At a time when the effects of globalisation are increasingly visible, migratory flows of men and women from one country to another are of growing importance in the European context, and even in the world context, and Portugal must face this fact as a full member of the European Union. In the last quarter of the twentieth century, the immigrant community in Portugal expanded considerably. From 50,000 legal foreign residents in 1980, the foreign community in Portugal increased to 107,767 one decade later. After the Convention for the Application of the Schengen Agreement came into force in 1995, and the changes resulting from this, immigration numbers have grown continuously and exponentially in all the member states undersigning the agreement. A new reality has arisen with the massive flow of nationals from Eastern Europe. As a result of these facts, there were already 220,000 foreign nationals living in Portugal in 2000. With the new legal regime on authorisation for permanence, covered in Decree-Law n° 4/2001, of 10 January, the number of legal foreign residents increased substantially, and towards the end of 2001 there were 346,000 foreign nationals living in Portugal. At the same time, the flow of illegal immigration instead of falling has risen sharply, because of this flexible legislation, revealing increasingly the difficulty of both receiving and integrating these immigrants.

In the current context of the European area, and with the world we live in moving increasingly towards globalisation, major migratory flows of millions of men and women have become an undeniable phenomenon. The difference development levels among countries has led to considerable imbalances in economic growth, increasing the gap between rich and poor countries. Furthermore, the demographic imbalance between the more developed countries, with their ageing populations, and the poorer countries, with their young populations, avid for work and better living conditions, accentuate these flows still further.

Certainly the solution to the global, complex phenomenon of immigration requires the joint effort of the European agencies, and it is important for each one of the member states to adopt the necessary measures in their legal systems to control this phenomenon. The problem must be faced responsibly, as has been done in several countries.

In this context, it is important for Portugal to join this joint effort by defining and implementing a transparent policy, adopting definitive and structure-building solutions, rather than adopting uncoordinated, transitory measures. In defining this policy, it is important to realise from the start that any responsible immigration policy must avoid extremist models.

Agreeing that immigration is inevitable, it is important to ensure that the conditions exist for this phenomenon to take place legally. This is the true challenge facing the European Union and each one of its member states - to combat illegal immigration and promote legal immigration. The legal control and social integration of immigrants are positive factors in the progress of the country. This is even more so when the important role these immigrants play in the economic and social development of the country is recognised.

In fact, in the age of globalisation it would be unrealistic to attempt to implement a zero immigration policy, and difficult to defend this in terms of principles. But it would be as, or more, unrealistic to adopt a lax policy, without enforcement regulations, that inevitably would lead to the social exclusion of the immigrants themselves, and, at the least, the appearance of ideologies unacceptable in a state under law, as happened recently in some European countries. The solution to this complex situation requires legal mechanisms to be designed for managing migratory flows in a realistic way through the strict control of the entry and stay of foreign nationals in the host countries. At the same time conditions must be established so that those who migrate legally can expect true, humanistic integration into these societies. Portugal, aware of her history, and for many years herself a country of emigration, now having undersigned the European Human Rights Convention, must assume humanistic policies to receive and integrate the immigrants who live in this country.

Portugal, aware of her history, and for many years herself a country of emigration, now having undersigned the European Human Rights Convention, must assume humanistic policies to receive and integrate the immigrants who live in this country.

In developing these principles, and within the wider scope of measures adopted in the national plan for immigration, covered in the Government’s Programme, that the legal system in force must be changed, as laid down in Decree Law nº 4/2001, of 10 January, enshrining an immigration policy based on three fundamental pillars: the promotion of legal immigration in line with the country’s true possibilities, the effective integration of immigrants and strict combating of illegal immigration.
immigration.
In the first area, the government aims in this law to revoke the regime of authorisation for permanence, allowing the conditions for stay in Portugal to require only visas or authorisation for residence. This change would respect the expectations of those who have already submitted their applications for authorisation and those who wish to have it extended under the previous regime.

Also with the aim of promoting legal immigration, a maximum annual limit will be adopted that will determine the entry of nationals from third countries to Portugal. This will be prepared on a multi-annual basis by the Government, based on a report from the Institute for Employment and Vocational Training and after the opinion of the Autonomous Regions has been heard, as well as that of the General Inspectorate for Labour, the National Association of Portuguese Municipalities, employers associations and the unions and that of the High Commissioners Office for Immigration and Ethnic Minorities. The economic and social criteria will be defined in determining labour needs and the reception capacity of each region, ensuring that the local authorities are involved throughout the process. To develop a policy that will lead to the effective integration of immigrants in this country, under the regime of family monitoring envisaged in Article 38, legislation will cover the possibility of temporary visa holders in duly justified cases being able to work in similar terms to those with a work permit, to be defined in the enabling decree.

A new type of work permit will also be created for the practice of scientific research or other activities that require highly qualified technical knowledge, which will encourage scientists and advanced technical staff to settle in Portugal. There is also the possibility that measures preventing entry to Portugal that have not been judicially decreed, and that depend on the timing defined in the terms of this law, may be reappraised with a view to their elimination, bearing in mind humanitarian reasons or national interest.

Similarly, the minimum periods of residence required for foreign nationals to obtain authorisation for permanent residence will be reduced, allowing all immigrants who are effectively integrated in Portuguese society to have their situation made legal. The situation of family regrouping has also been changed, and the applicant must now have a true connection to Portugal, that is legal permanence for a certain period of time, as envisaged in several Community decisions, although opting for the shorter period of time defined in these provisions, reinforcing the humanistic approach that Portugal has defended in these fora. Lastly, it is the Government's intention to continue to provide access to social protection, education and healthcare that the immigrant community currently enjoys in this country.

In combating illegal immigration it is also important to harmonise national legislation with Community guidelines and directives, particularly with regard to controlling migratory flows and making the process for removal from the Community area more flexible for those nationals who enter it illegally, providing the SEF and the security forces with more rapid legal means for effectively putting court decisions into practice in due time.

In this context, the Government reaffirms the principles enshrined in the Universal Declaration of Human Rights, and in particular the United Nations Convention on the Rights of the Child, particularly with regard to child protection, ensuring the rights of the child to healthcare and other social assistance, regardless of their situation. To this end, the Government will adopt the administrative instruments required to effectively implement these rights, in this case through a special registry held by the public services responsible for social assistance.

A whole series of changes are also included to make the work and procedures of SEF less bureaucratic, and a regime for criminal sanctions is planned that will be more adequate for preventing and reprimanding illicit acts related to unauthorised immigration and the exploitation of foreign labour in illegal situations. The sanction regime for administrative offences must also be revised and the amount of fines increased and converted to euros.

In conclusion, the ruling in Directive n° 2001/51/EEC, passed in the Council held on 28 June, on the responsibility of carriers, is being transposed to national law, as well as that envisaged in Directive n° 2002/90/EC, passed by the Council on 28 November, on the definition of assisting illegal entry, transit or stay, and in the framework decision of the Council, of 28 November 2002, regarding the reinforcement of the criminal framework for preventing assistance with illegal entry, transit or stay. The bodies of the government of the Autonomous Regions were heard, as well as the National Association of Portuguese Municipalities, the employer associations and the unions, several non-governmental organizations and the Advisory Council for Immigration Affairs, in which immigrant associations are represented.
Hence: in the use of the legislative authorisation provided by Article 2 of Law nº 22/2002, of 21 August, and in the terms of sub-paragraphs a) and b) of nº 1 of Article 198 of the Constitution, the Government hereby decrees the following:

Article 1.º

Object


2. Articles 3, 13, 15, 16, 21, 23, 24, 25, 35, 36, 37, 38, 40, 41, 43, 49, 53, 54, 56, 57, 58, 60, 73, 76, 77, 83, 85, 86, 87, 88, 90, 91, 93, 134, 135, 136, 136-A, 137, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 153, 154 and 163 of Decree-Law nº 244/98, of 8 August, with the changes introduced by Law nº 97/99, of 26 July, and by Decree-Law nº 4/2001, of 10 January, as they appear in the respective Chapter, Section and Sub-Section, where they are inserted, now have the following wording:

Article 3.º

[...]

1. A foreign National with a valid permit granting authorisation for residence in Portugal is considered a resident.

Article 13.º

[...]

1. ............................................................
2. ............................................................
3. ............................................................
   a. Foreign nationals who hold a residence permit, authorisation for permanence, extension of permanence or with the identity card stipulated in nº 2 of Article 96, when valid;
   b. ............................................................
4. The visa may be cancelled by the issuing body abroad, or by SEF in Portugal, when the Schengen Information System or the SEF Integrated System of Information indicates that the holder may not be admitted, or when the holder makes false statements in the visa application.
5. ............................................................
6. ............................................................

Article 15.º

[...]

Whenever it is deemed necessary to prove the objective and conditions of stay, the border authority may demand that the foreign national present adequate proof.

Article 16.º

[...]
4. Resident foreign minors are refused exit from Portugal when travelling unaccompanied by whoever holds parental custody and when they do not have with them legally ratified authorization granted by the same.

Article 21.º

[...]

1. The carrier that brings to Portugal, by land, sea or air, a foreign national who does not meet the conditions for entry, must bring about the return of that national, in as short a space of time as possible, to the point where the national first used the means of transport, or should this be impossible, to the country where the respective travel document was issued or to any other location where admission of this national is guaranteed.

2. ...........................................................................

3. Whenever justified, the foreign national who does not meet the conditions for entry is removed from Portugal under escort, which is provided by SEF.

4. ...........................................................................

5. The ruling in the previous numbers is also applicable in the case where entry is refused to a foreign national in transit when:
   a. The carrier that must take this national to the country of destination refuses to embark the individual;
   b. The authorities of the state of destination have refused the national entry and have brought the national back to Portugal.

Article 23.º

Judicial opposition

1. The decision to refuse entry may be opposed judicially, the effect being merely to return the decision to the administrative courts, in the terms of the law.

Article 24.º

[...]

1. During permanence in the international zone, defined in the terms of Article 5, or in a temporary installation centre, the foreign national who has been refused entry to Portugal may communicate with diplomatic or consular representation of that national's country or with any person of his or her choice, and will also benefit from the assistance of an interpreter and healthcare, including the presence of a medical practitioner, when necessary.

2. ...........................................................................

Article 25.º

[...]

1. Foreign nationals indicated for the purposes of non-admission in the Schengen Information System are banned from entry to Portugal.

2. 
   a. ...........................................................................
   b. ...........................................................................
   c. They have been sentenced to detention for a period of no less than one year, although it may not have been served, or they have been sentenced more than once with the same sentence, although its service has been suspended;
   d. ...........................................................................
   e. ...........................................................................
   f. ...........................................................................
   g. They have been conducted to the border, in the terms of Article 126.º

3. ...........................................................................
4. The measures banning entry that have not been judicially decreed and that depend on
deadlines defined in the terms of this law, may be reappraised, at the decision of the
Director-General of SEF and bearing in mind humanitarian reasons or those of national
interest, with a view to their elimination.
5. Entering a foreign national in the Schengen Information System depends on the decision
made by the competent authorities of a State that is party to the Application Convention.
6. It is the responsibility of the Director-General of SEF to enter a foreign national in the
Schengen Information System or on the national list of non-admissible persons

Article 35.º

[...]

1. ...........................................................................
   a. ...........................................................................
   b. Doing scientific research work to obtain an academic degree or that is of scientific
      interest with proof given by the officially recognised teaching establishment;
   c. ...........................................................................
   d. ...........................................................................

2. ...........................................................................

3. ...........................................................................

Article 36.º

[...]

1. ...........................................................................

2. Once the opinion has been heard of the Institute of Employment and Vocational Training,
   the Autonomous Regions, the General Inspectorate of Labour, the National Association of
   Portuguese Municipalities, the employer associations and the unions and the High
   Commissioners Office for Immigration and Ethnic Minorities, the Government prepares a
   report every two years, which should include a forecast of Labour opportunities and the
   working sectors in which these opportunities exist, fixing an imperative annual maximum
   limit for the entry of foreign nationals from third countries to work in Portugal.
3. The report referred to in the previous number is drawn up according to the following
criteria:
   a. The needs of the labour market as a whole;
   b. The labour needs in sectors that are fundamental to the national economy;
   c. The needs of seasonal labour;
   d. The geographic weighting of labour opportunities for foreign nationals in agreement
      with the reception capacities of each district;
4. The work permits allow its holder to work in a job listed in the report drawn up by the
   Government in the terms of nº 2.
5. The holder of the work permit should inform the Institute for Employment and Vocational
   Training of any change in job, with a view to verifying that it is in line with the report
   referred to in nº 2.
6. (Previous nº 4).

Article 37.º

[...]

The work permit includes the following types:

a. Work permit I, for working at a job in sports or in the entertainment sector;

b. Work permit II, for working in scientific research or in work that requires highly qualified
   technical knowledge, in both cases duly proved by the competent public authority;

c. ...........................................................................

d. ...........................................................................
Article 38.º

[...]

1. ............................................................................
   a. ...........................................................................
   b. Accompanying family members in the conditions envisaged in the previous sub-
      paragraph, in n° 1 of Article 35 and n° 1 of Article 36;
   c. Regrouping the family members of holders of authorisation for permanence, in the
      conditions to be defined in the enabling law;
   d. [Previous sub-paragraph c]

2. In duly justified cases, the permit mentioned in the previous number allows its holder to
   work in similar terms to those of the work permits to be defined by the Enabling Decree.

3. .............................................................................

4. .............................................................................

5. .............................................................................

Article 40.º

[...]

1. .............................................................................

2. .............................................................................

3. .............................................................................

4. Regarding the visa applications referred to in n°1, a negative report is issued whenever the
   applicant has been sentenced to a prison sentence of more than six months, even if this
   has not been served or the applicant has been sentenced to another similar sentence, even
   if it is suspended.

5. .............................................................................

Article 41.º

[...]

1. .............................................................................

2. The Institute of Employment and Vocational Training draws up a quarterly report that
   identifies, for each professional activity, the number of jobs already occupied, and assesses
   implementation of the report referred to in Article 36 and the extent to which it agrees with
   existing labour opportunities. It also verifies whether nationals receiving job proposals on
   which reports were issued have effectively occupied the same jobs.

3. When the employment supply is essential to the national economy, is highly qualified or of
   scientific, artistic or relevant social interest to the country, and it is not foreseen in the
   report to which Article 36 refers, or it exceeds the number of jobs included in the report as
   being necessary, it may still be considered, provided this is preceded by a compulsory
   positive decision from the Institute for Employment and Vocational Training, in order to
   guarantee compliance with the ruling in n° 1.

4. The Institute for Employment and Vocational Training, in co-ordination with the General
   Directorate for Consular Affairs and Portuguese Communities, of the Foreign Ministry, and
   with SEF, will, within the scope of bilateral protocols and agreements, develop the
   mechanisms required to meet employment supply at national and Community level,
   providing the employer expresses an interest in hiring workers from third countries.

Article 43.º

[...]

1. .............................................................................

2. .............................................................................

3. .............................................................................

   a. ...........................................................................
b. .................................................................

c. Failure to comply with the requirements demanded by the General Labour Law and the instruments for regulating labour agreements

Article 49.º

[...]

1. .................................................................
2. .................................................................
3. .................................................................
4. If the person admitted in the conditions referred to in the previous number appears in the Schengen Information System, the competent authorities in the other states that are party to the Application Convention are notified of the respective admission.
5. .................................................................

Article 53.º

[...]

