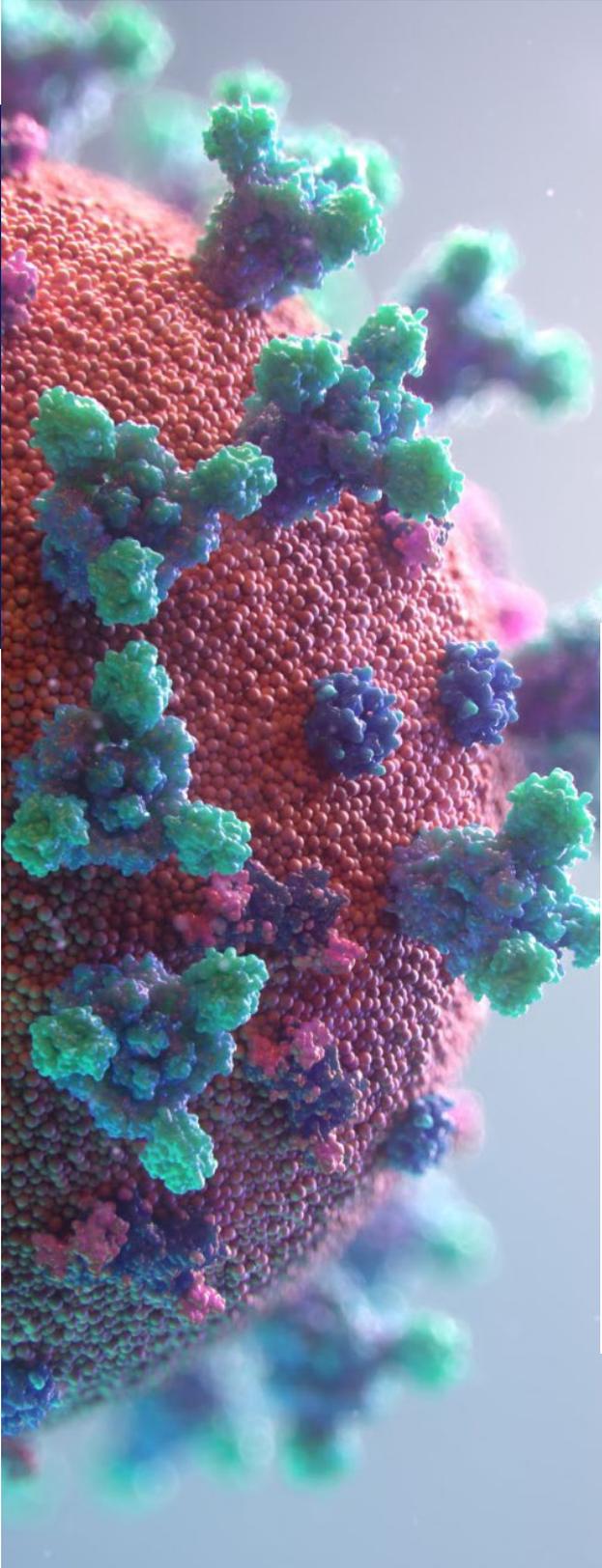


# CAIADO GUERREIRO

SOCIEDADE DE ADVOGADOS, SP, RL



## **NEW RULES IMPOSED BY COVID-19 - Q&A**

IMMIGRATION

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IMMIGRATION

# NEW RULES IMPOSED BY COVID-19 Q&A



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## **ARE THERE RESTRICTIONS ON ENTRY OR EXIT AT THE PORTUGUESE BORDER? [updt. 03/21]**

The first restrictions in force were the prohibition on disembarking passengers from cruise ships, foreign flag vessels that want to dock in a port in Portugal and the closing of the land, fluvial and air border with Spain, to be maintained until April 15th, and only with regard to leisure and tourism trips, being authorized the circulation of vehicles transporting goods.

Air connections to Italy have been suspended since March 11th and until April 14th, by order of the Government and several airlines are canceling flights.

Travel abroad is not recommended due to the possibility of closing borders decisions by third countries, although the Government is ensuring the return of nationals and residents to Portugal.

It was also announced by the French President that that from 03-17-2020 at noon, all external borders of the European Union and the Schengen area will be closed to non-essential trips, for 30 days.

