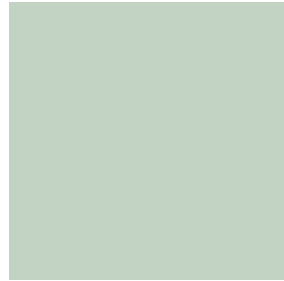


UPDATE ON 2024



PORTUGAL



# COUNTRY REPORT

SEPTEMBER 2025

## Acknowledgements & Methodology

The 2024 update to this report was written by Cláudia Pedrosa at the Portuguese Refugee Council (CPR) and was edited by ECRE.

The information in this report draws on the experience of CPR staff, gathered *inter alia* through research, advocacy, legal assistance, reception and integration services, as well as data and information shared by national authorities, civil society organisations and other stakeholders consisting of AIMA, ANQEP, CSTAF, DGE, DGES, DGEstE, IOM, ISS, JRS Portugal, OTSH, PSP, SCML, and UNHCR. CPR appreciates their contributions.

The views expressed in this report are those of the author and do not in any way represent the views of the contributing organisations.

The 2024 update to the AIDA country report on Portugal was sent to the Agency for Integration, Migration and Asylum (AIMA) to grant the Agency the opportunity to provide comments on the draft country report. The comments were taken into account by the authors in the report below and are also published in a [separate annex](#) on the AIDA website.

The information in this report is up to date as of 31 December 2024, unless otherwise stated.

## The Asylum Information Database (AIDA)

The Asylum Information Database (AIDA) is managed by the European Council on Refugees and Exiles (ECRE). It aims to provide up-to date information which is accessible to researchers, advocates, legal practitioners and the general public through the dedicated website [www.asylumineurope.org](http://www.asylumineurope.org). It covers 26 countries, including 20 EU Member States (AT, BE, BG, CY, CZ, DE, ES, FR, GR, HR, HU, IE, IT, MT, NL, PL, PT, RO, SE, and SI) and 6 non-EU countries (Egypt, Serbia, Switzerland, Türkiye, Ukraine and the United Kingdom). The database also seeks to promote the implementation and transposition of EU asylum legislation reflecting the highest possible standards of protection in line with international refugee and human rights law and based on best practice.



This report is part of the Asylum Information Database (AIDA), funded by the European Union's Asylum, Migration and Integration Fund (AMIF) and ECRE. The contents of this report are the sole responsibility of ECRE and can in no way be taken to reflect the views of the European Commission.



# Table of Contents

|   |            |
|---|------------|
| Glossary & List of Abbreviations .....  | 6          |
| Statistics.....   | 8          |
| Overview of the legal framework .....   | 13         |
| Overview of the main changes since the previous report update .....           | 22         |
| Asylum Procedure.....   | 30         |
| <b>A. General .....</b>   | <b>30</b>  |
| 1. Flow chart.....  | 30         |
| 2. Types of procedures.....   | 31         |
| 3. List of authorities that intervene in each stage of the procedure .....    | 31         |
| 4. Determining authority .....  | 32         |
| 5. Short overview of the asylum procedure .....                               | 38         |
| <b>B. Access to the procedure and registration .....</b>                      | <b>41</b>  |
| 1. Access to the territory and push backs .....                               | 41         |
| 2. Preliminary checks of third country nationals upon arrival .....           | 46         |
| 3. Registration of the asylum application.....                                | 48         |
| <b>C. Procedures.....</b>   | <b>51</b>  |
| 1. Regular procedure.....   | 51         |
| 2. Dublin .....   | 67         |
| 3. Admissibility procedure .....  | 80         |
| 4. Border procedure (border and transit zones) .....                          | 84         |
| 5. Accelerated procedure .....  | 91         |
| 6. National protection statuses and return procedure .....                    | 96         |
| <b>D. Guarantees for vulnerable groups.....</b>                               | <b>97</b>  |
| 1. Identification .....   | 97         |
| 2. Special procedural guarantees.....   | 107        |
| 3. Use of medical reports .....   | 109        |
| 4. Legal representation of unaccompanied children.....                        | 109        |
| <b>E. Subsequent applications .....</b>                                       | <b>112</b> |
| <b>F. The safe country concepts .....</b>                                     | <b>115</b> |
| 1. Safe country of origin .....   | 115        |
| 2. First country of asylum .....  | 118        |
| <b>G. Information for asylum applicant and access to NGOs and UNHCR .....</b> | <b>119</b> |
| 1. Provision of information on the procedure.....                             | 119        |

|   |            |
|---|------------|
| 2. Access to NGOs and UNHCR.....  | 121        |
| <b>H. Differential treatment of specific nationalities in the procedure .....</b> | <b>122</b> |
| <b>Reception Conditions .....</b>   | <b>123</b> |
| <b>A. Access and forms of reception conditions.....</b>                           | <b>124</b> |
| 1. Criteria and restrictions to access reception conditions .....                 | 124        |
| 2. Forms and levels of material reception conditions .....                        | 128        |
| 3. Reduction or withdrawal of reception conditions .....                          | 132        |
| 4. Freedom of movement .....  | 134        |
| <b>B. Housing .....</b>   | <b>136</b> |
| 1. Types of accommodation .....   | 136        |
| 2. Conditions in reception facilities .....                                       | 140        |
| <b>C. Employment and education .....</b>  | <b>142</b> |
| 1. Access to the labour market.....   | 142        |
| 2. Access to education .....  | 147        |
| <b>D. Health care .....</b>   | <b>151</b> |
| <b>E. Special reception needs of vulnerable groups.....</b>                       | <b>154</b> |
| 1. Reception of families and children .....                                       | 156        |
| 2. Reception of survivors of torture and violence .....                           | 157        |
| <b>F. Information for asylum applicants and access to reception centres .....</b> | <b>158</b> |
| 1. Provision of information on reception .....                                    | 158        |
| 2. Access to reception centres by third parties.....                              | 159        |
| <b>G. Differential treatment of specific nationalities in reception .....</b>     | <b>159</b> |
| <b>Detention of Asylum Seekers.....</b>   | <b>160</b> |
| <b>A. General .....</b>   | <b>160</b> |
| <b>B. Legal framework of detention .....</b>                                      | <b>162</b> |
| 1. Grounds for detention.....   | 162        |
| 2. Alternatives to detention .....  | 163        |
| 3. Detention of vulnerable applicants .....                                       | 164        |
| 4. Duration of detention .....  | 166        |
| <b>C. Detention conditions.....</b>   | <b>166</b> |
| 1. Place of detention.....  | 166        |
| 2. Conditions in detention facilities .....                                       | 169        |
| 3. Access to detention facilities .....   | 175        |
| <b>D. Procedural safeguards .....</b>   | <b>176</b> |

|   |            |
|---|------------|
| 1. Judicial review of the detention order .....                               | 176        |
| 2. Legal assistance for review of detention .....                             | 177        |
| <b>E. Differential treatment of specific nationalities in detention .....</b> | <b>178</b> |
| <b>Content of International Protection .....</b>                              | <b>179</b> |
| <b>A. Status and residence .....</b>  | <b>179</b> |
| 1. Residence permit .....   | 179        |
| 2. Civil registration .....   | 181        |
| 3. Long-term residence .....  | 183        |
| 4. Naturalisation .....   | 184        |
| 5. Cessation and review of protection status.....                             | 186        |
| 6. Withdrawal of protection status .....                                      | 189        |
| <b>B. Family reunification .....</b>  | <b>190</b> |
| 1. Criteria and conditions.....   | 190        |
| 2. Status and rights of family members .....                                  | 193        |
| <b>C. Movement and mobility .....</b>   | <b>193</b> |
| 1. Freedom of movement .....  | 193        |
| 2. Travel documents .....   | 194        |
| <b>D. Housing .....</b>   | <b>195</b> |
| <b>E. Employment and education .....</b>                                      | <b>196</b> |
| 1. Access to the labour market.....   | 196        |
| 2. Access to education .....  | 197        |
| <b>F. Social welfare .....</b>  | <b>197</b> |
| <b>G. Health care .....</b>   | <b>199</b> |
| <b>ANNEX I – Transposition of the CEAS in national legislation.....</b>       | <b>200</b> |

## Glossary & List of Abbreviations

|                    |  |
|--------------------|--|
| <b>ACM</b>         | High Commission for Migration   Alto Comissariado para as Migrações  |
| <b>ACSS</b>        | Central Administration of the Health System   Administração Central do Sistema de Saúde  |
| <b>AIMA</b>        | Agency for Integration, Migration and Asylum   Agência para a Integração, Migrações e Asilo  |
| <b>ANQEP</b>       | National Agency for Qualification and Vocational Education and Training   Agência Nacional para a Qualificação e o Ensino Profissional, I.P. |
| <b>APD</b>         | Asylum Procedures Directive  |
| <b>CACR</b>        | Refugee Children Reception Centre   Casa de Acolhimento para Crianças Refugiadas   |
| <b>CAR</b>         | Refugee Reception Centre   Centro de Acolhimento para Refugiados   |
| <b>CIT</b>         | Temporary Installation Centre   Centro de Instalação Temporária  |
| <b>CJEU</b>        | Court of Justice of the European Union   |
| <b>CNAIM/CLAIM</b> | National and Local Support Centres for Migrant Integration   Centros Nacionais e Locais de Apoio à Integração de Migrantes                   |
| <b>CNAR</b>        | National Centre for Asylum and Refugees   Centro Nacional para o Asilo e Refugiados  |
| <b>CPR</b>         | Portuguese Refugee Council   Conselho Português para os Refugiados   |
| <b>CSTAF</b>       | High Council of Administrative and Fiscal Courts   Conselho Superior dos Tribunais Administrativos e Fiscais                                 |
| <b>CVP</b>         | Portuguese Red Cross   Cruz Vermelha Portuguesa  |
| <b>DGE</b>         | Directorate General for Education   Direcção-Geral da Educação   |
| <b>DGES</b>        | Directorate General for Higher Education   Direcção-Geral do Ensino Superior   |
| <b>DGEstE</b>      | Directorate General for Schools and School Clusters   Direcção-Geral dos Estabelecimentos Escolares  |
| <b>DGS</b>         | Directorate General for Health   Direcção-Geral da Saúde   |
| <b>ECHR</b>        | European Convention on Human Rights  |
| <b>ECtHR</b>       | European Court of Human Rights   |
| <b>EDAL</b>        | European Database of Asylum Law  |
| <b>EECIT</b>       | Detention facilities qualified as Temporary Installation Centres   Espaço Equiparado a Centro de Instalação Temporária                       |
| <b>EUAA</b>        | European Union Agency for Asylum (formerly EASO)   |
| <b>GNR</b>         | National Republican Guard   Guarda Nacional Republicana  |
| <b>GRETA</b>       | Group of Experts on Action against Trafficking in Human Beings   |
| <b>GREVIO</b>      | Group of Experts on Action against Violence against Women and Domestic Violence  |

|               |  |
|---------------|--|
| <b>ICRC</b>   | International Committee of the Red Cross   |
| <b>IEFP</b>   | Employment and Vocational Training Institute   Instituto do Emprego e Formação Profissional                          |
| <b>IGAI</b>   | General Inspectorate of Internal Administration   Inspeção Geral da Administração Interna                            |
| <b>IHRU</b>   | Institute for Housing and Urban Rehabilitation   Instituto da Habitação e da Reabilitação Urbana                     |
| <b>INMLCF</b> | National Institute of Legal Medicine and Forensic Science   Instituto Nacional de Medicina Legal e Ciências Forenses |
| <b>IOM</b>    | International Organisation for Migration   |
| <b>IRN</b>    | Institute of Registries and Notary   Instituto dos Registos e Notariado  |
| <b>ISS</b>    | Institute of Social Security   Instituto da Segurança Social   |
| <b>JRS</b>    | Jesuit Refugee Service   |
| <b>MAI</b>    | Minister of Home Affairs   Ministério da Administração Interna   |
| <b>MdM</b>    | Doctors of the World   Médicos do Mundo  |
| <b>MoU</b>    | Memorandum of Understanding  |
| <b>NISS</b>   | Social Security Identification Number   Número de Identificação da Segurança Social                                  |
| <b>OA</b>     | Bar Association   Ordem dos Advogados  |
| <b>OM</b>     | Observatory for Migration   Observatório das Migrações   |
| <b>OTSH</b>   | Observatory on Trafficking in Human Beings   Observatório do Tráfico de Seres Humanos                                |
| <b>PSP</b>    | Public Security Police   Polícia de Segurança Pública  |
| <b>RSI</b>    | Social Insertion Revenue   Rendimento Social de Inserção   |
| <b>SCML</b>   | Santa Casa da Misericórdia de Lisboa   |
| <b>SEF</b>    | Immigration and Borders Service   Serviço de Estrangeiros e Fronteiras   |
| <b>SOG</b>    | Single Operative Group   Grupo Operativo Único   |
| <b>STA</b>    | Supreme Administrative Court   Supremo Tribunal Administrativo   |
| <b>SNS</b>    | National Health Service   Serviço Nacional de Saúde  |
| <b>TAC</b>    | Administrative Circle Court   Tribunal Administrativo de Círculo   |
| <b>TAF</b>    | Administrative and Fiscal Court   Tribunal Administrativo e Fiscal   |
| <b>TCA</b>    | Central Administrative Court   Tribunal Central Administrativo   |
| <b>UHSA</b>   | Unidade Habitacional de Santo António  |
| <b>UNHCR</b>  | United Nations High Commissioner for Refugees  |
| <b>UNICEF</b> | United Nations Children's Emergency Fund   |

## Statistics

### Overview of statistical practice

Following the Immigration and Borders Service (SEF) and the High Commission for Migration (ACM) termination in October 2023, their attributions within statistics were transferred to the new Agency for Integration, Migration and Asylum (AIMA) (see: [Determining Authority](#)).

In September 2024, AIMA published 'Migration and Asylum Report' for 2023.<sup>1</sup> The report provides statistics on asylum applications: number and place of application, gender and age, continents of origin, nationalities, unaccompanied children, positive first instance decisions, resettlement, relocation and humanitarian admission. The report also provides statistics on temporary protection applications: number and nationalities.

In the past, SEF published a yearly statistical report providing information on asylum applications: number, nationalities, place of application, gender, unaccompanied children, positive first instance decisions, relocation.<sup>2</sup>

Following the adoption of Parliament Resolution no. 292/2018, recommending the publication of a yearly report on national asylum policy, the Observatory for Migration (OM), as an autonomous unit of ACM, published a yearly report on asylum.<sup>3</sup> Within this context, the latest available version was published in July 2023.<sup>4</sup> OM was reinstated by Decree-Law in June 2024<sup>5</sup> as a body within AIMA's structure whose mission is to produce, collect, process and disseminate information and knowledge on the phenomenon of migration. As of July 2025, there is no publicly available report for 2024.

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<sup>1</sup> AIMA, *Relatório de Migrações e Asilo – 2023*, September 2024, available [here](#).

<sup>2</sup> SEF, *Yearly Statistical Reports*, available [here](#) These reports were usually published in June (with information on the previous year).

<sup>3</sup> The first of such reports was published in May 2020.

<sup>4</sup> Observatório das Migrações (OM), *Requerentes e Beneficiários de Proteção Internacional – Relatório Estatístico do Asilo 2023*, July 2023. While the reports produced by the OM were previously available online, from 2024 onwards it was not possible to access them online, neither in the website of ACM, which was still online, nor in the website of AIMA.

<sup>5</sup> Decree-Law no. 41-A/2024, of 28 June 2024 reformulating the Observatory for Migration, available [here](#).



## Applications and granting of protection status at first instance: 2024<sup>6</sup>

|   | Applicants in 2024 | Pending at end of 2024 | Total decisions in 2024 | Refugee status and Subsidiary protection | Humanitarian protection | Total rejection |
|---|--------------------|------------------------|-------------------------|--|-------------------------|-----------------|
| <b>Total</b>  | 2,634 <sup>7</sup> | 556                    | 674                     | 9  | -                       | 665             |
| Breakdown by countries of origin of the total numbers |                    |                        |                         |  |                         |                 |
| <b>Senegal</b>  | 390                | 68                     | :                       | :  | -                       | :               |
| <b>Gambia</b>   | 276                | 109                    | :                       | :  | -                       | :               |
| <b>Colombia</b>                                       | 253                | 33                     | :                       | :  | -                       | :               |
| <b>Angola</b>   | 202                | 27                     | :                       | :  | -                       | :               |
| <b>Afghanistan</b>                                    | 177                | 15                     | :                       | :  | -                       | :               |
| <b>Venezuela</b>                                      | 165                | 30                     | :                       | :  | -                       | :               |
| <b>Israel</b>   | 111                | 36                     | :                       | :  | -                       | :               |
| <b>Morocco</b>  | 96                 | 23                     | :                       | :  | -                       | :               |
| <b>Guinea</b>   | 83                 | 20                     | :                       | :  | -                       | :               |
| <b>China</b>  | 73                 | 34                     | :                       | :  | -                       | :               |

Source: AIMA, information provided directly in July 2025. Calculations by the author.

The rejection figures indicated above include inadmissibility decisions as well as in-merit rejections adopted in accelerated procedures. AIMA did not provide the number of rejections adopted within the regular procedure in 2024.

As further explained in the corresponding section of the report, in the national system, an application is examined on the merits in a regular procedure if it is deemed admissible (and not processed under an accelerated procedure) or if the determining authority does not comply with the corresponding time limit. Decisions deeming an application admissible to the regular procedure are not included in the table above as they do not grant/refuse protection to the applicant concerned. According to

<sup>6</sup> Data marked with “:” is not included for data protection purposes.

<sup>7</sup> The total number of asylum applications indicated by AIMA is 2,634. According to the information provided by the Agency, this number does not include relocated asylum applicants (46).

information provided by AIMA in response to an information request, in 2024, 15 admissibility decisions were issued;<sup>8</sup> however in August 2025 AIMA mentioned 1,238 admissibility decisions (see footnote for further explanations regarding this gap).<sup>9</sup>

#### Applications and granting of protection status at first instance: rates for 2024

|   | Overall protection rate | Refugee rate | Subsidiary protection rate | Rejection rate |
|---|-------------------------|--------------|----------------------------|----------------|
| <b>Total</b>  | 1%                      | N.A.         | N.A.                       | 99%            |
| Breakdown by countries of origin of the total numbers |                         |              |                            |                |
| <b>Senegal</b>  | 0%                      | N.A.         | N.A.                       | 100%           |
| <b>Gambia</b>   | 0%                      | N.A.         | N.A.                       | 100%           |
| <b>Colombia</b>                                       | 0%                      | N.A.         | N.A.                       | 100%           |
| <b>Angola</b>   | 1%                      | N.A.         | N.A.                       | 99%            |
| <b>Afghanistan</b>                                    | 67%                     | N.A.         | N.A.                       | 33%            |
| <b>Venezuela</b>                                      | 0%                      | N.A.         | N.A.                       | 100%           |
| <b>Israel</b>   | 0%                      | N.A.         | N.A.                       | 100%           |
| <b>Morocco</b>  | 0%                      | N.A.         | N.A.                       | 100%           |
| <b>Guinea</b>   | 0%                      | N.A.         | N.A.                       | 100%           |
| <b>China</b>  | 0%                      | N.A.         | N.A.                       | 100%           |

Source of the percentages: Calculated by the author based on data provided by AIMA. As per the data above, the rejection rate included non in merit rejections.

<sup>8</sup> However, CPR is aware of a much higher number of admissibility decisions taken during the year, notably due to non-compliance by the authority with the relevant deadlines to deem an application inadmissible/reject it as manifestly unfounded in an accelerated procedure. According to data collected by CPR based on AIMA's communications through the year and information provided by asylum applicants, at least 179 such decisions were issued to asylum applicants whom applied for asylum in 2024 (this figure may include decisions already issued in 2025).

<sup>9</sup> In the context of the right of reply of the authorities to the 2024 draft AIDA report (22 August 2025), AIMA stated that 1,238 admissibility decisions were issued in 2024. According to the Agency, this figure may include applications for international protection from previous years that were only admitted in 2024. This rather significant number is at odds with the communications made by the asylum authority to CPR throughout the year and with the information previously made available.

### Gender/age breakdown of the total number of applicants: 2024<sup>10</sup>

|            | Men   | Women |            | Adults | Children    |                   |
|------------|-------|-------|------------|--------|-------------|-------------------|
|            |       |       |            |        | Accompanied | Unaccompanied     |
| Number     | 1,938 | 742   | Number     | 1,922  | 589         | 169 <sup>11</sup> |
| Percentage | 72%   | 28%   | Percentage | 72%    | 22%         | 6%                |

Source: AIMA, information provided directly in July 2025. Percentages calculated by the author.

Note: The gender breakdown (Men/Women) applies to all applicants, not only adults.

According to Eurostat data:

- A total of 2,690 asylum applications were registered in Portugal in 2024.<sup>12</sup>
- 1,005 first instance final decisions were adopted by the authorities, out of which 995 were rejections and 10 were decisions granting international protection.<sup>13</sup>
- Out of 10 decisions granting international protection, 5 recognised refugee status and 0 granted subsidiary protection.<sup>14</sup>
- 1,065 applicants had their asylum applications processed under an accelerated procedure.<sup>15</sup>
- By the end of the year, 130 asylum applications were pending.<sup>16</sup>

### Information on appeals: 2024

According to information provided by the High Council of Administrative and Fiscal Courts (*Conselho Superior dos Tribunais Administrativos e Fiscais*, CSTAF), in 2024, the Administrative Circle Court (*Tribunal Administrativo de Círculo*, TAC) of Lisbon and the Administrative and Fiscal Courts of Leiria and Sintra were the only Courts

<sup>10</sup> The total number of asylum applications indicated by AIMA for this parameter is 2,680. According to the information provided by the Agency, this includes spontaneous asylum applicants (2,634) and relocated asylum applicants (46).

<sup>11</sup> In the context of the right of reply of the authorities to the 2024 draft AIDA report (22 August 2025), AIMA clarified that a total of 203 unaccompanied children (and not 169) applied for international protection in Portugal in 2024. However, the Agency did not clarify the impact of this gap on the total number of applications, and on the gender/age breakdown of the total number of applicants.

<sup>12</sup> Eurostat, *Asylum applicants by type, citizenship, age and sex - annual aggregated data*, available [here](#).

<sup>13</sup> Eurostat, *First instance decisions on asylum applications by type of decision - annual aggregated data*, available [here](#).

<sup>14</sup> Ibid.

<sup>15</sup> Eurostat, *Asylum applicants having had their applications processed under the accelerated procedure, by age, sex and citizenship - annual aggregated data*, available [here](#).

<sup>16</sup> Eurostat, *Persons subject of asylum applications pending at the end of the month by citizenship, age and sex - monthly data*, available [here](#).

with a specific registration string pertaining to asylum-related appeals.<sup>17</sup> CSTAF did not provide data regarding other first instance administrative courts. As per previous years, Higher Courts do not collect autonomous data on asylum-related processes.

A total of 459 appeals against negative decisions were filed in national first instance courts. This represents an increase of approximately 50% compared to 2023, when 306 appeals were registered in total.

TAC **Lisbon** continued to be (by far) the first instance court adjudicating the majority of asylum-related cases in Portugal. In 2024, appeals were further lodged in TAF **Leiria**, and TAF **Sintra**.

Those appeals concerned applicants of 54 nationalities. The most represented nationalities among appellants included Guinea-Bissau (51), Angola (46), Gambia (41), Colombia (39), and Senegal (35). CSTAF did not provide a gender breakdown of applicants per appeal.

In 2024, first instance courts issued a total of 419 asylum-related appeal decisions. The data available does not make a distinction between the type of asylum procedure.

Out of the total of 419 asylum-related appeal decisions (first instance courts), 136 were in favour of the applicant.<sup>18</sup> There were 283 decisions ruling against the appellants.

As such, the overall success rate of appeals<sup>19</sup> stood at 32%, which is an increase when compared to previous years.

The available information does not allow for statistics on decision rates per type of procedure. The average duration of appeals at first instance courts in 2024 was of 102 days.

CSTAF did not provide information on the number of appeals filed in second instance courts in 2024, not its average duration.

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<sup>17</sup> Until 2021, only TAC Lisbon had such a registration string.

<sup>18</sup> According to CPR's observation of national jurisprudence, instances where national courts decide to grant protection directly are traditionally extremely rare. While CPR receives a significant number of judicial decisions either through asylum applicants it supports or through their lawyers, the organisation does not process statistical data regarding judicial procedures.

<sup>19</sup> Rates calculated by CPR based on the data provided by CSTAF. Success rates are based on the number of relevant decisions issued during the year.

## Overview of the legal framework

### Main legislative acts on asylum procedures, reception conditions, detention, and content of international protection

| Title (EN)  | Original Title (PT)  | Abbreviation                  | Web Link  |
|---|--|-------------------------------|---|
| Act n. 27/2008 of 30 June 2008 establishing the conditions for granting asylum or subsidiary protection<br><br><i>Last amended by:</i> Act n. 53/2023, of 31 August 2023                                | Lei n.º 27/2008, de 30 de junho, que estabelece as condições e procedimentos de concessão de asilo ou protecção subsidiária e os estatutos de requerente de asilo, de refugiado e de protecção subsidiária<br><br><i>Alterada pela última vez pela:</i> Lei n.º 53/2023, de 31 de agosto | Asylum Act                    | <a href="https://bit.ly/3j3r6c6">https://bit.ly/3j3r6c6</a> (PT)<br><br><a href="https://bit.ly/3pHbedv">https://bit.ly/3pHbedv</a> (EN – not including the 2022 and 2023 amendments) |
| Act n. 23/2007 of 4 July 2007 on the legal status of entry, residence, departure and removal of foreigners from the national territory<br><br><i>Last amended by:</i> Act n. 9/2025 of 13 February 2025 | Lei n.º 23/2007, de 4 de julho, que aprova o regime jurídico de entrada, permanência, saída e afastamento de estrangeiros do território nacional<br><br><i>Alterada pela última vez pela:</i> Lei n.º 9/2025, de 13 de fevereiro   | Immigration Act               | <a href="https://tinyurl.com/8sk6bn48">https://tinyurl.com/8sk6bn48</a> (PT)  |
| Decree-Law n. 41/2023 of 2 June 2023 creating the Agency for Integration, Migration and Asylum, I.P.<br><br><i>Last amended by:</i> Decree Law n. 53/2024 of 30 August 2024                             | Decreto-Lei n.º 41/2023, de 2 de junho, que cria a Agência para a Integração, Migrações e Asilo, I.P.<br><br><i>Alterado pela última vez pelo:</i> Decreto-Lei 53/2024, de 30 de agosto  | AIMA Act                      | <a href="http://tinyurl.com/3vsf4bzx">http://tinyurl.com/3vsf4bzx</a> (PT)  |
| Decree-Law n. 4/2015 of 7 January 2015 - Code of Administrative Procedure<br><br><i>Last amended by:</i> Decree-Law n. 11/2023 of 10 February 2023  | Decreto-Lei n.º 4/2015, de 7 de janeiro, que aprova o novo Código do Procedimento Administrativo<br><br><i>Alterado pela última vez pelo:</i> Decreto-Lei n.º 11/2023, de 10 de fevereiro  | Administrative Procedure Code | <a href="http://bit.ly/2mmF8Hw">http://bit.ly/2mmF8Hw</a> (PT)  |



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| Act n. 220/2006 of 3 November 2006 establishing the legal framework for the social protection in case of unemployment of persons working for an employer<br><br><i>Last amended by:</i> Decree-Law n. 113/2023 of 30 November 2023  | Lei n.º 220/2006, de 3 de novembro - Regime jurídico de protecção social da eventualidade de desemprego dos trabalhadores por conta de outrem<br><br><i>Alterada pela última vez pelo:</i> Decreto-Lei n.º 113/2023, de 30 de novembro  |                 | <a href="https://bit.ly/2sppYFA">https://bit.ly/2sppYFA</a> (PT)   |
| Decree-Law 176/2003 of 2 August 2003 establishing the family allowance to children and youth and defining protection in case of family expenses in the context of the family protection subsystem<br><br><i>Last amended by:</i> Decree-Law n.24-D/2022 of 30 December 2022 | Decreto-Lei n.º 176/2003, de 2 de agosto, que institui o abono de família para crianças e jovens e define a protecção na eventualidade de encargos familiares no âmbito do subsistema de protecção familiar<br><br><i>Alterada pela última vez pelo:</i> Decreto-Lei n.º 24-D/2022, de 30 de dezembro |                 | <a href="https://bit.ly/2IDrmGX">https://bit.ly/2IDrmGX</a> (PT)   |
| Act n. 35/2014 of 20 June 2014 governing employment in public functions<br><br><i>Last amended by:</i> Decree-Law n. 13/2024 of 10 January 2024   | Lei n.º 35/2014, de 20 de junho, que aprova a Lei Geral do Trabalho em Funções Públicas<br><br><i>Alterada pela última vez pelo:</i> Decreto-Lei n.º 13/2024, de 10 de janeiro  |                 | <a href="http://tinyurl.com/3hct8cdx">http://tinyurl.com/3hct8cdx</a> (PT)   |
| Act n. 7/2009 of 12 February 2009 approving the Labour Code<br><br><i>Last amended by:</i> Act n. 32/2025 of 27 March 2025  | Lei n.º 7/2009, de 12 de fevereiro, que aprova a revisão do Código do Trabalho<br><br><i>Alterada pela última vez pela:</i> Lei n.º 32/2025, de 27 de março   | Labour Code     | <a href="https://bit.ly/2rJtbzm">https://bit.ly/2rJtbzm</a> (PT)   |
| Act n. 37/81 of 3 October 1981 approving the Act on Nationality<br><br><i>Last amended by:</i> Organic Law n. 1/2024 of 5 March 2024  | Lei n.º 37/81, de 3 de outubro, que aprova a Lei da Nacionalidade<br><br><i>Alterada pela última vez pela:</i> Lei Orgânica n.º 1/2024, de 5 março  | Nationality Act | <a href="http://bit.ly/2jukiBm">http://bit.ly/2jukiBm</a> (PT)<br><br><a href="https://tinyurl.com/yc793d9h">https://tinyurl.com/yc793d9h</a> (EN) |

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| Act n. 81/2014 of 19 December 2014<br><br><i>Last amended by:</i> Decree-Law n. 38/2023 of 29 May 2023  | Lei n.º 81/2014, de 19 de dezembro, alterada pela Lei n.º 32/2016, de 24 de agosto, que estabelece o novo regime do arrendamento apoiado para habitação<br><br><i>Alterada pela última vez pelo:</i> Decreto-Lei n.º 38/2023, de 29 de maio | Public Leasing Act | <a href="http://tinyurl.com/4f7unbez">http://tinyurl.com/4f7unbez</a> (PT) |
| Decree-Law n. 26/2021 of 31 March 2021 creating the National Pool of Urgent and Temporary Accommodation<br><br><i>Amended by:</i> Decree-Law no. 41/2023 of 2 June 2023 | Decreto-Lei n.º 26/2021, de 31 de março que procede à criação da Bolsa Nacional de Alojamento Urgente e Temporário<br><br><i>Alterada pelo:</i> Decreto-Lei n.º 41/2023, de 2 de junho  |                    | <a href="https://bit.ly/3L3aXfq">https://bit.ly/3L3aXfq</a> (PT)           |

#### Main implementing decrees, guidelines and regulations on asylum procedures, reception conditions, detention, and content of international protection

| Title (EN)   | Original Title (PT)  | Abbreviation             | Web Link   |
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| Decree-Law n. 252/2000 of 16 October 2000 Organisational structure of the Immigration and Borders Service<br><br><i>Last amended by:</i> Act n.73/2021 of 12 November 2021 (restructures the Portuguese border control system) | Decreto-Lei n.º 252/2000, de 16 de outubro, que aprova a estrutura orgânica e define as atribuições do Serviço de Estrangeiros e Fronteiras<br><br><i>Alterado pela última vez pela:</i> Lei n.º 73/2021, de 12 de novembro (aprova a reestruturação do sistema português de controlo de fronteiras) | SEF Structure Decree-Law | <a href="https://bit.ly/3agkrmq">https://bit.ly/3agkrmq</a> (PT)           |
| Ministerial Order no. 324-A/2023 of 27 October, approving the Statute of Agency for Integration, Migration and Asylum, I.P.  | Portaria n.º 324-A/2023, de 27 de outubro, que aprova os Estatutos da Agência para a Integração, Migrações e Asilo, I.P.   | AIMA Statute             | <a href="http://tinyurl.com/br97m4ws">http://tinyurl.com/br97m4ws</a> (PT) |
| Act n. 147/99 of 1 September 1999 - Children and Youths at Risk Protection Act<br><br><i>Last amended by:</i> Act n. 39/2025 of 1 April 2025   | Lei n.º 147/99, de 1 de setembro – Lei de Protecção de Crianças e Jovens em Perigo<br><br><i>Alterada pela última vez pela:</i> Lei n.º 39/2025, de 1 de abril   |                          | <a href="https://bit.ly/3XdCVvi">https://bit.ly/3XdCVvi</a> (PT)           |



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| Act n. 141/2015 of 8 September 2015 - General Regime of Civil Guardianship Process<br><br><i>Amended by:</i> Act n. 24/2017 of 24 May 2017  | Lei n.º 141/2015, de 8 de setembro – Regime Geral do Processo Tutelar Cível<br><br><i>Alterada pela:</i> Lei n.º 24/2017, de 24 de maio  |  | <a href="https://bit.ly/3CQHq6G">https://bit.ly/3CQHq6G</a> (PT)             |
| Resolution of the Council of Ministers no. 103/2020 of 23 November 2020, establishing a single system of reception and integration of applicants for and beneficiaries of international protection                                    | Resolução do Conselho de Ministros n.º103/2020, de 23 de novembro, que estabelece um sistema único de acolhimento e integração de requerentes e beneficiários de protecção internacional   | Single Reception and Integration System Resolution | <a href="https://bit.ly/3oBLXQm">https://bit.ly/3oBLXQm</a> (PT)             |
| Decree-Law n. 464/80 of 13 October 1980 establishing new conditions of access and entitlement to social pension<br><br><i>Last amended by:</i> Decree-Law n.136/2019 of 6 September 2019  | Decreto-Lei n.º 464/80, de 13 de outubro, que estabelece em novos moldes as condições de acesso e de atribuição da pensão social<br><br><i>Alterado pela última vez pelo:</i> Decreto-Lei n.º 136/2019, de 6 de setembro   |  | <a href="https://bit.ly/2MVXE4L">https://bit.ly/2MVXE4L</a> (PT)             |
| Ministerial Order n. 424/2023 of 11 December 2023, updating the pensions for 2024   | Portaria n.º 424/2023, de 11 de dezembro, que procede à atualização das pensões para 2024  |  | <a href="https://tinyurl.com/yrf7p6j5">https://tinyurl.com/yrf7p6j5</a> (PT) |
| Ministerial Order n. 421/2023 of 11 December 2023 approving the annual revaluation of the social assistance index value   | Portaria n.º 421/2023, de 11 de dezembro, que procede à atualização anual do valor do indexante dos apoios sociais (IAS)   |  | <a href="https://tinyurl.com/mk8x43td">https://tinyurl.com/mk8x43td</a> (PT) |
| Ministerial Order n. 120/2021 of 8 June 2021 establishing the functioning and management of the National Pool of Urgent and Temporary Accommodation   | Portaria n.º 120/2021, de 8 de junho que define o modelo de funcionamento e gestão da Bolsa Nacional de Alojamento Urgente e Temporário  |  | <a href="https://bit.ly/3jTh0qX">https://bit.ly/3jTh0qX</a> (PT)             |
| Ministerial Order n. 257/2012 of 27 August 2012 implementing Law 13/2013 on the Social Insertion Revenue (RSI) and determining the value of the RSI<br><br><i>Last amended by:</i> Ministerial Order n. 39/2025/1 of 14 February 2025 | Portaria n.º 257/2012, de 27 de agosto, que estabelece as normas de execução da Lei n.º 13/2003, de 21 de Maio, que institui o rendimento social de inserção, e procede à fixação do valor do rendimento social de inserção.<br><br><i>Alterada pela última vez pela:</i> Portaria n.º 39/2025/1, de 14 de fevereiro |  | <a href="https://bit.ly/2u6W6hL">https://bit.ly/2u6W6hL</a> (PT)             |

