

# Overview of national measures regarding employment and social security of displaced persons coming from Ukraine

***Country Fiche – Portugal***  
**February 2023**

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# 1.0 Legal and institutional framework

## 1.1 Legal framework

### 1.1.1 List of the legal framework

- I. Legislation implementing the Temporary Protection Directive (TPD or the Directive)<sup>1</sup> and Council Implementing Decision (EU) 2022/382<sup>2</sup>

[Law No. 67/2003 of August 23](#), which transposes Directive 2001/55/EC to the national legal order, in force since 24 August 2003, is the main legislation implementing the TPD. [Ordinance No. 105-A/2022 of March 1](#), in force since 2 March 2022, amended Ordinance No. 1432/2008 which approved the model of residence permit for foreign citizens authorised to live in national territory, by now including beneficiaries of temporary protection.

The Council Implementing Decision was implemented in Portugal mainly through the [Resolution of the Council of Ministers No. 29-A/2022, of March 1](#) (in force since 1 March 2022), amended by the [Resolution of the Council of Ministers No. 29-D/2022 of March 11](#) (in force since 10 March 2022) – [consolidated version here](#), which sets out the criteria for granting temporary protection to persons displaced from Ukraine as a result of the armed conflicts taking place in that country. [Resolution of the Council of Ministers no. 135/2022, of December 28](#) (in force since 22 December 2022), has, in the meantime, revised the criteria for granting temporary protection to persons displaced from Ukraine (see 1.1.2. below).

Following the adoption of the aforementioned Resolution of the Council of Ministers from March 2022, several laws have been adopted to facilitate the reception and integration of beneficiaries of temporary protection:

- ▶ [Decree-Law No. 24-B/2022 of March 11](#), which establishes exceptional measures in the context of the temporary protection granted to displaced persons from Ukraine, in force since 12 March 2022.
- ▶ [Decree-Law No. 28-A/2022, of March 25](#), which establishes measures of support to families and companies in the context of the armed conflict in Ukraine, in force since 26 March 2022, amended by [Decree-Law no. 30-D/2022, of April 18](#), [Decree-Law no. 42/2022, of June 29](#), and [Decree-Law no. 85-B/2022, of December 22](#).
- ▶ [Decree-Law No. 28-B/2022, of March 25](#), which establishes measures regarding the recognition of professional qualifications of the beneficiaries of temporary protection in the context of the armed conflict in Ukraine, in force since 26 March 2022, as well as [Ordinance no. 144/2022, of May 13](#), which determines the professions excluded from the scope of Decree-Law No. 28-B/2022, of March 25, in force since 16 May 2022.
- ▶ [Ordinance No. 138/2022, of April 8](#), which establishes an exceptional social measure, in the context of duly attested temporary protection, to children displaced from Ukraine, in force since 9 April 2022, but producing effects since 20 February 2022.

<sup>1</sup> Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, OJ L 212, 7 August 2001, p. 12-23, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32001L0055>.

<sup>2</sup> Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection, OJ L 71, 4 March 2022, p. 1-6, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32022D0382>.

- ▶ [Ordinance No. 184/2022 of 21 July](#), which amended Ordinance No. 183/2020, of August 5, which created Portuguese courses, and extended eligibility for these courses to beneficiaries of temporary protection aged at least 16.

II. Legislation having an impact on the (access to) (self-)employment and social security/welfare for the displaced persons coming from Ukraine

[Law No. 23/2007, of July 4](#), which establishes the legal regime for the entry, permanence, departure and removal of foreigners from the national territory, provides the general framework on residence permits for foreigners in Portugal.

On employment, the following acts are relevant:

- ▶ Law No. 7/2009, of February 12, which reviews the [Portuguese Labour Code](#), in force since 17 February 2009;
- ▶ [Law No. 105/2009, of September 14](#), which amends and regulates the Labour Code;
- ▶ [Ordinance No. 136/2022, of April 4](#), that adopts the fifth amendment to [Ordinance No. 128/2009, of January 30](#), which regulates the measures “employment-insertion contract” and “employment-insertion contract+”, in force since 5 April 2022, but producing effects since 1 April 2022;
- ▶ [Law No. 102/2009, of September 10](#), which establishes the Legal Regime on the Promotion of Safety and Health at Work;
- ▶ [Law No. 98/2009, of September 4](#), which establishes the Legal Regime on reparation of work-related accidents and occupational illnesses (in special, [Article 5](#)), in force since 1 October 2010;
- ▶ [Decree-Law No. 394-B/84, of December 26](#), which approved the VAT Code, in force since 1 January 1986;
- ▶ [Decree-Law No. 442-A/88, of November 30](#), which approved the Personal Income Tax Code, in force since 1 November 1989;
- ▶ [Decree-Law No. 47344, of November 25, 1966](#), which approved the Civil Code, in force since 1 June 1967.

On social security and welfare, the following acts are relevant:

- ▶ [Law No. 4/2007, of January 16](#), which approves the basic framework of the Social Security system, in force since 17 January 2007;
- ▶ Agreement on Social Security between the Portuguese Republic and Ukraine, signed in Lisbon, on 7 July 2009, approved by [Decree No. 8/2010, of 27 April](#).