1. .................................................................
   a. .................................................................
   b. .................................................................
   c. .................................................................
   d. Up to one year, that can be extended for equal periods, if the person concerned holds a study visa or temporary stay permit;
   e. .................................................................
2. For exceptional reasons, that have occurred after legal entry to Portugal, the extension of permanence may be granted to family members of holders of study visas, temporary stay permits, work permits and authorisation for permanence.
3. .................................................................
4. .................................................................
5. .................................................................
6. .................................................................
7. For the purposes of nº2, the validity and duration of the extension of permanence may never be longer than the validity and duration of the visa granted to the family member.
8. Without prejudice to the sanctions envisaged in this law and except when exceptional circumstances occur, applications to extend permanence will not be granted when they are submitted, respectively:
   a. 30 days after the end of the authorised permanence, in the case of nationals exempt from a visa or holders of a short-term visa;
   b. 60 days after the end of the authorised permanence period, in the case of nationals holding other types of visa submitted or authorisations of permanence.
9. [Previous nº7.]

Article 54.º

[...]

The appraisal and decision on applications for extending permanence lies exclusively with the Director-General of the SEF, who may delegate in the regional directors, who may in turn sub-delegate.

Article 56.º

[...]

1. The national resident for at least one year has the right to family regrouping with the family members outside Portugal and who have lived with this national in another country, or who depend on him or her.
2. In the circumstances referred to in the previous number, the right to family regrouping is also recognised for family members found regularly in Portugal, in cases that are duly justified, resulting from exceptional situations that have occurred after this national’s legal entry to Portugal.

3. ...........................................................................

4. ...........................................................................

5. ...........................................................................

Article 57.º

[...]

1. ...........................................................................
   a. ...........................................................................
   b. Children who are minors or incapacitated and who are dependent on the couple or one of the spouses;
   c. Minors adopted by the applicant when not married, by the applicant or by the spouse, due to a decision taken by the competent authority in the country of origin, providing that the law of that country recognises the same rights and duties for these adopted minors as it does for natural children and that the decision is recognised by Portugal;
   d. Parents or grand-parents in direct line of ascendancy of the resident or the spouse of the same, providing they are dependents;
   e. ...........................................................................

2. ...........................................................................

3. [Revoked]

Article 58.º

Entry and residence of family members

1. The family member may only benefit from family regrouping providing he or she is not banned from entering Portugal.

2. The family member of a national holding authorisation for temporary residence is issued with authorisation for renewable residence and for duration identical to that of the resident.

3. The family member of any national holding authorisation for permanent residence is issued with authorisation for residence valid for two years.

4. Once two years have elapsed since the first authorisation for residence was issued as referred to in n°s 2 and 3 and providing that family ties remain, or, regardless of the above-mentioned period and condition, whenever the beneficiary has children who are minors resident in Portugal, the family members have the right to autonomous authorisation for residence.

5. In exceptional cases, such as legal separation of persons and assets, divorce, widowhood, death of a parent or descendend and when the minor becomes of age, authorisation for autonomous residence may be granted before the period referred to in the previous number has elapsed.

6. The family members referred to in sub-paragraph d) of n° 1 of Article 57, may only benefit from family regrouping if they have not had a job.

Article 60.º

[...]

Granting a passport to a foreign national complies with the ruling in Decree-Law n° 83/2000, of 11 May.

Article 73.º

[...]
The Director-General of SEF is responsible for granting safe-conduct passes, and this responsibility may be delegated to the respective regional directors.

Article 76.º

Entry and permanence of students from the European Union

Foreign students resident in the other member states of the European Union may enter and remain temporarily in Portugal, without the need for a visa, providing that:

a. They are on a school trip organised by an officially recognized teaching establishment;

b. They are accompanied by a teacher from the teaching establishment, who has a list of the students taking part in the trip, issued by the respective establishment and on which the pupils are identified, as well as the objective and circumstances of the trip;

c. They all hold a valid travel document, unless they are on a student list that includes recent photographs of the students in these circumstances and confirmation of resident status, as well as authorisation for the re-entry of the students, provided by the competent authority in the member state in question, which should also guarantee that the document is duly ratified.

Article 77.º

Exit of students resident in Portugal

Students resident in Portugal may also leave for the other member states of the European Union providing they meet the requirements of the previous article, and it is for SEF to recognise the list referred to in the same regulation.

Article 83.º

[...]

1. Authorisation for temporary residence is valid for two years from the date of issue of the respective permit and is renewable for successive periods of three years.

2. ........................................................................

Article 85.º

[...]

1. Foreign nationals who meet all of the following requirements may benefit from authorisation for permanent residence:
   a. They have legally resided in Portugal for at least five years in the case of nationals from countries where the official language is Portuguese, or eight years if they are nationals from other countries;
   b. During the previous five or eight years of residence in Portugal, depending on the case, they have not been sentenced and given sentences that individually or collectively exceed one year of imprisonment.

2. ........................................................................

Article 86.º

Family members of Portuguese nationals or nationals of a country that is a member of the European Economic Area.

A foreign national who is a member of the family of a Portuguese national or a national of a country that is a member of the European economic area is issued with a residence card in harmony with the ruling in Decree Law n° 60/93, of 3 March.
Article 87.º

[...]

1. .................................................................
   a. Minors, children of foreign nationals, covered by the ruling in n° 1 of Article 89;
   b. .................................................................
   c. .................................................................
   d. .................................................................
   e. .................................................................
   f. [Previous sub-paragraph g]
   g. Whose work in the scientific, cultural, economic or social field is considered to be of fundamental interest for the country;
   h. Who live as man and wife with a Portuguese national, with a national of the member states that are party to the Agreement on the European Economic Area or with a foreign national who is legally resident;
   i. Who have not been absent from Portugal and whose right of residence has expired in the terms envisaged in n° 3 of Article 91;
   j. Who have children who are minors, resident in Portugal or who have Portuguese nationality and over whom they have effective parental custody and for whom they provide upkeep and education;
   k. [Previous sub-paragraph n.]
   l. [Previous sub-paragraph o.]
   m. Diplomatic and consular agents and their respective spouses, dependent parents, grandparents and descendants, accredited in Portugal for a period of no less than three years.

2. .................................................................

3. For the purposes of the ruling in sub-paragraph h) of n°1, the regime established in Article 58 and in n° 2 of Article 93 of this law are also applicable, with the necessary adaptations.

4. For the purposes of the ruling in sub-paragraph h) of n° 1, those living as man and wife with resident nationals are only considered as such when the de facto union has lasted for at least two years and when the family member is found regularly in Portugal.

Article 88.º

[...]

1. When extraordinarily situations are found to which the provisions laid down in articles 56 and 87, as well as in Article 8 of law n° 15/98, of 26 March, are not applicable, through a proposal from the Director-General of SEF or at the decision of the Minister of Home Affairs, having heard the opinion of SEF, on an exceptional basis authorisation for residence may be granted for reasons of national interest to foreign nationals who do not meet the requirements demanded by this law.

2. .................................................................

Article 90.º

[...]

The residence permit replaces the identity card, for all legal purposes, without prejudice to the regime envisaged in the Treaty for Friendship, Cooperation and Consultation between the Portuguese Republic and the Federal Republic of Brazil, signed in Porto Seguro on 22 April 2000.

Article 91.º

[...]

1. .................................................................

2. In assessing the application, SEF will take into consideration the following criteria:
   a. Means of subsistence proved by the person concerned;
b. Conditions of accommodation;
c. Compliance with the laws of Portugal by the party concerned, namely those regarding foreign nationals.

3. [Previous n.º 2.]
4. [Previous n.º 3.]
5. [Previous n.º 4.]

Article 93.º

[...]

1. Authorisation for residence is cancelled whenever it is decided to expel the foreign national from Portugal or when authorisation has been issued based on false statements or through the use of false means.
2. Without prejudice to the ruling in the previous number, authorisation for residence issued under cover of the law on family regrouping is cancelled when:
   a. The marriage is for the sole purpose of allowing the beneficiary of family regrouping to enter and be legally resident in Portugal;
   b. The holder of the right loses the status of resident and the family member does not immediately benefit from authorisation for autonomous residence;
   c. The resident and family members do not maintain family ties, without prejudice to the ruling in n° 5 of Article 58 of this law.

3. [Previous n.º 2.]
4. [Previous n.º 3.]
5. Notifying those concerned of the start of the proceedings is dispensed with in the terms of n° 2 of Article 55, of the Administrative Procedural Code.
6. [Previous n.º 4.]
7. Competency to cancel lies with the Minister of Home Affairs, with the option of delegating to the Director-General of SEF.

Article 134.º

Criminal and civil liability of companies and similar

1. Companies and firms, even if irregularly incorporated, and merely de facto associations, are responsible for the infringements envisaged in this law when committed by their corporate governance or representatives acting on their behalf and in their interests.
2. Liability is excluded when the agent has acted against orders or instructions expressed by whoever has the right to give such orders or instructions.
3. Liability of the entities referred to in n° 1 does not exclude the liability of the respective agents.
4. The entities referred to in n° 1 respond jointly in the terms of civil law for the payment of fines, penalties, indemnities and other payments for which the agents have been fined due to infringements envisaged in this law.
5. To the criminal liability for the crimes envisaged in Articles 134–A, 135 and 136 is added legal liability for the payment of all expenses inherent in the stay and removal of the foreign nationals involved.

Article 135.º

[...]

1. Whoever founds a group, organisation or association the activities of which involve the practice of the crimes envisaged in the previous article is punishable with a prison sentence of from 1 to 6 years.
2. ...........................................................
3. ...........................................................
4. ...........................................................
5. The sentences applicable to the entities referred to in n° 1 of Article 134 are in the form of fines, the maximum and minimum limits of which may be doubled or the activity banned for a five-year period.
Article 136.

Illegal entry, permanence and illegal

1. .................................................................
2. .................................................................
3. The transit of foreign nationals through Portugal is illegal when these nationals do not have admission to the country of destination guaranteed.

Article 136.-A

[...]

1. Whoever, for reasons of profit, whether self-gain or gain for a third party, entices or encourages foreign nationals, who do not have authorisation for residence, authorisation for permanence or a working visa, to enter the labour market is sentenced from 1 to 4 years imprisonment.
2. .................................................................
3. .................................................................

Article 137.

[...]

1. Besides the competent authorities, SEF is also responsible for investigating the crimes envisaged in this chapter and others associated with them.
2. Covert action taken by SEF in the prevention and investigation of crimes related to illegal immigration in which criminal organizations are involved, abide by the terms envisaged in law n° 101/2001, of 25 August.

Article 140.

[...]

1. In cases in which the foreign national exceeds the period of authorised permanence in Portugal, the following fines are replied:
   a. From €80 to €160, if the period of permanence does not exceed 30 days
   b. From €162 to €320 if the period of permanence is a greater than 30 days, but less than 90 days;
   c. From €320 to €500 if the period of permanence is a greater than 90 days, but less than 180 days;
   d. From €500 to €700 if the period of permanence is greater than 180 days.
2. .................................................................

Article 141.

Transport companies as well as all those whose work involves the transport of foreign nationals to Portugal, whose entrance is refused or who do not meet the requirements for entry to Portugal, envisaged in Chapter II of this law, are subject, for every individual case, to a fine of from €3000 to €5000 in the case of companies and from €2000 to €3500 in the case of individuals.

Article 142.

[...]

Transport companies as well as all those who transport to a national port or airport foreign nationals who do not have the temporary transit visa they require are fined, for each foreign national, from €600 to €1200 in the case of companies and from €500 to €1000 in the case of individuals.
Article 143.º

[...]

Infringement of the ruling in Article 26 implies a fine of from €60 to €160.

Article 144.º

[...]

1. When a self-employed foreign national does not have an adequate work visa or authorisation for residence, when this is required, that national is subject to a fine of from €300 to €1200.

2. Whoever employs a foreign national or nationals who do not have authorisation for residence, authorisation for permanence or work permits, requested in the terms of this law, is subject to the following fines for each foreign national:
   a. In the case of an individual or micro-company, from €2000 to €3740.98;
   b. In the case of a small company, from €3000 to €7500;
   c. In the case of a medium-sized company, from €5000 to €12500;
   d. In the case of a large company, from €7500 to €27500.

3. For the practice of the administrative offences envisaged in the previous numbers, alternative sanctions may be applied as laid down in Articles 21 and following of the General Regime for Administrative Offences.

4. The employer, the user, through a contract for the provision of services or the use of temporary labour, and the general contractor are jointly liable for paying the fines envisaged in the previous numbers, the salaries for the work effectively received, for the failure to comply with labour legislation, for the non-declaration of income that is taxable by the State and for Social Security payments, for the work done by the illegal foreign worker and for the payment of the expenses required for the stay and the removal of the foreign nationals involved.

5. .................................................................

6. .................................................................

7. .................................................................

8. In the case of non-payment of quantities outstanding for the salaries owed for the work effectively done, as well as for the payment of the expenses required for the stay and the removal of the foreign nationals involved, the payment made in the respective process is official and the regulations for the common process for making payments of specific sums are applied.

Article 145.º

[...]

Infringement of the ruling in Article 79 implies a fine of from €60 to €120.

Article 146.º

[...]

Infringement of the ruling in n° 2 of Article 89 implies a fine of from €60 to €120.

Article 147.º

[...]

A fine of from €75 to €300 is applied to the foreign national who requests renewal of authorisation for temporary residence more than 30 days after its validity has expired.

Article 148.º
1. Infringement of the duty to notify envisaged in Article 95 implies a fine of from €45 to €90.
2. The failure to observe the duty envisaged in Article 9 means a fine of from €200 to €400.

Article 149.º

1. For each accommodation bulletin that fails to be submitted according to the terms of n°s 1 or 2 of Article 98 or for each foreign national not registered on the list or electronically as laid down in the stipulation in n°s 3 and 4 of the same article a fine of €100 to €500 is applied.
2. ..............................................................

Article 153.º

Competency for applying fines and alternative sanctions

1. Applying the fines envisaged in this chapter is the responsibility of the Director-General of SEF, who may delegate this, in general terms.
2. The application of alternative sanctions envisaged in this chapter is the competence of the Director-General of SEF, who may delegate this to the deputy directors general

Article 154.º

[...]

Without prejudice to the maximum limits envisaged in the General Regime for Administrative Offences, the amounts of the fines defined in this law will be revised automatically in agreement with the percentage increases of the highest national minimum salary, rounding the result obtained off to the euro immediately above.

Article 163.º

[...]

Until the regulations envisaged in this law come into force, Enabling Decree nº 5-A/2000, of 26 April, with the alterations introduced by Enabling Decree nº 9/2001, of 31 May, will remain in force, in all that is not contradictory, as well as the remaining laws approved under cover of decree law nº 59/93, of 3 May.

Article 2.º

Amendments

Amendments are made to Articles 15-A, 134-A, 136-B, 137-A, 137-B, 137-C and 137-D to Decree-Law nº 244/98, of 8 August, with the changes introduced by Law nº 97/99, of 26 July, and by Decree-Law nº 4/2001, of 10 January, as they appear in the respective Chapter, Section and Sub-Section in which they are entered, with the following wording:

«Article 15.º -A

Written proof of responsibility

1. For the purposes envisaged in Articles 14 and 15, the border authority may demand written responsibility undersigned by a Portuguese national or foreign national duly authorised to remain regularly in Portugal.
2. The written responsibility referred to in the previous number must include the commitment to ensure the conditions of stay in Portugal, as well as the costs of removal, if necessary.
3. What is envisaged in nº 2 does not remove the responsibility of the entities referred to in Article 144, providing the respective assumptions are verified.

Article 134.º-A

Assistance with illegal migration

1. Whoever encourages or facilitates, in any way, the illegal entry or transit of foreign nationals in Portugal is sentenced to a prison sentence of up to 3 years.
2. Whoever encourages or facilitates, in any way, the illegal entry, permanence or transit of a foreign national in Portugal, with the intention of financial gain, is sentenced to a prison sentence of from 1 to 4 years.
3. The attempt is punishable.
4. The penalties applicable to the entities referred to in nº 1 of Article 134 are fines, the maximum and minimum limits of which are doubled, or the activity banned for five years.

