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SOCIEDADE DE ADVOGADOS, SP, RL

## Covid-19: Government Measures – Immigration and Borders Control

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Considering the current global epidemiologic situation and, in particular, in the European Union and in Portugal, the current state of emergency has been announced and was renewed in all national territory, for an additional period of 15 days, starting at 0:00 hours of February 2<sup>nd</sup>, 2021 and ending at 23:59 hours of March 16<sup>th</sup>, under the terms of the law

In order to deal with the COVID19 threat, the following measures were adopted:

**1. Validity of expired Identification Documents - Decree Law 10-A/2020, October 15<sup>th</sup>**

The documents and visas regarding the permanency on national territory, which validity expires after February 24<sup>th</sup>, 2020, being accepted in the same terms, until **March 31<sup>st</sup>, 2021**.

As so, the Portuguese Citizen Cards, Residency Permits and Visas, Residency Cards and Permanent Visas in Portugal, will continue to be considered valid, when presented to a public authority, even if they have expired since February 24<sup>th</sup>, 2020.

**2. Right of legal permanency of all the foreign citizens with pending applications before the Portuguese Immigration and Borders Service (SEF) - Order n. 3863B/2020, March 27<sup>th</sup>; Order No. 10944/2020, November 8<sup>th</sup>**

It is determined the regular permanency on national territory of all the citizens that are in Portugal, and that have applied for a residency permit on the terms of the Law no. 23/2007, of July 4<sup>th</sup>, or, asylum seekers or subsidiary protection, on the terms of the Law no. 26/2014, of May 5<sup>th</sup>, and that are currently waiting for a decision from SEF.

These citizens, who currently would be in Portugal in an irregular and unprotected situation, must now always carry the documents that prove their situation, namely:

- i. Proof of “Manifestação de Interesse” request,
- ii. Receipt proving the application for granting or renewal of the residency permit; or
- iii. Proof of the appointment duly schedule at SEF.

These documents are considered valid before all public services, namely, to obtain the number for access to the National Public Health System or to other health assistance rights, access to social support benefits, signing of leasing agreement, signing of employment agreements, opening of bank accounts and hiring of essential public services.

SEF implemented a feature in its platforms SAPA and ARI (platforms used for the registration of residency permit applications) that allows foreign citizens to issue, consult and download a registration certificate, which shall be used as a supporting document of the pending situation before the SEF before other public and private entities.

In practice, the issuance of these certificates allows, from now on, foreign citizens to prove that they registered on the SEF platform and that they are waiting for the decision.

In all other situations of pending applications for granting or renewal of the residency permit at SEF, the e-mail confirming the appointment or the receipt from SEF works as a proof.

**3. Suspension of regular service of the Portuguese Immigration and Borders Service (SEF) - Order No. 1689-B / 2021, February 12<sup>th</sup>**

During the State of Emergency, and for as long as it is in force, the Immigration and Borders Service maintains its regular service, by appointment, only for the practice of urgent acts/appointments.

The appointments scheduled until February 12<sup>th</sup>, are now suspended, and will be rescheduled, in chronological order, guaranteeing equal treatment between foreign citizens.

**4. Extension of measures applicable to air traffic to and from mainland Portugal - Order No. 2207-A / 2021, February 26<sup>th</sup>**

The Portuguese Government, through Order No. 2207-A / 2021, of February 26<sup>th</sup>, and considering the evaluation of the epidemiological situation in Portugal and in the European Union, and the guidelines of the European Commission, determined the extension of the following measures:

- a) Authorize air traffic to and from Portugal for all flights to and from countries belonging to the European Union and countries associated with the Schengen Area (Liechtenstein, Norway, Iceland and Switzerland), recommending that only essential trips be made;
- b) Authorize flights from the following countries: Australia, China, South Korea, New Zealand, Rwanda, Singapore, Thailand and Special Administrative Regions of Hong Kong and Macau, provided that, with a positive epidemiological evaluation, regarding direct air connections with Portugal and subject to confirmation of reciprocity;



