

# Dispelling The Myths

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Whilst written largely for UK vehicles, many/most of the points apply to any non Portuguese registered vehicle & there are also several other non vehicle related myths dispelled here.

It is completely untrue that the Portuguese or indeed any other Embassy, High Commission or Consulate etc in any country in the world can be expected to spoon feed anyone with accurate & up to date information on the subject of migration to their home country as their primary responsibility is to represent & protect the interests of their citizens in that host country not to advise on migration to the home country.

Which means that if you want to know accurate & up to date information on migrating to Portugal then you need to look on the VFS & SEF websites where you will find their correct information including lists of required documents for the exact visa type you want which (incidentally) you need to read fully & carefully for yourself & if unsure of something then ask on the group timeline for help as the required documents lists have been known to vary from office to office & country to country.

It is a total myth that the laws of Portugal do not apply to you because you are an immigrant. All Portuguese laws apply equally to everyone without exception & absolutely no-one is special no matter how much they think they are. Never forget that Portugal owes you nothing whilst you owe Portugal a great deal.

In the UK (for example) a 17 year old can drive a car, in PT you must be 18 years old to do so.

A provisional (learner) driving licence from anywhere else in the world has no legal standing in PT, the holder of one would be driving without a licence in PT.

A foreign registered vehicle can be used in Portugal for a maximum of 6 months in any 12 month period provided it is legal to use it in the country of registration (in the UK that would be MOT, VEL, insurance and compliance with the Construction & Use Regulations) **ONLY** if the owner/driver is not a resident of PT. It does not apply to people who have arrived in PT to become resident but have not yet become a registered resident of PT.

Popping across the border to Spain or other border hopping does not reset the 6 month limit, it is a cumulative 6 months in any rolling 12 months within the EU & if GNR catch an overstaying vehicle or a vehicle with expired tax, test or insurance, they can & very often do permanently confiscate it.

If you arrive in PT to become a resident having driven here or shipped in your foreign registered vehicle, you must inform PT customs that you have imported it within 20 working days of it becoming a permanent import. That's not 20 days from getting your Camara registration certificate, or SEF residence card, it is 20 working days from when you arrived in PT to become a resident. (Check other files for the import & matriculation process)

A resident of PT cannot drive a non PT registered car unless they own it AND have started the matriculation process (they will be given a document to prove they have done so).

It is illegal to lend, sell or otherwise dispose (except scrap in some cases) & see importing And Registering A Foreign Registered Vehicle In Portugal for further details) of your foreign registered vehicle in PT. If you do so you are deemed to have imported it and are liable to a fine which, according to Lei 376-A/89, will be not less than twice the value of an equivalent PT registered car & that applies in every EU member state, and it also applies in every country that is a signatory to either the 1949 or 1968 UN conventions on road traffic.

If you prefer not to read the 1949 or 1968 UN conventions on road traffic then you could try the legislation that adopted these treaties into EU law, Directive 83/182/CEE or perhaps you'd rather read the PT domestic law on the subject, Lei 129/90.

An IPO (the PT version of a UK MOT or other national safety test certificate) is only valid for a foreign registered vehicle if the matriculation process has been started.

In the UK (for example) you can drive your car without an MOT if you are on route to a pre-arranged MOT test. This is an exemption in UK law, it has no standing in any other country in the world, the car must have a valid safety inspection certificate from it's country of registration all the time it is in Portugal.

You cannot get a UK MOT or other national test certificate in PT.

Declaring your UK car SORN has no significance in PT because it would not be legal to drive it on UK roads, it must have a current VEL.

If your foreign registered car doesn't have a valid MOT or VEL (or national equivalent) it is deemed to have been imported and not only would you be liable to the customs fine above, you would also liable for using an unregistered car (i.e. it should have PT number plates).

A foreign registered vehicle may not tow a PT registered trailer or caravan & a PT registered vehicle may not tow a non PT registered trailer or caravan. There is a minor exception to this which is mentioned in the info piece in 'Trailers & Towing' but only a minor exception.

You cannot usually borrow a PT trailer registered to another vehicle & tow it with your PT registered vehicle as most trailers have to be registered & insured to a particular vehicle.

Failure to comply with any of the above means the authorities in PT can seize your car and you will have to pay them what it cost them to seize it (recovery truck and daily storage).

It is illegal for anyone to hold driving licences from more than one EUMS & indeed many/most other non EUMS countries at any one time & the EU legislation that refers to this is to be found in Lei 2006/126/EC.

There is no such thing as an International Driving Licence (IDL) but there is an International Driving Permit (IDP) and the IDP PERMITS you to drive and only works

in conjunction with a national driving licence which in turn means that when you hand your national driving licence in as part of the licence exchange process the temporary driving licence issued by IMT does not licence you to drive outside of Portugal even if you do have an IDP. There is an info piece in the files that further explains the IDP situation.