Regarding the Portuguese external border, air traffic to and from Portugal for all flights to and from countries outside the European Union was forbidden during a 30 days period starting at 0h of March 18<sup>th</sup>, except for:

- a) Countries associated with the Schengen Area (Liechtenstein, Norway, Iceland and Switzerland);

b) Portuguese speaking countries; from Brazil, however, only flights from and to the cities of São Paulo and Rio de Janeiro will be admitted;

c) The United Kingdom, the United States of America, Venezuela, Canada and South Africa, given the presence of important Portuguese communities.

This prohibition does not apply to flights intended to allow national citizens to return to Portugal or to holders of a residence permit in Portugal, nor to flights intended to allow the return to the respective countries of foreign citizens who are in Portugal, provided that such flights are promoted by the competent authorities of such countries, subject to prior request and agreement, and in compliance with the principle of reciprocity.

Travel to the People's Republic of China is also discouraged, not only because the situation is not yet fully controlled, but also because some regions of the country impose a mandatory quarantine of 14 days for all citizens, including nationals, who enter in the territory.

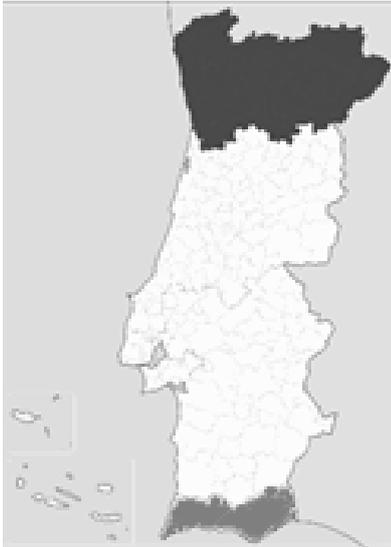
At airports, health surveillance and control will be strengthened, with epidemiological surveys and visual observation of passengers.

**IS THERE ANY MANDATORY QUARANTINE REGIME ON THOSE WHO ENTER THE PORTUGUESE TERRITORY? [updt. 03/21]**

Only the regional governments of the Azores and Madeira Islands decreed the mandatory quarantine of all passengers arriving at airports in the two autonomous regions. The decision covers all passengers, regardless nationality or residency or whether they have any record of symptoms or contacts with infected people.

In this context, the Government strongly discourages travel to the islands, as it is not possible to ensure evacuation during the quarantine period.

On March 19, the Northern Regional Health Administration (ARS) determined prophylactic isolation for all individuals returning from abroad, regardless of nationality and country of origin,



via land, air or other border, to contain the risk of contagion. Same rule was also imposed by Algarve Regional Health Administration, with effects from March 21<sup>st</sup>. Both measures follow the recommendation of the Director General of Health that, whoever enters Portugal should be in prophylactic isolation for 14 days.

People returning from the most affected area (for instance Italy, People's Republic of China, South Korea, Singapore, Japan or Iran) should be aware of the onset of fever, cough and possible breathing difficulties within 14 days after landing. If you experience these symptoms, you should not go to the health services, but call the

SNS24 line - 808 24 24 24, and follow the guidelines.

#### **THE GOVERNMENT DECLARED THE STATE OF ALERT. WHAT DOES IT MEAN?**

Alert Situation State, declared by the Government on March 12th, and covering the entire national territory, until April 9th, 2020 (may be extended), allows the adoption of exceptional measures, namely:

- Increase in the readiness of the security forces and services and of all civil protection agents, with reinforcement of means for eventual support operations in the area of public health;
- Prohibition to hold events or limit the number of participants - events both in indoor and outdoor spaces are limited to 100 participants;
- Reduction of opening hours and limitations to the number of people in commercial spaces: 1 person per 25 square meters;
- Suspension of the operation of restaurants and drinks establishments that have rooms or spaces for dancing;
- Suspension of driving lessons and prohibition of alcohol consumption on public streets;

- Recommendation to adopt measures of social distance (2m) between people and to reduce all the trips that are not necessary, with the exception of trips to work, purchase food items or provide care to those in need.
- Imposition of the duty of collaboration, namely in the fulfillment of orders or instructions from the bodies and agents responsible for internal security and civil protection, and the prompt satisfaction of requests that are justifiably made to them by the competent entities.