- c) Authorize air traffic to and from Portugal for all flights to and from countries that are not part of the European Union or that are not countries associated with the Schengen Area, exclusively for essential trips. It is considered essential trips, those intended to allow transit or entry to or exit from Portugal of:
  - i. Citizens of the European Union, nationals of States associated with the Schengen Area and members of their families and third-country nationals legally resident in a Member State of the European Union;
  - ii. Third-country nationals traveling for professional, study, family reunion, health or humanitarian reasons, and in accordance with the principle of reciprocity.

Passengers authorized to travel, with the exception of children who have not reached 24 months of age, must present proof of test to COVID-19, with a negative result, at the time of departure, carried out in the last 72 hours before departure, under penalty to be refused entry into national territory.

**5. Extension of measures applicable to air traffic from or to United Kingdom or Brazil - Order No. 2207-A / 2021, February 26<sup>th</sup>; Order No. 2556-A / 2021, March 5<sup>th</sup>**

The Portuguese Government, through Order No. 2207-A / 2021, of February 26<sup>th</sup>, and in view of the evaluation of the epidemiological situation in Portugal and in the European Union and the guidelines of the European Commission, determined the extension of the suspension of all flights, commercial or private, from airports or aerodromes in mainland Portugal, from or to Brazil and the United Kingdom.

The repatriation of nationals from the European Union and countries associated with the Schengen Area, and their family members, as well as nationals of third countries with legal residence in national territory, is protected. These passengers are obliged, cumulatively, to:

- i. Submit proof of completion of a molecular test by RT-PCR for screening for infection by SARS-CoV-2, with a negative result, performed within 72 hours prior to the time of embarkation, except for children who have not completed 24 months of age
- ii. Comply, after the entry, with a period of prophylactic isolation of 14 days, at home or in a place indicated by the health authorities or wait for the flight to connect to the respective countries in a proper place inside the airport.

For reasons of equal treatment of passengers, it was determined on March 5<sup>th</sup>, 2021, through Order No. 2556-A / 2021, the adoption of specific rules for passengers of flights whose initial origin is the United Kingdom or Brazil, and that have only made a stopover or transited through airports of countries whose air traffic destined to mainland Portugal is authorized.

Thus, passengers of flights originating in countries whose air traffic to Portugal is authorized by Order No. 2207-A / 2021, of February 26<sup>th</sup>, who have only made a stopover or transit through the respective airports and come from flights originating in the United Kingdom or Brazil, are required, cumulatively, to:

- i. Submit proof of completion of a molecular test by RT-PCR for screening for infection by SARS-CoV-2, with a negative result, performed within 72 hours prior to the time of embarkation, except for children who have not completed 24 months of age
- ii. Comply, after the entry, with a period of prophylactic isolation of 14 days, at home or in a place indicated by the health authorities or wait for the flight to connect to the respective countries in a proper place inside the airport.

**6. Extension of the exceptionally and temporarily reinstatement of the control of people at land and river borders - Decree no. 3-D / 2021, January 29<sup>th</sup>; Order No. 2207-B / 2021, February 26<sup>th</sup>**

The reinstatement, on an exceptional and temporary basis, of the control of people at land and river borders was extended, in the context of the pandemic of the disease COVID-19.

Thus, during the State of Emergency, and without prejudice to possible extension, it was determined to restore control of people at Portuguese internal borders, to suspend cross-border rail traffic, except for the transport of goods and the suspension of river transport between Portugal and Spain, establishing authorized crossing points at the land border.

This resolution is an exception to the regime for the absence of checks on persons when crossing internal borders provided for in the Schengen Borders Code.

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The information contained in this document is of a generic nature and does not exempt the analysis of the specific case, nor the consulting of the official documentation and legislation in force at that any given time

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