



INFORMATION GUIDE ON
**CITIZENSHIP
RIGHTS
AND DUTIES**

Opening Note

The Information Guide on Citizenship Rights and Duties, co-funded by the Fund for Asylum, Migration and Integration (FAMI), reflects the will of the Municipality of Arganil to promote to all migrant citizens (with special focus on third country nationals) a better integration in the municipality of Arganil, enjoying the same rights and being subject to the same duties as Portuguese citizens.

It lists differentiated themes for reflection and elucidation of a set of rights, duties and/or frequent questions in components such as health, education, justice, solidarity, thus contributing to a more aware, well prepared, informed and educated immigrant community.

This guide is particularly an invitation to each immigrant citizen to exercise an active and participative citizenship, because this contribution will result in better levels of inclusion and belonging to the community of Arganil.

Luís Paulo Costa
President of Municipal Council

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1. LEGALISATION

Why to legalise?

In order to benefit from rights and duties in the same way to the national citizen (with exceptions), every foreign citizen, in particular third country nationals, who wishes to reside in Portugal must have his/her situation regularized when entering the National Territory.

Conditions to be submitted:

- ◆ Travel document valid for at least 3 months beyond the intended duration of stay.
- ◆ Visa valid and suitable for the purpose of the stay.
- ◆ Provide sufficient means of subsistence for the period of stay.
- ◆ Not be registered in the Integrated Information System of the Immigration and Border Services (SEF) or in the Schengen Information System.

What types of visas are there?

In order to stay in Portugal, and under the terms of the national legislation in force, visas can be distinguished between:

◆ **Schengen visa** - Consists of an authorization issued by a Member State for airport transit, transit or short stays (up to 90 days per period of 180 days) allowing a visit to the territory of one or more Member States. However, even if the foreign national holds this visa, he or she may have to present the visa and/or additional documentation at the border.

◆ **Long Term Visas** - Depending on the length of stay, they can be classified as a temporary stay or for obtaining a residence permit entitling the holder to stay in Portugal for the desired reason (work, study, health, among others):

◆ **Temporary stay visa** - They allow entry into Portugal for a period of less than one year, with the holder having to indicate the specific purpose of the application.

◆ **Visa to obtain a residence permit** - Allows the holder to enter Portugal to apply to the Immigration and Borders Service for a residence permit, valid for four months.

Where can I apply for a visa?

The visa application must be submitted to the consular post in the country of normal residence or in the country of consular jurisdiction of the State of residence.

Characteristics for obtaining visa applications (short-stay/ temporary stay/ residence visas):

Nationals of third countries must fulfil the following conditions:

- ◆ Have not been the subject of an expulsion measure and are in the subsequent period of prohibition on entry into national territory;
- ◆ Not be persons for whom an alert has been issued in the Schengen Information System for the purposes of refusing entry by any of the Contracting Parties;
- ◆ Not be the subject of an alert for refusal of entry into SEF's Integrated Information System;
- ◆ Have means of subsistence;
- ◆ Have a valid travel document and a travel insurance.

Residence in Portugal:

What is the Residence Permit?

Document allowing to reside in Portugal for a certain period of time or indefinitely. It is called a Residence Permit (TR) which replaces, for all legal purposes, the foreign citizen's identity document, becoming the only document able to prove the status of legal resident in Portugal.

Types of residence permits:

Temporary Residence Permit (ART):

Allows foreign citizens to reside in Portugal for a limited period of time.

Validity: 1 year, from the date of issue of the respective permit;

Renewal: successive periods of two years, requested up to 30 days before the expiration date. Renewal must be made whenever there is a change in the identification elements registered therein.

Permanent Residence Permit (ARP):

Allows the residence in Portugal for an indefinite period of time.

Validity: No limit of validity.

Renewal: Must be renewed every five years or whenever there are changes in personal identification elements.

Who can apply?

By the person concerned or his/her legal representative to the SEF in the applicant's area of residence. This application may be extended to minors dependent on the applicant.

Rights and Duties of the Residence Holder:

Holders of residence permits are entitled to:

- ◆ Education and teaching;
- ◆ Exercise of a dependent professional activity;
- ◆ Exercise of an independent professional activity;
- ◆ Guidance, training, further training and retraining;
- ◆ Access to health;
- ◆ Family reunification;
- ◆ Access to the law and the courts.


The following are part of the duties of holders of residence permits:

- ◆ Duty to communicate;
- ◆ Duty of regular entry and legal stay;
- ◆ Duty to respect public order, public security and public health.

