

International Protection

1. Can I apply for asylum/international protection?

As a rule, it is up to the states to provide effective protection to their citizens. However, this does not always happen. Therefore, if you have left your country of origin or your country of habitual residence due to threats and/or persecution or serious and/or repeated violations of your fundamental rights and freedoms, against which the competent authorities cannot or do not want to protect you, and you are therefore afraid to return, you can seek protection in another country and submit an application for international protection to the competent authorities there. During the process, it will be decided whether or not you meet the requirements to benefit from international protection in one of its two forms, as a refugee or as a beneficiary of subsidiary protection.

If you have left your country for reasons other than those listed above, such as seeking work, studying, health reasons or seeking better living conditions, you can seek to legalize your status in Portugal via the Foreigners Law (for more information, please check: <https://aima.gov.pt/pt/viver>).

2. What are the criteria for being recognized as a refugee or as a beneficiary of subsidiary protection?

If you have submitted an application for international protection, your refugee status may only be recognized (Article 3 of the Asylum Law, hereinafter LA) if you cumulatively meet the following requirements:

- Have a well-founded fear of persecution or a serious threat of persecution;
- The fear of persecution exists due to one's race, religion, nationality, political opinions or membership of a certain social group or, furthermore, as a result of activities carried out in the State of one's nationality or habitual residence in favor of democracy, social and national liberation, peace among peoples, freedom and human rights;



- Being outside the country of origin or the country of habitual residence;
- Unable or unwilling to seek protection from your country of origin or habitual residence;

If you do not meet these requirements, your situation will also be assessed under subsidiary protection (Article 7 LA). Subsidiary protection status may only be granted if you cumulatively meet the following requirements:

- Cannot be considered a refugee according to the criteria listed above;
- There are significant grounds for believing that there is a real risk of suffering serious harm, such as:
 - Death penalty or execution;
 - Torture, inhuman or degrading punishment or treatment;
 - Serious threat to your life or physical integrity, resulting from indiscriminate violence in situations of international or internal armed conflict, or from widespread and indiscriminate violence against human rights.
- Being outside your country of origin or country of habitual residence;
- Not being able or not wanting to request protection from your country of origin or habitual residence.

In any case, even if you meet these eligibility criteria, you may not benefit from refugee status or subsidiary protection status if you meet one of the exclusion clauses (Article 9 LA), including:

- The existence of serious suspicions of the practice:
 - Of crimes against peace, war crimes or crimes against humanity;
 - Of a common law intentional crime punishable by a prison sentence of more than three years outside Portuguese territory;
 - Acts contrary to the principles and objectives of the UN;
- Represent a danger or well-founded threat to internal or external security or public order.



3. Who is responsible for deciding on my request?

The Agency for Integration, Migration and Asylum (AIMA) is the public entity responsible for migration, issuing passports and identification documents to foreign citizens, deciding on asylum applications and integrating migrants and refugees.

The National Asylum and Refugee Center (CNAR) is the AIMA department responsible for registering and analyzing applications for international protection.

The decision on applications for international protection is the responsibility of the AIMA Board of Directors, based on a proposal from CNAR/AIMA.

4. How and where can I apply for asylum/international protection in Portugal?

If you wish to submit an application for international protection, you must express your wish without delay, clearly and expressly, and may do so in writing or orally (Article 13, paragraph 1 LA), as follows:

- The best option is to submit the application for international protection directly to the CNAR/AIMA services at Rua Álvaro Coutinho, No. 14, 1150-025 Lisbon (<https://maps.app.goo.gl/Xt99hxtg3EojrPpu6>).
- The request may also be submitted to a police authority, which is required to communicate the request to the CNAR/AIMA within 48 hours. Some of these police authorities are:
 - Public Security Police (PSP);
 - National Republican Guard (GNR);
 - Maritime Police (PM);

If you are at a border post, such as at Portuguese airports, you can submit an application for asylum/international protection to these authorities.

In this case, you must inform the police authority that you intend to request asylum/international protection as soon as possible and the PSP (police authority) will communicate your request to the CNAR/AIMA, which will register and analyse it.

