

ILA Committee on International Migration and International Law

Second interim report – Rights to stay and while staying

Country review

February 2026

*For each question, please pinpoint the relevant **domestic normative framework** on the issue (laws, regulations, ordinances, etc.) and any relevant **domestic practice, including case-law**, if applicable, **providing the links for the respective online databases**. Any comments on the effectiveness of the regulatory framework in place are welcome, including on legislative proposals for amendments that are being discussed in the country under review.*

Country under review: Portugal

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Please indicate the treaties to which the country under review is a party.

UN system treaties:

Treaty	Signed	Ratified
Convention relating to the Status of Refugees		X
1967 Protocol to the Convention relating to the Status of Refugees		X
1954 Convention relating to the Status of Stateless Persons		X
1961 Convention on the Reduction of Statelessness		X
International Covenant on Civil and Political Rights (ICCPR)	X	X
First Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR)	X	X
International Covenant on Economic, Social and Cultural Rights (ICESCR)	X	X
Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR)	X	X

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW)		
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	X	X
Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	X	X
International Convention for the Elimination of All Forms of Racial Discrimination (ICERD)		X
Optional Protocol to the International Convention for the Elimination of All Forms of Racial Discrimination (ICERD)	X	X
International Convention for the Elimination of All Forms of Discrimination against Women (CEDAW)	X	X
Optional Protocol to the International Convention for the Elimination of All Forms of Discrimination against Women (CEDAW)	X	X
Convention on the Rights of the Child (CRC)	X	X
Optional Protocol to the Convention on the Rights of the Child (CRC) on the sale of children, child prostitution and child pornography	X	X
Optional Protocol to the Convention on the Rights of the Child (CRC) on the involvement of children in armed conflict	X	X
Optional Protocol to the Convention on the Rights of the Child (CRC) on a communications procedure	X	X
Convention on the Rights of Persons with Disabilities (CRPD)	X	X
Optional Protocol to the Convention on the Rights of Persons with Disabilities (CRPD)	X	X
ILO Forced Labour Convention (No. 29)		X
2014 Protocol to the ILO Forced Labour Convention (No. 29)		X
ILO Migration for Employment Convention (Revised) (No. 97)		X
ILO Equal Remuneration Convention (No. 100)		X

ILO Discrimination (Employment and Occupation) Convention (No. 111)		X
ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)		X

Regional treaties:

Treaty	Signed	Ratified
African Charter on Human and Peoples' Rights (ACHPR)		
Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights		
Convention governing the Specific Aspects of Refugee Problems in Africa		
African Charter on the Rights and Welfare of the Child		
African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)		
Protocol to the African Charter on Human and Peoples' Rights Relating to the Specific Aspects of the Right to a Nationality and the Eradication of Statelessness in Africa		
European Convention on Human Rights (ECHR)	X	X
Protocols to the European Convention on Human Rights (list which ones):		1, 4, 6, 7, 11, 12, 13, 14, 15
European Social Charter (ESC)	X	X
European Convention on the Legal Status of Migrant Workers	X	X
Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)	X	X
American Convention on Human Rights (ACHR)		

Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador)		
Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará)		
Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities		
Inter-American Convention against Racism, Racial Discrimination and related Forms of Intolerance		
Inter-American Convention against All Forms of Discrimination and Intolerance		
Inter-American Convention Protecting the Human Rights of Older Persons		

*If available, please provide a list of **other multilateral and bilateral treaties** to which the country under review is a party. If it is not possible to list all of them, please indicate any others that you find relevant in the field of migration:*

Treaties of Friendship and Cooperation

- Portugal and Spain: Tratado de Amizade e Cooperação entre a República Portuguesa e o Reino de Espanha
- Portugal and Cape Verde: Tratado de Amizade e Cooperação entre a República Portuguesa e a República de Cabo Verde
- Portugal and Argelia: Tratado de Amizade, Boa Vizinhança e Cooperação entre a República Portuguesa e a República Democrática e Popular da Argélia
- Portugal and Tunisia: Tratado de Amizade, Boa Vizinhança e Cooperação entre a República Portuguesa e a República Tunisina
- Portugal and Brasil: Tratado de Amizade, Cooperação e Consulta entre a República Portuguesa e a República Federativa do Brasil
- Portugal and Morocco: Tratado de Amizade, Boa Vizinhança e Cooperação entre a República Portuguesa e o Reino de Marrocos

Partnership and Cooperation Agreement between the European Union and its Member States, on the one hand, on the other:

- Republic of Singapore <https://www.ministeriopublico.pt/instrumento/acordo-de-parceria-e-cooperacao-entre-uniao-europeia-e-os-seus-estados-membros-por-um-0>
- Cuba: <https://www.ministeriopublico.pt/instrumento/acordo-de-dialogo-politico-e-de-cooperacao-entre-uniao-europeia-e-os-seus-estados>

Part I – Rights to stay

1. What is the general structure of the visa and migratory permits system in the reviewed state?

For example, some countries such as China have both visa and residence permit. In Australia, only visa is required and there is no separate permit requirement. Visa conditions may be imposed.

Within the field of Portuguese immigration law, the primary legislative instruments are:

- the Immigration Act (*Law no. 23/2007, of 4 July*);¹⁴⁹⁵ and
- Regulatory Decree no. 84/2007, of 5 November.¹⁴⁹⁶

Pursuant to Article 4 of the Immigration Act (IA), the above framework applies to foreign nationals and stateless persons. Nevertheless, and without prejudice to its subsidiary application where relevant, the IA does not apply to:

- EU/EEA citizens, and nationals of a third State with which Portugal has concluded an agreement providing for the free movement of persons;
- refugees, beneficiaries of subsidiary protection, and beneficiaries of temporary protection; and
- third-country nationals (TCNs)¹⁴⁹⁷ who are family members of a Portuguese citizen, an EU/EEA citizen, or a refugee (in the broad sense).

Portuguese immigration law distinguishes between two principal legal instruments governing entry and stay: visas (*vistas*) and residence permits (*autorizações de residência*).

Under Article 10(2) of the IA, a visa entitles its holder to present themselves at a border post and to request entry into Portugal. It is important to note that, pursuant to Article 10(1), foreign nationals seeking entry into Portuguese territory must hold a valid visa appropriate to the purpose of their travel.

Visas may be issued either:

- abroad, through Portuguese consular authorities, or

¹⁴⁹⁵ Law no. 23/2007, of July 4th, available at <https://diariodarepublica.pt/dr/legislacao-consolidada/lei/2007-67564445>

¹⁴⁹⁶ Available at <https://diariodarepublica.pt/dr/legislacao-consolidada/decreto-regulamentar/2007-116373592>

¹⁴⁹⁷ The Schengen Borders Code (Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 establishing a Union Code on the rules governing the movement of persons across borders) provides, in Article 2(6), that: “third-country national” means any person who is not a Union citizen within the meaning of Article 20(1) TFEU and who is not covered by point 5 of this Article”.

- at border posts, in the cases expressly provided for by law.

Article 45 of the IA provides for five categories of visas that may be granted abroad through Portuguese consular representations, namely:

1. Airport transit visa: the airport transit visa enables its holder, when undertaking an international connection, to access solely the international transit area of the airport. The individual must then proceed with their journey on the same or another aircraft, in accordance with the relevant transport document.
2. Short-stay visa: The short-stay visa is intended to permit entry into Portuguese territory for purposes which, although accepted by the competent authorities, do not justify the issuance of another category of visa. The visa may be issued with a validity of up to one year, for one or multiple entries. However, the uninterrupted duration of stay, or the total duration of successive stays, may not exceed 90 days within any 180-day period, counted from the date of the first crossing of an external border.
3. Temporary stay visa: The temporary stay visa authorises entry and stay in Portuguese territory for a period of less than one year.
4. Visa for obtaining a residence permit (residence visa): The residence visa enables its holder to enter Portugal for the purpose of submitting an application for a residence permit. This visa is valid for two entries and permits the holder to remain in Portuguese territory for a period of four months.
5. Qualified job-seeker visa: The qualified job-seeker visa may be granted to individuals holding specialised technical skills, allowing them to enter and remain in Portugal for the purpose of seeking qualified employment. It is issued for a period of 120 days, renewable for a further 60 days, and permits one entry into Portugal.

Article 66 of the IA provides for two categories of visas which may, in limited circumstances, be issued at border posts:

- 1) Short-stay visa (exceptional issuance at the border): At border posts subject to control, a short-stay visa may exceptionally be granted for a maximum period of 15 days to a foreign national who, due to unforeseen circumstances, was unable to apply for a visa before the competent authority. For such purposes, the applicant must:
 - hold a valid travel document permitting border crossing;
 - demonstrate possession of sufficient means of subsistence, as required under national law;
 - not be listed in the Schengen Information System, nor included in the national list of non-admissible persons; and
 - not constitute a threat to public order, national security, or the international relations of any EU Member State.
- 2) Special visa: On humanitarian grounds, or on grounds of national interest, recognised by ministerial order of the Minister of Internal Administration, a special visa may be granted to

foreign nationals who do not otherwise fulfil the legal requirements for entry and temporary stay in Portugal. This visa is valid exclusively for Portuguese territory.

A residence permit authorises the foreign national to reside lawfully in Portuguese territory, and the competent authority issues a corresponding residence title (*título de residência*).

Under Article 74 of the IA, residence permits are classified as:

- temporary residence permits; and
- permanent residence permits.

A temporary residence permit is valid for a period of two years, counted from the date of issuance of the relevant residence title, and is renewable for successive periods of three years.

Subject to any special regimes that may apply, the general cumulative requirements for the grant of a temporary residence permit, under Article 77 of the IA, include:

- possession of a valid residence visa, or a qualified job-seeker visa;
- absence of any fact which, had it been known to the competent authorities, would have prevented the granting of the visa;
- presence within Portuguese territory;
- sufficient means of subsistence, as defined by ministerial order (*portaria*);
- adequate accommodation;
- registration with social security, where applicable;
- no conviction for an offence punishable in Portugal by a custodial sentence exceeding one year;
- not being subject to an entry and stay ban, following a removal measure;
- no alert in the Schengen Information System; and
- no alert in the national internal information system (SII UCFE) for the purposes of refusing entry, stay, or return.

A permanent residence permit is not subject to a fixed period of validity. However, pursuant to Article 76 of the IA, the residence title must be renewed every five years, or whenever there is a change in the personal identification details recorded on the document.

Under Article 80 of the IA, the cumulative requirements for the grant of a permanent residence permit include:

- holding a temporary residence permit for at least five years;
- during the last five years of lawful residence in Portugal, not having been convicted of a sentence (or sentences) which, individually or cumulatively, exceeds one year of imprisonment, even where execution has been suspended, particularly in cases involving:
 - an intentional offence provided for under the IA or connected thereto;
 - terrorism-related offences; or

- violent crime, especially violent crime or highly organised crime;
- possession of sufficient means of subsistence, as defined by *portaria*;
- possession of suitable accommodation; and
- evidence of basic knowledge of the Portuguese language.¹⁴⁹⁸

It should be emphasised that the transition from a temporary residence permit to permanent residence is neither automatic nor mandatory. Provided that the relevant statutory requirements continue to be satisfied, a foreign national may renew their temporary residence permit indefinitely, through successive renewals.

Conversely, where an individual seeks permanent residence, and meets the legal and regulatory conditions, they must submit an application for the grant of a permanent residence permit, which is distinct from, and cannot be treated as, a mere renewal of temporary residence status.

2. What are the categories of migratory status that allow a non-national to reside for more than three months within the reviewed state? Please provide a brief overview of these categories.

For example, visa/permit for labour reasons, for educational reasons, health reasons, among others.

