

Act 37/2006

August 9

This Act regulates the right of European Union citizens and respective family members to move and reside freely within national territory, and transposes to the internal juridical framework the Directive 2004/38/EC, of 29 April, of the European Parliament and Council.

In accordance with Article 161 c) of the Constitution, the Assembly of the Republic decrees the following:

CHAPTER I

General Provisions

Article 1

Purpose

1 – This Act transposes to the internal juridical framework the Directive 2004/38/CE of the European Parliament and Council, of April 29, and establishes:

- a) The conditions which rule the right of Union citizens and respective family members to move and reside freely within national territory;
- b) The legal rules regarding the right of permanent residence within national territory of Union citizens and respective family members;
- c) The restrictions to the rights mentioned in subparagraphs a) and b), based on grounds of public policy, public safety or public health

2 – The present Act also establishes the legal framework for entry, residence and removal of nationals of States parties to the European Economic Area and Switzerland and respective family members, as well as family members of national citizens irrespective of their nationality.

Article 2

Definitions

For the purposes of this law the following definitions are established:

- a) «European Union Citizen» means any person having the nationality of a Member State;
- b) «Member State» means any member State of the European Union, except Portugal;
- c) «Host Member State» means Portugal, as the Member State to which a Union citizen moves in order to exercise his/her right of free movement and residence;
- d) «Third State» means any State which is not a member of the European Union;
- e) «Family member» means:
 - i) The spouse of a Union citizen;
 - ii) The partner with whom the Union citizen lives in a *de facto* union (*união de facto*) pursuant to the law, or with whom the Union citizen has a permanent relationship duly certified by the relevant authority of the Member State where he/she resides;
 - iii) The direct descendants who are under the age of 21 or are dependants of the Union citizen, and those of the spouse or partner as defined in the preceding subparagraph;
 - iv) The dependant direct relatives of the Union citizen in the ascending line and those of the spouse or partner as defined in subparagraph ii);
- f) «Sufficient income» means the resources of the citizen which are no lower than the income level below which the Portuguese State may grant social rights and support to Portuguese citizens, in view of the citizen's personal situation and, as the case may be, of his/her family members.

Article 3

Beneficiaries

1 – This Act shall apply to all Union citizens who travel to or reside in Portugal, as well as to their family members, as defined in subparagraph e) of the preceding Article, who accompany or join them.

2 - Without prejudice of the citizen's personal right of free movement and residence, entry and residence shall be facilitated, under the general terms of law, for any other family members, irrespective of their nationality, not falling within the definition in subparagraph e) of the preceding Article who, in the country from which they have come, are dependants or members of the household of the Union citizen having the primary right of residence, or where serious health grounds strictly require the personal care of the family member by the Union citizen.

3 – The decision on entry and residence of the persons mentioned in the preceding paragraph can only be taken after an extensive examination of all relevant personal circumstances, and grounds shall be given for any denial of entry or residence to such persons.

4 – Legal provisions making reference to Union citizens shall be deemed to cover nationals of States parties on the Agreement on the European Economic Area and to Swiss nationals.

5 – Any rules of this law applicable to family members shall be extended to family members of Portuguese citizens, irrespective of their nationality.

CHAPTER II

Exit from and entry into national territory

Article 4

Entry into national territory

1 – Union citizens are permitted to enter Portuguese territory on presentation of a valid identity card or passport and are exempted of submitting any entry visa or equivalent formality.

2 – Family members of Union citizens who are not nationals of a Member State are permitted to enter Portuguese territory on presentation of a valid passport, and shall only be required to obtain an entry visa in accordance with the new rules in force in the European Union. Nevertheless, they shall benefit from every facility in obtaining the necessary visas, which shall be granted free of charge and through special procedures which assure a rapid issuance.

3 – Family members of Union citizens who are nationals of a third State and are subject to entry visa requirements in accordance with the rules in force in the European Union may enter without a visa when holding a valid residence permit, in which case their passports shall not be stamped.