Regulating the contribution social scheme:

- ▶ [Decree-Law No. 28/2004, of February 4](#), which establishes the new legal regime of social protection in case of illness, in force since 1 April 2004;

- ▶ [Decree-Law No. 91/2009, of April 9](#), which approves the legal regime of social protection for parenthood, in force since 1 May 2009;
- ▶ [Decree-Law No. 220/2006, of November 3](#), which approves the legal regime of social protection in case of unemployment of dependent workers, in force since 1 January 2007;
- ▶ Law No. 110/2009, of 16 September, [Code of Contribution Schemes of the Social Security Welfare System](#), in force since 1 January 2011, and its [regulation](#).

Regulating the non-contribution social scheme/welfare:

- ▶ [Law No. 13/2003](#), of May 21, which creates the social integration income, in force since 20 June 2003;
- ▶ [Decree-Law No. 176/2003, of August 2](#), which institutes the family allowance for children and youngsters, in force since 1 October 2003.

### 1.1.2 Beneficiaries (persons covered by temporary protection)

Type of beneficiary	National regime of temporary protection for displaced persons coming from Ukraine
Ukrainian nationals <ul style="list-style-type: none"> <li>▶ Residing in Ukraine</li> <li>▶ displaced from 24 February 2022</li> </ul>	Yes  Point 1 of the Resolution of the Council of Ministers No. 29-A/2022 of March 1.
Family members <ul style="list-style-type: none"> <li>▶ of a Ukrainian national present or residing in Ukraine before 24 February 2022 and displaced from Ukraine on or after 24 February 2022</li> <li>▶ of third-country nationals and stateless persons, who benefited from international protection or equivalent national protection in Ukraine before 24 February 2022 and were displaced from Ukraine on or after 24 February 2022</li> </ul>	Yes  Point 2(a) of the Resolution of the Council of Ministers No. 29-A/2022 of March 1 (consolidated version).  Point 3 of the Resolution of the Council of Ministers No. 29-A/2022 of March 1 (consolidated version) considers as family members the following: spouses, unmarried partners living with the persons covered by Point 1 in conditions analogous to that of married couples for more than two years, minor children of the persons covered by Point 1 or of their spouses or partners, including adopted children, other close relatives who live with the persons covered by Point 1 and who, completely or to a great extent, depend on them.
Third-country nationals and stateless persons beneficiaries of international or equivalent national protection in Ukraine until 24 February 2022	Yes  Point 1 of the Resolution of the Council of Ministers No. 29-A/2022 of March 1.
Stateless persons and nationals of third countries, legally residing in Ukraine before 24	Yes

Type of beneficiary	National regime of temporary protection for displaced persons coming from Ukraine
February 2022 on the basis of a valid permanent resident permit and unable to return in safe and durable conditions to their country or region of origin	Point 2(a) second part and (b) second part of the Resolution of the Council of Ministers No. 29-A/2022 of March 1 (consolidated version).
Other persons who are displaced for the same reasons and from the same country of region of origin (Article 7(1) of TPD), including <ul style="list-style-type: none"> <li>▶ stateless persons and</li> <li>▶ nationals of third countries other than Ukraine,</li> </ul> who are residing legally in Ukraine and who are unable to return in safe and durable conditions to their country or region of origin (Article 2(3) Council Decision).	No  Point 2 of the Resolution of the Council of Ministers No. 29-A/2022 of March 1, also granted temporary protection to stateless persons and nationals of third countries who held a temporary residence permit or a long-stay visa and were unable to return in safe and durable conditions to their country of origin. The amendment introduced by the Resolution of the Council of Ministers No. 135/2022, of December 28, now limits the personal scope of protection to stateless persons and nationals of third countries <i>permanently</i> residing in Ukraine.
Any additional category of beneficiaries (i.e. persons who arrived from Ukraine before 24 February 2022)	Yes  Although it may be construed from the wording of Point 1 of the Resolution of the Council of Ministers No. 29-A/2022 that it applies to persons displaced as a result of the war, so from the date of the invasion, as it refers to persons “coming from that country [Ukraine] and who cannot go back as a result of the war situation”, this Resolution does not explicitly foresee 24 February 2022 nor any particular date before, on or from which the beneficiary must have been present or living in Ukraine/have been displaced.

## 1.2 Institutional framework

- a) National competent authority(ies) providing assistance to the persons enjoying temporary (or adequate) protection coming from Ukraine.

Scope of work	Name of the authority (in EN)	Name of the authority (in national language)	Hyperlink
General (including	Borders and Immigration Service (SEF)	<i>Serviço de Estrangeiros e Fronteiras (SEF)</i>	<a href="https://www.sef.pt/en/Pages/homepage.aspx">https://www.sef.pt/en/Pages/homepage.aspx</a>

Scope of work	Name of the authority (in EN)	Name of the authority (in national language)	Hyperlink
<b>status change in Section 2)</b>	High Commission for Migration (ACM, IP.)	<i>Alto Comissariado para as Migrações (ACM, IP)</i>	<a href="https://www.acm.gov.pt/68">https://www.acm.gov.pt/68</a> and <a href="https://eportugal.gov.pt/entidades/alto-comissariado-para-as-migracoes">https://eportugal.gov.pt/entidades/alto-comissariado-para-as-migracoes</a>
<b>Employment rights</b>	Institute for Employment and Vocational Training (IEFP)	<i>Instituto de Emprego e Formação Profissional (IEFP, IP)</i>	<a href="https://www.iefp.pt/">https://www.iefp.pt/</a>
	General-Directorate of Employment and Labour Relations	<i>Direção-Geral do Emprego e das Relações de Trabalho (DGERT)</i>	<a href="https://www.dgert.gov.pt/">https://www.dgert.gov.pt/</a>
<b>Social welfare and social security rights</b>	Social Security Institute (ISS)	<i>Instituto de Segurança Social (ISS, IP)</i>	<a href="https://en.seg-social.pt/homepage">https://en.seg-social.pt/homepage</a>

- b) Existence of a mechanism in place to coordinate the work of these national authorities with respect to persons enjoying temporary (or adequate) protection coming from Ukraine.

