

**International
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1 Introduction

1.1 What are the main sources of immigration law in your jurisdiction?

The main sources of immigration law in Portugal are: European Union (EU) Directives (transposed into national law); EU Regulations; EU Agreements; and Portuguese Law, in particular, Law no. 23/2007, of 4 July, Decree Law no. 84/2007, of 5 November, Law no. 37/2006, of 9 August and the Portuguese Labour Code.

1.2 What authorities administer the corporate immigration system in your jurisdiction?

There has been significant changes in this area.

Following the restructuring of the Portuguese Immigration Office, the administrative and criminal competences were secluded:

- AIMA (*Agência para a Integração, Migrações e Asilo*) was created and assumed exclusively the administrative competences.
- AIMA processes visa requests and residence permits.
- The Registry Office (*Instituto dos Registos e do Notariado*) is now responsible for receiving renewal applications (temporary and permanent), while AIMA is responsible for issuing the respective decision.
- The City Councils deal with registrations in the case of EU citizens.

1.3 Is your jurisdiction part of a multilateral agreement between countries (EU/NAFTA/MERCOSUR) which facilitates the movement of people between countries for employment purposes?

Portugal is part of the EU, which entitles EU citizens to live, move and work in any EU Member State.

Portugal is also party to the Schengen Agreement, under which internal border controls have been abolished, and to agreements between the EU and specific countries on the facilitation of the issuance of visas.

Finally, Portugal is part of the Community of Portuguese Language Countries (CPLP) and to the CPLP Mobility Agreement, aiming to facilitate the mobility of citizens between Member States.

2 Business Visitors

2.1 Can business visitors enter your jurisdiction under a relevant visa waiver programme?

The possibility of travelling to Portugal without a visa depends on the nationality of the individual.

The following business visitors are exempted from holding a visa:

- i. nationals of an EU Member State, Iceland, Liechtenstein, Norway or Switzerland;
- ii. third-country nationals listed in Annex II of Regulation (EU) 2018/1806;
- iii. third-country nationals holding a Schengen visa;
- iv. third-country nationals holding a residence permit issued by an EU Member State; and
- v. UK citizens, under the Trade and Cooperation Agreement (TCA).

2.2 What is the maximum period for which business visitors can enter your jurisdiction?

Business visitors can stay in Portugal for a maximum of 90 days within a 180-day period.

2.3 What activities are business visitors able to undertake?

Business visitors may not undertake remunerated professional activities in Portugal without an appropriate visa.

This being said, business visitors may:

- attend conferences, events or congresses;
- participate in meetings, negotiations or trade deals;
- visit clients or partners; and
- execute research and networking activities.

For UK citizens, the TCA applies.

2.4 Are there any special visitor categories which will enable business visitors to undertake work or provide services for a temporary period?

Business visitors mentioned in question 2.1 point (i) above may work and provide services in Portugal. Business visitors mentioned in question 2.1 point (iv) above employed in an EU Member State may provide services in Portugal for a temporary period provided that they remain employed with their employer in the EU Member State. For UK citizens, the TCA applies.

2.5 Can business visitors receive short-term training?

Yes, they can receive short-term training.

3 Immigration Compliance and Illegal Working

3.1 Do the national authorities in your jurisdiction operate a system of compliance inspections of employers who regularly employ foreign nationals?

The Authority for Labour Conditions (ACT) and the Police Entities cooperate to warrant compliance with the Portuguese Labour Code and the Immigration Law, which includes executing inspections in companies.

3.2 What are the rules on the prevention of illegal working?

Although there are no specific rules on the prevention of illegal working, employers must:

- confirm that the employee holds a valid work permit; and
- notify the authorities in the case of illegal stay.

3.3 What are the penalties for organisations found to be employing foreign nationals without permission to work?

There are two types of penalties:

- The act might be subjected to an administrative offence: the penalty for which may vary from €2,000–€90,000.
- The act may be qualified as a crime: according to the specific situation, an imprisonment penalty of up to two years might be applicable.

