA	NA	NA
The application form is user-friendly	2	2	2	2	2	2

Key information/ documents required:

Type of information	FRD	LTR	SD	RD	BCD
Family ties	Yes, T,C R				
Continuous legal residence		Yes, R			Yes, R
Sufficient resources	Yes, T,C R	Yes, T,C R	Yes, T,C R	Yes, T,C R	
Accommodation/Address in territory	Yes, T,C R				Yes, T,C R
Sickness insurance	No	Yes, T,C R	Yes, T,C R	Yes, T,C R	
Work contract (for RD host agreement)				Yes, T,C R	Yes, T,C R
Minimum salary threshold					
Professional qualifications				No	
(Pre-) Integration measures	No	Yes, R			
Pre-departure conditions			No		
Proof no threat to public	Yes, T,C R	Yes, R	Yes, T,C R	Yes, T,C R	Yes, T,C R
Medical examination certificate	No		No	No	No
Valid travel document			Yes, R	Yes, R	Yes, R
Entry visa					Yes, R
Other	Yes, T,C R	Yes, R	R	Yes, T,C R	Yes, R

Note: T = Translation; C = Certified, R = Requirement, i.e. without this proof the application cannot be lodged.

No major practical application issues were identified.

However, it is important to highlight that the application form is only partially translated into English and French and that there is no specific guidance on how to fill it in, which can cause some difficulties as in the form applicants are requested to

indicate the type of permit they are applying for by filling in the number of the relevant article of Law 23/2007.

Furthermore, the application form does not list what documentary evidence is required and the websites of the relevant official entities do not always indicate what specific documents can provide evidence of fulfilment of the necessary requirements nor do they provide guidance on how to obtain the required documentary evidence. Nevertheless, applicants can use other available channels (email, hotlines and help desk of SEF and CNAIM) to obtain more detailed and personalised information and guidance.

2.3 Differences between national statuses and the EU legal migration acquis

Both the LTR and its national equivalent status require 5 years of continuous residence on national territory. However, there are differences in the way these 5 years are calculated: in the case of the LTR for beneficiaries of international protection those 5 years start counting from the moment they request international protection, and for previous holders of an SD permit, the time they hold this permit only counts 50% in the calculation of the 5 years.

In the case of the BCD, the national provision requires that the third-country national has to present a work contract of a duration of no less than one year, with an annual salary of at least 1,5 times the national average gross annual salary (which can be lowered to 1,2 times for specific professions). The national equivalent status does not set any minimum duration for the work contract nor a minimum wage.

3 Application phase

3.1 Legal transposition of the EU legal migration acquis

A non-compliance issue related to the legal transposition of article 18(3) of BCD² was identified, as the national legislation sets the presence of the TCN in national territory as one of the requirements for applying for a residence permit (Article 77 (1) (c) of Law 23/2007) and therefore does not allow for an application for a BCD permit to be submitted while a EU Blue Card holder is still residing in the territory of the first Member State.

3.2 Practical application of the EU legal migration acquis

Applications must be delivered in person by the applicant (or by their employer in the case of the Blue card directive or by the family member in case of family reunification directive) in a delegation of SEF (immigration and borders service) in their area of residence. The presence of the TCN is always required (due to the need to collect biometrics), except for the application for a family reunification residence permit when the family member is not in national territory (in this case the application is submitted by the holder of the right to family reunification) and then later, once the TCN is in national territory, biometrics are collected.

Only one authority, SEF, is involved in the processing of lodged applications and for issuing the permit(s).

The applicant is informed of a decision in writing via registered letter, in person or by fax, email or electronic notification. For notifying the applicant of a decision, the Member State issue one administrative act/decision.

In case of a rejection of the application, the reasons for the rejection are provided in writing, in Portuguese.

