

EMIGRATION LAW

LAW NO. 59/2017, JULY 31

AMENDMENT TO THE LEGAL REGIME FOR ENTRY, STAY, DEPARTURE AND REMOVAL OF FOREIGNERS FROM THE NATIONAL TERRITORY

The legal regime for entry, stay, departure and removal of foreigners from the national territory (Law no. 23/2007, July 4) was amended for the fourth time by Law no. 59/2017, July 31.

The amendments introduced by Law no. 59/2017, July 31, concern the following topics and Articles:

1. Residence permit for the exercise of subordinate professional activity (Article 88, of Law no. 23/2007, July 4):

If the foreign citizen expresses interest through the SEF's website or directly in its regional delegations, it is not necessary to have a valid residence visa (foreseen in Article 77 (1) (a), of Law no. 23/2007, July 4), provided that, in addition to the other general conditions foreseen in that Article, fulfills the following conditions:

- a) has an employment contract or promise of employment contract or has a labor relationship proven by trade union, representative of migrant communities with seat in the Council for Migration or by the Authority for Work Conditions (ACT);
- b) has legally entered in national territory; and
- c) is registered in social security, except when the document submitted under (a) is a promise of employment contract.

2. Residence permit for the exercise of independent professional activity (Article 89, of Law no. 23/2007, July 4):

If the foreign citizen expresses interest through the SEF's website or directly in its regional delegations, it is not necessary to have a valid residence visa (foreseen in Article 77 (1) (a), of Law no. 23/2007, July 4), provided that has legally entered national territory.

3. Limits to the decision to remove or expel foreign from the country (Article 135, of Law no. 23/2007, July 4):

Foreign cannot be removed or expelled from the national territory who fit the following conditions:

- a) have been born in Portuguese territory and reside here;
- b) are effectively responsible for minor children of Portuguese nationality residing in Portugal;

c) have minor children, who are nationals of a third state, residing in Portuguese territory, for which are effectively responsible and provide support and education;

d) are in Portugal since they are less than 10 years old and live here.

Except the cases of reasonable suspicion based on the practice of crimes of terrorism, sabotage or offence against national security or conviction of such crimes.

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