4 Corporate Immigration – General

4.1 Is there a system for registration of employers who wish to hire foreign nationals?

There is no such mandatory system in Portugal.

4.2 Do employers who hire foreign nationals have ongoing duties to ensure immigration compliance?

According to the Portuguese Labour Code, an employer who hires foreign nationals must:

- execute a written employment contract in duplicate (one copy for the employee and one copy for the employer);
- attach a copy of the residence visa/residence permit of the employee to the employment contract; and
- include in the employment contract the identification and address of the person or persons receiving the pension, in the event of death resulting from an accident at work or occupational illness.

The above does not apply to the hiring of a national of the EEA, EU, Iceland, Liechtenstein and Norway or of a country that entered an equal treatment agreement with Portugal.

4.3 Are employers who hire foreign nationals required to show a commitment to train or up-skill local workers?

There is no such obligation in Portugal. However, according to

the Portuguese Labour Code, employers must provide ongoing training to all employees, foreign or national.

4.4 Are employers who hire foreign nationals required to pay government charges and fees which contribute towards the training or up-skilling of local workers?

There is no such obligation in Portugal.

4.5 Do the immigration authorities undertake routine inspections of employers who sponsor foreign nationals, to verify immigration compliance?

Please see question 3.1.

4.6 Do the immigration authorities maintain a list of skilled occupations which may be filled by foreign nationals?

No, AIMA does not maintain such a list.

4.7 Is there a recognition that some occupations may be in short supply and do special exemptions apply to certain sectors and occupations?

Yes, there is a short-stay visa for seasonal work in the following sectors:

- Agriculture, livestock, hunting, forestry and fishing.
- Hospitality, restaurants and similar.
- Food, liquor and tobacco.
- Gross and retail commerce.
- Construction.
- Land transport.

4.8 Are there annual quotas for different types of employment-related work permits or visas?

No, there are no annual quotas for different types of employment-related work permits or visas.

4.9 Are there restrictions on the number of foreign workers an employer may sponsor, in relation to a maximum percentage of foreign workers in the employer's workforce?

Such restrictions are not generally set out in the law.

However, companies hiring through the Tech Visa programme are only permitted to hire 50% of the employees under this programme. In the case of companies that mainly operate in inland areas, the limit is 80%.

4.10 Are employees who are sponsored to work in your jurisdiction required to demonstrate language proficiency?

Employees are not required to demonstrate language proficiency, unless they are applying for permanent residence.

However, employees under the Tech Visa programme must demonstrate proficiency in English, French, Portuguese or Spanish, appropriate to the duties to be performed.

4.11 Are employees who are sponsored to work in your jurisdiction required to undergo medical examinations before being admitted?

In some situations, a medical declaration may be requested to confirm the applicant does not have any contagious diseases and is filed together with the visa application.

4.12 Are employees who are sponsored to work in your jurisdiction required to have medical insurance or are they entitled to any free public medical services?

In order to apply for a visa, the employee must have travel insurance, including medical coverage. Once the employee is granted a residence permit, he/she will be eligible to enrol with the National Health Service, which entitles them to access the public medical service.

4.13 Does the work permit system allow employees who hold work permits to be seconded to a client site?

Yes, foreign employees who hold work permits may be seconded to a client site.

4.14 Are Employers of Record (EORs) or Professional Employer Organisations (PEOs) permitted to act as the sponsoring employer in your jurisdiction?

In Portugal, the employer is the entity that receives the employee's work and complies with the employer's obligations. Only in very specific situations may the employer be a different entity than the *de facto* employer. The non-coincidence between the employer and the entity receiving the employee's activity may only occur in temporary work cases, if the correspondent regime is applicable, if there is a transitory need specifically listed in the Law and if the employer is a temporary work company, specifically licenced for this activity.