If the applicant is the employer rather than the third-country, the third-country national is involved in the application process and s/he notified of the decision

Directive	General	FRD	LTR	SD	RD	BCD	SPD
Application from third country (Q3a)	No						
Permit application and reception in third country	No						
Number of authorities involved in the application	1						
Number of authorities involved in the issuance of the residence permit	1						
Application modalities	In person						
Existence of a standard application form for all statuses	Yes						
Language of the application form	National language(s) English (partially) French (partially)						
Fees charged	81,10	81,10	108,20	81,10	81,10	104,2-108,2	81,10
Other fees charged?	No						
Fees charged for permit issuance	Yes						
Fees charged for renewal / replacement of the permit	81.10EUR (application) + 70.30 (permit)	81.10EUR R (application) + 70.30 (permit)	125EUR Exempt if beneficiary of international protection	81.10EUR R (application) + 70.30 (permit)	81.10EUR R (application) + 70.30 (permit)	104.20EUR R (application) + 99.00 (permit)	81.10EUR (application) + 70.30 (permit)

The processing times are as follows:

Directive	FRD	LTR	SD	RD	BCD	SPD
Processing time /deadlines (according to law)	90 days	183 days	90 days	90 days	60 days	90 days
Processing time (in	NA	NA	NA	NA	NA	NA

No major application issues were identified except for those that derive from the non-compliance issues mentioned above.

The Immigration and Border Service – SEF- is the only authority processing lodged applications and issuing residence permits. Applications must be delivered in person by the applicant (or by their employer in the case of the Blue card directive or by the family member in case of family reunification directive) in a delegation of SEF in their area of residence. In general, the presence of the applicant is required due to the need to collect biometrics.

3.3 Differences between national statuses and the EU legal migration acquis

The deadline to decide on a permit request is longer for the LTR (6 months instead of 90 working days) and the fees (application) are about 25% higher, when compared to the national equivalent.

The national law sets a shorter deadline (66% shorter) for a decision on a request for a BCD residence permit but a longer deadline for a decision on a request for the relevant residence visa, when compared to the BCD national equivalent status. The application fees are about 25% higher for the BCD and only in the case of the BCD the employer can submit the application for a permit.

4 Entry and travel phase

4.1 Legal transposition of the EU legal migration acquis

No major non-compliance issues were identified³.

4.2 Practical application of the EU legal migration acquis

No major practical application issues were identified.

As a rule, TCN are required to hold the correct residence visa (valid for 4 months) in order to enter the country and lodge an application for a residence permit.⁴ There are 7 subtypes of residence visas, according to the reason of stay and therefore the type of residence permit to be requested. The general deadline for granting a residence visa after receiving the application is 60 days (in case of the Blue Card Directive equivalent status and the Research Directive the deadline is reduced to half (30 days)). In case of the family reunification directive, a visa request must be preceded by the approval of a family reunification application lodged by the family member entitled to the right of family reunification.

As the third-country national is not yet in the possession of a residence permit, the Member State issues a visa and has put a specific timeframe for issuing the latter

The employer may be the main applicant but the third-country national needs to request the visa.

The Member State allows third country nationals who hold a valid permit and valid travel document to enter and re-enter their national territory only on the basis of the permit.

³ The conformity assessment of RD for Portugal only indicates which articles were transposed

⁴ In most of the cases, the changes introduced by Law No. 102/2017, will allow third-country nationals that have entered and remained in national territory legally to apply for a residence permit without having to holding "correct" resident visa.

The third-country national is allowed to travel to other Schengen Member States only on the basis of the permit and valid travel document.

The Member State does not impose specific entry requirements to third-country nationals of a visa free country.

Third-country nationals do not encounter any obstacles in practice to leave the third country, transit and/or enter the Member State.

Upon arrival, third-country nationals are required to register with social security institutions and with healthcare providers.

4.3 Differences between national statuses and the EU legal migration acquis

The national law sets a longer deadline (about 50% longer) for a decision on a request for a BCD visa, when compared to the BCD national equivalent status.

5 Post-application phase

5.1 Legal transposition of the EU legal migration acquis

No major non-compliance issues identified⁵.