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| Decree Law n. 113/2011 of 29 November 2011 regulating access to National Health Service in respect to co-payments and special benefits<br><br><i>Last amended by:</i> Decree-Law n. 96/2020 of 4 November  | Decreto-Lei n.º 113/2011, de 29 de novembro, que regula o acesso às prestações do Serviço Nacional de Saúde por parte dos utentes no que respeita ao regime das taxas moderadoras e à aplicação de regimes especiais de benefícios<br><br><i>Alterada pela última vez pela:</i> Decreto-Lei n.º 37/2022, de 27 de maio                               |  | <a href="http://bit.ly/2iaqtL7">http://bit.ly/2iaqtL7</a> (PT)             |
| Ministerial Order n. 30/2001 of 17 January 2001 establishing the specific modalities of health care in different stages of the asylum procedure  | Portaria n.º 30/2001, de 17 de janeiro, que estabelece as modalidades específicas de assistência médica e medicamentosa a prestar nas diferentes fases do procedimento de concessão do direito de asilo, desde a apresentação do respectivo pedido à decisão final que recair sobre o mesmo  |  | <a href="https://bit.ly/2F8gRMe">https://bit.ly/2F8gRMe</a> (PT)           |
| Ministerial Order n. 1042/2008 of 15 September 2008 establishing the terms of access of asylum applicants and their family members to the National Health Service  | Portaria n.º 1042/2008, de 15 de setembro, que estabelece os termos e as garantias do acesso dos requerentes de asilo e respectivos membros da família ao Serviço Nacional de Saúde  |  | <a href="https://bit.ly/2u6dyTt">https://bit.ly/2u6dyTt</a> (PT)           |
| Decree-Law n. 227/2005 of 28 December 2005 defining the framework of granting the recognition of foreign qualifications  | Decreto-Lei n.º 227/2005, de 28 de dezembro, que define o novo regime de concessão de equivalência de habilitações de sistemas educativos estrangeiros a habilitações do sistema educativo português ao nível dos ensinos básico e secundário  |  | <a href="https://bit.ly/39ssv26">https://bit.ly/39ssv26</a> (PT)           |
| Decree-Law n. 7/2025, of 11 February 2025 establishing the specific regime for the placement of students who are covered by Portuguese compulsory schooling and hold qualifications awarded by foreign education systems or international education programmes corresponding to Portuguese basic education | Decreto-Lei n.º 7/2025, de 11 de fevereiro, que estabelece o regime específico de posicionamento dos alunos que estejam abrangidos pela escolaridade obrigatória portuguesa e sejam titulares de habilitações conferidas por sistemas educativos estrangeiros ou por programas educativos internacionais, correspondentes ao ensino básico português |  | <a href="https://tinyurl.com/yhjumd3">https://tinyurl.com/yhjumd3</a> (PT) |

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| Ministerial Order n. 224/2006 of 8 March 2006 approving comparative tables between the Portuguese education system and other education systems   | Portaria n.º 224/2006, de 8 de março, que aprova as tabelas comparativas entre o sistema de ensino português e outros sistemas de ensino, bem como as tabelas de conversão dos sistemas de classificação correspondentes   |                         | <a href="https://bit.ly/2FUHTYE">https://bit.ly/2FUHTYE</a> (PT)             |
| Ministerial Order n. 699/2006 of 12 July 2006 approving comparative tables between the Portuguese education system and other education systems   | Portaria n.º 699/2006, de 12 de julho, que aprova as tabelas comparativas entre o sistema de ensino português e outros sistemas de ensino, bem como as tabelas de conversão dos sistemas de classificação correspondentes  |                         | <a href="https://bit.ly/2HUjgxh">https://bit.ly/2HUjgxh</a> (PT)             |
| Decree-Law n. 83/2000 of 11 May 2000 on the new regime for the issuance of passports<br><br><i>Last amended by: Act n. 52/2025 of 7 April 2025</i>   | Decreto-Lei n.º 83/2000, de 11 de maio, que aprova o novo regime legal da concessão e emissão dos passaportes<br><br><i>Alterada pela última vez pela: Lei n.º 52/2025, de 7 de abril</i>  | Travel Documents Order  | <a href="http://bit.ly/2AjwA7G">http://bit.ly/2AjwA7G</a> (PT)               |
| Implementing Decree n. 84/2007 of 5 November 2007 regulating Act n. 23/2007 of 4 July 2007 on the legal status of entry, residence, departure and removal of foreigners from the national territory<br><br><i>Last amended by: Implementing Decree n.1/2024 of 17 January 2024</i> | Decreto Regulamentar n.º 84/2007, de 5 de novembro, que regulamenta a Lei n.º 23/2007, de 4 de Julho, que aprova o regime jurídico de entrada, permanência, saída e afastamento de cidadãos estrangeiros de território nacional<br><br><i>Alterada pela última vez pelo: Decreto Regulamentar n.º 1/2024, de 17 de janeiro</i>   |                         | <a href="http://tinyurl.com/5amdudz5d">http://tinyurl.com/5amdudz5d</a> (PT) |
| Ministerial Order n. 307/2023 of 13 October 2023 (on the cost of certain administrative procedures)  | Portaria n.º 307/2023, de 13 de outubro, que aprova a tabela das taxas e dos demais encargos devidos pelos procedimentos administrativos inerentes à concessão de vistos em postos de fronteira, à prorrogação de permanência em território nacional, à emissão de documentos de viagem, à concessão e renovação de autorizações de residência e à prática dos demais atos relacionados com a entrada e permanência de estrangeiros em território nacional |                         | <a href="http://tinyurl.com/4dkz7a8z">http://tinyurl.com/4dkz7a8z</a> (PT)   |
| Decree-Law n. 131/95 of 6 June 1995 approving the Civil Registration Code  | Decreto-Lei n.º 131/95, de 6 de junho, que aprova o Código do Registo Civil  | Civil Registration Code | <a href="https://bit.ly/3gxLDIA">https://bit.ly/3gxLDIA</a> (PT)             |

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| <i>Last amended by:</i> Decree-Law n. 39/2025 of 1 April 2025  | <i>Alterado pela última vez pelo:</i> Decreto-Lei n.º 39/2025, de 1 de abril   |  |  |
| Decree-Law n. 237-A/2006 of 14 December 2006 approving the regulation of the Portuguese nationality<br><br><i>Last amended by:</i> Decree-Law n. 41/2023 of 2 June 2023                      | Decreto-Lei n.º 237-A/2006, de 14 de dezembro, que aprova o Regulamento da Nacionalidade Portuguesa<br><br><i>Alterado pela última vez pelo:</i> Decreto-Lei n.º 41/2023, de 2 de junho  | Nationality Regulation                     | <a href="http://bit.ly/2neIr5o">http://bit.ly/2neIr5o</a> (PT)   |
| Ministerial Order n. 176/2014 of 11 September 2014   | Portaria n.º 176/2014, de 11 de setembro, que regulamenta a realização da prova do conhecimento da língua portuguesa, prevista na alínea b) do n.º 2 do artigo 25.º do Regulamento da Nacionalidade Portuguesa, aprovado pelo Decreto-Lei n.º 237-A/2006, de 14 de dezembro, na sua atual redação. | Nationality Language Assessment Test Order | <a href="https://bit.ly/2MHt3aS">https://bit.ly/2MHt3aS</a> (PT) |
| Decree-Law n. 322-A/2001 of 14 December 2001 approving the Regulation of Administrative Fees of Registries and Notary<br><br><i>Last amended by:</i> Decree-Law n. 48-D/2024 of 31 July 2025 | Decreto-Lei n.º 322-A/2001, de 14 de dezembro, que aprova o Regulamento Emolumentar dos Registos e Notariado<br><br><i>Alterado pela última vez pelo:</i> Decreto-Lei n.º 48-D/2024, de 31 de julho  |  | <a href="https://bit.ly/3592YrB">https://bit.ly/3592YrB</a> (PT) |
| Ministerial Order n. 302/2015 of 22 September 2015, Template refugee travel document<br><br><i>Amended by:</i> Ministerial Order n. 412/2015 of 27 November 2015                             | Portaria n.º 302/2015, de 22 de setembro, Modelo do título de viagem para os cidadãos estrangeiros residentes em Portugal na qualidade de refugiados<br><br><i>Alteração:</i> Portaria n.º 412/2015, de 27 de novembro   | Refugee Travel Document Order              | <a href="https://bit.ly/36cs22b">https://bit.ly/36cs22b</a> (PT) |

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| Ministerial Order n. 183/2020 of 5 August 2020, approving the creation of Portuguese host language courses and the rules pertaining to its organisation, functioning and certification.<br><br><i>Amended by:</i> Ministerial Order n. 184/2022 of 21 July 2022 | Portaria n.º 183/2020, de 5 de agosto que cria os cursos de Português Língua de Acolhimento, assim como as regras a que obedecem a sua organização, funcionamento e certificação<br><br><i>Alteração:</i> Portaria n.º 184/2022, de 21 de julho |  | <a href="https://bit.ly/3r6zPZB">https://bit.ly/3r6zPZB</a> (PT) |
| Regulation n. 84/2018 of 2 February 2018, governing the public leasing of housing from IHRU, IP   | Regulamento n.º 84/2018, de 2 de fevereiro, de Acesso e Atribuição de Habitações do IHRU, I.P., em Regime de Arrendamento Apoiado   |  | <a href="https://bit.ly/2SD3PhF">https://bit.ly/2SD3PhF</a> (PT) |

## Overview of the main changes since the previous report update

The report was previously updated in **July 2024**.

### Background information – transition from SEF to AIMA as asylum authority

The reform of the national asylum authority<sup>20</sup> culminated in 2023 with the creation of the Agency for Integration, Migration and Asylum (AIMA), which began its operations on 29 October.<sup>21</sup> Until that date, SEF remained the national asylum authority. Accordingly, from 29 October 2023, AIMA's National Centre for Asylum and Refugees (CNAR) became the specialised determining authority in the field of asylum. The institutional change also entailed that existing general police forces became responsible for border control and for executing expulsion decisions. According to CPR's analysis, while the transition process was quite long, it was neither gradual, nor participatory. Notably, it did not include a sustained strategy of cooperation with other relevant public entities and with civil society organisations.

While the separation between administrative and law enforcement-related competencies is a positive element, the beginning of AIMA's operation presented multiple challenges and potential protection shortcomings. With regards to asylum in particular, in 2024 CPR continued to observe multiple gaps in the implementation of legal norms concerning the asylum procedure and reception conditions, without proper account to the need to ensure the continuity of services despite institutional reforms.<sup>22</sup>

2024 continued to be a particularly challenging year for civil society organisations involved in the provision of assistance to applicants for and beneficiaries of international protection as organisations were still facing significant financial constraints leading to delays in payments, as well as experiencing repercussions of delays in the provision of AMIF funding at national level.<sup>23</sup>

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<sup>20</sup> For detailed information on the process and its origins prior to 2023, please refer to previous AIDA reports. Act n. 73/2021 of 12 November 2021 approving the restructure of the Portuguese system of border control, reshaping the regime of the forces and services responsible for internal security and establishing other rules for the redistribution of competences and resources of the Immigration and Borders Service, last amended by Act n. 53/2023, of 31 August 2023, available [here](#).

<sup>21</sup> Decree-Law no. 41/2023, of 2 June 2023 creating the Agency for Integration, Migration and Asylum, I.P., available [here](#); Ministerial Order no. 324-A/2023 of 27 October, approving the Statute of Agency for Integration, Migration and Asylum, I.P., available [here](#).

<sup>22</sup> In the context of the right of reply of the authorities to the 2024 draft AIDA report (22 August 2025), AIMA affirmed that in response to a significant increase in applications for international protection registered from February 2024 onwards, accelerated procedures were temporarily implemented, with close monitoring by UNHCR, which made several visits and supervised the procedural steps taken during this period. Following a decrease in the number of applications for international protection and a change in strategic direction adopted by the new AIMA Board of Directors in July 2024, a comprehensive assessment of the processes was carried out. According to AIMA, standard case processing was reinstated during the second half of 2024 and has remained in effect to date. According to CPR's observation, and as described throughout the report, these 'temporarily accelerated procedures' were adopted to the detriment of imperative procedural guarantees and reception conditions. The fact that most applications were considered unfounded or inadmissible during this period is not in itself evidence of the need for these 'temporarily accelerated procedures', but it rather raises serious concerns regarding the quality of the analysis conducted by the authorities.

<sup>23</sup> On the one hand, there were significant delays in the provision of AMIF funding at national level, on the other since the beginning of its operations AIMA publicly stated that it wanted to evaluate the provision of services by the organisation before renewing any cooperation frameworks. While AIMA and CPR signed a contract for the provision of accommodation for a limited number of asylum applicants in January 2024, this did not ensure the payment of services previously ensured by the organisation and did not provide sufficient resources for CPR to continue ensuring the usual reception model. In fact, by the end of the 2023 and 2024 the organisation often faced financial constraints leading to delays in the payment of financial allowances to asylum applicants and salaries to employees. See, for instance: Público, *Conselho Português para os Refugiados confirma salários e verbas em atraso*, 8 January 2024, available [here](#). Within the context of the right of reply of the authorities to the 2023 draft AIDA report, AIMA affirmed that it has expanded reception capacity and that the procedures adopted aimed to ensure transparency. It also confirmed that the transition between financial frameworks created constraints, but asserted that such constraints had been overcome by June 2024. Nevertheless, CPR was still experiencing the aforementioned repercussions at the beginning of 2025.

In June 2024, the Government announced a national plan for migration and asylum<sup>24</sup> as a response to problems and challenges it identified, namely:

- ❖ Defective process of termination of SEF;
- ❖ Operational incapacity of AIMA, with a backlog of 400,000 pending procedures (all procedures combined);
- ❖ Significant operational disruptions in border control systems;
- ❖ Inoperability of the return system;
- ❖ Degradation of the system and policies for integrating migrants and applicants for and beneficiaries of international protection and difficulties in accessing education, healthcare and other services;
- ❖ Depletion of the capacity of administrative detention facilities and existing reception centres;
- ❖ Significant increase in the number of foreign citizens in a context of vulnerability and exclusion; and
- ❖ Growth of human trafficking networks, exploitation and irregular immigration.

Among the 41 measures and policies the Government has announced to tackle these matters, the subsequent developments culminated as follows in 2024:

- ❖ The Observatory for Migration (*Observatório para as Migrações*, OM) was reinstated by Decree-Law in June 2024<sup>25</sup> as a body within AIMA's structure whose mission is to produce, collect, process and disseminate information and knowledge on the phenomenon of migration;
- ❖ The Mission Structure of AIMA (*Estrutura de Missão da AIMA*) was established by Resolution of the Council of Ministers in July 2024<sup>26</sup>, under the responsibility of the Minister of the Presidency, becoming responsible for processing and finalising pending cases for the granting and renewal of residence permits until 2 June 2025. According to CPR's observation, this measure had no impact on the processing of asylum applications. AIMA did not provide any indication of this either;
- ❖ The National Council for Migrations and Asylum (*Conselho Nacional para as Migrações e Asilo*, CNMA) was created by Decree-Law in August 2024<sup>27</sup> and thus made autonomous from AIMA, becoming a governmental advisory body on national migration and asylum policy and strategy;
- ❖ A working group with the mission of preparing, coordinating and ensuring the execution of the national implementation plan was set up by the Government in October 2024.<sup>28</sup> A first version of the national implementation plan was submitted to the EU in December 2024. The Government planned a more advanced version for the beginning of 2025, after national discussions in Parliament and in the National Council for Migration and Asylum;
- ❖ The creation of the Immigration and Borders Unit (*Unidade de Estrangeiros e Fronteiras*, UEF) in the PSP was rejected by the parliamentary committee on Constitutional Affairs, Rights, Freedoms and Guarantees in December 2024.<sup>29</sup>

## Background information – Legislative initiatives

In June 2024, the national Parliament approved a **Parliamentary Resolution** recommending that the Government, inter alia, call for the unconditional and safe release of Vladimir Kara-Murza and publicise Portugal's willingness to receive him as a political exile, and adopt a humanitarian visa system as well as other reception forms in Portugal, for human rights defenders, pro-democracy activists and independent journalists.<sup>30</sup>

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<sup>24</sup> Presidência do Conselho de Ministros, *Plano de Ação para as Migrações: Problemas, Desafios, Princípios e Ações*, June 2024, available [here](#).

<sup>25</sup> Decree-Law no. 41-A/2024, of 28 June 2024 restructuring the Observatory for Migration, available [here](#).

<sup>26</sup> Resolution of the Council of Ministers no. 87/2024, of 10 July 2024 creating the Mission Structure for the Recovery of Pending Cases at AIMA, available [here](#).

<sup>27</sup> Decree-Law no. 53/2024, of 30 August 2024 creating the National Council for Migrations and Asylum, available [here](#).

<sup>28</sup> Order no. 11856-A/2024, of 07 October 2024, available [here](#).

<sup>29</sup> RTP, *Chumbo de unidade de estrangeiros*, 18 December 2024, available [here](#).

<sup>30</sup> Resolução da Assembleia da República no. 34/2024, 5 June 2024, available [here](#).



In December 2024, the national Parliament approved a **Parliamentary Resolution** recommending the Government to, inter alia, proceed with the urgent regularisation of Belarusian citizens living in Portugal who are affected by reprisals and persecution by the regime of Aleksandr Lukashenko, to adopt the necessary measures to ensure that AIMA provides adequate and complete information to Belarusians citizens on access to the national asylum system, and to consider granting Belarusians Portuguese passports to foreigners.<sup>31</sup>

## International protection

- ❖ **Key asylum statistics – first instance:** According to the information provided by AIMA, in 2024, the Portuguese authorities registered 2,680 applications for international protection (including 46 made by persons relocated to Portugal). According to Eurostat data a total of 2,690 asylum applications were registered in Portugal in 2024.<sup>32</sup> The recognition rate stood at 1%, a very significant decrease (see [Statistics](#)). While the nature of the caseload of the asylum authority may vary from year to year, NGOs have highlighted many concerns with the asylum procedure and procedural safeguards in 2024 (see below).
- ❖ **Key asylum statistics – appeals:** According to CSTAF, a total of 459 appeals were lodged against negative asylum decisions in 2024, an increase of around 50% compared to 2023. The information provided by the CSTAF for 2024 regarding the outcome of judicial reviews of first instance decisions indicates a 32% success rate at appeal stage, which is an increase when compared to previous years (see [Statistics](#)).
- ❖ **EU infringement procedure:** As previously in the update on 2023, in January 2023, the European Commission announced having opened infringement procedures to Portugal “for failing to transpose in a fully conform manner all provisions” of both the Qualification and the Reception Conditions Directives.<sup>33</sup> Further information remained unavailable during 2024.

## Asylum procedure

- ❖ **Legal access to the territory:** No one was resettled to Portugal in 2024 (see [Legal access to the territory](#)).
- ❖ **Registration of asylum applications:** Since the beginning of AIMA’s operation, CPR has observed/received reports of concerning practices pertaining to the registration of asylum applications. In 2024, applicants were forced to travel across the country to Lisbon in order to present/register an application in CNAR, after being refused in other AIMA’s premises with the exception of Porto and Coimbra. AIMA acknowledged these constraints. In a response to Parliament in March 2025,<sup>34</sup> the Government stated that the presentation of applications had temporarily been concentrated in Lisbon, Porto and Coimbra.<sup>35</sup> According to CPR’s observation, the impossibility of presenting/registering applications and obtaining information on cases outside these cities lasted throughout 2024 and at least the first semester of 2025 (see: [Asylum Procedure - Registration of the asylum application](#)).
- ❖ **Delays in the processing of regular asylum applications:** In a response to Parliament in May 2024, the Government stated that there were 4,000 international protection cases pending a decision<sup>36,37</sup> (see [Regular procedure](#)).

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<sup>31</sup> Resolução da Assembleia da República no. 17/2025, 17 January 2025, available [here](#).

<sup>32</sup> Eurostat, *Asylum applicants by type, citizenship, age and sex - annual aggregated data*, available [here](#).

<sup>33</sup> European Commission, *January Infringements package: key decisions*, 26 January 2023, available [here](#). See also: Fundamental Rights Agency (FRA), *Asylum and Migration: Progress Achieved and Remaining Challenges*, p.29, April 2023, available [here](#).

<sup>34</sup> Assembleia da República, Pergunta 1034/XVI/1, *Acesso ao sistema de asilo*, February 2025, available [here](#).

<sup>35</sup> Assembleia da República, Resposta à Pergunta 1034/XVI/1, *Acesso ao sistema de asilo*, March 2025, available [here](#).

<sup>36</sup> Assembleia da República, Pergunta 25/XVI/1, *Constrangimentos nas respostas da Agência para a Integração, Migrações e Asilo*, April 2024, available [here](#).

<sup>37</sup> Assembleia da República, Resposta à Pergunta 25/XVI/1, *Constrangimentos nas respostas da Agência para a Integração, Migrações e Asilo*, May 2024, available [here](#).



- ❖ **Interviews:** Concerning systematic practices regarding asylum interviews were and/or continued to be observed throughout 2024, particularly during the first half of the year, notably:<sup>38</sup>
  - Oversimplification of the interviews and of the questions asked to the applicants;
  - Interviews being conducted late in the night/early in the morning and following trips to different areas of the country;
  - Applicants systematically asked during the interview if they wish to be immediately notified of the decision of their asylum application without being informed that such a decision implies a relinquishment of their right to reply to the interview/case report and without having access to legal information and assistance before making a decision;
  - Applicants not being informed of the possibility to be interviewed in a language they understand with the assistance of an interpreter, despite clear difficulties in communicating in another language;
  - Applicants not being informed of their right to reply to the interview/case report and/or about their right to legal assistance;
  - Interpretation being widely provided by the Telephone Translation Service managed by AIMA, including in the case of unaccompanied children and detained applicants;
  - Frequent changes of practice by AIMA regarding the documents and procedures connected to the interview and the summary report, leading to lack of clarity and to an increase of potential violations of procedural rights (see [Personal Interview](#)).
- ❖ **Length of appeals procedures:** information provided by the High Council of Administrative and Fiscal Courts (*Conselho Superior dos Tribunais Administrativos e Fiscais* – CSTAF) regarding the duration of judicial reviews of first instance decisions reveals that, in 2024, the average duration of appeals at first instance courts was of 102 days (see [Regular procedure – Appeals](#)).
- ❖ **Dublin:** According to the information provided by AIMA, only 14 Dublin transfers were implemented out of the total of 211 outgoing requests, out of which 155 accepted. The transfer rate (calculated on the basis of accepted requests) was thus of 9% in 2024.<sup>39</sup> (see [Dublin](#)).
- ❖ **Resumption of the border procedure:** The application of the border procedure was resumed in November 2023 and it has been systematically applied since then throughout 2024 and early 2025, including to vulnerable applicants. CPR has observed a number of problematic practices impacting the procedural guarantees of asylum applicants subjected to the border procedure and the corresponding use of detention (as well as detention conditions) (see [Border procedure](#)).
- ❖ **Vulnerable applicants – treatment of women and girls:** In May 2025, the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) published its first report on Portugal, focusing on access to support, protection and justice.<sup>40</sup> GREVIO expressed concern as to the lack of a mechanism to systematically screen, identify and refer the needs of women seeking and/or benefiting from international protection victims of violence. While praising the creation of AIMA as a single agency dealing with asylum and migration, GREVIO urged the development of 'its potential in order to offer comprehensive support and protection to women and girls who are seeking asylum or have been granted refugee status, including through the training of AIMA staff on issues of gender-based violence'<sup>41</sup> (see [Guarantees for vulnerable groups](#)).

<sup>38</sup> In the context of the right of reply of the authorities to the 2024 draft AIDA report (22 August 2025), AIMA provided comments on the practices described below, which are presented and discussed in the relevant section, [Personal Interview](#).

<sup>39</sup> The transfer rate on the basis of the overall number of outgoing requests was of 6.6%.

<sup>40</sup> Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), *First thematic Evaluation Report – Portugal – Building trust by delivering support, protection and justice – 27 May 2025*, available [here](#).

<sup>41</sup> Ibid, para. 92.

- ❖ **Subsequent applications:** During 2024, CPR became aware that AIMA was not registering subsequent applications and instead notifying applicants to submit, within 5 working days, new facts, information or evidence, in order to assess whether to register the new application. At the time, AIMA did not clarify this practice,<sup>42</sup> which seemed to change at the end of the year (see [Subsequent applications](#)).<sup>43</sup>
- ❖ **Safe country of origin:** While AIMA has confirmed that there is no list of safe countries of origin, according to CPR's observation, the use of the safe country of origin concept significantly increased in 2024 compared to previous years. Notably, in most cases this ground was used solely by citing the legal provision and in conjunction with other provisions. Designation of a country as safe however was not consistent between cases (see [Safe country of origin](#)).
- ❖ **Safe third country:** Similarly, while AIMA confirmed that there is no list of safe third countries, according to CPR's observation, the number of inadmissibility decisions on safe third country grounds significantly increased in 2024 compared to previous years. This ground was mainly used in conjunction with other provisions. The reasons provided for such decisions did not engage with the legal requirements for the application of the concept and consequent inadmissibility of the asylum application, and did not include an individual assessment (see [Safe third country](#)).
- ❖ **Differential treatment of specific nationalities in the procedure:** Following the fall of Bashar Al Assad's regime and the stance of some EU Member States, in December 2024 the Government guaranteed that no change would occur in the international protection status of the Syrian population in Portugal, nor would any change be introduced to the processing of asylum applications for the time being. It further stated that it would continue to monitor the situation and that any future decision would be in line with the EU<sup>44</sup> (see [Differential treatment of specific nationalities in the procedure](#)).

#### *Reception conditions*

- ❖ **Structure of provision of reception by AIMA:** Until the end of the first half of 2024, AIMA provided accommodation directly through the youth hostel network (*Movijovem – Pousadas da Juventude*). According to AIMA, this was a contingency plan. In the second semester of 2024, AIMA expanded the reception capacity and signed MoUs and contract services with new reception entities in addition to CPR: Adolescere, Convento Balsamão, JRS, and Together International (see [Reception conditions](#)).
- ❖ **Issues in the provision of material reception conditions:** In 2024, CPR received consistent reports of people who faced challenges in presenting asylum applications across the country and were moreover not referred to reception solutions. There were also reports of a lack of information and social support and/or reception solutions even after an asylum application has been lodged. Moreover, until the end of the first semester of 2024, CPR received consistent reports of significant issues impacting asylum applicants who were provided accommodation directly by AIMA, namely: lack of information, isolation, lack of means to access AIMA's services, lack of access to material reception conditions (including food), instances of withdrawal of accommodation immediately following notification of a negative decision (in violation of the applicable legal framework), frequent and often unannounced changes of place of accommodation, and lack of response to specific needs (including access to health care) (see [Reception conditions](#)).
- ❖ **Reception response after release from detention:** CPR is aware that in some cases in 2024 release from detention was delayed due to the lack of reception response on the national territory. Upon release

<sup>42</sup> CPR questioned AIMA directly in May 2024.

<sup>43</sup> In the context of the right of reply of the authorities to the 2024 draft AIDA report (22 August 2025), AIMA clarified that in September 2024 with the aim of standardising procedures the Agency established that any subsequent application must be registered whenever the applicant expresses the intention to submit it.

<sup>44</sup> Público, *Governo não mexe no estatuto de protecção dos 1500 sírios que estão em Portugal*, 12 December 2024, available [here](#).

from detention, asylum applicants may face challenges in accessing reception conditions as AIMA claims not being responsible for reception of applicants already notified of a decision on admissibility, inadmissibility or rejection in an accelerated procedure. On some occasions, PSP had to take action to identify solutions, namely by contacting the social emergency line (144) (see [The right to reception and sufficient resources](#)).

- ❖ **Right to education:** A number of legal provisions on education were published in 2024 and beginning of 2025, namely:
  - Students who enter the Portuguese education system during the academic year in which the exams must be taken may be exempted from taking final exams up to the 9<sup>th</sup> year of basic education. This includes 'students under the refugee or international protection regimes, and who are flagged as Portuguese as a Non-Native Language students';<sup>45</sup>
  - Approval of a new learning recovery plan, in which learning Portuguese is deemed as a fundamental pillar for promoting inclusion, equity and academic success, and provides a tailor-made approach to the linguistic needs and background of each student;<sup>46</sup>
  - Adoption, inter alia, of measures such as level zero for students who are unfamiliar with the Portuguese language and alphabet; and organisation of classes of 'Portuguese as a Non-Native Language' based on student's level rather than their year of schooling;<sup>47</sup>
  - Without prejudice to the previous equivalence regime, establishment of a new framework for a simplified school placement of children. Schools can approve placement without the need for a formal equivalency process, which remains applicable in other circumstances and at other levels of education (from the 9<sup>th</sup> year of Portuguese basic education onwards, excluding certification of completion of the 9<sup>th</sup> grade, to which it does not apply)<sup>48</sup> (see [Access to Education](#)).
- ❖ **Health care:** In December 2024, the Parliament approved a draft law to ban applicants for international protection in admissibility or accelerated procedures from being beneficiaries of the National Health Service (SNS), requiring them to pay the full cost of access, except in emergency situations.<sup>49</sup> The initiative was approved on the general voting. It was not discussed and voted on in the specialised committee due to the Government's collapse in March 2025 (see [Health care](#)).

### *Detention of asylum applicants*

- ❖ **Resumption of the border procedure:** The application of border procedures and of detention of asylum applicants subjected to border procedures was resumed by the beginning of November 2023, after being suspended for approximately 3 and a half years. It is publicly known that in the last quarter of 2023 and beginning of 2024, asylum applicants and other migrants refused entry into national territory at Lisbon airport were frequently detained in the transit zone of the airport in appalling conditions due to the lack of capacity of the corresponding detention facility<sup>50</sup> (see [Border procedure](#) and [Detention](#)).
- ❖ **Detention statistics:** PSP reported that a total of 392 asylum applicants were subject to administrative detention, of which 347 at the border (refusal of entry and asylum application made at the border) and 45 at CIT-UHSA (within the context of a removal procedure).
- ❖ **Detention of vulnerable applicants:** PSP confirmed that there is no formal and systematic mechanism of identification of vulnerabilities at border points. Information collected by CPR indicates the systematic detention of children accompanied by family members and other particularly vulnerable persons, such as pregnant women, sick people, victims of torture/violence and others. Despite the fact that

<sup>45</sup> Legislative Order no. 4/2024, 21 February 2024, Article 12(7).

<sup>46</sup> Council of Ministers Resolution no. 140/2024, 17 October 2024.

<sup>47</sup> Order no. 29/2025, 7 February 2025.

<sup>48</sup> Decree-Law 7/2025, 11 February 2025.

<sup>49</sup> Draft Law no.382/XVI/1.<sup>a</sup>, 9 December 2024, available [here](#).

<sup>50</sup> See, for instance: Diário de Notícias, *Requerentes de asilo "dormem em bancos" no aeroporto. Sindicato da PSP denuncia situação "caótica"*, 3 December 2023, available [here](#).

responsibility for promoting special procedural guarantees that could lead to the release from detention lies with AIMA, it seems that the Agency has no decision-making power on the conditions and maintenance of detention of asylum applicants at the border (see [Detention of vulnerable applicants](#)).

- ❖ **Detention conditions:** CPR received consistent reports according to which significant numbers of asylum applicants remained detained in the transit area of the airport for prolonged periods of time in conditions that are incompatible with human dignity. For instance, people sleeping in airport seats/floor/camp beds and not having access to bedclothes, personal items, and personal hygiene facilities on a systematic basis. CPR has also received reports that the food provided (mostly sandwiches) was not adequate and did not fulfil nutritional needs. This situation has also been publicly condemned by the National Preventive Mechanism<sup>51</sup> (see [Detention conditions](#)).

#### *Content of international protection*

- ❖ **Cessation and review of protection status:** In cases of family reunification procedures where the sponsor acquires Portuguese nationality, CPR identified that it is AIMA's practice not to renew residence permits for reunited family members and instead refer them to the law regulating the free movement and residence of EU citizens and their families in national territory<sup>52</sup> or to the regularisation regime under the Immigration Act. Both regimes require the presentation of documents from the country of origin. This practice, which AIMA confirmed this practice to CPR,<sup>53</sup> CPR also identified the same practice in cases of child beneficiaries, who have gone through the asylum procedure in Portugal and whose granting of international protection was not previously considered autonomous but rather an extension of that of the adult. Children and other family members were not notified of any decision to cease the extension of international protection and therefore had no right to an adversarial hearing nor right to judicial review of the authority's decision (see [Cessation and review of protection status](#)).

#### **Temporary protection**

The information given hereafter constitute a short summary of the Annex on Temporary Protection in 2024, for further information, see [Annex on Temporary Protection](#).

- ❖ **Key temporary protection statistics:** According to AIMA's 'Migration and Asylum Report' for 2023,<sup>54</sup> there were 54,432 beneficiaries of temporary protection registered in the country by the end of 2023, out of which 46,823 were Ukrainian citizens. Out of these, 7,519 were third country nationals that lived in Ukraine, mostly from Nigeria, Morocco, India, Algeria and Russia. AIMA did not provide information for 2024.<sup>55</sup> According to Eurostat's data on granting of temporary protection, a total of 72,890 persons have been granted temporary protection in Portugal since the activation of the mechanism, out of which 7,120 in 2024.<sup>56</sup>
- ❖ **Duration of temporary protection:** The duration of temporary protection was extended twice by the Portuguese Government in the course of 2024. 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.<sup>57</sup> In December 2024, the Government approved a Resolution extending the validity of temporary residence permits from

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<sup>51</sup> See, for instance: SIC Notícias, *Provedoria da Justiça denuncia situação "indigna" no centro de detenção do aeroporto de Lisboa*, 24 January 2024, available [here](#).

<sup>52</sup> Act no. 37/2006 of 9 August, available [here](#).

<sup>53</sup> Information provided by AIMA directly to CPR in August 2024.

<sup>54</sup> AIMA, *Relatório de Migrações e Asilo – 2023*, September 2024, available [here](#).

<sup>55</sup> Eurostat's data indicates that by the end of December 2024, there were 61,240 registered beneficiaries in Portugal, available [here](#).

<sup>56</sup> Eurostat, *Decisions granting temporary protection by citizenship, age and sex - monthly data*, available [here](#).

<sup>57</sup> Resolution of the Council of Ministers no. 29/2024, 29 February 2024, available [here](#).

31 December 2024 to 1 March 2025.<sup>58</sup> In February 2025, a law amended Article 7 of the Temporary Protection Act to remove the previous time limit foreseen.<sup>59</sup> Previously, the law provided for a maximum time limit of three years of temporary protection, with all the extension periods. With the amendment, the extension of temporary protection may occur on the grounds that the reasons justifying its maintenance, recognised by a decision of the Council of the European Union and for the period indicated therein, still exist. Consequently, in March 2025, the Government approved a Resolution extending the validity of temporary residence permits from 1 March 2025 to 4 March 2026.<sup>60</sup>

- ❖ **Registration under temporary protection:** In the course of 2024, 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 particularly impacted third-country nationals who lived in Ukraine, many of whom were family members of a Ukrainian citizen. This problem was also flagged by the Ombudsperson in the report to the Parliament covering 2023 (and published in 2024).<sup>61</sup> In response to Parliament in May 2024, the Government stated that there were 3,231 pending temporary protection cases.<sup>62</sup><sup>63</sup>
- ❖ **Freedom of movement:** In the report to the Parliament covering 2023 (and published in 2024), the Ombudsperson noted that there had been reports of a lack of response to requests for cancellation of temporary protection status submitted by beneficiaries who wished to move to another country where they would benefit from similar protection.<sup>64</sup> In the course of 2024, CPR has received similar complaints.

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<sup>58</sup> Resolution of the Council of Ministers no. 178/2024, 5 December 2024, available [here](#).

<sup>59</sup> Act no. 20-A/2025, 26 February 2025.

<sup>60</sup> Resolution of the Council of Ministers no. 47/2025, 17 March 2025, available [here](#).

<sup>61</sup> Ombudsperson, *Relatório à Assembleia da República 2023*, pp.67-68, July 2024, available [here](#).

<sup>62</sup> Assembleia da República, Pergunta 25/XVII/1, *Constrangimentos nas respostas da Agência para a Integração, Migrações e Asilo*, April 2024, available [here](#).

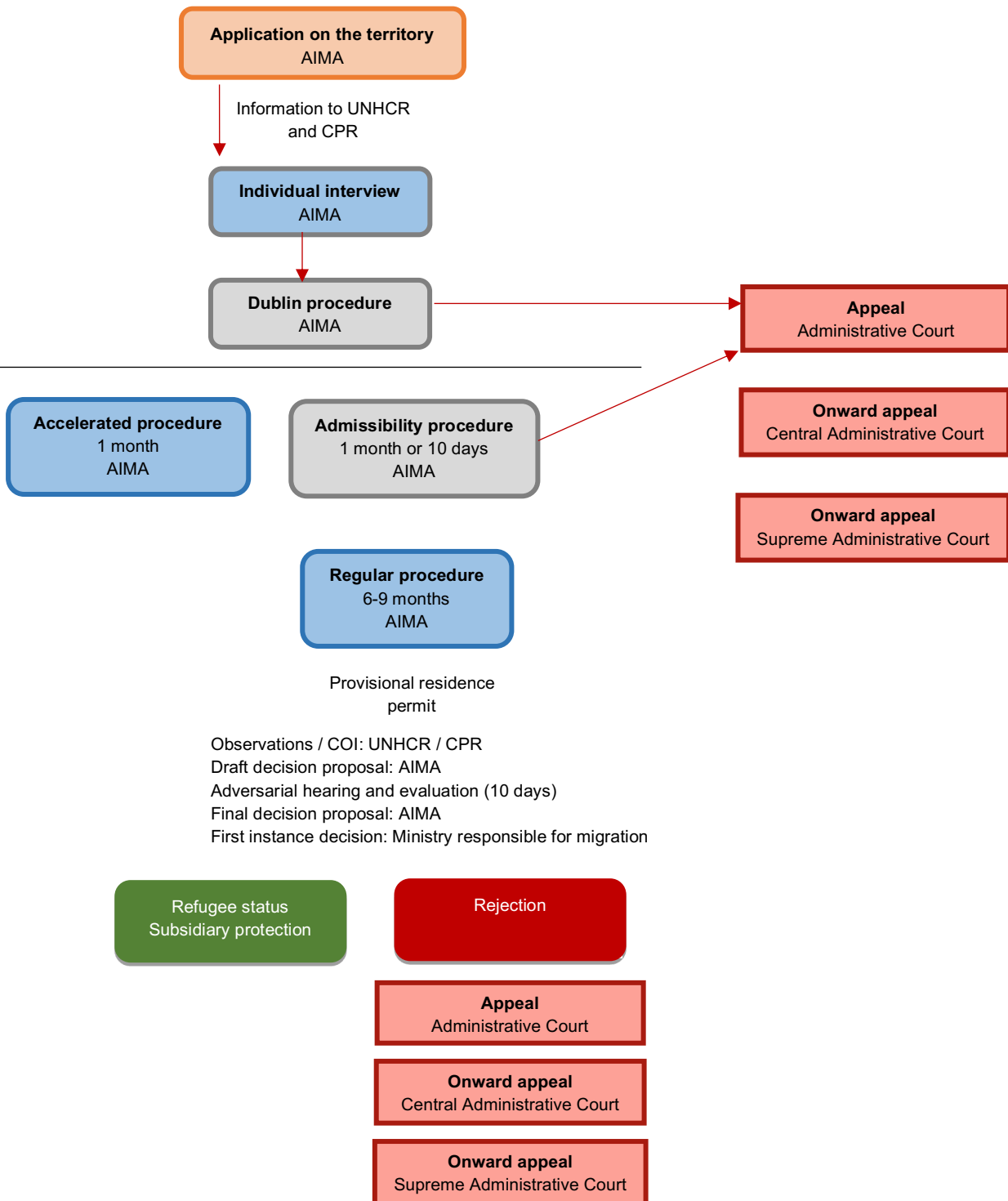
<sup>63</sup> Assembleia da República, Resposta à Pergunta 25/XVII/1, *Constrangimentos nas respostas da Agência para a Integração, Migrações e Asilo*, May 2024, available [here](#).