After expressing your wish to apply for international protection, you will fill out a form, called a preliminary inquiry, where you will provide personal information relevant to the analysis of your application and briefly explain the reasons that justify it. There are forms available in several languages, which we can help you fill out, even using AIMA's telephone translation service. This document is important for the assessment of your application.

Your biometric data will also be collected.

5. I am outside Portugal. Can I request asylum/international protection from the Portuguese State?

No. You can only request international protection from the Portuguese State if you are in Portuguese territory. Therefore, it is not possible to submit an application for asylum/international protection from abroad, nor to do so at Portuguese embassies or consulates.

6. What documents do I need to present to apply for asylum/international protection?

When applying for international protection, you must present all the documentation in your possession that allows you to be identified (passport, identity card, etc.), as well as travel documents. In addition, you must present all the evidence that you consider relevant to your application and that substantiates it, and you may present no more than 10 witnesses (Article 14, paragraph 2 LA).

The documents you submit must be translated into Portuguese, however, if you demonstrably do not have sufficient means to do so, AIMA will arrange for their translation (Article 15 A LA).

7. What rights do I have as an applicant for international protection?

- **Remain in national territory** pending the decision on the admissibility of your application (Article 14 (1) LA);
- **Benefit from free legal advice at all stages of the procedure** provided by the Portuguese Council for Refugees (CPR) (Article 49, paragraph 1, paragraph e) LA);
- **Benefit from legal aid** (Article 49, paragraph 1, letter f) LA);
- **To be informed about the admissibility decision on the application**, even through a legal representative, if he has been assisted by a lawyer (Article 49, paragraph 1, paragraph c) LA);
- **Benefit from the services of an interpreter**, whenever necessary throughout the procedure (Article 49 (1) (d) LA);
- Access to the National Health Service, namely medical and pharmaceutical assistance (Article 52 LA);
- Access to education and the labor market (Articles 53 and 54 LA);
- When in a situation of economic hardship, right to social support for accommodation and food (Article 51 LA).

ATTENTION:

While you are awaiting a final decision from AIMA on granting or refusing international protection, you are not entitled to a Portuguese passport for foreigners or a travel permit for refugees.



8. What happens after I submit my asylum application/international protection?

The administrative procedure for granting international protection has two phases. In the first phase, the CNAR/AIMA will decide on the admissibility of your application and only in the second phase will it decide on granting or refusing international protection.

The first phase begins with the submission of your application to the CNAR/AIMA. After completing the preliminary survey and collecting your biometric data, you will receive a document that you must carry with you at all times and that identifies you as an applicant for international protection. This document is a declaration proving the submission of the application for international protection, it is valid for 60 days and can be renewed until the decision on the admissibility of your application (Article 14, paragraph 1 LA).

After submitting your application, you will be asked to provide statements in your preferred language or in another language that you declare that you understand and in which you communicate clearly, under conditions of confidentiality, in order to explain the circumstances that support your application (Article 16, paragraph 1 LA). You must truthfully and in detail report all the facts and circumstances that support your application, since it is also on the basis of these statements that AIMA will take a decision on it.

Your interview is individual in nature, but you may be accompanied by a lawyer, without prejudice to the fact that his absence does not prevent the interview from taking place (Article 49, no. 7 LA).

After the interview, you will have 3 working days to submit your comments, corrections and observations about the interview to the CNAR/AIMA, and you may add information and/or documentary evidence that you consider relevant for the assessment of your application (Article 17, no. 2 LA).

After this period, which corresponds to the 1st phase of this administrative procedure, AIMA will issue a decision on the admissibility of your request (Article

20 LA), which may be negative (unfounded or inadmissible request) or positive (admissible request).

9. How long will I have to wait to receive a decision on the admissibility of my application?

As mentioned, the procedure for granting international protection in Portugal has two phases. In the first phase, AIMA decides on the admissibility of your application for the second phase, which is the investigation phase. Therefore, in the first phase, AIMA may consider that your application is not admissible for the second phase.