Article 136.º-A

Violation of the measure banning entry

1. The entry of foreign nationals in Portugal during the period in which they have been denied entry, is a punishable crime carrying a prison sentence of up to 2 years or a fine of up to 100 days.
2. In the case of being found guilty, the court may rule alternatively, with due grounds, to expel the foreign national.
3. Without prejudice to the ruling in nº 1, the foreign national may be removed from Portugal until the remaining period during which entry is denied has elapsed, in agreement with the process in which removal was determined.

Article 137.º-A

The Loss of items

1. Items seized by SEF that are declared lost and revert to the State will be allocated when:
   a. These are documents, arms, munitions, vehicles, telecommunications equipment and computer equipment or other items of interest to the institution;
   b. They are the result of complying with international conventions and are related to illegal immigration.
2. The utility of the items referred to in sub-paragraph a) of nº1 should be proposed by SEF in the final report on the respective criminal process.
3. The items referred to in sub-paragraph a) of nº1 may be used provisionally by SEF from the time they are apprehended to the time they are declared lost or returned, in a ruling from the Director-General, after the Directorate-General for Assets has given its agreement, to be sent to the authority superintending the process.

Article 137.º-B

Assistance in investigation

The foreign national who collaborates in the investigation of illicit activities likely to lead to criminal proceedings, namely organised crime, may be dispensed with the visa for obtaining authorisation for residence.

Article 137.º-C

Remitting sentences
The courts will send SEF, in the shortest time possible:

a. Certificates of convictions passed in criminal proceedings against foreign nationals;
b. Certificates of sentences passed in cases against the crimes of assisting illegal immigration and encouraging illegal labour;
c. Certificates of sentences passed in cases of expulsion;
d. Certificates of sentences passed in cases of extradition of foreign nationals.

Article 3.º

Amendment of Section VI to Chapter III of Decree-Law n° 244/98

An amendment is made to Chapter III of Decree-Law n° 244/98, of 8 August, with the changes arising from Law n° 97/99, of 26 July, and from Decree-Law n° 4/2001, of 10 January, in Section VI, with the title «Cancellation», composed of a single article, with the following wording:

«Article 51.º-B

Cancellation of Visas

1. Visas may be cancelled in the following situations:
   1. When the holder does not meet or has ceased to meet the conditions laid down in Chapters II and III of this law;
   2. When visas have been issued based on false statements, use of fraudulent means or by invoking reasons different to those that motivated the holder entering Portugal;
   3. When the reasons that determined that the Visa should be granted have ceased to exist.
2. Visas for study, work or temporary stay may also be cancelled when the respective holder has been the object of a removal order from Portugal, and also when the holder, for no acceptable reason, is absent from the country for a period of two months during the validity period of the visa.
3. The ruling in the previous numbers is also applicable when the removal order or absences are found during the validity of extensions for permanence granted in the terms envisaged in this law.
4. The Minister of Home Affairs is responsible for cancelling the visas referred to in the previous numbers, and he may delegate this to the Director-General of SEF, with the option of sub-delegating.
5. The Directorate General for Consular Affairs and Portuguese Communities is notified of visa cancellation.
6. Notification of the start of the procedure to those concerned is dispensed with, in the terms of n° 2 of Article 55 of the Code for Administrative Procedure.»

Article 4.º

Change to the heading of Chapter IX of Decree-Law n° 244/98

The heading of Chapter IX of Decree-Law n° 244/98, of 8 August, with the changes arising from Law n° 97/99, of 26 July, and of Decree-Law n° 4/2001, of 10 January, changes to the following wording: "Removal from Portugal". ».

Article 5.º

Change to the heading of Section I of Chapter IX of Decree-Law n° 244/98

The heading of Section I of I Chapter IX of Decree-Law n° 244/98, of 8 August, with the changes arising from Law n° 97/99, of 26 July, and of Decree-Law n° 4/2001, of 10 January, changes to the following wording: "Expulsion from country".

Article 6.º
Addition of Sub-Section I to Section I of Chapter IX of Decree-Law n° 244/98

An addition is made to Section I of Chapter IX of Decree-Law n° 244/98, of 8 August, with the changes arising from Law n° 97/99, of 26 July, and of Decree-Law n° 4/2001, of 10 January, which is Sub-Section I, with the heading «General provisions », composed of Articles 99 to 108, with the following wording:

Article 99.º

[...]

1. ..................................................................
2. ..................................................................
3. ..................................................................

Article 100.º

[...]

1. The foreign national found in the situation envisaged in sub-paragraph a) of the previous article, may, in cases that are justified, not to be detained in the terms of Article 117, but notified by SEF to leave Portugal voluntarily within the fixed period defined for this, of from 10 to 20 days.
2. ..................................................................

Article 101.º

[...]

1. ..................................................................
2. ..................................................................
3. ..................................................................
4. ..................................................................
5. ..................................................................

Article 102.º

[...]

..................................................................

Article 103.º

[...]

1. ..................................................................
2. ..................................................................

Article 104.º

Country and destination

1. Expulsion may not be to any country where the foreign national may be persecuted for the reasons that, in the terms of the law, justify granting the right to asylum.
2. To be able to benefit from the guarantee envisaged in the previous number, the person concerned should invoke fear of persecution and submit the respective proof in the period allowed for this.
3. In the cases envisaged in the previous number, expulsion must be to another country that will accept this national.

Article 105.º

Period of prohibited entry

The period of prohibited entry to Portugal for a foreign national expelled is no less than five years.

Article 106.º

Enforcement measures

1. Apart from the enforcement measures listed in the Criminal Code, the judge may also determine the following:
   a. Regular presentation at SEF;
   b. Placing the person to be expelled in a temporary installation centre.

2. Small criminal courts or local courts in the area where the foreign national was found are also competent to apply enforcement measures.

Article 107.º

Placing in temporary installation centres

Placing foreign nationals in temporary installation centres complies with the ruling in Law n° 34/94, of 14 September.

Article 108.º

Family members of Portuguese citizens

The more favourable regime envisaged in Decree-Law n° 60/93, of 3 March is applied to foreign nationals who are members of the family of a Portuguese citizen.

Article 7.º

Change to Section II of Chapter IX of Decree-Law n° 244/98

Section II of CHAPTER IX of Decree-Law n° 244/98, of 8 August, with the changes arising from Law n° 97/99, of 26 July, and of Decree-Law n° 4/2001, of 10 January becomes Sub-Section II of Section I, maintaining the same heading and being composed of Articles 109 to 116, with the following wording:

«Article 109.º

Judicial expulsion

Expulsion is determined by the judicial authority when the nature of the alternative sentence is revised or when the foreign national:

1. Has entered or remains regularly in Portugal;
2. Holds valid authorisation for residence;
3. Has submitted an application for asylum that has not been refused.

Article 110.º

Competent court
1. Courts with competence to apply the autonomous measure of expulsion are:
   1. In the respective areas of jurisdiction, the small criminal courts;
   2. In other areas of the country, the district courts.
2. Territorial competence is determined depending on where the foreign national resides in Portugal or, in the absence of a residence, in the place where he or she was found.

Article 111.º

Expulsion procedure

1. Whenever it learns of any facts that may be grounds for expulsion, SEF will organise a process for gathering the proof to be used in the decision.
2. The expulsion process begins with the order that opened the process and should contain, apart from identification of the foreign national against whom the case is opened, all other relevant items of proof including whether the national is a resident or not in the country and if so, the length of residence.

Article 112.º

Hearing

1. Once the case has been filed, the judge will schedule the hearing, which should take place within the five following days, having the person against which the case has been opened notified, the witnesses indicated in the proceedings and SEF, in the person of the respective regional director.
2. The person against whom the case has been opened must be present at the hearing.
3. In notifying the person against whom the case has been opened, mention should also be made of the fact that, if this person wishes, the defence may be presented at the hearing, and the list of witnesses added besides other items of proof available.
4. Notifying SEF, in the person of the respective regional director, is done with a view to appointing the staff member or members of SEF who can present in court explanations thought to be of interest for the decision.

Article 113.º

Postponing the hearing

The hearing may only be postponed once, and up to the 10th day following the date on which it should have taken place:

a. If the person against whom the case has been opened requests this to be able to prepare the defence;
b. If the person against whom the case has been opened fails to appear at the hearing;
c. If the witnesses called by the public prosecutor or the person against whom the case has been opened fail to appear at the hearing;
d. If the court takes the stand that it is necessary to take any measures essential to finding the proof required to discover the truth of the facts and that it is estimated can be done within the period.

Article 114.º

Content of decision

1. The expulsion decision must contain:
   a. The grounds;
   b. The legal obligations of the person being expelled;
   c. The ban on entry to Portugal, indicating the respective period;
   d. The name of the country to which the foreign national benefiting from the guarantee described in Article 104 should not be sent.
2. Implementing the decision means entering the individual being expelled in the Schengen Information System or on the national list of non-admissible persons.
3. The expelled national is notified by SEF that his or her name has been entered in the Schengen Information System.

Article 115.º

Subsidiary application of summary procedure

Wherever there is no specific regulation, the provisions of the Criminal Procedural Code relative to judgement in summary procedure are applicable, with the necessary adaptations.

Article 116.º

Appeal

1. An appeal may be lodged with the appeal court against the decision on expulsion passed in the terms of Article109 and following.
2. The appeal has only the effect of returning the decision.
3. Wherever there is no specific regulation, the ruling in the Criminal Procedural Code on ordinary appeal should be observed, with the necessary adaptations.

Article 8.º

Change to Section III of Chapter IX of Decree-Law n° 244/98

Section III of Chapter IX of Decree-Law n° 244/98, of 8 August, with the changes arising from Law n° 97/99, of 26 July, and of Decree-Law n° 4/2001, of 10 January, becomes Sub-Section III of Section I, maintaining the same heading and composed of Articles 117 to 121, with the following wording:

«Article 117.º

Detention of illegal national

1. The foreign national who enters or remains illegally in Portugal is detained by the police authority and, whenever possible, handed over to SEF accompanied by the respective procedure, and this procedure must, within a maximum period of forty eight hours after detention, go before the judge who is competent to validate it and apply enforcement measures.
2. Should the judge decide on preventative detention, SEF would be informed of this so that it could take the necessary steps to remove the foreign national from Portugal.
3. The preventative detention envisaged in the previous number may not last for more time than is necessary to execute the expulsion decision, and may not exceed 60 days.
4. Should preventative detention not be the outcome, SEF is also notified for the purposes indicated in n° 2, notifying the foreign national that he or she must appear in the respective department.
5. No expulsion procedure is taken against the foreign national who, having entered the country irregularly, submits an application for asylum to any police authority within 48 hours after entry.
6. Foreign nationals in the conditions referred to in the previous number will await at liberty the decision on their application, and must be notified by SEF of their rights and obligations, in agreement with the ruling in the enabling law on the right to asylum.
7. The authorities and the agents of authority of SEF, the National Republican Guard, the police force, the judiciary police and the maritime police are competent to make detentions in the terms of n° 1.
8. For the purposes of this Section, the ruling in Article 136 is also applicable.

Article 118.º
Process

1. During the examination process, the person against whom the case has been opened is guaranteed a hearing, and enjoys all the guarantees of defence.
2. The hearing referred to in the previous number is the same, for all effects and purposes, as a hearing of the person concerned.
3. The examiner should take the necessary steps to determine the truth, and may refuse, in a justified ruling, those facts appealed by the person against whom the case is opened, when the examiner considers there is sufficient proof of the facts alleged by the same.
4. Once the examination has been concluded, the respective report is drawn up, in which the examiner will describe and appraise the facts verified, suggesting the solution he considers adequate, and the process is submitted to the competent authority for a decision.

Article 119.º

Decision on expulsion

The Director-General of SEF is competent to take the decision on expulsion.

Article 120.º

Notification of the decision of expulsion

1. The Office of the High Commissioner for Immigration and Ethnic Minorities is notified of the decision of expulsion as well as the person against whom the case was opened, observing, in terms of content, the ruling in Article 114, without prejudice to the ruling in Article 68 of Administrative Procedural Code.
2. The notification envisaged in the previous number will mention the right to appeal, as well as the period within which this can be done, and the entry in the Schengen Information System or the national list of non-admissible persons.

Article 121.º

Judicial opposition

The decision on expulsion taken by the Director-General of SEF may be opposed judicially, the effect being merely to return the decision, and the validity of the decision then assessed by the administrative courts.»

Article 9.º

Change to Section IV of Decree-Law n° 244/98, of 8 August

Section IV of Chapter IX of Decree-Law n° 244/98, of 8 August, with the changes arising from Law n° 97/99, of 26 July, and of Decree-Law n° 4/2001, of 10 January, becomes Sub-Section IV of Section I, maintaining the same heading and composed of the Articles 122 to 125, with the following wording:

«Article 122.º

Competency to execute the decision

SEF is competent to execute expulsion decisions.

Article 123.º

Implementing the decision
1. The foreign national against whom the decision of expulsion has been made should leave Portugal within the period laid down for this.
2. The competent judge may be requested, during such time as the period referred to in the previous number has not expired, that the national to be expelled be subject to the regime of:
   a. Placement in a temporary installation centre;
   b. Regular reporting to SEF or to the police authorities.

Article 124.º

Disobeying the expulsion decision

1. The foreign national who does not leave Portugal within the period stipulated for this is taken to the border post and removed from the country.
2. If the expulsion decision cannot be executed within a period of 48 hours after detention, the competent judge is made aware of this fact so that the decision can be taken to keep the foreign national in a temporary installation centre, applying the ruling in Law n° 34/94, of 14 September.

Article 125.º

Notification of expulsion

The competent authorities in the country of destination of the expelled national must be notified through diplomatic channels that the expulsion decision has been executed."

Article 10.º

Addition of Section II to Chapter IX of Decree-Law n° 244/98

A Section II is added to Chapter IX of Decree-Law n° 244/98, of 8 August, with the changes arising from Law n° 97/99, of 26 July, and of Decree-Law n° 4/2001, of 10 January, with the heading "Conducting to the border", composed of Article 126, with the following wording:

«Article 126.º

Conducting to the border

1. The foreign national held in the terms of n° 1 of Article 117, who, during judicial interrogation and after being informed of the ruling in n°s 2 and 3 of this Article, declares the intention to leave the country may, at the decision of the competent judge and providing this is duly documented, be handed over to the custody of SEF to be conducted to the border and removed in the shortest period of time possible
2. The national who agrees to being conducted to the border post will be prevented from entering Portugal for one year.
3. Being conducted to the border implies entering the name of the national in the Schengen Information System or on the national list of non-admissible persons."

Article 11.º

Addition of Section III to Chapter IX of Decree-Law n° 244/98

A Section III is added to Chapter IX of Decree-Law n° 244/98, of 8 August, with the changes arising from Law n° 97/99, of 26 July, and of Decree-Law n° 4/2001, of 10 January, with the heading "Assistance with voluntary return", composed of Article 126-A, with the following wording:

Article 126.º-A

Assistance with voluntary return
1. The State may assist voluntary return to countries of origin, under cover of co-operation programmes established with the international Organisation for Migrations, in the case of foreign nationals, who meet the conditions demanded.

2. Foreign nationals who benefit from the assistance granted in the terms of the previous number will be entered in the Schengen Information System or on the national list of non-admissible persons and will not be authorised to enter Portugal for a period of five years counting from the date on which they leave the country, and when they are holders of authorisation for residence, they must return this authorization permit at the border post at the time of embarking.

3. The ruling in the previous number does not prejudice the possibility of issuing, in exceptional cases, a short-term visa, for humanitarian reasons, in similar conditions to those envisaged in Article 49.

4. Nationals who have benefited from the regime for temporary protection will not be subject to the measure envisaged in n° 2.»