Useful Links:

SEF Portal:  www.sef.pt

Portal of the Portuguese Communities:

 <https://www.portaldascomunidades.mne.pt/pt/>

2. ACCESS TO SOCIAL SUPPORT

Social Security

What is it?

A public body which “*protects citizens in sickness, old age, disability, widowhood and orphan hood, as well as in unemployment and all other situations of lack or decrease of means of subsistence or of capacity for work*”. [Article 63(3) of the Constitution of the Portuguese Republic].

Who can enjoy the right to social security?

All Portuguese citizens and foreign citizens who are working or living in Portugal.

Types of Support:

- | | |
|---|---|
| ◆ General attendance; | ◆ Care and social support for children and juveniles; |
| ◆ Social action; | ◆ Care and social support for children and juveniles in situations of danger; |
| ◆ Civil patronage, foster care and adoption; | ◆ Social protection in situations of disease, invalidity and dependence; |
| ◆ Social Supports for victims of domestic violence; | |
| ◆ Social Supports for the elderly population and solidarity supplement for elderlies; | |

- ♦ Social Supports for the population with impairment;
- ♦ Social Support for people with HIV/ AIDS and their families;
- ♦ Social Support for drug addicted people;
- ♦ Social Supports for people with psychiatric illnesses resulting in psychosocial inability;
- ♦ Attributions of support products;
- ♦ Additional health benefits;
- ♦ Burden with children and juveniles;
- ♦ Social Protection in situations of unemployment;
- ♦ Social Protection for parental situations;
- ♦ Pensions;
- ♦ Family benefits;
- ♦ Legal protection;
- ♦ Portuguese network of integrated Long-term Care;
- ♦ Subsidy of eventual character.

Where can you consult existing support?

Through the page www.seg-social.pt you can consult the various types of support that you may benefit from the Instituto da Segurança Social, I.P. (ISS, I.P.).

How can you apply for support?

- ♦ Access the Social Security Portal (www.seg-social.pt);
- ♦ Face-to-face Social Security and/or respective Local Social Security Services

Useful Contacts and Links:

- ♦ **Social Security Portal:**  www.seg-social.pt
- ♦ **Segurança Social+Próxima App:**  <https://app.seg-social.pt>
- ♦ **Coimbra District Centre of Social Security:** ☎ 300 518 200
- ♦ **Local Service of Arganil of the Social Security:** ☎ 300 518 783
- ♦ **Portuguese Line of Social Emergency:** ☎ 144 (24 hours).

3. ACCESS TO JUSTICE

The role of the courts in Portugal is to guarantee the “*defence of the rights and interests of citizens, protected by law, to repress breaches of democratic legality and to resolve conflicts of public and private interests*” (Article 2 of Law No. 62/2013 of 26 August).

Categories of Courts:

In the Portuguese judicial system there are the following categories of courts (Law No. 62/2013 of 26 August):

- ♦ **Constitutional Court:** Appreciates the constitutionality or legality of legal norms, as well as the constitutionality of omissions to legislate;
- ♦ **Court of Auditors:** The supreme body responsible for overseeing the legality of public expenditure and examining the accounts which the law requires it to submit;

♦ **Judicial Courts:** Common courts in civil and criminal matters and exercising jurisdiction in all matters not assigned to other judicial orders. They include the Supreme Court of Justice, the Courts of Second Instance (as a rule the Courts of Appeal) and the Courts of First Instance (as a rule the District Courts);

♦ **Administrative and Tax Courts:** Resolves disputes arising from administrative and tax relations. These courts include the Supreme Administrative Court, the Central Administrative Courts, the Circle Administrative Courts and the Tax Courts;

♦ **Justices of the Peace:** Courts with special characteristics and jurisdiction to hear civil cases.

Legal Protection:

Legal protection is intended for citizens who prove they have financial difficulties which do not allow them to bear the costs of legal proceedings:

LEGAL CONSULTATION (Consultation with a lawyer)	LEGAL SUPPORT
<ul style="list-style-type: none"> ♦ Advice, technical clarification and discussion of specific cases in which the interests or rights of the citizen are involved; ♦ Help in solving problems without the need to resort to Courts. 	<ul style="list-style-type: none"> ♦ Appointment of an attorney, solicitor, execution agent or defender; ♦ Waiver of the payment of expenses with the lawyer, solicitor, execution agent or defender; ♦ Waiver of the payment of expenses with the process in court; ♦ Providing payment in installments of court costs.

Who is entitled?