4 – If a Union citizen, or a family member, does not have the necessary travel documents or, if required, the necessary visas, he/she shall enjoy every reasonable possibility of obtaining such documents or of having them brought within a reasonable period of time, or to corroborate or prove by other means that he/she is covered by the right of free movement and residence.

5 – A family member who is not a national of a Member State shall report his/her presence in national territory as required by law. Failure to comply with this requirement shall be punished under the terms of the law that rules entry, stay, exit and expulsion of foreigners.

Article 5

Exit from the national territory

1 - Without prejudice to the provisions on travel documents applicable to national border controls, all Union citizens with a valid identity card or passport and their family members, if holding a valid passport, shall have the right to leave Portuguese territory. No exit visa or equivalent formality is required.

2 - The passport shall be valid at least for all Member States and for countries through which the holder must pass when travelling between Member States.

3 – If a family member submits a residence card, no exit stamp shall be affixed to the passport.

CHAPTER III

Right of residence for up to three months

Article 6

Right of residence for up to three months

1 – Union citizens shall have the right of residence in national territory for a period of up to three months without any conditions or any formalities other than the requirement to hold a valid identity card or passport.

2 - The provisions of paragraph 1 shall also apply to family members in possession of a valid passport, accompanying or joining the Union citizen.

CHAPTER IV

Right of residence for more than three months

Article 7

Right of residence for Union citizens and their family

1 - All Union citizens shall have the right of residence in Portuguese territory for a period of longer than three months if they:

- a) Are workers or self-employed persons in the national territory; or
- b) Have sufficient resources for themselves and their family members, together with health insurance, provided the same is required of Portuguese citizens in their home countries;
- c) Are enrolled at a private or public educational establishment, officially accredited, if they prove by means of a declaration or by such equivalent means of their choice, that they possess sufficient financial resources for themselves and their family members, together with a health insurance, if required of Portuguese citizens in the Member State of which they are nationals;
- d) Are family members accompanying or joining a Union citizen who satisfies the conditions set out in the preceding subparagraphs.

2 – Family members who are not nationals of a Member State, accompanying or joining a Union citizen who satisfies the conditions referred to in the preceding paragraph 1(a), (b) or (c), shall also have the right of residence in Portuguese territory for a period of longer than three months.

3 - For the purposes of paragraph 1(a), a Union citizen who is no longer a worker or self-employed person shall retain the status of worker or self-employed person in the following circumstances:

- a) when such person is temporarily unable to work as the result of an illness or accident;
- b) if that person is in a duly recorded involuntary unemployment situation, and registered as a job-seeker in the Portuguese Employment and Vocational Training Institute [*Instituto do Emprego e Formação Profissional*];
- c) if that person embarks on vocational training, since there is a relation between his/her former work and the relevant training course, unless the citizen is involuntarily unemployed.

Article 8

Retention of the right of residence by family members of the Union citizen

1 - Death or departure from national territory of a Union citizen, or his/her divorce, annulment of marriage or termination of his/her De Facto Union shall not affect the right of residence of his/her family members, irrespective of their nationality.

2 – Before acquiring the right of permanent residence, the family members mentioned in the preceding paragraph must meet the conditions specified in paragraph 1 a), b), c) or d) of Article 7.

3 - Before acquiring the right of permanent residence, the family members mentioned in paragraph 1, who are nationals of a third State, shall preserve their right of residence provided they meet one of the following conditions:

- a) They are workers or self-employed persons;
- b) They have sufficient resources and health insurance for themselves and their family members;
- c) They are family members of a person who meets the conditions mentioned in subparagraphs a) or b), provided that the family has been constituted in Portuguese territory.

4 – Death or departure from Portuguese territory of a Union citizen shall not entail loss of the right of residence of his/her descendants residing in Portugal, if the children are enrolled at an educational establishment, the same applying to the person who holds actual custody of the children.

Article 9

Retention of the right of residence

1 - Union citizens and their family members shall have the right of residence provided for in Articles 7 and 8, as long as they meet the conditions established therein.