«Article 12.º

Addition of Section IV to Chapter IX of Decree-Law n° 244/98

A Section IV is added to Chapter IX of Decree-Law n° 244/98, of 8 August, with the changes arising from Law n° 97/99, of 26 July, and of Decree-Law n° 4/2001, of 10 January, with the heading "Readmission", composed of Article 127 to 133, with the following wording:

«Article 127.º

Concept of readmission

1. In the terms of international agreements or conventions, foreign nationals who find themselves irregularly in a State, coming directly from another State, may be readmitted by the latter through an application prepared by the State where the national is found.

2. Readmission is known as active when Portugal is the State making the request, and passive when Portugal is requested by another State.

Article 128.º

Competency

1. Acceptance of applications for the readmission of persons by Portugal, as well as the submission of applications for readmission to another State, is the competency of the Director-General of SEF.

2. The competencies envisaged in the previous number may be delegated, with the option of sub-delegation.

Article 129.º

Active readmission

1. Whenever a foreign national in an irregular situation in Portugal should be readmitted by another State, SEF will prepare the respective request, observing the ruling in Article 111, with the necessary adaptations.

2. If the request submitted by Portugal is accepted, the competent authority will have the foreign national returned to the State requested to receive the foreign national.

3. Should the request be refused, an expulsion process is opened.

4. Whoever has filed the request for readmission is competent to determine the return of the foreign national to the State being requested.

5. Returning the foreign national to the State being requested implies entering the name of this national on the national list of non-admissible persons and in the Schengen Information System, should the State requested be a third country.

Article 130.º
Hearing the party concerned

During examination of the readmission process the foreign national who is to be returned to the State requested must be heard, and this will serve, for all effects and purposes, as the hearing of this person.

Article 131º

Appeal

1. An appeal can be lodged within 30 days with the Ministry of Home Affairs against the decision to return the foreign national to the State requested.
2. The appeal has only the effect of returning the decision.

Article 132º

Passive readmission

The foreign national readmitted to Portugal who does not meet the conditions legally demanded to remain in the country will be removed from the country as laid down in this Chapter. Article 133, Entry Banned to a foreign national returned to another State under an international agreement or convention may not enter Portugal for a period of three years.

Article 133º

Entry banned

A foreign national returned to another State under an international agreement or convention is banned from entering Portugal for three years.

Article 13º

Change to the heading of Chapter X of Decree-Law nº 244/98

The heading of Chapter X of Decree-Law nº 244/98, of 8 August, with the changes arising from Law nº 97/99, of 26 July, and of Decree-Law nº 4/2001, of 10 January, changes to the following wording: “Criminal provisions”.

Article 14º

Change to the heading of Chapter XI of Decree-Law nº 244/98

The heading of Chapter XI of Decree-Law nº 244/98, of 8 August, with the changes arising from Law nº 97/99, of 26 July, and of Decree-Law nº 4/2001, of 10 January, changes to the following wording: “Charges”.

Article 15º

Change to the heading of Chapter XII of Decree-Law nº 4/98

The heading of Chapter XII of Decree-Law nº 244/98, of 8 August, with the changes arising from Law nº 97/99, of 26 July, and of Decree-Law nº 4/2001, of 10 January, changes to the following wording: “Administrative offences”.

Article 16º

Change to the heading of Chapter XIII of Decree-Law nº 244/98
The heading of CHAPTER XIII of Decree-Law n° 244/98, of 8 August, with the changes arising from Law n° 97/99, of 26 July, and of Decree-Law n° 4/2001, of 10 January, changes to the following wording: “Final provisions”.

Article 17.º

Remission

The references made to authorisation for permanence in Decree-Law n° 244/98, of 8 August, are taken to mean the authorisations for permanence issued under Article 55 of the same law, with the wording introduced by Decree-Law n° 4/2001, of 10 January, as well as extensions made as laid down by law.

Article 18.º

Transitional regulation

☐ The ruling in this law does not prejudice applications for authorisation for permanence, family regrouping, as well as the situations considered in Articles 87, sub-paragraph j), and 88, pending the date on which they come into force.

Article 19.º

Extension of authorisation for permanence

1. Authorisation for permanence issued can be extended for periods of one year, in the terms defined in the enabling law, providing the holder is still in paid labour, and the validity period may not exceed five years counting from the date of the first authorisation.

2. The family members of holders of authorisation for permanence may regroup without changing the status and the type of the respective visa as laid down in the enabling law.

Article 20.º

Revocations

Articles 55, 155 and 159 of Decree-Law n° 244/98, of 8 August are revoked, with the changes introduced by Law n° 97/99, of 26 July, and by Decree-Law n° 4/2001, of 10 January.

Article 21.º

Republications

Attached is the republication of Decree-Law n° 244/98, of 8 August, with the changes introduced by Law n° 97/99, of 26 July, and by Decree-Law n° 4/2001, of 10 January, and by this law.

Article 22.º

Entry into Force


The President of the Republic, JORGE SAMPAIO.
Ratified on 13 February 2003.
The Prime Minister, José Manuel Durão Barroso.

ANNEX

Republication of Decree-Law n° 244/98, de 8 de August (conditions for entry, permanence, exit and removal of foreign nationals from Portugal) with the changes introduced by Law n° 97/99, of 26 July, by Decree-Law n° 4/2001, of 10 January, and by this law.

CHAPTER I

General provisions

Article 1.º

Object

1. This law enables the conditions for entry, permanence, exit and removal of foreign nationals from Portugal.
2. The ruling in the previous number does not prejudice special regimes envisaged in international treaties or conventions to which Portugal is a party or that it will join, that is those signed or that come to be signed with countries where the official language is Portuguese.
3. Without prejudice to an express reference in contradiction to this law, the entry, permanence, exit and removal of a foreign national who is a citizen of a Member State of the European Union or a national of a State that is part of the European Economic Area is governed by its own legislation.

Article 2.º

Concept of foreign national

For the purposes of this law, a foreign national is anyone who cannot prove they have Portuguese nationality.

Article 3.º

Concept of resident

A resident is a foreign national holding a valid permit for authorisation of residence in Portugal.

Article 4.º

Application convention

Application convention means the Convention for the Application of the Schengen Agreement of 14 June 1985, signed in Schengen on 19 June 1990.

Article 5.º

International Zone

For the purposes of document control and application of the ruling in this law, the international zone of a port or airport means the zone lying between the points of embarkation and disembarkation and the location of the passenger document control points.

Article 6.º
External borders

External borders are:

a. Airports for flights arriving from or bound for States not bound by the Application Convention;
b. Sea ports, except for connection in Portugal and regular transfer connections between States that are party to the Application Convention.

Article 7.º

Internal borders

Internal borders are:

a. Land borders;
b. Airports, for domestic flights;
c. Sea ports for regular shipping connections that conduct transhipment operations coming from or bound for only other ports in the States that are party to the Application Convention, without a stop in ports outside these territories.

Article 8.º

Third State

For the purposes of this law, a third state is taken to mean any state that is not party to the Application Convention or where this is not applied.

CHAPTER II

Entry to and exit from Portugal

Article 9.º

Border posts

Entry to and exit from Portugal must be made through a border post qualified for this purpose and during the hours it is in operation, without prejudice to the ruling in the Application Convention on the free movement of persons.

Article 10.º

Border control

1. Individuals entering or leaving Portugal are subject to border post control whenever that have arrived from or are bound for countries that have not undersigned the Application Convention.
2. The ruling in the previous number also applies to individuals who use the domestic leg of a flight coming from or bound for countries that have not undersigned the Application Convention.
3. For reasons of public order and national security, document control at internal borders can be reinstalled in exceptional circumstances for a limited period, after consulting the other contracting parties in the Schengen Agreement.

Article 11.º

Refused entry
Entry to Portugal must be refused to foreign nationals who do not meet all of the requirements listed in this Chapter or who are a danger or serious risk to public order, national security or the international relations of the member states of the European Union or the States in which the Application Convention is in force.

Article 12.º

Travel documents and documents that substitute them

1. Foreign nationals must be in possession of a recognised valid travel document to enter or leave Portugal.
2. The validity of the travel document must be for longer than the duration of the stay, except when a foreign national resident in Portugal is re-entering the country.
3. Foreign nationals may also enter or leave the country who:
   a. Are nationals of States with which Portugal has agreements that allow them entry on an identity card or similar document;
   b. They are covered by conventions signed among those States that have undersigned the North Atlantic Treaty;
   c. They are in possession of a laissez-passer or safe-conduct card issued by the State of their nationality or the State that represents them;
   d. They are the holders of a pilot’s licence or crew certificate as referred to in n°s 1 and 9 of the Convention on International Civil Aviation, or other documents that replace these, when they are on duty;
   e. They are the holders of a sea-going identification document as referred to in Convention n° 108 of the International Labour Office, when they are on duty;
   f. They are nationals of States with which Portugal has agreements that allow them entry with only sea-going registration papers, when they are on duty;
4. The laissez-passer or safe-conduct card referred to in c) of the previous number is only valid for transit and, when issued in Portugal, can only be used to leave the country.
5. The nationals of States with which Portugal has agreements to this effect are also authorised to leave Portugal with an expired passport.
6. Foreign nationals in possession of the documents referred to in Articles 74 and 75 are also authorised to leave Portugal.

Article 13.º

Entry visa

1. To enter Portugal foreign nationals must also be in possession of a valid visa that is appropriate for the purpose of the trip, granted in the terms of this law or by the competent authorities of the States that are party to the Application Convention.
2. The visa allows its holder to approach a border post and ask to enter the country.
3. However, entry without a visa is allowed to:
   a. Foreign nationals in possession of a residence permit, authorisation for permanence, extension of permanence or with the identity card referred to in n° 2 of Article 96, when valid;
   b. Foreign nationals who benefit from the regime in the terms of the international instruments to which Portugal is party.
4. The visa may be cancelled by the issuing body abroad or by the SEF at home when its holder is listed for the purposes of non-admission in the Schengen Information System, in the Integrated Information System of the SEF or makes false statements in applying for the visa.
5. At border posts, SEF is responsible for cancelling visas in the terms of the previous number and in doing this must inform the issuing body immediately.
6. The High Commissioner for Immigration and Ethnic Minorities is informed of the decision to cancel a visa as well as the justification for doing this.

Article 14.º

Means of subsistence
1. Foreign nationals may not enter Portugal if they do not have sufficient means of subsistence for either their stay or the journey to the country where their entry is guaranteed, or who are not in condition to acquire these means legally.

2. For the purposes of entry and stay, foreign nationals must have, by means of payment, per capita, the amounts fixed by order of the Minister of Home Affairs, which can be dispensed with for those who can prove they have food and lodging guaranteed during the respective stay.

3. The amounts fixed in the terms of the previous number are revised automatically in line with the percentage increases in the highest national minimum salary.

Article 15.º

Purpose and conditions of stay

Whenever deemed necessary to prove the objective and conditions of stay, the border authority may demand the foreign national to produce adequate proof.

Article 15.º-A

Written proof of responsibility

1. For the purposes envisaged in Articles 14 and 15, the border authority may demand written proof of responsibility. This proof must be undersigned by the Portuguese or foreign national authorised to stay regularly in Portugal.

2. The written proof of responsibility referred to in the previous number must include the commitment to ensure conditions of stay in Portugal, as well as the cost of removal, if required.

3. What is referred to in n° 2 does not remove the responsibility of the bodies referred to in Article 14, providing the respective assumptions are detected.

Article 16.º

Entry and exit of minors

1. Without prejudice to forms of tourism or youth exchange programmes, the competent authority must refuse entry to Portugal to foreign nationals under the age of 18 when they are not accompanied by whoever has parental custody over them or when in Portugal there is no-one responsible for their stay who is duly authorised by the legal representative.

2. Except in exceptional cases that are duly justified, a foreign minor may not enter Portugal when whoever has parental custody or whoever is in charge of the minor is not admitted to the country.

3. If the foreign minor is not admitted to Portugal, entry must also be refused to the person to whom the minor has been entrusted.

4. Resident foreign minors are refused exit from Portugal when travelling unaccompanied by whoever holds parental custody and when they do not have with them legally ratified authorization granted by the same.

Article 17.º

Transit through ports and airports

Access to the international zone of ports and airports, on a transit stop or transfer to international connections, is only permitted to foreign nationals in possession of the temporary visa they must have in the terms of the law stipulating the need for such a visa.

Article 18.º

Competency to refuse entry
The Director-General of SEF is competent to refuse entry to Portugal, and he may delegate this competency to the central Director-General of borders and to the regional directors who, in turn, may sub-delegate.

Article 19.º

Seizure of travel documents

When entry is refused on the grounds of a false travel document, one that has been forged, belongs to another person or has been wrongly acquired, such a document must be seized and returned to the competent national or foreign body, as laid down in applicable provisions for this.

Article 20.º

Checking validity of documents

SEF may, in cases where the authenticity of the documents issued by the Portuguese authorities is in doubt, access information used in the process that led to the issue of the passport, identity card or any other document used to cross borders.

Article 21.º

Liability of carriers

1. The carrier that brings to Portugal, by land, sea or air, a foreign national who does not meet the conditions for entry, must bring about the return of that national, in as short a space of time as possible, to the point where the national first used the means of transport, or should this be impossible, to the country where the respective travel document was issued or to any other location where admission of this national is guaranteed.

2. Until re-embarking, the passenger remains the responsibility of the carrier, and the carrier must pay the cost of the passenger during the stay in the temporary installation centre.

3. Whenever justified, the foreign national who does not meet the conditions for entry is removed from Portugal under escort, which is provided by SEF.

4. The carrier is responsible for the cost of using an escort for the passenger, including payment of the respective charge.

5. The ruling in the previous numbers is also applicable in the case of refused entry for a foreign national when:
   a. The carrier that must carry the passenger to the country of destination refuses to embark the person;
   b. The authorities in the State of destination have refused this passenger entry and have returned the person to Portugal.

Article 22.º

Decision and notification

1. The decision to refuse entry is given after hearing the foreign national, and this serves for all effects and purposes, as an official hearing of the person concerned.

2. The person concerned must be notified of the decision to refuse entry and of the grounds for refusal, and mention must be made of the right to appeal and the period in which this may be lodged.

3. The carrier is also notified for the purposes of the ruling in the previous article.

4. Whenever the foreign national cannot be re-embarked within the forty-eight hours after the decision is taken to refuse entry, the judge of the competent court is notified of this so that the decision can be made to keep the person in the temporary installation centre.

Article 23.º

Judicial opposition
The decision to refuse entry may be opposed judicially, the effect being merely to return the decision, before the administrative courts, in the terms of the law.

Article 24.º

Rights of the foreign national refused admission

1. During permanence in the international zone, defined in the terms of Article 5, or in a temporary installation centre, the foreign national who has been refused entry to Portugal may communicate with diplomatic or consular representation of that national’s country or with any person of his or her choice, and will also benefit from the assistance of an interpreter and healthcare, including the presence of a medical practitioner, when necessary.
2. The foreign national may also be assisted by a lawyer, chosen freely, and whose respective charges must be paid by the foreign national.