The 1st phase begins on the day you apply for international protection and ends on the day AIMA issues a decision on whether or not to admit your application. This decision must be taken within 30 working days from the date of submission of the application (Article 20, No. 1 LA). Within this period, AIMA will decide whether the application is manifestly unfounded, inadmissible (Articles 19 and 19-A LA) or well-founded (Article 20, No. 4).

ATTENTION:

If you have submitted your application at the border post, AIMA will have to decide on its admissibility within 7 working days (Article 24, paragraph 4 LA).

If you have submitted your application after a decision to remove you from the national territory, AIMA will have to decide on the admissibility of your application within 10 working days (Article 33-A, No. 5 LA).

10. If my application is not accepted, what happens?

If AIMA considers that your request is manifestly unfounded or inadmissible, you will be notified of this decision and that you must voluntarily leave the country within 20 working days, if you are in an irregular situation (Article 21, no. 2 LA).

If you do not leave the country within 20 days, AIMA will initiate proceedings to forcibly remove you, under the terms set out in the legal regime governing the entry, stay, exit and removal of foreigners from the national territory (Article 21, no. 3 LA).

You can benefit from the voluntary return support program through the International Organization for Migration (IOM) and to do so, you should contact the organization's office in Portugal via email: iomlisbon@iom.int and/or www.retornovoluntario.pt, tel.: +351 213242940 to 45.

However, if you do not agree with the decision, you may challenge it in court within 8 (consecutive) days, which will suspend the effects of the decision that your application is inadmissible (Article 22, no. 2 LA).

ATTENTION:

If you have submitted your application at the border post or your application has been submitted after a decision to remove you from the national territory, the period to challenge the decision in court is 4 days (consecutive), which will suspend the effects of the decision of inadmissibility of the same (Article 24, no. 4 and 33-A, no. 6 LA).

11. If my application is accepted, what happens?

ATTENTION: the admission of your application does not mean that you will be granted international protection status.

If AIMA accepts your application, you will proceed to the 2nd phase, which is the investigation phase (Article 21, no. 1 LA), where AIMA will decide on granting or refusing international protection.

Once your application has been accepted, you will be notified and a provisional residence permit will be issued, valid for a period of 6 months, renewable successively until a final decision is made (Article 27, no. 1 LA).



During these 6 months, which may be extended in cases of special complexity, AIMA will analyse your request and, once the investigation phase is complete, will propose a decision to grant or refuse your request (Article 28, paragraphs 1 and 2 and Article 29, paragraph 1 LA).

Once you are notified of this decision, you will have 10 working days to respond (Article 29, no. 2 LA).

AIMA will then issue the final decision within 18 working days and notify you of it (Article 29, nos. 4, 5 and 6 LA).

12. What happens if international protection is refused to me?

If AIMA's decision is to refuse international protection, you will be notified of this decision and that you may remain in national territory for a transitional period, not exceeding 30 days, if you are in an irregular situation (Article 31 LA).

If this deadline is not met, AIMA will promote a process with a view to your coercive removal, under the terms provided for in the legal regime for the entry, stay, exit and removal of foreigners from the national territory (Article 31 of the LA).

You can benefit from the voluntary return support program through the International Organization for Migration (IOM) and to do so, you should contact the organization's office in Portugal via email: iomlisbon@iom.int and/or www.retornovoluntario.pt, tel: +351 213242940 to 45.

However, if you do not agree with the decision, you may challenge it in court within 15 (consecutive) days, which will suspend the effects of the decision (Article 30 LA).



13. If I am granted international protection status (refugee or subsidiary protection), how long will I be able to legally reside in Portugal?

When one of the statuses (refugee or subsidiary protection) is granted, it means that the competent Portuguese authorities authorize you to reside in national territory, and you will, respectively, be the holder of a residence permit.

