

Legal Framework for the Entry, Stay, Exit, and Removal of Foreigners from National Territory

Articles 91 to 94 of the **Legal Framework for the Entry, Stay, Exit, and Removal of Foreigners from National Territory** (Law no. 23/2007, of July 4, as amended) transpose Directive (EU) 2016/801 into national law.

Residence Permit for Researchers – Article 91B

A researcher holding a residence visa shall be granted a **residence permit** provided that, in addition to the conditions established in Article 77, they are admitted to collaborate with an officially recognized research center, namely through an employment contract, service provision contract, scientific research grant, or hosting agreement.

A residence permit may be granted to a researcher who does not hold a residence visa, provided they have entered national territory legally and fulfill the other conditions established in Article 91B (cf. paragraph 9 of Article 91B).

The application for a residence permit is made by **scheduling an appointment** (or via an electronic platform – **currently being implemented for residence visa holders**) and must be submitted **in person at an AIMA Shop**, where biometric data will be collected. It must be accompanied by:

- **Passport** or other valid travel document;
- **Valid residence visa**, except for residence permit applications with visa exemption (under paragraph 4 of Article 91B);
- **Proof of legal entry into national territory**, in cases covered by paragraph 9 of Article 91B, which provides for visa exemption;
- **Proof of accommodation**;
- **Proof of sufficient means of subsistence**, as provided for in **Ministerial Order no. 1563/2007, of 11/12**, which defines the means of subsistence that third-country nationals must possess for entry and stay in Portugal.
- **Criminal record certificate** from the applicant's country of nationality or the criminal record from the country where they resided for more than one year before residing in Portugal;
- **Employment contract**, or;
- **Service provision contract**, or;
- **Scientific research grant**, or;
- **Hosting agreement** with a higher education institution or scientific research organization;
- **Proof of registration** with the tax authorities;

- **Proof of registration with social security** in situations of employment contract or service provision and, optionally, registration with voluntary social insurance.

Researchers admitted to officially recognized research centers are **exempt from presenting documents proving means of subsistence, accommodation, and social security registration.**

The residence permit granted to researchers is valid for **two years**, renewable for equal periods, or for the duration of the hosting agreement if it is less than two years.

The residence permit granted to researchers covered by EU or multilateral programs that include mobility measures is for **two years** or for the duration of the hosting agreement if it is less than two years, except in cases where researchers do not meet the conditions of Article 62 at the time of granting, in which case it should be for one year.

A researcher holding a residence permit issued under Article 91B has the right to **family reunification.**

Researcher Mobility – Article 91C

Mobility for a maximum period of 180 days - Short-term

A third-country national with a "researcher" or "researcher mobility" residence permit granted by an EU Member State is authorized to **enter and stay in national territory to conduct part of their research** at a recognized host organization in national territory, and also to teach, for a maximum period of **180 days** per every 360-day period in each Member State, provided they notify AIMA, I.P., **up to 30 days before the start of the mobility period.**

In these cases, **biometric data collection is not required.** The mobility notification provided for in Article 91-A can be made by the student or the Higher Education Institution and should preferably be submitted by **email**, accompanied by the following documents:

- **Residence Permit** issued by the Member State that granted the Residence Permit, valid for the entire mobility period;
- **Valid Passport;**
- **Declaration from the host organization** stating that the applicant is conducting part of the research or teaching for a maximum period of 180 days;
- **Criminal record certificate** from the applicant's country of nationality or the criminal record from the Member State where they resided for more than one year;
- **Proof of sufficient means of subsistence** not obtained through benefits from the Social Protection System of the Social Security System;
- **Proof of health insurance.**

If AIMA, I.P. does not communicate its opposition in writing within 30 days from the date of notification, the researcher will be issued a **declaration** attesting that they are authorized to remain in national territory for a period of 180 days and to enjoy the rights provided by law.

Mobility for a period exceeding 180 days – Long-term

A third-country national with a "researcher" or "researcher mobility" residence permit granted by an EU Member State who intends to stay in national territory to conduct research at a recognized host organization in national territory, including teaching activity, for a period **exceeding 180 days**, must submit an **application for a long-term mobility residence permit** to AIMA, I.P., within **30 days of entering national territory**.

The application for a residence permit is made by **scheduling an appointment** (or via an electronic platform – **currently being implemented for residence visa holders**) and is submitted **in person** with a specific form signed by the applicant or their legal representative. It can be submitted at any AIMA Shop, which may forward it, after instruction and decision, to the services in the applicant's area of residence. It must be accompanied by:

- **Residence permit** from the Member State where they reside;
- **Valid passport**;
- **Proof of research activity**, including:
 - **Service provision contract**, or;
 - **Scientific research grant**, or;
 - **Hosting agreement**;
- **Professional certification**, when applicable;
- **Health insurance** or proof of coverage by the National Health Service;
- **Professional certification**, when applicable.

A researcher admitted to a recognized research center under paragraphs 3 to 5 of Article 91-B of Law no. 23/2007, of July 4, as amended, is **exempt from presenting proof of means of subsistence and proof of social security registration**.

While the procedure is pending, the researcher applying for a long-term mobility residence permit is authorized to: a) **Remain in national territory**, not being subject to visa requirements; b) **Conduct part of their research** until a final decision on the long-term mobility application, provided that the 180-day period for short-term mobility or the validity period of the residence permit issued by the other Member State is not exceeded.

In case of renewal, the long-term mobility residence permit remains valid even if the residence permit issued by the other Member State has expired.

A researcher whose application for a long-term mobility residence permit is approved will be issued a **residence permit** according to the uniform model provided in Council Regulation (EC) no. 1030/2002, of June 13, 2002, with the annotation "researcher mobility" under the "type of title" heading.

