REGULATORY DECREE OF 01/2024 OF JANUARY 17TH

With a view to restructuring the Portuguese border control system, Decree-Law no. 41/2023, of 2 June, innovated by implementing the creation of the Agency for Integration, Migrations and Asylum I.P.- AIMA, which succeeds the Foreigners and Borders Service (SEF) in its administrative powers.

In this context, the absolute need therefore arose to reformulate the services that carry out internal security functions and adapt administrative procedures, in an attempt to modernize and simplify them, implementing specific measures adjusted to the national reality. .

It is necessary to amend Regulatory Decree No. 84/2007, of November 5th, in its current wording, which regulates Law No. 23/2007, of July 4th.

We highlight the following changes, as they seem to us to be of greater relevance:

Documents to be presented for visas granted abroad:

- The possibility of, depending on the case, also also accepting instead of the two passport photographs,a facial image collected digitally, in color and with a plain background, current and with good conditions for identifying the applicant.

- The need to present a Criminal Record Certificate issued by the competent authority of the applicant's country of nationality or the country in which the applicant has resided for more than one year, when visas are required for job seeking purposes.

- The visas mentioned in article 52.º-A of Law no. 23/2007, of 4 July, in its current wording, as well as for nationals of another State to which the special conditions of that Agreement are extended by international agreement, are exempt from presenting certain documents, namely in some cases - valid travel insurance or a copy of the return transport ticket.

- The possibility of being considered for the purposes of proving the existence of means of subsistence (point f) of paragraph 1 of article 12), showing grants, scholarships, contracts or promises of employment contracts, partnership agreements or contracts or written proposals for a service provision contract.

Extension of Stay:

- The request for extension of stay presented by a visa holder to look for work, in accordance with paragraph c) of paragraph 1 of article 57.º-A of Law no. 23/2007, in its current wording, is accompanied the information proving the registration for employment with IEFP, I. P., and the maintenance of the conditions of the planned stay, being assessed taking into account the reasons that justified its granting.

Application for granting and renewing a residence permit:

- With the entry into force of this regulatory decree comes the promise of creating a digital platform for submitting requests for the granting and renewal of residence permits, given that requests will preferably be made through this route. Although there continues to be the possibility of submitting the request via in-person service or using assisted digital service (in locations yet to be announced by AIMA), preference should be given to submission via the portal.

- It should be noted that, in addition to the person and legal representatives (in the case of an accompanied minor or adult), the request is still given the possibility of making:

- By employers in requests that have as their object the exercise of subordinate professional activity, the relocation of companies and workers transferred within the company;
- By the research center, higher education establishment or other public or private entities, namely companies, that host highly qualified and cultural teaching activities, in requests that have as their object the development of these activities;
- By the educational establishment, professional training establishment or other public or private entities, in requests that have as their object study, research, internship or volunteering;
- By citizens residing in national territory who wish to benefit from the right to family reunification or by family members who have legally entered national territory and who depend on or cohabit with the holder of a valid residence permit;

- Furthermore, requests may also be presented by lawyers, trainee lawyers and solicitors, outside the exercise of the forensic mandate, under the terms set out in paragraph 5 of article 3 of the Organic Law of AIMA, I. P., approved in an annex to the Decree -Law No. 41/2023, of June 2nd.

Family Reunification:

- Possibility for citizens residing in national territory who wish to benefit from the right to family reunification to submit the respective request in the information system supporting the activity of AIMA, I. P., which must contain the identification of the applicant and the family members to whom the request is made respects.

Title Delivery:

- The indication of the place of delivery of the residence permit will be made by means of a communication sent to the indicated address of the holder.

- The residence permit must always be delivered in person, at AIMA, I. P. services, to the holder, or to the person representing the accompanied minor or adult holder who requires representation for the act.

- Other forms of delivery of the residence permit and the security conditions required for this purpose are also established by order of the members of the Government responsible for the areas of migration and administrative modernization, and in all cases the collection and confirmation of documents must be carried out. respective biometric data.

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