Article 25.º

Entry banned

1. Foreign nationals indicated for the purposes of non-admission in the Schengen Information System are banned from entry to Portugal.
2. Entry to Portugal is also banned to foreign nationals listed for the purposes of non-admission on the national list because:
   a. They have been expelled from the country;
   b. They have been returned to another country under cover of a readmission agreement;
   c. They have been sentenced to detention for a period of no less than one year, although it may not have been served, or they have been sentenced more than once with the same sentence, although serving the sentence has been suspended;
   d. There are strong signs that they have been guilty of serious, punishable offences;
   e. There are strong signs that they intend to commit serious, punishable offences or that they are a threat to public order, to the national security or to the international relations of a member state of the European Union or the States where the Application convention is in force;
   f. They have benefited from the support of the Portuguese state to return voluntarily to the country of origin;
   g. They have been conducted to the border, in the terms of Article 126.
3. Entry banning measures that do not depend on the deadlines defined in the terms of this law will be reassessed periodically, with a view to maintaining them or eliminating them.
4. The measures banning entry that have not been judicially decreed and that depend on deadlines defined in the terms of this law may be reappraised, at the decision of the Director-General of SEF and bearing in mind humanitarian reasons or those of national interest, with a view to their elimination.
5. Entering a foreign national in the Schengen Information System depends on the decision made by the competent authorities of a State that is party to the Application Convention.
6. It is the responsibility of the Director-general of SEF to enter a foreign national in the Schengen Information System or on the national list of non-admissible persons

Article 26.º

Declaration of entry

1. Foreigners who enter the country by crossing a border where there is no control, coming from another member State, must declare this within three working days counting from the date of entry.
2. The declaration of entry must be made at SEF, in the terms to be defined in an order from the Minister of Home Affairs.
3. The ruling in the previous numbers does not apply to foreigners who:
   a. Are residents or authorised to remain in the country for a period of more than six months;
b. Immediately after entering the country stay in hotels or other types of accommodation in the conditions described in n° 1 of Article 98;
c. Who benefit from the Community regime or similar.

CHAPTER III
Visas
Section I
Visas granted abroad

Article 27.º
Types of visa
The following types of visa may be granted abroad:

a. Short-stop visa;
b. Transit visa;
c. Short-term visa;
d. Residence visa;
e. Study visa;
f. Work visa;
g. Temporary stay visa.

Article 28.º
Territorial validity of visas

1. Short-stop, transit and short-term visas may be valid for one or more States that are party to the Application Convention.
2. The visas referred to in sub-paragraphs d), e), f) and g) of the previous Article are valid only for Portugal.

Article 29.º
Individual and collective visas

1. The individual visa is the visa stamped in the individual or family passport.
2. The collective visa is the visa stamped in a collective passport issued for a group of individuals, organised socially or institutionally, prior to the decision to make the trip, and it must contain a minimum of 5 and maximum of 50 persons.
3. Granting a collective visa assumes that all members of the group will enter, remain and leave Portugal together.
4. The collective visa will have a validity of a maximum of 30 days.
5. The visas referred to in sub-paragraphs d), e), f) and g) of Article 27 may only be granted in individual form.
6. The remaining types of visa may be granted in individual or collective form.

Article 30.º
Competency for granting visas

1. The following are competent to grant visas:
   1. Portuguese embassies and consular offices, when issuing short-stop, transit of short term visas requested by holders of diplomatic, official and special passports, in service, or who hold travel documents issued by international organisations;
   2. Consular offices, in remaining cases.
2. The bodies referred to above are responsible for requesting reports, information and other facts required to examine applications.

Article 31.º

Short-stop visa

1. The short-stop visa allows the holder, when making an international connection, to go through the airport or port of a State that is party to the Application Convention.

2. The holder of a short-stop visa has access only to the international zone of the airport or seaport, and must continue the journey in the same or in another aircraft or vessel, as indicated on the transport permit.

3. Those nationals of the States identified in a joint ruling by the Ministers of Home Affairs and the Foreign Minister require a short-stop visa as do holders of travel documents issued by the same States.

4. The ruling described in the previous number will establish the exceptions to the demand for this type of visa.

Article 32.º

Transit visa

1. The transit visa permits entry to Portugal for whoever is bound for a third country to which admission is guaranteed.

2. The transit visa may be granted for one, two, or in exceptional circumstances, several entries, and the duration of each transit may not exceed five days.

Article 33.º

Short-term visa

1. The short-term visa allows the holder to enter Portugal for purposes that, approved by the competent authorities, do not justify granting any other type of visa.

2. The visa may be granted for a validity period of one year and for one or more entries, and the duration of the stay may not be interrupted or the total duration of successive stays may not exceed three months per half year counting from the date an external border was crossed for the first time.

3. In cases where there are due grounds, and when this is of interest to the country, multiple entry visas may be granted to certain categories of person for more than one year, but less than five.

Article 34.º

Residence visa

1. The residence visa allows the holder to enter Portugal to request authorisation for residence.

2. The residence visa is valid for two entries to Portugal and allows the holder to remain for six months.

Article 35.º

Study visas

1. The study visa allows the holder to enter Portugal for the purpose of:
   a. Following a study programme in an officially recognised teaching establishment;
   b. Doing scientific research work to obtain an academic degree or that is of scientific interest with proof given by the officially recognised teaching establishment;
c. Attending a practical training course to complement studies completed in Portugal or abroad;
d. Attending training courses in companies, public services or training centres that are not considered official teaching establishments.

2. The holder of a study visa may do complementary work while successfully pursuing the purpose for which the visa was issued.

3. The study visa is valid for multiple entries to Portugal and may be granted for permanence of up to one year.

Article 36.º

Work visa

1. The work visa allows the holder to enter Portugal to work temporarily, whether salaried or not, in the terms of the ruling in the following numbers.

2. Once the opinion has been heard of the Institute of Employment and Vocational Training, the Autonomous Regions, the General Inspectorate of Labour, the National Association of Portuguese Municipalities, the employer associations and the unions and the High Commissioners Office for Immigration and Ethnic Minorities, the Government prepares a report every two years, which should include a forecast of Labour opportunities and the working sectors in which these opportunities exist, fixing an imperative annual maximum limit for the entry of foreign nationals from third countries to work in Portugal.

3. The report referred to in the previous number is drawn up according to the following criteria:
   a. The needs of the labour market as a whole;
   b. The labour needs in sectors that are fundamental to the national economy;
   c. The needs of seasonal labour;
   d. The geographic weighting of labour opportunities for foreign nationals in agreement with the reception capacities of each district;

4. The work permit allow its holder to work in a job listed in the report drawn up by the Government in the terms of n° 2.

5. The holder of the work permit should inform the Institute for Employment and Vocational Training of any change in job, with a view to verifying that it is in line with the report referred to in n° 2.

6. The work visa is valid for multiple entries to Portugal and may be granted for permanence of up to one year.

Article 37.º

Types of work visa

The work visa may be of the following type:

   a. Work permit I, for working at a job in sports or in the entertainment sector;
   b. Work permit II, for working in scientific research or in work that requires highly qualified technical knowledge, in both cases duly proved by the competent public authority;
   c. Work permit III, for independent work in the provision of services;
   d. Work permit IV, for paid work.

Article 38.º

Temporary stay visa

1. The temporary stay visa allows the holder to enter Portugal to:
   a. Receive medical treatment in official health establishments or those officially recognised;
   b. Accompanying family members in the conditions envisaged in the previous sub-paragraph, in n° 1 of Article 35 and n° 1 of Article 36;
   c. Regrouping the family members of holders of authorisation for permanence, in the conditions to be defined in the enabling law;
   d. Exceptional cases with due grounds.
2. In duly justified cases, the permit mentioned in the previous number allows its holder to work in similar terms to those of the work permits to be defined by the enabling decree.
3. The temporary entry visa is valid for multiple entries to Portugal and may be granted for permanence of up to one year.
4. The validity of the visa granted in the terms of sub-paragraph b) of n° 1 may not exceed the validity of the visa granted to the accompanying family member.
5. For the purposes of the ruling in sub-paragraph b) of n° 1, family members are those referred to in n° 1 of Article 57.

Article 39.º

Granting a residence visa

1. In assessing the application for a residence visa the following criteria will be taken into consideration:
   1. The purpose of the stay and its feasibility, namely family regrouping;
   2. Means of subsistence the person concerned has available to live in the country;
   3. Conditions of accommodation.
2. Granting the residence visa for family regrouping or for work also complies with the ruling in Chapter V and in Section II of Chapter III.

SECTION II

Conditions on which the issue of visas depends

Article 40.º

Visas subject to prior consultation

1. Prior consultation of SEF is required to grant visas in the following cases:
   1. When residence visas, work permits III and IV and temporary stay are requested;
   2. When this is decided for reasons of national interest.
2. In urgent cases, where there is due justification, prior consultation may be dispensed with when dealing with work III permits and temporary stay.
3. SEF may request and obtain from other agents reports, information and other Aspects required to comply with the ruling in Chapters III and IV.
4. Regarding the visa applications referred to in n°1, a negative report is issued whenever the applicant has been sentenced to a prison sentence of more than six months, even if this has not been served or the applicant has been sentenced to another similar sentence, even if it is suspended.
5. Prior consultation of SEF is required in granting a visa when this involves reasons of national security or to comply with mechanisms agreed in the European policy for joint security.

Article 41.º

Job offer

1. Access of non-community nationals to salaried labour in Portugal may be authorised but it must be remembered that Community workers are given priority, as well as non-Community workers legally resident in Portugal.
2. The Institute of Employment and Vocational Training draws up a quarterly report that identifies, for each professional activity, the number of jobs already occupied, and assesses implementation of the report referred to in Article 36 and the extent to which it conforms to existing labour opportunities. It also verifies whether nationals receiving job proposals on which reports were issued have effectively occupied the same jobs.
3. When the employment supply is essential to the national economy, is highly qualified or of scientific, artistic or relevant social interest to the country, and it is not foreseen in the report to which Article 36 refers, or it exceeds the number of jobs included in the report as being necessary, it may still be considered, provided this is preceded by a compulsory
positive decision from the Institute for Employment and Vocational Training, in order to
guarantee compliance with the ruling in n° 1.

4. The Institute for Employment and Vocational Training, in co-ordination with the General
Directorates for Consular Affairs and Portuguese Communities, of the Foreign Ministry, and
with SEF, will, within the scope of bilateral protocols and agreements, develop the
mechanisms required to meet employment supply at national and Community level,
providing the employer expresses an interest in hiring workers from third countries.

Article 42.º

(Revoked)

Article 43.º

Positive opinion

1. The residence visa required to undertake paid work and work visa IV may only be granted
with the approval of the General Inspectorate of Labour or the respective Regional
Secretariat, should the work be done in the Autonomous Regions, based by a request with
grounds submitted by the employer.

2. Approval may be given on a case-by-case basis or it may deal with a particular professional
sector, bearing in mind the conditioning factors of a regional or local nature.

3. The competent authority will not give approval when the following situations are found to
exist:
   1. The business is not licensed, repeated failure to pay salaries promptly or very
      serious violations in paying salaries, failure to declare or under-declare income
      subject to discounts for social security or findings by inspectors that reveal
      inadequate health and safety conditions at the work site;
   2. No written guarantee from the employer that the trial period will be relinquished;
   3. Failure to comply with the requirements demanded by the General Labour Law and
      the instruments for regulating labour agreements.

Article 44.º

(Revoked)

Article 45.º

Independent professional work

1. Independent professional work means any work done personally or in the form of a
   company, without there being in either case an employment relationship or an employer.

2. Companies mean companies under civil or commercial law, including co-operatives and
other forms of incorporation under public or private law, with the exception of those that
are non-profit making.

Article 46.º

(Revoked)

SECTION III

Visas granted at border posts

Article 47.º

Types of visa

The following types of visa may be granted at border posts:
a. Transit visa;  
b. Short term visa;  
c. Special visa.

Article 48.º

Transit and short term visas

1. At border posts subject to control, transit and short-term visas may be granted in exceptional circumstances to foreign nationals who, for unforeseen reasons, have not been able to request a visa from the competent authority, providing the person concerned:
   a. Is the holder of a valid travel document that can be used to cross a border;  
   b. That person meets the conditions envisaged in Article 14 of this law;  
   c. Is not listed on either the national list or the common list of non-admissible persons;  
   d. Is no threat to public order, to national security or to the international relations of a member State of the European Union;  
   e. Has the journey to the country of origin or country of destination guaranteed, as well as the respective admission.
2. Transit and short-term visas may only be granted for one entry and they are valid for no longer than 5 or 15 days respectively.
3. The visas referred to in the previous number may be valid for one or more States party to the Application Convention.

Article 49.º

Special visa

1. For reasons that are humanitarian or of national interest, recognised by a ruling from the Minister of Home Affairs, a visa for entry and temporary permanence in the country may be granted to foreign nationals who do not meet the legal requirements demanded for the purpose.
2. The visa referred to in the previous number is valid only for entry to Portugal.
3. The competency referred to in n° 1 may be delegated to the Director-General of SEF, with the option to sub-delegate.
4. Should the person admitted in the conditions referred to in the previous numbers appear in the Schengen Information System, the competent authorities of the other States part to the Application Convention are notified.
5. When the foreign national holds a diplomatic, in service, official or special passport, or a travel document issued by an international organisation, the Foreign Ministry should be consulted whenever possible.

Article 50.º

Competency to grant visas

The Director-General of SEF is competent to grant the visas referred to in this Section, and this competency may be delegated to the central Director-General for Borders and to regional directors, who in turn may sub-delegate.

SECTION IV

Family members of Portuguese nationals

Article 51.º

Competency to grant visas

1. Foreign nationals who are family members of Portuguese citizens benefit from the same regime as that granted to the family members of other citizens of the European Union.
2. For the purposes of the ruling in the previous number, the following are taken to mean:
   1. Spouse or whoever he or she lives with as man and wife in conditions similar to that of marriage for more than two years;
   2. Children and adolescents under the age of 21 or dependent;
   3. Parents or grandparents of the Portuguese citizen who are dependents on him or her;
   4. Any other family members of the Portuguese citizen or of the spouse, providing they are dependent on the former or cohabit with the same in the country of usual residence.

SECTION V
Issuing reports

Article 51.º-A
Deadline and effects

1. Reports requested should be issued within 30 days.
2. The failure to issue a report within 30 days is taken to be a positive report, for the reports referred to in Article 40.

SECTION VI
Cancellation

Article 51.º-B
Cancellation of Visas

1. Visas may be cancelled in the following situations:
   a. When the holder does not meet or has ceased to meet the conditions laid down in Chapters II and III of this law;
   b. When visas have been issued based on false statements, use of fraudulent means or by invoking reasons different to those that motivated the holder entering Portugal;
   c. When the reasons that determined that the Visa should be granted have ceased to exist.
2. Visas for study, work or temporary stay may also be cancelled when the respective holder has been the object of a removal order from Portugal, and also when the holder, for no acceptable reason, is absent from the country for a period of two months during the validity period of the visa.
3. The ruling in the previous numbers is also applicable when the removal order or absences are found during the validity of extensions for permanence granted in the terms envisaged in this law.
4. The Minister of Home Affairs is responsible for cancelling the visas referred to in the previous numbers, and he may delegate this to the Director-General of SEF, with the option of sub-delegating.
5. The Directorate General for Consular Affairs and Portuguese Communities is notified of visa cancellation.
6. Notification of the start of the procedure to those concerned is dispensed with, in the terms of nº 2 of Article 55 of the Code for Administrative Procedure.

CHAPTER IV
Permanence

Article 52.º
Extension of permanence
1. Foreign nationals admitted to Portugal whether a visa is demanded or not, who are in possession of a valid, recognised travel document, who wish to remain in the country for a time longer than that offered on entry may have their permanence extended.

2. Extending permanence to holders of transit visas and short-term visas may be valid for one or more States that are party of the Application Convention.

3. Except in cases with due grounds, the extension of permanence referred to in nº 1 is only granted providing the reasons that allowed the foreign national to be admitted to Portugal remain.

Article 53.º

Limits of permanence

1. Extension of permanence may be granted:
   a. Up to 5 days, if the person concerned holds a transit visa;
   b. Up to 60 days, if the person concerned holds a special visa;
   c. Up to 90 days, that may be extended for the same period, if the person concerned holds a short-term visa or was admitted to the country without a visa being demanded;
   d. Up to one year that can be extended for the same period, if the person concerned holds a study visa or temporary stay permit;
   e. Up to two years if the person concerned holds a work visa.

2. For exceptional reasons, occurring after legal entry to Portugal, an extension of permanence may be granted to family members holding study, temporary stay or work visas, or authorisation for permanence.