2 – In specific cases when there are reasonable doubts as to whether a Union citizen or his/her family members satisfy the conditions set out in Articles 7 and 8, Member States may verify if these conditions are fulfilled. This verification shall not be carried out systematically.

3 – The recourse to the Portuguese social assistance system by the Union citizen or his/her family members does not imply the automatic loss of the right of residence.

4 - By way of derogation of the provisions of paragraph 1 and without prejudice to the provisions of Chapter VIII, an expulsion measure may in no case be adopted against Union citizens or their family members if:

- a) The Union citizens are workers or self-employed persons;

b) They have entered Portugal in order to seek work and can provide evidence that they are continuing to seek work.

5 - Expiry of the identity card or passport on the basis of which the person in question entered the territory and received a registration certificate or residency card shall not constitute grounds for expulsion from the national territory.

6 – The provisions of Articles 25 and 26 shall apply, duly adapted, to any decision restricting the right to free movement of Union citizens and their family members on grounds other than those of public policy, public security or public health. In the event of expulsion, the person concerned shall not be banned from entering Portuguese territory.

CHAPTER V

Right of permanent residence

Article 10

Right of permanent residence of Union citizens and their family members

1 - Union citizens who have resided legally for a continuous period of five consecutive years in the national territory shall have the right of permanent residence.

2 – The preceding paragraph shall also apply to family members who are nationals of a third State and have resided legally with the Union citizen in Portugal for a continuous period of five years.

3 – The right of Union citizens and their family members to permanent residence is not subject to the provisions established in chapter IV.

4 - Continuity of residence shall not be affected by temporary absences not exceeding a total of six consecutive months a year, or by absences of a longer duration for compulsory military service, or by one absence of a maximum of twelve consecutive months for important reasons such as pregnancy and childbirth, serious illness, study or vocational training, or a posting for professional matters in another Member State or a third country.

5 – Once acquired, the Union citizen shall only lose the right of permanent residence by absence from the national territory for a period exceeding two consecutive years.

6 - Continuity of residence may be corroborated by any form of proof.

7 - Continuity of residence is broken by any expulsion decision duly enforced against the person concerned.

Article 11

Exemptions for persons no longer working in Portugal

1 - By way of derogation from the preceding Article, the right to permanent residence in Portuguese territory shall be enjoyed before a completion of a continuous period of five years of residence by:

a) workers or self-employed persons who, at the time they stop working, have reached the age laid down by the law for entitlement to an old age pension or workers who cease paid employment to take early retirement, provided that they have been working in Portugal for at least the preceding twelve months and have resided here continuously for more than three years;

b) workers or self-employed persons who have resided continuously in Portugal for more than two years and stop working here as a result of permanent incapacity to work;

c) workers or self-employed persons who, after three years of continuous employment and residence in Portugal, work in an employed or self-employed capacity in another Member State, while retaining their place of residence in the Portuguese territory, to which they return, as a rule, each day or at least once a week.

2 - For the purposes of entitlement to the rights referred to in subparagraphs (a) and (b) of the preceding paragraph, periods of employment spent in the Member State in which the person concerned is working shall be regarded as been spent in Portugal.

3 - Periods of involuntary unemployment duly recorded by the Portuguese Employment and Vocational Training Institute, periods not worked for reasons not of the person's own making and absences from work or cessation of work due to illness or accident shall be regarded as periods of employment.

4 - The conditions as to the length of residence and employment established in subparagraph (a) of paragraph 1 and the condition as to the length of residence laid down in subparagraph (b) of paragraph 1 shall not apply if the worker's or the self-employed person's spouse or partner as referred to in point ii) of subparagraph e) of Article 2 is a national citizen or has lost Portuguese nationality by marriage to that worker or self-employed person.