For example, in Australia, permanent resident visas (PR) include: family visas (child, parents, partner), business visas, employer sponsored visas, skilled visas and refugee visas. Temporary visas (TR) include student visas and employer sponsored visas, and etc. There are also bridging visas in addition to PR and TR.

As a general matter, a foreign national may remain lawfully in Portuguese territory for a period exceeding three months either on the basis of a visa (where the relevant visa category permits a stay beyond 90 days) or on the basis of a residence permit (*autorização de residência*).

Leaving aside the specific regime relating to the extension of short-stay visas, the main visa categories that enable foreign nationals to remain in Portugal for the purpose of residence for a limited period are as follows.

¹⁴⁹⁸ Proof of basic knowledge of Portuguese may be evidenced by one of the following documents: an educational qualification certificate issued by a Portuguese public educational institution, or by a private or cooperative educational institution legally recognised in Portugal; a certificate of successful completion of a basic Portuguese language course issued by the IEFP (Institute for Employment and Vocational Training), or by a public educational institution, or by a legally recognised private or cooperative educational institution; or a certificate attesting basic knowledge of Portuguese, obtained through the completion of a language test at a Portuguese as a Foreign Language assessment centre recognised by the Ministry of Education, in accordance with Article 64(1)(e) of Regulatory Decree no. 84/2007, of November 5th. Furthermore, Article 64(2) of the same Regulatory Decree provides that basic knowledge of Portuguese may also be demonstrated by an educational qualification certificate issued by a public educational institution, or by a legally recognised private or cooperative educational institution, in a Portuguese-speaking country, where the applicant has attended such an institution. Further information in: *Legispédia de Estrangeiros e Fronteiras*, available at <https://sites.google.com/site/leximigratoria/artigo-80-o-concessao-e-renovacao-de-autorizacao-de-residencia-permanente>

1. Temporary stay visa (*visto de estada temporária*)

As previously noted, the temporary stay visa enables its holder to enter and remain in Portuguese territory for a period of up to one year, for one of several legally recognised purposes, including in particular:

- medical treatment in public healthcare establishments or those officially recognised for such purposes;
- the transfer of nationals of States party to the World Trade Organization, in the context of the provision of services or professional training in Portuguese territory;
- the exercise in Portugal of an independent professional activity (including self-employed professionals and service providers);
- the pursuit in Portugal of scientific research at research centres, teaching activities in higher education institutions, or other highly qualified activities, where the duration is less than one year;
- the pursuit of amateur sporting activities, certified by the relevant federation, provided that the club or sporting association assumes responsibility for accommodation and healthcare;
- remaining in Portuguese territory for periods exceeding three months for the purpose of attending a study programme, participating in a student exchange, undertaking an unpaid professional internship, engaging in volunteering, or fulfilling international commitments in the context of the WTO or arising from international conventions and agreements to which Portugal is a party, notably within the scope of the freedom to provide services;
- accompanying a family member undergoing medical treatment;
- accompanying a family member holding a temporary stay visa, except where that visa was issued for the purpose of seasonal work;
- the exercise of subordinate or independent work performed remotely for an individual or legal entity domiciled or headquartered outside Portugal (commonly referred to as the digital nomad regime);
- seasonal work for a period exceeding 90 days but not exceeding nine months; and
- attending a course at an educational establishment or participating in vocational training.

2. Job-seeker visa (*visto para procura de trabalho*)

Until 22 October 2025, any foreign national, regardless of their professional category, could apply for a job-seeker visa through a Portuguese consular office. However, with effect from 23 October 2025,¹⁴⁹⁹ legislative amendments entered into force restricting access to this visa category to so-called highly qualified workers, defined as foreign nationals holding specialised

¹⁴⁹⁹ Law no. 61/2025, of October 22nd, available at <https://diariodarepublica.pt/dr/detalhe/lei/61-2025-941547426>

technical skills, to be further specified by ministerial order (*portaria*) of the Government members responsible for foreign affairs, migration, education and labour.¹⁵⁰⁰

3. Residence visa (visto de residência)

A residence visa is designed to enable its holder to enter Portuguese territory for the purpose of applying for a residence permit. It typically allows two entries and is valid for a period of 120 days. During that period, the visa holder is required to submit an application for a residence permit before AIMA, I.P. (the Agency for Integration, Migration and Asylum).¹⁵⁰¹ Types of residence visas:¹⁵⁰²

PURPOSE	TYPE OF VISA
Retired	Residency visa for retirement purposes, religious purposes or for people living from passive income.
People living from passive income	
Religious training within a religious congregations	

PURPOSE	TYPE OF VISA
Subordinate work	Residency visa for subordinate work purposes
Remote Work / Digital Nomad	Residency visa for the exercise of a professional activity done remotely - "digital nomads"
Independent work	Residency visa for independent work purposes or entrepreneurs
Entrepreneurs	
Highly qualified activity	Residency visa for higher education teaching purposes, highly qualified activity or cultural purposes, as well as, highly qualified subordinate activity.
Higher education teaching / Professorial activity	
Highly qualified subordinate activity	
Sports activities	Residency visa for subordinate work purposes.

¹⁵⁰⁰ As of 14 January 2026, the ministerial order (Portaria) intended to define the highly qualified professions enabling highly qualified applicants to apply for the qualified job-seeker visa in Portugal had not yet been published.

¹⁵⁰¹ AIMA, I.P. refers to the Agency for Integration, Migration and Asylum (*Agência para a Integração, Migrações e Asilo*). Further information is available on its official website: <https://aima.gov.pt/pt>

¹⁵⁰² Summary available at: <https://vistos.mne.gov.pt/en/national-visas/general-information/type-of-visa#fixed-residency>

PURPOSE	TYPE OF VISA
Research	Residency visa for research, study, high-school student exchange, internship and volunteer work purposes.
Secondary education	
Bachelor's Master's PhD Post-Doc	
Mobility program / Exchange program	
Religious person undertaking studies in a recognized institution.	

PURPOSE	TYPE OF VISA
Professional training	Residency visa for research, study, high-school student exchange, internship and volunteer work purposes.
Unpaid internship	
Volunteer work	

PURPOSE	TYPE OF VISA
Family regrouping (prior AIMA consent required)	Residency visa for family reunification purposes
For accompanying family member	Residency visa for accompanying family member applying for a residence visa

Residence visas are also referred to within the Portuguese consular network as Category D visas (*vistos de categoria D*). Below a summary table:¹⁵⁰³

TYPES OF RESIDENCE VISA	OBJECTIVES
D1	Subordinate Work Activity
D2	Independent Work Activity or Entrepreneurship
D3	Professional Activity, Highly Qualify Activity and Cultural Activity
D4	Students exchange, Internship and Volunteer work
D5	Research and Higher Education Students
D6	Family Reunification
D7	Fixed residency for retirement purposes, religious purposes or people living out from individual revenues
D8	Digital Nomads
D9	Investment

¹⁵⁰³ Table prepared by the Author Emellin de Oliveira.

As previously explained, Portuguese law recognises two principal categories of residence permit: temporary residence permits; and permanent residence permits.

In practice and depending on the legal basis of the individual's stay, legislation establishes more specific residence permit sub-types, each with its own eligibility criteria and procedural requirements.

As of January 2026, the relevant sub-categories of residence permits under the IA include, inter alia, the following:

- Article 77 - General conditions for the grant of a temporary residence permit.
- Article 88 - Residence permit for subordinate employment.¹⁵⁰⁴
- Article 89 - Residence permit for independent professional activity or immigrant entrepreneurs.
- Article 90 - Residence permit for teaching activities, highly qualified activity, or cultural activity.
- Article 90-A - Residence permit for investment activity.
- Article 91 - Residence permit for higher education students.¹⁵⁰⁵
- Article 91-A - Mobility of higher education students.¹⁵⁰⁶
- Article 91-B - Residence permit for researchers.¹⁵⁰⁷
- Article 91-C - Mobility of researchers.¹⁵⁰⁸
- Article 92 - Residence permit for students (general).¹⁵⁰⁹
- Article 93 - Residence permit for interns.¹⁵¹⁰
- Article 94 - Residence permit for volunteers.¹⁵¹¹
- Article 98 - Right to family reunification.¹⁵¹²

¹⁵⁰⁴ Transposition of the Directive (EU) 2024/1233 on a single application procedure for a single permit for non-EU nationals to reside and work in a Member State and on a common set of rights for non-EU workers legally residing in a Member State, available at: <https://eur-lex.europa.eu/EN/legal-content/summary/non-eu-workers-a-single-permit-for-residence-and-work-in-the-eu-2026.html>

¹⁵⁰⁵ Transposition of the DIRECTIVE (EU) 2016/801 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016L0801>

¹⁵⁰⁶ Idem Note no. 10.

¹⁵⁰⁷ Idem Note no. 10.

¹⁵⁰⁸ Idem Note no. 10.

¹⁵⁰⁹ Idem Note no. 10.

¹⁵¹⁰ Idem Note no. 10.

¹⁵¹¹ Idem Note no. 10.

¹⁵¹² Transposition of the COUNCIL DIRECTIVE 2003/86/EC of 22 September 2003 on the right to family reunification, available at: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:251:0012:0018:en:PDF>

- Article 109 - Residence permit for victims of human trafficking or of facilitation of Illegal immigration.¹⁵¹³
- Article 116 - Right of residence of long-term residents in another EU Member State.
- Article 121 - EU Blue Card residence permit.¹⁵¹⁴
- Article 122 - Residence permit with waiver of the residence visa requirement.
- Article 123 - Exceptional regime.
- Article 123-A - Special regime for relocation of undertakings.
- Article 124-A - Residence permit for intra-corporate transferees (ICT).¹⁵¹⁵
- Article 125 - Long-term resident status.¹⁵¹⁶

It is further relevant to note that Portugal applies a specific visa regime¹⁵¹⁷ to nationals of a State in which the Agreement on Mobility between the Member States of the Community of Portuguese-Speaking Countries (CPLP), signed in Luanda on 17 July 2021, is in force.¹⁵¹⁸

Under this regime, CPLP nationals are exempt from presenting proof of means of subsistence, provided that they submit one of the recognised alternative forms of evidence, namely:

- a term of responsibility signed by the host entity, for interns or workers, or by the organisation responsible for student exchange or volunteering programmes; or
- a term of responsibility, with signature duly recognised, signed by a Portuguese citizen or a qualified foreign national holding a lawful residence document in Portugal, guaranteeing the visa applicant's food and accommodation, and covering potential removal costs in the event of irregular stay, accompanied by:
 - the sponsor's income tax return (for the previous year); and
 - the sponsor's bank statement (covering the previous three months).

Applicants admitted to a higher education institution are not required to demonstrate means of subsistence.

¹⁵¹³ Transposition of the Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, available at: <https://eur-lex.europa.eu/EN/legal-content/summary/residence-permit-for-victims-of-human-trafficking.html>

¹⁵¹⁴ Transposition of the Directive (EU) 2021/1883 – conditions of entry to and residence in the European Union of non-EU nationals for the purpose of highly qualified employment, available at: <https://eur-lex.europa.eu/legal-content/PT/TXT/PDF/?uri=CELEX:32021L1883>

¹⁵¹⁵ Transposition of the DIRECTIVE 2014/66/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intracorporate transfer, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014L0066>

¹⁵¹⁶ Transposition of the Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02003L0109-20110520>

¹⁵¹⁷ Available at: <https://vistos.mne.gov.pt/en/national-visas/necessary-documentation/cplp-en>

¹⁵¹⁸ Mobility Agreement signed in Luanda on 17 July 2021: <https://files.dre.pt/ls/2021/12/23700/0000400014.pdf>

In addition to the above, Portuguese law has introduced a specific residence permit applicable to CPLP nationals, commonly referred to as the AR CPLP. When this mechanism was first introduced in 2022, the categories eligible to apply for AR CPLP included:

- holders of short-stay visas;
- holders of temporary stay visas; and
- CPLP nationals who had entered Portugal lawfully, even where they did not hold a residence visa.

