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CHAMBERS GLOBAL PRACTICE GUIDES

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# Corporate Immigration 2023

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**Portugal: Law & Practice  
and Trends & Developments**  
Raquel Cuba Martins and Rita Yen  
SRS Legal



# PORTUGAL



## Law and Practice

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SRS Legal has an immigration and citizenship department fully dedicated to immigration and citizenship matters, which advises foreign citizens and corporate clients on relocation procedures to Portugal. It also provides personalised legal advice to clients seeking to obtain a residence permit and benefit from the special regime of Residence Permit for Investment Activity in the national territory (or Golden Visa).

The team has expertise in Family Reunification, Golden Visa, Residence for European Citizens, and Residence for Highly Skilled Workers visas, as well as intra-corporate transfer residence visas and visas for those living out of individual revenue. The team often advises clients on citizenship applications, based on ascendancy, residency or marriage.

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## 1. Policy

### 1.1 Immigration Policy

Portugal is a country that welcomes immigrants and has proven to be a sought-after place for foreign citizens to live, either temporarily or permanently.

The Portuguese Immigration Law has been subject to several amendments over the past years, with the introduction of new types of visas and residence permits aimed at attracting more foreign citizens to Portugal and facilitating the immigration procedure. Examples include the Start-up Visa, the Tech Visa, the Digital Nomad Visa, the Job Seeking Visa and the CPLP Visa. Portugal now has a wide range of visas for foreign citizens who wish to relocate to the country depending on whether their purpose is to study, to work (including remote working), to reunify with family or simply to enjoy life in Portugal.

There are two types of national visa in Portugal:

- the temporary stay visa for stays of up to 12 months; and
- the residence visa (which is later converted into a residence permit) for those who intend to relocate to Portugal for longer than 12 months.

There are also two types of residence permit:

- the temporary residence permit, the validity of which varies from one to three years; and
- the permanent residence permit, which is valid for five years and may be applied for if a temporary residence permit has been held for at least five years, provided that the applicant meets the requirements.

### 1.2 Upcoming Policy Changes Recent Changes

The latest major amendments to the Portuguese Immigration Law were introduced in August 2022.

#### *Job Seeking Visa*

As its name indicates, this new type of visa is for those who wish to travel to Portugal to seek a job, allowing foreign citizens to travel to Portugal, enter into an employment contract, start working and apply for a residence permit in Portugal.

#### *Digital Nomad Visa*

This new visa allows foreign citizens to live in Portugal, either temporarily or long term, and remotely carry out a subordinate (under an employment contract) or independent professional activity (under a service provision contract) for their employer or clients domiciled or with headquarters outside Portugal.

#### *Elimination of labour market test*

Subordinate work visas used to require a labour market test prior to the visa application, with employers only being allowed to hire for positions that were not filled by Portuguese citizens, EU or EEA member state citizens or legal residents in Portugal. With the elimination of this requisite, foreign citizens are expected to start opting to apply for a residence visa in their country of residence prior to moving to Portugal, instead of presenting an expression of interest in Portugal, which is an extremely lengthy process. The expression of interest used to be a procedure chosen by those who travelled to Portugal without a work visa and later applied for a residence permit directly in Portugal.

## *Accompanying family member visa*

Family members who intend to accompany a residence visa applicant on their relocation to Portugal may now file their visa application simultaneously with the residence visa applicant. This new procedure will allow families who wish to move to Portugal to better plan their relocation, as they will be able to travel together and apply for the residence permit at the same time, avoiding prolonged separation of family members.

## *CPLP Residence Permit*

The Community of Portuguese Language Countries (CPLP) entered into a Mobility Agreement establishing the legal basis for greater mobility and circulation between the member states (Angola, Brazil, Cabo Verde, East Timor, Equatorial Guinea, Guinea Bissau, Mozambique, Portugal and São Tomé e Príncipe). The Mobility Agreement entered into force in 2022, and the latest amendment to the Portuguese Immigration Law included some special conditions for the granting of visas to the citizens of CPLP member states.

In March 2023, the Portuguese Immigration Office (*Serviço de Estrangeiros e Fronteiras*) launched a platform allowing the online submission of a CPLP residence permit application. For now, only CPLP citizens with pending expression of interest filed before 31 December 2022 or with Portuguese visas issued after 31 October 2022 can apply for the CPLP residence permit through the online platform, but the platform is expected to also become available for those who filed their expression of interest after 31 December 2022.

## *British citizens*

The Portuguese Immigration Office is no longer the only competent entity: municipalities are now also competent for the issuance and renewal of

residence permits for British citizens benefiting from the EU-UK Withdrawal Agreement.

## *Seasonal work*

Seasonal workers are no longer bound to the activity for which the visa was granted, permitting greater flexibility when carrying out seasonal activities at one or successive employers.

## *Complementary professional activity*

It is now possible for holders of research, study, professional internship or pro bono activity residence permits to carry out a professional activity complementary to the main purpose for their stay in Portugal. Prior notification to the Portuguese Immigration Office or the replacement of the residence permit with one that allows the exercise of a professional activity is no longer required.

## *Validity of residence permits*

Most of the residence permits in Portugal used to be initially granted for one year and renewed for two years. With the latest amendment to the Portuguese Immigration Law, the majority of residence permits are now initially granted for two years and renewed for three years. Examples include:

- Subordinate Work Residence Permits;
- Independent Work Residence Permits;
- Highly Skilled Activity Residence Permits;
- EU Blue Card Residence Permits;
- Digital Nomad Residence Permits; and
- Family Reunification Residence Permits.

Golden Visas are now initially granted for two years and renewed for two years.