It is a complete myth that a UK citizen who is a resident of pretty much any other country (including Portugal) can legally hold, renew or obtain a replacement UK driving licence from the UK & in most cases (including Portugal) must begin the licence exchange process within 90 days of obtaining residency & a similar situation exists in the vast majority of other countries/citizenships.

<https://www.gov.uk/guidance/driving-in-the-eu-uk-licence-holders-living-in-the-eu>

<https://www.gov.uk/driving-abroad/driving-if-you-move-abroad>

It should also be noted that the legislation introduced by Portugal in July 2022 that states UK (and some other) licences do not need to be exchanged is controversial to say the least as it would require the holder to commit 2 criminal acts & UK Embassy (and my) advice is to ignore that new legislation & exchange anyway & I would expect that new Portuguese legislation to be rescinded at some point & when that happens then those who became resident 90+ more days before & did not bother to exchange may well find themselves in the position of having to take the practical part of the driving test here.

It is not true that group admin are at your beck & call 24/7 or that they have endless time to spoon feed anyone information (especially free of charge) so to a very large extent, you need to read the files for yourself especially as every case is different to every other case & only you know your particular situation but if you do genuinely feel unable to navigate the files or indeed the bureaucratic processes then look in the files & read 'Operation Payback Or How To Navigate The Immigration Minefield'.

It is an urban myth that you can just skim read the info pieces in the files & 110% true that if you do that, you WILL shoot yourself in the foot!

It is a complete myth that the files section of this group will always tell you what you want to hear. All the information in the files is correct but don't blame the files, the author or the group admin if you cannot achieve what you want to achieve although you might like to read 'A Comprehensive List Of Ways To Dodge Portuguese Bureaucracy' in the files before you make a final decision.

It is not true that Portuguese Customs cannot intercept a package of low value. They can & do intercept absolutely anything that like no matter how low the value & can value it at whatever they believe it is worth.

It is also not true that they will make 'special exceptions' because you have failed to provide the required documents such as a Certificate of Baggage when moving from a non EU Member State. Customs are utterly ruthless & if you fail to provide the correct documentation then they will either charge you the relevant duty or possibly return to sender whether you like it or not & there is an info piece entitled 'Before You Leave Your Non EU Member State' that refers to the CoB & other issues.

Despite the claims of some animal rescue individuals & organisations it is highly ILLEGAL to enter onto anyone else's property and even more ILLEGAL to enter onto anyone else's property & remove any item including animals:

Without naming names I emailed SEPNA asking them, this is their response to the oft made claims that it is legal & their reply was:

"Regarding the above subject, it is incumbent upon me to Lieutenant General XXX, Operational Commander, to inform you of the following: 1. In Portuguese criminal law, the entry into a forbidden ground, without the consent or authorization of the rightful person, its owner / owner, may be committing a crime of "Introduction in a place prohibited to the public" provided for and punished by Article 191º of the Portuguese Penal Code with imprisonment of up to 3 months or a fine of up to 60 days, unless the Public Prosecutor has the best opinion to represent the State, prosecute and defend democratic legality and the interests that the law determines.

2. Therefore, in the light of the foregoing, in the event (for example) of an abandoned horse suffering negligence on land with owner, you should contact the SOS Ambiente Line, denounce, referring to the exact location, in order for SEPNA / GNR to intervene with the collaboration of a municipal veterinarian fulfilling the legal assumptions for the situation described in order to stop the intent or negligence of the animal."

It is completely untrue that 'wild camping' is legal in Portugal & motor homers etc are required to only overnight on licenced motor home/camp sites AND other designated locations such as some but not all car parks & similar locations but it is not legal to overnight on beaches etc that are not designated over night locations & GNR regularly fine motor homers & similar for doing so & often post such events on their own FB page.

[https://www.facebook.com/GuardaNacionalRepublicana/?ref=br\\_rs](https://www.facebook.com/GuardaNacionalRepublicana/?ref=br_rs)

### **Obligation to carry identification document**

'1 – Whilst in Portugal everyone over the age of 16 must carry identification documents whenever they are in public places, open to the public or subject to police surveillance.

2 - For the purposes of the previous number, an identification document is considered:

a) The identity card or passport, for Portuguese citizens;

b) The residence permit, identity card or passport, for nationals of Member States of the European Community;

c) The residence permit, foreigner's identity card or passport, for foreign nationals of third countries.

3 - If it is impossible to present the documents referred to in paragraphs a) and b) of the previous number, an original document, or certified copy, containing the full name, signature and photograph of the holder may be presented.'

It should however be noted that there have been instances where people have been

fined for having a certified copy rather than the original document.

<https://dre.pt/web/guest/pesquisa/-/search/187110/details/maximized?fbclid=IwAR0ca1Npx4DGZoZGfQ23nqSFMTonACRStYLnVWgBpCdAekyLMEhjrZ-rvP0>

It is an urban myth that a scanned copy on a phone or a notarised photocopy of a passport is a legally acceptable substitute.