The Resolution of the Council of Ministers No. 29-A/2022 of March 1 (Point 15) created an inter-ministerial commission chaired jointly by the members of the Government responsible for the areas of integration and migration and internal administration and composed of representatives of the government areas of economy and digital transition, foreign affairs, justice and labour, solidarity and social security; in the meetings of the inter-ministerial commission, depending on the matter, representatives of other government areas may also participate.

The inter-ministerial commission is responsible for evaluating the hosting capacity of the Portuguese State in the context of temporary protection; defining the hosting conditions and how the rights of the beneficiaries of temporary protection will be ensured; evaluating the possibility of extending temporary protection to other beneficiaries; and coordinating the action necessary for the application of the temporary protection regime throughout its duration and proposing supplementary measures.



## 2.0 Possibility of changing the status

- a) Difference between temporary protection status and other forms of adequate protection<sup>3</sup> under national law, in respect of third country nationals and stateless persons coming from Ukraine.

No such other forms of adequate protection exist in Portugal.

- b) Possibility to file status change inside the territory without the requirement for the person to first leave the country or return to Ukraine from temporary protection or other forms of adequate protection to employment-based residence permit during the temporary protection regime and at the end of this regime (e.g. single permit for work, EU Blue Card for highly-qualified workers, seasonal workers, family reunification).

Although not expressly referring to beneficiaries of temporary protection, it results from the law that beneficiaries of temporary protection may request a residence permit for the exercise of an employed/self-employed professional activity from inside the national territory (Articles 77, 88 and 89 of the [Law No. 23/2007, of July 4](#), which establishes the legal regime for the entry, permanence, departure and removal of foreigners from the national territory).

Displaced persons from Ukraine can also apply for asylum during the period of temporary protection (Article 19(1) of the [Law No. 67/2003 of August 23](#)). Until the refugee status has been granted or, in case of a decision not to grant asylum or other kind of protection, the term of the period of temporary protection, the beneficiary shall continue to enjoy protection under that status.

At the end of the temporary protection regime, the beneficiary is subject to the general legal framework of entry, permanence, exit and removal of foreigners into and out of national territory ([Law No. 23/2007, of July 4](#), *ex vi* Article 22 of [the Law No. 67/2003 of August 23](#)).

- c) Relevant national legislation on changing the status (including the procedure to be followed).

### Status change from temporary protection to a single permit for work:

The conditions set in the legislation to apply for such a status change while remaining in the country:

As mentioned above, although not expressly referring to beneficiaries of temporary protection, it results from the law that beneficiaries of temporary protection, thus, persons displaced from Ukraine, may request a residence permit for the exercise of an employed/self-employed professional activity from inside the national territory (Articles 77, 88 and 89 of the [Law No. 23/2007, of July 4](#), which establishes the legal regime for the entry, permanence, departure and removal of foreigners from the national territory).

Article 77 of the [Law No. 23/2007, of July 4](#), establishes the following general conditions for granting a temporary residence permit: being in possession of a valid residence visa; the absence of any fact which, if

<sup>3</sup> 'Adequate protection' under national law is referred to in Article 2(2) of the Council Decision as a possible alternative that may be offered by Member States to temporary protection and therefore does not have to entail benefits identical to those attached to temporary protection as provided for in Directive 2001/55/EC. Nevertheless, when implementing the Council Decision, Member States must respect the Charter of fundamental rights of the European Union and the spirit of Directive 2001/55/EC. The respect for human dignity and therefore a dignified standard of living (such as residency rights, access to means of subsistence and accommodation, emergency care and adequate care for minors) has to be ensured in respect of everyone.

known by the competent authorities, would prevent the granting of the visa; possessing means of subsistence, as provided for in [Ordinance No. 1563/2007, of December 11](#); having accommodation; absence of conviction for a crime that in Portugal is punishable by deprivation of liberty lasting more than one year; not being in the period of interdiction of entry into national territory, subsequent to a measure of removal from the country; not being indicated in the Schengen Information System; not being indicated in the Integrated Information System of the SEF for the purposes of non-admission, under the terms of Article 33 and 33-A of the Decree-Law No. 23/2007 of July, 4.

According to Article 88 of the [Law No. 23/2007, of July 4](#), a residence permit may be requested for the exercise of an employed professional activity, upon expression of interest presented on the SEF website (on the SAPA Portal) or directly at one of its regional offices, by foreign nationals not holding a valid residence visa, provided they fulfil the following conditions:

- ▶ Have an employment contract or promise of employment contract or have an employment relationship proven by a union, by a representative of migrant communities sitting on the Council for Migration or by the Authority for Working Conditions (in case of subordinate professional activity);
- ▶ Have legally entered the national territory;
- ▶ Are registered with social security.

According to Article 89 of the [Law No. 23/2007, of July 4](#), a residence permit for the purpose of exercising a self-employed professional activity may only be granted to foreign nationals who have constituted a company under the terms of the law, having declared the start of activity with the Tax Administration and Social Security as a natural person or have a contract for the provision of services for the exercise of a liberal profession; have qualification to exercise an independent professional activity (when applicable); and present a declaration of the professional order proving the respective registration (when required).

