

Temporary Protection Portugal

2023 Update

This annex on temporary protection complements and should be read together with the [AIDA Country Report on Portugal](#).

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Temporary Protection Procedure

A. General

The Temporary Protection Directive (TPD)¹ has been transposed to the national legal order by Act no.67/2003, of 23 August 2003 (Temporary Protection Act).²

Title (EN)	Original Title (PT)	Web Link
Act. no. 67/2003 of 23 August 2003 (Temporary Protection Act) <i>Amended by:</i> Decree-Law no. 41/2023, of 2 June 2023	Act no.67/2003, of 23 August 2003, que transpõe para a ordem jurídica nacional a Directiva n.º 2001/55/CE, do Conselho, de 20 de Julho, relativa a normas mínimas em matéria de concessão de protecção temporária no caso de afluxo maciço de pessoas deslocadas e a medidas tendentes a assegurar uma repartição equilibrada do esforço assumido pelos Estados membros ao acolherem estas pessoas e suportarem as consequências decorrentes desse acolhimento <i>Alterada pelo:</i> Decreto-Lei n.º 41/2023, de 2 de junho	https://bit.ly/3JhiysX (PT)

According to national law, temporary protection can be activated following a decision of the Council of the EU, or by decision of the national Government, with due regard for the risks to displaced persons, the need and urgency of the provision of temporary protection, and the consequences for public order and national security.³

When a mass influx of displaced persons is predictable, the Government must create an Interministerial Commission, presided by the Ministry of Home Affairs.⁴ This Commission is responsible for, inter alia, assessing reception capacity, defining the reception conditions and their provision, and coordinating the application of temporary protection.⁵

While the **personal scope of application** of temporary protection must be defined by decision of the Council of the EU/national Government, the Temporary Protection Act provides for the **exclusion** of certain persons.⁶ According to the Temporary Protection Act the following persons are excluded from temporary protection in Portugal:

- ❖ Persons with regard to whom there are *strong reasons*⁷ to consider that they:
 - Have committed a crime against peace, a war crime, or a crime against humanity, as defined in national legislation and in the relevant international law instruments to which Portugal is a party;⁸

¹ 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, available at: <https://bit.ly/3kl5SRz>.

² Available at: <https://bit.ly/3JhiysX>.

³ Article 4(1) and (3) Temporary Protection Act.

⁴ Article 4(2) Temporary Protection Act.

⁵ Article 5 Temporary Protection Act. In 2022, such Commission was created by the Resolution of the Council of Ministers no.29-D/2022, of 11 March 2022, par.15.

⁶ Article 6 Temporary Protection Act.

⁷ The corresponding Directive provision (article 28(1)(a)) refers to “serious reasons” (in Portuguese, “fortes razões”/“razões sérias”).

⁸ Article 6(1)(a)(i) Temporary Protection Act.

- Have committed a serious non-political crime⁹ outside the national territory before they could have been admitted in Portugal as beneficiaries of temporary protection.¹⁰ Within this context, the severity of the criminal procedure must be proportionate to the nature of the infraction. Particularly cruel or inhuman actions may be deemed as non-political crimes even if allegedly committed with a political purpose;¹¹
- Have committed acts contrary to the objectives and principles of the United Nations.¹²
- ❖ Persons with regard to whom there are serious reasons to be considered dangerous to the national security, or that were sentenced by a final judgement for a serious non-political crime or are a *serious*¹³ threat to the national community.¹⁴

The application of the exclusion clauses must be based on the individual behaviour of the person and be proportionate.¹⁵ Exclusion is applicable to both direct participants in the crimes and instigators.¹⁶

The issuance of exclusion decisions is adopted by the Minister of Home Affairs/Minister in charge of migration, following a reasoned opinion by SEF/AIMA,¹⁷ and may be appealed before the administrative courts.¹⁸ In the absence of specific deadlines and procedures, the general rules on administrative appeals apply.¹⁹

Temporary protection had never been activated in Portugal before March 2022, neither by Council decision, nor by decision of the national government.

On 1 March 2022, the Council of Ministers approved a Resolution establishing the criteria for granting of temporary protection for displaced people from Ukraine.²⁰ It has been subsequently amended on 11 March and 22 December 2022, mostly changing the personal scope of temporary protection (see: [Qualification](#)). The relevant Resolutions of the Council of Ministers also determined, inter alia, that:

- ❖ Applications for temporary protection could be made in person or digitally, inside or outside Portuguese territory;²¹
- ❖ Applications for temporary protection are to be immediately referred to the relevant authorities for the issuance of national healthcare system number, tax number, and social security number;²²
- ❖ Employment registration with the relevant national authority is automatic;²³
- ❖ Accommodation and subsistence allowances are to be granted to beneficiaries that do not have sufficient financial resources;²⁴
- ❖ Access to social security by beneficiaries of temporary protection is processed under the rules applicable to refugees.²⁵

⁹ Crime punishable with a prison term of more than 3 years (article 6(5) Temporary Protection Act). This criterion is not contained in the directive's text (article 28(1)(a)(ii)).

¹⁰ Article 6(1)(a)(ii) Temporary Protection Act.

¹¹ Article 6(3) Temporary Protection Act.

¹² Article 6(1)(a)(iii) Temporary Protection Act.

¹³ The qualification of the threat to national community as serious, is not included in the Directive's corresponding provision.

¹⁴ Article 6(1)(b) Temporary Protection Act.

¹⁵ Article 6(2) Temporary Protection Act.

¹⁶ Article 6(4) Temporary Protection Act.

¹⁷ Article 6(6) Temporary Protection Act.

¹⁸ Articles 6(7) and 28 Temporary Protection Act.

¹⁹ General rules provided in the Administrative Procedure Code – CPA - (available at: <https://bit.ly/3mV8Ymn>), and in the Code of Procedure in Administrative Courts – CPTA - (available at: <https://bit.ly/3ToXKmo>). Notably, article 58(1)(b) CPTA provides for a general deadline for appeal of 3 months.

²⁰ Resolution of the Council of Ministers no.29-A/2022, of March 2022, available at: <https://bit.ly/3vRYoie>.

²¹ Resolution of the Council of Ministers no.29-A/2022, of 1 March 2022, last amended by Resolution of the Council of Ministers no.135/2022, of 28 December 2022, par.7, available at: <https://bit.ly/3HWIUjU>.

²² Ibid, par.8.

²³ Ibid, par.9.

²⁴ Ibid, par.12.

²⁵ Ibid, par.13.

The duration of temporary protection was extended twice by the Portuguese government in the course of 2023. In March 2023, the Government approved a Resolution extending the validity of temporary residence permits for 6 months (from 1 March 2023 to 1 September 2023).²⁶ In October, another Resolution was approved, extending the validity of such residence permits for 6 months (from 1 September 2023 to 1 March 2024).²⁷

In February 2024, the government approved a resolution that extended the validity of temporary protection residence permits until 31 December 2024. The resolution also transferred the competencies previously allocated to SEF to AIMA.²⁸

In addition to an online platform for registration for temporary protection (see: [Registration](#)),²⁹ the national authorities created a website gathering information on the national response to displacement from Ukraine. The website allows people to request and offer help, and its contents are available in Portuguese, English, and Ukrainian.³⁰

According to the information provided by SEF regarding 2022, temporary protection cases were analysed by a total of 12 staff members of its regional directorates. AIMA did not provide information regarding the number of staff members analysing cases or further dealing with temporary protection.

According to the information provided by AIMA, since 2022, 59,361 persons requested registration for temporary protection to the Portuguese authorities.³¹ Out of these, 8,284 were third country nationals that lived in Ukraine, mostly from Nigeria, Morocco, India, Russia, and Algeria.³² Per AIMA's data, by the end of the year, there were 54,231 beneficiaries of temporary protection registered in the country.³³

AIMA did not provide information regarding the number of refusals and withdrawals of temporary protection. According to Eurostat's data, no withdrawals have occurred in Portugal since the beginning of the application of temporary protection.³⁴ According to media reports, around 4,000 beneficiaries of temporary protection left Portugal between April and May 2023.³⁵

²⁶ Resolution of the Council of Ministers no.22-D/2023, of 13 March 2023, available at: <http://tinyurl.com/y54rua6r>.

²⁷ Resolution of the Council of Ministers no.120/2023, 9 October 2023, available at: <http://tinyurl.com/47bfmcmx>.

²⁸ Resolution of the Council of Ministers no. 29/2024, 29 February 2024, available at: <https://tinyurl.com/5b5x36u9>.

²⁹ SEF for Ukraine: <https://bit.ly/3HRgzuf>.

³⁰ Portugal for Ukraine: <https://bit.ly/3RwtZ27>.