The validity of the residence permit depends on the type of status that was granted:

- Beneficiaries of refugee status are granted a residence permit valid for an initial period of five years, renewable for equal periods, unless imperative reasons of national security or public order prevent this (Article 67, no. 1 LA);
- Beneficiaries of subsidiary protection status are granted a residence permit for subsidiary protection valid for an initial period of three years, renewable for equal periods, preceded by an analysis of the evolution of the situation in the country of origin, unless imperative reasons of national security or public order prevent this (Article 67, no. 2 LA).

14. Is my right to international protection permanent?

No. According to the information contained in the answer to question 13, the residence permit under refugee status will not be renewed if imperative reasons of national security or public order prevent it. The residence permit under subsidiary protection status will not be renewed if, according to an analysis of the evolution of the situation in the country of origin, AIMA finds that the protection that was granted is no longer necessary.

Furthermore, you may lose the right to international protection (Article 41 LA) that was granted.

The right to refugee status may cease in cases where you have voluntarily returned to your country of origin or habitual residence, where you decide to avail yourself again of the protection of your country of nationality, where you have

acquired the nationality of another country and enjoy its protection, or where the circumstances under which you were recognized as a refugee cease to exist.

The right to subsidiary protection status may cease when the circumstances that led to its granting no longer apply or have changed to such an extent that protection is no longer necessary.

International protection may also be revoked, suppressed or its renewal may be refused when one of the exclusion clauses (Article 9 LA) mentioned in the answer to question 2 is met, and also when AIMA finds that you have misrepresented or omitted facts, including the use of false documents, which are decisive for benefiting from the right to asylum or subsidiary protection, when you represent a danger to internal security or public order, or when you have been convicted by a final judgment for a common law crime punishable by a prison sentence of more than three years.

15. What other rights do I have if I am considered a beneficiary of international protection?

In addition to maintaining the rights listed in the answer to question 8, in particular in points a), f), g) and h), and in the answer to question 13, you will have access to all the rights (and will also be subject to the duties) of foreigners residing in Portugal (Article 65 LA), namely:

- An extraordinary residence permit for the members of your family (spouse or de facto partner, minor or incapacitated children, adopted minor children, ascendants in the direct line and in the first degree of the beneficiary of international protection if he/she is a minor and an adult responsible for an unaccompanied minor) with a validity identical to yours, with exemption from the requirements demanded by the legal regime of entry, stay, exit and removal of foreigners from the national territory (Article 67, 3 LA);
- Family reunification with your family members under the conditions provided for in the legal regime for entry, stay, exit and removal of foreigners from national territory (Article 68. LA);



- If you are a beneficiary of refugee status, you can apply to AIMA for a refugee travel permit, which will allow you to travel outside the national territory, and which will be valid for a period of five years, and subject to renewals associated with the eventual renewal of the residence permit (Article 69 LA); or,
- If you are a beneficiary of subsidiary protection status or an extraordinary residence permit (see paragraph a)), and if it is not possible to obtain a national passport, you can apply to the IRN for a Portuguese passport for foreigners, which will also allow you to travel outside the territory (Article 69 of the Portuguese National Register);
- To the Social Security system, under the same terms as Portuguese citizens (Article 72 LA);
- If you have minor children, they will have full access to the education system, under the same conditions as national citizens (Article 70. LA);
- Access to the labor market, under general law (Article 71 LA);
- Benefit from integration programs, facilitated by the competent entities (Article 76 LA).

16. I was in another EU country before coming to Portugal. Can I apply for asylum in Portugal?

You can always apply for asylum in Portugal, but this does not automatically mean that the Portuguese authorities are the competent authorities to examine your application for international protection. This is because, according to the Dublin Regulation, only one country in the European Union is responsible for deciding on your application.

a. How does the Dublin Regulation work in practice?

After submitting your application in Portugal, you will be asked to make a statement in your preferred language or in another language that you declare that you understand and in which you communicate clearly. The purpose of this interview is to determine which Member State of the European Union is responsible for examining your application for international protection. Portugal

may therefore consider, by virtue of one of the criteria set out in the Dublin Regulation, that it is not the Member State responsible for examining your application. Portugal will therefore consider your application inadmissible and will proceed to transfer it to the Member State considered responsible.

b. How long does it take to decide which country will review my application?