The requirement to hold a valid residence visa is also waived when the residence permit for the exercise of a self-employed professional activity is requested upon expression of interest presented on the SEF website (on the SAPA Portal) or directly at one of its regional offices, provided such foreign nationals have entered the national territory legally.

The holder of a residence permit for the exercise of an employed/self-employed professional activity may exercise a self-employed/employed professional activity by requesting the SEF the replacement of the residence permit.

Any difference in admission criteria and conditions between first time applicant and when applying for a change of status:

No. However, both Articles 88 and 89 foresee that the requirement of holding a valid residence visa is waived provided that the foreign nationals have entered the national territory legally.

Any alteration of rights with respect to

<p>residence:</p> <p><a href="#">Law no. 18/2022, of 25 August</a>, in force since 26 August 2022, has amended Article 75 of the Law no. 23/2007, of July 4, and now foresees that the temporary residence permit is valid for a period of two years, counting from its issue, and it is</p>	<p>employment rights:</p> <p>No</p>	<p>social welfare and social security rights:</p> <p>Loss of the right to adequate accommodation and to the necessary assistance in terms of social welfare and means of subsistence, provided</p>
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<p>renewable for successive periods of three years (while it previously established that the temporary residence permit was valid for one year from its issue, renewable for successive periods of two years).</p>		<p>for in Article 15(1) and (2) of the <a href="#">Law No. 67/2003, of August 23</a>.</p>
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<p><u>Status change from temporary protection to family reunification:</u></p> <p>The conditions set in the legislation to apply for such a status change while remaining in the country:</p> <p>At the end of the temporary protection regime, the beneficiary is subject to the general legal framework of entry, permanence, exit and removal of foreigners into and out of national territory (<a href="#">Law No. 23/2007, of July 4</a>, ex vi Article 22 of <a href="#">the Law No. 67/2003 of August 23</a>).</p> <p>According to Article 98 and ff. of the <a href="#">Law No. 23/2007, of July 4</a>, which establishes the legal regime for the entry, permanence, departure and removal of foreigners from the national territory, foreigners with a valid residence permit (residents) are entitled to family reunification with family members who are outside the national territory and who have lived with them in another country, depend on or cohabit with the residents, as well as who have legally entered national territory and who depend on or cohabit with the residents.</p> <p>For this purpose, the applicant must have accommodation and means of subsistence, as defined in the <a href="#">Ordinance No. 1563/2007, of December 11</a> (these conditions do not apply to the family reunification of refugees).</p> <p>Family reunification can be requested to the SEF by family members who are in national territory or by the holder of the right.</p>		
<p>Any difference in admission criteria and conditions between first time applicant and when applying for a change of status:</p> <p>No. However, when the family members are already in national territory, Article 103 of the Law 23/2007, of July 4, establishes that both them and the resident can request the family reunification.</p>		
<p>Any alteration of rights with respect to</p>		
<p>residence:</p> <p>Residence permit of the family members is of the same duration than the residence permit of the residents. If the residents have a permanent residence / permit, the permit granted to the family member is valid for two years, renewable for successive periods of three years.</p> <p>Two years after the issuance of the first residence permit and insofar as family ties persist or, irrespective of the aforementioned period, whenever the holder of the right to family reunification has minor children residing in Portugal, family</p>	<p>employment rights:</p> <p>No</p>	<p>social welfare and social security rights:</p> <p>Loss of the right to adequate accommodation and to the necessary assistance in terms of social welfare and means of subsistence, provided for in Article 15(1) and (2) of the <a href="#">Law No. 67/2003, of August 23</a>.</p>

<p>members are entitled to an autonomous permit with the same duration as the resident's permit. In exceptional cases, namely legal separation of persons and property, divorce, widowhood, death of an ascendant or descendant, conviction for a crime of domestic violence and when the age of majority is reached, an autonomous residence permit may be granted before the aforementioned period. The first residence permit granted to the spouse under the scope of family reunification is autonomous whenever the spouse has been married to the resident for more than five years.</p>		
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- d) Measures aiming to preclude registration of displaced persons in more than one Member State/EEA-EFTA country (see Article 26 of the Temporary Protection Directive).

According to Article 26(4) of the [Law No. 67/2003, of August 23](#), whenever a transfer to another Member State is carried out, the temporary protection title in Portugal is cancelled, ceasing the obligations relating to the beneficiaries associated with temporary protection in national territory.

Article 17(8) of the same act determines that the transfer of protected citizens to another host Member State, for the purpose of family reunification, entails the cancellation of temporary protection titles issued in their favour and the extinction of the rights granted to the persons concerned under the temporary protection regime in Portugal.

### 3.0 Access to labour market (Article 12 of the Temporary Protection Directive)

- a) Overview on how equal treatment on the labour market as regards working conditions is ensured for persons enjoying temporary (or adequate) protection from Ukraine.

Article 14 of the [Law No. 67/2003, of August 23](#), determines that beneficiaries of temporary protection in Portugal may engage in employed or self-employed activities.

According to [Article 4](#) of the Portuguese Labour Code, a foreign worker or stateless person who is authorised to carry out a subordinate professional activity in Portuguese territory enjoys the same rights and is subject to the same duties as a worker with Portuguese nationality.

