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JUNE | 2024

**Amendment to the legal regime for  
the entry, stay, exit and withdrawal  
of **foreigners** from national territory**

The Council of Ministers approved the Migration Action Plan on Monday the 3rd of June. The Plan is divided into four areas of action:

- regulated immigration;
- attracting foreign talent;
- human integration that works; and
- institutional reorganisation.

With the approval and enactment of Decree-Law no. 37-A/2024 amending Law no. 23/2007 of 4th of July, the residence permit procedures based on expressions of interest under the Migration Action Plan were revoked.

### What is an expression of interest?

The expression of interest submitted as part of an application for a residence permit to carry out a subordinate professional activity, in accordance with Article 88 number 2 and Article 89 number 2 in their previous wording, made it possible to regularise immigrants who did not have a consular residence visa and were already residing in national territory.

The previous wording made it possible to regularise immigrants who did not have a consular residence visa and who were already residing in national territory, with the registration of the expression of interest and the presentation of a mere promise of a work contract being sufficient for this purpose.



## What changes?

From 4th of June 2024, due to the repeal of paragraphs 6 and 7 of article 81, paragraphs 2 and 6 of article 88 and paragraphs 2, 4 and 5 of article 89 of Law no. 23/2007 of 4th July, it will not be possible to apply for a residence permit to carry out a subordinate or independent professional activity on the basis of presenting an expression of interest and an employment contract.

The plan now includes the requirement to present an employment contract for immigrants who enter the country from 4th of June. This contract will have to be presented at the Portuguese consulates in the countries of origin in order to obtain a visa before deciding to immigrate. Thus, any citizen who wants to come to work in Portugal must first have a consular visa in order to be able to consolidate and obtain a residence permit.

**Thus, it is still possible to apply for a residence permit to carry out a subordinate professional activity. To do so, you must now submit (in addition to the requirements set out in Article 77 of Law 23/2007):**

- Employment contract as explained; and
- Proof of social security enrolment.



## You're in the process of applying for a residence permit to carry out a professional activity by submitting an expression of interest, now what?

All expressions of interest submitted up to and including 3 June 2024 are safeguarded and remain valid for the respective processes that follow their terms in accordance with Law no. 23/2007, of 04 July, as amended by Law no. 56/2023, of 6 of October.



### Why this change?

From the information provided and from what is possible to understand, the current government's intention is that this a posteriori and extraordinary legalisation mechanism for any foreign citizen will now give way, with greater expression, to ordinary legalisation mechanisms.

Therefore, any foreign citizen interested in coming to Portugal, with a view to the purpose of their trip and migration plan, should seek legal advice from specialised lawyers, in order to identify which mechanism is appropriate for the purposes intended under Law no. 23/2007, of July 4th, for the granting of a residence permit.

## What will be done to resolve the more than 400,000 cases pending at the Agency for Migration Integration and Asylum?

The Migration Action Plan provides for the creation of a mission structure, which will take the form of an extraordinary recruitment drive, according to statements made by the Minister for the Presidency, António Leitão Amaro.

## What's new in the CPLP Mobility Agreement?

Although this measure is still at an embryonic stage and is somewhat uncertain from a legal point of view, the government's intention is to recognise the validity of CPLP visas, leaving no citizen unprotected.

With the changes presented and the measures already in force, it is good to see that understanding the regime for the entry and stay of foreigners in national territory is becoming more relevant and specialised. As these are sensitive matters concerning people's lives, their professional plans and careers and their dignity, it always requires careful and exhaustive planning and information, which should be sought from professionals/lawyers specialised in this area.



**Alberto Mateus Vaz**  
Associado Sénior · Senior Associate  
[amv@dower.pt](mailto:amv@dower.pt)