Following the legislative amendments that entered into force in October 2025, eligibility for AR CPLP was restricted. As from that date, only nationals of Portuguese-speaking States who hold a residence visa became eligible to apply for the AR CPLP.

3. What is the existing legal framework for granting international protection (refugee status, humanitarian visas, among others) to non-nationals in the state under review? Please indicate what legal pathways are available and briefly describe them.

Portuguese Asylum Law establishes the substantive conditions and procedural rules governing the grant of asylum and subsidiary protection, as well as the legal status of asylum applicants, refugees, and beneficiaries of subsidiary protection.¹⁵¹⁹

Pursuant to Article 3(1) and (2) of the Asylum Law, the right to asylum is guaranteed to foreign nationals and stateless persons who are persecuted, or seriously threatened with persecution, as a consequence of activities carried out in the State of their nationality or habitual residence in support of democracy, national and social liberation, peace between peoples, freedom, and fundamental human rights.¹⁵²⁰

The right to asylum is also granted to foreign nationals and stateless persons who, owing to a well-founded fear of persecution on grounds of race, religion, nationality, political opinion, or membership of a particular social group, are unable, or due to such fear unwilling, to return to the State of their nationality or habitual residence.

Under Article 7 of the Asylum Law, a residence permit based on subsidiary protection may be granted to foreign nationals and stateless persons who do not fall within the scope of the asylum provisions, but who are prevented or unable to return to their country of nationality or habitual residence, either due to a systematic violation of human rights in that country, or because they face a risk of suffering serious harm.^{1521 1522} “Serious harm” includes, in particular:

¹⁵¹⁹ Law no. 27/2008, of June 30th, available at: <https://diariodarepublica.pt/dr/legislacao-consolidada/lei/2008-74902145>

¹⁵²⁰ Also on Article 33(8) of the Constitution of the Portuguese Republic, available at: <https://diariodarepublica.pt/dr/legislacao-consolidada/decreto-aprovacao-constituicao/1976-34520775-43894075>

¹⁵²¹ Transposition of the Directive 2011/95/EU – common standards for the qualification and international protection of refugees and stateless persons (recast), available at: <https://eur-lex.europa.eu/EN/legal-content/summary/refugees-and-stateless-persons-common-standards-for-qualification-until-2026.html>

¹⁵²² The REGULATION (EU) 2024/1347 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 May 2024 (Qualification Regulation) replaces the Qualification Directive. This Regulation shall apply from 1 July 2026. Available at: <https://www.refworld.org/legal/reglegislation/council/2024/en/148003>

- the death penalty or execution;
- torture or inhuman or degrading treatment or punishment of the applicant in the country of origin; or
- a serious and individual threat to the applicant's life or physical integrity arising from indiscriminate violence in situations of international or internal armed conflict, or from widespread and indiscriminate violations of human rights

The international protection procedure^{1523 1524} in Portugal generally comprises two main stages:

1. the Admissibility Stage (*fase de admissibilidade*); and
2. the Merits/Instruction Stage (*fase de instrução*), which takes place within Portuguese territory.

The admissibility stage may take place either at a border post or within national territory, depending on where the application for international protection is lodged.

• Application lodged at a border post:

- i. Following the submission of the application, the applicant remains in the international zone of the port or airport pending notification of the decision issued by the Board of Directors of AIMA, I.P.¹⁵²⁵
- ii. The Board of Directors of AIMA, I.P., must issue a reasoned decision within a maximum period of seven days.
- iii. The decision adopted by the Board of Directors is subject to judicial challenge before the administrative courts within four days, with suspensive effect.

• Application lodged within national territory

- iv. A foreign national or stateless person who enters Portuguese territory with the intention of seeking international protection must submit the application without delay to AIMA, I.P., or to any other police authority, either in writing or orally (in which case a formal record must be drawn up).
- i. AIMA, I.P., must register the application for international protection within three working days of its submission.
- ii. Within three days of registration, the applicant is provided with a document confirming the submission of the application, which simultaneously attests that the applicant is authorised to remain lawfully in Portuguese territory while the application remains pending.

¹⁵²³ Transposition of the DIRECTIVE 2013/32/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 26 June 2013 on common procedures for granting and withdrawing international protection (recast), available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013L0032>

¹⁵²⁴ The Asylum Procedure Regulation replaces the Asylum Procedure Directive. The Regulation shall apply from 12 June 2026. Available at <https://www.refworld.org/legal/reglegislation/council/2024/en/148004>

¹⁵²⁵ See Note no. 7.

- v. Upon receipt of the application, AIMA, I.P., must immediately notify the applicant to provide statements within a period of two to five days, so as to enable the applicant to set out the circumstances underpinning the claim.
- vi. The Board of Directors of AIMA, I.P., is responsible for issuing a reasoned decision on manifestly unfounded and inadmissible applications within 30 days from the date of submission of the application.
- vii. In the absence of a decision within the statutory time limit referred to above, the application is deemed admissible. In respect of applications that are not unfounded, the Board of Directors issues a formal admissibility decision.

Where an application for international protection is admitted, the procedure proceeds to the merits stage.

- i. AIMA, I.P., issues the applicant with a provisional residence permit, valid for six months from the date of the admissibility decision, renewable until a final decision is adopted.
- ii. Article 28 of the Asylum Law provides that the instruction stage should be concluded within six months, and may, in cases of particular complexity, be extended up to nine months. The applicant must be informed of any extension and, upon request, of both the reasons for the delay and the expected timeframe for a decision. Notwithstanding the statutory framework, in practice this stage has frequently lasted approximately two years on average.
- iii. Upon completion of the instruction stage, AIMA, I.P. prepares a reasoned proposal recommending either the grant or refusal of international protection. The content of the proposal is notified to the applicant, who may submit observations within 10 days.
- iv. The duly reasoned proposal is then submitted by AIMA, I.P. to the Government member responsible for migration policy within 10 days.
- v. The Government member responsible for the migration portfolio must decide within eight days from the date of submission of the proposal. AIMA, I.P. must notify the applicant of the decision in a language the applicant understands or can reasonably be presumed to understand.
- vi. The final decision is subject to judicial challenge before the administrative courts within 15 days, with suspensive effect.

It is important to note that a single application for international protection in Portugal typically entails the examination: whether the applicant qualifies for refugee status; and where refugee status is not granted, whether the applicant qualifies for subsidiary protection.

Under Article 67(1), beneficiaries of refugee status are granted a residence permit valid for an initial period of five years, renewable for equal periods.

Under Article 67(2), beneficiaries of subsidiary protection are granted a residence permit based on subsidiary protection valid for an initial period of three years, renewable for equal periods, subject to a prior assessment of developments in the country of origin.

In the context of avenues for international protection in Portugal, reference should be made to the recent legislative proposal commonly referred to as a “humanitarian visa”, which was rejected by the Portuguese Parliament on October 23rd, 2024.¹⁵²⁶ The proposal aimed to enable individuals at risk of persecution or conflict to seek asylum through Portuguese embassies, thereby reducing reliance on unsafe or irregular journeys.

As of January 2026, this mechanism did not yet constitute a consolidated or fully operational visa route and should be understood as a proposed pathway facilitating access to asylum procedures, rather than a standalone immigration status.

In parallel, Portugal has relied on other humanitarian avenues, including:

- Humanitarian Admission (AMH) for vulnerable groups, administered by AIMA, I.P.,¹⁵²⁷ and
- the Special Visa under Article 68 of the IA (for exceptional cases), which functions as an extraordinary entry mechanism in certain circumstances.

Portuguese law further provides for a specific regime concerning temporary protection of displaced persons.¹⁵²⁸

Under Article 2, temporary protection is defined as an exceptional procedure which ensures immediate temporary protection in circumstances of an occurrence or imminent risk of a mass influx of displaced persons from third countries who are unable to return to their country of origin. This mechanism is particularly relevant where the asylum system is unable to respond to such influx without adversely affecting its proper functioning, in the interests of the persons concerned and of other applicants for protection. Activation of temporary protection:

- Once the existence of a mass influx is declared by a decision of the Council of the European Union, within the relevant specific procedure organised in accordance with EU law, Portugal shall, through the competent ministries, adopt the measures provided for under the Temporary Protection Law to implement that decision.
- The Ministry of Internal Administration presides over the interministerial commission, coordinating the implementation of the measures referred to above.
- Portugal may grant temporary protection by means of a Council of Ministers Resolution, taking into account, in each case, the risks faced by displaced persons, the urgency and necessity of temporary protection, and the consequences for public order and national security.

Pursuant to Article 8, temporary protection lasts for one year and may be automatically extended for periods of six months, up to a maximum overall duration of one additional year,

¹⁵²⁶ Further info: <https://www.parlamento.pt/ActividadeParlamentar/Paginas/DetailheIniciativa.aspx?BID=273964>

¹⁵²⁷ Further info: <https://aima.gov.pt/pt/a-aima/fundos-comunitarios/projetos-cofinanciados/reinstalacao-e-admissao-por-motivos-humanitarios-2023-2025-concluido>; Regulation (EU) 2024/1350 establishing a Union resettlement and humanitarian admission framework, available at: <https://eur-lex.europa.eu/EN/legal-content/summary/eu-resettlement-and-humanitarian-admission-framework-regulation.html>

¹⁵²⁸ Law no. 67/2003, of 23 August, available at: <https://diariodarepublica.pt/dr/legislacao-consolidada/lei/2003-213937080>

without prejudice to any decision of the Council of the European Union terminating temporary protection.¹⁵²⁹

An extension beyond those limits may occur where the reasons justifying protection persist, as recognised by a decision of the Council of the European Union for the period indicated therein.¹⁵³⁰ Temporary protection ends:

- once the maximum duration has been reached; or
- at any time, by decision of the Council of the European Union, where the situation in the country of origin permits a safe and durable return of beneficiaries.

During the period of temporary protection, beneficiaries retain the ability to submit an asylum application. Any asylum request that has not been concluded prior to the end of temporary protection must be determined after the expiry of that temporary protection period.

Finally, the IA provides for an extraordinary regime (Article 123) applicable in exceptional circumstances not covered by the Asylum Law. Upon proposal of the Board of Directors of AIMA, I.P., or on the initiative of the Government member responsible for migration policy, a temporary residence permit may, on an exceptional basis, be granted to foreign nationals for humanitarian reasons, including, in particular, where required by the best interests of the child.

As a final note, it should be recorded that the Government has prepared a draft legislative proposal intended to amend the Portuguese Asylum Law.¹⁵³¹ This proposal seeks, in particular, to remove the suspensive effect of appeals in asylum proceedings. It further intends to eliminate tacit admissibility at the admissibility stage where AIMA, I.P. fails to issue a decision within the statutory time limit. The proposal was subject to public consultation¹⁵³² until 31 December 2025, and, as of January 2026, had not yet been formally submitted to the Portuguese Parliament.