- b) Conditions applicable to persons enjoying temporary (or adequate) protection from Ukraine, (including the procedure to be followed):
- I. The conditions regulating work permits/work authorisation, if required

The temporary protection permit is a residence permit that allows access to the labour market (Article 14 of the [Law No. 67/2003, of August 23](#)).

The request for temporary protection can be made online on [SEFforUkraine.sef.pt](#) or in person, on or outside of national soil. The SEF issues a declaration proving the request for temporary protection and communicates it to the social security and to the tax and customs authority (for the purpose of automatic allocation of the social security identification number and the tax identification number), as well as to the IEPF (for the purposes of registration). This declaration is valid in access to basic services and integration offers.

II. Recognition of qualifications/diplomas

[Decree-Law No. 28-B/2022, of March 25](#), establishes measures concerning the recognition of professional qualifications of beneficiaries of temporary protection under the Resolution of the Council of Ministers No. 29-A/2022 regarding regulated professions where the authorities competent for the recognition are services or entities directly or indirectly administered by the State or independent administrative entities. Professions exercised within the scope of the operation, management or maintenance of critical infrastructures or professions that imply a serious risk to the safety of the respective recipients are excluded (list contained in [Ordinance no. 144/2022 of May 13](#)).

Decree-Law No. 28-B/2022, of March 25, determines that, when the application has been fully instructed, it refers to a profession in relation to which the competent Portuguese authorities have already recognised the Ukrainian professional qualifications concluding that there are no serious doubts as to its equivalence to the Portuguese qualifications, and in the absence of a decision within the legally prescribed period, the request is considered tacitly granted. However, according to the preamble of [Ordinance no. 144/2022 of May 13](#), on the date of adoption of that ordinance, no procedures for the recognition of Ukrainian qualifications carried out in the aforementioned terms had been identified, as per the consultation of the competent authorities. As such, the procedure mentioned in the following paragraph applies to all professions. The DGERT is responsible for defining and updating the list of professions already recognised and publishes it on their website.

As for the other professions, it is determined that, in the absence of a decision within the legally prescribed period, the applicant is authorised to exercise the professional activity requested, provided that it is supervised and accompanied by a recognised professional, without prejudice to the continuation of the recognition procedure. When the documentation submitted by the applicant is insufficient due to the situation of war, the certifying entity officially articulates with the European Commission in order to issue duplicates. If this issuance is not possible, it is necessary to distinguish the professional activity in question: (i) if it is a professional activity in relation to which the competent Portuguese authorities have already evaluated the Ukrainian qualifications, under the aforementioned terms, in the absence of a decision within the legally provided, the applicant is authorised to exercise the professional activity in question, in a supervised manner, without prejudice to the continuation of the procedure; (ii) for other professions, a procedure similar to the European Qualifications Passport for Refugees is used.

Information on the procedure and necessary documents to obtain the recognition of qualifications of several different professions is available [here](#). Pursuant to Article 6 of [Decree-Law no. 24-B/2022 of March 11](#), applications for recognition of academic degrees and diplomas submitted by beneficiaries of temporary protection are priority and are exempt from the requirements provided for in specific or sectoral legislation

regarding: (i) legalization formalities of documents issued by foreign entities; (ii) certification or authentication of translations into Portuguese of documents written in a foreign language; (iii) certification or authentication of photocopies of original documents; and (iv) registration fees and charges of any other nature.

Article 4 of the [Decree-Law no. 24-B/2022 of March 11](#), further foresees specific rules for drivers who are beneficiaries of temporary protection, facilitating the exchange of the drivers' permit by a Portuguese license. Where Portuguese legislation imposes the passing of a theoretical test for the purpose of initial qualification or endorsement of categories, possibility shall be given to the drivers to request the respective translation. No fees apply for the procedures of recognition and exchange of the drivers' habilitation title and professional certification.

III. Eligibility to receive assistance for job seekers (e.g., career counselling, skills assessment, locating appropriate job openings, etc.)

Temporary protection recipients may receive assistance for job seeking from the IEFP, IP - the Portuguese public employment service (see [Ordinance No. 319/2012 of October 12](#)). The IEFP is responsible for gathering employers' intention to hire displaced persons from Ukraine, disseminating these job opportunities among these persons, and participating in special attendance teams working in four National Support Centres for the Integration of Migrants (CNAIM) in Beja, Faro, Lisbon and Oporto.

In [the Portugal for Ukraine platform's page of the IEFP](#), companies can publish job opportunities and the professional profiles they are looking for. Displaced persons from Ukraine can consult job opportunities in the platform, apply to offers with the assistance of a contact centre available in Ukrainian, and there is also a form through which persons displaced from Ukraine can divulge their CV and accept to be contacted by the IEFP in case opportunities appear. The IEFP maps out the skills of displaced persons from Ukraine, their places of residence/hosting and the job offers available and gets in touch with the candidates if the profile matches a company's need.

IV. Availability of vocational training/educational opportunities for adults/practical workplace experience.

Under Article 14(1) of the Law No. 67/2003, beneficiaries of temporary protection have the right to participate in professional training activities.

Additionally, [Decree-Law 28-A/2022 of March 25](#), sets out measures on access to higher education for beneficiaries of temporary protection. Article 2 establishes that students benefiting from temporary protection may request the status of a student in emergency situation on humanitarian grounds and may apply for enrolment in a higher education institution/course equivalent to the one they were attending. For that purpose, the verification of the normal conditions for admission (verification of specific academic qualification, language level and other requirements) may be waived. Article 3 guarantees the obtaining of additional education for the beneficiaries of temporary protection who have a qualification that does not meet the minimum requirements for recognition (more information about diploma recognition can be found [here](#)). Students in emergency situation on humanitarian grounds are eligible for scholarships.