There are also some residence permits with varying validity, as follows:

- Higher Education Students' Residence Permits are now valid for three years and renewed for equal periods. If the duration of the study programme is less than three years, the residence permit will be valid for the duration of the programme.
- Researchers' Residence Permits are valid for two years and renewed for equal periods. The permit will be valid for the duration of the hosting agreement whenever it is less than two years.
- Internship Residence Permits are valid for:
  - (a) six months;
  - (b) the duration of the internship programme plus three months for internships that last for less than six months; or
  - (c) two years for long-term internships, renewed for the remaining period of the internship programme.
- current Golden Visas will be converted into Entrepreneur Visas upon renewal (although the details on this are as yet unclear);
- the Golden Visa rules regarding minimum periods of stay in Portugal will remain unchanged;
- new family reunification applications and the renewal of family members' residence permits will also be safeguarded; and
- the possibility of Golden Visa applicants and family members applying for permanent residence permits is also maintained.

Note that the final wording of the law is currently being discussed and therefore the above might be subject to changes. At the time of writing, it is not possible to know if the changes will affect all types of investments, or when the legislative procedure will be finalised or when the law will enter into force.

Overall, these changes contribute to a more straightforward visa and residence permit application process, which will have a significant impact on the number of foreign citizens eligible and wishing to relocate to Portugal.

## Upcoming Changes

The major upcoming change to the Portuguese Immigration Law will be the revocation of the Golden Visa programme, the draft law for which is now following the regular course of the legislative procedure at the Portuguese Parliament. According to the draft law that was submitted to the Parliament:

- the Golden Visa programme will be revoked from the day the law enters into force;
- applications filed before the revocation of the Golden Visa programme will remain valid and future renewals will be accepted;

## 2. Visa Options

### 2.1 Sponsor-Based Employment Visas

In Portugal, sponsor-based employment visas as usually defined in other countries do not exist as such, but there are several visa and residence permit types in relation to which an employment contract is the basis for the application.

#### Employment-Based Visa and Residence Permits

##### *Seasonal Work Visa*

##### *Visa types*

There are two types of visas for seasonal work, depending on the duration:

- a Short-Stay Seasonal Work Visa valid for up to 90 days; and
- a Temporary Stay Seasonal Work Visa for stays over 90 days.

This visa is valid for the duration of the employment contract and cannot exceed nine months within a 12-month period. If the visa is valid for less than nine months, it may be extended for a maximum of nine months within a 12-month period.

## *Visa requirements*

Seasonal Work Visas (Short-Stay or Temporary Stay) may be granted to foreign citizens who:

- have a valid travel document;
- have not been subject to a removal order and are not currently under a subsequent period of prohibition of entry and stay in Portugal, the EU or the Schengen Area;
- have valid travel insurance covering the necessary medical expenses, medical emergency and medical repatriation;
- have adequate medical protection, in similar terms to those available to national citizens, or medical insurance for the periods that may not be covered by medical protection, as well as work accidents insurance provided by the employer;
- hold an employment contract or promissory employment contract signed with a temporary work agency or an employer established in Portugal that specifies the location, time and type of work, as well as the respective duration, salary and duration of paid vacation to which they are entitled;
- have means of subsistence;
- have adequate accommodation by means of a lease or equivalent contract, or have accommodation provided by the employer, which must comply with minimum health and safety standards – if the accommodation is provided by the employer and is not free of charge, the rent must be proportional to the remuneration of the employee and under no circumstances can it be automatically

deducted from the employee's remuneration nor exceed 20% thereof;

- fulfil Portuguese legal requirements in the case of a regulated profession;
- hold a valid transport document that guarantees their return to the country of origin (only for Short-Stay Seasonal Work Visa); and
- hold a travel document valid for the duration of the visa (only for Temporary Stay Seasonal Work Visa).

## *Simplified procedure*

Foreign citizens who have been admitted for the purposes of seasonal work in Portugal at least once in the past five years and who have complied with the legal provisions benefit from a simplified procedure when applying for a new Short-Stay or Temporary Stay Seasonal Work Visa, with the following characteristics:

- the visa application is processed as a priority;
- decisions are issued within 15 days; and
- the following documents are exempted:
  - (a) proof of accommodation;
  - (b) proof of fulfilment of legal requirements in the case of a regulated profession; and
  - (c) a valid transport document that guarantees their return to the country of origin.

Seasonal work is available in the following sectors:

- agriculture, livestock, hunting, forestry and fishing;
- hospitality, restaurants and similar;
- food, liquor and tobacco;
- gross and retail commerce;
- construction; and
- land transport.

## *Subordinate Work Visa*

This is adequate for those who already have a job offer, a promissory employment contract or even an employment contract with a Portuguese company, regardless of the type of activity and the qualifications or experience of the applicants. It is highly advisable to apply for the visa in the applicant's country of residence rather than directly in Portugal through an expression of interest.

## *Highly Skilled Activity Work*

This is applicable to those who already have a job offer, a promissory employment contract or even an employment contract with a Portuguese company for a highly skilled activity, and have the qualifications and/or experience for the execution of such activity. It is advisable to apply for this visa in the applicant's country of residence rather than directly in Portugal.

## *Tech Visa*

The Tech Visa is a certification programme that aims to simplify the visa and residence permit application for foreign highly skilled citizens to be employed by a company that is certified under the programme.

In April 2019, this programme ceased to be limited to tech and innovative companies, and became applicable to all companies that:

- have been legally incorporated;
- have no debts before the tax authority or social security;
- have no unpaid salaries;
- are not subject to a restructuring procedure;
- identify the desired areas of expertise according to the National Catalogue of Qualifications;
- have an office in Portugal and carry out an activity that requires specialised technical

skills, exceptional skills or adequate qualifications;

- develop an activity of production of goods and services that can reach the international market; and
- obtain a positive evaluation of the application on:
  - (a) market potential; or
  - (b) focus on external markets.