In case of renewal, the long-term mobility residence permit remains valid even if the residence permit issued by the other Member State has expired. A researcher holding a long-term mobility residence permit has the right to **family reunification**, and both applications can be submitted simultaneously within the same process.

Higher Education Students – Articles 91 and 91A are Applicable

Article 91

A higher education student holding a **residence visa** issued in accordance with Article 62 and fulfilling the general conditions of Article 77 shall be granted a **residence permit**, provided they prove they meet the admission conditions or have been accepted by a higher education institution to attend a study program, and that they have sufficient resources for their attendance.

A residence permit may be granted to a higher education student who does not hold a residence visa issued under Article 62, provided they have entered national territory legally and fulfill the other conditions established in Article 91 (cf. paragraph 4 of Article 91).

The residence permit granted under this article to higher education students is valid for **three years**, renewable for equal periods. If the study program's duration is less than three years, the permit is issued for its duration.

The application for a residence permit is made by **scheduling an appointment** (or via an electronic platform – **currently being implemented for residence visa holders**) and must be submitted **in person at an AIMA Shop**, where biometric data will be collected. It must be accompanied by:

- **Passport** or other valid travel document;
- **Valid residence visa**, except for residence permit applications with visa exemption (under paragraph 4 of Article 91);
- **Proof of legal entry into national territory**, in cases covered by paragraph 4 of Article 91, which provides for visa exemption;
- **Proof of accommodation**;
- **Proof of sufficient means of subsistence**, as provided for in **Ministerial Order no. 1563/2007, of 11/12**, which defines the means of subsistence that third-country nationals must possess for entry and stay in Portugal;
- **Criminal record certificate** from the applicant's country of nationality or the criminal record from the country where they resided for more than one year before residing in Portugal;
- **Proof of enrollment** in a higher education institution;
- **Proof of payment of tuition fees** required by the higher education institution; if applicable, attested by a declaration from the educational institution;
- **Health insurance** or proof of coverage by the National Health Service.

Holders of a residence permit for study may engage in **subordinate or independent professional activity**, complementary to the activity that led to the visa.

Mobility of Higher Education Students – Article 91A

Higher education students who hold a residence permit granted by an EU Member State (under the Directive) and are covered by an EU or multilateral program with mobility measures, or by an agreement between two or more higher education institutions, are authorized to **enter and stay in national territory to complete part of their studies**, including engaging in professional activity under Article 97, for a maximum period of **360 days**, provided they notify AIMA, I.P., **up to 30 days before the start of the mobility period**.

In these cases, **biometric data collection is not required**. The mobility notification provided for in Article 91-A can be made by the student or the Higher Education Institution and should preferably be submitted by **email**, accompanied by the following documents:

- **Copy of the Residence Permit** issued by the Member State that granted the Residence Permit, valid for the entire mobility period;
- **Copy of a valid Passport;**
- **Proof of admission** to a higher education institution under an EU or multilateral program with mobility measures, or by an agreement between two or more higher education institutions.
- **Criminal record** from the applicant's country of nationality or the criminal record from the Member State where they resided for more than one year;
- **Proof of sufficient means of subsistence** not obtained through benefits from the Social Protection System of the Social Security System;
- **Proof of health insurance.**

A **declaration** will be issued to higher education students who meet the conditions established in Article 91-A, attesting that they are authorized to remain in national territory for a period of 360 days and to enjoy the rights provided by law.

Residence Permit for Trainees – Article 93

A trainee holding a residence visa issued under Article 62, who fulfills the general conditions established in Article 77, shall be granted a **residence permit**, provided they are covered by the National Health Service or by health insurance, hold a higher education diploma or are attending a cycle of studies in a third country leading to a higher education diploma, and have been admitted to national territory to attend an unpaid professional training program, under the terms of the applicable legislation (cf. paragraph 1 of Article 93).

A residence permit may be granted to a trainee who does not hold a residence visa, if they have entered and remained legally in national territory (cf. paragraph 2 of Article 93).

The residence permit granted to trainees is valid for **six months**, for the duration of the internship program plus an additional three months if the duration is less than six months, or for **two years** in the case of a long-term internship, in which case it may be renewed once for the remaining period of the internship program.

The application for a residence permit is made by **scheduling an appointment** (or via an electronic platform – **currently being implemented for residence visa holders**) and must be submitted **in person at an AIMA Shop**, where biometric data will be collected. It must be accompanied by:

- **Passport** or other valid travel document;
- **Valid residence visa**, except for residence permit applications with visa exemption (under paragraph 4 of Article 91);
- **Proof of legal entry into national territory**, in cases covered by paragraph 4 of Article 91, which provides for visa exemption;
- **Proof of accommodation**;
- **Proof of sufficient means of subsistence**, as provided for in **Ministerial Order no. 1563/2007, of 11/12**, which defines the means of subsistence that third-country nationals must possess for entry and stay in Portugal;
- **Criminal record certificate** from the applicant's country of nationality or the criminal record from the country where they resided for more than one year before residing in Portugal;
- **Training contract** with an officially recognized company or vocational training organization, in the field of the higher education diploma held or the cycle of studies being attended, which must contain:
 - **Description of the training program**, namely its educational objectives or learning components;
 - **Duration and schedule** of the training;
 - **Location and supervision conditions** of the internship;
 - **Characterization of the legal relationship** between the trainee and the host entity;

- **Mention that the internship does not replace a job** and that the host entity is responsible for reimbursing the State for accommodation and removal expenses if the trainee remains illegally in national territory.
- **Health insurance** or proof of coverage by the National Health Service.