The IEFP also assists temporary protection beneficiaries in integrating the Portuguese labour market, through [internships](#), [support to persons willing to work and reside in the interior of the country](#), [different types of training](#) and by organising the [Portuguese as a Host Language courses](#). These courses may be attended by

beneficiaries of temporary protection from the age of 16, following the adoption of [Ordinance No. 184/2022 of 21 July](#).

- V. Any exceptions to the general law in force in the country applicable to remuneration and other conditions of (self-) employment

There are no specific issues or salient points identified for this question.

## 4.0 Social security, social welfare and means of subsistence assistance, as well as medical care (Article 13 of the Temporary Protection Directive)

- I. Types of benefits with description and coverage

Main general benefits under the social security contribution scheme:

- ▶ Sickness benefit: cash benefit granted to the beneficiary to compensate for the loss of earnings resulting from their temporary absence from work due to sickness;
- ▶ Parental benefits: there are several modalities, such as parental allowance, childcare allowance, grandchild care allowance, allowance for specific risks, allowance for clinical risk during pregnancy and allowance in case of pregnancy termination;
- ▶ Unemployment protection: there are several modalities of benefits (unemployment benefit, social unemployment benefit, partial unemployment benefit) with the aim to compensate for the lack of remuneration due to the involuntary loss of employment.

General main benefits of the non-contribution scheme/social welfare (more information [here](#)):

- ▶ **Social integration income (RSI)**: cash benefit to ensure people have minimum resources to cover their basic needs, plus an integration programme (social integration contract) (more information [here](#) and [here](#));
- ▶ **Prenatal family benefit**: cash benefit granted to pregnant women as of the 13<sup>th</sup> week of pregnancy;
- ▶ **Parental social allowance**: cash benefit granted to the father or mother or to the other person entitled to parenting benefits who does not work and does not pay social security contributions, or does not fulfil the entitlement conditions to the parental allowance, as from the childbirth;
- ▶ **Social allowance for clinical risk during pregnancy**: cash benefit granted to the woman worker during pregnancy to replace lost work income in case of clinical risk for the pregnant woman or for the child to be born;
- ▶ **Social allowance in case of pregnancy termination**: cash benefit granted to the women worker who are in a situation of economic need, in the event of a medically certified pregnancy termination;



- ▶ **Social allowance for specific risks:** cash benefit granted to pregnant workers, workers who have recently given birth and are breastfeeding and who, in their professional activity, perform night work or are exposed to specific risks that jeopardize their safety and health, provided that the employer cannot assign them to other tasks;
- ▶ **Specific social allowance in case of hospitalisation of the new-born child:** cash benefit granted in the case of hospitalisation of the new-born child immediately after the recommended hospitalisation period following the birth, due to the need of special medical care provision to the child;
- ▶ **Family benefit for children and young people:** cash benefit aimed to support families in the care and education of their children and young people and whose amount is determined according to the household income level, which varies according to the household reference income and the year to which it concerns (more information [here](#));
- ▶ **Scholarship:** cash benefit to the students enrolled in the secondary level of education or equivalent.

Specific benefits for displaced persons from Ukraine:

- ▶ **Housing:** Under Article 5 of the [Decree-Law No. 24-B/2022, of March 11](#), beneficiaries of temporary protection under [Resolution of the Council of Ministers No. 29-A/2022, of March 1](#), are covered by the program “Porta de Entrada - Programa de Apoio ao Alojamento Urgente”, a program ensuring housing to people who have become homeless, temporarily or permanently, as a result of an unpredictable and exceptional event, such as the war in Ukraine. The Government created an exceptional regime to accommodate displaced persons from Ukraine. Beneficiaries receive a financial contribution, directly to the household or to the accommodation's bank account, to support the costs of: accommodation in tourist accommodation or renting a house. Support is granted for a period of up to 18 months and can be extended up to a maximum of 30 months.
- ▶ **Medical care:** Article 15(4) of the [Law No. 67/2003, of August 23](#), ensures medical assistance to beneficiaries of temporary protection. As mentioned above, upon request of temporary protection status, the SEF issues a declaration proving the request and communicates it also to the Shared Services of the Health Ministry for the purposes of assigning a National Health Service Number (NSNS), granting automatic access to all basic health services available through the Portuguese National Health Service in the same conditions as Portuguese nationals.
- ▶ The Directorate-General for Health (DGS) published a rule that defines the vaccination strategies of foreign citizens in the context of temporary protection, considering that vaccination is one of the priorities of the reception program in terms of health. According to the norm, the vaccination schedules of citizens' origin must be adapted according to those recommended in Portugal. Considering that there is a greater risk of certain vaccine-preventable diseases in countries with low vaccination coverage and in the face of disruptive situations, such as armed conflict, priorities were defined for vaccination against measles and polio. Additionally, recommendations were issued regarding vaccination against tuberculosis, according to the National Vaccination Program (PNV), the Vaccination Campaign against COVID-19 and the Vaccination Campaign against seasonal flu.