<sup>64</sup> Ombudsperson, *Relatório à Assembleia da República 2023*, pp.67-68, July 2024, available [here](#).

# Asylum Procedure

## A. General

### 1. Flow chart





## 2. Types of procedures

### Indicators: Types of Procedures

1. Which types of procedures exist in your country?
 

|  |   |  |
|--|---|--|
| ❖ Regular procedure:                     | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| ▪ Prioritised examination: <sup>65</sup> | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| ▪ Fast-track processing: <sup>66</sup>   | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| ❖ Dublin procedure:                      | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| ❖ Admissibility procedure:               | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| ❖ Border procedure:                      | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| ❖ Accelerated procedure: <sup>67</sup>   | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| ❖ Other:                                 | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |

Specific admissibility rules apply to subsequent applications and to applications following a removal order.
2. Are any of the procedures that are foreseen in the law not being applied in practice?
 

|                              |  |
|------------------------------|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
|------------------------------|--|

## 3. List of authorities that intervene in each stage of the procedure

| Stage of the procedure       | Competent authority (EN)  | Competent authority (PT)   |
|------------------------------|---|--|
| Registration of applications | Agency for Integration, Migration and Asylum (AIMA)   | Agência para a Integração, Migrações e Asilo (AIMA)  |
| Dublin                       | Agency for Integration, Migration and Asylum (AIMA)   | Agência para a Integração, Migrações e Asilo (AIMA)  |
| Refugee status determination | Agency for Integration, Migration and Asylum (AIMA)<br>Minister for Parliamentary Affairs / Minister for the Presidency <sup>68</sup> | Agência para a Integração, Migrações e Asilo (AIMA)<br>Ministro/a dos Assuntos Parlamentares / Ministro/a da Presidência |
| First appeal                 | Administrative and Fiscal Courts  | Tribunais Administrativos e Fiscais  |
| Onward appeal                | Central Administrative Courts<br>Supreme Administrative Court   | Tribunais Centrais Administrativos<br>Supremo Tribunal Administrativo  |
| Subsequent application       | Agency for Integration, Migration and Asylum (AIMA)<br>Minister for Parliamentary Affairs / Minister for the Presidency               | Agência para a Integração, Migrações e Asilo (AIMA)<br>Ministro/a dos Assuntos Parlamentares / Ministro/a da Presidência |
| Revocation / Withdrawal      | Agency for Integration, Migration and Asylum (AIMA)   | Agência para a Integração, Migrações e Asilo (AIMA)  |

<sup>65</sup> For applications likely to be well-founded or made by vulnerable applicants.

<sup>66</sup> Accelerating the processing of specific caseloads as part of the regular procedure, without reducing procedural guarantees.

<sup>67</sup> Entailing lower procedural safeguards, whether labelled as “accelerated procedure” in national law or not.

<sup>68</sup> According to the Asylum Act, the Ministerial competencies referred to in the table are attributed to the Minister responsible for the field of migration. Between 29 October 2023 and 9 May 2024, the Minister for Parliamentary Affairs was in charge of migration. From 10 May 2024 onwards, the Minister for the Presidency was in charge of migration.

|  |  |   |
|--|--|---|
|  | Minister for Parliamentary Affairs/Minister for the Presidency | Ministro/a dos Assuntos Parlamentares/Ministro/a da Presidência |
|--|--|---|

#### 4. Determining authority

|                      | Name in English   | Number of staff | Ministry responsible   | Is there any political interference possible by the responsible Minister with the decision making in individual cases by the first instance authority? |
|----------------------|---|-----------------|--|--|
| From 29 October 2023 | Agency for Integration, Migration and Asylum (AIMA), National Centre for Asylum and Refugees (CNAR) | 39              | Minister for Parliamentary Affairs / Minister for the Presidency <sup>69</sup> | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  |

Source: Information provided by AIMA (July 2025), and Asylum Act.

The reform of the national asylum authority<sup>70</sup> culminated in 2023 with the creation of the Agency for Integration, Migration and Asylum (AIMA), which began its operations on 29 October,<sup>71</sup> and with the termination of the Immigration and Borders Service (SEF). Until that date, SEF remained the national asylum authority. For further information on how the SEF operated, please see previous updates to this report.<sup>72</sup>

AIMA began its operation on 29 October 2023, having been created by Decree-Law in June.<sup>73</sup> The Decree-Law that created AIMA amended a number of legislative files, including the Asylum Act where the amendments focused on replacing references to SEF with references to AIMA, references to SEF's National Director with Board of AIMA, and references to the Ministry of Home Affairs to the Ministry in charge of Migration. Between 29 October 2023 and the end of 2023, the Ministry of Parliamentary Affairs was in charge of migration. From 10 May 2024 onwards, the Minister for the Presidency was in charge of migration.<sup>74</sup>

The above-mentioned Decree-Law also created the Borders and Foreigners Coordination Unit (*Unidade de Coordenação de Fronteiras e Estrangeiros*, UCFE), responsible for the coordination of the activities of the police forces and other actors working in the field. The UCFE is primarily composed of officials from the two police forces with border control competencies (GNR and PSP).

<sup>69</sup> According to the Asylum Act, the Ministerial competencies referred to in the table are attributed to the Minister responsible for the field of migration. Between 29 October 2023 and 9 May 2024, the Minister for Parliamentary Affairs was in charge of migration. From 10 May 2024 onwards, the Minister for the Presidency was in charge of migration.

<sup>70</sup> For detailed information on the process and its origins prior to 2023, please revert to previous AIDA reports. Act n. 73/2021 of 12 November 2021 approving the restructure of the Portuguese system of border control, reshaping the regime of the forces and services responsible for internal security and establishing other rules for the redistribution of competences and resources of the Immigration and Borders Service, last amended by Act n. 53/2023, of 31 August 2023, available [here](#).

<sup>71</sup> Decree-Law no. 41/2023, of 2 June 2023 creating the Agency for Integration, Migration and Asylum, I.P., available [here](#). Ministerial Order no. 324-A/2023 of 27 October, approving the Statute of Agency for Integration, Migration and Asylum, I.P., available [here](#).

<sup>72</sup> AIDA, *Country Report : Portugal*, available [here](#).

<sup>73</sup> Decree-Law no. 41/2023, of 2 June 2023, available [here](#).

<sup>74</sup> Decree-Law no. 32/2024, of 10 May 2024 establishing the Organic Law of the Government, available [here](#).



The instrument further established AIMA's structure. AIMA is a Public Institute with administrative and financial autonomy. The Agency works in the fields of equality and migration and is under the oversight and remit of the ministry responsible for such themes.<sup>75</sup>

Notably, AIMA is responsible for the execution of public policies within the fields of migration and asylum.

Among its main competencies within the field of asylum, AIMA is inter alia responsible for:<sup>76</sup>

- ❖ Supporting border points in issuing visas and in providing reception conditions to asylum applicants;
- ❖ Recognising the right to family reunification;
- ❖ Analysing and deciding applications for international protection and temporary protection;
- ❖ Coordinating and implementing solidarity programmes such as relocation and resettlement;
- ❖ Ensuring the existence of a single reception and integration system for applicants and beneficiaries of international and temporary protection;
- ❖ Ensuring the provision of assistance to applicants for international protection until a decision regarding their application is reached (including unaccompanied children);
- ❖ Ensuring the implementation of transition plans concerning financial allowances granted to applicants and beneficiaries of international protection, supporting their autonomy;
- ❖ Providing financial assistance to reception entities;
- ❖ Promoting civil society initiatives regarding reception and integration;
- ❖ Representing Portugal at EU and international level institutions and for a regarding asylum and migration, including being the national contact point for the EUAA.

Initially, the Agency was composed of three bodies – the Board, the Single Auditor, and the Council for Migrations and Asylum (CNMA).<sup>77</sup> In June 2024, the Observatory for Migration was added as a body.<sup>78</sup> In August 2024, the Council was autonomised from the Agency and redefined as a governmental advisory body.<sup>79</sup>

The internal organisation of AIMA is governed by its Statute, which was approved by the Government by the end of October 2023.<sup>80</sup>

Accordingly, from 29 October 2023, AIMA's National Centre for Asylum and Refugees (CNAR) became the specialised determining authority in the field of asylum, in charge of:<sup>81</sup>

- ❖ Receiving asylum applications and processing determination procedures;
- ❖ Organising and processing applications for humanitarian residence permits;
- ❖ Organising and processing Dublin procedures and, where necessary, issuing laissez passer;
- ❖ Organising and processing submissions for resettlement of refugees and relocation;
- ❖ Issuing reasoned opinions on applications for the renewal and extension of refugee travel documents presented to Portuguese Consulates;
- ❖ Ensuring AIMA's connection to the EUAA and preparing the corresponding strategic planning;
- ❖ Ensuring reception conditions according to the law; and
- ❖ Developing quantitative and qualitative indicators to assess elements such as its performance.

According to AIMA's Statute, the Department of Administrative Procedures and Quality may participate in the analysis of applications for international protection and temporary protection.<sup>82</sup>

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<sup>75</sup> Article 1 of the Annex to Decree-Law no. 41/2023, of 2 June 2023, available [here](#).

<sup>76</sup> Article 3 of the Annex to Decree-Law no. 41/2023, of 2 June 2023, available [here](#).

<sup>77</sup> Article 4 of the Annex to Decree-Law no. 41/2023, of 2 June 2023, available [here](#).

<sup>78</sup> Decree-Law no. 41-A/2024, of 28 June 2024 reformulating the Observatory for Migration, available [here](#).

<sup>79</sup> Decree-Law no. 53/2024, of 30 August 2024 creating the National Council for Migrations and Asylum, available [here](#).

<sup>80</sup> Ministerial Order no.324-A/2023, of 27 October 2023, available [here](#).

<sup>81</sup> Article 12 AIMA Statute.

<sup>82</sup> Article 10 (c) and (d) Ministerial Order no.324-A/2023, of 27 October 2023, available [here](#).

According to AIMA, CNAR has 39 staff members. Between January and the end of July 2024 the processing of asylum applications was carried out by 13 staff members. By the end of 2024, the team was reinforced to 22 members.

The decision-making process at CNAR involves one Coordinator of the Examination Unit, one Director of the International Protection Services, and one Head of Department of CNAR. In addition, staff members are divided per the following:

- ❖ Caseworkers – responsible for the examination of asylum applications regardless of the type of procedure (including interviews, COI research, and drafting proposals for decisions to grant or cease international protection). One of the caseworkers deals exclusively with unaccompanied children's applications. There is a specialised team responsible for Dublin procedures. Some caseworkers also involved in the solidarity programmes, such as resettlement, relocation and humanitarian admission;
- ❖ First-line officers – responsible for receiving and registering asylum applications, screening and referring cases, and issuing or renewing documentation;
- ❖ Administrative support officer – provision of the necessary logistical and liaison assistance to the service, among other;
- ❖ Coordinator of the Examination Unit and the Head of Reception Staff – supervision and management of operations of case-processing teams, among other.

In October 2024, the Cabinet of the Minister responsible for the field of migration sub-delegated the following powers to the Board of AIMA:<sup>83</sup>

- ❖ Decide on the acceptance of resettlement applications;
- ❖ Declare the loss of the right to international protection;
- ❖ Decide on granting or refusing a residence permit to family members of a beneficiary of international protection;
- ❖ Decide on exclusion from international protection;
- ❖ Decide on the granting or refusal of international protection.

The institutional change also entailed that existing general police forces became responsible for border control and for executing expulsion decisions. As such:

- ❖ The National Republican Guard (*Guarda Nacional Republicana*, GNR) became responsible for the surveillance and control of maritime and land borders, and for executing expulsion decisions within its jurisdiction;<sup>84</sup>
- ❖ The Public Security Police (*Polícia de Segurança Pública*, PSP) became responsible for the surveillance and control of air borders, and for executing expulsion decisions within its jurisdiction;<sup>85</sup>

As a consequence of the reform, competencies regarding foreigners with a residence permit and the issuance of travel documents were attributed to the Institute of Registries and Notary (*Instituto dos Registos e Notariado*, IRN).<sup>86</sup>

In July 2023, the Ombudsperson published a report on activity and process of termination of SEF. The report noted, inter alia:<sup>87</sup>

- ❖ SEF's increasing lack of capacity to provide timely responses to the requests received (e.g. lack of capacity of the contact centre, lack of availability of in-person appointments);
- ❖ The need to ensure the continuity of the public service during the transition.

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<sup>83</sup> Ministerial Order no.12589/2024, of 23 October 2024, available [here](#).

<sup>84</sup> Article 2(a) Act n. 73/2021 of 12 November 2021 approving the restructure of the Portuguese system of border control, reshaping the regime of the forces and services responsible for internal security and establishing other rules for the redistribution of competences and resources of the Immigration and Borders Service, last amended by Act n. 53/2023, of 31 August 2023, available [here](#).

<sup>85</sup> Ibid, article 2(b).

<sup>86</sup> Ibid, article 3(1)(b).

<sup>87</sup> Ombudsperson, *Monitorização da Actividade e do Processo de Extinção do Serviço de Estrangeiros e Fronteiras – Relatório*, July 2023, available [here](#).

- ❖ That the creation of a new entity would not, by itself, solve the problems identified in SEF's activity.

Regarding the transition for the new immigration and asylum authority, the Ombudsperson noted, *inter alia*, that:<sup>88</sup>

- ❖ Such a wide reform has not been preceded by a wide public debate and no reports or studies analysing the proposed changes were made public;
- ❖ Regarding the administrative competencies, the choice of the type of entity created, and the definition of the scope of its functions caused concern to the Ombudsperson. In particular, the Ombudsperson highlighted that the termination of the High Commission for Migration, that had a role in providing support to migrants in Portugal, and its integration in the new administrative authority that would have decision-making powers, jeopardised the relationship of trust with migrants.
- ❖ While the process was necessarily complex, it was bewildering that it was so long and uncertain.
- ❖ The need for a medium- and long-term strategy to respond to requests by migrants.

The Ombudsperson issued a number of recommendations accordingly.

According to the Government, AIMA began its operation with 34 front desk services spread through the country and with a backlog of 347,00 pending procedures.<sup>89</sup>

In response to the Parliamentary Group of the Portuguese Communist Party in May 2024, the Government stated that there were 4,000 international protection cases pending a decision.<sup>90</sup>

According to CPR's analysis, while the transition process was quite long, it was neither gradual, nor participatory. Notably, according to CPR's analysis, it did not include a sustained strategy of cooperation with other relevant public entities and with civil society organisations.

While the separation between administrative and law enforcement-related competencies is a positive element, the beginning of AIMA's operation presented multiple challenges and potential protection shortcomings.

With regards to asylum in particular, CPR observed multiple gaps in the implementation of legal norms concerning the asylum procedure and reception conditions, without proper account to the need to ensure the continuity of services despite institutional reforms.<sup>91</sup> Furthermore, there have been notable difficulties in obtaining information regarding the procedures adopted by the Agency, and a structural lack of adequate communication both with civil society organisations and with applicants for international protection.

CPR also observed a growing tendency for narratives focused on the need to contain and limit the number of asylum applications, which is highly concerning.

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<sup>88</sup> Ibid, pp.10 et seq.

<sup>89</sup> Governo de Portugal, *Agência para a Integração, Migrações e Asilo: o primeiro dia de um novo paradigma*, 29 October 2023, available [here](#).

<sup>90</sup> Assembleia da República, Pergunta 25/XVI/1, *Constrangimentos nas respostas da Agência para a Integração, Migrações e Asilo*, April 2024, available [here](#); Assembleia da República, Resposta à Pergunta 25/XVI/1, *Constrangimentos nas respostas da Agência para a Integração, Migrações e Asilo*, May 2024, available [here](#).

<sup>91</sup> In the context of the right of reply of the authorities to the 2024 draft AIDA report (22 August 2025), AIMA affirmed that in response to a significant increase in applications for international protection registered from February 2024 onwards, accelerated procedures were temporarily implemented, with close monitoring by UNHCR, which made several visits and supervised the procedural steps taken during this period. Following a decrease in the number of applications for international protection and a change in strategic direction adopted by the new AIMA Board of Directors in July 2024, a comprehensive assessment of the processes was carried out. According to AIMA, standard case processing was reinstated during the second half of 2024 and has remained in effect to date. According to CPR's observation, and as described throughout the report, these 'temporarily accelerated procedures' were adopted to the detriment of imperative procedural guarantees and reception conditions. The fact that most applications were considered unfounded or inadmissible during this period is not in itself evidence of the need for these 'temporarily accelerated procedures', but it rather raises serious concerns regarding the quality of the analysis conducted by the authorities.

In June 2024, the Government announced a national plan for migration and asylum<sup>92</sup> as a response to problems and challenges it identified, namely:

- ❖ Defective process of termination of SEF;
- ❖ Operational incapacity of AIMA, with a backlog of 400,000 pending procedures (all procedures together);
- ❖ Significant operational disruptions in border control systems;
- ❖ Inoperability of the return system;
- ❖ Degradation of the system and policies for integrating migrants and applicants for and beneficiaries of international protection and difficulties in accessing education, healthcare and other services;
- ❖ Depletion of the capacity of administrative detention facilities and existing reception centres;
- ❖ Significant increase in the number of foreign citizens living in a context of vulnerability and exclusion; and
- ❖ Growth of human trafficking networks, exploitation and irregular immigration.

Among the 41 measures and policies the Government announced to tackle these matters, are the following:

- ❖ Create a Mission Structure of AIMA with additional human, material and financial resources, to handle backlogs on pending procedures;
- ❖ Create an Immigration and Borders Unit in the PSP, assigning it competence for border control, surveillance on the national territory and return cases;
- ❖ Restructure AIMA, removing its competences on return cases, autonomising the Council for Migrations and Asylum, reformulating the Observatory for Migration, redefining the location of AIMA front desk services, and providing it with additional human and technological resources;
- ❖ Build new administrative detention facilities and increase the capacity of existing ones;
- ❖ Prepare the national implementation plan of the European Union's Pact on Migration and Asylum;
- ❖ Ensure that the deadlines for decisions in cases of granting international protection are met, accelerate judicial appeals against administrative decisions in international protection procedures, and prioritise family and children's cases;
- ❖ Fulfil the commitments made regarding the resettlement and relocation of applicants for and beneficiaries of international protection, with the support of civil society;
- ❖ Strengthen cooperation agreements with non-governmental and social organisations to increase places in reception centres for applicants for and beneficiaries of international protection, and increase the capacity of specialised residential units to accommodate unaccompanied children; and
- ❖ Increase the capacity for temporary and urgent accommodation for immigrants and beneficiaries of international protection, through the National Pool of Urgent and Temporary Accommodation.

The Observatory for Migration (*Observatório para as Migrações*, OM) was reinstated by Decree-Law in June 2024<sup>93</sup> as a body within AIMA's structure whose mission is to produce, collect, process and disseminate information and knowledge on the phenomenon of migration.

The Mission Structure of AIMA (*Estrutura de Missão da AIMA*) was established by Resolution of the Council of Ministers in July 2024,<sup>94</sup> under the responsibility of the Minister of the Presidency, becoming responsible for processing and finalising pending cases for the granting and renewal of residence permits until 2 June 2025. According to CPR's observation, this measure had no impact on the processing of asylum applications. AIMA didn't provide any indication of this either.

The National Council for Migrations and Asylum (*Conselho Nacional para as Migrações e Asilo*, CNMA) was created by Decree-Law in August 2024<sup>95</sup> and thus autonomised from AIMA, becoming a governmental advisory body on national migration and asylum policy and strategy. Among its competences, CNMA may comment on draft legislation relevant to asylum and migration and participate in the definition of asylum and migration policy

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<sup>92</sup> Presidência do Conselho de Ministros, *Plano de Ação para as Migrações: Problemas, Desafios, Princípios e Ações*, June 2024, available [here](#).

<sup>93</sup> Decree-Law no. 41-A/2024, of 28 June 2024 reformulating the Observatory for Migration, available [here](#).

<sup>94</sup> Resolution of the Council of Ministers no. 87/2024, of 10 July 2024 creating the Mission Structure for the Recovery of Pending Cases at AIMA, available [here](#).

<sup>95</sup> Decree-Law no. 53/2024, of 30 August 2024 creating the National Council for Migrations and Asylum, available [here](#).

measures and actions. It is composed of 20 members, from prominent citizens to relevant entities, including civil society organisations with recognised work in the field of asylum.<sup>9697</sup> In 2024, the Council only held one meeting, on 28 October.

To prepare the national implementation plan of the European Union's Pact on Migration and Asylum, the Government was initially assisted by the International Organisation for Migration (IOM). IOM consulted multiple actors relevant in the field of asylum and migration, including civil society organisations that provide support to applicants and beneficiaries of international protection, such as CPR.

In October 2024, the Government set up a working group with the mission of preparing, coordinating and ensuring the execution of the national implementation plan.<sup>98</sup> The working group consists of members with governmental and public functions.

In December 2024, a first version of the national implementation plan was submitted to the EU, in order to meet the deadline. The Government planned a more advanced version for the beginning of 2025, after national discussions in Parliament and in the National Council for Migration and Asylum. During the first semester of 2025, the national implementation plan was not yet public.

The creation of the Immigration and Borders Unit (*Unidade de Estrangeiros e Fronteiras*, UEF) in the PSP was rejected by the parliamentary committee on Constitutional Affairs, Rights, Freedoms and Guarantees in December 2024.<sup>99</sup>

AIMA did not provide any information on concrete measures to meet the deadlines for decisions granting international protection, nor to prioritise cases of children and families in relation to others by the end of 2024.

According to PSP, the development of two new administrative detention facilities is foreseen, as well as requalification and expansion of existing ones.

## Quality assurance

According to AIMA, quality is ensured through the following quality assurance mechanisms: (1) internal supervision and review by senior officers and the head of examination unit; (2) standard operation procedures and guidelines, such as standard templates and models to ensure consistency; (3) monitoring and evaluation, which comprise performance indicators that include number of cases processed and recognition rates, and cooperation with external entities such as EUAA, the Portuguese Ombudsperson, and UNHCR for external quality assessments, guidance, and feedback.

CNAR's new staff have received structured and compulsory initial training, which includes basic legal training provided by UNHCR and CPR (e.g., CPR's training focused on the forms of international protection, determining protection needs, and the national asylum system and procedures). While CPR deems this as a positive aspect, according to the feedback of both CPR trainers and trainees, at the time the needs were wider and not fully addressed in the initial training. Also, caseworkers were already performing their duties.

According to AIMA, caseworkers receive continuous training, including EUAA's modules, and are encouraged to attend further initiatives.

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<sup>96</sup> Article 4 of the Decree-Law no. 53/2024, of 30 August 2024, available [here](#).

<sup>97</sup> Resolution of the Council of Ministers no.140-A/2024, of 18 October 2024 appointing the chair of the Council, available [here](#).

<sup>98</sup> Order no. 11856-A/2024, of 07 October 2024, available [here](#).

<sup>99</sup> RTP, *Chumbo de unidade de estrangeiros*, 18 December 2024, available [here](#).

## 5. Short overview of the asylum procedure

The Portuguese asylum procedure is a single procedure for both refugee status and subsidiary protection.<sup>100</sup> Different types of procedure are applicable depending on whether the asylum application:

- ❖ is submitted to the regular procedure;
- ❖ is deemed unfounded (including in the case of applications following a removal procedure) and therefore submitted to an accelerated procedure;
- ❖ is deemed inadmissible, or
- ❖ is presented at a national border and processed under the border procedure.

Applications for international protection must be presented, orally, or in writing, to AIMA or to any other police authority as soon as possible.<sup>101</sup> In the latter case, the police authority has 48 hours to inform AIMA of the application.<sup>102</sup>

AIMA has to register the asylum application within 3 working days of presentation and to issue the applicant a certificate of the asylum application within 3 days after registration.<sup>103</sup> The applicant must be informed of their rights and duties in a language they understand or are expected to understand.<sup>104</sup> Moreover, AIMA must immediately inform the United Nations High Commissioner for Refugees (UNHCR) and the Portuguese Refugee Council (CPR), as an organisation working on its behalf, of all asylum applications.<sup>105</sup>

UNHCR and CPR are further entitled to be informed of the most relevant procedural acts (e.g. interview transcripts and decisions) upon consent of the applicant,<sup>106</sup> and to provide their observations to AIMA at any time during the procedure.<sup>107</sup> The Asylum Act also determines that UNHCR and CPR are to be informed of decisions determining loss of international protection, regardless of the consent of the applicant.<sup>108</sup>

Except for special cases, such as applicants lacking legal capacity,<sup>109</sup> all asylum applicants must undergo either a Dublin interview or an interview that addresses the remaining inadmissibility grounds and the merits of the application. This is provided both on the territory,<sup>110</sup> and at the border.<sup>111</sup>

According to the law, following the interview on the territory, AIMA produces a document narrating the essential facts of the application and the applicant has 3<sup>112</sup> days from the date of notification of such document to seek revision of its content (with the exception of subsequent applications and applications following a removal decision).<sup>113</sup> National jurisprudence provides that the applicant must be granted an opportunity to reply to the prospective outcome of the application (admission to the regular procedure, accelerated refusal on the merits or inadmissibility) and not only to the facts adduced during the personal interview.

The admissibility of subsequent applications<sup>114</sup> and applications following a removal order<sup>115</sup> is subject to specific rules.

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<sup>100</sup> Article 10(2) Asylum Act.

<sup>101</sup> Articles 13(1) and 19(1)(d) Asylum Act.

<sup>102</sup> Article 13(2) Asylum Act.

<sup>103</sup> Articles 13(7) and 14(1) Asylum Act.

<sup>104</sup> Article 14(2) Asylum Act.

<sup>105</sup> Articles 13(3), 24(1), 33(3), 33-A(3) Asylum Act.

<sup>106</sup> E.g. Articles 17(3), 20, 24(5), 29(6) Asylum Act.

<sup>107</sup> Article 28(5) Asylum Act.

<sup>108</sup> Article 43(3) Asylum Act.

<sup>109</sup> Article 16(5) Asylum Act.

<sup>110</sup> Articles 16 Asylum Act and 33-A(4) (for applications following a removal decision).

<sup>111</sup> Article 24(2) and (3) Asylum Act.

<sup>112</sup> Following an amendment to the Asylum Act, from 29 October 2023 the deadline was reduced from 5 to 3 days.

<sup>113</sup> Article 17 Asylum Act.

<sup>114</sup> Article 33 Asylum Act.

<sup>115</sup> Article 33-A Asylum Act.



## Admissibility procedure

The Board of AIMA has 30 days to make a decision on the admissibility of applications on the territory<sup>116</sup> (10 days for subsequent applications and applications following a removal order).<sup>117</sup> In the border procedure, that timeframe is reduced to 7 days.<sup>118</sup>

If an application on the territory is rejected as inadmissible, the asylum applicant has 8 days to appeal the decision before the Administrative Court, with automatic suspensive effect,<sup>119</sup> with the exception of inadmissible subsequent applications and applications following a removal order (4 days to appeal, with automatic suspensive effect).<sup>120</sup> Failing an appeal, the applicant has 20 days to leave the country.<sup>121</sup> In the case of border procedures, the time limit to appeal is reduced to 4 days.<sup>122</sup>

In the case of Dublin procedures, the deadline for the admissibility decision is suspended pending a reply from the requested Member State.<sup>123</sup> Upon notification of a 'take charge'/'take back' decision, the applicant has 5 days to appeal before the Administrative Court with suspensive effect.<sup>124</sup>

## Regular procedure

As soon as an asylum application is deemed admissible,<sup>125</sup> it proceeds to an eligibility evaluation.<sup>126</sup> In accordance with the law, this stage lasts up to 6 months but can be extended to 9 months in particularly complex cases.<sup>127</sup> The asylum applicant receives a provisional residence permit valid for 6 months (renewable).<sup>128</sup>

AIMA must evaluate all relevant facts to prepare a reasoned decision.<sup>129</sup> This is generally done on the basis of the personal interview conducted during the admissibility stage of the procedure, given that it also encompasses the merits of the application. As mentioned above, UNHCR and CPR are entitled to present their observations to AIMA at any time during the procedure in accordance with Article 35 of the 1951 Refugee Convention.<sup>130</sup>

Upon notification of the proposal for a final decision, the applicant has 10 days to respond.<sup>131</sup> AIMA then sends the recommendation to its Board, who has 10 days to present it to the Ministry of Parliamentary Affairs/Minister for the Presidency. In turn, the Ministry has 8 days to adopt a final decision.<sup>132</sup>

In case of a negative decision, the applicant may lodge an appeal with automatic suspensive effect before the Administrative Court within 15 days,<sup>133</sup> or voluntarily depart from national territory within 30 days (after this period, the applicant will be subject to the general removal regime).<sup>134</sup>

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<sup>116</sup> Article 20(1) Asylum Act.

<sup>117</sup> Articles 33(4) and 33-A(5) Asylum Act.

<sup>118</sup> Article 24(4) Asylum Act.

<sup>119</sup> Articles 22(1) Asylum Act.

<sup>120</sup> Articles 33(6) and 33-A(6) Asylum Act.

<sup>121</sup> Articles 21(2) and (3) and 33(9) Asylum Act.

<sup>122</sup> Article 25(1) Asylum Act.

<sup>123</sup> Article 39 Asylum Act. This article refers to applications on the territory and border applications with the exception of subsequent applications and applications following a removal decision.

<sup>124</sup> Article 37(4) Asylum Act.

<sup>125</sup> Article 20(4) Asylum Act. In the absence of a decision within 30 days the application is automatically admitted to the procedure.

<sup>126</sup> Article 21(1) Asylum Act.

<sup>127</sup> Article 28(2) Asylum Act.

<sup>128</sup> Article 27(1) Asylum Act. Ministerial Order 597/2015 provides for the model and technical features of the provisional residence permit.

<sup>129</sup> Article 28(1) Asylum Act.

<sup>130</sup> Article 28(5) Asylum Act.

<sup>131</sup> Article 29(2) Asylum Act.

<sup>132</sup> Article 29(4) and (5) Asylum Act.

<sup>133</sup> Article 30(1) Asylum Act.

<sup>134</sup> Article 31 Asylum Act.

## Accelerated procedure

The law contains a list of grounds that, upon verification, determine that an application is subjected to an accelerated procedure and deemed unfounded. These grounds include, among others, subsequent applications that are not deemed inadmissible and applications following a removal procedure.<sup>135</sup>

While the rules governing accelerated procedures provide for the basic principles and guarantees of the regular procedure,<sup>136</sup> they also lay down time limits for the adoption of a first instance decision on the merits of the application that are significantly shorter than those of the regular procedure.<sup>137</sup> In addition, these rules entail reduced procedural guarantees, such as exclusion from the right of the applicant to seek a revision of the narrative of their personal interview/report on the application,<sup>138</sup> or to be notified of and respond to AIMA's reasoning of the proposal for a final decision,<sup>139</sup> as well as shorter appeal deadlines.<sup>140</sup>

As in the regular procedure, the appeal has an automatic suspensive effect.<sup>141</sup> However, the onward appeal in the case of an application following a removal order does not.<sup>142</sup>

## Border procedure

The law provides for a special procedure regarding applications made at a national border.<sup>143</sup> While this procedure provides for the basic principles and guarantees of the regular procedure,<sup>144</sup> it lays down a significantly shorter time limit for the adoption of a decision regarding admissibility or merits (if the application is furthermore subject to an accelerated procedure).<sup>145</sup>

Additionally, the border procedure is characterised by reduced procedural guarantees such as the removal of the applicant's right to seek revision of the narrative of their personal interview,<sup>146</sup> and a shorter appeal deadline before the Administrative Court (4 days).<sup>147</sup> Furthermore, asylum applicants can be detained during the border procedure.<sup>148</sup>

The border procedure was not applied in practice since March 2020,<sup>149</sup> however its application was resumed in November 2023.

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<sup>135</sup> Article 19 Asylum Act.

<sup>136</sup> This includes access to the procedure, the right to remain in national territory pending examination, the right to information, personal interviews, the right to legal information and assistance throughout the procedure, the right to free legal aid, special procedural guarantees, among others.

<sup>137</sup> These consist of 30 days (Article 20(1) Asylum Act) except for applications following a removal procedure which are subject to a time limit of 10 days (Article 33-A(5) Asylum Act). The time limit is reduced to 7 days in the case of accelerated procedures at the border (Article 24(4) Asylum Act).

<sup>138</sup> This is limited to accelerated procedures at the border and in the case of applications following a removal procedure.

<sup>139</sup> See *infra* the section on Accelerated Procedures for details on the current practice in this regard.

<sup>140</sup> These consist of 8 days for accelerated procedures on the territory (Article 22(1) Asylum Act) except for the case of subsequent applications and applications following a removal procedure, where the deadline is 4 days (Articles 33(6) and 33-A(6) Asylum Act). The time limit is reduced to 4 days in the case of accelerated procedures at the border (Article 25(1) Asylum Act).

<sup>141</sup> Articles 22(1) and 33-A(6) Asylum Act.

<sup>142</sup> Article 33-A(8) Asylum Act.

<sup>143</sup> Article 23(1) Asylum Act.

<sup>144</sup> This includes access to the procedure, the right to remain in national territory pending examination, the right to information, personal interviews, the right to legal information and assistance throughout the procedure, the right to free legal aid, special procedural guarantees, among others.

<sup>145</sup> These consist of 7 days for both admissibility decisions and accelerated procedures at the border (Article 24(4) Asylum Act) as opposed to 30 days for admissibility decisions on the territory and between 10 and 30 days for accelerated procedures on the territory.

<sup>146</sup> Article 24 Asylum Act.

<sup>147</sup> Article 25(1) Asylum Act.

<sup>148</sup> Articles 26(1) and 35-A(3)(a) Asylum Act.

<sup>149</sup> Persons applying for international protection at the border were generally been granted entry into national territory, and their applications were processed according to the rules applicable to applications made in the territory.



## B. Access to the procedure and registration

### 1. Access to the territory and push backs

#### Indicators: Access to the Territory

1. Are there any reports (NGO reports, media, testimonies, etc.) of people refused entry at the border and returned without examination of their protection needs? ☐ Yes ☒ No
2. Is there a border monitoring system in place? ☐ Yes ☒ No
3. Who is responsible for border monitoring? ☐ National authorities ☐ NGOs ☐ Other ☒ N/A
4. How often is border monitoring carried out? ☐ Frequently ☐ Rarely ☐ Never ☒ N/A

The Portuguese authorities are bound by the duty to protect asylum applicants and beneficiaries of international protection from *refoulement*.<sup>150</sup> National case law has reaffirmed the protection against *refoulement* both on national territory and at the border, regardless of the migrant's status,<sup>151</sup> and in cases of either direct or indirect exposure to *refoulement*.<sup>152</sup> CPR is unaware of national case law that addresses the extraterritorial dimension of *non-refoulement*.

#### 1.1 Access at the border and border monitoring

As of 31 December 2024, there are no published reports by NGOs about cases of actual *refoulement* at the border of persons wanting to apply for asylum.

CPR does not conduct border monitoring. Furthermore, it only has access to applicants after the registration of their asylum claim. At times, CPR receives third party contacts reporting the presence of individuals in need of international protection at the border; this was the case in 2024. With rare exceptions, and even where CPR does not immediately intervene, the registration of the corresponding applications in these cases is normally communicated by either PSP or/and AIMA to CPR in the following days (see [Registration of the asylum application](#)).