¹⁵²⁹ Law. No 20-A/20025, of 26 de fevereiro, Altera a Lei n.º 67/2003, de 23 de agosto, no sentido de alargar o período de duração máxima da proteção temporária de pessoas deslocadas de países terceiros, impossibilitadas de regressar em curto prazo ao seu país de origem, available at: <https://diariodarepublica.pt/dr/detalhe/lei/20-a-2025-909115437>

¹⁵³⁰ Example of implementation measure: Council of Ministers Resolution no 47/2025, of March 17th, extending the validity of temporary protection titles granted to displaced persons from Ukraine, available at: <https://diariodarepublica.pt/dr/detalhe/resolucao-conselho-ministros/47-2025-911089437>

¹⁵³¹ Draft bill amending Law no 34/94 of 14 September, Law no 23/2007 of 4 July, and Law no 27/2008 of 30 June (consultation process).

¹⁵³² Further info: https://www.consultalex.gov.pt/Portal_Consultas_Publicas_UI/ConsultaPublica_Detail.aspx?Consulta_Id=379

4. How, if at all, is migration for purposes of family reunification regulated in the reviewed state?

At the outset, it is essential to note that Portuguese immigration law underwent significant reform in October 2025 as a result of Law no. 61/2025, of October 22nd, which introduced material changes to the rules governing family reunification under the IA.^{1533 1534}

Until 22 October 2025, any foreign national holding a Portuguese residence permit was, in principle, entitled to apply for family reunification in respect of family members already present in Portuguese territory or residing abroad. This entitlement applied irrespective of whether the relevant family ties were formed before or after the sponsor's entry into Portugal.

From 23 October 2025, the entitlement to family reunification is, as a general rule, limited to residents who have held a valid residence permit for at least two years.

This two-year waiting period does not apply to the following family members of the applicant:

- a) dependent minor children or incapacitated dependants;
- b) a spouse or equivalent partner who is the parent or adoptive parent of a dependent minor child or incapacitated dependant of the resident;
- c) family members of a resident whose residence permit was granted under Article 90 (teaching, highly qualified or cultural activity), Article 90-A (investment activity), or Article 121-A (EU Blue Card beneficiaries).

In addition, the two-year period may be waived or reduced in duly reasoned exceptional cases by decision of the Government member responsible for migration, taking into account the nature and strength of the family ties and the applicant's effective integration in Portugal, in light of the constitutional principles of human dignity and proportionality.

For the purposes of family reunification, Article 99 of the IA recognises as "family members" of the resident, in particular:

- i. the spouse;
- ii. minor or incapacitated children dependent on the couple or on one spouse;
- iii. adopted minor children of the applicant (where not married), or of the applicant or spouse, pursuant to a decision of the competent authority of the country of origin, provided that (i) the law of that country confers rights and duties equivalent to those of natural filiation, and (ii) the decision is recognised by Portugal;
- iv. adult dependent children of the couple or of one spouse, who are unmarried and enrolled in study at an educational establishment in Portugal;

¹⁵³³ Constitutional Court (Portugal), judgment delivered at the request of the President of the Republic concerning proposed amendments to the Immigration Act: Judgement no 785/2025, Case no 881/2025 (Plenary), Rapporteur: Judge Joana Fernandes Costa, available at: <https://www.tribunalconstitucional.pt/tc/acordaos/20250785.html>

¹⁵³⁴ Portuguese Parliament legislative file concerning the amendment process culminating in Law no 61/2025, of October 22nd, available at: <https://www.parlamento.pt/ActividadeParlamentar/Paginas/DetalheIniciativa.aspx?BID=315162>

- v. adult dependent children, unmarried and enrolled in education, where the sponsor holds a residence permit granted under Article 90-A (investment);
- vi. first-degree direct ascendants of the resident or of the spouse, provided they are dependent;
- vii. minor siblings, provided they are under the resident's legal guardianship pursuant to a decision of the competent authority in the country of origin, recognised by Portugal.

For the family reunification of an unaccompanied minor refugee, the following are treated as family members: first-degree direct ascendants; and the legal guardian, or any other family member, where direct ascendants do not exist or cannot be located.

For holders of a residence permit for study, unpaid internship, or volunteering, only the family members referred to in points (i) to (iii) above are eligible.

Additional requirements concerning children and spouses

- Reunification with a minor or incapacitated child of only one spouse requires the consent of the other parent, or a decision of the competent authority awarding custody to the sponsoring parent.
- The right to reunification with a spouse or equivalent partner is conditional upon the marriage or de facto union being valid and recognised under Portuguese law, and both parties being at least 18 years old at the date of the application.

It falls to the sponsor (the holder of the right to family reunification) to submit an application to AIMA, I.P., for the entry and residence of family members located outside Portuguese territory. The sponsor may also apply for residence authorisation for eligible family members who are already present in Portugal, provided they entered and remain in the country at the time the family reunification application is lodged.

Although a dedicated portal exists for family reunification applications,¹⁵³⁵ its practical scope is limited. In particular, it only permits applications for family members who can demonstrate that they are already in Portugal at the time of submission, and where the household includes at least one child under 18, failing which refusal may occur. Moreover, the portal does not accommodate family reunification applications relating to holders of the CPLP residence permit (AR CPLP).

In practice, difficulties in securing AIMA appointments for the submission and progression of family reunification applications have contributed to a substantial increase in judicial proceedings seeking to compel administrative action.¹⁵³⁶ In appropriate circumstances, it is also

¹⁵³⁵ AIMA online services portal (login page), available at: <https://servicos.aima.gov.pt/login?language=en>

¹⁵³⁶ The Lisbon Administrative Court (*Tribunal Administrativo do Círculo de Lisboa* – TACL) currently has in excess of 133,000 cases pending against AIMA, I.P., with an average daily intake of approximately 500 new cases. The backlog includes, in particular, litigation relating to residence permits and applications seeking to compel AIMA to act, notably in connection with the scheduling of interviews required for regularisation procedures. It has further been reported that, between 14 July and 31 August, the TACL received 179 interim relief applications (*providências cautelares*) aimed at preventing the enforcement of removal/expulsion orders [free translation]. Available at: Público, “Mais de 133 mil processos contra a AIMA pendentes no Tribunal Administrativo de

possible to deploy urgent judicial mechanisms¹⁵³⁷ to require the administration to schedule an appointment so that the sponsor may effectively exercise the right to family reunification.

Once the appointment is secured, the application for family reunification must be accompanied by documents showing the relevant family relationship or the existence of a de facto union; documents demonstrating fulfilment of the applicable conditions for exercising the right to family reunification; and authenticated copies of the family members' (or de facto partner's) travel documents.

To exercise the right to family reunification, the sponsor must demonstrate:

- Accommodation, owned or rented, regarded as suitable for a comparable family in the same region, meeting general standards of safety and habitability;¹⁵³⁸ and
- Sufficient means of subsistence to support the entire household without recourse to social assistance.¹⁵³⁹

In assessing the application, AIMA, I.P., may conduct interviews with the sponsor and/or family members and undertake such enquiries as is considered necessary. Where the application concerns a de facto union, AIMA must consider factors such as the existence of a common child, previous cohabitation, registration of the union, or any other reliable evidence.

Competence to decide family reunification applications lies with the Board of Directors of AIMA, I.P., with the possibility of delegated authority. The statutory decision period is nine

Lisboa”, <https://www.publico.pt/2025/10/11/economia/noticia/133-mil-processos-aima-pendentes-tribunal-administrativo-lisboa-2150462?reloaded&rnd=0.5632573013533079>

¹⁵³⁷ The urgent application for the protection of rights, freedoms and guarantees (*intimação para proteção de direitos, liberdades e garantias*) is the appropriate procedural mechanism where the prompt issuance of a decision on the merits – requiring the Administration to adopt a positive or negative course of conduct – is indispensable to secure, in due time, the effective exercise of a protected right, freedom or guarantee, and where interim relief is not feasible or sufficient in the circumstances, pursuant to Article 109(1) of the Code of Procedure in Administrative Courts (*Código de Processo nos Tribunais Administrativos - CPTA*). The ability to rely upon a minimum period of lawful residence in national territory is a necessary condition for a foreign national to plan and structure their life project with a reasonable degree of security and stability. This is further reinforced by the existence of procedural facilitation measures under Articles 76(3) and 82(7) of Law no. 23/2007 [free translation]. Judgement of the Administrative Supreme Court (STA) in 6 June 2024, case n.º 0741/23.4BELSB, available at <https://www.dgsi.pt/jsta.nsf/35fbbbf22e1bb1e680256f8e003ea931/a23f8319e054984180258b390058f01c?OpenDocument>

¹⁵³⁸ As of January 2026, the ministerial order of the Government members responsible for migration and housing intended to define regional accommodation criteria had not yet been published.

¹⁵³⁹ Pursuant to Article 2 of Ministerial Order (Portaria) no. 1563/2007, of 11 December, “means of subsistence” (*meios de subsistência*) are defined as stable and regular resources sufficient to meet the essential needs of the foreign national and, where applicable, their family, in particular in respect of food, accommodation, and healthcare and hygiene, in accordance with the provisions of that Order.

The assessment criteria for means of subsistence are determined by reference to the national minimum monthly wage (*retribuição mínima mensal garantida*), taking into account the nature and regularity of the income, net of social security contributions, and applying the following per capita weighting within each household: First adult: 100%; Second and subsequent adults: 50%; Children and young persons under 18, and dependent adult children: 30%. Official publication available at: <https://diariodarepublica.pt/dr/detalhe/portaria/1563-2007-628798>; Separately, under Portaria no. 760/2009, of 16 July, an exceptional rule applies where the applicant demonstrates that they are in a situation of involuntary unemployment and declares that they are unable to maintain availability of, or to legally obtain, the required means of subsistence. In such cases, the following criteria apply: First adult: 50% of the national minimum wage; Each additional household member: 30% of the national minimum wage. Official publication available at: <https://diariodarepublica.pt/dr/detalhe/portaria/760-2009-492254>

months from receipt of the application. Save in cases involving spouses with minor children or dependent minors, this period may, in exceptional circumstances linked to the complexity of the assessment, be extended for a further nine months, and the applicant must be informed of such extension.

Where a family member either holds a visa issued for the purposes of family reunification, or is already present in Portuguese territory, and the family reunification application has been approved, that family member is granted a residence permit of the same duration as that held by the sponsor (the holder of the right to family reunification).

By way of exception, a residence permit is granted for a period of 15 months to a spouse (or equivalent partner) who has cohabited with the sponsor for at least 18 months during the period immediately preceding the sponsor's entry into Portuguese territory.

Where the sponsor holds a permanent residence permit, the relevant family member is issued with a residence permit valid for two years, renewable for successive periods of three years.

As a general rule, following two years from the issuance of the first family reunification residence permit, and provided that the family relationship subsists – or, irrespective of that period, where the sponsor has minor children residing in Portugal – family members acquire the right to an autonomous residence permit, of a duration equivalent to that of the sponsor.

In exceptional situations – such as legal separation, divorce, widowhood, death of an ascendant or descendant, prosecution for domestic violence by the Public Prosecutor, or attainment of majority – an autonomous residence permit may be granted before the expiry of the two-year period, including where the relevant facts arise while the reunification application is pending. Such autonomous permits are typically valid for two years, renewable for successive three-year periods.

Further, the first residence permit granted to a spouse under family reunification is autonomous where the marriage or de facto union has existed for more than five years, in which case the spouse is issued a permit with a duration equivalent to that of the sponsor.

A family reunification application may be refused, in particular:

- where the conditions for exercising the right are not satisfied;
- where the family member is subject to an entry/stay ban or is flagged in the Schengen Information System (SIS) for return or refusal of entry and stay;
- where the family member's presence constitutes a threat to public order, public security, or public health.

Where refusal is based on public order/security, the administration must consider the gravity or type of offence and the risks arising from the person's stay, as well as the broader evolution of public order/security conditions. Where refusal is based on public health, consideration must be given to relevant diseases defined by WHO instruments or other contagious infectious/parasitic diseases subject to protective measures, and the capacity of health services.