³¹ 23,776 Men, 35,585 Women; 14,457 Children (information on the number of unaccompanied children was not provided by AIMA). The overall figure seems to be incoherent with Eurostat's data on granting of temporary protection as the latter indicates that a total of 65,770 persons have been granted temporary protection since the activation of the mechanism, out of which 8,550 in 2023. Eurostat's data available at: <https://tinyurl.com/5c8h7xsa>.

³² Information provided by SEF for the previous edition of this report indicated that, out of the 56,599 persons that requested registration for temporary protection in 2022, 12,075 were third country nationals that lived in Ukraine. The reasons for this discrepancy in the figures are unknown.

³³ However, Eurostat's data indicates that by the end of December 2023, there were 58,820 registered beneficiaries in Portugal. See: <https://tinyurl.com/27xhmv5k>.

³⁴ Eurostat, *Decisions withdrawing temporary protection by citizenship and reason - quarterly data*, available at: <https://tinyurl.com/mr23buv3>.

³⁵ Lusa, *Perto de 4.000 refugiados ucranianos já deixaram Portugal*, 5 June 2023, available at: <https://tinyurl.com/37m77w37>.

B. Qualification for temporary protection

The personal scope of temporary protection has evolved since March 2022. On 1 March 2022, the Council of Ministers approved a Resolution³⁶ that granted temporary protection, with automatic grant of a residence permit, for one year (extendable), to:

- ❖ Ukrainian nationals and their family members coming from Ukraine that could not return to the country due to the war;
- ❖ Non-Ukrainians that prove being related,³⁷ married or in a civil partnership to Ukrainian nationals coming from Ukraine that could not return to the country due to the war.

Said Resolution was amended on 11 March, widening the personal scope of application of the temporary protection regime, and bringing it in line with the subsequent Council decision.³⁸ The following persons became entitled to temporary protection:

- ❖ Ukrainian nationals and beneficiaries of international protection in Ukraine, coming from Ukraine, and that cannot return due to the war;
- ❖ Other third country nationals or stateless persons that are in the same conditions as those above and that can prove either that they are related to the persons referred to above, **or** that they were permanent residents in Ukraine/had a temporary residence permit in the country/had a long-term visa in order to obtain such a permit and whose durable return to their country of origin is not possible.

In December 2022, the personal scope of temporary protection in Portugal was once again redefined, this time restricting eligibility. Since then, the following persons are eligible for temporary protection:³⁹

- ❖ Ukrainian nationals and beneficiaries of international protection in Ukraine, coming from Ukraine, and that cannot return due to the war;⁴⁰
- ❖ Third country nationals and stateless persons that prove being family members of those referred to above **or** that prove being permanent residents in Ukraine, and whose safe and lasting return to the country of nationality is not possible.⁴¹

As such, at the time of writing, third country nationals and stateless persons who were not beneficiaries of international protection in Ukraine are only eligible for temporary protection if they are family members of a Ukrainian national/beneficiary of international protection in Ukraine, or if they were permanent residents in the country and cannot return to their country of origin in a safe and lasting manner.

According to the information provided by SEF to the AIDA 2022 Update, third country nationals/stateless persons that were granted temporary protection under the prior rules will continue to benefit from temporary protection. No further information is available in this regard.

³⁶ Resolution of the Council of Ministers no.29-A/2022, of 1 March 2022, available at: <https://bit.ly/3vRYoie>.

³⁷ It is unclear why the resolution refers to family members twice, given that, if such family members were Ukrainian, they would be already directly included in the personal scope of temporary protection.

³⁸ Resolution of the Council of Ministers no.29-D/2022, of 11 March 2022, available at: <https://bit.ly/3tIPx7b>. See also 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, available at: <https://bit.ly/3X7rIB6>.

³⁹ Resolution of the Council of Ministers no.135/2022, of 28 December 2022, available at: <https://bit.ly/3HTIWbf>. The fully amended text is available at: <https://bit.ly/3l9Xx9l>.

⁴⁰ Ibid., par.1.

⁴¹ Ibid., par.2.

The amended Resolution defines family members as:⁴²

- ❖ Spouses or unmarried partners in a sustainable relationship, i.e., at least 2 years of living together in conditions analogous to marriage;
- ❖ Children under 18 years old (of the Ukrainian national/beneficiary of international protection in Ukraine or of their spouse or partner);
- ❖ Other close relatives sharing a household, that are fully or significantly dependent on the Ukrainian national or beneficiary of international protection in Ukraine entitled to temporary protection.

According to the publicly available information, family links can be proved by any available means, including witnesses.⁴³

The personal scope of temporary protection was not amended in the course of 2023.

According to the information provided by SEF in the past, in practice, persons who have left Ukraine on or after 1 January 2022 were eligible for temporary protection. It is unclear what was the legal basis for this cut-off date, given the wording of the relevant legislation. It was not possible to confirm this information in any of the public source available at the time of writing, and AIMA did not provide information on this matter.

According to the information provided by AIMA, since 2022, 59,361 persons requested registration for temporary protection to the Portuguese authorities.⁴⁴ Out of these, 8,284 were third country nationals that lived in Ukraine, mostly from Nigeria, Morocco, India, Russia, and Algeria.⁴⁵ Per AIMA's data, by the end of the year, there were 54,231 beneficiaries of temporary protection registered in the country.⁴⁶

AIMA did not provide information regarding the number of refusals and withdrawals of temporary protection. According to Eurostat's data, no withdrawals have occurred in Portugal since the beginning of the application of temporary protection.⁴⁷ According to media reports, around 4,000 beneficiaries of temporary protection left Portugal between April and May 2023.⁴⁸

In 2023, SEF confirmed that persons whose registration for temporary protection was refused were not issued a written decision, nor informed of the right to appeal on a systematic basis. AIMA did not provide information on this matter.

According to the information provided by CSTAF, no appeals were filed in the Administrative Courts regarding refusals to grant temporary protection in 2023.

⁴² Ibid, par.3.

⁴³ See, for instance: Justiça.Gov.Pt, *Reception and Integration of Ukrainian Citizens in Portugal*, available at: <https://bit.ly/3l8sFX3>.

⁴⁴ 23,776 Men, 35,585 Women; 14,457 Children (information on the number of unaccompanied children was not provided by AIMA). The overall figure seems to be incoherent with Eurostat's data on granting of temporary protection as the latter indicates that a total of 65,770 persons have been granted temporary protection since the activation of the mechanism, out of which 8,550 in 2023. Eurostat's data available at: <https://tinyurl.com/5c8h7xsa>.

⁴⁵ Information provided by SEF for the previous edition of this report indicated that, out of the 56,599 persons that requested registration for temporary protection in 2022, 12,075 were third country nationals that lived in Ukraine. The reasons for this discrepancy in the figures are unknown.

⁴⁶ However, Eurostat's data indicates that by the end of December 2023, there were 58,820 registered beneficiaries in Portugal. See: <https://tinyurl.com/27xhmv5k>.

⁴⁷ Eurostat, *Decisions withdrawing temporary protection by citizenship and reason - quarterly data*, available at: <https://tinyurl.com/mr23buv3>.

⁴⁸ Lusa, *Perto de 4.000 refugiados ucranianos já deixaram Portugal*, 5 June 2023, available at: <https://tinyurl.com/37m77w37>.

C. Access to temporary protection and registration

1. Admission to territory

CPR is not aware of instances of refusal of entry at the border of people fleeing Ukraine nor of difficulties impacting re-entry of people who have returned to Ukraine. AIMA reported that no such refusals took place in 2023.

Following the TPD, the Temporary Protection Act determines that, if needed, and taking into account the urgency of the situation, the issuance of visas may be fast-tracked and simplified. This is done namely by shortening the deadlines applicable to necessary actions, and by suppressing others.⁴⁹ Such visas are to be issued free of charge.⁵⁰

On 25 February 2022, the Prime-Minister announced that Portuguese Embassies and Consulates had been given instructions to facilitate the issuance of visas to Ukrainian nationals.⁵¹ It is unclear how this procedure worked in practice.

The *Portugal for Ukraine*⁵² website contains information on leaving Ukraine. Accordingly, persons not holding a biometric passport, must contact a Portuguese Embassy in order to be issued a safe conduct to travel. The portal also directs people in need of transportation to fill in a form to facilitate regular and organised arrivals. It is unclear which type of support was/is provided to those who have completed this form. Information on leaving Ukraine was also provided by the Portuguese authorities through the Ministry of Foreign Affairs webpage.⁵³

2. Freedom of movement

The law does not provide for any restriction to the internal freedom of movement of persons entitled to and beneficiaries of temporary protection, and CPR is not aware of the application of any such restrictions in practice. CPR is also not aware of restrictions on the ability of persons entitled to and beneficiaries of international protection to move towards other EU countries.