Recent research on access to the asylum system and the principle of non-refoulement at the border.<sup>153</sup>

CPR has no indication of cases of push backs at the border. Nevertheless, according to the information available by the end of 2024, there is no clear framework for the systematic assessment of the risk of *refoulement* of persons refused entry at border points. Furthermore, it is unclear whether staff responsible for border control

<sup>150</sup> Articles 2(aa), 47 and 65 Asylum Act; Articles 31(6), 40(4) and 143 Immigration Act.

<sup>151</sup> Nevertheless, the recent replies of Portugal to the list of issues of the Committee on the Elimination of Discrimination against Women (CEDAW) seem to indicate an understanding of the principle of non-refoulement as being almost exclusively linked to refugee status determination: “[t]he principle of “non-refoulement” is established in Law 27/2008 and guarantees the applicant's right to not be returned to a country (of origin, residence or otherwise), where his/her life or freedom would be threatened if specific conditions are met and referred in the Geneva Convention and in the Portuguese Asylum Law - provided that this risk occurs “(…) because of their race, religion, nationality, membership of a particular social group, or opinions policies ( … )” and should be a clear and intrinsic relation of cause and effect between the return of the applicant and the specific threat that can be targeted. The observance of the principle of non-refoulement is intrinsically linked to the determination of refugee status, thus when it is established that an asylum application is unfounded, for not meeting any of the criteria defined by the Geneva Convention and New York Protocol in recognition of refugee status, the principle mentioned above is fully observed to that extent.”, available [here](#).

<sup>152</sup> See e.g., TAC Lisbon, Decisions 1480/12.7BELSB and no. 2141/10.7BELSB (unpublished). More recently, TCA South noted that Portugal is also bound to protect applicants against indirect *refoulement* within the context of Dublin procedures (e.g. TCA South, Decision 775/19.3BELSB, 10 September 2020, available [here](#)).

<sup>153</sup> The latest available research seems to be CPR, *Access to Protection: A Human Right, country report, Portugal*, 2014, available [here](#). At the time, while no instances of push-backs at the border were identified, shortcomings such as extraterritorial *refoulement* within the framework of extraterritorial border controls performed by air carrier personnel and SEF in Guinea Bissau were observed.

receives specific training concerning non-refoulement obligations.<sup>154</sup> These risk factors are aggravated by the absence of border monitoring by independent organisations.<sup>155</sup>

With regard to access to free legal assistance, in November 2020, the Ministry of Home Affairs, the Ministry of Justice and the Bar Association signed a protocol to ensure the provision of legal counselling and assistance to foreigners whose entry into national territory was refused (Lisbon, Porto, Faro, Funchal and Ponta Delgada airports).<sup>156</sup> According to available information this protocol was made within the framework of Article 40(2) of the Immigration Act and is not intended to cover asylum procedures.<sup>157</sup>

While the implementation of this protocol is a positive development, concerns have been raised informally by several stakeholders because access to legal support can only occur following the refusal of entry into the national territory and not before second stage border controls conducted prior to such refusal.

The Ombudsperson has formally raised concerns over the restrictive manner in which the protocol has been conducted, since it excludes (1) citizens detained under an expulsion procedure, (2) proceedings prior to the decision of refusal of entry and (3) legal proceedings following a legal consultation (meaning if they want to appeal the refusal of entry decision, people have to submit a specific legal aid application, even if they benefited from, the protocol's legal advice in this same context).<sup>158</sup> The exclusion of legal proceedings following a legal consultation requires the appointment of a lawyer for each act of the procedure, which generates an array of intervening lawyers that is detrimental to effective legal representation. According to the Ombudsperson, this does not directly derive from the protocol and it is in contradiction with the general legal aid regime, which provides that the defence lawyer appointed for one act must be retained for subsequent acts.<sup>159</sup>

It must be also noted that according to the Ombudsperson, 66.6% of persons refused entry at Lisbon airport and 94% of those refused entry at Porto airport in 2022 waived their right to legal assistance.<sup>160</sup> While the Ombudsperson praised the fact that such a waiver is done in writing, it was highlighted that it is important that the text is either written in a language that the applicant understands or that it is translated by an interpreter, which was not always the case.<sup>161</sup> In 2023, the Ombudsperson continued to identify irregularities in the declarations of waiver of the right to legal assistance and it reiterated that it had encountered foreigners detained at Lisbon airport who did not know or understand their current legal situation.<sup>162</sup>

The UN Committee Against Torture noted in 2019 that Portugal should '[e]nsure that, in practice, no one may be expelled, returned or extradited to another State where there are substantial grounds for believing that he or she would run a personal and foreseeable risk of being subjected to torture and ill-treatment' and that procedural safeguards and effective remedies regarding the prohibition of *refoulement* are available.<sup>163</sup>

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<sup>154</sup> In the List of Issues published in June 2023, the Committee Against Torture (CAT) requested information regarding, inter alia, training for immigration and border control officers regarding the treatment of detainees, the absolute prohibition of torture, the principle of non-refoulement and identification of potential victims of torture, gender-based violence and trafficking in human beings among asylum seekers. See Committee Against Torture (CAT), *List of issues prior to submission of the eight periodic report of Portugal*, 9 June 2023, par.10, available [here](#).

<sup>155</sup> These concerns had been previously observed by CPR in the above-mentioned research.

<sup>156</sup> Ministry of Home Affairs, *Estrangeiros impedidos de entrar em Portugal vão ter direito a advogado*, 4 November 2020, available in Portuguese [here](#).

<sup>157</sup> Publicly available information regarding the implementation of this Protocol remains limited.

<sup>158</sup> Ombudsperson, *Mecanismo Nacional de Prevenção – Relatório à Assembleia da República 2023*, July 2024, available [here](#), 49-50.

<sup>159</sup> Ibid.

<sup>160</sup> Ombudsperson, *Mecanismo Nacional de Prevenção - Relatório à Assembleia da República 2022*, July 2023, 91-92, 95, available [here](#).

<sup>161</sup> Ibid.

<sup>162</sup> Ombudsperson, *Mecanismo Nacional de Prevenção – Relatório à Assembleia da República 2023*, July 2024, available [here](#), 51 and 55.

<sup>163</sup> Committee Against Torture, *Concluding Observations on the seventh periodic report of Portugal*, CAR/C/PRT/CO/7, 18 December 2019, available [here](#), par.38(a) and (b). In its List of Issues published in June 2023, the Committee Against Torture (CAT) requested information regarding the safeguards in place to ensure access of all individuals under the jurisdiction of Portugal to access legal counselling and relevant procedural safeguards, as well as on the

CPR is aware of one case in the course of 2022 where an extradition was carried out while the asylum application was pending.

AIMA reported there were no sea arrivals to Portugal in 2024.

## 1.2 Legal access to the territory

### Relocation

Since 2018, Portugal has systematically participated in *ad hoc* relocation mechanisms following rescue operations in the Mediterranean and disembarkation in Malta and Italy.

According to the information provided by AIMA, the selection criteria and procedures for relocation mechanisms are the following:

- ❖ Selection criteria:
  - The preferred profiles are unaccompanied children, young adults on their own, families, and the existence of links to Portugal.
  - Although not rigid, preference may be given to certain nationalities due to prior relocation movements, integration prospects and the existence of a community in Portugal.
  - The lack of translators for certain languages and the pre-existence of physical or psychological/psychiatric health problems may render selection unfeasible.
- ❖ Procedures:
  - Brief analysis and prior acceptance by AIMA before proceeding with a security consultation.
  - A more detailed analysis of the case with further information from the host country.
  - Survey of reception options.
  - Confirmation of the transfer to Portugal.

The Agency states the selection and procedure can take around a year, although there are cases where it takes around six months. AIMA attributes the delay to the lack of reception options.

IOM Portugal supports the implementation of relocation to Portugal through the use of medical screenings, the provision of pre-departure orientation information, and logistical support for the transfer, in collaboration with relevant IOM offices.

According to the information provided by AIMA and IOM, 46 persons were relocated to Portugal in 2024 from Italy and Malta.<sup>164</sup> According to AIMA, the majority of those relocated were Somali and Guinean nationals.

In 2023, IOM has supported the relocation of 56 unaccompanied children to Portugal from Greece under a bilateral relocation agreement.<sup>165</sup> According to the information provided by IOM,<sup>166</sup> relocation under this scheme was led by the relevant governments and coordinated by the European Commission. IOM organised pre-departure orientation activities, medical screenings, in-flight escorts for the children, and provided assistance upon arrival at Lisbon airport. AIMA confirmed that a total of 56 unaccompanied children were relocated to Portugal in 2023.

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identification of vulnerable persons and regarding the consideration of their special needs within relevant procedures. See Committee Against Torture (CAT), *List of issues prior to submission of the eight periodic report of Portugal*, 9 June 2023, available [here](#), para.8.

<sup>164</sup> According to the information provided by IOM, 33 persons were transferred from Malta and 13 from Italy.

<sup>165</sup> Reuters, 'Portugal to take in 500 unaccompanied migrant children from Greek camps', 12 May 2020, available [here](#).

<sup>166</sup> Information provided by IOM to the 2023 AIDA report.

## Resettlement

Resettlement is explicitly provided for in the Asylum Act since 1998. The law determines that requests for resettlement of refugees under UNHCR's mandate are to be presented to the Minister of Parliamentary Affairs / Minister for the Presidency (as the Minister in charge of Migration).<sup>167</sup> Within 60 days, AIMA must conduct all the actions needed for the analysis and decision of each case.<sup>168</sup> The law provides for the issuance of an opinion on each request by an NGO named for that purpose within the framework of a specific MoU.<sup>169</sup> Following referral of the case by AIMA, the Minister of Parliamentary Affairs/Minister for the Presidency must issue a decision within 15 days.<sup>170</sup>

Portugal has a resettlement programme in place since 2006. Currently, resettlement is mostly funded through European funds.

Within the context of an MoU with the Portuguese authorities, IOM oversees pre-departure orientation activities, the performance of medical assessments prior to departure, the provision of assistance in transit and arrival support, and it assists the coordination with diplomatic representations for the issuance of visas and travel documents. With regard to pre-departure orientation, IOM reported that, prior to departure, all families participated in a video call with the host institution and were handled a factsheet with integration-related information. As per the information provided by IOM, the duration of pre-departure activities varies, typically ranging between 4 weeks and 6 months.

Within the context of the 2024-2025 EU resettlement and humanitarian admission scheme, Portugal has pledged to resettle 600 persons and to receive 400 persons on humanitarian grounds throughout 2024 and 2025.<sup>171</sup>

In one of the 41 measures and policies of its national plan for migration and asylum launched in June 2024, the Government reaffirmed Portugal's commitments to resettle beneficiaries of international protection, with the support of civil society.<sup>172</sup> As a result, AIMA was authorised<sup>173</sup> to regularise 'the payment of the expenditure guaranteeing compliance with the Framework Cooperation Agreement on Resettlement between 2020 and 2023', as well as to incur 'expenditure under the new resettlement assistance and humanitarian protection project for the period between 2023 and 2025, signed with the International Organization for Migration, assuming the commitment to resettle 600 applicants for international protection from Türkiye and Egypt, countries of first asylum'.<sup>174</sup>

According to the information provided by AIMA, IOM and UNHCR to the AIDA report, there were no resettlement movements to Portugal in 2024.

According to standard procedures, upon arrival in Portugal, resettled refugees are received by a host entity – typically a civil society organisation, such as CPR – and begin an 18-month integration programme.

With regard to documentation, resettled refugees are issued a "Declaration of International Protection in Portugal" (*Declaração Comprobativa de Protecção Internacional em Portugal*) upon arrival which is valid until the corresponding residence permit is issued. For more, please see: [Content of International Protection](#).

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<sup>167</sup> Article 35(1) Asylum Act.

<sup>168</sup> Article 35(2) Asylum Act.

<sup>169</sup> Article 35(3) Asylum Act.

<sup>170</sup> Article 35(4) Asylum Act.

<sup>171</sup> European Commission, *Pledges submitted by the Member States for 2024-2025*, December 2023, available [here](#).

<sup>172</sup> Presidência do Conselho de Ministros, *Plano de Ação para as Migrações: Problemas, Desafios, Princípios e Ações*, June 2024, available [here](#).

<sup>173</sup> Resolution of the Council of Ministers no. 91/2024, of 24 July 2024 authorising AIMA to incur expenditure under 'resettlement assistance' projects, available [here](#).

<sup>174</sup> Communiqué of the Council of Ministers of 16 July 2024, available [here](#).

According to CPR's experience, while the resettlement programme is an important protection avenue that must be reinforced, there are implementation challenges hindering its success in practice such as:

- ❖ Lack of a permanent and organised coordination structure, supporting the implementation of the programme as well as the organisations involved;
- ❖ Lack of adaptability of the programme to the specific needs of the resettled refugees;
- ❖ Insufficient involvement of the hosting entities in the selection missions, pre-departure activities/procedures and management of expectations;
- ❖ Delays in the arrivals, particularly the length between selection and reception of the resettled refugees in Portugal;
- ❖ Insufficient distribution of the arrivals through an adequate span of time allowing for better response capacity of hosting entities (for instance, out of the resettled refugees hosted by CPR 80% arrived in only two dates);
- ❖ Obstacles linked to the socioeconomic situation in Portugal that affect housing and employment conditions.

### Evacuation of Afghan citizens

In 2021, Portugal was involved in the evacuation of Afghan citizens.<sup>175</sup> While no official information on the selection criteria and procedures was shared by the authorities, according to the information available to CPR, those evacuated mostly fell in one of the following categories: persons who worked with the Portuguese Military Forces in Afghanistan, in the EU mission or with links to the UN; journalists; persons identified by the Directorate General for Consular Affairs and Communities (*Direcção-Geral dos Assuntos Consulares e das Comunidades*), or relatives of national citizens. A group of the Afghanistan Women's Soccer Team,<sup>176</sup> and another of the Afghanistan National Institute of Music,<sup>177</sup> and respective family members have also been hosted in the country. The vast majority of evacuated Afghan applicants were granted refugee status.<sup>178</sup>

Between 2022 and 2024, the national authorities continued to allow for humanitarian admissions of Afghans, mainly for the purposes of family reunion. The requests must be submitted to the national authorities (initially ACM, later replaced by AIMA), and fulfil the following requirements: (1) existence of valid travel documents; (2) logistical ability to travel from a third country, as the persons concerned must be outside Afghanistan to request the relevant visa;<sup>179</sup> (3) financial ability to travel – as costs must be fully covered by the persons concerned; (4) prior identification of a hosting entity in Portugal to ensure the provision of support.<sup>180</sup> AIMA assessed the request, and accepted applications were referred to the relevant Portuguese Embassy for the purposes of visa issuance.

According to the information provided by AIMA,<sup>181</sup> the programme for humanitarian admissions of Afghans was suspended, with no arrivals in Portugal from August 2024 until the end of the year.

In the context of providing legal assistance, CPR is aware of pending admissions for the purposes of family reunion.

### Community sponsorship

Since 2021 CPR has been implementing a pilot project on community sponsorship in Portugal funded by AMIF.<sup>182</sup>

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<sup>175</sup> For further information regarding this practice, please see previous AIDA reports available [here](#).

<sup>176</sup> Diário de Notícias, *Portugal recebeu grupo de 80 afegãos, a maioria jogadoras de futebol*, 20 September 2021, available [here](#).

<sup>177</sup> Euronews, *Jovens músicos afegãos encontram esperança em Portugal*, 14 December 2021, available [here](#).

<sup>178</sup> According to the information available to CPR.

<sup>179</sup> According to the information available at the time of writing, Portuguese Embassies in Pakistan and Iran are only able to issue visas if the persons concerned left Afghanistan legally.

<sup>180</sup> According to the information available at the time of writing, no public funding stream will be available for such provision of support by civil society organisations.

<sup>181</sup> Information provided by AIMA directly to CPR in February 2025.

<sup>182</sup> *Vitality and Engagement – Developing Communities* – available [here](#), and *A Comunidade* - available [here](#).

Following a significant number of outreach and capacity-building activities targeting potential sponsor groups, in 2023 two families were hosted under the project.

The first family was preselected by governmental authorities and allocated to CPR's availability to host resettled refugees. CPR then matched the family with a sponsor group, taking into account the characteristics of the refugees as well as the welcome plan designed by the sponsors and potential inclusion outcomes. In 2024, the sponsorship period ended. In CPR's view, the integration outcomes were positive and outweighed those reached through other programmes, both in terms of livelihood and autonomy. Moreover, a link beyond the programme remained between the sponsored and the sponsors, creating a local support network.

The second family was received under named-sponsorship and in connection to the emergency evacuation of Afghan nationals. The programme is expected to end in early 2025. CPR is closely monitoring the integration outcomes, which are already displaying positive signs in terms of livelihood.

In the course of 2024, CPR launched a new and improved edition of the Community Sponsorship Training Course, on a new e-Learning platform, that trained sponsors across the country. This edition, which was attended by 10 different groups, focused on capacity building for those who were already part of sponsor groups but were still waiting for arrivals.

Despite these developments and positive outcomes, the programme was suspended and arrivals are currently pending approval from the national authorities.

For information on access to the territory through **family reunification** with a beneficiary of international protection, see [Content of International Protection: Family Reunification](#).

## 2. Preliminary checks of third country nationals upon arrival

### Indicators: Preliminary checks at the arrival point

1. Are there any checks that are applied systematically or regularly at the point of entry when a person enters the territory? ☒ Yes ☐ No
2. Is the person considered under law to have entered the territory during these checks? ☐ Yes ☒ No

Conditions for the entry and stay in the country are provided for in the Immigration Act. According to the law, in order to enter or stay in Portuguese territory, foreign nationals must:

- ❖ Be in possession of a valid travel document, with a validity that exceeds the duration of their stay, except in the case of legally stipulated exceptions;<sup>183</sup>
- ❖ When necessary, provide biometric data in order to create an individual file in the Entry and Exit System, carry out border controls, and carry out entry and stay controls;<sup>184</sup>
- ❖ Be subject to means of subsistence and accommodation, which may alternatively be replaced by a declaration of responsibility signed by a national or a legal resident;<sup>185</sup> and
- ❖ When necessary, prove the purpose and conditions of their stay.<sup>186</sup>

All foreign nationals who enter Portugal through a border that is not subject to control, coming from another EU member, are obliged to declare this fact to a police authority within three working days of the date of entry.<sup>187</sup>

<sup>183</sup> Article 9 Immigration Act.

<sup>184</sup> Article 9-A Immigration Act.

<sup>185</sup> Articles 11 and 12 Immigration Act.

<sup>186</sup> Article 13 Immigration Act.

<sup>187</sup> Article 14(1) Immigration Act.



This is waived in the case of (1) residents or citizens authorised to stay in the country for more than six months, (2) staying in accommodation or hotel establishments, or (3) benefiting from an EU or similar scheme.<sup>188</sup>

PSP is the authority responsible for air border control and therefore for preliminary checks at these points. PSP conducts these preliminary checks systematically. GNR, as the authority responsible for controlling sea and land borders, will be responsible for preliminary checks at these points.

According to PSP, 10,792,093 persons were subject to preliminary checks upon arrival at an air border in 2024. There were 1,702 irregular arrivals across air borders. The most represented countries were Brazil, Angola, the United Kingdom, East Timor and the United States of America.

PSP states that preliminary checks consist of verifying travel documents, purpose and conditions of stay, means of subsistence, alerts in the SIS system, and security checks, as provided for by law. There is no mention of any vulnerability checks.

There is no time limit to complete the preliminary checks, which take place at the first line of border control in the transit zone, according to PSP. The foreign national waits for the check in front of the border guard.

While the preliminary check is taking place, the person is not authorised to cross the border and freedom of movement is restricted.

Once the preliminary checks have been completed, if the requirements for entry into national territory are not met, the foreign national is referred to the second line of border control in the transit zone, to be processed for refusal of entry. There is a fiction of non-entry.

By then, PSP must guarantee the right to an interview. The notification of the decision of refusal of entry must be made in a language that the person is likely to understand and must provide information on both the grounds for the refusal and the possibility of a judicial challenge.<sup>189</sup>

If it is not possible to return the foreign national within 48 hours of the refusal decision, the criminal court is informed so that placement in an administrative detention centre can be determined.<sup>190</sup>

During preliminary checks and/or procedures for refusal of entry, the foreign national may apply for asylum. Upon presentation of an asylum application, the person cannot be removed from national territory and any administrative and/or criminal procedure for irregular entry in national territory has to be suspended.<sup>191</sup> Moreover, the authorities cannot contact diplomatic representations for the purpose of identity check or any other reason.

The law provides for a special procedure regarding applications made at a national border<sup>192</sup> (See: [Border procedure](#)). Asylum applicants can be detained during the border procedure.<sup>193</sup>

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<sup>188</sup> Articles 14(3) and 16 Immigration Act.

<sup>189</sup> Articles 38 and 39 Immigration Act.

<sup>190</sup> Article 38(4) Immigration Act.

<sup>191</sup> Articles 11 and 12 Asylum Act.

<sup>192</sup> Article 23(1) Asylum Act.

<sup>193</sup> Articles 26(1) and 35-A(3)(a) Asylum Act.

### 3. Registration of the asylum application

#### Indicators: Registration

1. Are specific time limits laid down in law for making an application? ☐ Yes ☒ No  
❖ If so, what is the time limit for making an application?
2. Are specific time limits laid down in law for lodging an application? ☐ Yes ☒ No  
❖ If so, what is the time limit for lodging an application?
3. Are making and lodging an application distinct stages in the law or in practice? ☐ Yes ☒ No
4. Is the authority with which the application is lodged also the authority responsible for its examination? ☒ Yes ☐ No
5. Can an application for international protection for international protection be lodged at embassies, consulates or other external representations? ☐ Yes ☒ No

While the asylum application can be presented ('made') either to AIMA or to any other police authority, the responsibility to register asylum claims lies solely with AIMA.<sup>194</sup> If an asylum application is presented to a different police authority, it must be referred to AIMA within 48 hours.<sup>195</sup>

The responsibility for organising asylum files (including registration) lies with AIMA's National Centre for Asylum and Refugees (AIMA-CNAR).<sup>196</sup> AIMA-CNAR is required to inform CPR, as an organisation working on UNHCR's behalf, of the registration of individual asylum applications.

According to the information provided by AIMA, in 2024, the Portuguese authorities registered a total of 2,680 applications for international protection (including 46 made by persons relocated to Portugal). CPR received 2,273 communications throughout the year.<sup>197</sup>

In accordance with the law, applications for international protection must be presented to AIMA or to any other police authority as soon as possible, but the timeframe for doing so is not specified.<sup>198</sup>

While there are no specific time limits for asylum applicants to lodge their application, the law provides for use of the [Accelerated Procedure](#) in case the asylum applicant enters or remains irregularly on national territory and fails to apply for asylum as soon as possible without a valid reason.<sup>199</sup> Before AIMA took office, this legal provision was rarely used by the then competent authority. However, throughout 2024, AIMA regularly applied this provision, albeit, according to the experience of CPR, when applied, it is usually combined with other grounds for the application of accelerated procedures.

Failure to apply for asylum at the earliest possible time, unless the applicant can demonstrate good reason for not having done so, also constitutes a ground for not granting the benefit of the doubt.<sup>200</sup> According to CPR's observation, this provision has been applied in practice.

Persons refused entry at the border are liable to immediate removal to the point of departure,<sup>201</sup> meaning that, in practice, they are required to present their asylum application immediately.

<sup>194</sup> Article 13(1) and (7) Asylum Act.

<sup>195</sup> Article 13(2) Asylum Act.

<sup>196</sup> Article 17 Decree-Law 252/2000.

<sup>197</sup> As of 17/02/2025. Please note that statistics included in this report from CPR refer to the total number of applications communicated to the organisation in accordance with the communication duties established in the Asylum Act.

<sup>198</sup> Article 13(1) Asylum Act.

<sup>199</sup> Article 19(1)(d) Asylum Act.

<sup>200</sup> Article 18(4)(d) Asylum Act.

<sup>201</sup> Article 41(1) Immigration Act.



Upon presentation of the application, the asylum applicant is required to fill out a preliminary form, which includes information on identification, itinerary and date of entry into Portugal, grounds of the asylum application, supporting evidence, and witnesses. The form is available in Portuguese, English, French, and Spanish. According to AIMA, first-line officers help applicants at this stage and interpretation is provided both for filling out the form and for any communication with AIMA's officers. According to CPR's experience, asylum applicants are not systematically provided with quality interpretation services at this stage of the procedure, which may result in the collection of insufficient and low-quality information.<sup>202</sup>

Since December 2019, following an agreement between SEF and CPR, two CPR liaison officers were deployed to the premises of /AIMA-CNAR, where the majority of applications are made, inter alia, to facilitate registration, provide information to applicants, and to perform the necessary referrals (e.g. for housing). While according to CPR's observation, this measure has facilitated communication between the relevant entities and the provision of support to asylum applicants, it came to an end in January 2024 following a decision made by AIMA.

AIMA is required to register the asylum application within 3 working days of presentation and to issue the applicant with a certificate of asylum application within 3 days of registration.<sup>203</sup>

During SEF's tenure, despite isolated delays (e.g. related to the registration of asylum applications presented in SEF's regional branches), CPR did not encounter systemic or serious problems regarding the registration of applications as opposed to occasional delays in the renewal of documents (usually linked to difficulties in making appointments with SEF).<sup>204</sup>

Since the beginning of AIMA's operation, CPR has observed/received reports of concerning practices pertaining to the registration of asylum applications, namely:

- ❖ Applicants being incorrectly informed that applications for international protection could only be made by persons displaced from Ukraine;
- ❖ Individuals reporting having to make multiple attempts in order for their application to be registered by the authorities;
- ❖ Refusals to register applications due to lack of personnel;
- ❖ Introduction of a ticketing system at CNAR's premises according to which a ticket was required to apply for asylum. Following the distribution of 20 tickets per day no further applications were allowed;
- ❖ Applicants forced to travel across the country to Lisbon in order to present/register an application in CNAR, after being refused in other AIMA's premises with the exception of Porto and Coimbra;
- ❖ Applicants being incorrectly informed of the need to schedule an appointment in order to present an application for international protection in AIMA's premises other than CNAR;
- ❖ Lack of registration by AIMA of asylum applications presented at police authorities' premises;
- ❖ Lack of issuance or renewal of a certificate of asylum application in AIMA's premises other than CNAR;
- ❖ Late registration of applications made by individuals in administrative detention (up to several days), compounded by the fact that, upon registration, the authorities recorded the date of registration as the date of the application instead of referring to the date when the asylum applicant effectively applied for international protection.

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<sup>202</sup> In the context of the right of reply of the authorities to the 2024 draft AIDA report (22 August 2025), AIMA affirms that throughout the asylum procedure applicants are consistently asked to indicate the language they communicate and/or understand, so as to ensure that proceedings are conducted in that language. CPR maintains that it has identified worrying practices pertaining to inappropriate language/absence of interpretation in 2024, particularly in the first half of the year, which is consistent with a time when applications were being subject to 'temporarily accelerated procedures', as conceded by the Agency, and at a time when interviews were conducted in the same day of the presentation of the asylum application. As stated, this concern was not only expressed by CPR. Cases identified by CPR were consistently reported by the organisation to AIMA.

<sup>203</sup> Articles 13(7) and 14(1) Asylum Act.

<sup>204</sup> Appointments were generally made through a phone line that was often quite difficult to reach.

In a response to Parliament in March 2025,<sup>205</sup> the Government stated that applications for international protection can be presented to any police authority or any AIMA front desk service, but that temporarily the presentation of applications had been concentrated at CNAR in Lisbon and AIMA front desk services in Porto and Coimbra.<sup>206</sup> It added that (1) any citizen who expressed a will to apply for international protection is given the opportunity to do so, (2) that all AIMA front desks are able to receive applications and (3) that applications are registered immediately.

The Government did not clarify for how long the presentation of applications for international protection were concentrated in Lisbon, Porto and Coimbra, nor the reasons for this limitation, and how it was overcome and the remaining AIMA front desk services were able to register applications for international protection.

According to CPR's observation, the impossibility of presenting/registering applications for international protection and obtaining information on cases outside CNAR in Lisbon and AIMA front desk services in Porto and Coimbra lasted throughout 2024 and 2025, and the organisation repeatedly contacted AIMA about this significant limitation in the context of providing legal support to applicants.<sup>207</sup>

In providing information to the AIDA report, AIMA admitted that throughout 2024 there were constraints in registering asylum applications outside of Lisbon. According to AIMA, with the exception of Lisbon, Porto and Coimbra, the other AIMA front desk services did not have staff trained to receive and register applications, nor to analyse them. The Agency admitted that, due to this limitation, there have been cases reported in which applicants were unable to present and/or register asylum applications, but which were later dealt with. AIMA also noted that, in 2024, front desk services in Porto and Coimbra were understaffed compared to Lisbon, which also hindered the presentation and registration of applications.<sup>208</sup>

CPR is also aware of instances in 2024 where asylum applicants were urged by AIMA officials to withdraw their applications for international protection without having access to legal information/assistance and based on wrongful information. This includes incorrect information such as the suggestion/advice that only applications related to political matters or problems with the authorities are accepted; wrongful assumptions regarding the situation in the country of origin; and the provision of incorrect and/or incomplete information regarding other avenues for regular stay and corresponding reception conditions. Importantly, such cases concerned particularly vulnerable applicants. CPR required clarifications regarding this practice and assisted the concerned applicants in requesting reversal of the withdrawal. While no specific feedback was received by the organisation, CPR is aware that the asylum applications concerned were reinstated by the authorities.

A decision from the Central Administrative Court South (TCA South) issued in 2021 considered that applications for international protection presented remotely may not be altogether disregarded by SEF. In the case analysed, the application had been initially filed by a lawyer representing the applicant via fax, and was not taken into account by SEF, which demanded it be made in person in order for the necessary checks to be performed (namely because it was not possible to confirm whether the applicant was indeed in Portugal at the time of application).<sup>209</sup> According to AIMA, the Agency acknowledges the importance of accepting remote asylum applications, particularly in situations where the applicant cannot be physically present at the time. The Agency accepts the application, but notifies the applicant to report to the services as soon as possible to formalise and complete the application, in particular to collect biometric data.

In 2020, the UN Human Rights Committee highlighted that Portugal should '[e]nsure that all applications for international protection at the border and in reception and detention facilities are promptly received, registered and referred to the asylum authorities' and '[c]ontinue its efforts to maintain and strengthen the quality of its

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<sup>205</sup> Assembleia da República, Pergunta 1034/XVI/1, *Acesso ao sistema de asilo*, February 2025, available [here](#).

<sup>206</sup> Assembleia da República, Resposta à Pergunta 1034/XVI/1, *Acesso ao sistema de asilo*, March 2025, available [here](#).

<sup>207</sup> According to CPR's observation, in July 2025 this impossibility had not been entirely overcome.

<sup>208</sup> According to AIMA, the constraints on submitting and registering applications for international protection are being progressively overcome in 2025 by hiring more staff for the CNAR in Lisbon and Porto, and training other AIMA staff throughout the country.

<sup>209</sup> TCA South, Decision 107/21.0BELLE, 18 August 2021, available [here](#).

refugee status determination procedures, in order to fairly and efficiently identify and recognise those in need of international protection and to afford sufficient guarantees of respect for the principle of non-refoulement under the Covenant'.<sup>210</sup> The Committee further recommended that Portugal strengthens '[...] training for the staff of migration institutions and border personnel on the rights of asylum seekers and refugees under the Covenant and other international standards'.<sup>211</sup>

A study focusing on the situation of asylum-seeking unaccompanied children and ageing out in Portugal published in 2021 revealed that the majority of those questioned stated that they were not aware of the possibility of applying for international protection upon arrival in the country, and that they had been informed of it by the national authorities in light of their situation.<sup>212</sup>

## C. Procedures

### 1. Regular procedure

#### 1.1 General (scope, time limits)

##### Indicators: Regular Procedure: General

- |  |   |
|--|---|
| 1. Time limit set in law for the determining authority to make a decision on the asylum application at first instance:     | 6 months  |
| 2. Are detailed reasons for the rejection at first instance of an asylum application shared with the applicant in writing? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 3. Backlog of pending cases at first instance as of 31 December 2024:  | Not available   |
| 4. Average length of the first instance procedure in 2024:   | Not available   |

The first instance determining authority is required to take a decision on the asylum application within 6 months. This time limit is additional to the duration of the admissibility procedure and can be extended to 9 months in particularly complex cases.<sup>213</sup> The Asylum Act does not provide for specific consequences in case of failure to meet the time limit. Nevertheless, it establishes that when the six-month deadline is extended, the determining authority must inform the applicant accordingly. If the applicant so requests, the determining authority must also inform them of the reasons for the extension and of the expected timeline for the issuance of a decision.<sup>214</sup>

Asylum applicants are usually reluctant to act on the delay on the basis of general administrative guarantees, e.g., by requesting Administrative Courts to order AIMA to issue a decision on the application within a given time limit.<sup>215</sup>

AIMA did not share an estimation of the average duration of the procedure at first instance for 2024. According to AIMA, cases decided in 2024 pertained to previous years, prior to AIMA's operation and thus it is not possible to establish an average duration of the procedure based on 2024 data. There is no available statistics from other sources.

The UN Human Rights Committee, in its Concluding Observations published in 2020, expressed concern with '[r]eported delays in the processing of regular asylum applications and in the issuance and renewal of residence permits.' The Committee recommended that Portugal 'continue its efforts to maintain and strengthen the quality

<sup>210</sup> Human Rights Committee, *Concluding Observations on the fifth periodic report of Portugal*, CCPR/C/PRT/CO/5. 28 April 2020, par.35(a) and (b), available [here](#).

<sup>211</sup> Ibid, par.35(f).

<sup>212</sup> Sandra Roberto, Carla Moleiro, ed. Observatório das Migrações, *De menor a maior: acolhimento e autonomia de vida em menores não acompanhados*, April 2021, available [here](#), 50.

<sup>213</sup> Article 28(2) Asylum Act.

<sup>214</sup> Ibid.

<sup>215</sup> Article 129 Administrative Procedure Code; Article 66(1) Administrative Courts Procedure Code.

of its refugee status determination procedures, in order to fairly and efficiently identify and recognise those in need of international protection and to afford sufficient guarantees of respect for the principle of non-refoulement under the Covenant.<sup>216</sup>

According to CPR's observation, significant delays in the processing of regular asylum applications still persist. CPR was not able to gather information on any regular procedure decision issued in the course of 2024, including decisions communicated by the authorities in accordance with the law, and decisions that reached CPR's knowledge by other avenues, i.e., through direct contacts with applicants. Thus, for 2024 CPR cannot estimate an overall duration of the procedure. In 2023, the overall duration of the procedure<sup>217</sup> ranged from 128 to 1,581 days.

CPR has further observed significant delays between the date of issuance of decisions and its notification to the asylum applicant. In some cases, this delay was of over one year. This continued in 2024; there are no known justifications for the delays, which can affect all applicants.

Throughout the year, CPR often contacted the determining authority, on behalf of asylum applicants, requesting information regarding the status of their application and the expected timeline for the issuance of a decision. The competent authorities very rarely replied to such requests in 2024. In instances where a response was provided, CPR/the applicant was merely informed that the analysis of the application was delayed due to the high number of applications and to the low number of staff members of the authority, and that there was no expectation of a timeline for the issuance of the decision.

A study focusing on the situation of asylum-seeking unaccompanied children and ageing out in Portugal published in 2021 revealed that among those questioned, the majority waited for more than 12 months for a decision on their application for international protection.<sup>218</sup>

In the context of the provision of legal assistance to asylum applicants, CPR has also at times observed significant delays in the execution of judicial decisions by AIMA, even when a deadline is set by the court. According to CPR's observation, this mostly concerned the execution of judicial decisions ruling that an application should not be processed under an accelerated procedure and consequently ordering the Administration to reanalyse the case under the regular procedure, or Dublin cases that should be reprocessed. It was mostly thanks to the proactiveness of the applicant that the judicial decision was acted upon by AIMA.

According to AIMA, the number of pending cases at first instance by the end of the year was 556. Yet, according to Eurostat, 130 asylum applications were pending by the end of 2024.<sup>219</sup>

In a response to Parliament in May 2024, the Government stated that there were 4,000 international protection cases pending a decision.<sup>220</sup>

## 1.2 Prioritised examination and fast-track processing

AIMA reported there are no administrative practices regarding prioritisation and fast-tracking of asylum applications. CPR's observation does not indicate trends in this regard.

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<sup>216</sup> Human Rights Committee, *Concluding Observations on the fifth periodic report of Portugal*, CCPR/C/PRT/CO/5. 28 April 2020, par.35(a) and (b), available [here](#).

<sup>217</sup> Time comprised between the date of the application and the date of issuance of the first instance decision on the (regular) asylum procedure.

<sup>218</sup> Sandra Roberto, Carla Moleiro, ed. Observatório das Migrações, *De menor a maior: acolhimento e autonomia de vida em menores não acompanhados*, April 2021, p.43, available [here](#).

<sup>219</sup> Eurostat, *Persons subject of asylum applications pending at the end of the month by citizenship, age and sex - monthly data*, available [here](#).

<sup>220</sup> Assembleia da República, Pergunta 25/XVI/1, *Constrangimentos nas respostas da Agência para a Integração, Migrações e Asilo*, April 2024, available [here](#); Assembleia da República, Resposta à Pergunta 25/XVI/1, *Constrangimentos nas respostas da Agência para a Integração, Migrações e Asilo*, May 2024, available [here](#).