If a company was incorporated more than three years ago, it is necessary to provide a copy of the last annual Simplified Company Information (IES) evidencing its positive net worth.

The Agency for Competition and Innovation (IAPMEI) is the entity competent for the certification of companies under the Tech Visa programme. Once certified, companies can then issue a digital Term of Responsibility to highly skilled third-country citizens that:

- are at least 18 years old;
- are not residing permanently in the EU;
- have fulfilled all tax obligations, when applicable;
- have no criminal record;
- have successfully completed a bachelor's degree or equivalent, and have five years' experience in specialised technical functions; and
- are proficient in Portuguese, English, French or Spanish and have a language level adequate to the functions/duties to be performed.

The requirements for this type of residence visa/permit are similar to those for the Highly Skilled Activity Residence Visa/Permit, with the main difference being that the employer is a certified company and is declaring that the employee is



a highly skilled professional qualified for the job when issuing the Term of Responsibility.

Note that companies may only have a maximum of 50% employees hired simultaneously through the Tech Visa programme; companies located in the inland have a maximum cap of 80%.

It is advisable to apply for this visa in the applicant's country of residence rather than directly in Portugal.

### *EU Blue Card*

The EU Blue Card is a residence permit that entitles its holder to live and develop a highly skilled activity in Portugal. A Portuguese EU Blue Card may also be granted to those who, after holding another member state's EU Blue Card for at least 18 months, move to Portugal to engage in a highly skilled activity here.

Whereas a Highly Skilled Activity Residence Permit or a Tech Visa Residence Permit are Portuguese highly skilled visas and only count towards the Portuguese Permanent Residence Permit, the EU Blue Card is a highly skilled activity residence permit of the EU, and uninterrupted residence time in other member states may cumulatively count towards the five years of residence necessary to apply for an EU Long Term Residence Permit, provided that some requirements are met.

### *Intra-corporate transfer (ICT)*

This residence permit is applicable when an employee is transferred within the company or group of companies, from a country abroad to Portugal. It is valid for one year or for the duration of the transfer to Portugal, and is renewed for equal periods up to a limit of three years for managers and specialists or one year for trainees, as long as the conditions at the time of its

granting are maintained. In practice and considering all types of visas and residence permits offered by Portugal, and the procedures and processing times required, there is no clear advantage for a foreign citizen to apply for this type of visa.

### **Visa and Residence Permit Application Procedure**

#### *With prior visa application in the country of residence*

Most types of residence permits must be preceded by a residence visa application in the foreign citizen's country of residence. Depending on the specific country, visa applications may be submitted directly to a Portuguese Consulate or through a service provider. Family members may submit their Accompanying Family Member Visa simultaneously with the main visa applicant.

Once the residence visa is approved, applicants will receive a residence visa that is valid for two entries within a 120-day period, during which they should travel to Portugal and attend an appointment with the Portuguese Immigration Office to submit their residence permit application. These appointments are generated automatically with the issuance of the visa, and family members might be scheduled for different dates, times or locations in Portugal. Note that the main applicant shall be present at the family member's appointment.

In exceptional cases, if an appointment is not generated automatically it should be scheduled by the applicant according to the Portuguese Immigration Office's availability.

## *Without prior visa application in the country of residence*

### *Highly Skilled Activity/Tech Visa Residence Permit*

Applicants for these types of residence permits may start their process directly in Portugal, by scheduling an appointment for the submission of the residence permit application with the Portuguese Immigration Office. Such appointments depend on the Portuguese Immigration Office's availability, and it is common for appointments to be scheduled for three or four months later, or even for there not to be any available appointments. Applicants will only be able to schedule an appointment and apply for their family members' residence permits once they receive their own residence permit (in contrast to the possibility of family members submitting their visa applications simultaneously and travelling to Portugal with residence visas and automatically generated appointments).

Applicants and family members are also required to obtain documents in their home country or country of residency for the residence permit application. Some of these documents have expiry dates, so obtaining and legalising such documents must be well co-ordinated. Once applicants travel to Portugal, it is advisable to grant a power of attorney to someone to obtain and legalise said documents on their behalf.

Another disadvantage of this route is that family members who travelled together with the applicant to Portugal may only be able to file their applications a couple of months after arriving in Portugal, during which time they will not be considered in a regular situation and will not be allowed to work.

## *Expression of interest (Manifestação de Interesse)*

Foreign citizens who enter into Portugal on a visa exemption or a Schengen Visa may apply directly in Portugal for a Subordinate Work Residence Permit, an Independent Work Residence Permit, a Migrant Entrepreneur Residence Permit, a Start-up Visa or a Digital Nomad Residence Permit.

Although possible, this is not currently a recommended route as it takes around two years for applicants to receive their initial approval and be able to schedule an appointment for the submission of the residence permit application with the Portuguese Immigration Office. During the processing of this expression of interest, applicants are not in a completely regular situation and shall not leave Portugal or at least should consider the risk of not being able to re-enter.

## **2.2 Un-sponsored Work and Investment Visas**

### **Job Seeking Visa**

In order to apply for this visa, applicants must submit an online expression of interest (different from the one mentioned in **2.1 Sponsor-Based Employment Visas**) in enrolling with the Portuguese Institute of Employment and Vocational Training (IEFP), including the following information:

- personal information;
- contact details;
- level of education;
- experience information: areas of professional experience and number of years;
- desired areas of work; and
- language knowledge.

Upon the submission of the declaration, applicants will receive a declaration by email, with

which they will be able to apply for the Job Seeking Visa. The visa is valid for 120 days, extendable for an additional 60-day period, allowing one entry into Portugal. It includes an appointment at the Portuguese Immigration Office for the applicants to file the residence permit application. On the day of the appointment, applicants should have already entered into an employment contract; applicants who do not secure an employment contract within the maximum 180-day period of validity of the visa must leave Portugal and will only be able to apply for a new Job Seeking Visa after one year.