The Temporary Protection Act regulates the transfer of residence of beneficiaries of temporary protection between EU Member States, broadly in line with article 26 of the Temporary Protection Directive.⁵⁴ In the past, SEF informed that there is no procedure in practice for such purpose. AIMA did not provide information on this matter for 2023.

Data on de-registrations and onward relocations of beneficiaries to other EU Member States was not provided by AIMA.

According to SEF, a total of 1,531 statuses were cancelled in 2022 (no information on the grounds). The report of the Observatory for Migration covering 2022 (and published in 2023) indicates that there were 1,529 cancellations of temporary protection status in 2022, all of which by request of the beneficiaries.⁵⁵

⁴⁹ Article 10(3) Temporary Protection Act.

⁵⁰ Article 10(4) Temporary Protection Act.

⁵¹ Rádio Renascença, *Costa deu instruções para concessão de vistos imediatos para cidadãos ucranianos*, 25 February 2022, available (in Portuguese) at: <https://bit.ly/3JFv5GU>.

⁵² *Portugal for Ukraine*: <https://bit.ly/3RwtZ27>.

⁵³ Available at: <https://bit.ly/3HW2yLC>.

⁵⁴ Article 26 Temporary Protection Act.

⁵⁵ Observatório das Migrações (OM), *Requerentes e Beneficiários de Proteção Internacional – Relatório Estatístico do Asilo 2023*, p.128, July 2023. While the reports produced by the OM were previously available online, at the time of writing it was not possible to access them online, neither in the website of ACM, which was still online, nor in the website of AIMA.

3. Registration under temporary protection

The Resolution of the Council of Ministers approved on 1 March 2022, established that *applications* for temporary protection could be made in person or digitally, inside or outside Portuguese territory.⁵⁶ While according to the information gathered by CPR in early March 2022 the online registration platform⁵⁷ was not yet available, it became operational soon afterwards.⁵⁸

Registration, both online and in-person, is performed by the Immigration and Borders Service (SEF)/Agency for Integration, Migration and Asylum (AIMA). According to the information provided by SEF for 2022, temporary protection cases were processed by a total of 12 staff members of its regional directorates. AIMA did not provide information regarding the number of staff members analysing cases or further dealing with temporary protection.

According to the available information, only persons over 18 years old can fully complete their registration online. For security reasons, the registration of children requires an in-person stage to be completed. Prior to the termination of SEF's activities this was done at SEF's offices.⁵⁹

While according to the legal framework registration can be performed before entry into national territory, CPR received reports that the online platform requires individuals to insert a date of arrival prior to registration. Nevertheless, in 2022, SEF confirmed that it is possible to register from abroad. AIMA did not provide information in this regard. As such, the situation remains unclear.

The law does not establish any time limits for registration, and CPR has no indication that such limitations exist in practice.

The law does not clearly establish how to prove eligibility for temporary protection. According to the available information, any document proving eligibility (such as a passport or ID) must be presented. The procedure adopted by the authorities regarding undocumented persons is unclear (according to the information provided by SEF in the past, any kind of proof was accepted).

Registered persons are issued a *Certificate of preliminary registration on the temporary protection application platform* (*Declaração comprovativa de registo prévio na Plataforma de pedido de protecção temporária*), proving that their *application* for temporary protection has been recorded. The document bears no reference to the rights attached to it or to its validity.

Beneficiaries of temporary protection are subsequently issued a certificate of temporary protection by SEF/AIMA (*certificado de concessão de autorização de residência ao abrigo do regime de protecção temporária*, See [Content of Temporary Protection](#)).

In the course of 2023, CPR became aware of cases of significant delays (up to one year) in the issuance of the certificates of temporary protection without any information being provided by the authorities to the persons concerned. This has particularly impacted non-Ukrainians.

This problem has also been flagged by the Ombudsperson in the report to the Parliament covering 2022 (and published in 2023). According to the same report, SEF informed the Ombudsperson that such cases required a more detailed analysis, notably regarding security and documentary checks.⁶⁰

⁵⁶ Resolution of the Council of Ministers no.29-A/2022, of 1 March 2022, last amended by Resolution of the Council of Ministers no.135/2022, of 28 December 2022, par.7, available at: <https://bit.ly/3HWIUJU>.

⁵⁷ On 18 March 2022, ACM and SEF organised a webinar to civil society and community-based organisations to provide information on the use of the online platform.

⁵⁸ Available at: <https://bit.ly/3HVHTYe>.

⁵⁹ Information previously available at: *Portugal for Ukraine, Online temporary protection request – SEF – Borders and Immigration Service*, available at: <https://bit.ly/3X2hwEp>. At the time of writing, the website was unavailable. Similar information can be accessed at: *Justiça.gov.pt, Acolhimento e integração de cidadãos ucranianos em Portugal*, available at: <https://tinyurl.com/68jx7baa>. According to the information available in this website, registration of children must be concluded at SEF's offices or at ACM's National Centres. However, the information has not been updated since the termination of both SEF and ACM. It is unclear if, following the institutional change, registration of children can be performed at all AIMA's offices or not.

⁶⁰ Ombudsman, *Relatório à Assembleia da República 2022*, pp.58-59, July 2022, available at: <https://tinyurl.com/4j5jexx6>.

AIMA did not provide information on the average time for effective registration of beneficiaries of temporary protection in 2023.

The Temporary Protection Act only provides for a right to appeal in case of exclusion or of refusal of a family reunification request.⁶¹

While any decision issued by national administrative authorities in practice can be challenged according to the general administrative rules, SEF confirmed that, in 2022, persons whose registration for temporary protection was refused were not issued a written decision, nor informed of the right to appeal on a systematic basis. AIMA did not provide information in this regard for 2023.

4. Legal assistance

The Temporary Protection Act does not contain provisions on access to legal assistance and legal aid by persons entitled to temporary protection.

According to CPR's experience, there is no widespread awareness of the advantages of legal assistance within the context of temporary protection eligibility, a fact that is likely related to the features of the regime. CPR provides legal information on access to temporary protection on a needs-basis. Furthermore, upon request, the organisation assists beneficiaries of temporary protection with regard to integration-related matters, such as the rights attached to their status, and access of children born in Portugal to Portuguese nationality.

General provisions on access to **legal aid**, establish that foreigners and stateless persons are entitled to free legal aid if they have a valid residence permit (in an EU Member State), and prove not to hold sufficient income.⁶² Foreigners not holding a residence permit are entitled to free legal aid if there is reciprocity in the legislation of their countries of nationality.⁶³

The Immigration Act also provides for the right to free legal aid to foreigners not admitted into national territory,⁶⁴ to victims of human trafficking/actions to facilitate illegal immigration,⁶⁵ to long term residents with a judicial expulsion decision,⁶⁶ and to persons intending to judicially challenge a coercive removal decision.⁶⁷

In February 2022, the Lawyers' Bar announced the creation of lists of voluntary lawyers available to provide free legal assistance to displaced Ukrainians.⁶⁸

According to the information provided by CSTAF, no appeals were filed in the Administrative Courts regarding refusals to grant temporary protection in 2023.

5. Information provision and access to NGOs

According to the Temporary Protection Act, beneficiaries of temporary protection must be provided a document stating the rights and duties attached to their status. Such document is to be written in a language they understand.⁶⁹ The Temporary Protection Act does not contain further provisions on access to information and to NGOs.

⁶¹ Article 28 Temporary Protection Act.

⁶² Article 7(1) Access to Law and to Courts Act, available at: <https://bit.ly/3TslFjB>.

⁶³ Ibid, article 7(2).

⁶⁴ Article 40(2) Immigration Act, available at: <https://bit.ly/3JJjVjl>.

⁶⁵ Ibid, article 112(4).

⁶⁶ Ibid, article 136(4).

⁶⁷ Ibid, article 150(3).

⁶⁸ Ordem dos Advogados, *Apoio aos Cidadãos Ucrrianos | Lista de Advogados Voluntários*, 28 February 2022, available at: <https://bit.ly/3LppmWj>.

⁶⁹ Article 11 Temporary Protection Act.

Within the context of displacement from Ukraine, the national authorities launched a website, available in Portuguese, English and Ukrainian, containing information on eligibility for temporary protection and relevant procedures, as well as the rights attached to the status.⁷⁰

The High Commissioner for Migration (*Alto Comissariado para as Migrações*, ACM) created a specific email address to provide information related to displacement from Ukraine.⁷¹ ACM also listed a number of resources to persons displaced from Ukraine in its website.⁷² The website was still available at the time of writing despite the termination of ACM's activities by the end of October 2023.

Following the beginning of the war in Ukraine, a vast mobilisation for support was observed in Portugal, both within civil society, municipalities and other groups, providing varied assistance. According to the information provided by UNHCR, in 2023, it organised an online workshop for exchange of practices concerning housing among municipalities.