Disobedience and resistance to the legitimate orders of the competent entities constitute a crime and are sanctioned.

#### **THE PRESIDENT OF THE PORTUGUESE REPUBLIC DECLARED THE STATE OF EMERGENCY. WHAT DOES IT MEAN? [updt. 03/21]**

The Declaration of Emergency State is effective for 15 days, and lasting until April 2, 2020, for the entire territory, without prejudice of eventual renewals. Such declaration implies the partial suspension of certain rights, having materialized in an aggravation of the measures already established in the scope of the State of Alert.

The measures adopted report in particular to:

- Mandatory confinement, in a health establishment or in the respective home of patients with COVID-19 and those infected with SARS-Cov2;
- Subjection to a special duty of protection for those over 70 years of age and for immunocompromised individuals and those with chronic disease, also being limited in their circulation in public spaces and roads;
- Duty of home care for all the other individuals in general, with the exception of professional and family movements, as well as for satisfaction of basic and essential needs;

- Mandatory adoption of the teleworking regime whenever the functions in question allow;
- Mandatory closure of a set of listed establishments and facilities, as well as suspension of activities in the context of retail trade and provision of services to the public, subject to certain exceptions;
- Adoption of safety and hygiene rules appropriate to contain the pandemic;
- Priority care for certain groups (the elderly, people at risk, health professionals and elements of safety, protection and help);
- Prohibition of holding religious celebrations and other worship events that involve an agglomeration of people;
- Possibility of temporary requisition of facilities, goods or services, as well as civil requisition.

In the municipality of Ovar, in particular, the situation of calamity was declared, to remain in effect until April 2, due to the existence of an epidemiological situation compatible with active community transmission, which means that the risk of transmission is widespread. Consequently, particular measures were implemented including a general ban on entering and leaving the municipality.

Disobedience and resistance to the legitimate orders of the competent entities constitute a crime and are sanctioned.

#### **IS THE FOREIGN AND BORDER SERVICE (SEF) OPEN TO THE PUBLIC?**

It was established, for most public services, that the face-to-face service is preferably carried out electronically, to avoid unnecessary travel to the physical service spaces, limiting the face-to-face service that will be done through pre-scheduling and only for services that cannot be provided electronically and acts qualified as urgent, where fundamental rights are at stake.

The pre-scheduling of public services is done through the ePortugal Portal (<https://eportugal.gov.pt/>), the contact lines created to support by phone – Citizen Line (300 003 990) and Companies Line (300 003 980) - the use of digital public services, the dedicated lines of public services and entities or through online bookings from public administration portals and websites.

Regarding SEF in particular, no communication has yet been issued regarding the alteration or conditioning of service hours, and the channels for remote scheduling remaining active:

**Residence Permit Applicants:** Via telephone contact

**Renewal or Extension Applicants:** <https://www.sef.pt/pt/Pages/pre-marcacao-online.aspx>

**Regularization Applicants:** <https://sapa.sef.pt/an/default>

**Golden Visa Applicants:** <https://ari.sef.pt>

**Requests of Certificates:** <https://www.sef.pt/pt/Pages/pre-certidao-online.aspx>

**Telephone contacts:**

- 808 202 653 (fix line)

- 808 962 690 (mobile line)

**E-mail contacts:**

- [gricrp.cc@sef.pt](mailto:gricrp.cc@sef.pt)

#### **I HAVE AN APPOINTMENT SCHEDULED AT SEF FOR THE NEXT DAYS. IT WILL OCCUR?**

The SEF said on March 16<sup>th</sup>, 2020 that it will give preference to schedules for extending visas and granting a residence permit. Renewal schedules will not be a priority. SEF will contact applicants to make rescheduling to avoid crowds of people inside and outside the services.

**I HAVE AN APPOINTMENT SCHEDULED AT SEF BUT THE SERVICE IS CLOSED. WHAT NOW?**

Under the terms of Decree-Law no. 10-A / 2020, in case of closure of judicial courts, administrative and tax courts, arbitral tribunals, the Public Prosecution Service, judges of peace, alternative dispute resolution entities, notary offices, conservatories, services and administrative entities, or suspension of face-to-face service at these facilities, by decision of a public authority based on the risk of contagion from COVID -19, the period for practicing the acts in question is considered suspended from the day of the closing or suspension of the service.