After the interview under the Dublin Regulation, the CNAR/AIMA will inform you which Member State is responsible for examining your application and you will have 3 working days to respond, and may add information and/or documentary evidence that you consider relevant for the assessment of your application.

After this period, AIMA will issue a decision on the inadmissibility of your application (Article 19-A, no. 1, letter a) and 20, no. 1 LA).

If another Member State is considered responsible for examining your application for international protection, AIMA will seek to transfer you as soon as possible so that your application for international protection can be examined quickly there, which may take around 6 months on average.

If you do not agree with the decision to transfer you to another country, you may challenge it in court within 8 (consecutive) days, which will suspend the effects of the decision that your application is inadmissible (Article 22, no. 2 LA).

17. How can I contact CNAR/AIMA or obtain information about my process?

Before requesting information from CNAR/AIMA, check whether these FAQs can clarify your doubts. If not, you can send an email to: cnar@aima.gov.pt.



18. How can I be contacted by CNAR/AIMA?

As an applicant and/or beneficiary of international protection, you have a duty to keep the CNAR/AIMA informed of your full address (Article 15, paragraph 1, letter f) LA).

You may also be contacted by CNAR using the contact details (mobile phone and/or email) you provided when completing the preliminary inquiry, when submitting your application for international protection, so it is important that these details are always up to date.

Therefore, whenever you change your address or contact details, you must send this information to the CNAR. To do this, you can go to the CNAR in person, to an AIMA store or send an email to the address cnar@aima.gov.pt (indicating, in this case, the process number, which appears in the declaration proving the submission of the application for international protection).

If you fail to comply with this duty, your proceedings may be terminated (Article 32 LA).

19. Who will have access to the data and information I provided throughout the process?

Throughout the entire process, AIMA guarantees the confidentiality of all information submitted by you and which substantiates your need for international protection. Therefore, it cannot share any data with external individuals or entities without your prior consent. In turn, AIMA guarantees that it will never contact the authorities of your country of origin or habitual residence.

Your data is processed by AIMA for the purposes of processing your application for international protection, as well as for managing your reception and integration in national territory. This data may be shared with other entities whose communication is necessary and indispensable for the pursuit of the

aforementioned purposes or in compliance with legal obligations, namely with the host entities, the Criminal Police Bodies, the Social Security Institute, IP, the Portuguese Council for Refugees, and the United Nations High Commissioner for Refugees.

For more information, you can consult the AIMA, IP Privacy Policy, available at <https://aima.gov.pt/pt/politica-de-privacidade>.

20. Will I have to pay for the analysis of my application and the issuance of the residence permit?

The reception and analysis of the application for international protection, as well as the granting and renewal of residence permits are free of charge and, therefore, do not imply the payment of any fee by the applicant (Article 67, no. 5 and Article 84 LA).

21. For more information, please consult:

- Law No. 27/2008, of June 30, which establishes the conditions and procedures for granting asylum or subsidiary protection and the status of asylum seeker, refugee and subsidiary protection, available at the address, updated and consolidated, available through the address <https://diariodarepublica.pt/dr/legislacao-consolidada/lei/2008-74902145-75005058>;
- Law No. 23/2007, of July 4, which approves the legal regime for the entry, stay, exit and removal of foreigners from the national territory, updated and consolidated, available at the address <https://diariodarepublica.pt/dr/legislacao-consolidada/lei/2007-67564445>;
- The 1951 Geneva Convention, available at <https://www.ministeriopublico.pt/instrumento/convencao-relativa-ao-estatuto-dos-refugiados-0>;
- Other FAQs and international sources:



- [https://help.unhcr.org/portugal/asylum/;](https://help.unhcr.org/portugal/asylum/)
- <https://www.unhcr.org/about-unhcr/who-we-protect;>
- [https://euaa.europa.eu/asylum-knowledge/asylum-processes.](https://euaa.europa.eu/asylum-knowledge/asylum-processes)