### 1.3 Personal interview

#### Indicators: Regular Procedure: Personal Interview

1. Is a personal interview of the asylum applicant in most cases conducted in practice in the regular procedure?  
☒ Yes ☐ No  
❖ If so, are interpreters available in practice, for interviews? ☒ Yes ☐ No
2. In the regular procedure, is the interview conducted by the authority responsible for taking the decision?  
☒ Yes ☐ No
3. Are interviews conducted through video conferencing? ☐ Frequently ☐ Rarely ☒ Never
4. Can the asylum applicant request the interviewer and the interpreter to be of a specific gender?  
☐ Yes ☐ No ☒ N/A  
❖ If so, is this applied in practice, for interviews? ☐ Yes ☐ No ☒ N/A

The Asylum Act provides for the systematic personal interview of all asylum applicants in the regular procedure prior to the issuance of a first instance decision.<sup>221</sup> The personal interview can only be waived where:

- ❖ The evidence already available allows for a positive decision; or
- ❖ The applicant lacks legal capacity due to long-lasting reasons beyond their control.<sup>222</sup>

According to the law, if the interview is waived, AIMA is required to offer the applicant or their dependant(s) the opportunity to communicate relevant information by other means.<sup>223</sup>

The asylum applicant is entitled to give their statement in their preferred language or in any other language that they understand and in which they are able to communicate clearly.<sup>224</sup> To that end, the asylum applicant is entitled to the assistance of an interpreter when applying for asylum and throughout the asylum procedure, if needed.<sup>225</sup> The asylum applicant can also be assisted by a lawyer but the absence thereof does not preclude AIMA from conducting the interview.<sup>226</sup>

The transposition of the provisions of the recast Asylum Procedures Directive (APD) regarding the personal interview into national legislation presents some incompatibilities, most notably:

- ❖ Cases of applicants deemed unfit/unable to be interviewed due to enduring circumstances beyond their control - the final part of Article 14(2)(b) of the recast APD was not transposed ('[w]hen in doubt, the determining authority shall consult a medical professional to establish whether the condition that makes the applicant unfit or unable to be interviewed is of a temporary or enduring nature'). The safeguard contained in Article 14(4) of the recast APD, determining that the absence of a personal interview in such situations 'shall not adversely affect the decision of the determining authority', was also not explicitly transposed to the Asylum Act.
- ❖ Conditions of the personal interview - the requirements set out in Article 15 of the recast APD, particularly those regarding to the characteristics of the interviewer and the use of interpreters (Article 15(3) recast APD), are not fully transposed. Furthermore, and without prejudice to Article 83 of the Asylum Act which refers to the adequate training of all staff working with applicants and beneficiaries of international protection, the specific training requirement for interviewers provided for in Article 4(3) of the recast APD was not transposed to the domestic order ('[p]ersons interviewing applicants pursuant to this Directive

<sup>221</sup> Article 16(1) (2) and (3) Asylum Act.

<sup>222</sup> Article 16(5) Asylum Act.

<sup>223</sup> Article 16(6) Asylum Act.

<sup>224</sup> Article 16(1) Asylum Act.

<sup>225</sup> Article 49(1)(d) Asylum Act.

<sup>226</sup> Article 49(7) Asylum Act.

shall also have acquired general knowledge of problems which could adversely affect the applicants' ability to be interviewed, such as indications that the applicant may have been tortured in the past').

- ❖ Content of the personal interview - the final part of Article 16 of the recast APD, establishing that the personal interview 'shall include the opportunity to give an explanation regarding elements which may be missing and/or any inconsistencies or contradictions in the applicant's statements' was not transposed to the Asylum Act.

In practice, asylum applicants are only interviewed once throughout the asylum procedure, which means that the general rules and practice of the regular procedure apply to the vast majority of cases (except border procedures, applications following a removal order, subsequent applications).

According to the information available to CPR, all interviews are conducted individually. In the past with the SEF, in the rare instances where accompanied children had to be interviewed, in CPR experience one of the parents was present.

The Asylum Act does not provide the right of the applicant to request the interviewer and/or the interpreter to be of a specific gender (Article 15(3)(b) and (c) of the recast APD). According to the information provided by AIMA, this can happen in practice at the applicant's request and if possible, but applicants are not systematically informed of this possibility. AIMA states that if the interviewer identifies any vulnerability, discomfort, or gender-based issues, the applicant is informed of the possibility of requesting an interviewer and/or interpreter of a specific gender. Nevertheless, the majority of caseworkers are women.

The Agency states that the request for a specific gender is most likely be granted (1) if the applicant is a survivor of torture, sexual or gender-based violence, and/or trafficking in human beings; (2) if for a matter of cultural sensitivity the applicant may be distressed or deem inappropriate to discuss certain sensitive topics with someone of the opposite gender; or (3) if it is an evident cause of discomfort and insecurity that might jeopardise the quality and completeness of the applicant's statements.

AIMA affirmed that all applicants are guaranteed the right to an interview before any decision regarding their application is adopted, not mentioning the scenarios in which the interview can be waived according to the Asylum Act. Although there are no statistics for the whole year, AIMA stated that its caseworkers conducted 610 interviews between June and the end of 2024. The Agency has no data concerning the use of remote means (for the conduction of interviews or for interpretation).

According to CPR's observation in 2024, personal individual interviews were generally conducted in practice. Nevertheless, CPR found that AIMA had internal guidance according to which in the case of evacuated Afghan citizens only the head of the family (i.e. the man) was to be interviewed. In the context of the right of reply of the authorities to the 2024 draft AIDA report, AIMA acknowledged that this practice had occurred and noted that it was phased out during the year as women part of family units were also interviewed.<sup>227</sup> CPR was not able to establish when such a practice may have begun and ended.

According to AIMA, as soon as vulnerability is identified, appropriate support can be given to applicants according to their needs and procedural guarantees can be promoted, such as adapted interview conditions (particularly with regard to the gender of the interviewer), interruption of interviews, and exemption from accelerated or border procedures if deemed inappropriate considering the applicant's condition.

According to CPR's observation, interviews were not usually conducted by remote communication means, but that this could occur in rare instances when the applicant was in the autonomous regions.<sup>228</sup>

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<sup>227</sup> Information provided by AIMA on 22 August 2025.

<sup>228</sup> Practice-based observation by CPR, January 2025.

Since the beginning of AIMA's activity, CPR has observed that interviews were also conducted outside AIMA-CNAR. Specifically, between February and April 2024, a number of interviews were conducted by AIMA officials not associated to CNAR and it is unclear whether they had training to do so.<sup>229</sup>

Since the beginning of AIMA's operation and particularly during the first semester of 2024, CPR has been observing concerning systematic practices regarding interviews, notably:

- ❖ Oversimplification of the interviews and of the questions asked to the applicant;<sup>230</sup>
- ❖ Interviews being conducted late in the night/early in the morning and following trips to different areas of the country;<sup>231</sup>
- ❖ Applicants systematically asked during the interview if they wish to be immediately notified of the decision of their asylum application without being informed that such a decision implies a relinquishment of their right to reply to the interview/case report and without having access to legal information and assistance before making a decision;<sup>232</sup>
- ❖ Applicants not being informed of the possibility to be interviewed in a language they understand with the assistance of an interpreter, despite clear difficulties in communicating in another language;<sup>233</sup>
- ❖ Refusal by the interviewing officers to receive evidentiary elements despite the applicant's attempts on the grounds that it would not be necessary (no written decision/explanation provided);<sup>234</sup>
- ❖ Applicants not being informed of their right to reply to the interview/case report and/or about their right to legal assistance.<sup>235</sup>

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<sup>229</sup> Practice-based observation by CPR, January 2025.

<sup>230</sup> In addition to CPR, JRS also expressed this concern when providing information for the AIDA report. In the context of the right of reply of the authorities to the 2024 draft AIDA report (22 August 2025), AIMA affirmed that in response to a significant increase in applications for international protection registered from February 2024 onwards, the authorities temporarily conducted interviews using a 'simplified script tailored to specific cases.' According to AIMA, as standard case processing was reinstated during the second half of 2024, interviews were conducted in accordance with regular protocols. Interview templates were reviewed in July 2024 and subsequently reviewed and validated by EUAA. In September 2024, AIMA staff began interview techniques training provided by EUAA.

<sup>231</sup> In some cases, applicants in such situations have also reported not being provided adequate food in the meantime.

<sup>232</sup> In the context of the right of reply of the authorities to the 2024 draft AIDA report (22 August 2025), AIMA affirmed that this procedure was not applied throughout 2024, but only in the first half of the year, monitored by UNHCR, and ended in July 2024; that it was applied exclusively to cases considered manifestly unfounded; and that all applicants were duly informed of their 'right to waive the period established under Article 17(2)' with a clear explanation of the legal framework and implications of this legal provision.

CPR maintains that it is deeply worrying that the authority proposed the relinquishment of this right to the applicants to begin with, especially at a time where interviews were conducted in the same day of the presentation of the asylum application and/or without the applicants having access to legal information and assistance before making a decision on waiving this right. Moreover, it remains unclear the criteria considered by the asylum authority to deem an asylum application as manifestly unfounded before or during the interview, given that most applications were presented in the same day of the interview. Lastly, the fact that most applications were later considered unfounded or inadmissible during this period is not in itself evidence of the need for these 'temporarily accelerated procedures', but it rather raises serious concerns regarding the quality of the analysis conducted by the authorities.

<sup>233</sup> In addition to CPR, JRS also expressed this concern when providing information for the AIDA report. In the context of the right of reply of the authorities to the 2024 draft AIDA report (22 August 2025), AIMA affirms that throughout the asylum procedure applicants are consistently asked to indicate the language they communicate and/or understand, so as to ensure that proceedings are conducted in that language. CPR maintains that it has identified worrying practices pertaining to inappropriate language/absence of interpretation in 2024, particularly in the first half of the year, which is consistent with a time when applications were being subject to 'temporarily accelerated procedures', as conceded by the Agency, and at a time when interviews were conducted in the same day of the presentation of the asylum application. This concern was not only expressed by CPR. Cases identified by CPR were consistently reported by the organisation to AIMA.

<sup>234</sup> In the context of the right of reply of the authorities to the 2024 draft AIDA report (22 August 2025), AIMA affirms it has demonstrated openness and availability to receive supporting evidence throughout the asylum procedure. While practices pertaining to the refusal to receive evidentiary elements eased during the second half of 2024, and as stated, CPR observed that this occurred during the first semester of the year, which is consistent with a time when applications were being subject to 'temporarily accelerated procedures', as conceded by the Agency.

<sup>235</sup> In the context of the right of reply of the authorities to the 2024 draft AIDA report (22 August 2025), AIMA affirms that applicants are consistently informed of their right to receive legal assistance and of their right to reply to the interview



While some of these systematic practices eased during the second half of 2024, many reports persisted.

Since 2021, CPR has observed the adoption of decisions not to proceed with the analysis of the application due to the impossibility of performing the personal interview (e.g., where the applicant absconded). These decisions are based on general administrative procedure rules.<sup>236</sup> Procedures were also suspended in cases while the results of age assessment procedures triggered by the Family and Juvenile Courts were pending<sup>237</sup>, in some cases lasting for more than one year. AIMA did not systematically communicate these decisions to CPR.<sup>238</sup>

Throughout 2023 and 2024, CPR was also informed of decisions extinguishing the asylum procedure according to Article 32 of the Asylum Act, either due to explicit or implicit withdrawal of the application.

According to the law, an application is deemed as implicitly withdrawn if the procedure is inactive for more than 90 days, namely if the applicant:

- (i) does not provide essential information for their application when requested to do so;
- (ii) does not attend the personal interview;
- (iii) absconds without contacting AIMA;
- (iv) does not comply with the obligation to appear or to communicate with the authorities.<sup>239</sup> The competence to determine the extinction of an application belongs to the National Director of Board of AIMA.<sup>240</sup>

Notwithstanding, the applicant is entitled to reopen their asylum case by presenting themselves to AIMA at a later stage.<sup>241</sup> In this case, the file is to be resumed at the exact stage where it was discontinued.<sup>242</sup> According to CPR's observation, the extinction of a procedure usually follows a decision to halt the analysis of an application.

For court decisions by TCA South regarding the right of the applicant to request legal aid to have a lawyer present during the interview, see [Regular procedure - Legal assistance](#).

### 1.3.1 Interpretation

The Asylum Act does not provide the right of the applicant to request the interviewer and/or the interpreter to be of a specific gender (Article 15(3)(b) and (c) of the recast APD).

According to the information provided by AIMA, this can happen in practice at the applicant's request and if possible, but applicants are not systematically informed of this possibility. As mentioned, the Agency established criteria to analyse such requests. However, according to CPR's observation, it is unclear if it is possible given the widespread use of the telephone translation service.

The quality of interpretation services used for interviews remains a serious challenge. In many cases, service providers are not trained interpreters but rather individuals with sufficient command of source languages.

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transcript/report. As thoroughly explained throughout the report, the 'temporarily accelerated procedures' adopted by the Agency, particularly during the first half of 2024, were done so to the detriment of imperative procedural guarantees, namely these two rights, as it is shown by the fact that many cases were interviewed and notified of a decision in the same day of the presentation of the asylum application.

<sup>236</sup> Article 119(3) Administrative Procedure Code.

<sup>237</sup> Article 38(1) Administrative Procedure Code.

<sup>238</sup> In the context of the right of reply of the authorities to the 2024 draft AIDA report (22 August 2025), AIMA affirms there is no explicit legal provision requiring such decisions to be communicated to CPR as these administrative acts are provided for in the Administrative Procedure Code. Yet, considering the legal norms established by the Asylum Act that provide for the communication of decisions to CPR for the purpose of monitoring the asylum procedure, it remains unclear why, by analogy (as provided for in Article 10 of the Portuguese Civil Code), this does not occur.

<sup>239</sup> Article 32(1) Asylum Act.

<sup>240</sup> Article 31(2) Asylum Act.

<sup>241</sup> The Asylum Act does not establish a deadline to do so.

<sup>242</sup> Article 31(3) Asylum Act.



Interpreters are bound by a legal duty of confidentiality. In 2024, AIMA did not have a code of conduct/guidance applicable to interpreters.<sup>243</sup> There is no specific training for interpretations, nor are there cultural mediators provided in individual interviews.<sup>244</sup>

According to CPR's observation, interviews were not usually conducted by remote communication means, but it could occur in rare instances when the applicant was in the autonomous regions. Interpretation has been widely provided by the Telephone Translation Service managed by AIMA, including in the case of unaccompanied children and detained applicants. AIMA confirmed this practice in cases where in-person interpretation was not possible. The Agency argued the services are provided by professional interpreters through external service providers, ensuring confidentiality and quality standards.

In CPR's view, the systematic use of the translation hotline for asylum interviews raises a number of concerns namely regarding confidentiality and the creation of an environment that assures the applicant and promotes the proper sharing of information. Most interpreters of the Telephone Translation Service are also not trained.

Throughout the year, CPR has also received reports of applicants not being informed of the possibility to be interviewed by AIMA in a language they understand with the assistance of an interpreter, despite clear difficulties in communicating in another language (such as English).<sup>245</sup>

According to CPR's experience, securing interpreters with an adequate command of certain target languages remains challenging (e.g., Amharic, Bambara, Bengali, Kurdish, Lingala, Mandinka, Nepalese, Pashto, Punjabi, Sinhalese, Somali, Soninke, Tamil, and Tigrinya).

### 1.3.2 Recording and reporting

The Asylum Act does not provide for the audio and/or video recording of the interview or for conducting interviews and/or interpretation through videoconferencing.

According to the Asylum Act, following the interview, AIMA must prepare a transcript of the statements provided by the applicant or a *detailed and factual* report containing all the essential elements of the statements provided by the applicant.<sup>246</sup> This provision of the Asylum Act was amended in August 2023 (entering into force on 29 October 2023). The previous wording only referred to the transcript of the statements provided by the applicant during the interview.<sup>247</sup>

The applicant must be notified of the document and their right to reply to it.<sup>248</sup>

It should be noted that, particularly during the first semester of 2024, CPR observed frequent changes of practice by AIMA regarding the documents and procedures connected to the interview and the summary report, leading to lack of clarity and to an increase in potential violations of procedural rights.

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<sup>243</sup> Information provided by AIMA to CPR, July 2025. AIMA pledged to establish a code of conduct in interpretation services and engage interpreters in EUAA's trainings.

<sup>244</sup> Practice-based observation by CPR, January 2025; JRS has a pool of interpreters, which is more comprehensive than AIMA's Telephone Translation Service and which, according to the organisation, is widely used by various organisations.

<sup>245</sup> In addition to CPR, JRS also expressed this concern when providing information for the AIDA report. In the context of the right of reply of the authorities to the 2024 draft AIDA report (22 August 2025), AIMA affirms that throughout the asylum procedure applicants are consistently asked to indicate the language they communicate and/or understand, so as to ensure that proceedings are conducted in that language.

CPR maintains that it has identified worrying practices pertaining to inappropriate language/absence of interpretation in 2024, particularly in the first half of the year, which is consistent with a time when applications were being subject to 'temporarily accelerated procedures', as conceded by the Agency, and at a time when interviews were conducted in the same day of the presentation of the asylum application. As stated, this concern was not only expressed by CPR. Cases identified by CPR were consistently reported by the organisation to AIMA.

<sup>246</sup> Article 17(1) Asylum Act.

<sup>247</sup> For information regarding the evolution of national practice in this regard, please refer to the previous AIDA reports.

<sup>248</sup> Article 17(2) Asylum Act.

In the beginning of the Agency's operation, AIMA produced a transcript of the statements provided during the interview, which was generally provided to the applicant immediately after. Applicants were also notified of a report summarising the information that would underlie the decision to deem the application admissible/not unfounded and, as such, submit it to the regular procedure, or to reject it as inadmissible/unfounded (accelerated procedure).

The summary report broadly contained information on: (i) identification of the applicant; (ii) family members; (iii) time and place of the application for international protection; (iv) prior information; (v) itinerary; (vi) summary of the facts that would underlie the decision;<sup>249</sup> (vii) the prospective decision to be taken (brief reference to the relevant legal basis).

According to CPR's observation, the summary report ceased to be issued in May 2024 and AIMA opted for the issuance of the transcript of the statements report together with a notification of the right to reply. Initially this notification also mentioned the prospective decision to be taken (merely a reference to the legal premise without its grounds) but it was later dropped.

Following an amendment to the Asylum Act, in October 2023, the deadline for applicants to submit comments in response to the transcript of the statements or summary report was reduced to 3 days (from 5 previously).<sup>250</sup>

This reduced deadline to reply to the report is highly concerning for a number of reasons. Firstly, there was no broad consultation in this regard, and no justification was provided for such a change. Secondly, according to CPR's experience, the 3-day deadline is not sufficient to ensure the right at stake and will create obstacles to its effective exercise. This was confirmed by CPR's experience in 2024.

The right to reply to the interview report, provided for in article 17(2) Asylum Act, is an integral part of the right of the asylum applicant to be heard within the asylum procedure. Along with the personal interview provided for in article 16 Asylum Act, this is, in practice, the moment when the facts underlying the application for international protection are established.

Article 17(2) Asylum Act is also to be read in line with the right of applicants for international protection to access legal information and assistance (article 49(1)(e) Asylum Act). This is because, in practice, applicants usually resort to legal assistance in order to be able to fully exercise the right to respond in writing to the report on their application (which usually includes a proposal to reject the application either on admissibility grounds or under an accelerated procedure).

According to CPR's experience in providing legal assistance at this stage, in order to ensure that applicants can effectively exercise their right to reply it is, for instance, often necessary to involve interpreters. Furthermore, time is required for the provision of adequate information and to adequately take into account the individual characteristics of the applicant concerned.

Also, the written reply of the applicant is usually critical to a better understanding of the material facts of the application.

A deadline of 3 days cannot be deemed as reasonable to ensure an effective right to respond to the report. This is particularly the case when taking into account the structure and duration of the asylum procedure, as well as the importance of this procedural guarantee, and the practicalities required for its effective exercise. The reduction of this procedural guarantee will not only affect asylum applicants, it will also negatively impact the overall quality of the asylum procedure as it will reduce the information available to the asylum authority (and later, to judges) to conduct a fair and proper assessment of cases.

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<sup>249</sup> Presentation of the application, motives, relevant elements.

<sup>250</sup> Article 17 (1) and (2) Asylum Act.

According to law, upon consent of the applicant, the report must also be communicated to UNHCR and to CPR, and the organisations may submit observations within the same deadline.<sup>251</sup> The transcript of the statements reports are usually communicated to CPR accordingly, although in a significant number of cases AIMA communicates them after the applicants' 3-day deadline has passed.<sup>252</sup> Notably, while the summary reports were issued until May 2024, these were the sole reports communicated to CPR. As such, access to interview transcripts by CPR depended on the applicant. The systematic non-communication of interview transcripts was an obstacle to the full monitoring of the national asylum procedure.

CPR provides systematic legal assistance to asylum applicants at this stage, with the support of interpreters, for the purpose of reviewing and submitting comments/corrections to the interview transcript/summary report.

According to CPR's observation, the summary reports tended to oversimplify the statements provided by the applicant to the authorities, and the merits analysis tended to be simplistic. Furthermore, applicants usually found it difficult to understand the meaning of the document and to comment meaningfully on its content. Given its content and context, this practice did not improve the quality of the asylum procedure.

AIMA's practice in this regard had been deteriorating since the beginning of the Agency's operation until eventually the summary report ceased to be issued. The summary reports had become more and more laconic both regarding the information provided by the applicant and the grounds for the analysis of the application (mostly, the report merely referred to the legal rule invoked to reject the application).

According to CPR's observation, since the beginning of AIMA's operation, clarifications/corrections provided in writing by applicants are not usually properly analysed by the authority nor taken into account in the decision-making process.

As mentioned above, throughout 2024 AIMA's officials systematically asked the applicants during the interview if they wished to be immediately notified of the decision of their asylum application. Applicants were not properly informed that such a decision implied a relinquishment of their right to reply to the interview/case report, and did not have access to legal information and assistance before making a decision. As a consequence of this practice, a significant number of applicants have been unable to exercise their right to reply to the written report since the beginning of AIMA's operations.<sup>253</sup>

During SEF's operations, CPR observed that, when the interview was conducted following admission to the regular procedure, the written report of the interview was not systematically provided by to the applicants nor they were given the corresponding deadline to provide written comments. Such reports were not communicated to CPR on a systematic basis as well.<sup>254</sup> Consequently, in practice, these applicants were potentially not given the possibility to offer comments on the facts adduced during the interview before being notified of a decision at

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<sup>251</sup> Article 17(3) Asylum Act.

<sup>252</sup> In the context of the right of reply of the authorities to the 2024 draft AIDA report (22 August 2025), AIMA pledged its commitment to correct this practice.

<sup>253</sup> In the context of the right of reply of the authorities to the 2024 draft AIDA report (22 August 2025), AIMA affirmed that this procedure was not applied throughout 2024, but only in the first half of the year (until July 2024), monitored by UNHCR; that it was applied exclusively to cases considered manifestly unfounded and that all applicants were duly informed of their 'right to waive the period established under Article 17(2)' with a clear explanation of the legal framework and implications of this legal provision.

CPR maintains that it is deeply worrying that the authority proposed the relinquishment of this right to the applicants to begin with, especially at a time where interviews were conducted in the same day of the presentation of the asylum application and/or without the applicants having access to legal information and assistance before making a decision on waiving this right. Moreover, it remains unclear the criteria considered by the asylum authority to deem an asylum application as manifestly unfounded before or during the interview, given that most applications were presented in the same day of the interview. Lastly, the fact that most applications were later considered unfounded or inadmissible during this period is not in itself evidence of the need for these 'temporarily accelerated procedures', but it rather raises serious concerns regarding the quality of the analysis conducted by the authorities.

<sup>254</sup> According to article 17(3) Asylum Act, upon consent of the applicant, the report is to be communicated to UNHCR and to CPR as organisation working on its behalf. Such entities may submit observations.

the final stage of the procedure. During 2024, AIMA's practice in this regard remained unclear, particularly regarding the notification of the corresponding deadline to provide written comments.

CPR has made efforts to mitigate the negative impacts of this practice by adding the applicant's comments to the file in accordance with article 28(5) of the Asylum Act, that allows the organisation to add observations on individual cases at any stage of the procedure.

This practice is problematic as it curtails the applicant's right to submit comments and corrections to the interview report and may also impact the applicant's ability to fully exercise other procedural rights at later stages of the procedure (e.g., replying to a proposal of decision on the grant of international protection). Moreover, it seems to be in contradiction both with the domestic legal framework and the recast Asylum Procedures Directive as the relevant requirements apply to the personal interview, regardless of the moment in which it is conducted.<sup>255</sup>

A decision from TCA South issued in 2021 considered that, despite the absence of an explicit reference in the relevant norm,<sup>256</sup> the authorities are bound by articles 16 and 17 of the Asylum Act (personal interview and report) within the examination of applications made following a removal order.<sup>257</sup>

Worryingly, a decision from TCA South issued in 2023 considered that the information provided by the applicant in writing following the interview are irrelevant as such statements are not spontaneous and are, consequently, motivated by the willingness to fulfil the requirements to be granted international protection.<sup>258</sup>

## 1.4 Appeal

### Indicators: Regular Procedure: Appeal

1. Does the law provide for an appeal against the first instance decision in the regular procedure?

|  |  |   |                             |  |   |   |   |
|--|--|---|-----------------------------|--|---|---|---|
| <ul style="list-style-type: none"><li>❖ If yes, is it</li><li>❖ If yes, is it automatically suspensive</li></ul> | <table border="0"><tr><td><input checked="" type="checkbox"/> Yes</td><td><input type="checkbox"/> No</td></tr><tr><td><input checked="" type="checkbox"/> Judicial</td><td><input type="checkbox"/> Administrative</td></tr><tr><td><input checked="" type="checkbox"/> Yes</td><td><input type="checkbox"/> Some grounds <input type="checkbox"/> No</td></tr></table> | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> Judicial | <input type="checkbox"/> Administrative | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Some grounds <input type="checkbox"/> No |
| <input checked="" type="checkbox"/> Yes  | <input type="checkbox"/> No  |   |                             |  |   |   |   |
| <input checked="" type="checkbox"/> Judicial   | <input type="checkbox"/> Administrative  |   |                             |  |   |   |   |
| <input checked="" type="checkbox"/> Yes  | <input type="checkbox"/> Some grounds <input type="checkbox"/> No  |   |                             |  |   |   |   |
2. Average processing time for the appeal body to make a decision in 2024: 102 days (1<sup>st</sup> instance courts)

### 1.4.1 First appeal before the Administrative Court

The Asylum Act provides for an appeal against the first instance decision in the regular procedure consisting of judicial review of relevant facts and points of law by the Administrative Court.<sup>259</sup> The asylum applicant has 15 days to lodge the appeal, which has automatic suspensive effect.<sup>260</sup>

The Asylum Act that provides for the free and urgent nature of procedures regarding the grant or loss of international protection both in the administrative and judicial stages.<sup>261</sup>

<sup>255</sup> Article 17(3) Asylum Procedures Directive. Articles 16 and 17 of the Asylum Act do not make a distinction between interviews conducted prior to admission and interviews conducted following admission to the regular procedure.

<sup>256</sup> Article 33-A Asylum Act.

<sup>257</sup> TCA South, Decision 139/21.9 BELSB, 23 September 2021, available [here](#). Note that, while the decision systematically refers to subsequent applications, it is indeed analysing the rules applicable to asylum applications made following a removal order (article 33-A Asylum Act).

<sup>258</sup> TCA South, Decision 3275/22.0BELSB, 23 March 2023, available [here](#).

<sup>259</sup> Article 30(1) Asylum Act; Article 95(3) Code of Procedure in Administrative Courts.

<sup>260</sup> Article 30(1) Asylum Act.

<sup>261</sup> Article 84 Asylum Act.

Administrative Courts have a review competence, which allows them to either:

- ❖ confirm the negative decision of the first instance decision body;
- ❖ annul the decision and refer the case back to the first instance decision body with guidance on applicable standards;<sup>262</sup> or
- ❖ overturn it by granting refugee or subsidiary protection status.<sup>263</sup>

The Asylum Act qualifies the judicial review as urgent,<sup>264</sup> and provides for a simplified judicial process with reduced formalities and time limits with the objective of shortening the duration of the judicial review.<sup>265</sup>

A decision issued by TCA South in 2021 confirmed that, when legal aid is requested by the appellant, the appeal is deemed as having been filed on the date of submission of the request for legal aid.<sup>266</sup>

The information provided by the High Council of Administrative and Fiscal Courts (*Conselho Superior dos Tribunais Administrativos e Fiscais* – CSTAF) for 2024 regarding the duration of judicial reviews of first instance decisions does not make a distinction between the type of asylum procedure. According to these statistics, the average duration of appeals at first instance courts in 2024 was of 102 days.

While the Asylum Act does not specifically provide for a hearing of the asylum applicant during the appeal procedure, such a guarantee is enshrined in the general rules.<sup>267</sup> This is rarely used in practice by lawyers and accepted by the Court when requested, as procedures before the Administrative Court tend to be formalistic and essentially written.<sup>268</sup> As a general rule, the hearing of the appeal body is public but the judge may rule for a private audience based on the need to protect the dignity of the individual or the smooth operation of the procedure.<sup>269</sup> CSTAF did not confirm whether such hearings occurred in 2024.

In practice, and without prejudice to issues such as the frequent change of accommodation location, poor quality of legal assistance and the merits test applied by the Bar Association, and language barriers that have an impact on the quality and effectiveness of appeals, CPR is not aware of systemic or relevant obstacles faced by asylum applicants in appealing a first instance decision in the regular procedure.

It should be noted that while CPR may be requested to intervene in the judicial procedure, namely by providing country of origin information, Dublin country information, guidance on legal standards, or other expert opinion, it is not a party thereto and is therefore not systematically notified of judicial decisions by the courts.

According to CSTAF, a total of 459 appeals were lodged against negative asylum decisions in 2024, an increase of around 50% compared to 2023.

The information provided by the CSTAF for 2024 regarding the outcome of judicial reviews of first instance decisions indicates a 32% success rate at appeal stage, which is an increase compared to previous years. As mentioned in Statistics, these figures do not make a distinction between the type of asylum procedure.

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<sup>262</sup> Article 71(2) Code of Procedure in Administrative Courts. In practice this is normally the case when the courts find that there are relevant gaps in the assessment of the material facts of the claim, thus requiring the first instance decision body to conduct further investigations.

<sup>263</sup> Article 71(1) Code of Procedure in Administrative Courts.

<sup>264</sup> Article 84 Asylum Act.

<sup>265</sup> Article 30(2) Asylum Act; Article 110 Code of Procedure in Administrative Courts.

<sup>266</sup> TCA South, Decision 1441/20.2BELSB, 18 March 2021, available [here](#).

<sup>267</sup> Article 90(2) Code of Procedure in Administrative Courts.; Article 466 Act 41/2013.

<sup>268</sup> Quite strangely, despite having the possibility of hearing the applicant directly, TAC South determined in a 2019 decision that the opinion of the officer that conducted the applicant's interview on his/her credibility is relevant as only direct contact with the applicant will allow to ascertain the credibility of his/her statement, as well as his/her general credibility "as a person". Therefore, in the absence of a gross error of the determining authority, the court cannot query its assessment of the credibility of the statements. TCA South, Decision 713/18.0BELSB, 10 January 2019, unpublished.

<sup>269</sup> Article 91(2) Code of Procedure in Administrative Courts; Article 606 Act 41/2013.

According to the information previously provided by CSTAF, in early 2022, the Working Group for Administrative and Fiscal Justice, created by the Ministry of Justice, proposed an amendment to the Statute of the Administrative and Fiscal Courts that would allow CSTAF to create specialised sections in the Administrative Courts, namely in the field of asylum. In order for this to be implemented, the Statute would have to be amended and the CSTAF would then have to deliberate on the creation of the relevant section.

The national plan for migration and asylum announced in June 2024 by the Government<sup>270</sup> emphasised the work carried out by the Judicial High Council and CSTAF, including the discussions on the creation of a specialised jurisdictional structure for immigration and asylum matters. According to the Judicial High Council<sup>271</sup>, the goal is for this structure to have exclusive powers in all matters pertaining asylum and immigration, including administrative law, family and children's law, and detention and expulsion matters. By the end of 2024, there was no amendment to the Statute of the Administrative and Fiscal Courts that would allow the creation of this specialised jurisdictional structure.

#### 1.4.2 Onward appeal

In case of rejection of the appeal, an onward appeal may be presented to the Central Administrative Court (*Tribunal Central Administrativo* – TCA). This is a full judicial review of relevant facts and points of law,<sup>272</sup> with automatic suspensive effect.<sup>273</sup>

The law further provides for an additional appeal with automatic suspensive effect before the Supreme Administrative Court (*Supremo Tribunal Administrativo*, STA) on points of law but only in exceptional cases of fundamental importance of the appeal for legal and social reasons or to improve the quality of legal reasoning in decision-making more broadly.<sup>274</sup> STA makes its own assessment and decision on the facts of the case.<sup>275</sup> In both cases the asylum applicant has 15 days to lodge the appeal.<sup>276</sup>

The rulings of second instance Administrative Courts (TCA) and the STA are systematically published.<sup>277</sup>

According to information provided by CSTAF, Higher Courts do not collect autonomous data on asylum-related processes. However, CSTAF did not provide information on the number of appeals filed in second instance courts in 2024, nor on its average duration.

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<sup>270</sup> Presidência do Conselho de Ministros, *Plano de Ação para as Migrações: Problemas, Desafios, Princípios e Ações*, June 2024, available [here](#).

<sup>271</sup> Público, *Novo tribunal vai tratar em exclusivo de processos de imigração e asilo*, 6 June 2024, available [here](#).

<sup>272</sup> Article 149(1) Code of Procedure in Administrative Courts; Article 31(3) Act 13/2002.

<sup>273</sup> Article 143(1) Code of Procedure in Administrative Courts.

<sup>274</sup> Articles 143(1) and 150(1) Code of Procedure in Administrative Courts.

<sup>275</sup> Article 150(3) Code of Procedure in Administrative Courts.

<sup>276</sup> Article 147 Code of Procedure in Administrative Courts.

<sup>277</sup> Decisions are available [here](#).

## 1.5 Legal assistance

### Indicators: Regular Procedure: Legal Assistance

1. Do asylum applicants have access to free legal assistance at first instance in practice?  
❖ Does free legal assistance cover:  
☒ Yes ☐ With difficulty ☐ No  
☐ Representation in interview  
☒ Legal advice
2. Do asylum applicants have access to free legal assistance on appeal against a negative decision in practice?  
❖ Does free legal assistance cover:  
☒ Yes ☐ With difficulty ☐ No  
☒ Representation in courts  
☒ Legal advice

The Portuguese Constitution enshrines the right of every individual to legal information and judicial remedies regardless of their financial condition.<sup>278</sup>

### 1.5.1 Legal assistance at first instance

The Asylum Act provides for the right of asylum applicants to free legal assistance at all stages of the asylum procedure, which is to be understood as including the first instance of the regular procedure.<sup>279</sup> Such legal assistance is to be provided without restrictions by a public entity or by a non-governmental organisation in line with a Memorandum of Understanding (MoU).<sup>280</sup>

Furthermore, under the Asylum Act, UNHCR and CPR as an organisation working on its behalf must be informed of all asylum applications and are entitled to personally contact all asylum applicants irrespective of the place of application to provide information regarding the asylum procedure, as well as regarding their intervention in the procedure (dependent on the consent of the applicant).<sup>281</sup> These organisations are also entitled to be informed of key developments in the asylum procedure upon consent of the applicant,<sup>282</sup> and to present their observations at any time during the procedure pursuant to Article 35 of the 1951 Refugee Convention.<sup>283</sup>

In practice, CPR provides free legal assistance to spontaneous asylum applicants during first instance procedures on the basis of MoUs with the Minister for the Presidency and UNHCR. The legal assistance provided by CPR at this stage includes:

- ❖ Providing information regarding the asylum procedure, rights and duties of the applicant;
- ❖ Conducting refugee status determination interviews in order to assist the applicants in reviewing and submitting comments/corrections to the report narrating the most important elements of their interview/application with the determining authority;
- ❖ Providing AIMA with observations on applicable legal standards and country of origin information (COI);
- ❖ Providing assistance in accessing free legal aid for appeals; and
- ❖ Assisting lawyers appointed under the free legal aid system in preparing appeals with relevant legal standards and COI.

Regarding particularly vulnerable asylum applicants, CPR provides specific legal assistance to unaccompanied asylum-seeking children. This includes the presence of a legal officer during the personal interview with AIMA

<sup>278</sup> Article 20(1) Constitution.

<sup>279</sup> Article 49(1)(e) Asylum Act.

<sup>280</sup> Ibid.

<sup>281</sup> Article 13(3) Asylum Act. See also Article 24(1) concerning applications at the border; Article 33(3) concerning subsequent applications; Article 33-A(3) concerning applications following a removal procedure.

<sup>282</sup> Article 17(3) Asylum Act: document narrating the essential facts of the request; Article 20(1): decision on admissibility and accelerated procedures in national territory; Article 24(5): decision on admissibility and accelerated procedures at the border; Article 29(6) first instance decision in the regular procedure; Article 37(5): Dublin take charge decision.

