

LEGAL ALERT

TECH VISA

Tech Visa Program – entry into force of the legal framework for the certification of companies¹.

What? The Tech Visa Program:

By granting a visa or a residence permit to third-country nationals (*i.e.*, outside the European Union), the Tech Visa Program seeks to attract and retain highly qualified and specialized professionals in national companies.

Which companies? Selection and evaluation criteria:

To become certified, the companies must, among others, *i*) be legally incorporated; *ii*) have no debts to the national Social Security and tax authorities, unpaid salaries, or be classified as restructuring companies; *iii*) in the application, identify the technical areas of qualification preferably pursued, under the National Qualifications Catalog (“*Catálogo Nacional de Qualificações*”); *iv*) have positive equity, as emphasized in the last Simplified Company Information (“*Informação Empresarial Simplificada*”) available; *v*) develop an activity in the production of goods and services at an international scale; and *vi*) prove their technological and innovative base, by fulfilling various requirements (*e.g.*, sector of activity, number of highly skilled workers, economic growth or venture capital funding).

Duties? Certified companies’ obligations:

The IAPMEI, I.P. and the Foreigners and Border Service (“*Serviço de Estrangeiros e Fronteiras*”) will track compliance of certified companies with the declarations provided in the certification process and shall notify them of any relevant fact or modification affecting the acceptance criteria.

¹ Ministerial Order no 328/2018, of December 19, which entered into force on 1 January 2019.

Certified companies shall not employ more than 50% of employees hired under the Tech Visa or more than 80% for any companies which develop their activity mainly in less populated areas.²

Who? The highly qualified workers:

For the purposes of the Tech Visa Program, highly qualified workers shall be citizens *i)* of third countries not permanently residing in a Member State; *ii)* with their tax and Social Security obligations fulfilled, when applicable; *iii)* with clean criminal records; *iv)* of age; *v)* which develop a highly qualified activity (demonstrated by qualification requirements, professional experience or employment relationship); *vi)* with a minimum annual salary equivalent to 2.5x the Social Support Index (“*Índice de Apoios Sociais*”); and *vii)* adequate Portuguese or English language skills for the work to be performed.

How? Application procedure:

Applications must be submitted in Portuguese, using the electronic form specifically created for this purpose. Once the application is accepted by the IAPMEI, I.P., the certified company issues a formal declaration to the hired worker.

Deadlines? From application submission to the termination of certification:

Once the application is submitted, the IAPMEI, I.P., decides within a maximum period of 20 (twenty) working days. The certification of the company is valid for 2 (two) years, renewable for equal periods and ceases in case of non-compliance with the obligations and requirements legally envisaged or at the express declaration by the company to such end.

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² As defined in the [Ministerial Order no 208/2017](#), of July 13.