Prior to refusal, the administration must take into account the nature and strength of family ties, the sponsor's length of residence in Portugal, and the existence of family, cultural and social

ties with the country of origin. Notably, refusal of an application lodged by a refugee cannot be based solely on the absence of documentary proof of the family relationship.

A refusal decision must be notified of reasons and must indicate the right to judicial challenge and the relevant time limit. Refusal decisions are subject to judicial review before the administrative courts with non-suspensive (devolutive) effect as a general rule. However, where family members are already in Portuguese territory and refusal is based exclusively on failure to meet the substantive conditions (accommodation/means), judicial challenge has suspensive effect.

Following the grant of residence permits for family reunification, in accordance with the provisions of Article 101, family members are required to comply with integration measures, including attendance of Portuguese language training and training on Portuguese constitutional principles and values, and compulsory schooling for minors, in accordance with the applicable regulatory decree. Save where non-compliance is not attributable to the family members, renewal of the residence permit depends upon proof of compliance with these measures, including conditions relating to the absence of reliance on social assistance, and demonstrable knowledge of the Portuguese language and constitutional principles/values.

In humanitarian cases, family members may be exceptionally exempted from integration measures by decision of the Government member responsible for migration, applying the principle of proportionality.

Finally, Article 6 of Law no. 61/2025, of October 22nd, establishes a transitional rule: for a period of 180 days following entry into force of the law, the sponsor may apply for residence authorisation for eligible family members who are already in Portuguese territory, provided they entered lawfully and meet the requirements of Article 98 of the IA.

5. What are the conditions for naturalization in the reviewed state?

Under Article 5 of the Constitution of the Portuguese Republic,¹⁵⁴⁰ Portuguese citizens are those who are recognised as such by law or by an international convention binding upon Portugal.

The statutory framework governing Portuguese nationality is set out primarily in:

- The Portuguese Nationality Act;¹⁵⁴¹ and
- The Regulation on Portuguese Nationality.¹⁵⁴²

Portuguese law provides, in broad terms, for nationality to be obtained either by attribution or by acquisition:

¹⁵⁴⁰ See: <https://diariodarepublica.pt/dr/legislacao-consolidada/decreto-aprovacao-constituicao/1976-34520775-43894075>

¹⁵⁴¹ Law no. 37/81, of October 3rd, available at: <https://diariodarepublica.pt/dr/legislacao-consolidada/lei/1981-34536975>

¹⁵⁴² Decree-Law no. 237-A/2006, of December 14th, available at: <https://diariodarepublica.pt/dr/legislacao-consolidada/decreto-lei/2006-34442175-46640975>

1. Attribution (original nationality/“Portuguese by origin”): Attribution may arise automatically by operation of law or by declaration, and—without prejudice to the validity of legal relationships previously formed under another nationality—produces effects from birth.

2. Acquisition (derived nationality/“Portuguese by acquisition”): Acquisition may be grounded on a declaration of will, adoption, or naturalisation, and generally produces effects only from the date of registration of the relevant act.

Acquisition “by will” (typically by declaration) may arise, in particular, in the following situations:

- minor or incapacitated children of a parent who acquires Portuguese nationality may also acquire it by declaration.
- a foreign national married to a Portuguese citizen for more than three years may acquire Portuguese nationality by declaration made during the marriage. A foreign national in a de facto union for more than three years with a Portuguese citizen may acquire nationality following judicial recognition of that union.
- persons who lost Portuguese nationality by declaration made during incapacity may reacquire it, once capable, by declaration identifying the relevant loss registration and proving legal capacity.

In these declaration-based routes, the Public Prosecutor (acting on behalf of the Portuguese Republic) may lodge opposition within one year from the registration of acquisition. Grounds of opposition include, in particular:

- lack of an effective connection to the national community (subject to statutory exceptions in marriage/de facto union cases, notably where there are Portuguese common children or where the relationship has subsisted for a longer period);
- a final conviction for an offence punishable under Portuguese law with a custodial sentence of three years or more;
- the exercise of non-predominantly technical public functions, or non-compulsory military service, for a foreign State; and
- risk or threat to national security or defence, including involvement in terrorism-related activity or serious organised/violent criminality.

In what concerns the acquisition by adoption, a child adopted by a Portuguese citizen acquires Portuguese nationality by operation of law, subject to the relevant conditions and registration formalities.

Regarding the acquisition by naturalisation, Portuguese law provides for multiple pathways, including (as reflected in the statutory scheme and administrative practice):

1. naturalisation of foreign nationals resident in Portugal;
2. naturalisation of minors born in Portugal;
3. naturalisation of children and young persons placed in State institutions (or equivalent entities) under protective measures;

4. naturalisation of individuals who previously held Portuguese nationality;
5. naturalisation of foreign nationals born in Portugal (under specific residence and parental-residence conditions);
6. special cases where naturalisation may be granted on specific public-interest grounds;
7. naturalisation of descendants of Portuguese Sephardic Jews (subject to the then-applicable legal framework);
8. naturalisation of foreign nationals who are ascendants of Portuguese citizens by origin; and
9. naturalisation of individuals who did not retain Portuguese nationality in the post-1974 context, and their Portugal-born children, subject to statutory conditions.

In the standard naturalisation route for residents, nationality may be granted by the Government provided the applicant satisfies the cumulative requirements, including:

- being of legal age (or emancipated under Portuguese law);
- lawful residence in Portugal for at least five years (under the prevailing statutory baseline prior to the proposed reforms discussed below);
- sufficient knowledge of the Portuguese language;^{1543 1544}
- no final conviction for an offence punishable under Portuguese law by imprisonment of three years or more; and
- not constituting a danger or threat to national security or defence, including through involvement in terrorism-related activity or serious violent/organised criminality.

For residence-counting purposes, the framework generally treats “lawful residence” as requiring a regularised status under the applicable immigration/asylum regimes, and (as reflected in the regulatory approach) may allow aggregation of lawful residence periods within defined temporal limits, including recognition – under certain conditions – of time elapsed since the application for a temporary residence permit, provided that the permit is ultimately granted.

In respect of the naturalisation of minors born in Portuguese territory, the Government may grant Portuguese nationality to minors born in Portugal to foreign parents, provided that – where the minor has reached the age of criminal responsibility – they have not been convicted by a final judgment of an offence punishable under Portuguese law by a custodial sentence of three years or more, and provided further that they do not constitute a danger or threat to national security or defence. In addition, at the time of application, the minor must satisfy one of the following conditions:

¹⁵⁴³ Portuguese Nationality Regulation, Article 25(2) (means of proving Portuguese language knowledge), including, *inter alia*, specified education certificates, approved examinations, and A2-level certifications within the Common European Framework of Reference for Languages, subject to the applicable implementing instruments.

¹⁵⁴⁴ Nationality Act, Article 6(10): the Portuguese language knowledge requirement is presumed to be satisfied for applicants who are nationals of countries where Portuguese is an official language.

- one of the parents has resided in Portugal, irrespective of status/title, for at least the five years immediately preceding the application;
- one of the parents holds lawful residence in Portuguese territory; or
- the minor has attended at least one year of pre-school education or primary, secondary, or vocational education in Portugal.

Where children or young persons under the age of 18 are placed in a public, cooperative, social, or private institution operating under a cooperation agreement with the State, following the imposition of a definitive child protection measure within promotion and protection proceedings, the Public Prosecutor's Office is responsible for initiating the naturalisation process. In such circumstances, the process may proceed without the need to satisfy the conditions relating to the parents, or the requirement that the applicant must have been born in Portuguese territory.

Portuguese nationality may be also granted by naturalisation to individuals who previously held Portuguese nationality and, having lost it, never acquired any other nationality, provided that they also meet the following requirements:

- they are of full age or emancipated under Portuguese law;
- they have not been convicted by a final judgment of an offence punishable under Portuguese law by a custodial sentence of three years or more; and
- they do not constitute a danger or threat to national security or defence, namely due to involvement in activities related to terrorism, in accordance with the applicable legislation.

The Government may grant Portuguese nationality to individuals born in Portuguese territory who have resided in Portugal during the five years immediately preceding the application, where they are the child of a foreign national who, at the time of the applicant's birth, resided in Portugal irrespective of the nature of their residence status/title. Applicants must satisfy the following requirements:

- they are of full age or emancipated under Portuguese law;
- they have sufficient knowledge of the Portuguese language;
- they have not been convicted by a final judgment of an offence punishable under Portuguese law by a custodial sentence of three years or more; and
- they do not constitute a danger or threat to national security or defence, namely due to involvement in activities related to terrorism, as defined in the relevant legislation.

In certain special cases, Portuguese nationality may be granted by naturalisation to individuals who, although not stateless, previously held Portuguese nationality; to persons deemed to be descendants of Portuguese citizens by origin; to members of communities of Portuguese descent; and to foreign nationals who have rendered, or are called upon to render, relevant services to the Portuguese State or to the national community. In such cases, applicants must meet the following requirements:

- they are of full age or emancipated under Portuguese law;
- they have not been convicted by a final judgment of an offence punishable under Portuguese law by a custodial sentence of three years or more; and
- they do not constitute a danger or threat to national security or defence, namely due to involvement in activities related to terrorism, under the applicable legislation.

In the naturalisation route applicable to descendants of Portuguese Sephardic Jews, applicants must cumulatively satisfy the following requirements:

- demonstrate a tradition of belonging to a Sephardic community of Portuguese origin, based on objective requirements evidencing a connection to Portugal, including surnames, family language, and direct or collateral descent;¹⁵⁴⁵ and
- have lawfully resided in Portuguese territory for at least three years, whether consecutive or non-consecutive.

Foreign nationals who are ascendants of Portuguese citizens by origin may be granted Portuguese nationality by naturalisation, provided that:

- they have resided in Portugal, irrespective of status/title, for at least the five years immediately preceding the application; and
- the relevant lineage was established at the time of birth of the Portuguese citizen.

Applicants must additionally satisfy the following requirements:

- they are of full age or emancipated under Portuguese law;
- they have sufficient knowledge of the Portuguese language;
- they have not been convicted by a final judgment of an offence punishable under Portuguese law by a custodial sentence of three years or more; and
- they do not constitute a danger or threat to national security or defence, namely due to involvement in activities related to terrorism.

Portuguese nationality may also be granted by naturalisation to individuals who did not retain Portuguese nationality on the basis that, as of 25 April 1974,^{1546 1547} they had resided in Portugal for less than five years, provided that:

- following the loss of Portuguese nationality, they did not serve the relevant State; and
- they have remained and continue to remain in Portugal, irrespective of status/title.

¹⁵⁴⁵ Portuguese Nationality Regulation, Article 24-A(3)(c): Sephardic ancestry requirement may be evidenced by a certificate issued by a recognised Jewish community established in Portugal, attesting tradition of belonging to a Sephardic community of Portuguese origin on the basis of objective indicia (including surname, family language, genealogy, and family memory).

¹⁵⁴⁶ ‘Portugal’s Carnation Revolution: the day the dictatorship fell’ (historical background), *The Guardian* (24 April 2024), available at: <https://www.theguardian.com/theguardian/2024/apr/24/portugal-carnation-revolution-archive-1974>

¹⁵⁴⁷ Decree-Law no 308-A/75, of June 24th (Portugal) (rules on retention of Portuguese nationality for persons domiciled in former overseas territories becoming independent), available at: <https://diariodarepublica.pt/dr/detalhe/decreto-lei/308-a-1975-530841>

This route may also extend to their children born in Portuguese territory, to whom Portuguese nationality by origin was not attributed.