<sup>283</sup> Article 28(5) Asylum Act.



(see Legal Representation of Unaccompanied Children) as well as the provision of information and assistance in the framework of procedures before the Family and Juvenile Court.<sup>284</sup>

CPR also provides legal information and assistance to beneficiaries of international protection, including resettled refugees. This includes, for instance, providing information on the legal status, providing information and assistance in family reunification procedures, nationality acquisition and other integration-related matters, and submitting observations on applicable legal standards when relevant.

In 2024, CPR provided legal support to 1,280 spontaneously arrived and relocated asylum applicants in all types of asylum procedures lodged throughout the year, which represents around 56% of the total number of applications communicated to CPR according to the law (2,273) and 48% of the total number of applicants registered by the national authorities (2,680).

All the applicants whose cases are communicated to CPR that are not provided accommodation by the organisation are sent a letter setting out details of the legal assistance provided by CPR and relevant contacts. Bilateral contacts are also established with other organisations responsible for the reception of applicants for international protection.

There are other organisations that provide legal information and assistance to asylum applicants such as the Jesuit Refugee Service (JRS) Portugal, and Crescer. According to available information, other services remain residual, non-specialised and mostly focused on integration.

A number of decisions from TCA South issued in 2021 focused on the right of the applicant to request legal aid in order to have a lawyer present during the interview. According to the analysed decisions, the Court overall considers that:

- (i) Applicants for international protection may request legal aid in order to have a lawyer present in the asylum interview;<sup>285</sup>
- (ii) The performance of the asylum interview without a lawyer present *per se* does not violate the Portuguese Constitution;<sup>286</sup>
- (iii) To effectively guarantee the applicant's rights, the authority (SEF) must fully and correctly inform the applicant of the possibility to be accompanied by a lawyer in the interview and of the possibility to apply to legal aid to that purpose. If that does not happen, the decision on the asylum application may be annulled.<sup>287</sup>

The appeal of one such case was decided by the Supreme Administrative Court (STA) in 2022.<sup>288</sup> Overall, the Court considered that:<sup>289</sup>

- ❖ CPR does not have legal representation powers, and its role does not prevent representation by certified lawyers;
- ❖ The Asylum Act determines that legal assistance in the administrative stage of the procedure is primarily provided by CPR, which is due to the non-governmental character of the organisation, its independence, impartiality and the gratuity of the support provided;
- ❖ While the role of CPR's legal officers is not equivalent to that of certified lawyers, they are particularly suited to provide assistance in first instance procedures due to their specialisation in the field of asylum;
- ❖ The law provides CPR and UNHCR broad intervention powers in the asylum procedure;

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<sup>284</sup> These procedures are provided in the General Regime of Civil Guardianship Process, 141/2015, and the Children and Youths at Risk Protection Act, 147/99.

<sup>285</sup> TCA South, Decision 2285/20.7BELSB, 21 April 2021, available [here](#).

<sup>286</sup> Ibid.

<sup>287</sup> TCA South, Decision 806/21.7BELSB, 23 September 2021, available [here](#). TCA South, Decision 2144/20.3BELSB, 7 October 2021, available [here](#).

<sup>288</sup> STA, Decision 02144/20.3BELSB, 25 January 2022, available [here](#).

<sup>289</sup> Following the same reasoning, see also TCA North, Decision 02331/21.7BELSB, 2 March 2022, available [here](#).



- ❖ The legal framework as a whole does not lack avenues to access adequate legal assistance and information.

As such, the Court ruled that SEF is not bound by a duty to inform applicants of international protection that they may request legal aid for the purposes of legal representation within the administrative stage of the procedure. Furthermore, it considered that, *in extremis*, CPR legal officers will explain the differences between the different types of assistance to applicants and facilitate access to legal aid if the applicant so wishes.

### 1.5.2 Legal assistance in appeals

Regarding legal assistance at the appeal stage, the Asylum Act provides for the right of asylum applicants to free legal aid in accordance with the law.<sup>290</sup>

The legal framework of free legal aid provides for a ‘means assessment’ on the basis of the household’s income,<sup>291</sup> as only applicants who do not hold sufficient income are entitled to free or more favourable conditions to access legal aid.<sup>292</sup> The application is submitted to the Institute of Social Security (*Instituto da Segurança Social*, ISS) that conducts the means assessment and refers successful applications to the Portuguese Bar Association (*Ordem dos Advogados*).<sup>293</sup>

The Bar appoints a lawyer,<sup>294</sup> on the basis of a random/automatic selection procedure.<sup>295</sup> The sole responsibility for organising the selection lies with the Portuguese Bar Association but such procedure should ensure the quality of the legal aid provided.<sup>296</sup> While the average duration of this procedure in 2024 was around 2-3 weeks, the law provides for the suspension of the time limit for the appeal upon presentation of the free legal aid application and until the appointed lawyer submits the judicial appeal.<sup>297</sup>

The national legislation provides for a ‘merits test’ to be conducted by the appointed lawyer. Accordingly, free legal assistance can be refused on the basis that the appeal is likely to be unsuccessful. In that case, the appointed lawyer can excuse themselves from the case and the Portuguese Bar Association can choose not to appoint a replacement.<sup>298</sup>

CPR supported the submission of 527 applications for legal aid in the course of 2024. While a breakdown of application by type of procedure is not available, the overwhelming majority of such requests followed refusals in accelerated and Dublin procedures.

In general, asylum applicants enjoy unhindered access to free legal aid at appeal stage. However, in 2024, due to the frequent change of accommodation location, resulting in significant distances, and/or lack of stable access to a letterbox, many applicants were unable to access legal aid at their place of residence, namely a lawyer with whom they could meet face-to-face. This led to situations where, in practice, applicants have been unable and/or unaware of the appointment of a lawyer.

Moreover, the practical implementation of the ‘means test’ conducted by ISS, and of the ‘merits test’ conducted by appointed lawyers have occasionally raise some concerns:

- ❖ In the case of the ‘means test’ conducted by the ISS, the fact that some asylum applicants (particularly those admitted to the regular procedure) are employed has at times resulted in asylum applicants having

<sup>290</sup> Article 49(1)(f) Asylum Act.

<sup>291</sup> Act 34/2004; Ministerial Order 10/2008.

<sup>292</sup> Article 8-A and Annex Act 34/2004.

<sup>293</sup> Article 22 Act 34/2004.

<sup>294</sup> Article 30 Act 34/2004.

<sup>295</sup> Article 2(1) Ministerial Order 10/2008.

<sup>296</sup> Article 10(2) and (3) Ministerial Order 10/2008.

<sup>297</sup> Article 33(4) Act 34/2004. See e.g., TCA South, Decision 10733/13, 2 April 2014, available in Portuguese [here](#).

<sup>298</sup> Article 34(5) Act 34/2004.

a level of income that excludes them from the free legal aid regime. In this case, given the usually limited levels of income, applicants can still be offered more favourable conditions to access legal aid such as payment in instalments. Occasionally, CPR has been informed of cases where legal aid requests by applicants within the regular procedure have been refused due to the residency documents presented and to the lack of proof of income (notably where such applicants were benefiting from social support provided by the ISS due to the lack of income). In addition, with the decentralisation of reception conditions for applicants in district centres other than Lisbon, there have been notifications to present documents that are incompatible with applicants' situation of vulnerability in national territory and with the duration of their stay (e.g. bank statements; copies of land registry books; copies of property registry; a declaration from the Bank of Portugal attesting to the number of bank accounts; IRS declaration for the previous year, etc.). Up until now, this practice has mostly impacted applicants within Dublin/Admissibility/Accelerated procedures.

- ❖ In the case of the 'merits test', as reported in previous years, the practice of the Portuguese Bar Association remains inconsistent. CPR has observed cases where, following a refusal by the appointed lawyer to provide free legal aid on the grounds that the chances of success were limited, the Bar Association chose not to appoint a replacement. In some instances, this happened following the assessment of only one lawyer. The objective criteria for such decisions remain unclear. While CPR has provided support in the submission of revision requests, the Bar Association generally considers that it is up to the appointed lawyer to analyse whether the applicant's position is legitimate and legally viable. As such, reversals are systematically refused.<sup>299</sup> Up until now, this practice has mostly impacted applicants within Dublin/Admissibility/Accelerated procedures. This remains a concerning practice that may have an impact on the effective access to legal aid by asylum applicants.

Another concern relates to the overall quality of free legal aid at appeal stage, as the current selection system is based on a random/automatic selection procedure managed by the Portuguese Bar Association. This is done on the basis of preferred areas of legal assistance chosen beforehand by the appointed lawyers.<sup>300</sup> Such areas are general in nature and not specifically related to Asylum Law. In general, appointed lawyers are not trained in Asylum Law and have limited experience in this specific field.<sup>301</sup>

Additional persisting challenges in this regard include the absence of an easily accessible interpretation service, which hinders communication between the lawyer and the client during the preparation of the appeal. Although AIMA's translation hotline can constitute a useful tool in this regard, according to CPR's experience, it is insufficiently used by lawyers.<sup>302</sup> Moreover, the expenses for the preparation of the appeal, including for interpretation and translation of documents, need to be paid in advance by the appointed lawyer who can then ask the court for reimbursement.<sup>303</sup>

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<sup>299</sup> In such cases, the solution suggested by the Bar Association is to file a new application for legal aid, which raises questions with regard to respect for the applicable deadlines and the efficiency of the solution.

<sup>300</sup> Article 3(3)(c) Regulation of the Bar Association 330-A/2008 of 24 June 2008.

<sup>301</sup> In addition to CPR, JRS also expressed this concern when providing information for the AIDA report.

<sup>302</sup> ACM's interpretation hotline relied on a database of 60 interpreters/translators to enable communication with non-Portuguese speaking citizens. Access was free of charge (cost of a local call) and the line could be used on working days, between 9:00 and 19:00. It was possible to request the interpretation immediately (upon availability of interpreter) or to schedule a call. With the termination of ACM's activity, the management of this hotline was transferred to AIMA. Since the beginning of 2024 access to the service is conditioned upon email request. Direct access by phone is theoretically available through AIMA's general contact but, according to CPR's experience, contact through this avenue is not practically possible. Additional information, including the list of languages covered, is available [here](#).

<sup>303</sup> Article 8(3) Ministerial Order 10/2008.

## 2. Dublin

### 2.1 General

#### Dublin statistics: 2024

| Outgoing procedure |             |            |            |                   |           | Incoming procedure |              |           |              |                   |            |
|--------------------|-------------|------------|------------|-------------------|-----------|--------------------|--------------|-----------|--------------|-------------------|------------|
|                    | Requests    |            |            |                   | Transfers |                    | Requests     |           |              |                   | Transfers  |
|                    | Take charge | Take back  | Total      | Accepted requests |           |                    | Take charge  | Take back | Total        | Accepted requests |            |
| <b>Total</b>       | <b>62</b>   | <b>149</b> | <b>211</b> | <b>155</b>        | <b>14</b> | <b>Total</b>       | <b>1,029</b> | <b>3</b>  | <b>1,032</b> | <b>1,379</b>      | <b>408</b> |
| Spain              | 40          | 8          | 48         | 38                | -         | France             | 596          | -         | 596          | 781               | 189        |
| Germany            | 2           | 35         | 37         | 32                | 9         | Germany            | 255          | -         | 255          | 355               | 155        |
| France             | 5           | 43         | 48         | 27                | 2         | Belgium            | 39           | -         | 39           | 80                | 5          |
| Italy              | 5           | 15         | 20         | 24                | -         | Netherlands        | 29           | -         | 29           | 43                | 16         |
| Sweden             | 1           | 11         | 12         | 8                 | -         | Switzerland        | 27           | -         | 27           | 41                | 17         |
| Croatia            | 1           | 4          | 5          | 6                 | -         | Italy              | 31           | -         | 31           | 18                | -          |
| Netherlands        | -           | 7          | 7          | 4                 | 3         | Sweden             | 12           | -         | 12           | 16                | 3          |
| Switzerland        | -           | 7          | 7          | 4                 | -         | Austria            | 14           | 3         | 17           | 14                | 9          |
| Belgium            | 1           | 5          | 6          | 4                 | -         | Finland            | 7            | -         | 7            | 9                 | 7          |
| Poland             | 2           | 1          | 3          | 3                 | -         | Luxembourg         | 6            | -         | 6            | 6                 | -          |
| Slovenia           | 2           | 2          | 4          | 2                 | -         | Norway             | 5            | -         | 5            | 3                 | 3          |
| Malta              | 1           | 1          | 2          | 2                 | -         | Greece             | 4            | -         | 4            | 3                 | 2          |
| Austria            | -           | 3          | 3          | -                 | -         | Slovenia           | 2            | -         | 2            | 3                 | -          |
| Ireland            | -           | 2          | 2          | -                 | -         | Denmark            | 1            | -         | 1            | 3                 | 1          |
| Luxembourg         | -           | 2          | 2          | -                 | -         | Iceland            | 1            | -         | 1            | 1                 | -          |
| Hungary            | 1           | -          | 1          | 1                 | -         | Ireland            | -            | -         | -            | 2                 | -          |
| Cyprus             | -           | 1          | 1          | -                 | -         | Slovakia           | -            | -         | -            | 1                 | 1          |
| Denmark            | -           | 1          | 1          | -                 | -         |                    |              |           |              |                   |            |
| Estonia            | 1           | -          | 1          | -                 | -         |                    |              |           |              |                   |            |
| Finland            | -           | 1          | 1          | -                 | -         |                    |              |           |              |                   |            |

Source: AIMA, information provided directly in July 2025

| Outgoing Dublin requests by criterion: 2024       |               |
|---|---------------|
| Dublin III Regulation criterion                   | Requests sent |
| <b>"Take charge": Articles 8 to 17</b>            |               |
| Article 8 (minors)                                | -             |
| Article 9 (family members granted protection)     | -             |
| Article 10 (family members pending determination) | -             |
| Article 11 (family procedure)                     | -             |
| Article 12 (visas and residence permits)          | 21            |
| Article 13 (entry and/or remain)                  | 41            |
| Article 14 (visa free entry)                      | -             |
| "Take charge": Article 16                         | -             |
| "Take charge" humanitarian clause: Article 17(2)  | -             |
| Article 18 (1) (a)                                | 8             |
| <b>"Take back": Articles 18 and 20(5)</b>         |               |
| Article 18 (1) (b)                                | 66            |

|   |           |
|---|-----------|
| Article 18 (1) (c)                      | 2         |
| Article 18 (1) (d)                      | 78        |
| Article 20(5)                           | -         |
| <b>Rejected outgoing requests: 2024</b> |           |
| <b>Total</b>                            | <b>61</b> |

Source: AIMA, information provided directly in July 2025

| <b>Incoming Dublin requests by criterion: 2024</b> |               |
|--|---------------|
| Dublin III Regulation criterion                    | Requests sent |
| <b>“Take charge”: Articles 8 to 17</b>             |               |
| Article 8 (minors)                                 | -             |
| Article 9 (family members granted protection)      | 1             |
| Article 10 (family members pending determination)  | 1             |
| Article 11 (family procedure)                      | 8             |
| Article 12 (visas and residence permits)           | 1,022         |
| Article 13 (entry and/or remain)                   | 9             |
| Article 14 (visa free entry)                       | 1             |
| “Take charge”: Article 16                          | -             |
| “Take charge” humanitarian clause: Article 17(2)   | 2             |
| Article 18 (1) (a)                                 | 1             |
| <b>“Take back”: Articles 18 and 20(5)</b>          |               |
| Article 18 (1) (b)                                 | 365           |
| Article 18 (1) (c)                                 | 1             |
| Article 18 (1) (d)                                 | 6             |
| Article 20(5)                                      | 0             |

Source: AIMA, information provided directly in July 2025

### 2.1.1 Application of the Dublin criteria

The Asylum Act refers to the criteria enshrined in the Dublin III Regulation for determining the responsible Member State.<sup>304</sup> According to the information available, no additional formal guidelines regarding the practical implementation of such criteria are in place.

Empirical evidence of the implementation of the Dublin criteria pertaining to family unity is scarce given the usually limited number of incoming or outgoing requests pursuant to responsibility criteria provided in Articles 8-11 of the Regulation. According to the information provided by AIMA, in 2024, there were 10 incoming ‘take charge’ and no outgoing requests under Articles 8-11.

In the very few instances where CPR has contacted the previous asylum authority regarding the potential application of family unity criteria, in particular regarding Article 8 on children, evidence and information required to apply those provisions included identification documents, address and contacts of relatives residing in other EU Member States. In general, such contacts did not result in the outgoing transfer of the unaccompanied children as they generally absconded prior to any relevant development in the procedure. CPR did not contact AIMA in this regard throughout 2024.

According to the information provided by AIMA, the best interest of the child and parental conditions to receive the child remained as the relevant criteria guiding the application of Article 8.

<sup>304</sup> Article 37(1) Asylum Act.

CPR is not aware of relevant recent specific indications regarding the application of the remaining family unit criteria.

According to the information provided by AIMA the grounds of rejection of outgoing take charge/take back requests by other Member States (61 in 2024) are not systematised. Nevertheless, the Agency reported that most rejections are due to factors such as the transfer of responsibility to another Member State, or questions regarding cessation of responsibility due to lack of knowledge of the applicant's whereabouts for certain periods of time.

### 2.1.2 The discretionary clauses

The 'sovereignty clause' enshrined in article 17(1) of the Dublin Regulation and the 'humanitarian clause' enshrined in its article 17(2) are at times applied in practice, but the criteria for their application remain unclear and specific statistics are also limited.

According to information provided by AIMA for 2024, both article 17(1) and (2) may be applied by the national authorities for the purposes of family reunion, humanitarian reasons, other family or cultural reasons depending on the interest of the parties involved. In CPR's experience, the underlying criteria in the application of the clause remain unclear.

A decision from TCA South issued in 2021 stated that article 17 of the Dublin Regulation is only applicable in exceptional situations in order 'not to subject the applicant for international protection to inhuman or degrading treatment',<sup>305</sup> apparently following a very narrow understanding of the logic and purpose of the clause.

According to information provided by AIMA for 2024, cases where Portugal assumed responsibility are not linked to Article 17(1) but to general assumption of responsibility, for which 13 cases were recorded in 2024.

There were 2 incoming take charge and no outgoing requests pursuant to Article 17(2) of the Regulation in 2024.<sup>306</sup>

A decision from TCA South issued in 2023 regarding the application of article 17 of the Dublin Regulation underlined the discretionary nature of its application. The Court considered that it could not decide to apply article 17 in this case due to the principle of the separation of powers.<sup>307</sup>

No transfer decisions to Greece have been adopted since the *M.S.S. v. Belgium and Greece* judgment of the European Court of Human Rights (ECtHR). AIMA confirmed that Portugal does not make neither take charge nor take back requests to Greece. For information on relocation to Portugal, see [Access to the territory and push-backs](#).

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<sup>305</sup> TCA South, Decision 137/21.2BELSB, 31 August 2021, available [here](#).

<sup>306</sup> However, AIMA has also reported that 40 applicants for international protection were relocated to Portugal from Malta, Cyprus, and Italy, and 56 unaccompanied children and young adults were relocated from Greece. These transfers were likely based on the humanitarian clause.

<sup>307</sup> The applicant invoked that the transfer would be damaging for himself and his family and that he wished to have his asylum application analysed in Portugal as his brother lived in the country, and he had a job and felt integrated in Portugal. TCA South, Decision 1595/23.6BELSB, 26 October 2023, available [here](#).

## 2.2 Procedure

### Indicators: Dublin: Procedure

1. Is the Dublin procedure applied by the authority responsible for examining asylum applications?  
☒ Yes ☐ No
2. On average, how long does a transfer take after the responsible Member State has accepted responsibility?  
15 to 20 days

According to the Asylum Act a procedure for determining the Member State responsible for examining an application for international protection under the Dublin Regulation shall be conducted whenever there are reasons to believe that such responsibility lies with another Member State. In such cases, AIMA shall make a 'take charge' or 'take back' request to the competent authorities of the relevant Member State.<sup>308</sup>

The Dublin procedure is preliminary to the assessment of the application and, once initiated, suspends the applicable time limits for the issuance of a decision on the (remaining) inadmissibility grounds or the merits of the application (accelerated procedures).<sup>309</sup>

While the law allows for the detention of asylum applicants submitted to a procedure for determining the responsible Member State pursuant to Article 28 of the Dublin III Regulation,<sup>310</sup> the consequences of an asylum applicant's refusal to comply with the obligation to be fingerprinted<sup>311</sup> are limited to the application of an Accelerated Procedure.<sup>312</sup> There are no legal provisions on the use of force to take fingerprints and CPR is not aware of any operational guidelines to that end. According to the information available to CPR, asylum applicants are systematically fingerprinted and checked in Eurodac in practice. According to CPR's observation, accelerated procedures triggered by a refusal to be fingerprinted are a very rare occurrence.

In practice, AIMA systematically determines which country is responsible for examining the asylum application in accordance with the criteria set out in the Dublin Regulation. This is done, among others, on the basis of the information collected through a preliminary form that must be filled by the asylum applicant upon registration and/or the individual interview. The preliminary form includes information on identification, itinerary, grounds for the asylum application, prior stays in Europe and supporting evidence.

During the interview with AIMA, the asylum applicant is also asked to clarify relevant Dublin-related issues such as their identity and nationality, travel documents, visas and travel arrangements, itinerary and transportation to Portugal, and prior asylum applications.

Until the end of 2023, even when the personal interview focused on the grounds of the application for international protection, the document narrating the individual interview handed out to the applicant included a reference to the Dublin Regulation, as well as a waiver for sharing information under Article 34 of the Regulation. Since the beginning of 2024, the document contained no such reference.

The full extent and implications of the right to be heard in Dublin procedures has been discussed in in the national courts (see [Dublin: Personal interview](#)).

The Asylum Act provides for the right of the asylum applicant to be informed of the purpose of fingerprinting as well as of other rights provided in the Eurodac Regulation.<sup>313</sup> While asylum applicants receive written information

<sup>308</sup> Articles 36 and 37(1) Asylum Act.

<sup>309</sup> Article 39 Asylum Act. A recent decision from TCA South clarified that the suspension of the 30-day deadline provided for in article 20 is operated by the internal order determining that a case will be processed under the Dublin procedure following the identification of a Eurodac hit. TCA South, Decision 1167/20.7BELSB, 17 December 2020, available [here](#).

<sup>310</sup> Article 35-A(3)(c) Asylum Act.

<sup>311</sup> Article 15(1)(e) Asylum Act.

<sup>312</sup> Article 19(1)(j) Asylum Act.

<sup>313</sup> Article 49(1)(b) Asylum Act.

about their rights and duties in Portugal, the leaflets distributed by AIMA contain limited information on both the purposes of fingerprinting and on the Eurodac Regulation itself. Thus, CPR has no indication on whether this obligation is systematically implemented in practice. Moreover, according to CPR's observation, the common information leaflet set out in Article 4(3) of the Dublin III Regulation is distributed to asylum applicants by AIMA,<sup>314</sup> but it is not clear when. According to AIMA, the leaflet is distributed at the appropriate stage of the procedure.<sup>315</sup> The information contained in these leaflets does not include all the information included on the Annex X (partially includes Part A but not Part B) of the corresponding Implementing Regulation.<sup>316</sup>

### 2.2.1 Individualised guarantees

According to information available to CPR, AIMA does not seek individualised guarantees ensuring that the asylum applicant will have adequate reception conditions upon transfer in practice, either systematically or for specific categories of applicants or specific Member States.<sup>317</sup>

CPR has no indication that individualised guarantees are sought following the notification of the transfer decision/prior to the transfer of the asylum applicant to the responsible Member State either.

AIMA did not provide information regarding requests for individualised guarantees.

While certain Dublin-related judicial decisions refer to the individual circumstances of the applicant as a relevant element to assess the legality of a transfer decision (for instance in order to determine if there is a risk of inhuman or degrading treatment),<sup>318</sup> CPR is not aware of judicial decisions focusing specifically on individualised guarantees.

### 2.2.2 Transfers

While the law provides for the detention of asylum applicants subject to the Dublin procedure,<sup>319</sup> this provision is not implemented in practice and CPR is unaware of detention cases on this ground.

However, applicants subjected to the Dublin procedure are required to present themselves to AIMA monthly, and attendance is registered in a form and non-attendance may result in the reduction/withdrawal reception conditions.<sup>320</sup> This practice is framed by the authorities as a requirement under the general duty of the applicant to present themselves to the asylum authority whenever requested.<sup>321</sup> However, it can be argued that the practice constitutes a restriction to the applicant's freedom of movement. While the application of such a measure as an alternative to detention is possible according to article 35-A(4)(a) of the Asylum Act, it is doubtful that it can be applied systematically, without an individual assessment of necessity and proportionality and without judicial control.

<sup>314</sup> According to AIMA, the standardised Dublin leaflet is available in several languages.

<sup>315</sup> In the context of the right of reply of the authorities to the 2024 draft AIDA report (22 August 2025), AIMA specified that the leaflet is distributed at the time of registering the asylum application.

<sup>316</sup> Commission Implementing Regulation (EU) no.118/2014 of 30 January 2014, available [here](#).

<sup>317</sup> A practice not aligned with ECtHR's decision in *Tarakhel v. Switzerland*, Application No 29217/12, 4 November 2014.

<sup>318</sup> For example: TCA South, Decision 1982/18.1BELSB, 22 August 2019, available in Portuguese [here](#), confirming a judgement of TAF Sintra (unpublished) that annulled the decision to transfer an applicant with hepatitis B to Italy; TAC Lisbon, Decision 2364/18.0BELSB, 22 March 2019 (unpublished), annulling a transfer decision to Italy, *inter alia*, because the adjudicating authority did not properly assess the nature and severity of health issues referred by the applicant in the personal interview; TAC Lisbon, Decision 2048/19.2BELSB, 13 December 2019 (unpublished), confirming a transfer decision to Italy as it was not proved that there are systemic flaws in the receiving Member State and, even so, the applicant would have to demonstrate that, given his/her specific circumstances, the situation would amount to a risk of inhuman or degrading treatment.

<sup>319</sup> Article 35-A(3)(c) Asylum Act.

<sup>320</sup> This practice of monthly reporting is acknowledged by AIMA. In the context of the right of reply of the authorities to the 2024 draft AIDA report (22 August 2025), AIMA specified that in cases of non-attendance, AIMA informs the reception entity of the occurrence, since it considers the reception entity as the sole competent 'authority' to take the decision to reduce or terminate support and/or reception conditions.

<sup>321</sup> Article 15(1)(g) Asylum Act.



According to AIMA, applicants are verbally informed that in the event they are unable to attend on the scheduled date, they should contact AIMA in advance to reschedule.<sup>322</sup> CPR was not able to independently confirm this information.

Asylum applicants are entitled to a standard *laissez-passer* upon notification in writing of the transfer decision.<sup>323</sup> However, given the high rate of appeals, such a document is usually not issued at this point. According to the information available to CPR, all transfers are voluntary, and the applicant is informed of the exact date, time, and place they should present themselves to AIMA for travel purposes.

According to AIMA, in the absence of a judicial appeal or absconding, the average duration of the Dublin procedure from the moment an outgoing request is issued until the effective transfer takes place was 50 days ('take back') or 90 to 100 days ('take charge'). In cases of a judicial appeal, the duration is highly variable and in some cases can take more than a year. The average duration from the moment another Member State accepts responsibility until the effective transfer takes place, if the applicant does not abscond or appeal, was 15 to 20 days.

Practical experience in this regard remained limited as only 14 transfers were implemented out of the total of 211 outgoing requests, out of which 155 were accepted. The transfer rate (calculated on the basis of accepted requests) was thus of 9% in 2024.<sup>324</sup>

According to the information provided by AIMA regarding 2024, the most common obstacles to the implementation of transfers included: (1) suspension of transfers by a Member State; (2) challenges in securing flights complying with the requirements set out by the relevant Member State, and (3) applicants absconding. In addition, in the course of 2024 transfers were temporarily paused due to financial constraints that impacted AIMA's operational capacity.

2.3 Personal interview

**Indicators: Dublin: Personal Interview**

☒ Same as regular procedure

1. Is a personal interview of the asylum applicant in most cases conducted in practice in the Dublin procedure? ☒ Yes ☐ No

❖ If so, are interpreters available in practice, for interviews? ☒ Yes ☐ No

2. Are interviews conducted through video conferencing? ☐ Frequently ☐ Rarely ☒ Never

The Asylum Act provides for the systematic personal interview of all asylum applicants, including those in a Dublin procedure.<sup>325</sup> The personal interview can only be waived where: (i) the evidence already available allows for a positive decision; or (ii) the applicant lacks legal capacity due to long lasting reasons that are not under their control.<sup>326</sup>

As mentioned above (see: [Regular Procedure: Personal interview](#)), AIMA affirmed that all applicants are guaranteed the right to an interview before any decision regarding their application is adopted, not mentioning the conditions in which the interview could be waived according to the Asylum Act.

<sup>322</sup> Information provided by AIMA on 22 August 2025 in the context of the right of reply of the authorities to the 2024 draft AIDA report.

<sup>323</sup> Article 37(3) Asylum Act.

<sup>324</sup> The transfer rate on the basis of the overall number of outgoing requests was of 6.6%.

<sup>325</sup> Article 16(1)-(3) Asylum Act.

<sup>326</sup> Article 16(5) Asylum Act.



According to CPR's observation, in 2024, applicants in a Dublin procedure were systematically invited to an interview. Nevertheless, CPR is aware of cases where a transfer decision was adopted in the absence of an interview when the applicant absconded.<sup>327</sup>

Overall, the modalities of the interview are the same as those of the [Regular Procedure](#).

The Dublin transcripts/interviews include an explanation of the aims and criteria of the Dublin Regulation as well as questions focusing on identification and contacts of family members, travel documents/visas, Eurodac registrations, information on entry/stay, and previous applications for international protection. The interview form also contains a section on [vulnerability](#) but follows a limited understanding of the concept, as it only includes questions on the health condition of the applicant and family members.

Applicants interviewed within the context of Dublin Procedures are further notified of a document stating that the application will likely be subject to an inadmissibility decision and corresponding transfer to a concrete Member State according to the Dublin Regulation and respective criteria.<sup>328</sup> This document also notifies the applicant of the possibility to provide written comments pursuant to the general administrative rules.<sup>329</sup> However, despite the general rule determining that the deadline for response cannot be of less than 10 days,<sup>330</sup> the deadline prescribed by the above-mentioned notifications is only of 3 days. Such documents are generally communicated to CPR by the authorities, although in a significant number of cases ALMA communicates them after the applicants' 3-day deadline has passed.

## 2.4 Appeal

### Indicators: Dublin: Appeal

☐ Same as regular procedure

1. Does the law provide for an appeal against the decision in the Dublin procedure?

❖ If yes, is it

❖ If yes, is it suspensive

☒ Yes ☐ No

☒ Judicial

☒ Yes

☐ Administrative

☐ No

The Asylum Act provides for an appeal against decisions in the Dublin procedure consisting of a judicial review of relevant facts and points of law by the Administrative Court.<sup>331</sup> The asylum applicant has 5 days to lodge the appeal.<sup>332</sup> As in the [Regular Procedure](#), the initial and onward appeals are automatically suspensive,<sup>333</sup> and the law provides for a simplified judicial process with reduced formalities and time limits with the objective of shortening the duration of the judicial review.<sup>334</sup>

The available case law indicates that the asylum applicant can challenge the correct application of the Dublin criteria,<sup>335</sup> as per the ruling of the Court of Justice of the European Union (CJEU) in *Ghezelbash*.<sup>336</sup> The court

<sup>327</sup> Pursuant to article 5(2)(a) of the Dublin Regulation.

<sup>328</sup> For a detailed analysis on the relevance of national jurisprudence in shaping this practice, and the different interpretations of the legal basis of the right to be heard in Dublin procedures, see the 2021 AIDA Report, available [here](#).

<sup>329</sup> Article 121 Administrative Procedure Code.

<sup>330</sup> Article 122 Administrative Procedure Code.

<sup>331</sup> Article 37(4) Asylum Act; Article 95(3) Code of Procedure in Administrative Courts.

<sup>332</sup> Ibid.

<sup>333</sup> Article 37(4) and (6) Asylum Act.

<sup>334</sup> Article 37(5) Asylum Act.

<sup>335</sup> TAC Lisbon, Decision 2183/15.6BESLB, 25 November 2015, unpublished, which states that a Dublin transfer decision can be challenged in case of incorrect application of the criteria enshrined in the Dublin Regulation and then moves on to assess the content of the criteria enshrined in Articles 8 to 10 and 17(1) in light of the particular circumstances of the applicant.

<sup>336</sup> CJEU, Case C-63/15 *Ghezelbash*, Judgment of 7 June 2016.

also verifies if all formalities have been respected by AIMA, including applicable deadlines set forth in the Dublin Regulation.<sup>337</sup>

It should be noted that, while CPR may be requested to intervene in the judicial procedure, namely by providing country of origin information, Dublin country information or guidance on legal standards, it is not a party thereto and is therefore not systematically notified of judicial decisions by the courts.

The information provided by the CSTAF for 2024 regarding the number, nationalities of appellants, average duration and results of judicial reviews does not make a distinction between the type of asylum procedures (see Statistics).

## 2.5 Legal assistance

### Indicators: Dublin: Legal Assistance

☒ Same as regular procedure

1. Do asylum applicants have access to free legal assistance at first instance in practice?  
☒ Yes ☐ With difficulty ☐ No  
❖ Does free legal assistance cover:  
☐ Representation in interview  
☒ Legal advice
2. Do asylum applicants have access to free legal assistance on appeal against a Dublin decision in practice?  
☒ Yes ☐ With difficulty ☐ No  
❖ Does free legal assistance cover  
☒ Representation in courts  
☒ Legal advice

With regard to access to free legal assistance for asylum applicants during the Dublin procedure and at appeal stage, the general rules and practice of the regular procedure apply (see [Regular Procedure: Legal Assistance](#)).

With regard to access to legal aid for appeals, see [Regular Procedure: Legal Assistance](#). Notably, as mentioned, applicants within the Dublin procedure were among the most affected by the practice of the Portuguese Bar Association according to which, following a refusal by the appointed lawyer to provide free legal aid on the grounds that the chances of success were limited, a replacement was not appointed.

## 2.6 Suspension of transfers

### Indicators: Dublin: Suspension of Transfers

1. Are Dublin transfers systematically suspended as a matter of policy or jurisprudence to one or more countries?  
☒ Yes ☐ No  
❖ If yes, to which country or countries? Greece

According to the information available to CPR the only country to which Dublin transfers are suspended as a matter of practice (as no requests are made by the Portuguese authorities) is **Greece**. This has been the case since the 2011 *M.S.S. v. Belgium and Greece* judgment of the ECtHR. AIMA confirmed that Portugal does not make neither take charge nor take back requests to Greece.

Given the significant number of Dublin cases analysed by the national courts in recent years, there has been a wide array of jurisprudence focusing on the legality of Dublin transfers.

<sup>337</sup> TAC Lisbon, Decision 1235/16.0BESLB, 14 September 2016, unpublished.

In a 2020 judgement, concerning a transfer decision to Spain, TCA South considered, *inter alia*, that the strong migratory pressure and poor reception conditions,<sup>338</sup> were not sufficient to consider that there would be a serious risk of inhuman or degrading treatment.<sup>339</sup>

In 2020, TCA South analysed the case of an Iraqi national (from Mosul) whose application for international protection in Denmark was previously rejected and who was subject to a transfer decision from Portugal to Denmark.

While considering that the reception conditions in Denmark (including vis-à-vis detention) were not of such severity to fulfil the threshold of *Jawo*, the Court considered that it must also analyse if the return decision may imply a risk of indirect refoulement due to the likely removal from Denmark to Iraq, therefore violating Article 33 of the Geneva Convention and Articles 4 and 19(2) of the Charter of Fundamental Rights of the European Union. Within that context, the Court concluded, *inter alia*, that, in light of the available information on the human rights, humanitarian and security situation in the applicant's region of origin and relevant recommendations of international organisations, return may imply a serious risk of torture, inhuman or degrading treatment or a threat to his life and physical integrity.

Given that the information available on the individual case did not allow for an assessment of such risks, TCA South determined that the administrative authority must complete the analysis of the case namely by obtaining all the relevant information on the applicant's profile and individual situation and on the situation in Iraq.<sup>340</sup>

In a case adjudicated in 2021, TCA South noted that the applicant did not make statements that led to the conclusion that they would likely be deported to Afghanistan in case of return to Sweden. The Court emphasised that, in order to rule on a potential violation of the prohibition of *refoulement* in such circumstances, it has to be shown that the applicant is at a serious risk of deportation or that the deportation is very likely to occur. According to the Court, it is insufficient to merely refer to such a fear.<sup>341</sup>

Dublin transfers to Italy have been one of the most frequent asylum-related topics addressed by superior administrative courts in Portugal in recent years, allowing for conclusions not only regarding transfers to Italy themselves, but also regarding the applicant's burden of allegation, and the Administration's duties of assessment within this context.<sup>342</sup>

Notably, in January 2020, STA ruled on a case concerning the issue of systemic flaws in Italy and the duties of national authorities within this context.<sup>343</sup>

The Court considered that the statements provided by the applicant within the administrative procedure and the information collected by lower instance courts on the situation in Italy were not sufficiently detailed/severe to create a duty on the requesting Member State to further investigate the situation in the requested Member State. STA also affirmed that the requesting Member State is only obliged to collect up-to-date information on the risk of inhuman or degrading treatment in the receiving Member State where there are valid reasons to consider that there are systemic flaws in the asylum procedure/reception conditions of such Member State and where such flaws amount to a risk of inhuman or degrading treatment. The Court further noted that the information

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<sup>338</sup> The applicant described having been accommodated in containers shared with other people (increasing the risk of coronavirus infection) and unable to find a job in Spain.