- ♦ Portuguese and European Union citizens;
- ♦ Foreign nationals and stateless persons with a valid residence permit in a Member State of the European Union;
- ♦ Foreign nationals without a valid residence permit in a Member State of the European Union (if the laws of their country of origin give the same right to the Portuguese citizens);
- ♦ People who are domiciled or usually resident in a Member State of the European Union other than the Member State where the processes are taking place (cross-border disputes);
- ♦ Non-profit legal persons (only entitled to legal aid).

Where to request?

By filling in forms available at the Social Security Portal (www.seg-social.pt) or in person at the Social Security public services.

4. ACCESS TO HEALTH

According to the legislation in force, any immigrant has the right, if he/ she feels sick or needs any kind of health care, to be assisted in a Health Centre or Hospital, not being possible to refuse or limit the access with basis on reasons connected to the nationality, racial or ethnic origin, legalization, origin or country of foreign.

What is the National Health Service (SNS) User Number?

The user's identity card is the document that proves the identity of the holder before the institutions and services integrated in the SNS.

Who can obtain the SNS User number?

All foreign citizens holding a residence permit must show, before the Health Centre of their area of residence, the document proving the residence permit, in national territory, according to the applicable situations.

What services the User have to pay at SNS?

For each service provided, the user must pay a fee, called the User Fee according to the rates in force.

The immigrant with a residence permit have to pay user fees?

According to the legislation in force immigrants are subject to the same principles and rules applicable to the general population. In the case of immigrants who do not hold the document attesting to a residence permit, apart from the exceptions mentioned in the law, the collection of user fees may also be required by the unit providing health care.

5. ACCESS TO EDUCATION

Recognition of Foreign Qualifications:

◆ **Academic Recognition:** process by which a foreign academic qualification is compared to a Portuguese qualification regarding level, duration and programme content.

◆ **Professional Recognition:** authorization by a competent authority (Ministry, Association, etc.) to exercise a particular profession or regulated professional activity.

What types of recognition exist and where can you apply?

AUTOMATIC RECOGNITION	LEVEL RECOGNITION	SPECIFIC RECOGNITION
It generally recognises a foreign higher education degree or diploma, the level, objectives and nature of which are identical to the Portuguese bachelor's, master's and doctor's degrees or professional higher education degree, and which is listed in the list of degrees and diplomas established by the Commission for the Recognition of Foreign Degrees and Diplomas.	Recognises by comparability, on an individual basis, a foreign higher education degree or diploma as having a level corresponding to a Portuguese academic degree or higher education diploma.	Recognises a foreign higher education degree or diploma identical to a Portuguese academic degree or diploma, through a case-by-case analysis of the level, duration and programme content, in a given training area, branch of knowledge or speciality.
WHERE TO REQUEST:		
<ul style="list-style-type: none"> ♦ Public Higher Education Institutions; ♦ Directorate General for Higher Education (DGES). 	<ul style="list-style-type: none"> ♦ Portuguese public universities; ♦ Portuguese public polytechnic Institutes. 	<ul style="list-style-type: none"> ♦ Portuguese public universities; ♦ Portuguese public polytechnic Institutes.
HOW TO REQUEST:		
<p>By filling in an online form, available on the DGES platform: https://www.dges.gov.pt/recon/formulario</p> <p>You must attach to the form in digital format, the documents that unequivocally prove the authenticity of the degree or diploma awarded to you.</p>		

Useful Contacts and *Links*:

Directorate General for Higher Education: ☎ 213 126 000

🌐 <https://www.dges.gov.pt/pt>

6. IMMIGRANT ASSOCIATIVISM

Immigrant associations intervene in various areas ranging from awareness and information actions, policy intervention actions, school support for children and young people, legal support, leisure activities and cultural / recreational events.

Rights of immigrant associations:

Some of the rights that are part of this are:

- ◆ Participate in the definition of immigration policy;
- ◆ Benefit from exemption from costs and legal preparations and stamp duty;
- ◆ Intervene with public authorities to defend the rights of immigrants;
- ◆ Participate with local authorities in the definition and implementation of local policies that directly concern immigrants.

How can you get your immigrant association recognised?

The request for recognition is made with the submission of a request addressed to the High Commissioner for Migration, in which the immigrant associations that request it must demonstrate they have a set of requirements under the terms of Article 5 of *Law No. 115/99* of 3 August.

Useful Contacts and Links:

Technical Support Office for Immigrant Associations (GATAI) from ACM, I.P.: ✉ gatai@acm.gov.pt

High Commission for Migration Portal: 🌐 <https://www.acm.gov.pt/>

7. ACCESS TO THE LABOUR MARKET

The citizen searching for a job opportunity should know his personal characteristics, skills and interests, and getting to know the existing labour market in the environment where he is inserted.