3. For the purposes of the ruling in the previous number, family members are those described in nº 1 of Article 57.

4. Extension of permanence granted to nationals admitted to the country without a visa being demanded, and holders of short term visas, is restricted to Portugal whenever the stay exceeds 90 days per six month period, counting from the date on which the person first crossed an external border.

5. The limit mentioned in sub-paragraph d) does not apply to holders of visas granted in the terms of sub-paragraphs a) and c) of nº 1 of Article 35.

6. In cases where there are due grounds, an extension of permanence may be granted beyond the limits laid down in sub-paragraphs c), d) and e) of nº 1.

7. For the purpose of nº 2, the validity and duration of the extension of permanence may never be greater than the validity and duration of the visa granted to the family member.

8. Without prejudice to the sanctions envisaged in this law and except when exceptional circumstances occur, requests for an extension of permanence will not be granted when they are submitted:
   a. 30 days, after the authorised period of permanence, in the case of nationals who are exempt from a visa or holders of a short-term visa;
   b. 60 days, after the end of the authorised permanence period, in the case of nationals who are holders of other types of visa or authorisation for permanence.

9. The extension of permanence is granted in the form of a self-sticking card, the model for which will be approved by order of the Minister of Home Affairs.

Article 54.º

Competency

The assessment and decision on applications for extending permanence lies exclusively with the Director-General of the SEF, who may delegate in the regional directors, who may in turn sub-delegate.

Article 55.º

[...]

(Revogado.)
CHAPTER V
Family regrouping

Article 56.º

Right to Family Regrouping

1. The national who is resident for at least one year has the right to family regrouping with
the family members outside Portugal and who have lived with this national in another
country, or who depend on him or her.
2. In the circumstances referred to in the previous number, the right to family regrouping is
also recognised for family members found regularly in Portugal, in cases that are duly
justified, resulting from exceptional situations that have occurred after this national’s legal
entry to Portugal.
3. SEF receives applications for family regrouping and decides on the same.
4. When the application for family regrouping is submitted, SEF requests the applicant for
proof of adequate accommodation and means of subsistence sufficient to meet the needs of
the family member.
5. Should the case not be approved, a copy of the decision, with the respective grounds,
should be sent to the HCIEM and to the Advisory Council for Immigration Affairs.

Article 57.º

Beneficiaries

1. For the purposes of the ruling in nos 1 and 2 of the previous Article, the family members of
the resident are taken to mean:
   a. The spouse;
   b. Children who are minors or incapacitated and who are dependent on the couple or
one of the spouses;
   c. Minors adopted by the applicant when not married, by the applicant or by the
spouse, due to a decision taken by the competent authority in the country of origin,
providing that the law of that country recognises the same rights and duties for
these adopted minors as it does for natural children and that the decision is
recognised by Portugal;
   d. Parents or grand-parents of the resident or the spouse of the same, providing they
are dependents;
   e. Brothers and sisters under age, providing they are under the custody of the
resident, in agreement with the decision made by the competent authority of the
country of origin and providing this decision is recognised by Portugal.
2. In the case of a child under age or incapacitated of one of the spouses, family regrouping
will only take place providing custody is legally approved.

Article 58.º

Entry and residence of family members

1. The family member may only benefit from family regrouping providing he or she is not
banned from entering Portugal.
2. The family member of a national holding authorisation for temporary residence is issued
with authorisation for renewable residence and for duration identical to that of the resident.
3. The family member of any national holding authorisation for permanent residence is issued
with authorisation for residence valid for two years.
4. Once two years have elapsed since the emission of the first authorisation for residence as
referred to in nos 2 and 3 and providing that family ties remain, or, regardless of the
above-mentioned period and condition, whenever the beneficiary has children who are
minors resident in Portugal, the family members have the right to autonomous
authorisation for residence.
5. In exceptional cases, such as legal separation of persons and assets, divorce, widowhood,
dead of a parent or descendant and when the minor becomes of age, authorisation for
autonomous residence may be granted before the period referred to in the previous number has elapsed.

6. The family members referred to in sub-paragraph d) of n° 1 of Article 57, may only benefit from family regrouping if they have not had a job.

CHAPTER VI
Travel documents

SECTION I
Travel documents issued by Portuguese authorities

Article 59.º

Travel documents

The Portuguese authorities may issue the following travel documents for foreign nationals:

a. Passport for foreigners;
b. Travel permit for refugees;
c. Safe-conduct pass;
d. Travel document for the expulsion of non-Community citizens;
e. Travel list for students.

Article 60.º

Passport for foreign nationals

Granting a passport to a foreign national complies with the ruling in Decree-Law n° 83/2000, of 11 May.

Article 61.º

Beneficiaries of travel document for refugees

Foreign nationals resident in the country as refugees, in the terms of the enabling law for asylum law, as well as refugees covered by the ruling in § 11 of the annex to the 1951 Geneva Convention, may obtain a travel permit, the model of which is approved by order of the Minister of Home Affairs.

Article 62.º

Validity of travel document

The travel permit for refugees is valid for one year, and may be extended beyond that time, and may be used an unlimited number of times, allowing the holder to return within the validity period.

Article 63.º

Persons included in travel permit

The travel permit for refugees may include one person alone or the holder and children or adopted children under the age of 10.

Article 64.º
Additional entries

1. After issue no additions are allowed to the travel permit.
2. Additions regarding the validity extensions envisaged in Article 62 are exceptions to the rule.

Article 65.º

Competency for granting the travel permit

The following are competent to grant a travel permit to refugees and the respective extension:

a. In Portugal, the Director-General of SEF;
b. Abroad, Portuguese consular or diplomatic authorities with the approval of SEF.

Article 66.º

Issue and control of travel permit

1. The competent authorities must approve the issue of a travel permit to refugees.
2. SEF will centralise the control and national registration of travel permits issued.

Article 67.º

Conditions of validity

1. The travel permit is only valid when filled out legibly and with all the essential spaces filled in, or crossed out when not filled in.
2. No corrections or deletions of any type are accepted.
3. Photographs must be recent, in colour, with a contrasting, plain background, and in good condition for identification.
4. The photograph of the holder and the signature of the agent issuing the travel permit are ratified by attaching the embossed white stamp of the service.
5. The travel permit must be signed by the holder unless in the place indicated the issuing agent has stated that the holder does not know how to or cannot sign.

Article 68.º

Incorrect use

1. When travel permits are used in a way that fails to comply with the law, they will be seized by the authorities to whom they are submitted and returned to SEF.
2. Travel permits in which the identification information of the individuals mentioned is incorrect may be refused.

Article 69.º

Request for travel permit

1. The request for a travel permit is made by the actual applicant.
2. The request for a travel permit for under-age children or adolescents is made:
   a. By either of the parents, in a state of matrimony.
   b. By the parent with parental custody, in the terms of a judicial decision;
   c. In the absence of parents, by whoever has parental custody in the terms of the law;
   d. By whoever has guardianship or custody over the individuals declared banned or not entitled.
3. When the individuals are declared banned or not entitled, the request is made by whoever has guardianship or custody over them.
Article 70.º

Over-ruling interventions

The Director-General of SEF may, when justified, over-rule, by order, the interventions described in nº 2 of the previous Article.

Article 71.º

Restrictions to the use of the travel permit

The refugee who, using the travel permit granted in the terms of this law, has been in a country to which the situations described in §§ 1 to 4 of Section C and of Article 1 of the Geneva Convention of 28 July 1951 apply, should acquire the travel permit of this country.

Article 72.º

Beneficiaries of safe-conduct

Safe conduct may be granted to foreign nationals who, not residing in the country, can prove it is impossible or difficult to leave Portugal.

Article 73.º

Competency for granting safe-conduct

The Director-General of SEF is responsible for granting safe-conduct passes, and this responsibility may be delegated to the respective regional directors.

Article 74.º

Issuing safe-conduct

1. Safe conduct is issued for the sole purpose of exiting the country.
2. The safe-conduct model is approved by order of the Minister of Home Affairs.

Article 75.º

Travel document for the expulsion of non-Community nationals

1. Non-Community nationals who have received an expulsion measure and who do not have a travel document are issued with a document for this purpose.
2. The document envisaged in the previous number is valid for one trip only.
3. The model of document is approved by order of the Minister of Home Affairs in agreement with the Council Recommendation of 30 November 1994.

Article 76.º

Entry and permanence of students from the European Union

Foreign students resident in the other member states of the European Union may enter and remain temporarily in Portugal, without the need for a visa, providing that:

a. They are on a school trip organised by an officially recognized teaching establishment;
b. They are accompanied by a teacher from the teaching establishment who has a list of the students taking part in the trip, issued by the respective establishment and on which the pupils are identified, as well as the objective and circumstances of the trip;
c. They all hold a valid travel document, unless they are on a student list that includes recent photographs of the students in these circumstances and confirmation of resident status, as well as authorisation for the re-entry of the students, provided by the competent authority in the member state in question, which should also guarantee that the document is duly ratified.

Article 77.º

Exit of students resident in Portugal

Students resident in Portugal may also leave for the other member states of the European Union providing they meet the requirements of the previous article, and it is for SEF to recognise the list referred to in the same regulation.

Article 78.º

Nationality of holder

Travel documents issued by the Portuguese authorities for foreign nationals do not give proof of the holder’s nationality.

SECTION II

Travel documents issued by foreign authorities

Article 79.º

Control of travel documents

Non-resident foreign nationals with travel documents issued in Portugal by diplomatic missions or consular posts must submit them, within three days after the date of issue, to SEF, so that they can be certified.

CHAPTER VII

Authorisation for residence

Article 80.º

Request for authorisation for residence

1. The request for authorisation for residence may be made by the person concerned or by the legal representative and should be submitted to SEF.

2. The request may include minors dependent on the applicant.

Article 81.º

Concession

For authorisation for residence to be granted the applicant must meet the following requirements:

a. Possess a valid residence visa;

b. No fact should exist that, if it were known to the competent authorities, would prevent the visa being granted;

c. Be present in Portugal.

Article 82.º
Types of authorisation for residence

1. There are two types of authorisation for residence:
   a. Authorisation for temporary residence;
   b. Authorisation for permanent residence.

2. A residence permit in the model approved by order of the Minister of Home Affairs is issued to the foreign national resident in Portugal.

Article 83.º

Authorisation for temporary residence

1. Authorisation for temporary residence is valid for two years from the date of issue of the respective permit and is renewable for successive periods of three years.
2. The residence permit should, however, be renewed whenever there is a change made to the identification information recorded in it.

Article 84.º

Authorisation for permanent residence

1. Authorisation for permanent residence has no validity limit.
2. The residence permit should, however, be renewed every five years or whenever justified, bearing in mind the ruling in n° 2 of the previous Article.

Article 85.º

Granting authorisation for permanent residence

1. Foreign nationals who meet all of the following requirements may benefit from authorisation for permanent residence:
   a. They have legally resided in Portugal for at least five years in the case of nationals from countries where the official language is Portuguese, or eight years if they are nationals from other countries;
   b. During the previous five or eight years of residence in Portugal, depending on the case, they have not been sentenced and given sentences that individually or collectively exceed one year of imprisonment.
2. The residence period prior to this law coming into force counts for the purposes of the ruling in the previous number.

Article 86.º

Family members of Portuguese nationals or nationals of a country that is a member of the European Economic Area

A foreign National who is the member of the family of a Portuguese national or a national of a country that is a member of the European economic area is issued with a residence card in harmony with the ruling in Decree Law n° 60/93, of 3 March.

Article 87.º

Dispensation from residence visa

1. The following foreign nationals do not require a visa to obtain authorisation for residence:
   a. Minors, children of foreign nationals, covered by the ruling in n° 1 of Article 89;
   b. Family members of Portuguese nationals and nationals of the States that are party to Agreement on the European Economic Area;
c. Those who have ceased to benefit from the right to asylum in Portugal because the reasons for the protection given to them have ceased to exist;

d. Who suffer from an illness that requires prolonged medical assistance that demands returning to the country to avoid risk to the individual’s health;

e. Minors, when they are in any of the situations covered by the ruling in n° 1 of Article 1921 of the Civil Code;

f. Who have completed effective military service in the Portuguese armed forces;

g. Whose work in the scientific, cultural, economic or social field is considered to be of fundamental interest for the country;

h. Who live as man and wife with a Portuguese national, with a national of the member states that are party to the Agreement on the European Economic Area or with a foreign national who is legally resident;

i. Who have not been absent from Portugal and whose right of residence has expired in the terms envisaged in n° 3 of Article 91;

j. Who have children who are minors, resident in Portugal or who have Portuguese nationality and over whom they have effective parental custody and for whom they provide upkeep and education;

l. Who have been holders of work permits for an uninterrupted period of three years;

m. Who have been holders of authorisation for permanence for an uninterrupted period of five years;

n. Diplomatic and consular agents and their respective spouses, dependent parents or grand-parents, accredited in Portugal for a period of no less then three years.

2. For the purposes of the ruling in sub-paragraph b) of n° 1 family members are those envisaged in n° 1 of Article 57.

3. For the purposes of the ruling in sub-paragraph h) of n° 1, the regime established in Article 58 and in n° 2 of Article 93 of this law are also applicable, with the necessary adaptations.

4. For the purposes of the ruling in sub-paragraph h) of n° 1, those living as man and wife with resident nationals are only considered as such when the de facto union has lasted for at least two years and when the family member is found regularly in Portugal.

Article 88.º

Exceptional regime

1. When extraordinary situations are found to which the provisions laid down in articles 56 and 87, as well as in Article 8 of law n° 15/98, of 26 March, are not applicable, through a proposal from the Director-General of SEF or at the decision of the Minister of Home Affairs, having heard the opinion of SEF, on an exceptional basis authorisation for residence may be granted due to national interest, to foreign nationals who do not meet the requirements demanded by this law.

2. The authorisation for residence referred to in the previous number is issued in the terms of Article 83.

Article 89.º

Foreign minors born in Portugal

1. Minors born in Portugal benefit from the same resident status as that granted to either of the parents.
2. For the purpose of issuing a residence permit, either of the parents must submit the respective request within the six months following registration of the birth of the minor.
3. Once the period referred to in the previous number has elapsed any citizen may ask the trustee of minors to replace the parents and request that status be granted to the minors.

Article 90.º

Identification document

The residence permit replaces the identity card, for all legal purposes, without prejudice to the regime envisaged in the Treaty for Friendship, Cooperation and Consultation between the Portuguese Republic and the Federal Republic of Brazil, signed in Porto Seguro on 22 April 2000.

Article 91.º

Renewal of authorisation for residence

1. Renewal of authorisation for temporary residence should be requested by those concerned up to 30 days prior to the validity of authorisation expiring.
2. In assessing the application, SEF will take into consideration the following criteria:
   a. Means of subsistence proved by the person concerned;
   b. Conditions of accommodation;
   c. Compliance with the laws of Portugal by the party concerned, namely those regarding foreign nationals.
3. The right to residence expires after a year has elapsed from the end of the validity of the residence permit.
4. In assessing the request for renewal, authorisation for residence is not renewed for any foreign resident declared in default, until the same gives proof that such a declaration has expired.
5. Correspondingly the ruling in n° 5 of Article 56 is applicable.

Article 92.º

Renewal of authorisation for residence in special cases

1. Authorisation for residence for foreign nationals serving a prison sentence may only be renewed providing their expulsion has not been decreed.
2. An expired request for authorisation for residence will not give rise to an administrative offence procedure if the request is submitted up to 30 days after the person concerned has been released.

Article 92.º-A

Deadline for decision

1. The request to renew authorisation for residence should be decided within 30 days.
2. In the absence of a decision within the time envisaged in the previous number, the request will be assumed granted.

