

Residence and absence from Portugal

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During our recent [Facebook Live Q&A on Residence in Portugal](#) we received a number of queries about how long UK nationals can be absent from Portugal without their residence status being affected. The issue is complex because different rules will apply to UK nationals who are covered by the Withdrawal Agreement and UK nationals who arrive in Portugal after 1 January 2021. This note explains the rules. However, as everyone's personal circumstances are different, if you have specific or detailed queries you should consult [Serviço Estrangeiros e Fronteiras](#) (SEF) or an immigration lawyer. Links to further information can be found below.

For UK nationals under the Withdrawal Agreement:

If you are legally resident in Portugal by 31 December 2020, your right to reside here is protected by the [Withdrawal Agreement between the EU and the UK](#).

UK nationals who have been legally resident in Portugal for less than five years can be temporarily absent for up to six months in total each year without it affecting their continuity of residence. This can be extended to a maximum of twelve consecutive months for important reasons, such as pregnancy and childbirth, a serious illness, study or vocational training or a posting abroad.

For UK nationals who have been legally continuously resident in Portugal for more than five years, or who have otherwise acquired the right of permanent residence, absences of up to five consecutive years can be accepted, without losing the right of permanent residence in Portugal.

For UK nationals that arrive to live in Portugal after the end of the transition period:

Some mobility arrangements for UK and EU nationals are subject to the ongoing negotiations. In addition, some UK nationals may have the right to move to Portugal to join a close family member under the family reunification provisions in the Withdrawal Agreement.

However, in general, if you come to live in Portugal from 1 January 2021, you will fall under Portugal's third-country national rules on residency and immigration. Under these circumstances, UK nationals will be treated in the same way as other non-EU nationals. Non-EU nationals who have been resident in Portugal for less than five years should not spend more than six consecutive months or eight non-consecutive months outside Portugal without a valid justification ([Law 23/2007, article 85](#)).

Non-EU nationals who have been resident in Portugal for more than five years, should not spend more than twenty-four consecutive months or thirty non-consecutive months away within a three year period. If they spend longer than that outside Portugal, they may lose their right to permanent residence ([Law 23/2007, article 85](#)).

General FAQs [though advice from SEF or an immigration lawyer should always be sought for your individual circumstances]:

I am a UK national who has been resident in Portugal for three years, but I want to go back to the UK for two years. Can I return to Portugal afterwards and keep my residence under the Withdrawal Agreement?

As a resident in Portugal with less than five years of continuous residence, absences of more than 6 months in total in a year outside Portugal could impact on your right of continuous residence. Temporary absences of up to six-months each year do not affect the right of residence.

I am a UK national who has been resident in Portugal for the last seven years. I need to return to the UK for the next three years, but want to return to live in Portugal afterwards. Will I be able to do this?

If you are legally resident in Portugal before the end of the transition period (31 December 2020) you are covered by the Withdrawal Agreement. Once you have acquired the right of permanent residence (for example, you continually resided in Portugal for five years or more), you can spend up to five years outside Portugal without losing that right of residence.

I am a UK national who has been resident in Portugal for the past two years. Next year, I will need to return to the UK for eight months to attend a course. Will I lose my right of residence in Portugal under the Withdrawal Agreement?

Continuity of residence is not affected by one absence of a maximum of twelve consecutive months for important reasons, including study or vocational training or a posting abroad. You will need to contact SEF in order to justify this type of absence.

Useful Links:

[SEF website - Brexit](#)

[SEF website - Right to live in Portugal of UE nationals and their families](#)

[SEF website - Applying for residence in Portugal as a third-country national](#)

[Your Europe - Brexit: how UK nationals and their family members resident in an EU country can stay there after 31 December 2020](#)

Legislation:

[Law 37/2006, of 9 July, that regulates the exercise of right to free movement and residency for EU citizens and their family members in Portugal](#) (in Portuguese)

[Law 23/2007, of 24 July, that regulates entry, stay, exit and removal of foreign nationals from national territory](#) (in Portuguese)

[Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004, on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States](#) (in English)

[Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union](#) (in English)