What is the difference between an Employment Contract and a Service Contract?

◆ **Employment contract** - a contract *"in which a person undertakes, in return for payment, to render his/her intellectual or manual activity to another person, under his/her authority and direction"* (Article 1152 of Decree-Law No. 47344/66 of 25 November).

◆ **Service contract** - a contract *"in which one of the parties undertakes to provide the other with a certain result of its intellectual or manual work, with or without consideration"* (Article 1154 of Decree-Law No. 47344/66 of 25 November). In this case the employee is not in a situation of dependence or subordination.

What are the rights of the foreign worker in Portugal?

The foreign worker *"authorized to work in Portuguese territory has the same rights and is subject to the same duties as a worker with Portuguese nationality."* (Article 4 of *Law No. 7/2009* of 12 February).

The contract with the foreign worker must:

- ◆ Be entered into in writing;
- ◆ Be informed of the conclusion and termination of the contract through the website of the Authority for Working Conditions (ACT).

These are general obligations of the employer in the admission of workers:

- ◆ Communication to Social Security;
- ◆ Communication to the Insurance Company;
- ◆ Performing medical examinations for admission;
- ◆ Communication to ACT (foreign workers only).

Useful Contacts and Links:

Authority for Working Conditions of Coimbra (ACT): 📍 Centro Local do Mondego da ACT, Av. Fernão de Magalhães, 447 – 1.º, Coimbra |

✉ cl.mondego@act.gov.pt | ☎ 300 069 300 | 🌐 www.act.gov.pt

8. ELECTORAL CENSUS AND VOTING RIGHTS

As a citizen of foreign nationality residing in Portugal, your contribution as a voter can be decisive in several areas such as health, environment, security and education of the country or the respective needs of the municipality of residence.

What kind of elections are there?

TYPE	OBJECTIVE
PRESIDENTIAL	High Representative of the Nation (President of the Republic)
LEGISLATIVE	Representatives in the Assembly of the Republic
MUNICIPALITIES	Representatives of Municipalities, Town Halls and Parishes
EUROPEAN	National representatives in the European Parliament
REFERENDUM	Submission to voters on issues related to society

As an immigrant, what kind of elections can you participate in Portugal?

	TYPE OF ELECTIONS			
	Presidential	Legislative	Municipalities	European Parliament
Nationals of Member States of the European Union	-	-	X	X

Nationals of Portuguese-speaking countries	X	-	X	X
Residents of third countries with an agreement of reciprocity (Argentina, Chile, Colombia, Island, Norway, New Zealand, Peru, Uruguay and Venezuela)	-	-	X	-

Who can vote?

Foreign citizens, at least 18 years old, living in Portugal:

- ◆ Citizens of European Union Member States resident in Portugal;
- ◆ Citizens of Portuguese speaking countries with legal residence in Portugal for more than 2 years;
- ◆ Third-country nationals with an agreement of reciprocity (Argentina, Chile, Colombia, Island, Norway, New Zealand, Peru, Uruguay and Venezuela) with legal residence in Portugal for more than 3 years.

Required documentation:

Valid Portuguese Residence Permit.

What should you do to register?

Foreign citizens residing in Portugal who wish to register on the electoral census must apply to the census commission (head office of the Parish Council) of their area of residence indicated on the valid Portuguese Residence Permit.

Until when can you register?

The census can be done whenever you wish, however it is suspended on the 60th day before the election and until Election Day.

Why is voting important?

Because it is through the expression of vote that both the national citizen and the resident foreign citizen with recognition of the electoral right can contribute to the decision making of issues concerning the citizen and life in society. Foreign citizens may also be eligible for election to local authority bodies through their time of residence in Portugal and legislation in force.

How should you vote?

On Election Day, you must go to the polling station between 8:00 a.m. and 7:00 p.m. and present the necessary documents for your identification and your registration number in order to receive the ballot paper.

To find out if you are registered you can consult:

- ◆ **Census Portal:** 🌐 www.recenseamento.mai.gov.pt
- ◆ **SMS to 3838 and send:** RE (space) Civil ID number without check (space) date of birth YYYYMMDD. Example: RE 12344880 19891007
- ◆ **Go to the Census Commission of the Parish Council** of the area of residence indicated on the valid Residence Permit.
- ◆ **Voter support line:** ☎ 808 206 206

Useful Links:

Portal of the National Election Commission: 🌐 www.cne.pt

Voter's Portal: 🌐 www.portaldoeleitor.pt

9. CONSUMER SUPPORT

What is a Consumer?