5 – For the purposes of the provisions in paragraph 1 a), if the citizen has had a unpaid occupation which under the law confers no old age pension entitlement, the age requirement shall be considered as having been met when the person concerned reaches the age of 60 years;

6 – For the purposes of the provisions in paragraph 1 b), if the incapacity is the result of an accident at work or an occupational disease entitling the person concerned to a benefit payable in full or in part by a national institution, the residence period requirement is waived;

Article 12

Exemptions for the family members of persons no longer working in Portugal

1 - Without prejudice to the provisions of paragraph 2, and irrespective of nationality, the family members of a worker or a self-employed person who are residing with him/her in Portuguese territory shall have the right of permanent residence in Portugal, on the basis of the previous article.

2 – If the worker or self-employed person dies while still working, but before acquiring permanent residence status in Portugal, on the basis of the preceding Article, his/her family members who are residing with him/her in Portuguese territory shall acquire the right of permanent residence, provided they meet one of the following conditions:

- a) the worker or self-employed person had, at the time of death, resided continuously in Portuguese territory for two years;
- b) the death resulted from an accident at work or an occupational disease; or
- c) the surviving spouse lost Portuguese nationality following marriage to the worker or self-employed person.

Article 13

Acquisition of the right of permanent residence by family members who are nationals of third States

Without prejudice to Article 12, the family members of a Union citizen to whom paragraph 3 of Article 8 applies, shall acquire the right of permanent residence after residing legally for a period of five consecutive years in Portuguese territory.

CHAPTER VI

Administrative formalities

Section I

Right of residence for more than three months

Article 14

Registration of Union citizens

1 - Union citizens who stay in Portuguese territory for more than three months shall register their presence in the manner which formalizes their right of residence within 30 days of three months elapsing since their entry into national territory.

2 - The registration referred to in the preceding paragraph is effected with the municipal council (*câmara municipal*) in their area of residence.

3 – On registration, Union citizens shall be issued with a registration certificate, which form shall be approved by ministerial order of the member of Government responsible for internal administration, with the name and address of the holder of the right of residence and the date of registration.

4 – The registration certificate referred to in the preceding paragraph shall be valid for five years as from the date of issue or for the anticipated period of residence by the Union citizen, if less than five years.

5 – In order to obtain the registration certificate Union citizens are required to present a valid identity card or passport, together with a solemn declaration that the applicant meets the conditions referred to in subparagraphs a), b) or c) of paragraph 1 of Article 7, as appropriate.

6 – In order to obtain the registration certificate, Union citizens residing as family members shall present the following documents:

- a) A valid identity card or passport;
- b) A document proving the family relationship or their status as partner, as referred to in point e) ii) of Article 2, if such relationship or status is not clear from the documents referred to in the preceding subparagraph;
- c) The registration certificate of the Union citizen they are accompanying or joining;

d) Documentary proof that they are dependants for the purposes of the provisions of points e) iii) and iv) of Article 2;

e) In the cases provided for in paragraph 2 of Article 3, a document issued by the relevant authority of the country of origin or the country from which they have come certifying that they are dependant on the Union citizen or a member of his/her household, or proof of the existence of serious health grounds which strictly require personal care by the Union citizen.

Article 15

Residence card of family members of Union citizens who are nationals of third States

1 – Family members of Union citizens who are nationals of third States who stay in Portuguese territory for more than three months shall apply for issue of a residence card, in accordance with the form approved by ministerial order of the member of Government responsible for internal administration.

2 – The residence card application referred to in the preceding paragraph shall be made at the central or regional offices of the Immigration and Borders Service (*Serviço de Estrangeiros e Fronteiras*) of their area of residence, within 30 days of three months elapsing since their date of entry in Portuguese territory.

3 – When submitting the application, a certificate shall be issued proving that the family member has applied for a residence card.

4 – In order to obtain a residence card, family members must present the following documents:

a) Valid passport;

b) A document proving the family relationship with the Union citizen or their status as partner, as referred to in subparagraph e) ii) of Article 2;

c) The registration certificate of the Union citizen they are accompanying or joining;

d) In the cases provided for in subparagraphs e) iii) and iv) of Article 2, documentary proof that they are dependants of the Union citizen;

e) In the case provided for in paragraph 2 of Article 3, a document issued by the relevant authority of the country of origin or the country from which they have come certifying that they are dependant on the Union citizen or a member of his/her household, or proof of the existence of serious health grounds which strictly require personal care by the Union citizen.