<sup>339</sup> The Court further noted that SEF is only exceptionally required to analyse the existence of systemic flaws per the jurisprudence of the STA regarding Italy (see *infra*). TCA South, Decision 938/20.9BELSB, 15 October 2020, available [here](#).

<sup>340</sup> TCA South, Decision 775/19.3BELSB, 10 September 2020, available [here](#). One of the three judges dissented on the grounds that a transfer to Denmark would not violate the principle of non-refoulement as the country is also bound to the relevant rules of EU and International Law and is therefore obliged to take them into account in any return procedure. The dissent also notes that the applicant may appeal of any such decision.

<sup>341</sup> TCA South, Decision 1323/19.0BELSB, 4 March 2021, available [here](#).

<sup>342</sup> For a detailed overview of the evolution of jurisprudence on this topic, please revert to the 2019, 2020 and 2021 AIDA reports, all available [here](#).

<sup>343</sup> Supreme Administrative Court, Decision 2240/18.7BELSB, 27 September 2019, available in Portuguese [here](#).

collected/considered by lower instance courts regarding Italy revealed an anomalous situation but that such situation is one of an abnormal influx of '*illegal migration*'. According to the Court, such situation (that includes 'potential refugees' but also other persons) does not create a risk of torture, inhuman or degrading treatment in Italy.<sup>344</sup>

This interpretation has been reaffirmed in subsequent cases.<sup>345</sup> An analysis of the jurisprudence of STA in this regard, indicates that the Court considers, *inter alia*, that:

- ❖ The determining authority is not bound to a general duty to inquire the situation in the responsible Member State. It remains unclear if there are situations where the Court would consider that such an obligation exists regardless of the applicant's allegations (e.g., notorious deficiencies that cannot be ignored by the determining authority).
- ❖ The applicant bears a burden of allegation and demonstration of the risk in case of return (see *infra*).
- ❖ The flaws in the asylum system of the responsible Member State must be extremely severe.
- ❖ The situation in Italy does not amount to one of generalised risk of torture, inhuman or degrading treatment.<sup>346</sup>

With regard to the burden imposed on the applicant the following main features can be inferred from the decisions of STA:<sup>347</sup>

- ❖ It is insufficient for the applicant to invoke 'generic and abstract deficiencies';<sup>348</sup>
- ❖ The allegation of systemic flaws by itself is not sufficient neither to invalidate a transfer decision, nor to require SEF to examine the conditions in the responsible Member State;<sup>349</sup>
- ❖ The applicant must invoke 'concrete facts allowing to conclude that there is an effective risk that they could be subject to inhuman treatment in the responsible Member State';<sup>350</sup>
- ❖ The applicant must invoke and demonstrate 'exceptional personal circumstances and not only a common and generalised knowledge of the reception difficulties in the responsible Member State';<sup>351</sup>
- ❖ The personal circumstances of the applicant must not be described 'in an overly generic manner and with lack of detail';<sup>352</sup>

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<sup>344</sup> Supreme Administrative Court, Decision 2240/18.7BELSB, 16 January 2020, available in Portuguese [here](#).

<sup>345</sup> Namely: STA, Decision 01108/19.4BELSB, 11 May 2020, available [here](#); STA, Decision 01322/19.2BELSB, 4 June 2020, available [here](#). STA, Decision 01088/19.6BELSB, 2 July 2020, available [here](#). STA, Decision 01786/19.4BELSB, 2 July 2020, available at: <https://bit.ly/3rlpk4h>; STA, Decision 01419/19BELSB, 9 July 2020, available [here](#). STA, Decision 03421/19.1BEPRT, 10 September 2020, available [here](#). STA, Decision 01705/19.8BELSB, 10 September 2020, available [here](#). STA Decision 02364/18.0BELSB, 5 November 2020, available [here](#); STA, Decision 01932/19.8BELSB, 5 November 2020, available [here](#); STA, Decision 01301/19.0BELSB, 19 November 2020, available [here](#). STA, Decision 02212/19.4BELSB, 10 December 2020, available [here](#). STA, Decision 01988/20.0BELSB, 19 April 2023, available [here](#) (a summary of this judgment is available at EUAA's case-law database, [see here](#)).

<sup>346</sup> With regard to the situation in Italy in particular, in a number of cases adjudicated in 2021, TCA South valued the fact that a number of the restrictive measures implemented by Matteo Salvini as Ministry of Home Affairs has been reverted in the meantime. See TCA South, Decision 998/20.2BELSB, 18 February 2021, available [here](#); TCA South, Decision 1113/20.8BELSB, 4 February 2021, available [here](#); TCA South, Decision 88/21BELSB, 17 June 2021, available [here](#). Furthermore, it has also been considered that the "overall situation in the country" does not lead to the conclusion that all Dublin transfers to Italy would violate article 3 ECHR and article 4 CFREU. See: TCA South, Decision 998/20.2BELSB, 18 February 2021, available [here](#); TCA South, Decision 88/21BELSB, 17 June 2021, available [here](#). In one case, TCA South used as an indicator of the absence of systemic flaws in the Italian reception system the fact that there are also foreigners sleeping on the streets and without food in Portugal. TCA South, Decision 1696/20.2BELSB, 18 February 2021, available [here](#).

<sup>347</sup> Unofficial translations.

<sup>348</sup> STA, Decision 01322/19.2BELSB, 4 June 2020, available [here](#).

<sup>349</sup> STA, Decision 01108/19.4BELSB, 11 May 2020, available [here](#).

<sup>350</sup> STA, Decision 01322/19.2BELSB, 4 June 2020, available [here](#).

<sup>351</sup> STA, Decision 01322/19.2BELSB, 4 June 2020, available [here](#); STA, Decision 01786/19.4BELSB, 2 July 2020, available [here](#).

<sup>352</sup> Decision 01786/19.4BELSB, 2 July 2020, available [here](#).

- ❖ The absence of references in the applicant's statements/allegations to prior inhuman or degrading treatment in the responsible Member State is detrimental to their claim (especially if they were there for a long period of time);<sup>353</sup>
- ❖ The applicant's statements must allow to conclude that 'there is a concrete situation in which the applicant was affected in a manner beyond acceptable by the deficient reception conditions';<sup>354</sup>
- ❖ Among the allegations deemed to be insufficient are claims regarding the excessive length of procedures, lack of access to employment, security concerns and challenges in accessing medical assistance.

These features reveal a significant focus on the applicant's statements as well as on past treatment and events directly experienced in the responsible Member State.<sup>355</sup> Furthermore, apparently, the applicant is required to disclose such treatment/events *proprio motu*, as the authorities are not specifically required to ask follow-up questions regarding potential risks in the responsible Member State. While according to CPR's analysis, some diverging decisions were identified<sup>356</sup> the jurisprudence of TCA South has predominantly adopted similar positions since then.<sup>357</sup>

This understanding of the applicant's burden of allegation/substantiation has also been applied by the Court in cases concerning transfers to other Member States. According to the analysis conducted, the most relevant consequences seem to be:

- ❖ A significant focus on the need to describe concrete situations that have impacted the applicant directly;<sup>358</sup>
- ❖ The reference to the absence of individual vulnerabilities/risk factors as an element to determine the (in)existence of a duty on the authorities to inquire the situation in the relevant Member State.<sup>359</sup>

In a more protective approach, TCA South affirmed that national courts are obliged to conduct an exhaustive and *ex nunc* analysis of facts and points of law of the case which includes the risk of inhuman or degrading treatment

<sup>353</sup> STA, Decision 03421/19.1BEPRT, 10 September 2020, available [here](#).

<sup>354</sup> STA, Decision 02364/18.0BELSB, 5 November 2020, available [here](#).

<sup>355</sup> It is thus unclear how the assessment would be conducted in cases of take-charge procedure where the applicant was not physically present in the relevant Member State before but claims that there are systemic deficiencies or that they would be subject to a risk of torture, inhuman or degrading treatment in such Member State.

<sup>356</sup> In three cases, the TCA South considered, *inter alia*, that there were "clear, obvious and proven indications of the existence of systemic flaws" in the Italian system and that its malfunctioning was "endemic and deliberate" and reached the severity threshold required by the relevant European jurisprudence. Such conclusions were based on information from specialised NGOs and international organisations. The Court further considered that the applicant is not bound to a duty of allegation of systemic flaws. According to this understanding, the applicant is only required to provide information on their personal circumstances that can be relevant for the application of the safeguard clause. At least two of these judgements were later overturned by the STA. See: TCA South, Decision 2364/18.0BELSB, 14 May 2020, available [here](#) (an English EDAL case summary is available [here](#)). This decision was later reversed by the STA. TCA South, Decision 1301/19.0BELSB, 14 May 2020, available [here](#)). This decision was later reversed by the STA. TCA South, Decision 2317/19.1BELSB, 14 May 2020, available [here](#). In another case, the Court stated that Article 3(2) of the Dublin Regulation contains "a legal duty for the Member States to consider the possible existence of systemic flaws in the asylum procedure and reception conditions" (TCA South, Decision 2221/19.3BELSB, 18 June 2020, available [here](#)). While the applicant was not vulnerable, the existence of such deficiencies has been reported and was raised by the applicant during the interview (the applicant stated that he lived on the street for nine months before coming to Portugal and that he would have to do so again in case of return). The Court concluded that SEF should have added reliable and up-to-date information on the situation in Italy to the process.

<sup>357</sup> E.g. TCA South, Decision 2329/19.5BELSB, 30 April 2020, available [here](#) (referring to the relevance of mutual trust); TCA South, Decision 2323/19.6BELSB, 02 July 2020, available [here](#) (referring to the relevance of mutual trust and the need to prevent asylum shopping); TCA South, Decision 695/20.9BELSB, 24 September 2020, available [here](#) (highlighting the inexistence a general *ex officio* duty of analysis of the situation in the relevant Member State that the applicant's statements did not point towards the applicability of article 3(2) Dublin Regulation and the notorious facts do not require an *ex officio* evaluation); TCA South, Decision 1052/20.2BELSB, 15 October 2020, available [here](#); TCA South, Decision 357/20.7BELSB, 29 October 2020, available [here](#); TCA South, Decision 1117/20.0BELSB, 12 November 2020, available [here](#); TCA South, Decision 1122/20.7BELSB, 26 November 2020, available [here](#).

<sup>358</sup> TCA South, Decision 1112/20.8BELSB, 18 February 2021, available [here](#); TCA South Decision 1908/20.2BELSB (Germany), 21 April 2021, available [here](#).

<sup>359</sup> TCA South, Decision 998/20.2BELSB, 18 February 2021, available [here](#). TCA South, Decision 2300/20.4BELSB, 17 June 2021, available [here](#); TCA South, Decision 88/21.0BELSB, 17 June 2021, available [here](#).



of Dublin transfers. According to the decision, this comprises an analysis of all the information necessary, regardless of whether it is provided by the parties or gathered by the Court itself.<sup>360</sup>

A more protective approach than that followed by the STA in the above-mentioned jurisprudence, but that tries to reconcile the reasoning of the STA with the fundamental rights obligations of the national authorities, was followed by TCA South in one case decided in 2023. In a case where the applicant described to the determining authority having lived on the streets in the receiving Member State without any assistance, TCA South considered that the determining authority was bound to investigate the reception conditions in said Member State as the applicant's statements referred to the absence of basic living conditions and, as such, of extreme material deprivation.<sup>361</sup>

In two cases adjudicated in 2021, TCA South concluded that the applicant's health condition is a vulnerability factor that may lead to the existence of special needs. According to these decisions, in such cases the lack of analysis of the reception conditions and its impact on the health of the applicant is a violation of the duties of the Administration.<sup>362</sup> A similar reasoning has been followed by the same court in at least two cases adjudicated in 2022.<sup>363</sup>

With regard to the conditions offered in the receiving Member State, TCA South decided in 2022 that an allegation of non-satisfaction of basic housing needs must be analysed by the administrative authorities.<sup>364</sup> STA decided in 2022 that the non-provision of financial support to an asylum applicant for almost a month does not amount to inhuman or degrading treatment.<sup>365</sup> TCA South has also decided in at least two cases in 2022 that the pressure faced by Poland due to the displacement from Ukraine was not sufficient to oblige the administrative authority to assess possible risks of inhuman or degrading treatment of Dublin returnees.<sup>366</sup>

While this does not seem to be the predominant interpretation, there are also multiple judgements from TCA South determining that the safeguard clause of Article 3(2) of the Dublin Regulation is not applicable to take back procedures under Article 18(1)(d) of the Dublin Regulation. The Court considered that, in such cases, compliance with the principle of non-refoulement should be verified.<sup>367</sup>

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<sup>360</sup> The Court also refers to some of the requirements that the sources used should comply with. TCA South, Decision 1323/19.0BELSB (Sweden), 4 March 2021, available [here](#).

<sup>361</sup> TCA South, Decision 1566/22.0BELSB, 9 March 2023, available [here](#).

<sup>362</sup> Concerning the transfer to France of an applicant with cardiac-related issues that had not yet been evaluated in Portugal - TCA South, Decision 1960/20.0BELSB, 24 August 2021, available [here](#). Concerning the transfer to Spain of an applicant with gastric complaints that had not yet been evaluated in Portugal - TCA South, Decision 1673/20.3BELSB, 24 August 2021, available [here](#). Nevertheless, in another case, the TCA South considered that an allegation of chest pain was not enough to require further inquiries or to preclude a transfer to France. TCA South, Decision 739/21.7BELSB, 15 September 2021, unpublished.

<sup>363</sup> TCA South, Decision 917/21.9BELSB, 9 March 2022, available [here](#). TCA South, Decision 1988/20.0BELSB, 20 October 2022, unpublished. On the contrary, it has been decided that young, healthy and autonomous persons (even if with minor health issues) are not part of an at-risk group, and, as such, there is no duty on the authorities to assess potential risks of the reception conditions in the receiving Member State. TCA South, Decision 545/21.9BELSB, 3 February 2022, available [here](#).

<sup>364</sup> TCA South, Decision 177/22.4BELSB, 23 June 2022, unpublished (case concerning France).

<sup>365</sup> STA, Decision 0269/22.0BELSB, 25 November 2022, available [here](#).

<sup>366</sup> TCA South, Decision 2040/22.0BELSB, 17 November 2022, not publicly available. It is worth mentioning that this decision had a dissent from one of the judges, underlining the information publicly available on the situation in Poland, as well as the need to consider the applicant's individual circumstances and characteristics in the assessment of the risk of inhuman or degrading treatment in the receiving State. TCA South, Decision 879/22.5BELSB, 6 October 2022, available [here](#). While the decision was appealed to STA, the court refused to analyse the case deeming the decision in line with STA's jurisprudence on Dublin transfers. STA, Decision 879/22.5BELSB, 7 December 2022, available [here](#).

<sup>367</sup> TCA South, Decision 1889/19.5BELSB, 14 May 2020, available [here](#) (referring both to the risk of direct and indirect refoulement); TCA South, Decision 61/20.6BELSB, 2 July 2020, available [here](#) (referring only to the absence of risks in the relevant Member State, one of the judges dissented on the grounds that the transfer to Italy would amount to a violation of the principle of non-refoulement and that risk of refoulement in case of return to the country of origin should have also been assessed; an English EDAL case summary is available [here](#)); TCA South, Decision 65/20.9BELSB, 24 September 2020, available [here](#) (referring only to the absence of risks in the relevant Member State); TCA South,

According to CPR's experience, the national authorities tend to disregard individual concerns regarding the situation that applicants will likely face in the receiving Member State, including reports of previous violence/abuse by private actors.

## 2.7 The situation of Dublin returnees

The Board of AIMA is the competent authority to accept the responsibility of the Portuguese State for 'assessing an application for international protection' presented in another EU Member State.<sup>368</sup> In practice, asylum applicants returned under Dublin do not face relevant or systematic obstacles in accessing the asylum procedure and reception conditions following a transfer to Portugal.

Before 2024, the previous asylum authority (SEF) informed CPR beforehand of the date of arrival, flight details, and medical reports (if applicable). Upon arrival at the airport, asylum applicants received a notification to present themselves at the asylum authority's premises in the following day(s) and were referred to reception entities for the provision of reception conditions.<sup>369</sup> According to CPR's experience, practice in this regard has been irregular since the beginning of AIMA's operations, and, even when CPR is informed in advance of the arrival of Dublin returnees, no other reports are provided.

In accordance with the Asylum Act, where the asylum applicant withdraws their application implicitly by disappearing or absconding for at least 90 days without informing AIMA, the file can be deemed closed by the Board of AIMA.<sup>370</sup> Notwithstanding, the applicant is entitled to reopen their asylum case by presenting themselves to AIMA at a later stage. In this case, the file is to be resumed at the exact stage where it was discontinued by the Board of AIMA.<sup>371</sup>

According to the information available to CPR, asylum applicants who had previously abandoned their application and left the country have not faced relevant or systematic problems in reopening their asylum cases and have not been treated as subsequent applicants following incoming transfers.

Since 2018, **Portugal** and **Germany** have an administrative arrangement pursuant to Article 36 of the Dublin Regulation to facilitate the implementation of transfers.<sup>372</sup> The agreement aims to facilitate returns by introducing non-binding shorter timeframes, flexible dates and times for the transfer and providing for group instead of individual transfers.<sup>373</sup>

According to the observation of CPR, the agreement does not impact the treatment of Dublin returnees.

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Decision 988/20.5BELSB, 1 October 2020, available [here](#); TCA South, Decision 1050/20.6BELSB, 29 October 2020, available [here](#); TCA South, Decision 1065/20.4BELSB, 21 January 2021, available [here](#); TCA South, Decision 1120/22.6BELRS, 6 October 2022, available [here](#). This interpretation has also been explicitly rejected by the same court in the course of 2022: TCA South, Decision 545/21.9BELSB, 3 February 2022, available [here](#); TCA South, Decision 177/22.4BELSB, 26 June 2022, unpublished.

<sup>368</sup> Article 40(1) Asylum Act.

<sup>369</sup> See: SEF, EUAA, *Information on procedural elements and rights of applicants subject to a Dublin transfer to Portugal*, 14 April 2023, available [here](#).

<sup>370</sup> Article 32(1)(c) and (2) Asylum Act.

<sup>371</sup> Article 32(3) of the Asylum Act.

<sup>372</sup> According to the information available to CPR, this was the only agreement of its kind involving Portugal.

<sup>373</sup> The agreement has been deemed as generally in line with the Dublin Regulation by European Commission, Ares (2018) 4489201, 31 August 2018.



### 3. Admissibility procedure

#### 3.1 General (scope, criteria, time limits)

The law provides for an admissibility procedure that is characterised by:

- (i) specific grounds for considering an asylum application inadmissible;<sup>374</sup>
- (ii) specific time limits for the first instance decision on admissibility;<sup>375</sup>
- (iii) legal consequences in case the competent authority does not comply with those time limits;<sup>376</sup>
- (iv) the right to an appeal against the inadmissibility decision;<sup>377</sup> and
- (v) specific rights related to admission to the regular procedure<sup>378</sup>

The grounds laid down in article 19-A (1) of the Asylum Act for considering an asylum application inadmissible include cases where the asylum applicant:

- ❖ Falls under the Dublin procedure;<sup>379</sup>
- ❖ Has been granted international protection in another EU Member State;<sup>380</sup>
- ❖ Comes from a [First Country of Asylum](#), i.e., has obtained refugee status or otherwise sufficient protection in a third country and will be readmitted to that country;<sup>381</sup>
- ❖ Comes from a [Safe Third Country](#), i.e., due to a sufficient connection to a third country, can reasonably be expected to seek protection in that third country, and there are grounds for considering that they will be admitted or readmitted to that country;<sup>382</sup>
- ❖ Has made a subsequent application without new elements or findings pertaining to the conditions for qualifying for international protection;<sup>383</sup> and
- ❖ Is a dependant who had lodged an application after consenting to have their case be part of an application lodged on their behalf, in the absence of valid grounds for presenting a separate application.<sup>384</sup>

The Board of AIMA has 30 days to take a decision on the admissibility of the application,<sup>385</sup> which is reduced to 10 days in the case of subsequent applications<sup>386</sup> and applications following a removal decision,<sup>387</sup> and to 7 days in the case of the Border Procedure.<sup>388</sup>

In case AIMA does not comply with these time limits, the claim is automatically admitted to the procedure.<sup>389</sup>

In practice, all asylum applicants undergo an interview that assesses the above-mentioned inadmissibility clauses along with the merits of the application.<sup>390</sup>

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<sup>374</sup> Article 19-A Asylum Act.

<sup>375</sup> Articles 20(1), 24(4), 33(4) and 33-A(5) Asylum Act.

<sup>376</sup> Articles 20(2) and 26(4) Asylum Act.

<sup>377</sup> Articles 22(1) and 25(1) Asylum Act.

<sup>378</sup> Article 27(1)-(3) Asylum Act pertaining to the issuance of a provisional residence permit. Furthermore, until the amendment to the Asylum Act enacted in 2022, only applicants admitted to the regular procedure had the right to work according to article 54(1) Asylum Act.

<sup>379</sup> Article 19-A(1)(a) Asylum Act.

<sup>380</sup> Article 19-A(1)(b) Asylum Act.

<sup>381</sup> Article 19-A(1)(c) and Article 2(1)(z) Asylum Act.

<sup>382</sup> Article 19-A(1)(d) and Article 2(1)(r) Asylum Act.

<sup>383</sup> Article 19-A(1)(e) Asylum Act.

<sup>384</sup> Article 19-A(1)(f) Asylum Act.

<sup>385</sup> Article 20(1) Asylum Act.

<sup>386</sup> Article 33(4) Asylum Act.

<sup>387</sup> Article 33-A(5) Asylum Act.

<sup>388</sup> Article 24(4) Asylum Act.

<sup>389</sup> Articles 20(2) and 26(4) Asylum Act. However, according to information gathered by CPR in the course of 2021, SEF seems to consider that the deadline prescribed in article 33-A(5) Asylum Act is not mandatory and that elapsing of such a deadline without a decision being issued with regard to the admissibility/merits (accelerated procedure) does not entail admission to the regular procedure. Such an understanding seems to be at odds with an adequate interpretation of the provision and is not in line with the generalised practice in this regard.

<sup>390</sup> Article 16 Asylum Act.

Statistics shared by AIMA for 2024 do not make a distinction between inadmissibility decisions and in-merit rejections in accelerated procedures, merely indicating a total of 665 decisions for both categories.

The only data pertaining grounds of inadmissibility collected by AIMA concerns Dublin cases and subsequent applications without new elements. According to AIMA, a total of 138 decisions were taken under the Dublin Regulation and 15 on the grounds of a subsequent applications without new elements.

According to the information available to CPR, except for Dublin-related decisions, the number of asylum applications deemed inadmissible in 2024 was relatively low. As per the data collected by CPR, a total of 143 inadmissibility decisions from applications made in 2024 were adopted.<sup>391</sup> Out of those, 33 were non-Dublin decisions, including inadmissibility on the grounds of having been granted international protection in another Member State, first country of asylum, safe third country and a subsequent application without new elements.

The data above only pertains the number of decisions that have deemed applications exclusively inadmissible in 2024. Since the beginning of the operation of AIMA, CPR has observed a significant number of cases where applications are simultaneously deemed inadmissible and rejected as manifestly ill-founded ([accelerated procedure](#)). There are some cases that are moreover deemed excluded from subsidiary protection (including in [border procedures](#)).<sup>392</sup>

In the context of providing legal assistance, CPR identified cases where a reception entity had notified applicants of decisions on behalf of AIMA, raising serious concerns as to the adequate explanation on the grounds for the decision, information on the right to appeal, access to proper interpretation, and in particular to the competence to carry out such an administrative act.

While AIMA generally admits asylum applicants to the regular procedure in case of non-compliance with applicable time limits, the automatic admission and issuance of a provisional residence permit has frequently required a proactive intervention of the asylum applicant or of their legal counsel.<sup>393</sup> According to CPR's observation, throughout 2024, there were individual cases outside Lisbon who were unable to obtain information about their cases or be notified of a decision, despite being a manifest case of non-compliance with the applicable time limits.

Additionally, in 2024, CPR observed significant delays in the recognition of automatic admission to the regular procedure by the national authorities. Notably, by the end of 2023, AIMA issued more than 300 admissibility decisions due to the non-compliance with the 30-day time limit by the national authorities. A significant number of these decisions concerned applications made several months before.

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<sup>391</sup> These figures may include a low number of inadmissibility decisions issued already in the first quarter of January 2025, as the data collection is made through date of application and not date of decision (which also means that decisions issued in 2024 regarding applications made in prior years are not included).

<sup>392</sup> In what seems to be a wrong interpretation of the concept of exclusion given that, despite resorting to the institute of exclusion, in the decisions analysed, the authorities do not substantiate that an exclusion clause is verified, but merely that the inclusion requirements are not verified.

<sup>393</sup> JRS observed the systematic non-compliance with applicable time limit when providing information for the AIDA report.

### 3.2 Personal interview

#### Indicators: Admissibility Procedure: Personal Interview

☒ Same as regular procedure

1. Is a personal interview of the asylum applicant in most cases conducted in practice in the admissibility procedure?  

☒ Yes ☐ No

☐ Yes ☒ No

  - ❖ If so, are questions limited to nationality, identity, travel route?

☐ Yes ☒ No

☒ Yes ☐ No
  - ❖ If so, are interpreters available in practice, for interviews?

☒ Yes ☐ No
2. Are interviews conducted through video conferencing? ☐ Frequently ☐ Rarely ☒ Never

The Asylum Act provides for the systematic personal interview of all asylum applicants, including to assess admissibility,<sup>394</sup> except for cases where:

- (i) the evidence already available allows for a positive decision; or
- (ii) the applicant lacks legal capacity due to long lasting reasons that are not under their control.<sup>395</sup>

As mentioned above, AIMA affirmed that all applicants are guaranteed the right to an interview before any decision regarding their application is adopted, not mentioning the conditions in which the interview could be waived according to the Asylum Act (see [Regular procedure: Personal interview](#) and [Dublin procedure: Personal interview](#)).

According to CPR's observation in 2024, personal individual interviews were generally conducted in practice, regardless of the type of procedure.

In practice, the individual interview can either focus on Dublin related questions only or cover both the admissibility and the merits of the claim. Overall, the modalities of the interview are the same as those of the [Regular Procedure](#).

CPR is aware of cases deemed inadmissible on the grounds of the applicant having been granted protection in another Member State where the personal interview was waived on the grounds of article 5(2)(a) of the Dublin Regulation.

A decision from TCA South issued in 2021 considered that, despite the absence of an explicit reference in the relevant norm,<sup>396</sup> the authorities are bound to articles 16 and 17 of the Asylum Act (personal interview and report) within the examination of applications made following a removal order.<sup>397</sup>

<sup>394</sup> Article 16(1)-(3) Asylum Act.

<sup>395</sup> Article 16(5) Asylum Act.

<sup>396</sup> Article 33-A Asylum Act.

<sup>397</sup> TCA South, Decision 139/21.9 BELSB, 23 September 2021, available [here](#). Note that, while the decision systematically refers to subsequent applications, it is indeed analysing the rules applicable to asylum applications made following a removal order (article 33-A Asylum Act).

### 3.3 Appeal

#### Indicators: Admissibility Procedure: Appeal

☐ Same as regular procedure

1. Does the law provide for an appeal against an inadmissibility decision?

- ❖ If yes, is it ☒ Yes ☐ No
- ❖ If yes, is it automatically suspensive ☒ Judicial ☐ Administrative
- ☒ Yes ☐ Some grounds ☐ No

The Asylum Act provides for an appeal against an inadmissibility decision consisting of a judicial review of relevant facts and points of law by the Administrative Court.<sup>398</sup> The time limit for lodging the appeal varies according to the inadmissibility ground. It is further impacted by the application of the border procedure.

| Time limits for appealing inadmissibility decisions in calendar days |                      |      |
|--|----------------------|------|
| Inadmissibility ground   | Asylum Act provision | Days |
| Inadmissibility at the <b>border</b>                                 | Article 25(1)        | 4    |
| Inadmissibility on the <b>territory</b> :                            |                      |      |
| Subsequent application with no new elements                          | Article 33(6)        | 4    |
| Application following a removal decision                             | Article 33-A(6)      | 4    |
| Dublin decision  | Article 37(4)        | 5    |
| Protection in another EU Member State                                | Article 22(1)        | 8    |
| First country of asylum  | Article 22(1)        | 8    |
| Safe third country   | Article 22(1)        | 8    |
| Application by dependant   | Article 22(1)        | 8    |

As in the regular procedure, the first and onward appeals are automatically suspensive,<sup>399</sup> with the exception of onward appeals concerning inadmissible subsequent applications and applications following a removal order.<sup>400</sup>

The law provides for a simplified judicial process with reduced formalities and time limits with the objective of shortening the duration of the judicial review.<sup>401</sup>

Without prejudice to issues already discussed in Regular Procedure: Appeal, such as the poor quality of legal assistance and language barriers therein that have an impact on the quality and effectiveness of appeals, CPR is not aware of systemic or relevant obstacles faced by asylum applicants when appealing a first instance decision on admissibility in practice.

While CPR may be requested to intervene<sup>402</sup> in the judicial procedure, namely by providing country of origin information or guidance on legal standards, it is not a party thereto and is therefore not systematically notified of judicial decisions by the courts.

<sup>398</sup> Articles 22(1), 25(1), 33(6) and 37(4) Asylum Act and Article 95(3) Code of Procedure in Administrative Courts.

<sup>399</sup> Articles 22(1), 25(3) and 37(6) Asylum Act.

<sup>400</sup> Articles 33(8) and 33-A(8) Asylum Act, respectively.

<sup>401</sup> Articles 22(2), 25(2), 33(7) and 37(5) Asylum Act.

<sup>402</sup> Again, by providing country of origin information, Dublin country information, guidance on legal standards, or other expert opinion

The information provided by the CSTAF for 2024 regarding the number, nationalities of appellants, and average duration and results of judicial reviews of first instance decisions does not make a distinction between the type of asylum procedures (see [Statistics](#)).

### 3.4 Legal assistance

#### Indicators: Admissibility Procedure: Legal Assistance

☒ Same as regular procedure

1. Do asylum applicants have access to free legal assistance during admissibility procedures in practice?
 

☒ Yes
 ☐ With difficulty
 ☐ No

❖ Does free legal assistance cover:
 

☐ Representation in interview
 ☒ Legal advice
2. Do asylum applicants have access to free legal assistance on appeal against an inadmissibility decision in practice?
 

☒ Yes
 ☐ With difficulty
 ☐ No

❖ Does free legal assistance cover
 

☒ Representation in courts
 ☒ Legal advice

Regarding access to free legal assistance for asylum applicants during the first instance admissibility procedure and at appeal stage, the general rules and practice of the regular procedure apply (see section on [Regular Procedure: Legal Assistance](#)).

### 3.5 Suspension of returns for beneficiaries of protection in another Member State

This was not a relevant phenomenon for Portugal in 2024 and previous years.

## 4. Border procedure (border and transit zones)

### 4.1 General (scope, time limits)

#### Indicators: Border Procedure: General

1. Do border authorities receive written instructions on the referral of asylum applicants to the competent authorities?
 

☒ Yes
 ☐ No
2. Where is the border procedure mostly carried out?
 

☒ Air border
 ☐ Land border
 ☐ Sea border
3. Can an application made at the border be examined in substance during a border procedure?
 

☒ Yes
 ☐ No
4. Is there a maximum time limit for a first instance decision laid down in the law?
 

☒ Yes
 ☐ No

❖ If yes, what is the maximum time limit?
 

7 days
5. Is the asylum applicant considered to have entered the national territory during the border procedure?
 

☐ Yes
 ☒ No

The law provides for a specific procedure regarding applications made at a national border.<sup>403</sup> A distinctive feature of the legal framework of border procedures consists in the provision for the detention of asylum applicants for the duration of the admissibility stage/accelerated procedure (see [Detention of Asylum Applicants](#)).<sup>404</sup>

Despite some unclear instances, the border procedure was not applied in practice between March 2020 and October 2023. Within that period, persons applying for international protection at the border were, according to CPR's experience, been granted entry into national territory, referred to the provision of reception conditions if needed, and had their cases under the rules governing applications made in the national territory.

<sup>403</sup> Article 23(1) Asylum Act.

<sup>404</sup> Articles 26(1) and 35-A(3)(a) Asylum Act.

Since November 2023, the border procedure is systematically applied, including to vulnerable applicants.

Following the resumption of the application of border procedures in 2023, CPR has observed a number of problematic practices impacting the procedural guarantees of asylum applicants subjected to the border procedure and the corresponding use of detention (as well as detention conditions). CPR repeatedly raised its concerns with the relevant authorities throughout 2024.

CPR identified significant gaps in the provision of information by the authorities to asylum applicants detained at the border regarding their right to free legal assistance and the contacts that could be used to reach the organisation. At times, this was compounded by the provision of incorrect information regarding the deadlines to file appeals by the authorities.<sup>405</sup> The fact that multiple gaps have been observed in the communications of procedural acts by AIMA to CPR (as required by the Asylum Act) has also exacerbated the situation of uncertainty and the lack of clarity.<sup>406</sup> In addition, in the beginning of 2025, and contrary to the usual practice that had been in place, the authority responsible for air border control stopped communicating applications for international protection presented at the Lisbon airport border directly to CPR.<sup>407</sup> Given the short deadlines laid down by law and the fact that AIMA does not have a permanent presence, this practice is a step backwards in terms of the transparency with which the Portuguese State operates at its border posts.

Detention conditions in the Lisbon airport have also raised serious concerns, notably due to the fact that in the end of 2023 and beginning of 2024 high numbers of asylum applicants remained detained for significant periods of time in the transit area of Lisbon airport due to the lack of capacity of the corresponding detention facility in appalling conditions.

In response to media reports and outcry regarding the situation at the border, AIMA affirmed, inter alia, that it was not able to do much regarding detention conditions at the border,<sup>408</sup> and that the Agency was adjudicating applications filled at the border in less than 3 days at the time. In the context of its right of reply to the 2023 draft country report, AIMA stated that it processed applications within the minimum number of days possible to minimise the number of days in detention, and that it had strengthened its team and procedures to ensure rapid and quality analysis. However, civil society including CPR points out that this short delay for the analysis is highly concerning and raises serious doubts regarding the quality of the analysis conducted by the authorities.<sup>409</sup>

According to AIMA, vulnerabilities may be identified by PSP in the context of detention and/or by the Agency in the asylum procedure, particularly during the interview and/or examination of the case. AIMA states that asylum applicants with special procedural and reception needs are exempted from border procedures.

Yet, according to CPR's observation, throughout 2024, AIMA did not demonstrate any decision-making power on the conditions and maintenance of detention of asylum applicants at the border, leading to concerns about the identification and monitoring of vulnerable cases and application of special procedural guarantees and special reception conditions.

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<sup>405</sup> PSP and AIMA systematically told applicants that the deadlines for appeal are to be counted in working days, instead of calendar days.

<sup>406</sup> According to AIMA, there was also a delay in PSP communicating applications to the Agency.

<sup>407</sup> Previously, despite not being functionally responsible for asylum procedures, SEF's operational unit at Lisbon airport communicated directly and in a timely manner to CPR all international protection applications presented at the Lisbon airport border, regardless of the subsequent communication from its Asylum and Refugees Department. Although not on a consistent basis, PSP upheld this procedure until February 2025.

<sup>408</sup> Highly doubtful considering that according to the Asylum Act (article 61(1)), the Ministry in charge for migration remains responsible for the provision of conditions to applicants detained at the border (see: [Detention Conditions](#)).

<sup>409</sup> See, for instance: Rádio Renascença, "*Há pouco que a AIMA possa fazer*" pelos migrantes que dormem no aeroporto, 25 January 2024, available [here](#).

## Location and number of border procedures

Portugal has 36 external border posts, of which 8 are air border posts and 28 are maritime border posts.<sup>410</sup> SEF was responsible for border controls, including for refusing entry and exit from the territory until the end of October 2023.<sup>411</sup> Since October 2023:

- ❖ The National Republican Guard (*Guarda Nacional Republicana*, GNR) is responsible for the surveillance and control of maritime and land borders, and for executing expulsion decisions within its jurisdiction;<sup>412</sup>
- ❖ The Public Security Police (*Polícia de Segurança Pública*, PSP) is responsible for the surveillance and control of air borders, and for executing expulsion decisions within its jurisdiction.<sup>413</sup>

According to data provided by AIMA, 505 asylum applications were filled at the border in 2024.<sup>414</sup> AIMA further reported that 26 unaccompanied children applied for asylum at the border in 2024. AIMA did not provide data on applications filled at the border by persons in need of special procedural guarantees.