According to article 2 (1) of the Consumer Protection Act (LDC) - *Law No. 24/96 of 31 July* – consider the consumer as “*all those who are provided goods, services or broadcast any rights for non-professional use by a person who professionally performs an economic activity aimed at obtaining benefits.*”

What are Consumer Rights?

According to Article 3 of the Consumer Protection Act, consumers have the right:

- | | |
|--|---|
| ◆ <i>To the quality of goods and services;</i> | <i>from the infringement of their interests or rights;</i> |
| ◆ <i>To the protection of health and physical safety;</i> | ◆ <i>To legal protection and accessible and prompt justice;</i> |
| ◆ <i>To training and consumer education;</i> | ◆ <i>To participation, through representative means, in the legal or administrative</i> |
| ◆ <i>To information for consumption;</i> | <i>definition of their rights and interests.”</i> |
| ◆ <i>To the protection of economic interests;</i> | |
| ◆ <i>The prevention of and compensation for damage to property or non-property resulting</i> | |

Who are they for?

To all consumers whether or not they are foreign citizens.

In which areas can you exercise your Consumer rights?

You can exercise your rights in several areas, for example in essential public

services (water, electricity or gas supply), in guaranteeing the purchase of a car, banking and insurance services, among others.

What local services are exist for the consumer support?

To support citizens living in the municipality under the purpose of Consumer Law, the Portuguese Association for Consumer Protection (DECO) has established a protocol with the Municipal Council of Arganil, which aims at offering information services and free legal support for the local citizens.

Useful Contacts and Links:

DECO of Arganil: 📍 Rua Frederico Freitas Simões, Apartado 10, 3300-051 Arganil | 🕒 from 10:00 a.m. to 12:00 p.m. (1st Thursday of each month) | ☎ 235 200 143

DECO - Delegação Regional do Centro (Regional Delegation of Center): 📍 Rua Padre Estevão Cabral 79 – 5º Andar – Sala 504, 3000-317 Coimbra | ☎ 239 841 004 | ✉ deco.coimbra@deco.pt

DECO PROTESTE Portal: 🌐 <https://www.deco.proteste.pt>

Directorate General for Consumer Affairs Portal: 🌐 www.consumidor.pt

10. THE TAXPAYER CITIZEN

What is the Tax and Customs Authority?

The Tax and Customs Authority (AT) is the State service responsible for administering *“taxes, customs duties and other taxes in Portugal, as well as exercising control over the external border of the European Union and the national customs territory for fiscal, economic and social protection purposes, in accordance with the policies defined by the Government and European Union Law”* (Article 2(1) of Decree-Law No. 118/2011 of 15 December).

Duties:

Foreign citizens who receive income, acquire real estate or vehicles in Portugal are subject to various tax obligations.

How to comply with tax obligations?

You must apply for the Tax Identification Number (NIF) which will allow your identification before the Tax and Customs Authority (AT).

Where should you apply for the NIF?

In a Finance service or in a Citizen Shop.

What is the Personal Income Tax (IRS)?

The IRS (*Imposto sobre o Rendimento das Pessoas Singulares*) aims the global and personalized taxation of the private income of the people living in national territory, with the adoption of a broad income concept and the relevance of an important set of charges and deductions of private and family type.

Foreign nationals must inform AT of their tax conditions when they arrive on national territory.

What are the applicable taxes in Portugal on real estate?


- ◆ Municipal Property Tax (Imposto Municipal sobre Imóveis also known as IMI);
- ◆ Municipal Tax on Real Estate Transfer (Imposto Municipal sobre as Transmissões Onerosas de Imóveis also known as IMT);
- ◆ Stamp duty (Imposto de Selo).

What are the applicable vehicle taxes?

- ◆ Vehicles Tax (Imposto sobre Veículos also known as ISV);
- ◆ Single Transit Tax (Imposto Único de Circulação also known as IUC).

Useful Contacts and Links:

Portuguese Tax Authority Portal (“Portal das Finanças”):

 <https://www.portaldasfinancas.gov.pt/>

Tax Office of Arganil: ☎ 235 200 280

Suggestion:

For further information, please read the following Informative Guides of the “Arganil + Migration” Project co-funded by the Fund for Asylum, Migration and Integration:

- ◆ Guide Arganil Welcomes
- ◆ School Welcome Guide
- ◆ Rights and Duties in Health
- ◆ Information Guide on Urbanism, Water, Sanitation and Waste Management
- ◆ Information Guide on Citizenship Rights and Duties

The information contained in this guide does not waive the consultation of the legislation in force and its amendments relating to the thematic areas addressed.

Title

Information Guide on Citizenship Rights and Duties

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BENEFICIARY ENTITY:



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