5.2 Practical application of the EU legal migration acquis

Directive	FRD	LTR	SD	RD	BCD	SPD
Minimum validity of the first permit	Duration as the resident with the right to family reunification	60 months	Duration of the studies if less than one year	12 months	12 months	12 months
Maximum validity of first permit	24 months	60 months	12 months	12 months	12 months	12 months
Minimum validity of permit renewal	NA	NA	NA	NA	NA	NA
Maximum validity of permit renewal	24 months	60 months	12 months	24 months	24 months	24 months

No major application issues were identified.

Generally, from the point of view of the TCN, only one authority – SEF - is involved in the application and permit issuing procedure (during the decision phase, SEF consults other relevant authorities).

The Member State does not have a set timeframe to deliver the permit following the notification of the decision. Nevertheless, in practice, the notification of decision when positive is accompanied by the permit (if the applicant had indicated that he/she wants to receive the permit by post) or by an invitation to collect the permit. Additional charges (to the application fee) are applied for the issuing of the residence permit.

The employer may be the main applicant but is not involved in the delivery of the permit.

5.3 Differences between national statuses and the EU legal migration acquis

No substantial differences between the LTR and BCD and their national equivalents were identified in this phase.

The fees for issuing LTR and BCD permit documents are higher (about 20%) than in the case of their national equivalents.

6 Residency phase

6.1 Legal transposition of the EU legal migration acquis

No major non-compliance issues were identified.

However, the transposition of the article 9 (1) BCD is partially conform as under the national law, the situations set out in (b) and (c) of the article can be a reason for a refusal to renew the EU Blue Card but not for cancellation or withdrawal of such permit.

Additionally, the transposition of the article 12 (4) SPD would require clarification if the exportability of social security benefits acquired in Portugal exists and that those benefits should be granted under the same conditions and at the same rate as for the nationals.

6.2 Practical application of the EU legal migration acquis

a. Use of the permit:

The residence permit is issued using the format as set out in Regulation (EC) No 1030/2002 for residence permits. The permit has a constitutive value. It gives third-country nationals to right to move freely on the Member State’s territory.

The Member State allow third-country nationals holding residence permits from other Member States applying the Schengen acquis (together with a valid travel document) to enter and move freely within its territory.

The permit is required as a legal document for the following other administrative procedures:

Access to education	Access to healthcare	Registration with PES	Fixed telephone subscription	Utility subscription	Open a bank account	Social security registration
	X	X				X

b. Renewals of the permit:

National or EU law imposes a direct or indirect requirement to renew a valid residence document.

The renewal process follows a single procedure, involving one authority. The same authority is involved as in the first application procedure.

c. Change of status and naturalisation

Status changes are possible for most, with the exception of changing from BCD to RD or to BCD national equivalent status and from SPD to LTD or to LTD national equivalent status. With the exception of changing status from BCD to LTD, the procedure for requesting a status change is similar to the first application procedure.

In order to obtain citizenship, the third-country nationals needs to comply with the following conditions:

1. A minor or incapable alien whose parent has acquired Portuguese nationality after his or her birth, may also acquire Portuguese nationality if she/he declares through his legal representatives that she/he wishes to be Portuguese
2. A foreigner who has been married/living in a de facto union for more than three years to a Portuguese national, can acquire Portuguese nationality if she/he declares that she/he wants to be Portuguese
4. Aliens that are adults or "emancipated" under Portuguese law and who have been legally resident in Portuguese territory for at least six years, provided they have sufficient knowledge of the Portuguese language
5. Aliens that are minors under Portuguese law, children of foreigners born in Portuguese territory, provided that one of the parents has been legally residing in Portugal for at least five years, or the minor has completed the first cycle of basic education in Portugal.
6. Adult or emancipated aliens born in Portuguese territory, children of foreigners, who have been residing in Portugal for the 10 years immediately preceding the request.

Provided that none of the following circumstances apply:

- The TCN has no effective connection to the Portuguese community (including no basic knowledge of Portuguese);
- The TCN has been convicted, with a final and non-appealable verdict, for the commission of a crime punishable by a prison sentence of 3 years or more years, according to Portuguese law;
- The TCN has exercised public functions with a non-predominantly technical aspect to a foreign State;
- The TCN has provided non-compulsory military service to a foreign State.