This visa may only be requested in the applicant's country of residence.

## Independent Professional Activity/Migrant Entrepreneur or Start-up Visa

The following applicants may follow this route:

- independent professionals who have a service provision contract or a written proposal for liberal professions in Portugal, and have the professional competence for such activity;
- migrant entrepreneurs who intend to invest in Portugal or who have already executed investment operations in Portugal; and
- start-up owners who signed an incubation contract with a certified incubator and have a declaration issued by IAPMEI.

It is highly advisable to apply for this visa in the applicant's country of residence rather than directly in Portugal through an expression of interest.

## Digital Nomad Visa

This type of visa is not applicable for those who wish to work remotely for an individual or entity domiciled or with headquarters in Portugal.

Digital nomads must demonstrate the existence of an employment or services provision contract, and prove average monthly income equivalent to at least four minimum monthly salaries in Portugal for the past three months prior to the visa application. In 2023, the minimum monthly salary is of EUR760, meaning that applicants must prove average monthly incomes of at least EUR3,040.

There are two subtypes of this visa.

- The Digital Nomad Temporary Stay Visa:
  - (a) this may be requested by applicants who intend to live and remotely work in Portugal for up to 12 months;
  - (b) it must be applied for in the applicants' country of residence; and
  - (c) once granted, applicants will receive a visa sticker that is valid for the duration of the intended stay.
- The Digital Nomad Residence Visa:
  - (a) this may be requested by applicants who wish to relocate to Portugal for more than 12 months;
  - (b) it is highly advisable to apply for this visa in the applicant's country of residence rather than directly in Portugal through an expression of interest; and
  - (c) once granted, applicants will receive a residence permit that is initially valid for two years and can be renewed for periods of three years.

## Residence Permit for people living off individual revenue

This residence permit is preceded by a residence visa application and must be applied for in the applicant's country of residence. It is commonly known as the D7 visa and is applicable to those who have revenue from movable or immovable property or intellectual or financial assets and

intend to relocate to Portugal and live off their individual revenue. Holders of a Residence Permit for people living off individual revenue may also develop a professional activity in Portugal or work remotely for a foreign entity.

### *EU citizens and family members*

EU citizens who intend to live in Portugal for more than three months must register with the municipality of the area of their residence and obtain a Certificate of Registration of EU Citizen, which is valid for five years. This implies that the citizen shall choose the location in which to live before registering with the competent municipality.

Non-EU family members that accompany an EU citizen to Portugal for more than three months may apply for a Residence Card for Family Members of an EU citizen, which is also valid for five years. The application is submitted directly in Portugal, at the Portuguese Immigration Office, with a prior appointment. The EU Family Member Residence Card enables its holder to live and work in Portugal.

If the EU citizen does not establish residence in Portugal, the non-EU family member must apply for another type of visa in order to live and work in Portugal.

### *British citizens and family members*

The rights of British citizens and family members who were already living and working in Portugal before the end of the transition period (31 December 2020) are safeguarded by the EU-UK Withdrawal Agreement.

The Portuguese Immigration Office is currently finalising the replacement of residence cards of family members of British citizens who held EU Family Member Residence Cards and also the

granting of residence cards to those who were not able to get one before the end of the transition period. British citizens and respective family members who wish to relocate to Portugal are now subject to those rules applicable to third-country citizens.

### *CPLP Residence Permit*

This is initially granted for one year and can be renewed twice for periods of two years. This residence permit enables its holder to live and work in Portugal.

### *Temporary protection for residents in Ukraine*

Portugal offered temporary protection to people fleeing the war in Ukraine. The certificate granted under the temporary protection was initially valid for one year and implied the issuance of a Portuguese tax number, social security number and a Portuguese health system number, so that applicants could start working.

In March 2023, the government extended the protection for an additional six-month period.

### *Investment Visas*

#### *Golden Visa*

Please note that this is a different residence permit than the Migrant Entrepreneur Visa referred to above.

The Golden Visa is a special type of residence permit that may be granted to citizens from countries outside of the EU or EEA who execute one of the following qualifying investments:

- a capital transfer of at least EUR1.5 million;
- the creation of at least ten job positions;
- a purchase of real estate with a value equivalent to or greater than EUR500,000;
- a purchase of real estate constructed at least 30 years ago or located in an area of

urban rehabilitation and subject to rehabilitation works, for an overall amount equal to or greater than EUR350,000;

- a capital transfer in the amount equivalent to or greater than EUR500,000 to be used for research activities developed by public or private scientific research institutions, integrated in the National Scientific and Technological System (*Sistema Científico e Tecnológico Nacional*);
- a capital transfer in the amount equivalent to or greater than EUR250,000 to be used for investing in or providing support to the artistic production and recovery or maintenance of national cultural heritage;
- a capital transfer in the amount equivalent to or greater than EUR500,000 for the acquisition of units in a Portuguese investment or venture capital fund; and
- a capital transfer in an amount equivalent to or greater than EUR500,000 to be used for the incorporation of a company with a head office in Portugal.

The residence permit is initially granted for two years and is renewed for successive periods of two years, provided that the investment is maintained and the applicant stays in Portugal for at least 14 days in every two-year period.

Holders of a Golden Visa Residence Permit may live and work in Portugal, and are also entitled to regroup their family members.

## 2.3 Restrictions on Visitors

As a rule, the development of remunerated professional activities in Portugal requires an appropriate visa. As Portugal is part of the EU, and EU citizens can live, move and work in any EU member state without restrictions.

