

Reunification of Family Residency in Portugal

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Reunification of family is the right of a resident of Portugal & usually the only reasons it can be denied is if the immigration dept believe you are trying to seriously mislead them or the person has been convicted of a serious crime in recent years, has been a mad dictator or similar or has served as a mercenary or been convicted of a terrorist offence.

It should be noted the additional criteria one has to prove is adequate accommodation (which incidentally does not include a tent or a caravan pitched or parked in a field) & also 'sufficient funds' which usually translates to 50% of the monthly minimum wage of Portugal (per spouse or adult dependent) for both lump sum & monthly income & 30% of both (per dependent child). & the dependent can go up and/or down 1 generation & an exact description of who is eligible for reunification can be found at the bottom of this piece is the 'Notes' section.

There are 3 basic routes to the residency under reunification of family and all 3 achieve the same goal & it should be noted it is the resident that applies for reunification of the dependent & the duration of the dependent's visa will always reflect that of the resident thus when the resident has Stage 2 of the D7 which gives 2 years of residency then the dependent will also be granted 2 years etc.

The three routes are:

Article 98 para 1 for Reunification of Family with the relative OUTSIDE the national territory of Portugal & the resident holds a **non EU member state passport**.

<https://aima.gov.pt/pt/viver/reagrupamento-familiar-com-familiar-fora-de-territorio-nacional-art-98-o-n-o-1>

It should be noted that in August 2023, some (but not all) Article 98 para 1 applications have been accepted at the same time as the related Stage 1 D7 national visa & similar applications which will make conjoined/linked applications easier & faster. Whether this is a permanent change or not remains to be seen but that is the present case & I suspect the reason for it is to reduce the queues of applicants here in Portugal who are waiting to have their applications processed so the primary applicant has nothing to lose by requesting this in their Stage 1 covering letter.

Article 98 para 2 for Reunification of Family with the relative INSIDE the national territory of Portugal and the resident holds a **non EU member state passport**.

<https://aima.gov.pt/pt/viver/reagrupamento-familiar-com-familiar-em-territorio-nacional-art-98-o-n-o-2>

Article 15 which applies to third country nationals who are family members of citizens of the EU, EEA & Switzerland as in when the resident holds an **EU member state passport**.

It should be noted that when SEF were replaced by the new immigration department AIMA the A15 criteria was omitted from the new AIMA website. However, as soon as it does appear on the new AIMA website I will add the link but in essence it is similar to A98 p2 except a police criminal report is not listed as a required document.

The differences between the three options are that in Article 98 para 1 the ID documents of the applicants family members need to be authenticated whilst in Article 98 para 2 they do not need to be authenticated if the originals + copies are presented & whilst Article 98 paras 1 & 2 require Police Criminal Reports of every country the applicant's family members have lived in for more than a year since they were 16 years of age Article 15 does not require those documents & in most cases the Police Criminal Reports need to be no older than 3 or 6 months old & if unsure then better to work to the 3 months just to be on the safe side.

In each case one needs to visit the immigration dept website which is currently <https://aima.gov.pt/en> & open the relevant page & then carefully read all that page paying especial attention to required documents, specific documents & notes & pay particular attention to the requirements for children if there is an absent parent.

Whilst Portugal does not discriminate between married, unmarried or same sex relationships it should also be noted that in the case of unmarried couples the criteria does change slightly in that they are required to prove they have been in a genuine relationship for at least 2+ years.

NOTES

The granting of a residence permit shall entail: the absence of any fact which, if known to the competent authorities, would preclude the granting of the visa; Absence of conviction for a crime which in Portugal is punishable by a custodial sentence of more than one year; The applicant is not within a period of prohibition of entry into the national territory, following an expulsion measure from the country;

No indication in the Schengen Information System; No indication in SEF's Integrated Information System for non-admission purposes, under article

33 of the Aliens Act. After decision of the application for family reunification, SEF shall inform the Ministry of Foreign Affairs for the beginning of the process of residence visa within its consulate.

After entering into national territory with a residence permit, the family member of the applicant

shall require within SEF the residence permit under article 107 of Law no. 23/2007 of 4 July, as amended.

The following family members, in accordance to Articles 99 and 100 of the Aliens Act are entitled to family reunification:

The spouse;

Underage or incapable children under guardianship of the couple or of one spouse;

Minors adopted by an unmarried applicant, by a married applicant or by the spouse, following decision taken by the relevant authority of the Country of origin, provided that legal framework incorporates the same rights and duties of natural affiliation and provided that decision is acknowledged by Portugal.

Children who are of age, and of whom the couple or one of the spouses is in charge, and study in a Portuguese teaching institution.

Children who are of age, and of whom the couple or one of the spouses is in charge with, single or studying, whenever the holder of the right of reunification has a residence permit granted under article 90 – A.

First-degree ascendants in the direct line to the resident or the respective spouse provided they are dependent on either of them

Underage siblings under custody of the resident, following decision by a relevant authority in the country of origin, as long as that decision is acknowledged by Portugal

The following family members of unaccompanied minors are also entitled to family reunification:

First-degree ascendants in the direct line;

His / her legal guardian or another family member, if the refugee has no direct ascendants or if it proves impossible to trace them.

For purposes of family reunification with a beneficiary of a Residence Permit for study, unremunerated professional training or voluntary work are entitled the following family members:

The spouse

Underage or incapable children under guardianship of the couple or of one spouse;

Minors adopted by an unmarried applicant, by a married applicant or by the spouse,

following decision taken by the relevant authority of the Country of origin, provided that

legal framework incorporates the same rights and duties of natural affiliation and provided

that decision is acknowledged by Portugal.

Civil partnership – Family reunification may be authorized with:

A non-marital legally recognized partner of the resident, irrespectively of whether the partner is inside or outside national territory;

Underage or incapable children, including children adopted by the legal partner, provided

these children are under their guardianship.

Documents written in a foreign language (excepting English, French & Spanish) must be accompanied by the respective translation that can be certified by any of the entities listed in Notaries Code, namely: Portuguese Notary; Portuguese Consulate in the country where the document was passed; Consulate of that country in Portugal.

https://www.homepagejuridica.pt/noticias/2471-documentos-civis-em-ingles-frances-e-espanhol-deixam-de-precisar-de-traducao?fbclid=IwAR3w8WioI3qB4Jyb--DD4CYlaBgl_wAuLFtNJWcN5YQvGQTqA9MFmnCfmH8

The legislation that states documents in English, French & Spanish do not need to be translated is below:

https://www.homepagejuridica.pt/noticias/2471-documentos-civis-em-ingles-frances-e-espanhol-deixam-de-precisar-de-traducao?fbclid=IwAR3w8WioI3qB4Jyb--DD4CYlaBgl_wAuLFtNJWcN5YQvGQTqA9MFmnCfmH8