5 - The residence card referred to in the preceding paragraph shall be issued within three months of the submission of the application.

6 – The residence card referred to in paragraph 1 shall be valid for five years as from the date of issue, or for the anticipated residence period of the Union citizen, if less than five years.

7 – The right of residence of family members shall not be affected by temporary absences not exceeding a total of six consecutive months a year, or by absences of a longer duration for compulsory military service, or by one absence of a maximum of twelve consecutive months for important reasons such as pregnancy and childbirth, serious illness, study or vocational training, or a posting for professional matters in another Member State or third country.

SECTION II

Right of permanent residence

Article 16

Certificate of permanent residence for Union citizens

1 – The Immigration and Borders Service shall issue to Union citizens with the right of permanent residence, on their request, a document, in accordance with the model to be approved by ministerial order of the member of Government responsible for internal administration, which shall certify permanent residence.

2 – The permanent residence certificates referred to in the preceding paragraph shall be issued by the Immigration and Borders Service within a period not exceeding fifteen days, and shall depend exclusively on verification of the duration of residence.

Article 17

Permanent residence card for family members of Union citizens who are nationals of a third State

1 – The family members of Union citizens who are nationals of a third State who have the right to permanent residence shall be issued with a permanent residence card, in accordance with the model to be approved by ministerial order of the member of Government responsible for internal administration.

2 – The permanent residence card provided for in the preceding paragraph shall be issued by the Immigration and Borders Service within three months of the submission of the application.

3 – Applications for permanent residence cards shall be submitted prior to the expiry of the residence card referred to in Article 15.

4 – Interruption of residence during no more than 30 consecutive months shall not affect the right of permanent residence.

5 – For the issuance of permanent residence card, it is sufficient for the family members of Union citizens to present their residence cards.

CHAPTER VII

Common provisions on the right of residence and the right of permanent residence

Article 18

Territorial scope of the right of residence

The right of sojourn, the right of residence and the right of permanent residence shall cover the whole territory of Portugal.

Article 19

Related rights of the family members of Union citizens

Irrespective of nationality, the family members of a Union citizen who have the right of residence or the right of permanent residence in national territory shall be entitled to take up employment or self-employment.

Article 20

Equal treatment

1 – Union citizens residing in Portuguese territory shall enjoy equal treatment in relation to Portuguese citizens, without prejudice to the limits admissible under community law.

2 – Family members of Union citizens who are nationals of a third State are included within the provisions of the preceding paragraph.

3 – By way of derogation of the provisions in paragraphs 1 and 2, Union citizens or their family members shall not be entitled to social welfare benefits during the first three months of residence or during a longer period if the Union citizen entered Portuguese territory to seek work under the terms of the provisions of paragraph 4 b) of Article 9.

4 – Before acquiring the right of permanent residence, study grants or any other type of welfare support for study or vocational training shall not be granted.

5 – The provisions of the preceding paragraph shall not apply to Union citizens who are workers or self-employed persons or who have retained such status, or to their family members.

Article 21

General provisions concerning residence documents

Possession of a registration certificate as referred to in Article 14, of a document certifying permanent residence, of a certificate attesting submission of an application for a family member residence card, or of a permanent residence card, may under no circumstances be made a precondition for the exercise of a right or the completion of an administrative formality, as entitlement to rights may be attested by any other means of proof.

CHAPTER VIII

Restrictions on the right of entry and the right of residence for reasons of public policy, public security or public health

Article 22

General principles

1 – The freedom of movement and residence of Union citizens, irrespective of nationality, may only be restricted on grounds of public policy, public security or public health, in accordance with the provisions of this chapter.

2 – Grounds of public policy, public security or public health shall not be invoked to serve economic ends.