D. Guarantees for vulnerable groups

While the Temporary Protection Act, explicitly refers to the need to provide medical and other assistance to beneficiaries of temporary protection with special needs, such as unaccompanied children, victims of torture, violations or other serious forms of moral, physical or sexual violence,⁷³ it does not provide for a mechanism for the identification of specific needs emerging from vulnerabilities.

As mentioned in [Asylum Procedure: Guarantees for vulnerable groups](#), such a mechanism is also not in place within the asylum system. According to the available information, there was no mechanism in place in practice to identify and address such needs within the context of temporary protection. Neither AIMA, nor ISS provided information regarding this matter for 2023.

With regards to particularly vulnerable groups, the Temporary Protection Act only refers to specific measures to adopt regarding unaccompanied children.⁷⁴ Accordingly, unaccompanied children:

- ❖ Must be provided with the necessary legal representation;
- ❖ Must be accommodated with adult family members, in foster families, in specialised reception centres or other appropriate locations, or with the person who took care of them during flight for the duration of the temporary protection.

While this provision is broadly in line with article 16 of the TPD, it failed to transpose into national law the last paragraph of the Directive's provision. As such, it does not refer to the agreement of the adult(s) concerned, and to the need to take into account the child's opinions, considering their age and development.

According to the available information, for security reasons, the registration of children must be completed in-person. This is done in order to perform security checks and to verify parental responsibilities.⁷⁵

⁷⁰ *Portugal for Ukraine* website, available at: <https://bit.ly/425MsYa>.

⁷¹ sosucrania@acm.gov.pt

⁷² Alto Comissariado para as Migrações, *SOS Ucrânia*, available at: <https://bit.ly/3l3xMI9>.

⁷³ Article 15(5) Temporary Protection Act.

⁷⁴ Article 18 Temporary Protection Act.

⁷⁵ Information previously available at: *Portugal for Ukraine, Online temporary protection request – SEF – Borders and Immigration Service*, available at: <https://bit.ly/3X2hwEp>. At the time of writing, the website was unavailable. Similar information can be accessed at: [Justiça.gov.pt](https://www.justica.gov.pt), *Acolhimento e integração de cidadãos ucranianos em Portugal*, available at: <https://tinyurl.com/68jx7baa>. According to the information available in this website, registration of children must be concluded at SEF's offices or at ACM's National Centres. However, the information has not been updated since the termination of both SEF and ACM. It is unclear if, following the institutional change, registration of children can be performed at all AIMA's offices or not.

An email address and telephone line were created for the identification of unaccompanied children and of availability for reception and transportation.

The government established a multidisciplinary group to monitor the protection of unaccompanied children reaching Portugal within this context (ChildCareUKR). The group was initially composed by representatives of the Ministry of Labour, Solidarity and Social Security, Ministry of Justice, SEF and ACM.⁷⁶ According to the information provided by SEF for 2022, this group aimed to facilitate communication between relevant state services and entities and has allowed the identification of appropriate and efficient responses for the integration of children. SEF has previously informed that the group met regularly, and shared a digital platform that facilitated communication between services and persons in need of specific assistance.⁷⁷ Neither AIMA, nor ISS provided information regarding this matter for 2023.

According to the information provided by SEF, a total of 752 applicants for temporary protection were identified as vulnerable in 2022, all of whom unaccompanied children. AIMA did not provide information for 2023.⁷⁸ Data on unaccompanied children was also not available at Eurostat at the time of writing.⁷⁹

A specific guide on prevention of trafficking in human beings has been produced and is available in Portuguese, English and Ukrainian.⁸⁰

⁷⁶ Portuguese Republic, *Governo cria plataforma de registo e proteção a crianças ucranianas*, available at: <https://tinyurl.com/4cd43znn>.

⁷⁷ See also: Coordenação Nacional Garantia para a Infância, *Plano de Acção 2022-2030*, pp. 29-30, *January 2023*, available at: <https://tinyurl.com/5tt85yj3>

⁷⁸ A report prepared by the Centre for Social Studies (CES) for the Fundamental Rights Agency (FRA) indicates that, until 30 April 2023, Portugal granted temporary protection to a total of 14,256 children, out of which 701 separated and 15 unaccompanied. This data is not in line with the information previously provided by SEF to the AIDA report. See: CES, *Fundamental rights of children displaced in the EU following the Russian war of aggression – Portugal*, pp.3-4, June 2023, available at: <https://tinyurl.com/2vc9b4zh>.

⁷⁹ Eurostat, *Unaccompanied minors benefiting from temporary protection at the end of the month by citizenship, age and sex - monthly data*, available at: <https://tinyurl.com/4ddrc8ve>; Eurostat, *Decisions granting temporary protection to unaccompanied minors by citizenship, age and sex - annual aggregated data*, available at: <https://tinyurl.com/yr7xa2c9>.

⁸⁰ Comissão para a Cidadania e a Igualdade de Género, *Know the signs for your safety and protection*, available at: <https://bit.ly/3Y14591>.

Content of Temporary Protection

A. Status and residence

1. Residence permit

Indicators: Residence permit

- | | |
|--|-----------------------------|
| 1. What is the duration of residence permits granted to beneficiaries of temporary protection? | 1 year |
| 2. How many residence permits ⁸¹ were issued to beneficiaries from the activation of the Temporary Protection Directive until 31 December 2023? | Not available ⁸² |

Beneficiaries of temporary protection are entitled to a temporary protection residence permit to be issued free of charge.⁸³ According to the law, such temporary residence permits must be issued in the EU uniform format for residence permits.⁸⁴ The temporary protection residence permit is valid for one year, and can be renewed for the same period of time.⁸⁵

According to the publicly available information, following registration for temporary protection, SEF/AIMA performs the necessary checks, and shares the individual's data with the ISS, health and tax services so that the corresponding user numbers are issued. Beneficiaries of temporary protection are then issued a certificate of temporary protection by SEF/AIMA (*certificado de concessão de autorização de residência ao abrigo do regime de proteção temporária*). Following the collection of biometric data, the residence permit (card) should be issued.⁸⁶

Despite this information, according to CPR's experience beneficiaries of temporary protection have not been issued the residence permit (card), at least on a systematic basis. SEF confirmed that this is the case in 2022, and that the non-issuance of residence permits was determined by the Ministry of Home Affairs.⁸⁷ AIMA did not provide information on this matter for 2023. This is not only a doubtful practice but may also bear adverse consequences for beneficiaries of international protection. Notably, CPR has received reports according to which SEF and the Institute of Registries and Notary (*Instituto de Registos e Notariado*, IRN) deemed the certificate of temporary protection as insufficient to prove legal residence of parents for the purposes of children born in Portugal to acquire Portuguese nationality at birth, as they are supposed to according to the Nationality Act (see: [AIDA Country Report Content of Protection – Naturalisation](#)). It is unclear whether this practice evolved in the course of the year.

Furthermore, the certificate is not included in the List of Residence Permits issued by Member States published by the European Commission,⁸⁸ which may lead to issues regarding the recognition of the document across Member States and the crossing of external borders.

According to SEF, a total of 47,782 certificates of temporary protection were issued in 2022. Data on withdrawal was not available. AIMA did not provide information regarding permits issued and withdrawn

⁸¹ See infra.

⁸² AIMA did not provide information on the number of residence permits issued to beneficiaries of temporary protection. According to the data provided by the Agency, a total of 54,231 persons were registered as beneficiaries at the end of 2023.

⁸³ Article 10(1) and (4) Temporary Protection Act.

⁸⁴ Ministerial Order no.1432/2008, of 10 December, amended by Ministerial Order no.105-A/2022, of 1 March 2022.

⁸⁵ See, for instance: Justiça.Gov.Pt, *Acolhimento e integração de cidadãos ucranianos em Portugal*, available at: <https://bit.ly/3k9b7cC>.

⁸⁶ Justiça.Gov.Pt, *Acolhimento e integração de cidadãos ucranianos em Portugal*, available at: <https://bit.ly/3k9b7cC>. The website continued to refer to SEF at the time of writing despite the termination of activities of the organisation by the end of October 2023. As per the legal amendments enacted within this context, it seems logical to assume that all administrative competencies in this regard were transferred to AIMA.

⁸⁷ It was not possible to request further information on this aspect to the Ministry of Home Affairs before the publication of this report.

⁸⁸ Available at: <https://bit.ly/3JGfqXj>.

in 2023. According to Eurostat's data, no withdrawals have occurred in Portugal since the beginning of the application of temporary protection.⁸⁹ According to media reports, around 4,000 beneficiaries of temporary protection left Portugal between April and May 2023.⁹⁰

According to the information provided by the authorities in the past, access to the full array of rights attached to temporary protection only occurs following the issuance of the certificate of temporary protection. Neither AIMA nor ISS confirmed if this was still the case in 2023. While in the past ISS informed that those waiting may have their socioeconomic situation assessed and receive occasional financial support, information was not provided for 2023.

