

Framework of the transitional regime amendment

The Law No. 40/2024 of 7 November amends the transitional regime provided for in Decree-Law No. 37-A/2024 of 3 June, which amends Law No. 23/2007 of 4 July, which revokes the residence permit procedures based on expressions of interest, which now include, in order to obtain a residence permit for the exercise of a subordinate or independent professional activity, in accordance with the wording of paragraph b) of number 2 of article 3, the “[...] *cases where, verifiably, the person demonstrates that, prior to its entry into force, regardless of whether or not they have submitted an expression of interest, they were registered with social security and making contributions under a subordinate or independent professional activity, with a view to completing the 12 months indicated in paragraph 6 of article 88 of Law No. 23/2007 of 4 July, in its previous wording*”.

1. What is the purpose of the transitional regime provided for in Decree Law 37-A/2024 of 3 June?

The transitional regime makes it possible to apply for a residence permit under the regime that this decree-law revoked, covering people who, at the time of the revocation of the respective legal regime, could have submitted an expression of interest or were about to meet the conditions necessary to submit one.

2. Who is covered by the transitional regime?

The transitional regime applies to all foreign nationals who before 4 June 2024:

- a) Were in a position to submit an expression of interest, but failed to do so;
- b) Were not yet in a position to submit an expression of interest, namely because, as required by the revoked version of Article 88(6), they did not have proof of

legal entry into national territory and had not yet, on that date, completed 12 months of Social Security affiliation, but were already registered and making contributions for this purpose.

3. Can I only submit the application with an employment contract?

You only need a employment contract if you carry out a subordinate professional activity (on behalf of someone else). If you are self-employed, instead of a employment contract you can submit the company's articles of association, proof that you have declared your beginning of activity with the tax and social security authorities as a natural person or a service provision contract for the exercise of a liberal profession.