Portuguese Immigration Legal System

A Generic Overview

Main Topics

- General Principals
- Applicable Diplomas
- Types of Visas and Residence Authorization
  - Asylum or Subsidiary Protection
  - Process, Responsible Entities and Steps
  - Dublin Regulation

Constitutional Principles

Portuguese Constitution

- Article 13 n.º 1 - "all citizens (…) are equal in the face of the law"
- Article 15 n.º 1 - "foreign in Portugal (…) same rights and same duties"
- Article 18 n.º 1 – "rights, freedoms and guarantees are directly applicable" – Full force
- Article 33 n.º 8 – "Right of asylum for foreigners and stateless persons"

Administrative Principles

Administrative Procedure Code

- Article 6 – "Principle of equality"
- Article 9 – "Principle of impartiality"
- Article 12 – "Principle of participation"
- Article 13 – "They have a duty to decide on all matters within their competence that are submitted to them" – Principle of the Decision
- Right to information – Articles 82 to 85
- Articles 121 and 122 – Prior hearing of the interested parties

Immigration Law

- **Law no. 23/2007, of 4 July** — "Entry, Stay, Exit and Removal of Foreigners from National Territory."
- **Law no. 27/2008, of 30 June** — "Granting of Asylum or Subsidiary Protection."
- **Law no. 73/2021, of 12 November** — "Approves the restructuring of the Portuguese border control system."
- **Decree-Law no. 41/2023, of 2 June** — "Agency for Integration, Migration and Asylum, I.P. (AIMA)."
- **Law no. 37/81, of 3 October** — "Nationality Law" (and Decree-Law no. 237-A/2006, of 14 December that regulates the Nationality Law"
- **Regulatory Decree no. 84/2007, of 5 November** — "Regulates the legal framework on the entry, stay, exit and removal of foreigners."
- **Law no. 37/2006, of 9 August** — "Regulates the free movement and residence of EU citizens and their family members in national territory."

Types of Residence and Visa

D-Visas

- D1 – Job Seeking Visa
- D2 – Entrepreneur/Freelancer Visa
- D3 – Highly Qualified Worker
- D4 – Student Visa
- D5 – International Student Visa
- D6 – Family Regroup Visa
- D7 – Retirement/Passive Income Visa
- D8 – Digital Nomad Visa

Other Residence Authorizations:

- EU Citizen Residence Certificate
- EU/Portuguese Family Member Residence Card (Article 15 Law no. 37/2006)
- CPLP Residence Authorization
- Residence by Investment (Golden Visa)
- Special Situations Article 122 (Law n.º 23/2007)

Asylum Or Subsidiary Protection

Law no. 27/2008, of 30 June

Refugee Status (Article 3.º – Asylum Law)

Subsidiary Protection (Article 7.º - Asylum Law)



Exclusion Causes

- Article 9.º Asylum Law – Impediments
- Revocation Motives

Who decides? Who to ask? How to ask?

- AIMA (Agency for Integration, Migration and Asylum
- CNAR (National Centre for Asylum and Refugees)
- Decision-making authority: AIMA's Board of Directors

1. **How to Request?**

   Oral or Written – As soon as possible (article 13.º AL)

2. **Where to ask?**

   CNAR; Police or at a boarder control station

3. **What then?**

   Filling the preliminary inquiry, providing identification and travel documents and collect biometric information

Process Steps

- Step 1 – Admission of the application, hearing and instruction

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- Step 2 – Decision
  - Approval (temporary residence 6months, followed by residence card; or
  - Refusal (order to leave the country)



Worth Mentioning

Dublin Regulation

Thank You

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