Therefore, and outside these circumstances, EORs or PEOs may not be legally engaging employees in Portugal on behalf of the effective recipient of the employee's work.

4.15 Does the work permit system require the sponsoring employer to have a physical office space at which employees are required to be physically present?

There is no such obligation in Portugal.

4.16 Does the work permit system allow employees who hold work permits to work remotely including work from home?

Yes, employees who hold a work permit are permitted to work remotely, including to work from home.

5 Non-Sponsored Highly Skilled, Exceptional or Extraordinary Talent Visas

5.1 Is there an immigration category which covers highly skilled individuals (including those who are not sponsored by a company)?

There are two immigration categories for highly skilled individuals:

- Highly skilled activity, with the following requisites:
 - i. evidence of academic/professional qualifications compatible with the activity to be executed;
 - ii. in the case of a profession subject to specific regulations, evidence of the fulfilment of the requirements;
 - iii. the existence of at least a promissory employment contract for the execution of a highly skilled activity with a duration of at least six months; and
 - iv. a salary that matches or exceeds the amount that is set out by law (at present, €1,530 per month, or €1,020 per month if belonging to the group of occupations particularly in need). In Portugal, employees under an employment contract receive 14 monthly salaries (12 months' salary plus a holiday allowance and a Christmas allowance).
- The "EU Blue Card", with the following requisites:
 - i. evidence of academic/professional qualifications compatible with the activity to be executed;
 - ii. in the case of a profession subject to specific regulations, evidence of the fulfilment of the requirements;
 - iii. the existence of at least a promissory employment contract compatible with the exercise of a highly qualified activity with a duration of at least six months; and
 - iv. a salary that matches or exceeds the amount that is set out by law (at present €2,157 per month, or €1,725.60 per month if belonging to the group of occupations particularly in need).

5.2 Is there an immigration category which allows those with exceptional or extraordinary talent in their specialist field to obtain a work visa?

There is no such category in Portugal.

6 Remote Working Visas

6.1 Is there a visa category which allows employees of overseas companies who remain employed outside your jurisdiction to work remotely in your jurisdiction without the need to obtain a standard work permit?

Yes, there is a temporary stay visa (for stays of up to 12 months) and a residence permit (for stays of over 12 months) for employees of overseas companies to work remotely in Portugal (referred to as the Digital Nomad Visa/Residence Permit). Applicants must provide proof of average monthly income for the last three months in the minimum amount of €3,280. Please note that there may be Tax, Social Security or Labour implications, both for the employer and/or the employee.

6.2 To what extent do your visitor rules explicitly permit temporary remote working, for example where the employee of a foreign company cannot leave your territory due to health or other emergencies?

Except for the Digital Nomad Visa, there are no rules explicitly permitting temporary remote working for foreign companies.

This being said, there are two alternatives:

- To submit a Digital Nomad residence permit application.
- To submit a residence permit application based on health issues.

Note that these are temporary residence permits valid for two years, which are associated with the rights and duties thereof, and are not temporary visas for a temporary situation.

7 Investment or Establishment Work Permits

7.1 Is there an immigration category which permits employees to be authorised to work based on investment into, or setting up a subsidiary or corporate presence in, your jurisdiction?

There are a few categories:

- A residence permit for self-employed workers.
- A residence permit for entrepreneurs intending to incorporate a company in Portugal, to move the head office of an existing company to Portugal, or to execute investments in a company in Portugal.
- A residence permit for those who enter into an incubation contract with a certified incubator, known as the “startup visa”.
- A residence permit for investment purposes, known as the “golden visa”, which implies the execution of an investment in Portugal.

8 Temporary Work Permits

8.1 Is there an immigration category permitting the hiring of temporary workers for exchanges, career development, internships or other non-economic purposes?

There are the following temporary stay visas:

- to attend a study programme in an educational establishment, for a student exchange programme, for an unpaid professional internship or voluntary work, or for the execution of a non-remunerated sports activity; and
- for the transfer of employees between countries belonging to the World Trade Organization.