Foreign citizens listed in Annex II of Regulation (EU) 2018/1806 are exempted from holding a visa when visiting Portugal. However, they will need an appropriate visa for undertaking remunerated activities in Portugal. Visitors who travel to Portugal on a visa are restricted to the purposes for which the visa was issued. Visa-exempted citizens and holders of Schengen Visas travelling to Portugal as business visitors may undertake the following activities:

- attending conferences, congresses, events or fairs;
- participating in meetings, negotiations or trade deals;
- visiting clients, partners or suppliers; and
- executing research and networking activities.

## 2.4 Remote Working

Portugal seems to recognise that remote working is here to stay and has made some amendments to the Immigration Law by introducing the Digital Nomad Visa.

The Digital Nomad Visa can be divided into two different subtypes:

- the Digital Nomad Temporary Stay Visa for those who intend to stay for up to 12 months; and
- the Digital Nomad Residence Visa (that is converted into a Digital Nomad Residence Permit) for those who intend to live in Portugal for more than 12 months.

Only those working remotely for a foreign entity can apply for this type of visa.

## 3. Visa Requirements

### 3.1 Prerequisite Language Requirements

Portugal does have any language requirements that must be met in order to obtain a visa or residence permit. However, depending on the visa route, namely in the case of a Tech Visa application, it is necessary to demonstrate Portuguese, English, French or Spanish language proficiency appropriate to the job.

Those who intend to apply for a permanent residence permit need to prove minimum Portuguese A2 level of the Common European Framework of Reference scale by filing a certificate issued by an approved school or exam centre.

### 3.2 Medical Certificates or Vaccinations

As a rule, medical certificates or vaccinations are not required for visa application purposes.

However, depending on the country from which the applicant is applying and the circumstances at the time, Portuguese authorities might require a medical certificate to be filed together with the visa application.

### 3.3 Minimum Thresholds: Sponsor-Based Employment Visas Minimum Requirements

Visa and residence permits based on employment contracts have the following minimum requirements in terms of salary or qualifications.

- Work Residence Visa/Permit or Job Seeking residence permit: Portuguese minimum monthly salary, which is EUR760 in 2023.
- Highly Skilled Activity Residence Visa/Permit and Tech Visa:
  - (a) employment contract or service provision contract for a highly skilled activity;
  - (b) academic qualifications and/or profes-

sional experience adequate for the activity to be executed;

- (c) minimum monthly salary of at least 150% of the national average gross annual salary or 300% of the index value of social support (IAS) – in 2023, the IAS is EUR480.43, so the minimum monthly salary required is EUR1,441.29; and
  - (d) for employment in professions belonging to a group of activities particularly in need, the minimum monthly salary is at least 120% of the national average gross annual salary or 200% of the IAS, so the minimum monthly salary required is EUR960.86.
- Blue Card:
    - (a) employment contract or service provision contract for a highly skilled activity;
    - (b) academic qualifications and/or professional experience adequate for the activity to be executed;
    - (c) minimum monthly salary of at least 150% of the national average gross annual salary, which in 2023 is EUR2,200; and
    - (d) for employment in professions belonging to a group of activities particularly in need, the minimum monthly salary is at least 120% of the national average gross annual salary (so EUR1,700).

### Group of Activities Particularly in Need

The activities particularly in need mentioned above are:

- senior managers of public administration;
- company directors;
- small business directors and managers;
- specialists in physical sciences, mathematics and engineering;
- life science specialists and health professionals;

- secondary and higher education teachers and similar professions; and
- other specialists of intellectual and scientific professions.

### 3.4 Employment-Based Visa Limitations

Except for holders of Intra-Corporate Transfer Residence Permits, holders of an employment-based residence permit are not limited to an employer but are otherwise bound to the minimum monthly salary and activity requirements of the residence permit category, as indicated in **3.3 Minimum Thresholds: Sponsor-Based Employment Visas**. Therefore, an employee can enter into an employment contract with a different employer during the validity of the residence permit.

## 4. Immigration Process

### 4.1 Visa Processing Times

Visa and residence permit processing times may vary depending on the country/Immigration Office where the application is filed. The current averages are as follows:

- Subordinate Work Visa: 60 working days;
- Independent Professional Activity/Migrant Entrepreneur or Start-up Visa: 60 working days;
- Digital Nomad Visa: 60 working days;
- Job Seeking Visa: 60 working days;
- Highly Skilled Work Visa or Tech Visa: 30 working days; and
- Residence permit application: 20 to 90 working days.

These processing times are on the basis that a complete application is submitted and counted from the day the application is filed. Also, the time it takes to obtain and legalise the docu-

ments necessary for the visa/residence permit application may be significant and should be considered.

### 4.2 Travel Restrictions Once Application Filed

Temporary Stay visas allow multiple entries during their validity, so temporary visa holders are free to travel in and out of Portugal.

Job Seeking Visas are only valid for one entry into Portugal, so the holder must stay in Portugal until a residence permit application is granted, whilst residence visas are valid for two entries into Portugal during the validity of the visa.

Holders of a temporary residence permit cannot leave Portugal for more than six consecutive months or a total of eight months during the validity of the residence permit (currently between one and three years).

Holders of a permanent residence permit cannot leave Portugal for more than 24 consecutive months in a period of three years or a total of 30 months during the validity of the residence permit (five years).

The consequence of exceeding the periods of leave referred to above is the possible cancellation of the residence permit. However, a citizen can avoid such cancellation by proving that their absence from Portugal was essential to carry out professional or business activities or activities of a cultural or social nature abroad.

Holders of Golden Visa residence permits and Golden Visa family member residence permits must stay in Portugal for a minimum of 14 days during the validity of the residence permit (currently two years).

## 4.3 Expedited Visa Proceedings

There are no expedited/fast-tracked visa or residence permit proceedings in Portugal.