## II. Eligibility conditions

Under Article 14 of the Law No. 67/2003, of August 23, persons enjoying temporary protection may engage in employed or self-employed activities. Notwithstanding, it is established that priority is given to EU citizens, citizens of States bound by the EEA Agreement and to legally resident third-country nationals who receive



unemployment benefit. However, [Article 6 of the Decree-Law No. 28-B/2022 of March 25 determined that](#) this priority rule is not applicable to the access to any employed or self-employed activity by beneficiaries of temporary protection under Council of Ministers Resolution No. 29-A/2022, of March 1.

Those who are employed or self-employed will also have access to the contribution scheme on the same terms as Portuguese nationals. The Agreement on Social Security between the Portuguese Republic and Ukraine, signed in Lisbon, on 7 July 2009, approved by [Decree No. 8/2010, of 27 April](#), establishes the principle of equal treatment of nationals of Ukraine and stateless persons and refugees residing in Ukraine and living in Portugal, as well as their family members and survivors, in what concerns the rights and obligations foreseen in the national legislation covered by the Agreement, which therefore applies in the same conditions as it does to Portuguese nationals. In Portugal, the Agreement covers legislation concerning (i) the social security regimes applicable to all employees and self-employed workers and the optional affiliation regimes of the welfare system of the social security system, with regard to benefits in the event of illness, maternity, paternity and adoption, occupational illness, unemployment, invalidity, old age and death; (ii) the regime applicable to benefits for family expenses of the family protection subsystem of the social protection system of citizenship; and (iii) the regime applicable to compensation for damages arising from accidents at work.

Eligibility conditions to benefits of the contribution scheme (general eligibility conditions):

- ▶ Sickness benefit: (i) to be in a situation of temporary incapacity for work certified by a physician from the competent health service; (ii) have completed six calendar months, continuous or non-continuous, with earnings registration on the date of the sickness beginning (qualifying period); and (iii) have completed the minimum working period (not applicable for self-employed);
- ▶ Childcare allowance: (i) have completed the qualifying period of six calendar months with earnings registration; and (ii) to take the respective leave as provided for in the Labour Code, in the case of employees, or an equivalent period in other cases;
- ▶ Grandchild care allowance: (i) have completed the qualifying period of six calendar months with earnings registration. The qualifying period includes periods completed under other national or foreign social protection schemes covering this type of protection, including the civil servants' scheme; and (ii) to take the respective leave as provided for in the Labour Code, in the case of employees, or an equivalent period in other cases;
- ▶ Unemployment protection: (i) concrete eligibility conditions vary with the modality benefit granted; and (ii) in any case there must be a situation of involuntary loss of employment;
- ▶ Old-age pension: (i) have reached the age for access to the old-age pension; and (ii) the qualifying period.

Eligibility conditions to benefits of the non-contribution scheme/social welfare (general eligibility conditions):

- ▶ **Social integration income (RSI):** situation of extreme poverty;
- ▶ **Prenatal family benefit:** (i) 13th week of pregnancy; (ii) household movable assets do not exceed the value of EUR 106 368.00 on the date of application submission; and (iii) household reference income below the threshold value;
- ▶ **Parental social allowance:** (i) household movable assets do not exceed the value of EUR 106 368.00 on the date of application submission; (ii) monthly income per household member is equal to or lower than EUR 354.56;
- ▶ **Social allowance for clinical risk during pregnancy:** (i) carry out a professional activity; (ii) household movable assets do not exceed the value of EUR 106 368.00 on the date of application submission; (iii)

monthly income per household member is equal to or lower than EUR 354.56; (iv) contributory duties towards social security are fulfilled on the date on which the entitlement to the allowance is recognised, if the person concerned is a self-employed person or is covered by the voluntary social insurance scheme;

- ▶ **Social allowance in case of pregnancy termination:** (i) carry out a professional activity; (ii) household movable assets do not exceed the value of EUR 106 368.00 on the date of application submission; (iii) monthly income per household member is equal to or lower than EUR 354.56; (iv) contributory duties towards social security are fulfilled on the date on which the entitlement to the allowance is recognised, if the person concerned is a self-employed person or is covered by the voluntary social insurance scheme;
- ▶ **Social allowance for specific risks:** (i) household movable assets do not exceed the value of EUR 106 368.00 on the date of application submission; (ii) monthly income per household member is equal to or lower than EUR 354.56; (iii) contributory duties towards social security are fulfilled on the date on which the entitlement to the allowance is recognised, if the person concerned is a self-employed person or is covered by the voluntary social insurance scheme;
- ▶ **Specific social allowance in case of hospitalisation of the new-born child:** (i) household movable assets do not exceed the value of EUR 106 368.00 on the date of application submission; and (ii) monthly income per household member is equal to or lower than EUR 354.56;
- ▶ **Family benefit for children and young people:** (i) household movable assets do not exceed the value of EUR 106 368.00 at the date of the application submission; (ii) families reference income is below the threshold value; (iii) accommodated in social support establishments; (iv) young people who are not working, unless the work is carried out under an employment contract during school holidays
- ▶ **Scholarship:** (i) household reference income corresponds to the 1st or 2nd income level of the family benefit for children and young people; (ii) being enrolled in and attending the 10th, 11th or 12th school grade or equivalent; (iii) being aged under 18; and (iv) successfully complete the school grades while attending the secondary level of education or equivalent.

Under Article 15(1) and (2) of the Law No. 67/2003 of August 23, together with Point 12 of the [Resolution of the Council of Ministers No. 29-A/2022, of March 1](#) (consolidated version), beneficiaries of temporary protection who do not have sufficient resources are entitled to suitable housing, social benefits and means of subsistence. Without prejudice to this, beneficiaries of temporary protection are assimilated to beneficiaries with refugee status in what regards access to non-contributory social benefits. Beneficiaries of temporary protection are also entitled to medical care (Article 15(4) and (5) of the Law No. 67/2003 of August 23).