8.2 Are there sector-specific temporary work permit categories which enable foreign workers to perform short-term temporary work?

The temporary visa for seasonal work (see question 4.7) enables foreign workers to perform short-term temporary work in Portugal. However, such activity must be included within the list, identifying the sectors to which seasonal work is applicable.

9 Group or Intra-Company Transfer Work Permits

9.1 Does a specific immigration category exist for inter-company transfers within international groups of companies?

There are two categories for the transfer of employees within branches of the same company, or within companies of the same group of companies: the intra-corporate transfer (ICT); and the temporary stay visa for the transfer of employees within Member States of the World Trade Organization.

9.2 What conditions must an employing company or organisation fulfil in order to qualify as part of a group of companies?

A group of companies is defined as two or more companies that, in relation to each other, directly or indirectly: hold the

majority of the share capital; control the majority of the votes; are entitled to appoint more than half of the members of the corporate bodies; or which are managed on a unified basis by the parent company.

9.3 What conditions must the employer fulfil in order to obtain a work permit for an intra-company group employee?

Obtaining a work permit under the ICT implies that the hosting company and the company established in a non-EU Member State belong to the same organisation/group of companies.

In addition, the employee should have been working with the employer company for a minimum of three to six months in the case of a trainee, or three to 12 months in the case of managers or specialist workers.

9.4 What is the process for obtaining a work permit for an intra-company group employee?

The process of obtaining a work permit is, in general, exempted from a previous work visa.

Therefore, the request is filed by the employee or the employer at AIMA, together with the following documents/evidence:

- i. A passport valid for at least the duration of the stay.
- ii. Proof that the companies belong to the same group of companies.
- iii. Proof that the employee had been working with the employer company for a minimum of three to six months in the case of a trainee, or three to 12 months in the case of managers or specialist workers.
- iv. The Employment contract with a company from the group of companies to which the hosting company is part, specifies the condition of management, specialist or trainee.
- v. Declaration by the employer company including the identification of the hosting company and the terms and conditions of the employment.
- vi. Proof of the necessary qualifications and previous professional experience or diploma.
- vii. Proof having requested health insurance, whenever not covered by the National Health Service.
- viii. Criminal record from the country of residence.
- ix. Proof of means of subsistence and of adequate accommodation.

9.5 What is the process for the employee to obtain a visa under the intra-company group transfer category?

The ICT does not necessarily need to be preceded by a visa. The visa is only necessary in the case that the individual is not exempted from obtaining a visa to enter into Portugal.

In that case, the visa request must be filed at the Portuguese Consulate or through the e-VISA platform, along with the documents referred to in question 9.4 above and travel medical insurance instead of health insurance.

9.6 How long does the process of obtaining the work permit and initial visa take?

The process for the initial visa usually takes between 30 to 60 working days but might vary depending on the availability of the Consulates and the backlog at AIMA.

After a residence permit application is filed with AIMA in Portugal, the work permit must be issued within 90 working

days. Usually this deadline is not as long and residence permits are issued in a shorter period.

9.7 Is there a maximum period of validity for initial intra company transfer visas, can they be extended and is there a maximum period of stay in this category?

The ICT residence permit is issued for a period of one year or the period set out in the employment contract and, in the case of managers or specialist workers, it can be renewed for equal periods, provided that the total period does not exceed three years.

9.8 Can employees coming under the intra-company route transfer to a permanent stay visa route and apply for permanent residence?

The ICT holder cannot “transfer” the residence permit as such. However, other types of residence permit can be applied for at the end of the third year. There may, however, be a gap between the previous residence permit expiring and the new one being granted. In case there is a possibility/need for the employee to stay in Portugal for more than three years, it is advisable for the employee to apply for a regular work residence permit instead.