The suspension benefits citizens, parties and their representatives who reside or work in the municipalities where the closure of facilities or the suspension of face-to-face service is verified, even if the procedural acts and diligences must be practiced in a different municipality.

**CAN I APPLY FOR AN ONLINE VISA?**

The application for visas in electronic format is now possible through the [e-Visa portal](#). The information on the website of the Ministry of Foreign Affairs (MNE) is presented in 5 languages: Portuguese, English, French, Ukrainian and Russian. Visa applicants first receive an access code to monitor the status of the application during the four stages.

After being registered, the request is analyzed, being then granted or rejected, and issued in the final stage. Soon it will also be possible to make the electronic payment of the administrative fee.

**MY RESIDENCE TITLE EXPIRES SOON. WHAT CAN I DO?**

Pursuant to Regulatory Decree 84/2007, article 63, paragraph 14, the right of residence does not expire before six months have elapsed after the expiry of the title to be renewed. This means that you can renew it within six months after the validity date of the residence card.

Additionally, and exceptionally, under Decree-Law no. 10-A / 2020, Portuguese public authorities now accept, for all legal purposes, the exhibit of documents subject to renewal whose validity period expires from 03/14/2020 or in the immediately preceding 15 days.

**WAS ANY MEASURE IMPLEMENTED REGARDING THE VALIDITY OF THE DOCUMENTS?**

Exceptionally, under Decree-Law no. 10-A / 2020, the citizen's card, certificates issued by the registry and civil identification services, driving license, as well as documents and visas related to permanence in national territory, whose validity ends from 03/14/2020 shall be accepted, in the same terms, until June 30th, 2020.

**I CANNOT TRAVEL TO PORTUGAL TO FULFILL MY MANDATORY PERIOD OF STAYING IN PORTUGUESE TERRITORY**

Without prejudice to the application of special provisions that may be approved, the residence permit may be canceled when the interested party, without reasonable reasons, is absent from the country:

- a) Being the holder of a temporary residence permit, 6 consecutive months or 8 interpolated months, within the total period of validity of the authorization;
- b) Being the holder of a permanent residence permit, 24 consecutive months or, in a period of three years, 30 interpolated months.

Absence beyond the prescribed limits must be justified by request submitted to the SEF before the holder leaves national territory or, in exceptional cases, after leaving.

However, the residence permit of holders who are absent for longer periods than those foreseen, shall not be cancelled when they prove that during their absence from national territory they developed professional or business activities or of a cultural or social nature.

Same principles must apply to Golden Visa holders, adjusted to the minimum period of stay of 7 days / year in the national territory.

**CAN I START MY APPLICATION FOR RESIDENCE PERMIT FOR INVESTMENT (ARI - GOLDEN VISA)?**

Yes. The online services for Golden Visa applications remain active and operating without restrictions. Alternatives are being proposed to SEF to allow the delivery of the documents, with subsequent collection of biometric data after the analysis and approval stage. Developments and special regulations are awaited.

**I AM A PORTUGUESE TRAVELING AND I WANT TO RETURN TO PORTUGAL. WHAT AID MECHANISMS ARE AVAILABLE?**

In order to support the Portuguese who are temporarily traveling abroad and need help to return to Portugal, the Ministry of Foreign Affairs (MNE) created the Covid-19 emergency line, a service based on the email address (covid19@mne.pt) and on the telephone line (+351 217 929 755). This emergency hotline for travelers will be available on weekdays, between 9 am and 5 pm. The emergency hotline will not be used to deal with other matters of a consular nature, such as the issue of citizen cards, biometric passports or the processing of visa applications, which follow their own regular channels at the consular posts.

**DO YOU KNOW CAIADO GUERREIRO'S APP?**

You may now download our app, available on the AppStore or PlayStore, to be able to order and pay for our legal services in an easy, quick and safe way.



**\*\*\* information in continuous update \*\*\***

The content of this information does not constitute any specific legal advice; the latter can only be given when faced with a specific case. Please contact us for any further clarification or information deemed necessary in what concerns the application of the law.