

ENTRY, STAY, EXIT, AND DEPARTURE OF FOREIGNERS FROM NATIONAL TERRITORY

Law no. 61/2025, of 22 October

Alters Law no. 23/2007, of 4th of July, which approves the regime of Entry, Stay, Exit, And Departure of Foreigners from National Territory.

CONTEXT

Law no. 61/2025, of 22nd of October, implements new rules to address and restrict access to immigration in Portugal. This Law also aims to answer the pressures felt by AIMA (Agency for Integration, Migration and Asylum) and by the Administrative Courts, in view of the high volume of processes.

PRINCIPAIS ALTERAÇÕES

End of the Job Seeker Visa: The Law now covers only the Highly Qualified Job Seeker Visa, requiring the criterion of 'specialized technical skills' to engage in a highly qualified activity. The prior opinion of AIMA is waived when the applicant is a national of a state where the CPLP Agreement is in force, but not that of the UFCE (Border and Foreigners Coordination Unit).

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For the CPLP (Community of Portuguese Language Countries): It now requires entry into Portugal with a residence visa, as holding a short-term visa or having legal entry into the national territory is no longer sufficient.

Family Reunification: It is now required that the holder has had a Portuguese residence authorization for at least two years before being able to apply for Family Reunification, and it is mandatory that they have cohabited or that the dependent relies on them. Exceptions: Minors or incapacitated individuals under their care, spouse or equivalent who is a parent or adoptive parent of a minor or incapacitated individual under their care. The minimum period is also waived for holders with a residence permit for Teaching, Highly Qualified or Cultural Activity, Investment Activity (Golden Visa), and beneficiaries of the 'EU Blue Card'.

Possibility of reduction to 15 months for a spouse or equivalent who has cohabited with the principal for at least 18 months in the period immediately prior to the latter's entry into national territory.

The possibility of exceptional exemption from the deadline has been introduced based on the nature and strength of the person's family ties and the effectiveness of their integration in Portugal, in light of the principles of human dignity and proportionality, by order of the Government member responsible for the migration area.

Proof of Accommodation: Requirement for own or rented accommodation, considered normal for a comparable family in the same region within the national territory, and that meets general safety and health standards, as defined by ordinance. (Previously, it only referred to "accommodation.")

Means of Subsistence: Requirement of sufficient means of subsistence to support all members of the family, without relying on social assistance. (Previously, it only referred to 'means of subsistence,' as defined by the decree referred to in paragraph d) of no. 1 of article 52).

Integration Measures: The Law now requires that the applicant's family members comply with integration measures corresponding to attendance of Portuguese language training and training on Portuguese constitutional principles and values, as well as attendance of compulsory education in the case of minors. These integration measures constitute a requirement for the renewal of the residence permit for family reunification.

Decision of the Family Reunification Request: Deadline for deciding on these requests extended to 9 months (previously: as soon as possible, and in any case within three months). Possibility of exceptional extension of this deadline due to the complexity of analyzing the request, and the applicant must be informed of the decision to extend.

Rejection of the Family Reunification Request: Two reasons for denial have been added: reasons of public order or public safety, and reasons of public health, with the responsiveness of health services also needing to be considered.

Transitional Provision: For a period of 180 days after the Law comes into force, the holder of the right to family reunification may request the residence of family members who are on national territory, provided they have entered legally and meet the requirements of Reunification.

Expression of Interest: Applications for residence authorization must be submitted by December 31, 2025, under penalty of expiration.

Holders of residence permits for dependent or independent work, arising from subordinate professional activity, independent professional activity, or for immigrant entrepreneurs who meet the requirements for teaching activity in a higher education institution or educational or vocational training establishment, highly qualified activity, or cultural activity, may apply, within 180 days following the entry into force of the Law, for conversion into one of the residence permits for teaching, highly qualified, or cultural activity. This conversion allows coverage by the exception of the new Family Reunification rules.

Relevant Revocations: The special conditions for granting visas to nationals of member states of the CPLP have been revoked and must now necessarily meet all requirements in the Law, including for means of subsistence; the consequence of tacit approval in the event of failure to meet the decision deadline for applications has also been revoked.

JURISDICTIONAL PROTECTION

Intensification of the requirements for recourse to the Administrative Courts, namely, now emphasizing that recourse to summons for the protection of rights, freedoms, and guarantees is admissible when, in addition to the conditions indicated in the Code of Administrative Procedure (Article 109, paragraph 1 of the CPA), the action or omission of the AIMA **seriously and directly compromises, in a demonstrable way, the timely exercise of personal rights, freedoms, and guarantees**, whose protection cannot be effectively ensured through the available precautionary measures.

The Law also provides that, in the decision to be made in these cases, **the Judge must consider**, if requested, the **number of administrative proceedings underway at AIMA**, in light of any **abnormal pressures** from requests and applications, the **human, administrative, and financial resources available**, which can reasonably be expected, as well as take into account the consequences that may arise from the summons for the **equitable treatment** of all requests submitted to this entity (AIMA).