9.9 What are the main government fees associated with this type of visa?

The government charges are the following (rounded amounts):

- With prior visa application:
 - Visa fee: €90.
 - Residence permit analysis fee: €128–€95.
 - Residence permit issuance fee: €110–€82.
- Without prior visa application:
 - Residence permit analysis fee: €128–€95.
 - Residence permit issuance fee: €294–€221.
- Residence permit renewal application:
 - Renewal analysis fee: €128–€95.
 - Renewal issuance fee: €110–€82.

The price variation indicated corresponds to a strategy to promote the use of online services by offering a 25% reduction on the fees.

However, until all the digital services are fully operational, the lowest price indicated is applicable.

10 New Hire Work Permits

10.1 What is the main immigration category used for employers who wish to obtain work permits for new hires?

The main immigration categories for new hires are:

- i. the residence permit for workers (considered non-skilled);
- ii. the residence permit for highly skilled professionals; and
- iii. the job seeker visa.

10.2 Is there a requirement for labour market testing, to demonstrate that there are no suitable resident workers, before a work permit can be issued to new hires?

No labour market test is required in Portugal.

10.3 Are there any exemptions to carrying out a resident labour market test?

No labour market test is required in Portugal.

10.4 What is the process for employers obtaining a work permit for a new hire?

The employee must first obtain a work visa in his/her country of residence and, subsequent to his/her entry into Portugal, request a work permit before AIMA.

Highly skilled employees and ICT employees, among others, may apply for the work permit directly in Portugal without a prior residence visa.

10.5 What is the process for the employee to obtain a visa as a new hire?

The employee shall apply for a work visa at a Portuguese Consulate in his/her country of residence with the following documents:

- Application form.
- Passport.
- Two passport photos.
- Valid travel insurance, including medical emergencies and repatriation.
- A residence permit, if the country of residence is not the country of nationality.
- Criminal record from the country of origin or the country of residence, in the case that they have been living in the latter for over a year.
- Proof of means of subsistence and of adequate accommodation.

Non-highly skilled workers: employment contract or promissory employment contract with a minimum duration of one year and a minimum salary of €820 per month; and a professional certificate, when the profession is regulated in Portugal.

Highly skilled workers: employment contract or promissory employment contract with a minimum duration of six months and a minimum salary of €1,530/€1,020 per month; and professional certificates/diplomas adequate for carrying out a high-skilled activity.

Job seekers: proof of registration with the IIEFP (Institute of Employment and Vocational Training); and declaration with indication of the conditions for the estimated stay and proof of means of subsistence.

10.6 How long does the process of obtaining the work permit and initial visa for a new hire take?

- Regular work visa: 60 working days.
- Job seeker visa: 60 working days.
- Highly skilled work visa: 30 working days.
- Regular and highly skilled work permit: 90 working days.

10.7 How long are initial visas for new hires granted for and can they be extended?

The work visa is valid for two entries within a period of 120 calendar days. The job seeker visa is only valid for a single entry within a period of 120 days, which can be extended for another 60 days. Holders of both work visas and job seeker visas

will apply for a work permit valid for two years, which can be renewed for periods of three years.

10.8 Is labour market testing required when the employee extends their residence?

No, labour market testing is not required when the employee extends their residence.

10.9 Can employees coming as new hires apply for permanent residence?

Those who have been renewing the temporary residence permit for at least five years may apply for a permanent residence permit, provided that the following conditions are met: absence of a criminal record; and basic knowledge of Portuguese, which can be proved by presenting an A2 or higher certificate issued by certified entities. Holders of ICT residence permits will not be able to renew their residence permit beyond the three-year period, and therefore must apply for another type of residence permit to meet the five-year requirement for permanent residence.

10.10 What are the main government fees associated with this type of visa?

Please refer to question 9.9 above.

As regards the permanent residence permit:

- Permanent residence permit analysis fee: €128–€95.
 - Permanent residence permit issuance fee: €337–€253.
 - Permanent residence permit renewal analysis fee: €128–€95.
 - Permanent residence permit renewal issuance fee: €60–€45.
- Fees vary depending on whether online services are used or not.