Article 93.º

Cancellation of authorisation for residence

1. Authorisation for residence is cancelled whenever it has been decided to expel the foreign resident from Portugal or when authorisation has been issued based on false statements or through the use of false means.
2. Without prejudice to the ruling in the previous number, authorisation for residence issued under cover of the law on family regrouping is cancelled when:
a. The marriage is solely for the purpose of allowing the beneficiary of family regrouping to enter and be legally resident in Portugal;
b. The holder of the right loses the status of resident and the family member does not yet benefit from authorisation for autonomous residence;
c. The resident and family members do not maintain family ties, without prejudice to the ruling in n° 5 of Article 58 of this law.

3. Authorisation for residence may also be cancelled when the person concerned, for no acceptable reason, leaves the country:
   a. As the holder of temporary authorisation for residence, for six consecutive months or eight months with interruptions, within the total validity period of authorisation;
   b. As the holder of permanent authorisation for residence, 24 consecutive months or, over a period of 3 years, 30 months with interruptions.

4. Absence beyond the limits envisaged in the previous number should be justified by submitting a request to SEF prior to the resident leaving Portugal or, in exceptional cases, after departure.

5. Notifying those concerned of the start of the proceedings is dispensed with in the terms of n° 2 of Article 55, of the Administrative Procedural Code.

6. The person concerned and the HCIEM should be informed of cancellation of authorisation for residence indicating the grounds for the decision and this implies apprehending the corresponding permit.

7. Competency to cancel lies with the Minister of Home Affairs, with the option of delegating to the Director-General of SEF.

Article 94.º

Dispensation from study and work visas

Foreign nationals resident in Portugal do not require study or work visas.

Article 95.º

Residents’ registry

Residents should inform SEF within 60 days counting from the date on which it occurs of any change to their marital status or domicile.

Article 96.º

Foreign nationals dispensed from authorisation for residence

1. Diplomatic and consular agents accredited in Portugal, administrative and domestic staff and similar, who come to work in the diplomatic missions or consular posts of their respective States, do not require authorisation for residence, nor do the members of their families.

2. The persons mentioned in the previous number will be supplied with an identity card issued by the Foreign Ministry, which is certified by SEF.

CHAPTER VII

Accommodation bulletin

Article 97.º

Accommodation bulletin

1. The accommodation bulletin is used to control foreign nationals in Portugal.

2. For each foreign citizen, including nationals of the other member states of the European Union, an accommodation bulletin is filled in and signed personally, using the model approved by Ordinance n° 464/94, of 1 July.
3. Filling in and personally signing the bulletins is not obligatory for both spouses and the minors accompanying them, nor is it required for all members of a travel group. This obligation can be met by one of the spouses or by one member of the travel group.

4. The bulletins and their respective copies, as well as the substitute supports referred to in n° 3 of Article 98, should be kept for one year counting from the day following notification of departure.

Article 98.º

Notification of accommodation

1. Companies running hotels, complementary tourist accommodation or tourist complexes, as well as all those providing, against a charge, accommodation to foreign nationals, must notify SEF of this within three week days, using the accommodation bulletin, or in places where SEF is not present, the police or the National Republican Guard.

2. After the foreign national has left the same accommodation, the tab of the bulletin must be sent within the same length of time to the agents mentioned in the previous number.

3. The accommodation bulletin may be replaced by lists or electronic means, whenever the hotels have computerised services, although the ruling in the previous numbers must be observed.

4. The lists or electronic means must contain the information contained in the accommodation bulletin.

CHAPTER IX

Expulsion from the country

SECÇÃO I

Expulsion from the country

SUBSEÇÃO I

General provisions

Article 99.º

Grounds for expulsion

1. Without prejudice to the provisions in any treaty or international convention to which Portugal is a party, foreign nationals will be expelled from Portugal when:
   1. They enter the country or remain irregularly in Portugal;
   2. They take action against national security, public order or good practice;
   3. Their presence or activities in Portugal cause a threat to the interests or dignity of the Portuguese State or its nationals;
   4. They interfere abusively in the exercise of the rights of political participation reserved for Portuguese citizens;
   5. They have committed deeds that, had they been known to the Portuguese authorities, would have prevented their entry to the country.

2. The ruling in the previous number does not prejudice the criminal liability the foreign national has incurred.

3. The most beneficial regime resulting from the law or an international agreement to which the Portuguese State is bound will apply to refugees.

Article 100.º

Voluntary departure from Portugal
1. The foreign national who is in the situation envisaged in sub-paragraph a) of the previous article may, where there are grounds for this, not be detained in the terms of Article 117, but notified by SEF to voluntarily leave the country within a stipulated period of from 10 to 20 days.

Article 101.º

Alternative punishment of expulsion

1. The alternative punishment of expulsion may be applied to a foreign national who is not resident in the country, sentenced for a crime with a sentence of more than 6 months in prison or a fine as an alternative to a prison sentence of more than 6 months.

2. The same sentence may be applied to a foreign national resident in the country, sentenced for a crime with more than 1 year in prison, although bearing in mind in applying the sentence the gravity of the deeds done by the defendant, the personality of the same, possible reoccurrence, the degree of integration in social life, special prevention and length of residence in Portugal.

3. Without prejudice to the ruling in the previous number, the alternative punishment may only be applied to the foreign national with permanent residence when the conduct of the same is a sufficiently serious threat to public order or national security.

4. The alternative punishment of expulsion is not applied to foreign residents in the following cases:
   a. They were born in Portugal and usually reside in the country;
   b. They have under age children resident in Portugal over whom they have effective parental custody on the date on which the deeds were done that led to the punishment, and for whom they provide upkeep and education, providing those children are still under age at the time foreseen for the sentence to be served;
   c. They have been in Portugal from under the age of 10 years and usually reside here.

5. If the alternative punishment of expulsion is passed, this is served once two thirds of the prison sentence have been served or, once one half of the sentence is served, at the decision of the sentencing judge, whenever the reasons determining extended conditional freedom or conditional release have been met, in replacement of these measures.

Article 102.º

Competent authority for expulsion

Expulsion may be determined, as laid down in this law, by judicial authority or competent administrative authority.

Article 103.º

Procedural competency

1. The Director-General of SEF is competent to open expulsion procedures and to order the follow-up of cases and their despatch to the competent court, and he may delegate to the regional directors of SEF.

2. The Director-General of SEF is also responsible for taking the decision to file the process.

Article 104.º

Country of destination

1. Expulsion may not be to any country where the foreign national may be persecuted for the reasons that, in the terms of the law, justify granting the right to asylum.

2. To be able to benefit from the guarantee envisaged in the previous number, the person concerned should invoke fear of persecution and submit the respective proof in the period allowed for this.

3. In the cases envisaged in the previous number, expulsion may be to another country that will accept this national.
Article 105.º

Period of prohibited entry

The period of prohibited entry to Portugal for a foreign national expelled is no less than five years.

Article 106.º

Enforcement measures

1. Apart from the enforcement measures listed in the Criminal Code, the judge may also determine the following:
   a. Regular presentation at SEF;
   b. Placing the person to be expelled in a temporary installation centre
2. Small criminal courts or local courts in the area where the foreign national was found are also competent to apply enforcement measures.

Article 107.º

Placing in temporary installation centres

Placing foreign nationals in temporary installation centres complies with the ruling in Law n° 34/94, of 14 September.

Article 108.º

Family members of Portuguese citizens

The more favourable regime envisaged in Decree-Law n° 60/93, of 3 March is applied to foreign nationals who are members of the family of a Portuguese citizen.

SUBSECTION II

Expulsion determined by judicial authority

Article 109.º

Judicial expulsion

Expulsion is determined by the judicial authority when the nature of the sentence is revised or when the foreign national:

   a. Has entered or remains regularly in Portugal;
   b. Holds valid authorisation for residence;
   c. Has submitted an application for asylum that has not been refused.

Article 110.º

Competent court

1. Courts with competence to apply the autonomous measure of expulsion are:
   a. In the respective areas of jurisdiction, the small criminal courts;
   b. In other areas of the country, the district courts.
2. Territorial competence is determined depending on where the foreign national resides in Portugal or, in the absence of a residence, in the place where he or she was found.

Article 111.º
Expulsion procedure

1. Whenever it learns of any facts that may be grounds for expulsion, SEF will organise a process for gathering the proof to be used in the decision.
2. The expulsion process begins with the ruling that opened the process and should contain, apart from identification of the foreign national against whom the case is opened, all other relevant items of proof including whether the national is a resident or not in the country and if so, the period of residence.

Article 112.º

Hearing

1. Once the case has been filed, the judge will schedule the hearing, which should take place within the five following days, having the person against which the case has been opened notified, the witnesses indicated in the proceedings and SEF, in the person of the respective regional director.
2. The person against whom the case has been opened must be present at the hearing.
3. In notifying the person against whom the case has been opened, mention should also be made of the fact that, if this person wishes, the defence may be presented at the hearing, and the list of witnesses added besides other items of proof available.
4. Notifying SEF, in the person of the respective regional director, is done with a view to appointing the staff member or members of SEF who can present in court explanations thought to be of interest for the decision.

Article 113.º

Postponing the hearing

The hearing may only be postponed once, and up to the 10th day following the date on which it should have taken place:

a. If the person against whom the case has been opened requests this to be able to prepare the defence;
b. If the person against whom the case has been opened fails to appear at the hearing;
c. If the witnesses that the public prosecutor or the person against whom the case has been opened fail to appear at the hearing;
d. If the court takes the stand that it is necessary to take any measures essential to finding the proof required to discover the truth of the facts and it is estimated that this can be done within the period.

Article 114.º

Content of decision

1. The expulsion decision must contain:
   a. The grounds;
   b. The legal obligations of the person to be expelled;
   c. The entry ban to Portugal, indicating the respective period;
   d. The name of the country to which the foreign national benefiting from the guarantee described in Article 104 should not be sent.
2. Implementing the decision means entering the individual being expelled in the Schengen Information System or on the national list of non-admissible persons.
3. The expelled national is notified by SEF that his or her name has been entered in the Schengen Information System.

Article 115.º

Subsidiary application of summary procedure
Wherever there is no specific regulation, the provisions of the Criminal Procedural Code referring to judgement in summary procedure are applicable, with the necessary adaptations.

Article 116.º

Appeal

1. An appeal may be lodged with the appeal court against the decision on expulsion passed in the terms of Article 109 and following.
2. The appeal has only the effect of returning the decision.
3. Wherever there is no specific regulation, the ruling in the Criminal Procedural Code on ordinary appeal should be observed, with the necessary adaptations.

SECTION III

Expulsion determined by the administrative authority

Article 117.º

Judicial expulsion

1. The foreign national who enters or remains illegally in Portugal is detained by the police authority and, whenever possible, handed over to SEF accompanied by the respective procedure, and the same must be submitted, within a maximum period of forty eight hours after detention, to the judge who is competent to validate it and apply enforcement measures.
2. Should the judge decide on preventative detention, SEF would be informed of this so that it could take the necessary steps to remove the foreign national from Portugal.
3. The preventative detention envisaged in the previous number may not last for more time than is necessary to execute the expulsion decision, and may not exceed 60 days.
4. Should preventative detention not be the outcome, SEF is also notified for the purposes indicated in n° 2, notifying the foreign national that he or she must appear in the respective department.
5. No expulsion procedure is taken against the foreign national who, having entered the country irregularly, submits an application for asylum to any police authority within 48 hours after entry.
6. Foreign nationals in the conditions referred to in the previous number will await at liberty the decision on their application, and must be notified by SEF of their rights and obligations, in agreement with the ruling in the enabling law for asylum law.
7. The authorities and the agents of authority of SEF, the National Republican Guard, the police force, the judiciary police and the maritime police are competent to make detentions in the terms of n° 1.
8. For the purposes of this Section, the ruling in Article 136 is also applicable.

Article 118.º

Process

1. During the examination process, the person against whom the case has been opened is guaranteed a hearing, and enjoys all the guarantees of defence.
2. The hearing referred to in the previous number is the same, for all effects and purposes, as a hearing of the person concerned.
3. The examiner should take the necessary steps to determine the truth, and may refuse, in a justified ruling, those appealed by the person against whom the case is opened, when the examiner considers there is sufficient proof of the facts alleged by the same.
4. Once the examination has been concluded, the respective report is drawn up, in which the examiner will describe and appraise the facts verified, suggesting the solution he considers adequate, and the process is submitted to the competent authority for a decision.

Article 119.º
Decision on expulsion

The Director-General of SEF is competent to take the decision on expulsion.

Article 120.º

Notification of the decision on expulsion

1. The Office of the High Commissioner for Immigration and Ethnic Minorities is notified of the decision of expulsion as well as the person against whom the case was opened, observing, in terms of content, the ruling in Article 114, without prejudice to the ruling in Article 68 of Administrative Procedural Code.

2. The notification envisaged in the previous number will mention the right to appeal, as well as the period within which this can be done, and the entry in the Schengen Information System or the national list of non-admissible persons.

Article 121.º

Judicial opposition

The decision on expulsion taken by the Director-General of SEF may be opposed judicially, the effect being merely to return the decision, and the validity of the decision then assessed by the administrative courts.

SECTION IV

Executing the expulsion decision

Article 122.º

Competency to execute the decision

SEF is competent to execute expulsion decisions.

Article 123.º

Implementing the decision

1. The foreign national against whom the decision of expulsion has been taken should leave Portugal within the period laid down for this.

2. The competent judge may be requested, during such time as the period referred to in the previous number has not expired, to have the national to be expelled placed under the regime of:
   1. Placement in a temporary installation centre;
   2. Regular reporting to SEF or to the police authorities.

Article 124.º

Disobeying the expulsion decision

1. The foreign national who does not leave Portugal within the period stipulated for this is taken to the border post and removed from the country.

2. If the expulsion decision cannot be executed within a period of 48 hours after detention, the competent judge is made aware of this fact so that the decision can be taken to keep the foreign national in a temporary installation centre, applying the ruling in Law no 34/94, of 14 September.

Article 125.º
Notification of expulsion

The competent authorities in the country of destination of the expelled national must be notified through diplomatic channels that the expulsion decision has been executed.

SECTION II

Conducting to the border

Article 126.º

Conducting to the border

1. The foreign national held in the terms of n° 1 of Article 117, who, during judicial interrogation and after being informed of the ruling in n°s 2 and 3 of this Article, declares the intention to leave the country may, at the decision of the competent judge and providing this is duly documented, be handed over to the custody of SEF to be conducted to the border and removed in the shortest period of time possible.
2. The national who declares the intention of being conducted to the border post will be prevented from entering Portugal for one year.
3. Being conducted to the border implies entering the name of the national in the Schengen Information System or on the national list of non-admissible persons."

SECTION III

Assistance with voluntary return

Article 126.º-A

Assistance with voluntary return

1. The State may assist voluntary return to countries of origin, under cover of co-operation programmes established with the international Organisation for Migrations, in the case of foreign nationals, who meet the conditions demanded.
2. Foreign nationals who benefit from the assistance granted in the terms of the previous number will be entered in the Schengen Information System or on the national list of non-admissible persons and will not be authorised to enter Portugal for a period of five years counting from the date on which they leave the country, and when they are holders of authorisation for residence, they must return this authorization permit at the border post at the time of embarking.
3. The ruling in the previous number does not prejudice the possibility of issuing, in exceptional cases, a short-term visa, for humanitarian reasons, in similar conditions to those envisaged in Article 49.
4. Nationals who have benefited from the regime for temporary protection will not be subject to the measure envisaged in n° 2. Section IV Readmission.

Article 127.º

Concept of readmission

1. In the terms of international agreements or conventions, foreign nationals who find themselves irregularly in a State, coming directly from another State, may be readmitted by the latter, through an application prepared by the State where the national is found.
2. Readmission is known as active when Portugal is the State making the request, and passive when Portugal is requested by another State.

Article 128.º

Competency
1. Acceptance of applications for the readmission of persons by Portugal, as well as the submission of applications for readmission to another State, is the competency of the Director-General of SEF.