The TCN (or legal representative) can request the Portuguese Nationality in person (Conservatórias do Registo Civil ou extensões da Conservatória dos Registos Centrais) or by post by providing:

- The appropriate form correctly filled in (if the request is done by post);
- Written request addressed to the Portuguese Ministry of Justice, indicating the reasons for the request and any other information considered relevant (in some cases a declaration is sufficient);
- Providing all the required documentary evidence.

The authorities involved in the process of obtaining citizenship are the the Portuguese Ministry of Justice –Instituto dos Registos e Notariado and “Conservatórias do Registo Civil ou extensões da Conservatória dos Registos Centrais”

d. Employment rights on the basis of the permit

In general, a work-related permit is not linked to an individual employer. When changing employer, the third-country national does not need to request a change to the permit.

e. Equal treatment

With regard to identifying labour exploitation, the Member State does not have a specific mechanism in place to monitor the exploitation of third-country nationals although these situations can be verified through the regular labour inspections. Other specific measures in place to prevent labour exploitation of third-country nationals include training actions (such as SEF, PJ and other police and judicial authorities), awareness campaigns, information material (publications on the subject, guides, brochures for raising awareness, etc.), conferences and seminars. This actions aim at discouraging demand for irregular TCN work, increase the likelihood of identification of potential victims of labour exploitation by police officers (but also by the general population), increase the likelihood of people denouncing the potential situations of labour exploitation.

There are also measures to protect victims of labour exploitation, for example the Immigration Act (Act 23/2007 of July 4th, amended by Act 29/2012, Article 109) provides for the granting of residence permits to the TCN that are or have been victims of crimes connected with trafficking in human beings, even if those citizens have illegally entered the country.

f. Integration:

Specific integration procedures and conditions apply to third-country nationals once established on the territory of the Member State. There are no consequences if the third-country national does not participate in these or fails the integration measure.

No major application issues except for those that derive from the non-compliance issues mentioned above.

The residence permit has a constitutive nature and gives the right to TCN to move freely in the Portuguese national territory. While most of public administrative procedures require a residence permit (except for access to education), non-public administrative procedure accept both a valid travel document or a valid residence permit.

The TCN does not have to request a change of status until the moment he/she applies for a renewal of the residence permit (mandatory up to 30 days before the expiry date of the permit). Nevertheless, the TCN might decide to change status when the new status is more favourable to him/her.

6.3 Differences between national statuses and the EU legal migration acquis

No substantial differences between the LTR and BCD and their national equivalents were identified in this phase.

The fees for the renewal of the residence permit document are lower in case of national equivalents; about 66% lower in the case of LTR and 20% in the case of BCD.

7 Intra-EU mobility phase

7.1 Legal transposition of the EU legal migration acquis

Two possible partially conform issues were identified regarding the transposition of the LTR concerning this phase, namely:

Article 15(2)(a), since the determination of the subsistence means is carried out by reference to a minimum absolute threshold and not by reference to a relative threshold.

As mentioned before, the national legislation is not conform with article 18(3) of BCD since it sets the presence of the TCN in national territory as one of the requirements for applying for a residence permit (Article 77 (1) (c) of Law 23/2007) and does not allow for an application for a BCD permit to be submitted while a EU Blue Card holder is still residing in the territory of the first Member State.

7.2 Practical application of the EU legal migration acquis

For short-term mobility, the Member State:

- Does not require the third-country national to notify
- Does not require the third-country national to ask for authorisation.

No major application issues were identified except for those that derive from the non-compliance issues mentioned above.

Conditions and procedures regarding free movement, working and residence differ for mobile third-country nationals and mobile EU citizens who want to move from another Member State to Portugal. Mobile EU citizens have no obligation to declare their entrance into national territory within 3 days (while mobile third-country nationals do) and do not have to request a residence permit (as mobile third-country nationals do) if they stay in national territory for more than 3 months, but instead they have to submit their Registration Certificate in the municipality of residence.