Recent Simplex changes have resulted in digital copies of some documents such as citizen's cards & driving licences that can be stored on a smart phone in the form of a QR code are now legal but not a passport.. TheCodigo de Estrada was amended earlier this year to allow for "digital driving licences" in the form of a QR code, but having it on your phone means nothing if the inspecting officer hasn't got the kit to read the QR code whereby you have to present the original driving licence. Nowhere does it mention passports being part of the program (just citizen cards), and all the documents that will eventually be added to the smartphone age will be in the form of a QR code, not a scan. Further info here. [https://www.ama.gov.pt/web/agencia-para-a-modernizacao-administrativa/noticias2016/-/asset\\_publisher/JmTXTfCdm5fe/content/id/213262](https://www.ama.gov.pt/web/agencia-para-a-modernizacao-administrativa/noticias2016/-/asset_publisher/JmTXTfCdm5fe/content/id/213262)

Dash cams on vehicles & CCTV etc are NOT illegal in Portugal & footage can be used in insurance claims & often (but not always) in court cases. However, footage may not be used for purposes such as youtube compilations or 'Candid Camera' type things without the written permission of all those in the footage.

### **Note:**

The reason you probably can't find a law that states that is because you're trying to prove a negative but as there is no legislation that says they are illegal, they are therefore not illegal & what purposes they may/may not be used for will be found (mostly) in the laws relating to right to privacy legislation.

It is an urban myth that the E6 visa can be legitimately used to extend Schengen time to allow the holder an extended holiday beyond the 90 days permitted by the Schengen rules & members should note the bold font at the head of the E6 application that clearly states:

"E6 - TEMPORARY STAY VISA FOR PERIODS OF OVER 3 MONTHS, IN EXCEPTIONAL AND WELLFOUNDED CIRCUMSTANCES, NAMELY FOR PROGRAMS OF STUDY IN A CERTIFIED INSTITUTION, STUDENT EXCHANGE, UNPAID PROFESSIONAL INTERNSHIP, VOLUNTEER WORK OR PURSUANT TO WTO OBLIGATIONS OR THOSE ARISING FROM CONVENTIONS AND INTERNATIONAL AGREEMENTS TO WHICH PORTUGAL IS A STATE PARTY"

<https://www.vfsglobal.com/one-pager/portugal/india/english/pdf/Temporary-stay-visa-student-exchange-unpaid-professional-internship2.pdf>

They should also note the statement under 'Notes' on any & all SEF pages that relate to residency applications which state:

"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;"

And apply that to the following few paras.

Whilst we're on the subject of the law, please remember how important it is to be sure of staying the right side of it in our host country (especially) when committing any information to any official document & always bear in mind that penalties can be severe & ignorance is no excuse in the eyes of the law.

As an example, Article 348a of the Portuguese penal code states that:

1. Any person who falsely declares or attests to public authority or an official in the exercise of his or her identity, state or other capacity to which the law attributes legal effects, whether own or others, shall be punished with imprisonment for up to one year or with a fine if a more serious penalty does not fall under another legal provision.

2 - If the statements are intended to be recorded in an authentic document, the agent is punished with imprisonment for up to two years or with a fine.

Article 27

1 - It is punishable as an accomplice who intentionally and in any way give material or moral aid to the practice by another of a wilful act.

2 - It is applicable to the accomplice the penalty set for the author, especially attenuated.

Also note that other legislation relating to committing false information to an official document can bring additional prosecution with even more severe penalties of up to 5 years imprisonment (more in some cases) and also loss of residency & right to residency.

<https://www.safecommunitiesportugal.com/report-a-crime-online/aiding-illegal-immigration/>

<https://sites.google.com/site/leximigratoria/artigo-85-o-cancelamento-da-autorizacao-de-residencia>

So there you go folks, what you do is your choice but if you even advise or encourage someone else to do it (even on social media) and they do, you could leave yourself open to a 1 year jail term & in some cases possibly more.

Please note also that various Government & other bodies regularly monitor all kinds of social media and that the laws mentioned above include admitting to or encouraging

someone to commit such illegal acts on social media is (quite rightly) likely to get your collar felt.

Also remember that in some cases, especially non EU Member State passport holders, such offences can mean you lose your residency status which in turn can mean you will be deported back to whence you came & (in some cases) not allowed to return!

<https://dre.pt/web/guest/legislacao-consolidada/-/lc/34437675/view?fbclid=IwAR2biDN6mnVJZxgjTn7VNqBSBv1kJdbWQbhSE-lqDbreAa1OcKjNYXWSAiY>

<https://www.safecommunitiesportugal.com/report-a-crime-online/aiding-illegal-immigration/>

<https://sites.google.com/site/leximigratoria/artigo-85-o-cancelamento-da-autorizacao-de-residencia>

And yes. I do know the last 2 links (above) have been repeated in this info piece..... it was done deliberately in the hope those links won't be ignored.