## 4.4 Post-visa Requirements

Once in Portugal, applicants must deal with the following procedures upon the issuance of the residence visa and before the Portuguese Immigration Office appointment:

- obtaining a non-resident Portuguese tax number (NIF) – as a foreign citizen not resident in the EU, the applicant needs to appoint a tax representative in Portugal and obtain a non-resident tax number;
- obtaining a social security number (NISS);
- securing long-term accommodation, with it being advisable to enter into a lease agreement for the term of at least one year; and
- executing the final work contract if the visa application was based on a promissory employment contract and registration thereof with the Social Security.

Holders of residence visas must attend an appointment at the Portuguese Immigration Office to file the residence visa application, after which a residence permit is granted and the respective card is issued. Once the applicant receives the residence permit card, the following steps are to be fulfilled:

- changing the tax residency status from non-resident to resident – this implies that applicants must transfer their tax residence to Portugal and submit an annual declaration on their worldwide income;
- obtaining a Portuguese health system number (*número de utente*); and
- replacing the foreign driver's licence with a Portuguese driver's licence (if applicable).

## 5. Immigration Costs

### 5.1 Typical Cost of a Sponsored Employment

The visa and residence permit costs are currently as follows:

- visa application fee: EUR90;
- residence permit fee with residence visa: EUR170.50;
- residence permit fee without residence visa: EUR303.66;
- residence permit renewal fee: EUR128.37; and
- EU citizen family member residence card: EUR21.

If the visa application is filed through a service provider, service charges may accrue to the visa fee. Applicants should also take into account the costs of travel health insurance and other personal documents that must be obtained within the procedure to apply for the residence visa/permit application.

### 5.2 Payment of Visa Costs

There are no rules as to who should be responsible for the payment of the visa costs: they can be paid by the applicant, the employer or a third party.

## 6. Enforcement

### 6.1 Enforcement Action Against Individuals and/or Sponsors

Portuguese authorities including the Portuguese Immigration Office, the police and the Authority for Labour Conditions co-operate to ensure compliance with the Portuguese Immigration Law and Labour Code. These entities execute occasional inspections in workplaces to make sure



employees hold a visa and/or residence permit that enables them to live and work in Portugal, and to ensure that the minimum requirements on work conditions are not being breached.

Inspections may also be executed if any information on these entities' systems raises a red flag, such as a relevant number of residents in the same address or a sudden increase of foreign citizens submitting visa applications based on employment contracts executed with the same employer.

Enforcement actions may be taken against the use of illegal work, the facilitation of illegal immigration or the fraudulent obtention of a residence permit.

Residence permits may be cancelled in the following circumstances:

- the holder has been the subject of a coercive removal decision or a decision of judicial expulsion from Portugal;
- the residence permit has been granted on the basis of false or misleading statements or false or falsified documents, or through the use of fraudulent means;
- there are serious reasons to believe that the residence permit holder has committed serious criminal acts or there are real indications that the holder intends to commit acts of that nature, namely in the territory of the EU; or
- for reasons of public order or security.

## 6.2 Employer Obligations

In general, employers are obliged to ensure that their employees hold a valid residence permit that enables them to work in Portugal. The employment of foreign citizens without valid entitlement to work in Portugal may be punished with imprisonment and/or the payment of a fine,

depending on the number of workers employed without a valid document.

Employers certified under the Tech Visa programme may have their certification cancelled if they do not comply with the legal obligations and requirements.

## 6.3 Right to Work Check Requirements

The Portuguese government decided to abolish the requirement to publish a job offer on IEFP's website for a period of 15 days and the subsequent issuance of a declaration proving that the job offer was not filled by Portuguese, EU or EEA member state citizens, or third-country nationals legally residing in Portugal. The employer was only allowed to hire a foreign citizen upon such verification.

Given the low unemployment rates and the lack of manpower in Portugal, non-highly skilled subordinate work visas are no longer dependent on this work check requirement. IEFP may now even share the Job Seeking Visa / Residence Permit holders' information with employers that are hiring.

## 7. Accompanying Family Members/Dependants

### 7.1 Recognised Family Relationships

The following family relationships are recognised for the purpose of a dependant visa:

- spouses;
- civil partners who have been living in conditions similar to those of married couples for at least two years;
- children under 18 years old of either of the spouses or civil partners;

- children over 18 years old of either of the spouses or civil partners, provided that they are single and studying in Portugal;
- parents of either of the spouses or civil partners that are economically dependent – there is an assumption that parents over 65 years old are dependent; and
- siblings under 18 years old whose guardianship has been determined by the court.

## 7.2 Dependant Visas

The Immigration Law was changed to promote greater efficiency in the relocation process of family members by allowing them to file their residence visa application simultaneously with the main applicant. Once family members receive their family reunification residence permit, they will be able to start working in Portugal, either under an employment contract or as an independent contractor.

## Trends and Developments

### Contributed by:

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SRS Legal

**SRS Legal** has an immigration and citizenship department fully dedicated to immigration and citizenship matters, which advises foreign citizens and corporate clients on relocation procedures to Portugal. It also provides personalised legal advice to clients seeking to obtain a residence permit and benefit from the special regime of Residence Permit for Investment Activity in the national territory (or Golden Visa).

The team has expertise in Family Reunification, Golden Visa, Residence for European Citizens, and Residence for Highly Skilled Workers visas, as well as intra-corporate transfer residence visas and visas for those living out of individual revenue. The team often advises clients on citizenship applications, based on ascendency, residency or marriage.

## Authors



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### Corporate Immigration in Portugal: an Overview

Over the last ten years, the Portuguese government and several other Portuguese public and private entities have implemented procedures and initiatives aimed at attracting tourism and foreign investment into the country. Portugal is known as a nation that welcomes foreigners, and one in which tourism represents a significant part of economic activity and development.

In addition, safety and political stability are very attractive characteristics for those who visit or intend to live here. It is also worth mentioning that Portuguese education institutions are highly regarded, and that some of Portugal's universities and executive programmes have been considered as top players by international award programmes.