7.3 Differences between national statuses and the EU legal migration acquis

In case a TCN holds a LTR permit issued by another EU Member State, he/she can apply for a specific residence permit ("Residence Permit for Holders of Long-Term Residence Status in Another EU Member State"), which allows the TCN to reside in Portugal for more than 3 months as long as the TCN has a professional activity as an employee, is self-employed, attends a program of studies or of vocational training, or presents a reason to settle in national territory. In this case there is no requirement to have basic knowledge of Portuguese and the deadline for a decision on the request for permit is 3 months instead of 6 months (plus 3 months if the process is complex).

8 End of legal stay / leaving the EU phase

8.1 Legal transposition of the EU legal migration acquis

No major non-compliance issues were identified.

8.2 Practical application of the EU legal migration acquis

There are no specific procedures in place for third-country nationals who choose to leave the Member State and when living the country, they do not have to:

- De-register from national / local registers
- Return the residence permit
- Leave responsible authorities with an address in the next country of residence

The Member State allows third-country nationals to export certain social security benefits. TCN always keep the social security benefits acquired in Portugal (related to pension, disability and survivors' benefits, provided that the minimum period of contribution has been met). Whether and what benefits can be exported to a third country depends on the specificities of the bilateral agreements with that country, and may or not include the unemployment benefit, the retirement pension, the amount of year worked (in order to calculate the retirement age and/or the amount of pension, etc.)

Information on the portability of social security benefits is not easy to find and not clear.

A third-country national residing in the Member State is allowed to be absent from the territory for a maximum of 365 (LTR) days before s/he loses the residence permit and/or right to stay. The absence of third-country national is not monitored by the Member State.

The Member State does not have measures or a scheme in place to allow circular migration.

The TCN keeps the right to reside in Portugal up to 6 months after the expiry date of the residence permit. Therefore:

- if the TCN applies for the renewal of the permit within the first six months after the expiry date of the permit, he/she must pay only a financial sanction for not requesting the renewal of the permit within the legal period (between €75 a €300).

- if after 6 months of the expiry date of the residence permit the TCN does not regularize his/her situation, the TCN has to pay a financial sanction for overstaying (between € 80 and € 700, depending on the number of days the TCN has overstayed his/her right to reside in Portugal) and the residence permit may be cancelled leading to a notification for the TCN to leave national territory voluntarily within a specified deadline (usually between 10 and 20 days, but can be more depending on the circumstances). If the TCN does not leave the country voluntary within the specified period then there might be a coercive return or expulsion of the TCN.

The TCN can always appeal against the decision.

No major application issues were identified.

8.3 Differences between national statuses and the EU legal migration acquis

No substantial differences between the LTR and BCD and their national equivalents were identified in this phase.

The LTR allows for a longer period of absence from national territory, when compared to its national equivalent, as long as the TCN stays in EU territory for a significant part of the period of absence.

9 Main findings and conclusions – state of practical implementation of EU legal migration legislation in the Member State

Only a few issues were identified regarding the practical implementation of the EU legal migration legislation in Portugal and those are mostly related to conformity issues of the transposition of the EU legal migration acquis regarding:

the determination of the subsistence means, which in Portugal is carried out by reference to a minimum absolute threshold and not by reference to a relative threshold as required by most of the directives.

the required presence of the TCN in national territory at the moment of submission of an application for a residence permit (Article 77 (1) (c) of Law 23/2007), which does not allow for an application for a BCD permit to be submitted while a EU Blue Card holder is still residing in the territory of the first Member State.

Regarding the pre-application and preparation phases, it is important to highlight that the information available is generally very succinct and presented in a legalistic way without further guidance, and that the application form is only partially translated into English and French and that there is no specific guide on how to fill it in. Nevertheless, applicants can use other available channels (email, hotlines and help desks of SEF and CNAIM) to obtain more detailed and personalised information and guidance.

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