AIMA did not provide information on the average time for effective registration of beneficiaries of temporary protection in 2023.

In the course of 2023, CPR became aware of cases of significant delays (up to one year) in the issuance of the certificates of temporary protection without any information being provided by the authorities to the persons concerned.⁹¹ This has particularly impacted non-Ukrainians. This problem has also been flagged by the Ombudsperson in the report to the Parliament covering 2022 (and published in 2023). According to the same report, SEF informed the Ombudsperson that such cases required a more detailed analysis, notably regarding security and documentary checks.⁹²

2. Access to asylum

Article 3 of the Temporary Protection Act explicitly states that the application of the temporary protection regime is without prejudice to the recognition of refugee status according to the Refugee Convention.⁹³ Access to the asylum procedure is specifically addressed in articles 19-21 of the Temporary Protection Act.

Beneficiaries of temporary protection can apply for asylum.⁹⁴ If the analysis of the asylum application is not concluded before the end of the temporary protection, it must be completed afterwards.⁹⁵ The law further determines that beneficiaries of temporary protection remain as such until their asylum application is accepted, and that the refusal of such application does not affect access to or continuation of temporary protection.⁹⁶

In practice, according to the information available to CPR, the number of asylum applications filed by Ukrainian citizens since the activation of the temporary protection is very low. It is unclear whether this is due to lack of interest/need, lack of information or other obstacles in accessing asylum.

The information available to CPR also indicates that at least a significant number of asylum applications filed by Ukrainians after 24 February 2022 but before the activation of the temporary protection regime were, according to information provided by SEF in the past, "transposed to temporary protection". It is unclear whether this amounted to a withdrawal of the asylum applications by the persons concerned, and what was the content of information provided in such cases (namely regarding the possible co-existence of asylum procedures and temporary protection).

⁸⁹ Eurostat, *Decisions withdrawing temporary protection by citizenship and reason - quarterly data*, available at: <https://tinyurl.com/mr23buv3>.

⁹⁰ Lusa, *Perto de 4.000 refugiados ucranianos já deixaram Portugal*, 5 June 2023, available at: <https://tinyurl.com/37m77w37>.

⁹¹ UNICEF has also reported receiving accounts of persons unable to access certain services (e.g. health care, employment, and entering into housing rental contracts) due to the non-issuance of documentation following the request for registration for temporary protection, which may be connected with this issue.

⁹² Ombudsman, *Relatório à Assembleia da República 2022*, pp.58-59, July 2022, available at: <https://tinyurl.com/4j5jexx6>.

⁹³ Article 3 Temporary Protection Act.

⁹⁴ Article 19(1) Temporary Protection Act.

⁹⁵ Article 19(2) Temporary Protection Act.

⁹⁶ Article 21 Temporary Protection Act.

According to the information provided by SEF to the 2022 AIDA update, Ukrainian nationals may apply to both regimes. However, the entity also confirmed that persons registering/registered for temporary protection were not systematically informed of their right to apply for international protection. According to SEF, in the course of 2022, 9 Ukrainian nationals decided to apply for international protection instead of temporary protection. Furthermore, SEF stated that the national authorities did not suspend the analysis of asylum applications made by Ukrainian nationals. AIMA did not provide information on any of these matters for 2023.

B. Family reunification

The Temporary Protection Act establishes a specific family reunification regime for persons whose separation was connected to the massive influx of persons in need of protection. Within this context, the following persons are deemed as family members:⁹⁷

- ❖ Spouse;⁹⁸
- ❖ Unmarried children under 18 years old (of the beneficiary of temporary protection or of their spouse);
- ❖ Other close relatives sharing a household, that were fully or significantly dependent on the beneficiary when the facts leading to the massive influx occurred.

Spouses and unmarried children who are beneficiaries of temporary protection in another EU Member State are to be reunified, with due regard to their wishes.⁹⁹ If such family members are not yet in EU territory, they may otherwise be reunified if they are in need of protection.¹⁰⁰

Reunification of other close relatives listed in the law may occur, following an individual analysis of the challenges that may arise due to the separation.¹⁰¹

Decisions on family reunification under this regime are adopted by the Minister of Home Affairs/Minister in charge of migration, based on a proposal of the Inter-ministerial Commission (see: [General](#)).¹⁰² Refusals may be appealed before the administrative courts.¹⁰³

Temporary protection residence permits are issued to family members.¹⁰⁴

C. Movement and mobility

The law does not provide for any restriction to the internal freedom of movement of persons entitled to and beneficiaries of temporary protection, and CPR is not aware of the application of any such restrictions in practice. CPR is also not aware of restrictions on the ability of persons entitled to and beneficiaries of international protection to move towards other EU countries or of difficulties in re-entering Portugal following a return to Ukraine.

Nevertheless, as mentioned in [Residence Permit](#), according to CPR's experience beneficiaries of temporary protection are not issued an actual residence permit (card). The certificate of temporary

⁹⁷ Article 17(1) Temporary Protection Act.

⁹⁸ Neither the Temporary Protection Act, nor the list of family members eligible for reunification under the general regime of the Immigration Act refer to unmarried partners. However, article 100 Immigration Act determines that, under the general regime, family reunification may be granted to a partner in a proved unmarried partnership.

⁹⁹ Article 17(2) Temporary Protection Act.

¹⁰⁰ Article 17(3) Temporary Protection Act.

¹⁰¹ Article 17(4) Temporary Protection Act.

¹⁰² Article 17(6) Temporary Protection Act.

¹⁰³ Article 28 Temporary Protection Act.

¹⁰⁴ Article 17(7) Temporary Protection Act.

protection issued to beneficiaries by the Portuguese authorities is not included in the List of Residence Permits issued by Member States published by the European Commission.¹⁰⁵ This may lead to issues regarding the recognition of the document across Member States and the crossing of external borders.

D. Housing

Indicators: Housing

1. For how long are temporary protection beneficiaries entitled to stay in reception centres? Not applicable
2. Number of beneficiaries staying in reception centres as of December 2023: Not available
3. Number of beneficiaries staying in private accommodation as of December 2023: Not available

According to the Temporary Protection Act, adequate housing must be provided to beneficiaries of temporary protection.¹⁰⁶ The Temporary Protection Act does not provide further elements on the needs assessment or on what constitutes *adequate* housing, nor which entity is responsible for ensuring the provision of housing to beneficiaries of temporary protection. The Temporary Protection Act does not contain provisions on the withdrawal of housing.

Specific legislative measures were enacted in order to facilitate access to the national programme on urgent housing by beneficiaries of temporary protection (e.g., simplification of bureaucratic requirements, and exemption of verification of availability of financial resources for eligibility for assistance).¹⁰⁷

Beneficiaries of this support receive a financial allowance for housing expenses. The support has a duration of 18 months and can be extended up to 36 months.¹⁰⁸

According to the information publicly available, assistance can be requested either online or in-person to the High Commissioner for Migration (ACM).¹⁰⁹ Publicly available information does not seem to have been updated since the termination of ACM's operations. According to information previously available at the *Portugal for Ukraine* portal, in order to benefit from this support, the following documents must be presented:¹¹⁰

- ❖ Identification of the family/declaration of temporary protection;
- ❖ Lease contract and building registration or identification of the accommodation facility and invoice.

While it is unclear whether these measures resulted in easier access in practice, a newspaper article from August 2022 reported challenges for beneficiaries of temporary protection in accessing the housing support programme. According to the article, while, by the end of July 2022, 95 municipalities had joined the programme, there were no figures concerning the number of beneficiaries of temporary protection covered.¹¹¹

¹⁰⁵ Available at: <https://bit.ly/3JGfqXj>.

¹⁰⁶ Article 15(1) Temporary Protection Act.

¹⁰⁷ Article 5 Decree-Law no.24-B/2022, of 11 March 2022, available at: <https://bit.ly/3la6RL1>. See also Decree-Law no.29/2018, of 4 May 2018, available at: <https://bit.ly/3ZCQky5>.

¹⁰⁸ Article 14 Decree-Law no.29/2018, of 4 May 2018, available at: <https://bit.ly/3ZCQky5>; relevant information was previously available at *Portugal for Ukraine, Alojamento*, available at: <https://bit.ly/3LmcNuP> (in Portuguese). At the time of writing, the website was unavailable.

¹⁰⁹ ePortugal.gov.pt, *Ukraine: Information and support available in Portugal*, available at: <https://tinyurl.com/3utueup6>.

¹¹⁰ *Portugal for Ukraine, Alojamento*, available at: <https://bit.ly/3LmcNuP> (in Portuguese). *Portugal for Ukraine, Alojamento*, available at: <https://bit.ly/3LmcNuP> (in Portuguese). At the time of writing, the website was unavailable.