The IT industry and research and development activities are internationally recognised and play a major role within the country's economic development. As a small country, the population adopts a more curious approach and involvement with citizens of other cultures.

The fact that Portugal is considered a preferred destination for those who intend to relocate also

represents a challenge for the Portuguese public services, as the continuous increase in the number of immigrants requires constant updates to procedures and more demand in terms of the number of staff required.

#### Immigration overview

The Portuguese Immigration Office (*Serviço de Estrangeiros e Fronteiras*) has administrative and criminal competences, being responsible for issuing residence permits and renewals, but it also has police and border control attributions. Given the huge backlog that built up while services were suspended due to the COVID-19 lockdown, the Immigration Office is still having difficulties dealing with the vast number of outstanding residence permit applications filed by immigrants.

According to the statistics made available by the Portuguese Immigration Office, there were 698,887 foreign residents in Portugal in 2021. Of those immigrants, Brazilian citizens represent the highest number of residents (204,694), followed by UK citizens (41,932), and then the citizens of Cabo Verde (34,093) and Italy (30,819). Citizens from India, Romania, Ukraine, France, Angola and China are each represented by a community of between 22,782 and 30,251 resi-

dents. It is also relevant to mention that around 46% of immigrants are between 25 and 44 years old.

Similar to previous years, in 2022 the number of foreign residents continued to increase, totalling 757,252 immigrants, representing a growth of 8.3% in relation to 2021. The total number of foreign residents represents 7.3% of the Portuguese population.

The information provided by the Portuguese Immigration Office revealed that the highest growth in immigration is represented by citizens from India, with an increase of 13%: from 30,251 to 34,232 residence permits. Citizens of Nepal also joined the ten most represented communities, with a population of 23,441 citizens.

In 2022, 113,090 new residence permits were issued, which represents an increase of 1,779 new residents compared to 2021.

It is also interesting to note that citizens from North America now represent a significant number of visa and residence permit applications. Portugal is becoming very popular within the US community, leading to a high number of citizens wanting to relocate here.

Looking at the statistics, it is also possible to conclude that most of the immigrants live in the major Portuguese cities and those along the coast, with Lisbon, Porto, Faro and Setúbal having the highest number of immigrants. Of the ten Municipalities with the highest number of immigrants, seven are in the Lisbon area.

There is also a high number of immigrants living in areas where agricultural activity is the basis of economic development. These are the so-called seasonal workers.

Looking again at the statistics, it is possible to conclude that the basis for visa/residence permits applications was mainly the execution of a professional activity and requests based on family reunification. Students also represent a significant proportion of the number of residence permits granted.

## *New visa types*

### *Job Seeking Visa*

Portugal currently needs additional workers as the existing workforce is not sufficient to meet the increasing demand. For that reason, the Portuguese government made some changes to the Immigration Law, aimed at facilitating the relocation of foreign workers.

One such amendment is the introduction of the Job Seeking Visa, under which applicants can apply for a visa by simply declaring that they want to travel to Portugal to find a job here and become residents. The visa is valid for 120 days and extendable for 60 days, during which time the applicant must enter into an employment contract and attend an appointment with the Immigration Office to apply for a residence permit. It is most frequently applied for by non-qualified workers who are not required to enter into a previous promissory employment contract in order to apply for the visa in their home country.

### *Digital Nomad Visa*

During the COVID-19 pandemic, a significant number of foreign citizens remained in Portugal due to travel restrictions and also because they concluded that they were able to work remotely without major constraints. Since then, Portugal has been considered a pleasant place to live by those who are able to work remotely (the so-called Digital Nomad workers), not only because the cost of living is usually much less than in their home country but also because of the Por-

tuguese climate, gastronomy, safety and friendly environment.

The Portuguese government considered that it was necessary to regulate such situations, and the regime for Digital Nomad Visas entered into force at the end of 2022. The number of applications filed for this type of visa is already quite high.

### *Brexit*

The Portuguese Immigration Office also implemented a specific procedure for British citizens living in Portugal on 31 December 2020. Those who had a registration certificate (applicable to EU citizens) on 31 December 2020 and those who were able to prove they had been living in Portugal before such date were given the right to apply for a subsequent residence permit, which would replace the registration certificate. The same procedure is applicable to the British citizens' family members.

The procedure consisted of registering at a specific platform made available by the Portuguese Immigration Office, further to which the citizens were notified to schedule an appointment to update their data and collect their biometrics. Given the constraints related to the COVID-19 pandemic, this replacement procedure took some time to be implemented and it is still ongoing for family members.

According to information made available by the Portuguese Immigration Office, there were 36,639 British citizens living in Portugal in 2022.

### *Temporary protection for residents in Ukraine*

As a consequence of the war in Ukraine, Portugal implemented a simplified procedure for Ukrainian citizens or those living in Ukraine. The application is executed by simply registering

on a digital platform, following which citizens receive a certificate of registration and a Portuguese tax number, social security number and health system number.

However, as a safety measure, those under 18 years old are required to attend the Immigration Office in person, accompanied by an adult who must prove that they are the parent or hold the child's legal guardianship.

Upon issuance of the certificate, the citizens are allowed to work in Portugal and have access to the Portuguese health system.

### *New procedures*

#### *Visa procedures*

Given the huge demand for visa applications and the lack of capacity of the Portuguese Consulates, the Portuguese government has entered into an agreement with VFS Global in some countries, under which this company will deal with the initial phase of visa applications and be the point of contact between the Portuguese Consulate and the applicant. Under this procedure, VFS Global gathers all the documents for the visa application, collects the applicant's passport and visa application fee, and preliminarily verifies if the process is in order, before sending everything to the competent Portuguese Consulate to be decided.