As regards procedural steps, once the applicant's request is submitted, the file is transmitted to the Central Registry Office (*Conservatória dos Registos Centrais*). In summary:

- The Registry Office performs an initial screening (30 days) and may issue an initial refusal where the application lacks essential documentation, notifying the applicant to respond within a specified timeframe (30 days).
- Where the application proceeds, the Registry Office requests information from competent entities (including criminal-record and security checks), subject to statutory deadlines (30 days) and possible extensions where justified (up to 60 days).
- Upon completion of enquiries, a reasoned assessment is prepared and the process is submitted for decision by the Government member responsible for justice (45 days).
- Where the opinion concludes that the application should be refused, the applicant must be notified of its contents and afforded 30 days in which to submit observations. That notification must also specify the manner in which the applicant may consult the file. Once that period has elapsed, and after any response from the applicant has been considered, the case is referred for decision to the member of Government responsible for the justice portfolio.
- Naturalisation is granted by decision of the Minister of Justice. A decision granting naturalisation is recorded *ex officio* at the Central Registry Office (*Conservatória dos Registos Centrais*). Where the naturalisation application is refused, the decision is notified to the applicant.

In practice, notwithstanding statutory time limits, it has been widely reported that naturalisation files have experienced significant administrative delay, and it is common for processing to extend well beyond the formal timetable (between 30 and 40 months).

Portuguese law recognises a principle of stabilisation (*consolidation*) whereby good faith possession of Portuguese nationality, whether original or acquired, for a minimum period (commonly referenced as 10 years, and a shorter period for certain minors registered in the Portuguese civil registry) may consolidate nationality even if the underlying act or fact is later challenged, subject to the applicable legal conditions and the relevant start date for time calculation (registration and/or first identification document, depending on the legal basis of nationality).

It is also important to note that a legislative package proposing amendments to the Nationality Act¹⁵⁴⁸ was approved by Parliament in late 2025 and subsequently underwent preventive constitutional review, as requested by the President of the Portuguese Republic. The Court identified unconstitutional provisions in that package (including, *inter alia*, measures connected to deprivation/loss of nationality in certain criminal contexts and other aspects of the reform

¹⁵⁴⁸ Portuguese Parliament, Draft Bill no 1/XVII/1.^a amending the Nationality Act (official parliamentary record), available at: <https://debates.parlamento.pt/catalogo/r3/dar/s2a/17/01/013/2025-06-25/19?pgs=19-46&org=PLC>

architecture.¹⁵⁴⁹ ¹⁵⁵⁰ Following those rulings, the President of the Republic returned the parliamentary decrees to the Assembly without promulgation on 19 December 2025,¹⁵⁵¹ as required by the constitutional framework governing preventive review.

As regards naturalisation residence periods, the reform package included an increase from five years to differentiated thresholds – seven years for EU/CPLP nationals and ten years for other nationals – though the legislative outcome remained contingent upon parliamentary reconsideration and/or conformity with the Constitutional Court’s decision.¹⁵⁵²

Part II - Rights while staying

*In answering the following questions, please indicate the legal framework applicable to **at least each of the following categories** of non-nationals:*

- a. temporary and permanent resident migrants;*
- b. regular migrants benefiting from more favourable treatment based on their nationality (e.g. EU citizens in EU countries, New Zealanders in Australia, etc.);*
- c. undocumented migrants.*

If the framework is different from the ones already described, please also specify the legal framework applicable to:

- d. refugees;*
- e. asylum seekers;*
- f. other beneficiaries of international protection, if applicable.*

If there are other relevant categories of non-nationals, according to the reviewed state’s domestic law, please indicate them and submit the information accordingly.

¹⁵⁴⁹ Constitutional Court (Portugal), Judgement no. 1133/2025 (Plenary), Case no 1383/2025, Rapporteur: Judge Dora Lucas Neto, available at: <https://www.tribunalconstitucional.pt/tc/acordaos/20251133.html>

¹⁵⁵⁰ Constitutional Court (Portugal), Judgement no. 1134/2025 (Plenary), Case no 1384/2025, Rapporteur: Judge João Carlos Loureiro, available at: <https://www.tribunalconstitucional.pt/tc/acordaos/20251134.html>

¹⁵⁵¹ Further info: <https://debates.parlamento.pt/catalogo/r3/dar/s2a/17/01/121S1/2026-01-07/2?pgs=2&org=PLC>

¹⁵⁵² Further info: <https://www.parlamento.pt/ActividadeParlamentar/Paginas/DetalheIniciativa.aspx?BID=315160>

II.1 – Non-discrimination

1. Does the reviewed state have a specific domestic legal framework on non-discrimination also covering non-nationals?

The most important provision regarding non-discrimination covering non-nationals lies on the Portuguese Constitution, which is deeply grounded on the principle of Human Dignity and of universality of Human Rights. Article 1 sets forth that the Portuguese Republic is based on the Principle of Human Dignity, which imposes that *every human being has the same dignity*. Portugal has, then, agreed to respect, guarantee, and promote the same dignity for national citizens and foreigners alike. The Constitutional Court has already confirmed this philosophy, in the ruling n. 296/2015, where it confirmed that the social minimum income, which aims to guarantee that all persons residing in Portugal must be granted with minimum living conditions, was intended to guarantee a “right to a minimum dignified existence”, which was a direct imposition of respect for human dignity, from which foreigners could not be excluded.

Article 12, on its turn, foresees the principle of universality, according to which everybody enjoys the same rights and is subject to the same duties enshrined in the Portuguese Constitution. But the most important principle regarding the enjoyment of fundamental rights by foreigner citizens is the principle of assimilation. Such principle is enshrined in Article 15, which reads as follows: «*Foreigners and stateless persons who are staying or who reside in Portugal enjoy the same rights and are subject to the same duties as Portuguese citizens*». This principle is a general clause, so it applies where no exclusions or restrictions are expressly foreseen. This means that, unless prescribed otherwise, aliens shall enjoy the same rights as national citizens, including social and economic rights. This interpretation was confirmed in the above-mentioned Ruling n. 296/2015.

Finally, the Constitution guarantees the principle of equality, which forbids any discrimination based on the territory of origin (Article 13). This principle must be applicable to all fundamental rights enshrined in the Constitution.

Apart from the Constitution, Portugal has approved a specific Law aimed at guaranteeing the principle of non-discrimination¹⁵⁵³. This Act aims to prohibit and combat discrimination based on racial and ethnic origin, colour, nationality, ancestry, and territory of origin. As such, prohibition of discrimination on the grounds of nationality is specifically targeted. This law sets forth mechanisms and measures to prevent and fight discrimination as regards to social protection, including social security and health care, social benefits, education, access to and provision of goods and services made available to the public, including housing and culture.

Even though the Constitution and the law set forth strong protection against discrimination of non-nationals, special laws may impose specific distinctions, as long as they have a rational basis and an objective motive. Also, as it will be shown below, some rights or activities may be reserved for national citizens only. These distinctions are allowed by Article 15 (2) of the Constitution itself, which sets forth that the principle of assimilation “does not apply to political

¹⁵⁵³ Law no. 93/2017, of 23 August, as last amended by Law no. 3/2024, of 15 January.

rights, the exercise of public functions that are not predominantly technical in nature, and the rights and duties reserved by the Constitution and the law exclusively to Portuguese citizens”.

The enforcement of these anti-discrimination guarantees is reinforced by the Commission for Equality and Against Racial Discrimination (CICDR), established by Law 4/2024, of 15 January, which investigates complaints of nationality-based discrimination and may impose administrative sanctions and fines against providers who violate equal treatment provisions.

II.2 – Civil and political rights

2. To what extent, if at all, is political participation ensured to non-nationals in the reviewed state?

In general, non-nationals are excluded from political participation: pursuant to Article 15, political rights are an exception to the principle of assimilation. However, since the 1989 Constitutional revision, Article 15 authorizes ordinary law to grant foreigners residing in Portugal, on a reciprocal basis, the active and passive electoral capacity for the election of members of local government bodies (paragraph 4). The 1992 revision further allowed the law to grant, on a reciprocal basis, to citizens of EU Member States residing in Portugal, the right to elect and be elected Members of the European Parliament (paragraph 5).

The Law on Elections for local government bodies¹⁵⁵⁴ has implemented this Constitutional provision. In 2025, the following countries had recognized active and passive electoral capacity in Portugal for elections to local government bodies¹⁵⁵⁵: (1) Right to vote: Member States of the European Union, Brazil and Cape Verde, Argentina, Chile, Colombia, Iceland, Norway, New Zealand, Peru, United Kingdom, Uruguay and Venezuela; (2) Right to be elected: Member States of the European Union, Brazil and Cape Verde, Colombia and United Kingdom.

3. Aside from the right to vote, are there any distinctions in the enjoyment of civil and political rights between nationals and non-nationals in the reviewed state?

As regards other civil and political rights, non-nationals enjoy the same rights as Portuguese citizens, according to the principle of assimilation.

Article 15 of the Constitution excludes from the principle of assimilation the exercise of public functions that are not predominantly technical in nature. This exception has been interpreted restrictively to encompass only those functions that entail the exercise of public authority—whether internally, through the assumption of powers of direction or leadership within the public administration, or externally, through the attribution of competence to define legal situations via acts of authority. As such, it has been understood by the Administrative Courts that the following professions are excluded from non-nationals: armed forces, judiciary, diplomacy, national security agents or police forces; whereas public functions such as medical

¹⁵⁵⁴ Organic Law No. 1/2001, of 14 August, as last amended by Organic Law no. /2021, of 04 June.

¹⁵⁵⁵ Declaration no. 105/2025/2, of 15 May of the Ministry of Foreign Affairs.

doctors, nurses, teachers or university professors, among others, can be exercised by non-nationals.

A special regime is also foreseen to citizens of Portuguese-speaking Countries with permanent residence in Portugal. These citizens are granted, on a reciprocal basis, certain rights that are reserved to national citizens only. In practice, only Brazil and Cape Verde currently enjoy agreements granting special rights. Brazil is the only country with a comprehensive bilateral agreement: the Treaty of Friendship, Cooperation and Consultation, signed on April 22, 2000, which entered into force in 2001. It provides, *inter alia*, the same rights as those conferred on Portuguese citizens in areas where the law provides for distinctive treatment, such as equal tuition fees in higher education and equivalence of grades and academic degrees. It also provides for a Special Statute of Equality of Political Rights for Brazilian citizens, which allows citizens with permanent residence to obtain a Citizen's card. Brazilian citizens with a Citizen's Card can access careers as judges and public prosecutors¹⁵⁵⁶.

4. Are there any limitations to non-nationals' right to buy and own property within the reviewed state?

There are no limitations or special substantive rules regarding non-nationals' right to buy and own property in Portugal. A proposal to increase the property transfer tax (IMT) applicable to non-resident buyers has been approved by the Government and remains pending parliamentary approval.

II.3 – Economic, social, and cultural rights

Right to work

5. What conditions apply for non-nationals to be able to engage in formal employment?

The Portuguese Constitution recognizes the right to work of every person (Articles 58 and 15). Access to the labour market is regulated by immigration and asylum laws, which set forth which types of statuses allow their holders to work in Portugal. Only persons holding the valid documents can engage in labour in Portugal. This encompasses the following categories of immigrants, as well as holders of all types of international protection, such as Refugees, holders of subsidiary protection and holders of temporary protection.