- ▶ **Housing:** The access to the program [“Porta de Entrada - Programa de Apoio ao Alojamento Urgente”](#) is available for all displaced persons from Ukraine who have been granted temporary protection under the Council of Ministers Resolution No. 29-A/2022, of March 1, regardless of financial condition (more information [here](#)). Support should be asked in the municipality where the beneficiaries of temporary protection are residing. The list of municipalities and contact details can be found [here](#). The municipality communicates to the High Commissioner for Migration (ACM) the need for housing, in order to access support through the program. The form is available [here](#).
- ▶ **Medical care:** The Portuguese National Health Service is mostly free of charge. Any citizen registered with the National Health Service can access a Hospital or a Health Center and will have, at most, to pay a user fee. Once chosen the place of residence, the beneficiaries of temporary protection must register at the local Health Centre as residents in the area, so that they can be assigned a Family Doctor and be

included in the National Vaccination Plan. The Directorate-General for Health (DGS) published a [rule](#) that defines the vaccination strategies of foreign citizens in the context of temporary protection.

- III. Any exceptions to the general law in force in the country to access to social security systems or social welfare system relating to employed or self-employed activities

There are no specific issues or salient points identified for this question.

## 5.0 Public support instruments

Overview of other public support instruments facilitating labour market participation, information about and enforcement of rights and entitlements for displaced persons.

The Immigration and Border Service (*Serviço de Estrangeiros e Fronteiras* - SEF) provides [service desks exclusively for Ukrainian citizens](#) in its delegations and in the National Support Centres for Migrant Integration (CNAIM). Moreover, the request for temporary protection can be made online through a [form](#) available also in Ukrainian.

The Government created [The Portugal for Ukraine platform](#), which aims to concentrate all relevant information on the actions of the Portuguese State regarding the conflict in Ukraine and the relevant information for people displaced from Ukraine.

On the IEFP's [page of the platform](#), companies can publish job opportunities and the professional profiles they are looking for. It also provides a contact centre available in Ukrainian, which helps displaced persons from Ukraine who are looking for a job to apply for offers. There is also a form through which displaced persons from Ukraine can apply for employment, attaching their CV. The IEFP maps out the skills of the displaced persons from Ukraine, their places of residence/hosting and the job offers available and gets in touch with the candidates if the profile matches a company need.

One of the programs made available by the IEFP and being promoted to persons displaced from Ukraine is the "*Emprego Interior MAIS – Mobilidade apoiada para um Interior Sustentável*" through which the IEFP grants financial support to workers who enter into employment contracts or create their own job or company where the place of work implies their geographical mobility to an inland territory.

The IEFP also organises [Portuguese as Host Language courses](#) for beneficiaries of temporary protection. Following the adoption of [Ordinance No. 184/2022 of 21 July](#), beneficiaries of temporary protection aged at least 16 will be able to attend these courses, which can now be carried out, in whole or in part, as a distance course. Certification varies depending on the different types of routes taken (see the IEFP's [page](#)).

The Authority for Working Conditions ("*Autoridade para as Condições de Trabalho*" – ACT) has participated in [information sessions](#) on the reception and integration of persons displaced from Ukraine (until June 2022). The ACT has recently also published a guide directed to foreign workers entitled "Work in Portugal" ("*Trabalho em Portugal*"), available also in [Ukrainian](#).

To prevent and combat labour exploitation of persons displaced from Ukraine, the ACT conducted visits to companies to monitor the situation of Ukrainian workers (as [reported in late April 2022 by a digital newspaper](#)). The Commission for Gender Equality ("*Comissão para a Igualdade de Género*" – CIG) published, in March

2022, a [guide for the prevention of trafficking in human beings in a war situation](#), available also in English and Ukrainian, which was made available online and distributed at the borders.

The Program “*Formação +Próxima*”, an initiative of “*Turismo de Portugal*”, has a new axis of action entitled [Open to Ukraine](#). It is a program for the reception and integration of displaced persons from Ukraine in the tourism sector, with a view to respond to the urgent need to welcome and integrate displaced persons coming from Ukraine arriving in Portugal as a result of the war in their country. Six different courses are available that can be carried out autonomously or in itinerary mode, according to the identified needs: Portuguese - “*Bem-Vindos*” (“Welcome”) - 25 hours; Portuguese - Hospitality and Tourism - 25 hours; English - Hospitality & Tourism - 25 hours; B.I. Portugal - 12 hours; Portuguese Products and Flavors - 15 hours; Personal and Professional Development - 8 hours.

The Portuguese Bar Association (*Ordem dos Advogados – OA*) decided to provide [free legal support](#) to displaced persons from Ukraine. Portuguese lawyers support them in the preparation of authorisations for minors to leave Ukrainian territory, recognition of signatures, obtaining visas, residence permits, acquisition of nationality, etc. The list of lawyers available to provide this support free of charge is published [here](#) (continuously updated). The OA is also able to forward persons displaced from Ukraine who contact it to one of the registered lawyers, for which purpose a phone and email line is available. The OA has also created a specific webpage with relevant information for persons displaced from Ukraine and related to the conflict ([#LawyersforUkraine](#)).

Portuguese notaries provide free support services to Ukrainian citizens, making available a [form](#) for that effect.