¹¹¹ Público, *Refugiados da Ucrânia esperam entrada em casas prometidas há meses por programa de apoio*, 1 August 2022, available at: <https://bit.ly/3mSukAZ> (in Portuguese; access to the article is restricted by a paywall).

According to the report published by the Observatory for Migration in 2023, by the end of 2022, 109 municipalities had joined the programme and a total of 93 agreements had been finalised, resulting in the provision of housing to 683 persons under this scheme.¹¹² The report also details that ACM, jointly with partners, provided accommodation to 3,671 beneficiaries of temporary protection in the course of 2022.¹¹³ According to ISS, the entity structured a network of collective accommodation facilities to assist those in need (with 222 places by the end of 2023). This is a temporary response, applied until an intervention plan is designed. According to the same source, in order to access this response, beneficiaries of temporary protection must contact the district branches of ISS. ISS reported that, by the end of 2022, 222 persons were accommodated in such facilities.

Since the beginning of the response to the displacement from Ukraine, private citizens could flag availability to host displaced persons.¹¹⁴ It is unclear what kind of verification and supervision the public authorities conduct in the case of private offers of housing. By mid-2022, reports of abuse of Ukrainian citizens hosted by private citizens emerged in the press. According to the response provided by ACM in the case of one woman, the housing provision was not framed by an institutional agreement/referral.¹¹⁵

Throughout the year, a number of civil society organisations, such as CPR, were also involved in the provision of housing to beneficiaries of temporary protection.

Research conducted by NOVA Asylum Lab, an academic research initiative, in 2023, identified housing as the most challenging issue within the context of temporary protection. This has also been highlighted by the Association of Ukrainians in Portugal as per media reports.¹¹⁶ The research conducted by NOVA Asylum Policy Lab further detailed that housing-related problems are more significant among persons displaced from Ukraine who are of Asian or African origin.¹¹⁷

UNICEF reported receiving accounts of challenges of persons displaced from Ukraine in accessing dignified and stable housing that allows for their integration in Portugal.¹¹⁸

Neither AIMA, nor ISS provided information regarding housing for beneficiaries of temporary protection in 2023, notably regarding procedures to access assistance and mechanisms to prevent and monitor accommodation provided by private entities.

E. Employment and education

1. Access to the labour market

The Temporary Protection Act establishes that beneficiaries of temporary protection have the right to work.¹¹⁹ The law further determines that access to work by beneficiaries of temporary protection cannot

¹¹² Observatório das Migrações (OM), *Requerentes e Beneficiários de Proteção Internacional – Relatório Estatístico do Asilo 2023*, p.216, July 2023. While the reports produced by the OM were previously available online, at the time of writing it was not possible to access them online, neither in the website of ACM, which was still online, nor in the website of AIMA.

¹¹³ *Idem*, pp.216-217.

¹¹⁴ The online form asks questions such as: name, telephone, email address, type of housing (room, apartment, house); is the housing shared; duration of the availability; location; further information (open answer without specific requirements).

¹¹⁵ See, for instance: RTP, *Prova dos Factos. Ucrainiana alvo de abusos na família que a acolheu em Portugal*, 6 May 2022, available at: <https://bit.ly/3YK6Db5>.

¹¹⁶ See, for instance: RTP, *Habituação é o principal problema dos refugiados ucranianos em Portugal*, 7 February 2023, available at: <https://tinyurl.com/5n7zmjzu>.

¹¹⁷ NOVA Asylum Policy Lab, *Policy Brief – The reception of displaced persons from Ukraine in Portugal*, January 2023, available at: <https://tinyurl.com/ymcxup8f>.

¹¹⁸ Information provided by UNICEF to the AIDA 2023 Update.

¹¹⁹ Article 14(1) Temporary Protection Act.

be to detriment to that of EU nationals and nationals from associated States and that of foreign residents receiving unemployment benefits.¹²⁰

In principle, the only restriction on employment enshrined in the law impacting beneficiaries of temporary protection consists in limiting access to certain categories of the public sector for all third-country nationals.¹²¹ Furthermore, beneficiaries of temporary protection benefit from the same conditions of employment as nationals, including regarding salaries and working hours.¹²² The law provides, however, for specific formalities in the case of employment contracts of third-country nationals such as the need for a written contract and its (online) registration with the Authority for Labour Conditions (*Autoridade para as Condições do Trabalho*, ACT).¹²³

In her report to the Parliament covering 2022 (and published in 2023), the Ombudsperson noted that during the year complaints had been received regarding delays in the issuance of Social Security Numbers (NISS) and Tax Identification Numbers (NIF). Both are necessary to have, among others, effective access to the labour market. According to the same source, following contacts with relevant actors such as SEF and the Tax Services, the delays were mostly related to technological challenges that were being solved.¹²⁴

Following the activation of the temporary protection regime, a number of legislative provisions were enacted regarding the recognition of qualifications and competencies of beneficiaries of temporary protection.¹²⁵ Accordingly, such requests have priority and are exempted from a number of bureaucratic requirements such as certification of documents issued by foreign entities, certification of copies, and recognition of translations. Applicants are also exempted from the payment of fees.

A subsequent Decree-Law,¹²⁶ further regulated the recognition of professional qualifications of beneficiaries of temporary protection, establishing, inter alia, procedures for situations of insufficient documentation due to the war.¹²⁷

Specific measures were also adopted regarding recognition and exchange of driving licences and professional driver's certifications.¹²⁸

According to the publicly available information available, beneficiaries of temporary protection who wish to receive employment-related support must register in the Employment and Vocational Training Institute (*Instituto do Emprego e Formação Profissional*, IEFP), either in person or online.¹²⁹

Registration in IEFP also enables beneficiaries of temporary protection to certified Portuguese courses.¹³⁰ Data on the number of beneficiaries of temporary protection that had access to such courses was not available at the time of writing.

According to the report published by the Observatory for Migration in 2023, data provided by IEFP, indicated that, by the end of 2022, 14,205 beneficiaries of temporary protection were registered with the

¹²⁰ Article 14(2) Temporary Protection Act. It is unclear if this limitation is being applied in practice and how.

¹²¹ Article 15(2) Constitution and Article 17(1)(a) and (2) Act 35/2014.

¹²² Article 4 Labour Code.

¹²³ Article 5 Labour Code.

¹²⁴ Ombudsman, *Relatório à Assembleia da República 2022*, pp.58-59, July 2022, available at: <https://tinyurl.com/4j5jexx6>.

¹²⁵ Article 6 Decree-Law no.24-B/2022, 11 March 2022, available at: <https://bit.ly/3la6RL1>.

¹²⁶ Decree-Law no.28-B/2022, of 25 March 2022, available at: <https://bit.ly/400F6mE>.

¹²⁷ Ibid, article 4.

¹²⁸ Article 4 Decree-Law no.24-B/2022, 11 March 2022, available at: <https://bit.ly/3la6RL1>.

¹²⁹ [Justiça.gov.pt](https://tinyurl.com/68jx7baa), *Acolhimento e integração de cidadãos ucranianos em Portugal*, available at: <https://tinyurl.com/68jx7baa> (section on Employment).

¹³⁰ Further information on identification of relevant courses and opportunities is available at: [Justiça.gov.pt](https://tinyurl.com/68jx7baa), *Acolhimento e integração de cidadãos ucranianos em Portugal*, available at: <https://tinyurl.com/68jx7baa> (Learning Portuguese section).

service. IEFP also reported being aware of the conclusion of 7,121 employment contracts by beneficiaries of temporary protection.¹³¹

Data on the number of beneficiaries of temporary protection registered in IEFP or employed by the end of the year was not available at the time of writing. According to information provided by ISS, 12,500 Ukrainian citizens accessed the labour market in 2023.