Under Portuguese immigration law, certain long-stay national visas (D-type) grant immediate work authorization upon entry, provided the visa is valid and the employment falls within the visa category. Visa holders must apply for a residence permit within 3 months of entry to formalize their legal status and continue employment. These work-authorizing visas enabling employment in the Portuguese labour market include the subordinate work visa (Article 88 IA), highly qualified activity visa (Article 90 IA, including the Tech Visa), researcher visa (Article

¹⁵⁵⁶ Article 5(a) of Law no. 2/2008, of 14 July, as last amended by Law no. 7-A/2025, of 30 January.

89, IA), intra-corporate transfer visa (Article 91 IA), and job seeker visa (Articles 122(1)(o)-(p) IA).

All holders of permanent residence benefit from the right to work. Moreover, almost all holders of temporary residence permits may also accede to such right. The residence permit for subordinate or dependent work (Article 88 IA) and the residence permit for highly qualified workers (Article 90 IA) are the most adequate documents allowing immediate access to work. Other permits may also allow engagement in labour relations, such as residence permit for family reunification (Article 107 IA), for study in higher education (Articles 87-88 IA), researchers (Article 89 IA), and other highly qualified professionals (when work is related to research or the visa category). In these latter cases, holders may request conversion or substitution of their residence permit to formalize work rights if not already implicit in their status. The permit issued for humanitarian reasons (Article 123 IA) also allows access to the labour market.

Article 122 of the IA provides for several cases conferring residence permits that permit access to the Portuguese labour market, such as students who have completed their courses (Article 122(1)(o) IA), researchers who have finished their projects (Article 122(1)(p) IA), persons previously holding temporary residence permits as victims of human trafficking or facilitating Illegal immigration (Article 122(1)(n) IA), and victims of abusive labour conditions (Article 122(1)(n), IA).

While a decision regarding a residence permit application is pending, for reasons not attributable to the applicant, he or she may carry out professional activity in accordance with law (Article 77, IA).

As regards the Asylum Law, access to the national labour market is allowed to the asylum seeker from the moment they receive a provisional resident permit (Article 22, AL). Holders of Refugee Status (Article 52, AL) and Subsidiary Protection (Article 66, AL) also benefit from the right to work, with rights equivalent to nationals.

The Portuguese Labour Code sets forth, in Article 4, the “principle of equal treatment of a foreign worker or stateless person”. The formalization of a working contract with foreign workers must have a special form, contrarily to the general rule of freedom of form (Article 110, Labour Code). Article 5(1) of the Labour Code sets forth that this contract must be in a written format and must contain particular mentions, namely: (i) the identification, signatures, and domicile or registered office of the parties; (ii) reference to the work visa or the worker's residence permit in Portuguese territory; (iii) the employer's activity; (iv) the contracted activity and remuneration of the worker; (v) the place and normal working period; (vi) the value, periodicity, and method of payment of remuneration; and (vii) the dates of the contract's conclusion and of the activity's beginning.

The employer is further obliged to notify the service with inspective competence on Labour Conditions (ACT—Autoridade para as Condições do Trabalho) of the Ministry responsible for the labour area of the formalization of a work contract with a foreign worker, before the beginning of its execution (Article 5(5) of the Labour Contract).

6. Are there any quotas or limitations for businesses to hire non-nationals?

No, Portugal currently has no fixed annual quotas or numerical limitations for businesses hiring non-nationals. The annual quota system for foreign workers was foreseen in the Law until 2022 but was abolished by Law No. 18/2022. Currently, employers can hire freely if the worker holds a valid work visa or residence permit.

This amendment was introduced in 2022 in Portugal due to labour shortages in sectors like agriculture, tourism, construction and technology. However, in 2025, the Portuguese Government announced a prospective policy shift aimed at reintroducing selective mechanisms for residence permit allocation. This announcement was made in a reform agenda, among other 41 points related to immigration. The Government affirmed the need to establish quotas and prioritization criteria, contingent upon periodic “Labour Needs Assessments” and an evaluation of institutional absorptive capacity within public administration. The aim of this change was to respond to labour market mismatches—prioritizing highly skilled professionals in shortage sectors. It also aimed to address operational constraints, particularly the substantial administrative backlog at AIMA, IP., (estimated at over 400,000 pending cases as of early 2025).

Nevertheless, as of January 2026, these proposed mechanisms were not yet implemented.

7. Are there any professions or sectors that non-nationals are not allowed to work in?

Yes. According to Article 15(2) of the Portuguese Constitution, non-nationals cannot hold public offices involving public functions of a non-technical or non-predominantly technical nature. *A contrario*, this means that the Constitution allows non-nationals to serve in technical public positions, such as medical doctors, nurses, teachers and professors, researchers, engineers, and similar professions. The only excluded positions or sectors are those involving administrative or discretionary public functions, where the exercise of sovereign authority, policy-making power, or constitutional responsibility is predominant. Consequently, professions such as judges, public prosecutors, police officers, members of the armed forces, among others, cannot be exercised by non-nationals.

Nevertheless, the Constitution permits that nationals of Portuguese-speaking countries may hold public offices in Portugal, when so provided by international conventions and under the principle of reciprocity.

Based on this constitutional framework, the Portuguese Law on Public Servants¹⁵⁵⁷ establishes that Portuguese nationality may only be required for the performance of public functions in situations referred to in Article 15(2) of the Constitution—that is, when the exercise of sovereign authority, policy-making judgment, or constitutional responsibility is predominant.

¹⁵⁵⁷ Law No. 35/2014, of 20 July, as last amended by Decree-Law No. 13/2024, of 10 January.

8. To what extent, compared to nationals, do labour protections apply to non-nationals?

Non-nationals authorised to work in Portugal can engage in formal employment and benefit from the principle of equality and non-discrimination with respect to salaries, working hours, and other working conditions. The Portuguese Constitution establishes the fundamental principle of equal treatment of workers (Art. 59(1)), explicitly prohibiting discrimination on grounds of nationality and other suspect criteria. This is valid for all non-nationals having the right to work in Portugal, including Refugees, holders of subsidiary protection and asylum seekers.

Article 59 of the Constitution sets forth a range of labour guarantees. All workers are entitled to the following guarantees: (i) remuneration for work (Art. 59(1)(a)); (ii) organisation of work under socially dignified conditions, in order to provide personal development and to enable the conciliation of work and family life (Art. 59(1)(b)); (iii) right to work in hygienic, safe, and health conditions (Art. 59(1)(c)); rest and leisure, a maximum limit of working hours, weekly rest and paid periodic leave (Art. 59(1)(d)); (iv) material assistance in case of non-voluntary unemployment (Art. 59(1)(e)); (v) assistance and fair reparation when victims of an accident at work or occupational disease (Art. 59(1)(f)).

The Portuguese Labour Code provides, in Article 4 and within the scope of private subordinated labour relations, the principle of equal treatment of foreign or stateless workers. Article 24 of the Labour Code further operationalises this principle, establishing that workers and jobseekers are entitled to equal opportunities and treatment with regard to access to employment, vocational training, promotion, and working conditions. The statute expressly prohibits discrimination based on a broad range of criteria, including ancestry, age, sex, sexual orientation, gender identity, marital status, family situation, economic situation, education, origin or social condition, genetic heritage, reduced working capacity, disability, chronic illness, nationality, ethnic origin or race, territory of origin, language, religion, political or ideological convictions, and trade union membership. This list is non-exhaustive.

The State is further mandated to promote equal access to such rights. Article 25(1) of the Labour Code correspondingly prohibits employers from engaging in direct or indirect discrimination based on any of the aforementioned criteria.

Pursuant to Article 4 and the equal treatment principle, third-country national workers enjoy all rights and guarantees afforded to workers under the Labour Code, encompassing: (i) personality rights (Art. 14–22) and other essential guarantees (Art. 129); (ii) prohibition of discrimination (Art. 23–28), protection against harassment (Art. 29) and against discrimination on grounds of sex (Art. 30–32); and right to vocational training (Art. 130–134). Migrant workers also benefit from (i) protection of parenthood (Art. 33–65); (ii) prohibition of child labour (Art. 66–83); (iii) protection in case of reduced working capacity (Art. 84); (iv) disabilities or chronic illness (Art. 85–88); (v) student worker status (Art. 89–96-A). On the other hand, foreign workers are subjected to the same labour duties as national workers (cf. Art. 126 and 128 of the Labour Code). Furthermore, all international labour rights instruments to which Portugal is a party—

including the International Labour Organization conventions and the relevant European agreements—must be applied equally to foreign workers.

Right to health

9. To what extent, compared to nationals, can non-nationals access public health services?

The Portuguese Constitution establishes that everybody has the right to health protection (Article 64). According to the principle of universality enshrined in Article 12 and the protection extended to foreigners and stateless persons under Article 15 of the Constitution, this fundamental right also benefits non-nationals legally present in Portugal.

Any foreigner who is in the country and needs any kind of health care has the right to be assisted at a health centre or a hospital. Health services cannot refuse to provide medical care on grounds of nationality, lack of economic resources, or legal status, particularly in emergency situations¹⁵⁵⁸.

Even though, minimum health cannot be refused to anyone, healthcare access arrangements in Portugal vary according to migrants' legal status. There are three distinct categories: First, legally residing foreign nationals enjoy all same rights as Portuguese citizens with respect to healthcare (which includes all holders of documents issued under IA and also AL). Upon obtaining a Social Security identification number and healthcare user number, they receive comprehensive coverage under the National Health Service, with the same conditions and entitlements as Portuguese nationals. Second, foreign nationals without residence permit but who are living in Portugal can access National Health Service provided they meet specific conditions: holding a certificate of residence from their local parish council, proving residence for more than 90 days, obtaining a social security number, and paying social security contributions. Those who do not pay contributions may be charged for services incurred. This framework reflects the balance between ensuring access to essential healthcare and maintaining sustainability of the system. Third, undocumented migrants, with no documents or contributions, have access to emergency healthcare and preventive services related to public health. Vulnerable groups such as children, pregnant women, and persons with contagious diseases receive unrestricted access to healthcare services regardless of their documentation status. This provision reflects Portugal's commitment to fundamental human rights even for the most precarious populations.

During the COVID-19 pandemic, the Portuguese Government issued an Order¹⁵⁵⁹ establishing an exceptional temporary measure. Under this order, all migrants and asylum seekers with residence applications or regularization requests pending were treated as being in a regular legal situation in Portugal. This measure granted temporary legal status recognition, whereby approximately 300,000 migrants were considered as lawfully present pending the processing of their applications, with full access to the National Health System. This exceptional temporary

¹⁵⁵⁸ These principles are enshrined in Administrative Order 25360/2001, issued by the Ministry of Health, which applies to all migrants regardless of their legal status in the country.

¹⁵⁵⁹ Decree-Law Order 3863-B/2020 (27 March 2020).

measure was successively extended through multiple decree-laws and administrative orders, as applications remained in administrative backlog. Extensions were granted until 15 October 2025, when the exceptional temporary status regime expired.

It must also be highlighted that Asylum seekers and persons with pending international protection applications benefit from specific healthcare protections (Article 52 of the Asylum Law). They are entitled to access healthcare through the National Health Service free of charge for emergency care and primary health services. This protection extends throughout the duration of their asylum procedure.

Despite the robust legal framework, foreign nationals seeking healthcare access may encounter practical barriers. Obtaining a social security ID number requires formal documentation and registration with social security authorities, which can be challenging for newly arrived migrants or those in precarious situations. The 90-day residency requirement for non-authorized migrants requires obtaining formal documentation from local authorities, which may not always be readily accessible. Language barriers and lack of information about rights and procedures may further limit de facto access to healthcare.

