

Immigration Handbook for the EU

Portugal

WORK PERMITS

Who needs a work permit?

Foreign nationals (other than EU/EEA Member States) that wish to work in Portugal. Note: As of May 1st, 2006, citizens from Estonia, Latvia, Lithuania, Poland, the Slovak Republic, Slovenia, the Czech Republic and Hungary are no longer required to obtain work permits, if they wish to work in Portugal as employees.

What types of work permits are available?

- Type I: for sports or entertainment professional activity
- Type II: for scientific investigation or for the performance of an activity that requires a highly qualified technical knowledge
- Type III: for independent professionals/service providers
- Type IV: for employees

Restrictions on obtaining work permits

There are maximum annual limits imposed by the Government regarding work permits.

These limits are settled according to the general needs of the labour market, seasonal activities, workforce in areas considered as fundamental for the country development, and geographic distribution of the foreign workforce.

Foreign nationals working for an EU-based company that are seconded to Portugal are not required to obtain work permits, but they are required to declare their entrance on Portuguese territory to the Portuguese authorities (SEF) within three days after entry. As of May 1st, 2006, employees from companies based in the new EU-10 are no longer required to obtain a work permit.

Who makes the application?

Both the employer and the employee may submit the application. Depending on the type of visa requested, an employment contract (or a promissory employment contract) or a services agreement duly signed by the parties and approved by the Labour Inspection (IGT) is required.

A solicitor or a lawyer may submit the application, provided that all the required documents are included in the application.

Once the entities involved (IGT, SEF and the Employment Institute) have approved the application, the employee must request the permit at the Portuguese Consulate of his/her country of residence.

Where do you apply?

The application must be made at the Portuguese Consulate of the foreign national's country of residence, upon presentation of the required documents (as well as the approval of the above-referred entities, when a work visa Type IV is requested).

Job offer proof and IGT approval are required only for work visa Type IV – please see below.

What documents do you need?

Work visa Type I

- Promissory employment contract or services agreement signed by both parties

- Proof that the applicant is qualified for the job he/she is applying for

Work visa Type II

- Promissory employment contract or services agreement signed by both parties
- Proof that the applicant is qualified for the job he/she is applying for
- Document issued by the Ministry of Science (this document may not be required if public entities or international organisations are involved)
- Document issued by the competent Ministry proving that the activity is highly qualified

Work visa Type III

- Promissory employment contract or services agreement signed by both parties
- Proof that the applicant is qualified for the job he/she is applying for (in case of services agreement)
- Certificate of the competent professional's association of the foreign national's country of residence proving that the applicant has the necessary requirements to be part of said association (when applicable)

Work visa Type IV

- Promissory employment contract signed by both parties
- Proof that a job offer has been made at the Employment Institute (IEFP)
- Proof that a request for approval at the IGT has been made

How long will it take?

Generally it should take 60 days after all documents are presented at the Consulate. However, in practice it normally takes longer.

RESIDENCE PERMITS

Who needs a residence permit?

Foreign nationals (other than from EU/EEA Member States) require a residence permit if they wish to stay in Portugal for more than 90 days.

EU/EEA nationals intending to stay in Portugal for more than 90 days must obtain a certificate of residence.

Citizens from the new EU 10 must also obtain a certificate of residence. For such certificate, they must present their Identity Card or valid Passport, as well as to fill in a proper form and to state the motives for the application.

When do you apply?

Within six months of the first entry on Portuguese territory, since it is necessary to have a valid residence visa (which is issued for a six-month period) to apply for a residence permit.

Where do you apply?

At the Immigration Services – Serviço de Estrangeiros e Fronteiras (SEF)

What documents do you need?

The foreign national must submit several documents to obtain a residence permit. We stress the most relevant ones:

- Valid passport or other identification document
- Permit request form

- Valid residence visa
- Proof of economic means
- Proof of accommodation conditions

Bruno Barbosa

October 2006

bsb@ppradv.com