2. Access to education

According to the Temporary Protection Act, child beneficiaries of temporary protection are entitled to access public education under the same conditions as nationals.¹³²

A Ministerial Order of the Ministry of Work, Solidarity and Social Security issued in April 2022, established special measures for the integration of children displaced from Ukraine in kindergarten and other leisure facilities, determining, inter alia, that the regular capacity of facilities may be exceptionally extended to ensure integration, and that such children are entitled to attend kindergarten free of charge.¹³³

DGE also reported that informal settings to promote the integration of children not attending other national services are also being developed. The so-called *Learn, Play, Grow Groups* are aimed at children up to 4 years old, accompanied by a caregiver, and may be implemented by entities such as municipalities and civil society organisations with the support of DGE.¹³⁴

In March 2022, the Directorate General for Education (*Direção-Geral de Educação*, DGE), adopted a circular-letter clarifying a number of aspects related to the swift integration of children displaced from Ukraine in the **national education system**.¹³⁵ Notably, with regard to equivalences and school placement, it was determined that ensuring access and immediate integration is the priority, and that the rules established for asylum seekers are applicable. Additionally, the conversion tables of Ukrainian school system to the Portuguese school system apply. The circular-letter also reinforced that schools may adopt specific measures in order to support children whose first language is not Portuguese, also in line with what is established for applicants for international protection (see: [AIDA Country Report, Reception Conditions – Access to Education](#)). This circular-letter was complemented by two other issued in 2023, notably regarding access to online schooling provided by the Ukrainian authorities by child beneficiaries of temporary protection in Portugal.¹³⁶

DGE published guides on integration of Ukrainian children in pre-school education and in subsequent school levels.¹³⁷ With regards to integration in the school system, the guidance establishes, inter alia, that:

- ❖ Regarding students whose parents/legal representative choose to follow Ukrainian remote learning
 - No equivalences or certification is granted;
 - Students must be present in a Portuguese school during the online activities provided by Ukrainian schools;

¹³¹ Observatório das Migrações (OM), *Requerentes e Beneficiários de Proteção Internacional – Relatório Estatístico do Asilo 2023*, pp.217 et seq, July 2023. While the reports produced by the OM were previously available online, at the time of writing it was not possible to access them online, neither in the website of ACM, which was still online, nor in the website of AIMA.

¹³² Article 16 Temporary Protection Act.

¹³³ Ministerial Order no. 138/2022, of 8 April 2022, available at: <https://bit.ly/3Jiou34>.

¹³⁴ For more information, see: <https://bit.ly/41UnOZD>.

¹³⁵ DGE, *Ofício-Circular 10976/2022/DGE-DSDC-ECE*, 16 March 2022, available at: <https://bit.ly/3mlqxpw>.

¹³⁶ DGE, *Ofício-Circular 662/2023/DGE-DSDC-DEPEB*, 9 January 2023, available at: <https://tinyurl.com/3d3d9eky>; DGE, *Ofício-Circular 30172/2023/DGE-DSDC-DEPEB*, 14 June 2023, available at: <https://tinyurl.com/bdtk6adx>.

¹³⁷ DGE, *Integração de crianças refugiadas na educação pré-escolar*, 15 March 2023 (guidance for pre-school integration), available at: <https://bit.ly/3ZOabua> (in Portuguese); DGE, *Orientações para o acolhimento, a integração e a inclusão de crianças e jovens ucranianos*, April 2023 (guidance for subsequent education levels), available at: <https://bit.ly/4067mV3>.

- Students must attend the Portuguese as second language subject, as defined by the relevant school;
- Students are provided with the necessary resources such as IT equipment and work space;
- The specificities of the implementation are defined by schools.
- ❖ Regarding students fully integrated in the Portuguese education system;
 - As mentioned above, the rules established for access to education by asylum seeking children are applicable to this group;
 - Their activities may be complemented by resources provided by the Ukrainian National Online School.

Neither DGE nor DGEstE were able to provide the number of child beneficiaries of international protection enrolled in the national education system by the end of 2023.

According to a report by the Centre for Social Studies (CES) for the Fundamental Rights Agency (FRA), the Ministry of Education informed that by February 2023, 4,488 child beneficiaries of temporary protection were enrolled in the national education system (from pre-school to secondary education levels). Of the number of child beneficiaries of temporary protection, CES estimated that 9,620 child beneficiaries of temporary protection were not included in the national education system.¹³⁸ This may be connected to the parents opting for their children to continue following teaching provided by Ukrainian schools.

According to the same report, there is no evidence of differential treatment between Ukrainian and non-Ukrainian children displaced by the conflict in access to education or other services.¹³⁹

The report of the Observatory for Migration covering 2022 (and published in 2023) indicates that, according to official data, a total of 4,907 child beneficiaries of temporary protection were enrolled in the national school system, which amounted to 35% of the child beneficiaries of international protection at the time.¹⁴⁰ According to the same source, information regarding the remaining children was not available.¹⁴¹

UNICEF has also flagged concerns regarding the low number of child beneficiaries of temporary protection enrolled in the national education system, noting that factors such as the feeling that the displacement will be temporary, as well as social and housing instability may increase non-enrolment.¹⁴²

UNICEF has also noted that issues such as reconciling the distance learning provided by the Ukrainian authorities with integration in the Portuguese system, and the impact of forced displacement in the well-being of children and their families may have had an impact in access to education in Portugal by child beneficiaries of temporary protection.¹⁴³

The implementation of the specific measures related to Education is monitored by a group composed of different bodies of the Ministry for Education, ACM, and others.¹⁴⁴ It is unclear whether this has been impacted by the termination of ACM's operations.

¹³⁸ Centre for Social Studies, *Country research – Fundamental rights of children displaced in the EU following the Russian war of aggression – Portugal*, June 2023, p.11, available at: <http://tinyurl.com/2vc9b4zh>.

¹³⁹ Centre for Social Studies, *Country research – Fundamental rights of children displaced in the EU following the Russian war of aggression – Portugal*, June 2023, p.12, available at: <http://tinyurl.com/2vc9b4zh>.

¹⁴⁰ Observatório das Migrações (OM), *Requerentes e Beneficiários de Proteção Internacional – Relatório Estatístico do Asilo 2023*, pp. 210-211, July 2023. While the reports produced by the OM were previously available online, at the time of writing it was not possible to access them online, neither in the website of ACM, which was still online, nor in the website of AIMA.

¹⁴¹ Ibid. See also: NOVA Asylum Policy Lab, *Policy Brief – The reception of displaced persons from Ukraine in Portugal*, pp. 20 et seq. January 2023, available at: <https://tinyurl.com/ymcxup8f>.

¹⁴² Information provided by UNICEF to the 2023 AIDA Update. In 2023, UNICEF prepared an awareness-raising video in this regard. Available at: <https://tinyurl.com/ysvxfpkh>

¹⁴³ Information provided by UNICEF to the 2023 AIDA Update.

¹⁴⁴ Information previously available at: *Portugal for Ukraine, Educação*, available at: <https://bit.ly/3Fpa1kK> (in Portuguese). At the time of writing, the website was unavailable.

DGE also reported that language resources on Portuguese language for non-native speakers were made available through the public radio and television.¹⁴⁵

At the time of writing, no evaluation of the adopted measures was publicly available.

With regard to higher education, Decree-Law no.24-B/2022, of 11 March 2022,¹⁴⁶ established that beneficiaries of temporary protection may request the application of the “student in an emergency situation for humanitarian reasons” status (see [General Report - Access to Education](#)).¹⁴⁷ Access to such status was clarified by Decree-Law no.28-A/2022, of 25 March,¹⁴⁸ establishing inter alia, that:

- ❖ Requests may be presented at any time to the relevant higher education institutions;
- ❖ Students in this situation may require registration in a higher education institution/degree congeneric to the one previously attended (same academic level and equivalent training);
- ❖ The integration of student beneficiaries of temporary protection is not limited by *numerus clausus* regularly applicable, and may occur in all levels of higher education, including in the field of Medicine;
- ❖ If documentary evidence of the qualifications is not available, the higher education institutions may resort to alternative verification methods;¹⁴⁹
- ❖ Student beneficiaries of temporary protection that were already enrolled in higher education may also request the “student in an emergency situation for humanitarian reasons” status.

The same Decree-Law also establishes that beneficiaries of temporary protection holding foreign certificates or diplomas that are not sufficient for recognition in Portugal must be ensured access to a higher education institution granting a degree in the same field, upon request, as well as the rules applicable to such procedures.¹⁵⁰

The Directorate-General for Higher Education (*Direção-Geral do Ensino Superior*, DGES), and the national ERASMUS+ Agency, both published resources with information on access to higher education in Portugal, social support in higher education, and recognition of academic degrees and diplomas, both in Portuguese and Ukrainian.¹⁵¹

Requests for “student in an emergency situation for humanitarian reasons” status, must be filled with proof that the applicant is a beneficiary of temporary protection.¹⁵² Admission to higher education institutions may be granted with exemption from some of the regular admission requirements, such as knowledge of the teaching language, and specific academic qualifications.¹⁵³

Students with this status may also request financial support to attend higher education, with exceptional conditions applying, such as a simpler process to determine eligibility.¹⁵⁴

¹⁴⁵ RTP Ensina, *Português para Ucrânianos*, available at: <https://tinyurl.com/2cjp7wbd>.

¹⁴⁶ Article 3.

¹⁴⁷ Article 8-A Decree-Law no.36/2014, of 10 March 2014, added by Decree-Law no. 62/2018, of 6 August 2018, available at: <https://bit.ly/3FoqcT>.

¹⁴⁸ Article 2.