In December 2024, the Portuguese Parliament approved two separate proposals to restrict access to the National Health Service for foreign nationals without legal residence permit. The proposals, sponsored by the Chega party and the center-right PSD-CDS coalition government, seek to limit free healthcare access to emergency cases only, requiring non-resident foreigners to pay for non-urgent services or demonstrate private health insurance coverage. The proposals target specifically the second category of healthcare access, that is, foreign nationals residing in Portugal for more than 90 days without formal residence authorization, currently entitled to free emergency and vital care. However, as of January 2026, these proposals remain in the legislative process and have not been enacted into law.

Right to education

10. To what extent, compared to nationals, can non-nationals access public education services? Please consider the relevant criteria for primary, secondary, and tertiary education.

As already seen, the Article 15 (1) of the Portuguese Constitution (CRP) guarantees the general principle of assimilation of foreigners to national citizens regarding all constitutional rights. This shall encompass, in principle, every constitutional right, both the so-called rights, freedoms and guarantees, and also the economic, social and cultural rights – such as the right to education, etc. The constitutional framework is reinforced by Article 74(2)(j), which specifically mandates that the State shall provide adequate support to the children of immigrants in order to enable them to effectively exercise their right to education. This provision applies across all educational levels, from pre-school through higher education.

Primary and Secondary Education

Education is compulsory in Portugal for all children aged 6 to 18 years, and this obligation applies without distinction of nationality or legal residence status. All non-national children

legally residing in Portugal, whether third-country nationals with valid residence permit, or asylum-seeking and refugee children, have full access to public primary and secondary education under identical conditions as Portuguese nationals. Public education at these levels is provided free of charge, with textbooks and materials generally provided by the school.

Enrolment in primary and secondary education occurs through a national enrolment portal, or directly at school offices. When non-nationals enrol, the equivalence of their foreign academic qualifications must be assessed through a formal recognition procedure; however, children are granted immediate conditional access to appropriate classes while the equivalence procedure is pending. Language support is available through PLNM (Portuguese as a Non-Native Language) programs, enabling children to progressively integrate into the Portuguese curriculum while developing proficiency in Portuguese.

An important protective provision exists for minors in irregular immigration status. There is a national registry of foreign minors in irregular situation in Portuguese territory¹⁵⁶⁰. Parents or legal guardians of undocumented children can register their children either through an online process or in-person at AIMA offices. Upon approval, they receive a registration credential, valid for two years and renewable, which serves as a sufficient document for access to pre-school, school education, and healthcare services under the same terms as minors in regular immigration status. This system contains a protective clause, that provides that information gathered through the registry cannot be used by public services against these children or their family members for immigration enforcement purposes. This provision removes a major barrier to school access for undocumented families, who would otherwise could fear deportation by registering with authorities. The registry thus enables undocumented minors to attend compulsory education without jeopardizing their family's legal status.

Furthermore, even without registry credential, the obligation of compulsory education (ages 6-18) applies to all minors regardless of immigration status. Schools cannot refuse admission based on immigration status, as education is recognized as a fundamental right that overrides technical administrative requirements.

Higher Education

Access to higher education for non-nationals differs based on their legal status and country of origin. Legally residing non-nationals and those with established residence of two or more years in Portugal may access higher education courses subject to standard tuition fees comparable to Portuguese and EU nationals. Application procedures for such students follow standard protocols, and they are eligible for social support measures (scholarships, student residences, meal plans) available to domestic students.

Refugees and beneficiaries of international protection status, as well as victims of human trafficking and smuggling, are granted preferential treatment¹⁵⁶¹. These categories of students access higher education under the same admission conditions as Portuguese students, pay tuition fees at the same rate as Portuguese students (substantially lower than international

¹⁵⁶⁰ Decree-Law 67/2004, of 25 March 2004, regulated by Portaria 995/2004, of 9 August 2004.

¹⁵⁶¹ Decree-Law 62/2018, which regulates international student access and provisions for humanitarian emergencies.

students), benefit from the same social action and student support as Portuguese students, including scholarships, subsidized meals, and university accommodation, and may pursue all courses of study (degrees, integrated master's degrees, professional courses, master's programs, and doctoral studies).

Other third-country nationals classified as “international students” (those without legal residence in Portugal or lacking special humanitarian status) access higher education through a distinct application procedure. They may enrol in higher education institutions but pay variable tuition fees¹⁵⁶². These fees are established by individual higher education institutions and must not fall below legally specified minimums; they are generally substantially higher than fees charged to Portuguese, EU, or refugee students. International students receive indirect social action (services, rather than direct financial support) and compete for openings specifically reserved for international students, which each institution determines annually.

Vocational Training and Adult Education

Finally, Article 83 of the Immigration Law explicitly guarantees that legally residing non-nationals have the right to access professional guidance, vocational training, continuous training, retraining, and further education. Such programs are available through the Portuguese Institute of Employment and Vocational Training, and other accredited providers.

Right to social security

11. To what extent, compared to nationals, can non-nationals access social security benefits? For example, social insurance, retirement pension, among others.

The right to social security is enshrined in Article 63 of the Portuguese Constitution, which states that *everyone* is entitled to social security in case of illness, age, disability, widowhood and orphanhood, as well as unemployment and in all other situations where there is a lack or decrease of economic means or work ability. Law 4/2007 of 16 January¹⁵⁶³ establishes the general basis for the Portuguese system of social security. It reaffirms the principle of universality (Articles 6 and 7), establishing that “everyone has the right to social security” and that social protection shall not discriminate beneficiaries based on nationality, “without prejudice to conditions of residency and reciprocity”.

Immigrants holding valid residence permits enjoy exactly the same social security rights and bear the same obligations as Portuguese nationals. No separate or differential regime for immigrant social security has been created in Portuguese law. Legal resident non-nationals contribute at identical rates, qualify for benefits according to identical criteria, and receive identical benefit amounts as Portuguese nationals. Upon meeting contribution requirements, they access retirement pensions, disability support, unemployment insurance, sickness benefits, maternity and paternity protections, and family supports without discrimination or differential treatment.

¹⁵⁶² Decree-Law 36/2014, of 10 March, as last amended by Decree-Law 62/2018, of 6 August.

¹⁵⁶³ As last amended by Law no. 83-A/2013, of 30 December.

The Portuguese system of social security encompasses three complementary components. First, the contributory social security scheme, which is based on the payment of contributions and aimed at replacing income and providing social protection to workers. This system protects workers in case of illness, maternity and paternity (including protection during adoption), family charges, disability, unemployment, occupational disease, retirement, and death. Second, the non-contributory social protection system, which encompasses two subsystems. The solidarity subsystem provides social transfers aimed at preventing and reducing poverty and social exclusion, including the Social Insertion Revenue, a minimum income scheme. The family protection subsystem provides support for family charges and childcare support, with a universal orientation aimed at guaranteeing a minimum income compatible with human dignity. Third, a complementary system of optional private or occupational schemes operates alongside the mandatory public system.

Every worker who works in Portugal, irrespective of nationality, is legally obligated to be registered with the Social Security system, and to contribute according to the applicable regime. Registration with social security does not require a valid residence permit. In practice, the Social Security administration requires only an identification document for registration purposes. This means that undocumented migrants may register and pay contributions to the social security system. However, this creates a significant legal gap: undocumented migrants may pay contributions but cannot effectively access the benefits derived from the contributory system unless they subsequently obtain legal residence status.

Asylum seekers are also excluded from access to non-contributory benefits. Asylum applicants during the processing of their claims receive limited provisional support, according to the EU Directive on Reception Conditions of Asylum Seekers¹⁵⁶⁴, but are not entitled to non-contributory benefits pending final determination. Upon recognition as refugees or beneficiaries of subsidiary protection, they immediately acquire full access to non-contributory as well as contributory benefits under identical conditions as Portuguese nationals.

The primary non-contributory benefit is the Social Insertion Revenue, a minimum income support scheme for individuals in situations of serious economic need and at risk of social exclusion. Eligibility requires legal residence in Portugal for a minimum of 6 years (with specific exceptions for citizens of countries with which Portugal has concluded free movement agreements).

It must be also stressed that certain benefits from the contributory system are exportable and may be received by migrants residing in their countries of origin. Other contributory benefits, such as unemployment and sickness benefits and family allowances, are generally conditional upon residence in Portuguese territory. However, Portugal has signed bilateral and multilateral social security coordination agreements with numerous countries, including all European Union and European Economic Area member states¹⁵⁶⁵, as well as bilateral agreements with countries including Brazil, Angola, Guinea-Bissau, Cape Verde, Sao Tome and Principe, and other nations from the Community of Portuguese Speaking Countries.

¹⁵⁶⁴ Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013.

¹⁵⁶⁵ EU Regulation 883/2004 on social security coordination.

Right to an adequate standard of living

12. To what extent, compared to nationals, can non-nationals apply for welfare programmes? For example, financial aid, food aid, subsidized housing, among others.

Access to welfare and social assistance programmes for non-nationals in Portugal follows a substantially different model than access to social security benefits. Whereas social security protections are available to all workers who contribute, regardless of legal status, welfare programmes employ a more restrictive approach, based on residency status, with particular limitations for undocumented migrants and asylum seekers. Nonetheless, for non-nationals holding valid residence permits, access to welfare programmes is substantially equivalent to that enjoyed by Portuguese nationals, with eligibility determined by criteria of need and vulnerability rather than nationality per se.

Housing Assistance Programmes

Portugal has implemented multiple housing support programmes in recent years, aimed at increasing housing supply and affordability¹⁵⁶⁶. These programmes are accessible to legal residents without regard to nationality.

Residents, including legal resident non-nationals, may apply for social housing administered by the Institute for Housing and Urban Rehabilitation through the Housing Portal. Applications are assessed based on housing need and economic vulnerability rather than nationality. They may also apply for a programme providing urgent accommodation support to individuals and families temporarily or permanently deprived of housing or facing imminent risk of homelessness.

Food Aid Programmes

The government does not operate a direct food voucher or food stamp system comparable to programmes in other countries. Rather, the State subsidizes food bank operations developed by charitable organizations. Unlike government welfare programmes, food banks are not subject to residency documentation requirements and assess eligibility based on demonstrated food need rather than legal status.

Financial Assistance Programmes

As mentioned above, the Portuguese Social Security system develops a specific program of monetary assistance to individuals and families in situations of serious economic need and social exclusion risk: the Social Insertion Revenue. However, for non-nationals, eligibility requires legal residence for a minimum of six years (subject to exceptions established through bilateral social security coordination agreements).

Family Allowance

Family allowance is available to non-nationals residing in Portugal. For foreign minors born outside Portuguese territory, that they benefit from resident status identical to that of Portuguese

¹⁵⁶⁶ Some of these programs include housing rehabilitation and development support for disadvantaged populations, including migrant communities, monthly rental subsidies to families experiencing economic difficulty, among other measures.

nationals for purposes of family allowance, provided their parents or guardians have such status. This provision effectively extends family support to migrant families. Non-EU non-nationals must present valid residence permits or official declarations from competent authorities documenting six or more years of residence.

Child Supplement and Child Guarantee Initiative

Portugal is implementing an expanded Child Guarantee Initiative, which provides automatic cash benefits supplementing existing family allowances and ensuring beneficiaries receive a minimum annual amount. These provisions apply to children of legal residents, including non-national children, on an equal basis with Portuguese nationals' children.

Disability and Incapacity Support: Social Inclusion Benefit

The Social Inclusion Benefit provides monthly cash payments to individuals with certified disability resulting in a degree of incapacity equal to or greater than 60 percent (or 80 percent in cases of invalidity pensioners). Eligibility explicitly extends to “national and foreign citizens, refugees and stateless persons”. For non-nationals, the requirements are legal residence in Portugal.

Are there any final observations you would like to make? Please write below.