3 – Measures taken on grounds of public policy or public security shall comply with the principle of proportionality and shall be based exclusively on the personal conduct of the individual concerned, who must constitute a current, genuine and sufficiently serious threat which affects a fundamental interest of society; grounds not related to the individual based on reasons of general prevention shall not be used.

4 – The existence of previous criminal convictions shall not in themselves constitute grounds for taking the measures referred to in the preceding paragraph.

5 – In order to ascertain whether the person concerned represents a danger for public policy or public security and if deemed necessary, when issuing the registration certificate or residence card, information concerning the criminal record of the person in question may be requested from the Member State of origin and, if need be, other Member States.

6 – The consultation process referred to in the preceding paragraph shall not be conducted on a regular basis.

7 – Whenever the national authorities are requested to provide the information referred to in the preceding paragraph, they shall do so within one month.

8 – Holders of Portuguese identity cards or passports who have been expelled from the territory of another Member State for reasons of public policy, public security or public health shall be permitted to enter Portuguese territory, without any formalities, even if such document has expired or the nationality of the holder is contested.

Article 23

Protection against expulsion

1 - Before taking an expulsion decision on grounds of public policy or public security, considerations such as how long the individual concerned has resided in Portuguese territory, his/her age, state of health, family and economic situation, social and cultural integration into the Country and the extent of his/her links with the country of origin shall be taken into account.

2 – Union citizens or their family members, irrespective of nationality, who have the right of permanent residence, cannot be expelled from Portuguese territory except on serious grounds of public policy or public security.

3 – Except for imperative reasons of public security, an expulsion decision shall not be taken against Union citizens if they have resided in Portugal for the previous ten years, or if they are minors.

4 – The provisions of the preceding paragraph shall not apply if the expulsion relates to a minor and is decided on in the best interests of the child, as provided for in the United Nations Convention of the Rights of the Child of 20 November 1989.

Article 24

Public health

1 – The only diseases justifying measures restricting freedom of movement shall be diseases with epidemic potential as defined by the relevant instruments of the World Health Organisation and other infectious diseases or contagious parasitic diseases if they are the subject of protection provisions applying to Portuguese citizens.

2 – Diseases occurring after a three-month period from the date of arrival shall not constitute grounds for expulsion from the territory.

3 – Where there are serious indications that it is necessary, persons entitled to the right of residence may be required, within three months of the date of arrival in the national territory, to undergo, free of charge, a medical examination, including complementary diagnostic tests, to certify they are not suffering from any of the conditions referred to in paragraph 1.

4 – The medical examinations referred to in the preceding paragraph shall not be instituted on a routine basis.

Article 25

Notification of decisions

1 – Any decision taken under paragraph 1 of Article 22 must be notified in writing, in such a way that the persons concerned are able to comprehend its content and the implications it may have on a personal level.

2 – The persons concerned shall be informed, precisely and in full, of the public policy, public security or public health grounds on which the decision taken in their case is based, unless this is contrary to the interests of State security.

3 – The notification shall specify the court or administrative authority with which the person concerned may lodge an appeal, the time limit for the appeal and, where applicable, the time allowed for the person to leave national territory.

4 – Save in duly substantiated cases of urgency, the time allowed to leave the territory shall be no less than one month from the date of notification.

Article 26

Appeals

1 – The decisions taken under this chapter are liable to administrative and judicial appeals.

2 – If the application for appeal against the expulsion decision is accompanied by an application for an interim measure to suspend enforcement of that decision, actual removal from the territory may not take place until such time as the decision on the interim measure has been taken.

3 – The provisions of the preceding paragraph shall not apply when:

- a) the expulsion decision is based on a previous judicial decision; or
- b) the persons concerned have had previously brought a judicial appeal against expulsion; or
- c) the expulsion decision is based on imperative grounds of public under paragraph 3 of Article 23.

4 - The appeal procedures shall allow for an examination of the legality of the decision, as well as of the facts and circumstances on which the proposed measure is based. They shall also ensure that the decision is not disproportionate, particularly in view of the requirements laid down in Article 23.