### *Community of Portuguese Language Countries (CPLP)*

Portugal is part of the CPLP, the main purpose of which is to facilitate co-operation between the member states and mobility within those states. The number of regular visa applicants and residents from Brazil, Angola, Mozambique, Cabo Verde and São Tomé e Príncipe is very significant. Taking that into consideration, the member states agreed to facilitate the visa procedures,

and the Portuguese Immigration Office specifically implemented a simplified procedure for those who have a pending expression of interest filed before 31 December 2022 or a Portuguese visa issued after 31 October 2022.

### *Automatic renewal*

Portugal has been considered a preferred destination by a high number of foreign citizens over the last couple of years, leading to a huge increase in the number of visa applications being filed with Portuguese Consulates and requiring a huge effort from the Portuguese Immigration Office in Portugal. Combined with the backlog created by the COVID-19 pandemic, this has resulted in several constraints for those wanting to apply and/or renew their residence permits in Portugal. At some point, it became obvious that the Immigration Office would not be able to attend to all the people in need of an appointment.

One of the measures implemented was to approve legislation setting out that those who have been in Portugal and have not been able to apply for and/or renew their residence permits are considered to be in a regular situation and are therefore allowed to remain in the country until 31 December 2023.

Also, for the reasons explained above, in 2021, 2022 and 2023 the Portuguese government decided to introduce a procedure of automatic renewal for those holding a valid residence permit in Portugal. Instead of having to attend a renewal appointment at the Immigration Office, those holding a residence permit based on an employment contract or on the fact of having sufficient income to live in Portugal, or a residence permit for higher education, can apply for an online renewal.

The procedure is very simple: the applicant needs to register on the Immigration Office website, apply for renewal and pay the renewal fee. The Immigration Office will then verify if there is any reason why the applicant should not be allowed to renew – namely by checking if the applicant has any debts towards the tax authority or social security. If there is no adverse fact, the renewal is approved and the residence card is sent to the applicant's home address.

The information provided by the Immigration Office reveals that, as of 21 April 2023, around 200,000 automatic renewal applications had been finalised.

### *Golden Visa revocation*

The main issue being discussed in Portugal at the moment is the housing crisis. A dramatic increase in property prices is attributed to a combination of several facts, including the decrease in new construction, inflation rates, the increase in energy prices and construction prices, the delay in new licensing procedures, and the huge demand by foreign citizens. Consequently, the amount of real estate available to purchase or lease has decreased while the demand has increased significantly.

The Portuguese government is currently approving several measures to try to solve the housing crisis issue, in a package known as “*Mais Habitação*” (“More Housing”). Such measures include the revocation of the Golden Visa regime when based on real estate investment, as proposed in a draft law presented to the Portuguese Parliament.

The Golden Visa programme is a regime under which citizens from outside the EU and EEA are allowed to obtain a residence permit in Portugal by executing one of the eligible investments.

Such investments include the purchase of real estate, including residential properties, although with some limitations since January 2022.

Between October 2012 and April 2023, a total of 12,037 residence permits were granted under this programme, representing EUR6,994,565,457.86 of investment in the Portuguese territory. In addition, 19,600 residence permits were granted to family members.

Chinese citizens account for the highest number of residence permits issued, at 5,319, with Brazilian citizens making up the second highest group (1,203). 635 residence permits have been granted to US citizens, followed by Turkish citizens with 571 and South African citizens with 532 residence permits.

The purchase of real estate is the most common type of investment, representing a total value of EUR6,226,368,384.03 since the programme has been in place. In terms of residence permits issued, real estate purchases account for 10,957 out of a total of 12,037.

Other transfers of capital investment include:

- the transfer and deposit of EUR1 million (or EUR1.5 million if executed from January 2022 onwards);
- the purchase of units in venture capital funds;
- the investment in share capital of Portuguese companies;
- the transfer of capital to be used for research activities; and
- the transfer of capital for investment or to support artistic production.

Applicants invested EUR768,197,073.83 under these types of investment, leading to a total of 1,058 residence permits granted.

Lastly, the creation of job positions was chosen by just 22 Golden Visa applicants.

Although the argument to revoke the Golden Visa is mostly based on the housing crisis, statistics reveal that the number of properties purchased by Golden visa applicants represented only around 1% of the total properties commercialised in Portugal during the last ten years.

### *Citizenship applications*

In addition to its competence for the issuance and renewal of residence permits, the Portuguese Immigration Office also intervenes in part of the procedure related to citizenship applications (the competence for which belongs to the Portuguese Registry Service – *Instituto dos Registos e do Notariado*).

As such, during a citizenship application the Immigration Office is consulted to determine whether the applicant has complied with the minimum period of residence in Portugal (when the application is based on residency) and if there is any circumstance that might jeopardise the citizenship application.

The Portuguese Immigration Office has stated that it issued an opinion on 47,278 requests during 2021. Of those, the Immigration Office provided a negative opinion in 423 situations, which ultimately resulted in a citizenship application not being granted.

### *Portuguese Immigration Office*

The Portuguese Immigration Office is currently being restructured, with the main consequence being segregation of the administrative and police competences. The police competences will be attributed to the police forces (GNR, PSP and Criminal Police), while the administrative attributions will pass on to a new entity – *Agên-*



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*cia para a Integração, Migrações e Asilo, I.P.* (AIMA, I.P.). According to the Decree Law published on 2 June 2023, the new organisational model is expected to be implemented and fully operational by 29 October 2023.

On the other hand, the Portuguese Registry Service (*Instituto dos Registos e do Notariado*) will be responsible for receiving applications for residence permit renewals, which will result in a larger number of offices being able to deal with such procedure. This restructuring is very demanding in terms of the services' organisation, and the many players working on immigration matters are curious on what the outcome will be.

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