11 Conditions of Stay for Work Permit Holders

11.1 What are the conditions of stay of those who obtain work permits and are resident on this basis?

Holders of work permits shall keep an employment contract in force (that meets the requirements of their work permit) so that they are able to renew it. Holders of temporary residence permits may not leave Portugal for more than six consecutive months or eight non-consecutive months during the period of validity of the residence permit.

11.2 Are work permit holders required to register with municipal authorities or the police after their arrival?

Foreign nationals that possess a visa who enter into Portugal through a border not subject to control must submit a declaration of entry before the police authorities (PSP or GNR) within three working days from the date of entry. This obligation does not apply to the foreign nationals that stay at a hotel or Airbnb as these entities must submit the declaration of entry to the authorities.

In addition, registration with the Tax authority and Social Security is required for whoever holds a work residence permit.

12 Dependants

12.1 Who qualifies as a dependant of a person coming to work on a sponsored basis?

For family reunification purposes, the following family members are eligible: spouses; children under 18 or over 18 if single and studying in Portugal; minor adopted children; direct ascendants of the applicant or spouse that are considered economically dependent (which is assumed if they are over 65 years old); and siblings under 18 whose guardianship has been determined by the Court.

12.2 Do civil/unmarried or same-sex partners qualify as family members?

For immigration purposes, there are no differences between married/unmarried and/or same-sex partners; however, unmarried partners must prove that they have been living together for more than two years.

12.3 Do spouses and partners have access to the labour market when they are admitted as dependants?

The residence permit enables spouses and partners to work in Portugal.

12.4 Do children have access to the labour market?

Individuals between 16 and 18 years old may have access to the labour market, provided they have concluded or are still attending compulsory education, and meet the physical and mental conditions adequate to the job.

Individuals under 16 years old may also have access to the labour market, provided they have concluded or are still attending compulsory education, and the work consists of soft tasks that do not harm their health, education or growth.

13 Permanent Residence

13.1 What are the conditions for obtaining permanent residence?

The main requisites are:

- To have been living in Portugal for at least five years (under a temporary residence permit).
- To not have been convicted for (a) crime(s) that, individually or jointly, exceed(s) one year of imprisonment.
- To prove basic knowledge of the Portuguese language, which can be demonstrated by presenting an A2 or higher certificate issued by certified entities.

Permanent residence is valid for five years and can be renewed at the end of such period.

13.2 Is it possible to switch from a temporary work visa to a work visa which leads to permanent residence?

Temporary work visas are not considered a temporary residence permit, and are therefore not eligible for permanent residence. Holders of temporary work visas may file a new application for a residence permit which can then lead to permanent residency. Note, however, that the stay in Portugal under the temporary work visa does not count towards the permanent residence.

14 Bars to Admission

14.1 What are the main bars to admission for work?

The main bars are related to the issuance of work visas. The applicant must not have been convicted for a crime that is punishable (in Portugal) by imprisonment that exceeds one year, should not be identified at the Information Integrated System of AIMA or referenced in the Schengen Information System and shall not be within a period of prohibition of entry into Portugal following an expulsion measure.

Furthermore, in some cases, for some professions it is mandatory to register with the Portuguese regulatory authorities.

14.2 Are criminal convictions a bar to obtaining work permission or a visa?

All individuals intending to apply for a work visa or a residence permit must not have been convicted for a crime that, in Portugal, is subject to imprisonment exceeding one year.



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- Immigration Compliance and Illegal Working
- Non-Sponsored Highly Skilled, Exceptional or Extraordinary Talent Visas
- Remote Working Visas
- Investment or Establishment Work Permits
- Temporary Work Permits
- Group or Intra-Company Transfer Work Permits
- New Hire Work Permits
- Conditions of Stay for Work Permit Holders
- Dependants
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