¹⁴⁹ Such as interviews and tests while the national authorities finalize accession to the European Qualifications Passport for Refugees. See Agência Nacional ERASMUS+, *Nota Estudantes em situação de emergência humanitária*, p.2, available at: <https://bit.ly/3ZDYnL3>.

¹⁵⁰ Article 3 Decree-Law no.28-A/2022, of 25 March 2022, available at: <https://bit.ly/3Fn4F9V>.

¹⁵¹ Available at: <https://bit.ly/3FnosFX> and <https://bit.ly/3ZDYnL3>, respectively.

¹⁵² Request for registration for temporary protection is not sufficient. See: Agência Nacional ERASMUS+, *Nota Estudantes em situação de emergência humanitária*, p.2, available at: <https://bit.ly/3ZDYnL3>.

¹⁵³ Ibidem.

¹⁵⁴ Ibid, p.4.

The report of the Observatory for Migration covering 2022 (and published in 2023) indicates that in the 2022/2023 school year, a total of 366 students displaced from Ukraine had this status.¹⁵⁵

As mentioned in [Access to the Labour Market](#),¹⁵⁶ requests for the recognition of qualifications of beneficiaries of temporary protection have priority, and are exempted from a number of bureaucratic requirements such as legalisation of documents issued by foreign entities, certification of copies, and recognition of translations. Applicants are also exempted from the payment of fees.

In June 2022, it was reported in media outlets that Medical Schools were granting differentiated treatment to Ukrainian and non-Ukrainian beneficiaries of temporary protection. According to the reports, while Ukrainian beneficiaries were integrated in the institutions, non-Ukrainian beneficiaries were not given swift answers and the institutions claimed that the situation of those two groups was not similar, and that there were capacity limitations to consider. According to the same article, the ministry of Higher Education claimed that it did not consider that the legal framework allowed such a differential treatment.¹⁵⁷ It is unclear whether similar cases occurred in 2023.

At the time of writing, no evaluation of the adopted measures was publicly available.

According to DGES, until September 2022, a total of around 330 requests for recognition of academic degrees were filed by Ukrainian citizens, of which around 100 belonged to beneficiaries of temporary protection.¹⁵⁸ Information for 2023 was not available at the time of writing.

F. Social welfare

The Temporary Protection Act provides for the right of beneficiaries of temporary protection to access social welfare benefits and means of subsistence in the absence of personal resources.¹⁵⁹

The Council of Ministers determined that such benefits are to be granted to beneficiaries of temporary protection that do not have sufficient resources, and that beneficiaries of temporary protection must receive treatment equal to that granted to refugees in accessing non-contributory social welfare benefits.¹⁶⁰

In particular, beneficiaries of temporary protection with insufficient resources may access the Social Reinsertion Revenue (*Rendimento Social de Inserção*, RSI) and child-related allowances (see [AIDA Country Report, Content of Protection – Social Welfare](#)). Requests for such allowances must be filled in the Social Security Institute (*Instituto de Segurança Social*, ISS).

Additionally, an extraordinary support allowance for particularly vulnerable families was created in March 2022.¹⁶¹ According to the law, this allowance was meant to support families that were particularly exposed to the increase of food prices.¹⁶² Beneficiaries of temporary protection were able to access this support if they fulfilled the relevant criteria. In 2022, it consisted of a one-time allowance of € 60 per family unit, paid

¹⁵⁵ Observatório das Migrações (OM), *Requerentes e Beneficiários de Proteção Internacional – Relatório Estatístico do Asilo 2023*, p.213, July 2023. While the reports produced by the OM were previously available online, at the time of writing it was not possible to access them online, neither in the website of ACM, which was still online, nor in the website of AIMA.

¹⁵⁶ Article 6 Decree-Law no.24-B/2022, 11 March 2022, available at: <https://bit.ly/3la6RL1>.

¹⁵⁷ Público, *Há escolas de Medicina que só estão a aceitar alunos ucranianos e excluem outros refugiados*, 19 June 2022, available at: <https://bit.ly/3TgboLi> (in Portuguese; access to the article is restricted by a paywall).

¹⁵⁸ RTP Madeira, *Portugal já reconheceu qualificações académicas de 100 refugiados ucranianos*, 25 November 2022, available at: <https://bit.ly/42g2Fds>.

¹⁵⁹ Article 15(2) Temporary Protection Act.

¹⁶⁰ Resolution of the Council of Ministers no.29-A/2022, of 1 March 2022, last amended by Resolution of the Council of Ministers no.135/2022, of 28 December 2022, par.12 and 13, available at: <https://bit.ly/3HWIUJU>.

¹⁶¹ Articles 4-8 Decree-Law no.28-A/2022, of 25 March 2022, available at: <https://bit.ly/3Fn4F9V>.

¹⁶² Ibid, article 4.

in April 2022.¹⁶³ It was automatically granted by ISS based on the information available to the entity.¹⁶⁴ In 2023, the amount of the extraordinary allowance (reframed as a measure to mitigate the impacts of inflation) was of € 30 per family unit per trimester.¹⁶⁵

Beneficiaries of temporary protection may also access support provided by a social worker, and may resort to the Social Emergency Hotline¹⁶⁶ in case of need.¹⁶⁷

According to the information provided by ISS, by the beginning of January 2024, a total of 58,381 social security identification numbers (NISS) had been granted to beneficiaries of temporary protection. ISS also reported that 24,552 beneficiaries had been approved for some measure of social welfare assistance (general system), with 23,076 already receiving/having received them at the time. ISS further reported that, in 2023, 8,399 beneficiaries had been granted an extraordinary allowance for vulnerable families, and 10,682 beneficiaries had been granted an extraordinary allowance for persons whose income relied on social welfare allowances.

According to the information provided by ISS, occasional delays in accessing social benefits are related to technological challenges.

G. Health care

The Temporary Protection Act provides for the right of beneficiaries of temporary protection to medical assistance, comprising emergency care and primary health care.¹⁶⁸ It further determines the provision of assistance (medical and other) to beneficiaries of temporary protection with special needs such as unaccompanied children, victims of torture, violations or other forms of moral, physical or sexual violence.¹⁶⁹

The Resolution of the Council of Ministers concerning temporary protection determines that the grant of protection is communicated to the national health services *ex officio* by SEF, and a National Healthcare System number is automatically granted to each beneficiary.¹⁷⁰ According to the information publicly available, the issuance of the user number entitles beneficiaries of temporary protection to access all the services provided by the National Healthcare System (which is public and mainly free).¹⁷¹

In order to have a family doctor assigned, beneficiaries of temporary protection must then register in the health care unit of their area of residence.¹⁷² According to the information previously available at the Portugal for Ukraine website, a specific medical service for children coming from Ukraine was set up, with referrals made by phone. According to the same source, these appointments were supported by an interpreter and allowed doctors to make the necessary referrals to specialist services.¹⁷³

Regarding vaccination, in March 2022, the Directorate-General for Health (*Direção-Geral de Saúde*, DGS), published a technical note on vaccination of persons within the context of displacement from

¹⁶³ Ibid, article 6.

¹⁶⁴ Ibid, article 7.

¹⁶⁵ Article 2(2) Decree-Law no.21-A/2023, of 28 March, available at: <https://tinyurl.com/49pa7ake>. The Decree-Law also established an additional allowance for children (article 3).

¹⁶⁶ A 24h/day line, reachable by dialling 144.

¹⁶⁷ *Portugal for Ukraine, Apoio Social*, available at: <https://bit.ly/3TfrbXY> (in Portuguese).

¹⁶⁸ Article 15(4) Temporary Protection Act.

¹⁶⁹ Article 15(5) Temporary Protection Act.

¹⁷⁰ Resolution of the Council of Ministers no.29-A/2022, of 1 March 2022, last amended by Resolution of the Council of Ministers no.135/2022, of 28 December 2022, par.8, available at: <https://bit.ly/3HWIUjU>.

¹⁷¹ [Justiça.gov.pt, Acolhimento e integração de cidadãos ucranianos em Portugal](https://tinyurl.com/68jx7baa), available at: <https://tinyurl.com/68jx7baa> (section on Health). Basic fees apply based on the social and economic situation of each person, with a number of exemptions provided in the law. For more information on applicable fares and exemptions see: Serviço Nacional de Saúde, *Guia do Utente*, available at: <https://tinyurl.com/ykc2fs9x>

¹⁷² Ibidem.

¹⁷³ The *Portugal for Ukraine* portal was unavailable at the time of writing.

Ukraine. It reinforces the right of all persons present in Portugal to access vaccination in line with the National Plan, establishes technical criteria for administration of vaccines and defines priorities considering the epidemiologic situation in the country of origin.¹⁷⁴

¹⁷⁴ DGS, *Norma n.º 003/2022*, 19 March 2022, available at: <https://bit.ly/3YIBdlq> (in Portuguese).