2. The competencies envisaged in the previous number may be delegated, with the option of sub-delegation.

Article 129.º

Active readmission

1. Whenever a foreign national in an irregular situation in Portugal should be readmitted by another State, SEF will prepare the respective request, observing the ruling in Article 111, with the necessary adaptations.

2. If the request submitted by Portugal is accepted, the competent authority will have the foreign national returned to the State requested to receive the foreign national.

3. Should the request be refused, an expulsion process is opened.

4. Whoever has filed the request for readmission is competent to determine the return of the foreign national to the State being requested.

5. Returning the foreign national to the State being requested implies entering the name of this national on the national list of non-admissible persons and in the Schengen Information System, should the State requested be a third country.

Article 130.º

Hearing the party concerned

During examination of the readmission process the foreign national who is to be returned to the State requested must be heard, and this will serve, for all effects and purposes as a hearing of the person concerned.

Article 131.º

Appeal

1. An appeal can be lodged within 30 days with the Minister of Home Affairs against the decision to return the foreign national to the State requested.

2. The appeal has only the effect of returning the decision.

Article 132.º

Passive readmission

The foreign national readmitted to Portugal who does not meet the conditions legally demanded to remain in the country will be removed from the country as laid down in this Chapter.

Article 133.º

Entry banned

A foreign national returned to another State under an international agreement or convention is banned from entering Portugal for a period of three years.

CHAPTER X

Criminal provisions

Article 134.º
Criminal and civil liability of corporate entities and similar

1. Companies and firms, even if irregularly incorporated, and merely de facto associations, are responsible for the infringements envisaged in this law when committed by their corporate governance or representatives acting on their behalf and in their interests.
2. Liability is excluded when the agent has acted against orders or instructions expressed by whoever has the right to give such orders or instructions.
3. Liability of the entities referred to in n° 1 does not exclude the liability of the respective agents.
4. The entities referred to in n° 1 respond jointly in the terms of civil law for the payment of fines, penalties, indemnities and other payments for which the agents have been fined due to infringements envisaged in this law.
5. To the criminal liability for the crimes envisaged in Articles 134–A, 135 and 136 is added legal liability for the payment of all expenses inherent in the stay and removal of the foreign nationals involved.

Article 134.º-A

Assistance with illegal immigration

1. Whoever encourages or facilitates, in any way, the illegal entry or transit of foreign nationals in Portugal is sentenced to a prison sentence of up to 3 years.
2. Whoever encourages or facilitates, in any way, the illegal entry, permanence or transit of a foreign national in Portugal, with the intention of financial gain, is sentenced to a prison sentence of from 1 to 4 years.
3. The attempt is punishable.
4. The penalties applicable to the entities referred to in n° 1 of Article 134 are fines, the maximum and minimum limits of which are doubled, or the activity banned for five years.

Article 135.º

Association for assisting illegal immigration

1. Whoever founds a group, organisation or association whose activities are geared to practising the crimes referred to in the previous article is sentenced with 1 to 6 years imprisonment.
2. Whoever is part of such groups, organisations or associations is covered in the same sentence.
3. Whoever leads the groups, organisations or associations mentioned in the previous numbers is sentenced with 2 to 8 years imprisonment.
4. The attempt is punishable.
5. The sentences applicable to the entities referred to in n° 1 of Article 134 are fines, the maximum and minimum amounts of which are doubled, or the activity banned for five years.

Article 136.º

Illegal entry, permanence and transit

1. The entry of foreign nationals to Portugal in violation of the ruling in Articles 9, 10, 12 and 13 and n°s 1 and 2 of Article 25 is illegal.
2. It is illegal for foreign nationals to stay in Portugal when this has not been authorised as laid down by this law or in the enabling law for asylum law, and when illegal entry is detected in the terms of the previous number.
3. It is illegal for foreign nationals to pass in transit through Portugal when they do not have guaranteed admission to the country of destination.

Article 136.º-A

Encouraging illegal labour
1. Whoever for profit, for themselves or for others, attracts or encourages foreign nationals who do not possess authorisation for residence, authorisation for permanence or a labour visa, on to the labour market, is sentenced with 1 to 4 years imprisonment.
2. Whoever, repeatedly, practises the deeds referred to in the previous number is sentenced with 2 to 5 years imprisonment.
3. The attempt is punishable.

Article 136.º_B

Violation of the measure to ban entry

1. The entry to Portugal of a foreign national during the period in which this national has been banned entry is a crime punishable with a prison sentence of 2 years or a fine up to 100 days.
2. In the case of sentencing, the court may decide alternatively, in a judicial decision with due grounds, to expel the foreign national.
3. Without prejudice to the ruling in n° 1, the foreign national may be removed from Portugal to serve the remainder of the banned entry period, as laid down in the process in which removal of that national was decided.

Article 137.º

Investigation

1. Besides the agents competent for this, SEF also investigates the crimes referred to in this Chapter and others with which the service is connected.
2. Covert action taken by SEF in the prevention and investigation of crimes related to illegal immigration in which criminal organisations are involved, abides by the terms envisaged in Law n° 101/2001, of 25 August.

Article 137.º_A

Loss of items

1. Items seized by SEF that are declared lost and revert to the State will be allocated when:
   a. These are documents, arms, munitions, vehicles, telecommunications equipment and computer equipment or other items of interest to the institution;
   b. They are the result of complying with international conventions and are related to illegal immigration.
2. The utility of the items referred to in sub-paragraph a) of n°1 should be proposed by SEF in the final report on the respective criminal process.
3. The items referred to in sub-paragraph a) of n°1 may be used provisionally by SEF from the time they are apprehended to the time they are declared lost or returned, in a ruling from the Director-General, after the Directorate-General for Assets has given its agreement, to be sent to the authority superintending the process.

Article 137.º-B

Assistance in investigation

The foreign national who collaborates in the investigation of illicit activities likely to lead to criminal proceedings, namely organised crime, may be dispensed with the visa for obtaining authorisation for residence.

Article 137.º-C

Alternative punishment and enforcement measures
1. The alternative punishments described in Articles 66 and 68 of the Penal Code may be applied to the crimes envisaged in this law.
2. The enforcement measures envisaged in Articles 196 and following of the Criminal Procedural Code may also be applied to the crimes envisaged in this law.

Article 137.º-D

Remitting sentences

The courts will send SEF, in the shortest time possible:

a. Certificates of convictions passed in criminal proceedings against foreign nationals;

b. Certificates of sentences passed in cases against the crimes of assisting illegal immigration and encouraging illegal labour;

c. Certificates of sentences passed in cases of expulsion;

d. Certificates of sentences passed in cases of extradition of foreign nationals.

CHAPTER XI

Charges

Article 138.º

Charges

1. The visas granted in the terms of sub-paragraph a) of Article 30 are free of charge.
2. Charges for visas granted by consular posts are those on the table of consular fees.
3. Charges due for the administrative procedures envisaged in this law are fixed by order of the Ministers of Home Affairs and of Finance.
4. Charges fixed by ordinance of the Ministers of Home Affairs and of Finance will be applied for escorting foreign nationals whose removal is the responsibility of carriers, as well as for placing passengers not admitted to temporary installation centres, in the terms of Article 21.
5. The product of such charges applied in the terms of n°s 3 and 4 is income for SEF.

Article 139.º

Exemption from or reduction of charges

1. Without prejudice to the ruling in the previous article, the Director-General of SEF may, in exceptional circumstances, grant an exemption or a 50% reduction of the charges due for the procedures envisaged in this law:

2. The following are exempt from charges:
   a. Visas and extensions of permanence granted to foreign nationals holding diplomatic, service, official and special passports or travel documents issued by international organisations;
   b. Study visas and extensions of permanence granted to foreign nationals benefiting from study grants attributed by the Portuguese State;
   c. Special visas.

3. Nationals of countries with which Portugal has agreements to this end, or whose domestic law ensures identical treatment of Portuguese nationals, benefit from exemption or a reduction in charge.

CHAPTER XII

Administrative offences

Article 140.º
Illegal permanence

1. In cases in which the foreign national exceeds the period of authorised permanence in Portugal, the following fines are applied:
   a. From €80 to €160, if the length of permanence does not exceed 30 days;
   b. From €160 to €320, if the length of permanence exceeds 30 days but does not exceed 90 days;
   c. From €320 to €500, if the length of permanence exceeds 90 days but does not exceed 180 days;
   d. From €500 to €700, if the length of permanence exceeds 180 days.
2. The same fine is applied when the infringement referred to in the previous number is detected on leaving the country.

Article 141.º

Carriage of persons with non-authorised entry to the country

Carriage companies as well as all those involved professionally in the carriage of foreign nationals to Portugal whose entry is refused or who do not meet the requirements of entry to the country, as laid down in Chapter II of this law, are each subject to a fine of from €3000 to €5000 in the case of companies and from €2000 to €3500 in the case of individuals.

Article 142.º

Lack of short-stop visa

Carriage companies as well as all those involved in carrying to a port or airport foreign nationals who are not in possession of a short-stop visa when this is required are subject to a fine for each foreign national of from €600 to €1200 in the case of companies and from €500 to 1000 in the case of individuals.

Article 143.º

Lack of declaration of entry

A violation of the ruling in Article 26 means a fine of from €60 to €160.

Article 144.º

Practising a non-authorised professional activity

1. When a self-employed foreign national does not have an adequate work visa or authorisation for residence, when this is required, that national is subject to a fine of from €300 to €1200.
2. Whoever employs a foreign national or nationals who do not have authorisation for residence, authorisation for permanence or work permits, requested in the terms of this law, is subject to the following fines for each foreign national:
   a. In the case of an individual or micro-company, from €2000 to €3740.98;
   b. In the case of a small company, from €3000 to €7,500;
   c. In the case of a medium-sized company, from €5000 to €12,500;
   d. In the case of a large company, from €7500 to €27,500.
3. For the practice of the administrative offences envisaged in the previous numbers, the additional sanctions may be applied as laid down in Articles 21 and following of the General Regime for Administrative Offences.
4. The employer, the user, through a contract for the provision of services or the use of temporary labour, and the general contractor are jointly liable for paying the fines envisaged in the previous numbers, the salaries for the work effectively received, for the failure to comply with labour legislation, for the non-declaration of income that is taxable by the State and for Social Security payments, for the work done by the illegal foreign
worker and for the payment of the expenses required for the stay and the removal of the foreign nationals involved.

5. Also jointly liable, similar to the previous number, is the works owner who does not obtain from the other contracting party a declaration stating that the obligations laid down by the law on immigrant workers contracted have been respected.

6. Should the works owner be Public Administration, the person liable for not complying with the ruling in n°5 incurs a disciplinary procedure.

7. A failure to comply with the obligations laid down in n°s 4 and 5 is a very serious infringement and sanctions are applied as laid down in labour legislation, in the terms of the ruling in Law n° 116/99, of 4 August, as well as the alternative sanction laid down in n°2 of Article 7 of Law n° 20/98, of 15 May.

8. In the case of non-payment of amounts outstanding for the salaries owed for work effectively done, as well as for the payment of the expenses required for the stay and the removal of the foreign nationals involved, the payment made in the respective process is official and the regulations for the common process for making payments of specific sums are applied.

Article 145.º
Failure to submit a travel document

Infringement of the ruling in Article 79 implies a fine of from €60 to €120.

Article 146.º
Failure to request a residence permit

Infringement of the ruling in n° 2 of Article 89 implies a fine of from €60 to €120.

Article 147.º
Failure to renew authorisation for residence in due time

A fine of from €75 to €300 is applied to the foreign national who requests renewal of authorisation for temporary residence more than 30 days after its validity has expired.

Article 148.º
Failure to observe certain duties

1. Failure to observe the duty to notify envisaged in Article 95 implies a fine of from €45 to €90.

2. The failure to observe the duty envisaged in Article 9 means a fine of from €200 to €400.

Article 149.º
Failure to notify on accommodation

1. For each accommodation bulletin that fails to be submitted according to the terms of n°s 1 or 2 of Article 98, or for each foreign national not registered on the list or electronically as laid down in the stipulation in n°s 3 and 4 of the same article, a fine of €100 to €500 is applied.

2. In the case of negligence in complying with the deadline for submitting notification of accommodation or the departure of a foreign national, the maximum and minimum amounts of the fine applied is reduced by a quarter.

Article 150.º
Negligence
1. In the administrative offences described in the previous articles negligence is always punishable.
2. In the case of negligence, the maximum and minimum amounts of the fine are reduced to half of the sums fixed for each fine.
3. Should payment be made voluntarily, the sum of the fine to be paid is the same as that resulting from application of the criterion in nº 2.

Article 151.º

Failure to pay a fine

In cases where the law allows for extension of permanence, this may not be granted without proof that the fine applied to the person concerned who is guilty of any of the administrative offences described in this Chapter has been paid.

Article 152.º

Destination of fines

Of the product of fines applied in the terms of this law:

a. 60% goes to the State;
b. 40% to SEF.

Article 153.º

Competency to apply fines and alternative sanctions

1. Applying the fines envisaged in this chapter is the responsibility of the Director-General of SEF, who may delegate this in general terms.
2. The application of additional sanctions envisaged in this chapter is the competence of the Director-General of SEF, who may delegate this to the deputy directors general

Article 154.º

Revision of fines

Without prejudice to the maximum limits envisaged in the General Regime for Administrative Offences, the amounts of the fines defined in this law will be revised automatically in agreement with the percentage increases in the highest national minimum salary, rounding the result obtained off to the euro immediately above.

CHAPTER XIII

Final provisions

Article 155.º

[...]

(Revoked.)

Article 156.º

Change of nationality

1. The Central Registry must notify SEF of all nationality changes registered.
2. The notification described in the previous number should be given within 15 days counting from registration.

Article 157.º

Identification of foreign nationals

With a view to establishing or confirming the identity of foreign nationals, SEF may use civil identification methods such as obtaining photographs, fingerprints and expert advice.

Article 158.º

Expenses

1. The expenses incurred in leaving the country that cannot be paid by the foreign national or that the latter should not be paying, due to special regimes envisaged in international agreements or conventions, and are not paid by the entities referred to in Article 21, will be paid by the State.
2. The State may also pay the expenses required for voluntarily leaving the country:
   1. For members of the family unit of the person being expelled when they depend on this person and whenever the same cannot pay the respective charges;
   2. For foreign nationals lacking means of subsistence, providing the diplomatic representations of their countries do not provide the necessary assistance.
3. The necessary allocation is included in the budget of SEF to meet the costs of applying this law.

Article 159.º

[...]

(Revogado.)

Article 160.º

Duty to comply

1. All departments and bodies in Public Administration have the duty to certify that the entities with whom they sign administrative contracts do not receive work done by foreign nationals in illegal circumstances.
2. The departments and bodies referred to above may rescind, with just cause, contracts signed if after signing them the private entities receive work done by foreign nationals in illegal circumstances.

Article 161.º

Enabling regulations

The provisions required to enable this law will be approved by Enabling Decree.

Article 162.º

Revogação

The following are revoked:

a. Sub-paragraph h) of n° 1 Article 3 and Article 7 of Law n° 12/91, of 21 May;
b. Sub-paragraph g) of n° 1 of Article 2 and Articles 22 and 23 of Decree-Law n° 64/76, of 24 January;
c. Decree-Law n° 233/82, of 18 June;
d. Articles 1° and 2° of Decree-Law n° 300/88, of 26 August, where it refers to the identity card for a foreign national;
e. Decree-Law n° 59/93, of 3 March;
f. Enabling Decree n° 47/83, of 11 June;
g. Enabling Decree n° 43/93, of 15 December

Article 163.º

Transitional provisions

Until the regulations envisaged in this law come into force, all that does not contradict Enabling Decree n° 5-A/2000, of 26 April, with the changes introduced by Enabling Decree n° 9/2001, of 31 May, remains in force, and the remaining legislation approved under Decree-Law n° 59/93, of 3 May.