5 – The individual concerned is assured the right to submit his/her defence in person, except when his/her appearance may cause serious troubles to public policy or public security or when the appeal concerns a denial of entry to the territory.

Article 27

Duration of exclusion orders

1 – Persons excluded on grounds of public policy or public security may submit an application for lifting of the exclusion order after a reasonable period, depending on the circumstances, and in any event after three years from enforcement of the final exclusion order which has been validly adopted.

2 – For the purposes of the previous paragraph, the person concerned shall present arguments to establish that there has been a material change in the circumstances which justified the decision ordering their exclusion.

3 – A decision on the application under the preceding paragraphs shall be taken within six months of its submission.

4 – The persons referred to in paragraph 1 shall have no right of entry to Portuguese territory while their application is being considered.

Article 28

Expulsion as a penalty or legal consequence

1 – An expulsion decision may not be taken by way of legal consequence of a custodial sentence unless it conforms to the requirements of Articles 22, 23 and 24.

2 – If an expulsion order, as referred to in the preceding paragraph, is enforced more than two years after it was issued, it can only be applied after checking that the person concerned is currently and genuinely a threat to public policy or public security and an assessment of whether there has been any material change in the circumstances since the expulsion order was issued.

CHAPTER IX

Charges

Article 29

Fees and charges

1 – Fees to be set by ministerial order of the member of Government responsible for internal administration shall be payable for the issuance of the registration certificate referred to in Article 14, the permanent residence certificate, a certificate confirming that an application has been made for a family member's residence card, for a residence card or for a permanent residence card, and for the procedures and other documents provided for in this law.

2 – The proceeds of the issue fees for the registration certificates referred to in Article 14, when paid at the Municipal Council, shall revert as follows:

- a) 50% for the municipal authority;
- b) 50% for the Immigration and Borders Service.

3 - The proceeds of other fees shall revert to the Immigration and Borders Service.

4 – The charges and issue fees for the documents referred to in paragraph 1 shall be no greater than those charged to Portuguese citizens for the issue of identity cards.

CHAPTER X

Offences

Article 30

Offences

1 – Non-compliance with any of the obligations provided for in paragraph 1 of Article 14, in paragraph 1 of Article 15 and paragraph 3 of Article 17 shall constitute an offence punishable by an administrative fine of (euro) 400 to (euro) 1500.

2 – Registration under the terms of Article 14 or continued registration without meeting the conditions set out in Articles 7 and 8 shall constitute an offence punishable by an administrative fine of (euro) 500 to (euro) 2500.

3 – Negligence is punishable.

4 – In the event of negligence, the lower and upper limits for the administrative fines provided for in paragraphs 1 and 2 above shall be halved.

5 – Powers to apply the administrative fines provided for in this article shall lie with the director-general of the Immigration and Borders Service.

CHAPTER XI

Final and transitional provisions

Article 31

Abuse of rights

1 – In the event of abuse of rights, fraud or marriages or partnerships of convenience, residence rights and welfare benefits granted hereunder shall be denied and withheld.

2 – The provisions of Articles 25 and 26 shall apply to any decision taken on the basis of the preceding paragraph.

Article 32

Subsidiary law

In all matters not regulated herein, the general provisions of the law as compatible with the provisions of community law shall apply.

Article 33

Transitional provision

Residence permits issued under Decree-Law 60/93, of 3 March, shall remain valid, and may be replaced by the certificate of registration or residence card, as the case may be, on the request of the respective holders.

Article 34

Repeal

Decree-Law 60/93, of 3 March, is hereby repealed.

Approved on 22 June 2006.

The President of the Assembly of the Republic, Jaime Gama.

Promulgated on 26 July 2006.

Publish.

The President of the Republic, ANÍBAL CAVACO SILVA.

Countersigned on 27 July 2006.

The Prime Minister, José Sócrates Carvalho Pinto de Sousa.

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