The majority of border procedures were conducted at the **Lisbon Airport**.<sup>415</sup>

## Grounds for activating the border procedure and main characteristics

According to the law, a person who:

- (i) does not meet the entry requirements set in the law;
- (ii) is subject to a national or an EU entry ban; or
- (iii) represents a risk or a serious threat to public order, national security, or public health, is refused entry in national territory,<sup>416</sup> and is notified in writing of the corresponding decision.<sup>417</sup> Such a notification bears a reference to the right of individuals refused entry at the border to seek asylum as enshrined in the law.<sup>418</sup>

The authority responsible for border control must inform the carrier company (i.e., the air company in most cases) for the purposes of return of the individual in the shortest possible time either to: the point where the individual initiated travel with the company; the country that issued the travel document; or any country where entrance is guaranteed.<sup>419</sup> This is done in accordance to the Convention on International Civil Aviation,<sup>420</sup> as, according to the national authorities, the individual remains in the international area of the airport and is therefore not subject to the rules applicable to removal procedures from national territory.<sup>421</sup> If the individual refused entry into national territory applies for asylum, the air company must be immediately informed by the authority responsible for border control of the suspension of return.

<sup>410</sup> Annex II Decree-Law 252/2000.

<sup>411</sup> Article 2 Decree-Law 252/2000.

<sup>412</sup> Article 2(a) Act n. 73/2021 of 12 November 2021 approving the restructure of the Portuguese system of border control, reshaping the regime of the forces and services responsible for internal security and establishing other rules for the redistribution of competences and resources of the Immigration and Borders Service, last amended by Act n. 53/2023, of 31 August 2023, available [here](#).

<sup>413</sup> Ibid, article 2(b).

<sup>414</sup> While at some point the response to the information request to the AIDA report seems to indicate that this is the number of applications processed at the border, a full analysis of the data provided, as well as information available to CPR regarding the general context, indicates that this was likely the overall number of applications made at the border, thus including cases that were not analysed under the border procedure. According to CPR's data (based on communications made by the authorities according to the Asylum Act), 501 applications were made at the border in 2024, of which at least 32 were exempted from the border procedure.

<sup>415</sup> For a detailed overview of the use of border procedures before March 2020, please consult the corresponding AIDA reports, available [here](#).

<sup>416</sup> Article 32 Immigration Act.

<sup>417</sup> Article 38(2) Immigration Act.

<sup>418</sup> Article 40(4) Immigration Act.

<sup>419</sup> Articles 38(3) and 41(1) Immigration Act.

<sup>420</sup> Chicago Convention on International Civil Aviation, 7 December 1944, Annex IX, Chapter V, points 5.9 -5.11.1.

<sup>421</sup> CPR, 'Access to Protection: A Human Right, country report, Portugal', 2014, para 2.1, available in Portuguese [here](#).



While the border procedure provides for the basic principles and guarantees of the regular procedure,<sup>422</sup> it lays down time limits for a decision on admissibility or for accelerated procedures regarding applications deemed unfounded on certain grounds (see [Accelerated Procedure](#) grounds) that are significantly shorter than those applicable in national territory.

Additionally, border procedures are characterised by shorter appeal deadlines, as well as reduced procedural guarantees such as the exclusion from the right of the applicant to seek revision of the narrative of their personal interview.<sup>423</sup> Furthermore, asylum applicants are detained for the duration of the admissibility stage/accelerated procedure (see [Detention of Asylum Applicants](#)).<sup>424</sup>

The Board of AIMA has 7 days to issue a decision either on admissibility or on the merits of the application in an accelerated procedure.<sup>425</sup> In the absence of inadmissibility grounds or grounds for deeming the application unfounded in an accelerated procedure, AIMA must admit the application to the regular procedure and authorise entry into national territory/release from border detention.<sup>426</sup> Non-compliance with the time limit results in the automatic admission of the applicant to the regular procedure and release from the border.<sup>427</sup>

In practice, within the context of border procedures, asylum applicants are detained in detention centres at the international area of airports or at the transit area of the airport itself until the Board of AIMA issues a decision on the admissibility/merits of the claim,<sup>428</sup> or for up to 60 days in the case of appeal (see [Duration of Detention](#)).<sup>429</sup>

## Exempted categories

The law identifies a sub-category of individuals whose special procedural needs result from torture, rape or other serious forms of psychological, physical or sexual violence who may be exempted from the border procedure under certain conditions (see [Procedural Guarantees](#)).<sup>430</sup> Furthermore, the ‘temporary installation’ of unaccompanied and separated children in facilities at the border (detention) – and hence application of border procedures – must comply with applicable international standards such as those recommended by UNHCR, UNICEF, and ICRC.<sup>431</sup>

According to the available information, no standard operational procedures and tools allowing for the early and effective identification of survivors of torture and/or serious violence and their special procedural needs are in place. As such, asylum applicants who claim to be survivors of torture, rape, or other serious forms of psychological, physical, or sexual violence are not exempt from border procedures in practice on such grounds, despite the lack of provision of special procedural guarantees at the border.<sup>432</sup>

Following resumption of the application of border procedures in 2023, CPR has observed a number of problematic practices impacting the procedural guarantees of asylum applicants subjected to the border procedure and the corresponding use of detention (as well as detention conditions). CPR repeatedly raised its concerns with the relevant authorities throughout 2024.

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<sup>422</sup> This includes access to the procedure, the right to remain in national territory pending examination, the right to information, to a personal interview, the right to legal information and assistance throughout the procedure, the right to free legal aid, special procedural guarantees, among others.

<sup>423</sup> Article 25 Asylum Act.

<sup>424</sup> Articles 26(1) and 35-A(3)(a) Asylum Act.

<sup>425</sup> Article 24(4) Asylum Act. On the territory, decisions on admissibility must be taken within 30 days and decisions in the accelerated procedure within 10 to 30 days.

<sup>426</sup> Article 26(4) Asylum Act.

<sup>427</sup> Ibid.

<sup>428</sup> Article 26(1) Asylum Act.

<sup>429</sup> Article 35-B(1) Asylum Act.

<sup>430</sup> Article 17-A(4) Asylum Act. Exemption from border procedures is dependent on the impossibility to offer “*support and conditions to asylum seekers identified as being in need of special procedural guarantees.*”

<sup>431</sup> Article 26(2) Asylum Act.

<sup>432</sup> Italian Council for Refugees *et al.*, ‘Time for Needs: Listening, Healing, Protecting’, October 2017, available [here](#).

CPR identified significant gaps in the provision of information by the authorities to asylum applicants detained at the border regarding their right to free legal assistance and the contacts that could be used to reach the organisation. At times, this was compounded by the provision of incorrect information regarding the deadlines to file appeals by the authorities.<sup>433</sup>

Furthermore, gaps in the communication of relevant information by AIMA to CPR caused challenges to the provision of adequate legal assistance at this stage. In addition, in the beginning of 2025, and contrary to the usual practice that had been in place at border posts, PSP as mentioned above, applications for international protection presented at the Lisbon airport border directly to CPR,<sup>434</sup> preventing the timely knowledge of the presence of asylum applicants detained at the airport.

Since the beginning of 2024, CPR has reinforced the provision of legal information at the airport in response to the contextual changes. The provision of information on the right to legal assistance and CPR's referrals to asylum applicants by the relevant authorities seemed to have improved in the meantime. However, difficulties in accessing mobile and Internet coverage, as well as the malfunction of the landline phones in detention centres, rendered it difficult for the applicants to contact CPR.

According to AIMA, vulnerabilities may be identified by PSP in the context of detention and/or by the Agency in the asylum procedure, particularly during the interview and/or examination of the case. AIMA states that asylum applicants with special procedural and reception needs are exempted from border procedures.

Yet, according to CPR's observation, throughout 2024, AIMA did not demonstrate any decision-making power on the conditions and maintenance of detention of asylum applicants at the border, leading to concerns about the identification and monitoring of vulnerable cases and application of special procedural guarantees and special reception conditions.

Despite CPR's efforts, AIMA's practices within this context remained largely unchanged until the end of the year.

## 4.2 Personal interview

### Indicators: Border Procedure: Personal Interview

☐ Same as regular procedure

1. Is a personal interview of the asylum applicant in most cases conducted in practice in the border procedure?
 

|  |   |
|--|---|
| <input checked="" type="checkbox"/> Yes                                | <input type="checkbox"/> No   |
| ❖ If so, are questions limited to nationality, identity, travel route? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| ❖ If so, are interpreters available in practice, for interviews?       | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
2. Are interviews conducted through video conferencing? ☐ Frequently ☐ Rarely ☒ Never

The rules and modalities of the interview applicable to the border procedure are the same as those of the regular procedure.

Interviews are generally conducted a few days after arrival, while the applicant is detained. This means that there was little time to prepare and substantiate the asylum application. Furthermore, the legal framework provides for reduced procedural guarantees such as the exclusion from the right of the applicant to seek revision of the interview report.<sup>435</sup>

<sup>433</sup> PSP and AIMA systematically told applicants that the deadlines for appeal are to be counted in working days, instead of calendar days.

<sup>434</sup> Previously, despite not being functionally responsible for asylum procedures, SEF's operational unit at Lisbon airport communicated directly and in a timely manner to CPR all international protection applications presented at the Lisbon airport border, regardless of the subsequent communication from its Asylum and Refugees Department. Although not on a consistent basis, PSP upheld this procedure until February 2025.

<sup>435</sup> Article 25 Asylum Act. TCA South, Decision 1539/19.0BELSB, 11 September 2020, available [here](#).

Many asylum applicants arrive at the border without valid identification documents or supporting evidence to substantiate their asylum application and contacts with the outside from within the EECIT tend to be rarely effective for the purposes of securing supporting evidence in due time, given the short period of time between the arrival, the personal interview and the first instance decision.

The absence of identification and vulnerability assessments means that potential special needs may not be known to the asylum authorities and may not have been taken into account at the time of interview. CPR is unaware of the implementation of special procedural guarantees at the border, such as the postponement of the interview, additional time for submitting supporting evidence, or the presence of supporting personnel in the interview within this context.<sup>436</sup>

An additional concern regarding interviews conducted at **Lisbon Airport** are the space and privacy constraints of the interview offices, notably due to inadequate sound isolation, and the systematic use of the Telephone Translation Service managed by AIMA (see [Conditions in Detention Facilities](#)).

### 4.3 Appeal

#### Indicators: Border Procedure: Appeal

☐ Same as regular procedure

1. Does the law provide for an appeal against the decision in the border procedure?

❖ If yes, is it

❖ If yes, is it automatically suspensive

☒ Yes ☐ No

☒ Judicial ☐ Administrative

☒ Yes ☐ Some grounds ☐ No

The Asylum Act provides for an appeal against a rejection decision at the border, either on admissibility grounds or on the merits in an accelerated procedure. The appeal consists of a judicial review of relevant facts and points of law by the Administrative Court.<sup>437</sup> The time limit for lodging the appeal is of 4 days.<sup>438</sup>

Similarly to the regular procedure, the first and onward appeals have an automatic suspensive effect.<sup>439</sup> The law provides for a simplified judicial process with reduced formalities and time limits.<sup>440</sup> However, the Administrative Courts rarely reach a decision on the appeal within the maximum detention time limit of 60 days, meaning that asylum applicants subjected to the border procedure are usually granted access to the territory, albeit liable to a removal procedure in case their application is rejected by final decision.<sup>441</sup>

In practice, the average duration of the judicial review of a first instance rejection decision at the border was similar to the regular procedure (see [Statistics](#)).

Without prejudice to issues discussed in Regular Procedure: Appeal such as the poor quality of legal assistance and language barriers therein that have an impact on the quality and effectiveness of appeals, CPR is not aware of specific obstacles faced by asylum applicants in appealing a first instance decision in the border procedure in general. Nevertheless, according to CPR's observation, throughout 2024 PSP notified detained applicants at the border of the decisions on their cases on behalf of AIMA. While it was particularly recurrent at late hours, this resulted in some lack of clarity and uncertainty as to whether the meaning and content of the decisions and the right to appeal were correctly conveyed, as well to whether the information was provided in a language that the applicant understands and/or if proper interpretation was made available.

<sup>436</sup> Article 17-A(3) Asylum Act. See also Italian Council for Refugees *et al.*, 'Time for Needs: Listening, Healing, Protecting', October 2017, available [here](#).

<sup>437</sup> Article 25(1) Asylum Act; Article 95(3) Code of Procedure in Administrative Courts.

<sup>438</sup> Article 25(1) Asylum Act.

<sup>439</sup> Article 25 Asylum Act.

<sup>440</sup> Article 25(2) Asylum Act.

<sup>441</sup> Article 21(2) and (3) Immigration Act.

Moreover, factors such as the provision of incorrect information regarding the deadlines for appeal by the authorities, gaps in the provision of information regarding the right to legal assistance and relevant contacts to do so, transfers to another airport before the time limit for lodging an appeal, and lack of clarity regarding the mandate of legal aid lawyers appointed within the context of the refusal of entry have at times hindered access to appeals, particularly in the end of 2023 and the first semester of 2024. This seems to have improved during the rest of the year.

#### 4.4 Legal assistance

##### Indicators: Border Procedure: Legal Assistance

☒ Same as regular procedure

1. Do asylum applicants have access to free legal assistance at first instance in practice?
 

|   |  |                             |
|---|--|-----------------------------|
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> With difficulty | <input type="checkbox"/> No |
|---|--|-----------------------------|

  - ❖ Does free legal assistance cover:
 

|   |
|---|
| <input type="checkbox"/> Representation in interview <sup>442</sup> |
| <input checked="" type="checkbox"/> Legal advice                    |
  
2. Do asylum applicants have access to free legal assistance on appeal against a negative decision in practice?
 

|   |  |                             |
|---|--|-----------------------------|
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> With difficulty | <input type="checkbox"/> No |
|---|--|-----------------------------|

  - ❖ Does free legal assistance cover
 

|  |
|--|
| <input checked="" type="checkbox"/> Representation in courts |
| <input checked="" type="checkbox"/> Legal advice             |

There are a few distinctions to be made between the border procedure and the regular procedure regarding access to free legal assistance in law and in practice (see [Regular Procedure: Legal Assistance](#)).

As regards free legal assistance at first instance, the law expressly provides the possibility for UNHCR and CPR to interview the asylum applicant at the border<sup>443</sup> and to provide assistance.<sup>444</sup>

In practice, free legal assistance provided by CPR in first instance procedures at the border includes:

- (a) providing legal information on the asylum procedure, rights and duties of the applicant and the legal aid system;
- (b) enabling access to free legal aid for the purpose of appeals;
- (c) assisting lawyers appointed under the free legal aid system in preparing appeals with relevant legal standards and COI; and
- (d) advocating with the relevant authorities for the release of particularly vulnerable asylum applicants.

The provision of information and assistance to asylum applicants placed in detention at the border by CPR is typically challenging due to factors such as short deadlines, difficulties in accessing applicants detained at the international area of the airport (instead of the detention facility), and communication barriers.

The Asylum Act also provides for an accelerated free legal aid procedure at the border for the purposes of appeal on the basis of a MoU between the Ministry of Interior and the Portuguese Bar Association.<sup>445</sup> However, such a procedure has not been implemented, meaning that securing access to free legal aid at appeal stage remains an integral part of the legal assistance provided by CPR at the border. To that end, CPR resorts to the same procedure used in the territory albeit faced with specific constraints (e.g., shorter deadlines for application, communication barriers, timely access to interpreters, etc.).

<sup>442</sup> Applicants may apply for legal aid to have representation in the interview (see below), but this does not happen in practice. The access to free legal advice (provided by CPR) of the following box is automatic (i.e. does not entail an application for access to be granted) and incomparably more frequent. Thus, representation in the interview is not considered here as accessible in practice.

<sup>443</sup> Article 24(1) Asylum Act.

<sup>444</sup> Article 49(6) Asylum Act.

<sup>445</sup> Article 25(4) Asylum Act.

In November 2020, the Ministry of Home Affairs, the Ministry of Justice and the Bar Association signed a protocol to ensure the provision of legal counselling and assistance to foreigners to whom entry into national territory was refused (Lisbon, Porto, Faro, Funchal and Ponta Delgada airports). This protocol was made within the framework of Article 40(2) of the Immigration Act and is not intended to cover asylum procedures.

Upon resumption of the application of the border procedure, some of the lawyers appointed within this context supported appeals of negative decisions issued within the asylum procedure. There were practical questions regarding the services covered by their mandate and legitimacy to do so. In some instances, miscommunication and lack of clarity regarding the procedures adopted by such lawyers created confusion and potential obstacles to access to judicial reviews. It has in the meantime been clarified that the appointment does not cover asylum appeals and that representation in such procedures must be requested through an autonomous process as before.

In some cases in which the authority informed the Criminal Court responsible for the detention measure that the applicant submitted a request for legal aid to appeal the negative decision issued within the asylum procedure, the Court ordered the immediate appointment of a lawyer, generating cases of double appointments. This called for a proactive attitude on the part of CPR, Social Security and appointed lawyers so as not to create confusion and potential obstacles to access judicial reviews.

Similarly to the regular procedure, the overall quality of free legal aid at appeal stage was a relevant concern.

## **5. Accelerated procedure**

### **5.1 General (scope, grounds for accelerated procedures, time limits)**

The law contains a list of grounds that, upon verification, determine that an application is subjected to an accelerated procedure and deemed unfounded. The accelerated procedure has significantly shorter time limits for the adoption of a decision on the merits than those of the regular procedure.

The grounds laid down in article 19(1) of the Asylum Act for applying an accelerated procedure are:

- ❖ Misleading the authorities by presenting false information or documents or by withholding relevant information or documents with respect to identity and/or nationality that could have had a negative impact on the decision;<sup>446</sup>
- ❖ In bad faith, destroying or disposing of an identity or travel document that would have helped establish identity or nationality;<sup>447</sup>
- ❖ Making clearly inconsistent and contradictory, clearly false or obviously improbable statements which contradict sufficiently verified COI, thus making the claim clearly unconvincing in relation to qualification for international protection;<sup>448</sup>
- ❖ Entering the territory of the country unlawfully or prolonging the stay unlawfully and, without good reason, failing to make an application for international protection as soon as possible;<sup>449</sup>
- ❖ In submitting the application and presenting the facts, only raising issues that are either not relevant or of minimal relevance to the examination of whether the applicant qualifies for international protection;<sup>450</sup>
- ❖ Coming from a Safe Country of Origin;<sup>451</sup>

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<sup>446</sup> Article 19(1)(a) Asylum Act.

<sup>447</sup> Article 19(1)(b) Asylum Act.

<sup>448</sup> Article 19(1)(c) Asylum Act.

<sup>449</sup> Article 19(1)(d) Asylum Act.

<sup>450</sup> Article 19(1)(e) Asylum Act.

<sup>451</sup> Article 19(1)(f) Asylum Act.

- ❖ Introducing an admissible subsequent application;<sup>452</sup>
- ❖ Making an application merely to delay or frustrate the enforcement of an earlier or imminent decision which would result in removal;<sup>453</sup>
- ❖ Representing a danger to the national security or public order;<sup>454</sup> and
- ❖ Refusing to comply with an obligation to have fingerprints taken.<sup>455</sup>

The wording of the law does not seem to be fully in line with the recast Asylum Procedures Directive and with the applicable international standards as its literal application may lead not only to the accelerated processing but also to the automatic rejection of applications based on grounds such as the delay in making the application.

A first instance decision on the territory must be taken within 30 days for all grounds, except for applications following a removal order which must be decided within 10 days.<sup>456</sup> In contrast to the Regular Procedure,<sup>457</sup> the Board of AIMA is the responsible authority for issuing a first instance decision on the merits of the application in the accelerated procedure.<sup>458</sup> Non-compliance with the applicable time limits grants automatic access to the regular procedure.<sup>459</sup>

In the context of providing legal assistance, CPR identified cases where a reception entity had notified applicants of decisions on behalf of AIMA, raising serious concerns as to the adequate explanation on the grounds for the decision, information on the right to appeal, access to proper interpretation, and in particular to the competence to carry out such an administrative act.

While AIMA generally admits asylum applicants to the regular procedure in case of non-compliance with applicable time limits, the automatic admission and issuance of a provisional residence permit has frequently required a proactive intervention of the asylum applicant or of their legal counsel. According to CPR's observation, throughout 2024, there were individual cases outside Lisbon who were unable to obtain information about their cases or be notified of a decision, despite being a manifest case of non-compliance with the applicable time limits.

Additionally, in 2024, CPR observed significant delays in the recognition of automatic admission to the regular procedure by the national authorities. Notably, by the end of 2023, AIMA issued more than 300 admissibility decisions due to the non-compliance with the 30-day time limit by the national authorities. A significant number of these decisions concerned applications made several months before.

In the beginning of 2024, CPR identified some cases where AIMA issued a rejection of the application after the 30-day deadline was elapsed. This situation was flagged to the Agency and, at least in some instances, the negative decisions were later revoked.

In cases of accelerated procedures following a removal order, CPR is aware of applicants being notified by AIMA of a coercive removal from national territory pending their asylum procedure, thus ignoring the automatic

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<sup>452</sup> Article 19(1)(g) Asylum Act. In the case of subsequent applications admitted to the procedure under Article 19(1)(g) Asylum Act, there seems to be incoherence in the law as Article 33(5) provides for the application of the regular procedure where, following a preliminary assessment within 10 days, the application is deemed admissible because it includes new elements or findings pertaining to the conditions for qualifying as a beneficiary of international protection.

<sup>453</sup> Article 19(1)(h) Asylum Act.

<sup>454</sup> Article 19(1)(i) Asylum Act.

<sup>455</sup> Article 19(1)(j) Asylum Act.

<sup>456</sup> Articles 20(1) and 33-A(5) Asylum Act.

<sup>457</sup> Article 29(5) Asylum Act.

<sup>458</sup> Articles 20(1) and 24(4) Asylum Act.

<sup>459</sup> Articles 20(2) and 26(4) Asylum Act. However, according to information gathered by CPR, AIMA seems to consider that the deadline prescribed in article 33-A(5) Asylum Act is not mandatory and that elapsing of such a deadline without a decision being issued with regard to the admissibility/merits (accelerated procedure) does not entail admission to the regular procedure. This understanding seems to be at odds with an adequate interpretation of the provision and with the rationale of the Asylum Act's provisions.



suspensive effect of a judicial review. Despite CPR's efforts, it was not possible to obtain clarification on this practice or on the outcome of the cases.

In the context of the provision of legal assistance to asylum applicants, CPR has also at times observed significant delays in the execution of judicial decisions by AIMA, even when a deadline was set by the court. According to CPR's observations, this mostly concerned the execution of judicial decisions that annulled first instance decisions rejecting applications in accelerated procedures and consequently directed the administration to analyse them under the regular procedure, or to reprocess Dublin. It was mostly thanks to the proactiveness of the applicant that the judicial decision was acted upon by AIMA. CPR has also observed that the authorities do not consider the 30 days' mandatory deadline for decisions deeming an application inadmissible/unfounded to apply in these circumstances. As such, AIMA did not deem the applications admitted to the regular procedure when the deadline is elapsed.

In practice all applications are channelled through the accelerated procedure where the specific grounds provided in the law apply.<sup>460</sup> The significant application of accelerated procedure continued to be registered since the beginning of AIMA's tenure. CPR has even received reports of applicant's that described being told by officials that no positive decisions are issued to applicants from certain nationalities. Within the context of the right of reply of the authorities to the 2023 draft AIDA report, AIMA denied that this occurred.<sup>461</sup>

According to AIMA, 1,062 applicants were processed under an accelerated procedure in 2024. Statistics shared by AIMA for 2024 do not make a distinction between inadmissibility decisions and in-merit rejections in accelerated procedures, merely indicating a total of 665 decisions for both categories. According to Eurostat data, 1,065 applicants had their asylum applications processed under an accelerated procedure.<sup>462</sup>

According to CPR's observation, accelerated procedures continued to be used very often in 2024, and most rejections in such procedures continued to be based on inconsistency and/or irrelevance. There was a significant increase in the use of the Safe Country of Origin concept and grounds such as misleading the authorities and/or entering or prolonging the stay in the country unlawfully and failing to present an asylum application as soon as possible. Notably, in most cases, these grounds are used without proper evidence.

Since the beginning of the operation of AIMA, CPR has also observed a significant number of cases where applications are simultaneously deemed inadmissible and rejected as manifestly ill-founded ([accelerated procedure](#)). There are some cases that are moreover deemed excluded from subsidiary protection (including in [border procedures](#)).<sup>463</sup>

While judicial decisions focusing on the interpretation of the grounds for the application of the accelerated procedure tends to be limited, two particular decisions from the TCA South issued in 2021 focused on the threshold that should be used to ascertain whether a case should be rejected in such procedures.

According to the Court, the application should not be rejected at this stage if the applicant's statements are not contradictory and unlikely in light of the country of origin information and an objective evaluation of the situation.<sup>464</sup>

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<sup>460</sup> There is a distinction to be made between border procedures from which certain categories of vulnerable asylum applicants may be exempted and accelerated procedures. While the vulnerable asylum applicant may be exempted from the border procedure and be released from detention, he or she will remain liable to an accelerated procedure in national territory.

<sup>461</sup> Information provided by AIMA, 25 June 2024.

<sup>462</sup> Eurostat, *Asylum applicants having had their applications processed under the accelerated procedure, by age, sex and citizenship - annual aggregated data*, available [here](#).

<sup>463</sup> In what seems to be a wrong interpretation of the concept of exclusion given that, despite resorting to the institute of exclusion, in the decisions analysed, the authorities do not substantiate that an exclusion clause is verified, but merely that the inclusion requirements are not verified.

<sup>464</sup> TCA South, Decision 1645/20.8BELSB, 4 March 2021, available [here](#). The decision reiterates prior jurisprudence by the Court determining that an application should only be rejected in an accelerated procedure where there is not "some support and plausibility" in the applicant's statements in light of the country of origin information and an objective assessment of the fear of persecution.



In a different case, the Court noted that the interpretation of concept of ‘unfounded application’ referred to in article 19 of the Asylum Act must be guided by ‘criteria of obviousness’, and that only applications that clearly do not fulfil the minimum requisites should be rejected under an accelerated procedure.<sup>465</sup>

In its 2020 Concluding Observations on Portugal, the UN Human Rights Committee expressed concern with the ‘[e]xcessive use of accelerated procedures, which might compromise the quality of the assessment of applications and increase the risk of refoulement.’ Notably, the Committee recommended Portugal to ‘[c]ontinue its efforts to maintain and strengthen the quality of its refugee status determination procedures, in order to fairly and efficiently identify and recognise those in need of international protection and to afford sufficient guarantees of respect for the principle of non-refoulement under the Covenant’.<sup>466</sup>

## 5.2 Personal interview

### Indicators: Accelerated Procedure: Personal Interview

☐ Same as regular procedure

1. Is a personal interview of the asylum applicant in most cases conducted in practice in the accelerated procedure? ☒ Yes ☐ No
  - ❖ If so, are questions limited to nationality, identity, travel route? ☐ Yes ☒ No
  - ❖ If so, are interpreters available in practice, for interviews? ☒ Yes ☐ No
2. Are interviews conducted through video conferencing? ☐ Frequently ☐ Rarely ☒ Never

Regarding the personal interview for asylum applicants during the accelerated procedure, the general rules and practice of the regular procedure apply (see section on [Regular Procedure: Personal Interview](#)).

However, the law foresees reduced guarantees in the accelerated procedure, namely by excluding asylum applicants’ right to seek revision of the statements made during the personal interview in cases concerning applications following a removal decision,<sup>467</sup> or the right to be notified of and to respond to AIMA’s reasoning of the proposal for a final decision.<sup>468</sup> The right of the applicant to submit comments to the written report the interview is fully applicable in accelerated procedures.<sup>469</sup>

It is worth mentioning that the concerning practices highlighted in Regular Procedure: Personal Interview are of particular relevance within the context of accelerated procedures. A decision from TCA South issued in 2021 considered that, despite the absence of an explicit reference in the relevant norm,<sup>470</sup> the authorities are bound to articles 16 and 17 of the Asylum Act (personal interview and report) within the examination of applications made following a removal order.<sup>471</sup>

<sup>465</sup> TCA South, Decision 1001/21.0BELSB, 7 October 2021, available [here](#).

<sup>466</sup> Human Rights Committee, *Concluding Observations on the fifth periodic report of Portugal*, CCPR/C/PRT/CO/5. 28 April 2020, par 34(b) and 35(b), available [here](#).

<sup>467</sup> Article 33-A(4) and (5) Asylum Act.

<sup>468</sup> Article 29(2) Asylum Act. See *infra* the current practice in this regard as well as its link to the national jurisprudence.

<sup>469</sup> Article 17(1) and (2) Asylum Act.

<sup>470</sup> Article 33-A Asylum Act.

<sup>471</sup> TCA South, Decision 139/21.9 BELSB, 23 September 2021, available [here](#). Note that, while the decision systematically refers to subsequent applications, it is indeed analysing the rules applicable to asylum applications made following a removal order (article 33-A Asylum Act).

### 5.3 Appeal

#### Indicators: Accelerated Procedure: Appeal

☐ Same as regular procedure

1. Does the law provide for an appeal against the decision in the accelerated procedure?

❖ If yes, is it

❖ If yes, is it suspensive

☒ Yes ☐ No

☒ Judicial ☐ Administrative

☒ Yes ☐ Some grounds ☐ No

The Asylum Act provides for judicial review of facts and points of law by the Administrative Court against a rejection decision in an accelerated procedure.<sup>472</sup>

The time limit for lodging the appeal on the territory varies according to the specific ground of the accelerated procedure: it ranges from 4 days for applications following a removal decision,<sup>473</sup> to 8 days for the remaining grounds.<sup>474</sup>

Similarly to the regular procedure, the appeal has an automatic suspensive effect.<sup>475</sup> The onward appeal in the case of an application following a removal decision does not.<sup>476</sup> The law also provides for a simplified judicial process with reduced formalities and time limits.<sup>477</sup>

While CPR may be requested to intervene in the judicial procedure, namely by providing country of origin information or guidance on legal standards, it is not a party thereto and is therefore not systematically notified of judicial decisions by the courts.

The information provided by CSTAF in 2024 regarding the number and nationalities of appellants, as well as the average duration and results of judicial reviews, does not make a distinction between the type of asylum procedures (see [Statistics](#)). The outcome of judicial reviews of first instance decisions indicates a 32% success rate at appeal stage, which is an increase when compared to previous years.

The concerns regarding the frequent change of accommodation location, poor quality of legal assistance and the merits test applied by the Bar Association, and language barriers during the regular procedure also apply to the accelerated procedure and have thus an impact on the quality and effectiveness of appeals. CPR is not aware of additional obstacles faced by asylum applicants in appealing a first instance decision in the accelerated procedure.

<sup>472</sup> Articles 22(1), 33-A(6) and 25(1) Asylum Act and Article 95(3) Code of Procedure in Administrative Courts.

<sup>473</sup> Article 33-A(6) Asylum Act.

<sup>474</sup> Articles 22(1) Asylum Act.

<sup>475</sup> Articles 22(1) and 33-A(6) Asylum Act.

<sup>476</sup> Article 33-A(8) Asylum Act.

<sup>477</sup> Article 22(2) and 33-A(7) Asylum Act.

## 5.4 Legal assistance

### Indicators: Accelerated Procedure: Legal Assistance

☒ Same as regular procedure

1. Do asylum applicants have access to free legal assistance at first instance in practice?  

☒ Yes

☐ With difficulty

☐ No

❖ Does free legal assistance cover:

☐ Representation in interview<sup>478</sup>

☒ Legal advice
2. Do asylum applicants have access to free legal assistance on appeal against a decision in practice?  

☒ Yes

☐ With difficulty

☐ No

❖ Does free legal assistance cover

☒ Representation in courts

☒ Legal advice

With regard to access to free legal assistance in the accelerated procedure, the general rules and practice of the regular procedure apply (see [Regular Procedure: Legal Assistance](#)).

## 6. National protection statuses and return procedure

### 6.1 National forms of protection

The Asylum Act does not provide for any form of national protection. Although not providing for a specific national protection, the Immigration Act provides for an exceptional regularisation regime that includes a humanitarian clause.<sup>479</sup>

This regime is intended for extraordinary situations to which provisions of a residence permit with exemption of residence visa requirement are not applicable,<sup>480</sup> as well as for cases of residence permits for humanitarian reasons under the Asylum Act. The issuance of these temporary residence permits to foreign citizens who do not comply with other requirements of the Immigration Act is dependent on a proposal from the Board of AIMA or an initiative from the Minister responsible for the field of migration.<sup>481</sup> The decision must be duly substantiated.<sup>482</sup>

This exceptional regularisation procedure may be applicable:

- (a) For reasons of national interest;
- (b) For humanitarian reasons;
- (c) For reasons of public interest arising from the exercise of a relevant activity in the scientific, cultural, sports, economic or social field.

Children under a protective measure in the framework of child protection procedures in the Family and Juvenile Courts are considered to fall within the scope of a humanitarian clause.<sup>483</sup>

In the past, CPR observed that the previous asylum authority referred certain rejected asylum applications to the regularisation procedures through the humanitarian clause of the exceptional regularisation regime of the

<sup>478</sup> Applicants may apply for legal aid to have representation in the interview (see below), but this does not happen in practice. The access to free legal advice (provided by CPR) of the following box is automatic (i.e. does not entail an application for access to be granted) and incomparably more frequent. Thus, representation in the interview is not considered here as accessible in practice.

<sup>479</sup> Article 123 Immigration Act.

<sup>480</sup> Article 122 Immigration Act.

<sup>481</sup> Article 123(1) Immigration Act.

<sup>482</sup> Article 123(3) Immigration Act.

<sup>483</sup> Article 123(2) Immigration Act.

Immigration Act, including cases of unaccompanied children and young adults (See: [Differential treatment of specific nationalities in the procedure](#)).<sup>484</sup> AIMA does not seem to follow this practice.

In the context of providing legal assistance, CPR has observed that access to this regime may be hampered by the lack of documents issued by the country of origin (e.g., passports and criminal record certificates).

There is no publicly statistical data available on the application of this exceptional regularisation regime<sup>485</sup> and AIMA did not provide data for 2024.

## 6.2 Return procedure

The Asylum Act does not provide for a simultaneous decision to refuse the application for international protection and a forced removal from national territory.

Notwithstanding, it establishes that, following notification of a decision to reject an application for international protection, the applicant is subject to the legal regime for the entry, stay, exit and removal of foreign citizens from national territory (Immigration Act), without prejudice to the suspensive effect of an appeal.<sup>486</sup>

Upon notification of a negative decision on an admissibility or accelerated procedure, and on a subsequent application, the applicant is simultaneously notified to voluntarily leave the national territory within 20 days, without prejudice to the suspensive effect of an appeal.<sup>487</sup>

According to AIMA, 303 notifications to voluntarily leave the national territory were issued in 2024.

Also according to AIMA, there were no cases in 2024 where the asylum application was rejected and it was not possible to remove the person from national territory due to political and/or practical obstacles.

Nevertheless, AIMA reports that in 2024 there were cases of Syrian citizens who did not apply for asylum and whose removal from national territory was not possible due to the principle of *non-refoulement*.

## D. Guarantees for vulnerable groups

### 1. Identification

#### Indicators: Special Procedural Guarantees

1. Is there a specific identification mechanism in place to systematically identify vulnerable asylum applicants?  
☐ Yes ☒ For certain categories ☐ No  
❖ If for certain categories, specify which: Unaccompanied minors, victims of trafficking
2. Does the law provide for an identification mechanism for unaccompanied children?  
☐ Yes ☒ No

The Asylum Act defines an ‘applicant in need of special procedural guarantees’ in terms of reduced ability to benefit from the rights and comply with the obligations stemming from the Asylum Act due to individual circumstances.<sup>488</sup> Even though it does not include an exhaustive list of asylum applicants presumed to be in need

<sup>484</sup> Note that this practice was confirmed in the Statistical Report of Asylum (2020) in the case of Venezuelan asylum applicants: Observatory for Migration, *Entrada, Acolhimento e Integração de Requerentes e Beneficiários de Protecção Internacional em Portugal – Relatório Estatístico do Asilo 2020*, May 2020, available Portuguese [here](#), 62.

<sup>485</sup> AIMA’s ‘Migration and Asylum Report’ for 2023 does not make any reference to residence permits under Article 123 Immigration Act. See AIMA, *Relatório de Migrações e Asilo – 2023*, September 2024, available [here](#).

<sup>486</sup> Articles 21, 26, 31, 33 and 42 Asylum Act.

<sup>487</sup> Articles 21(2) and 33(9) Asylum Act.

<sup>488</sup> Article 17-A(1) Asylum Act.

of special procedural guarantees, it does refer to age, gender, gender identity, sexual orientation, disability, serious illness, mental disorders, and victims of torture, rape or other serious forms of psychological, physical or sexual violence as possible factors underlying individual circumstances that could lead to the need of special procedural guarantees.<sup>489</sup>

The Asylum Act provides for the need to identify persons with special needs and the nature of such needs upon registration of the asylum application or at any stage of the asylum procedure.<sup>490</sup> The nature of special procedural needs should be assessed before a decision on the admissibility of the application is taken.<sup>491</sup>

## 1.1 Screening of vulnerability

Despite these legal obligations, there are no (specific) mechanisms, standard operating procedures, or units in place to systematically identify asylum applicants who need special procedural guarantees.<sup>492</sup>

In 2020, the UN Human Rights Committee expressed concern with the lack of such a mechanism and recommended the establishment of ‘an effective mechanism for the identification of vulnerable applicants, in particular stateless persons’.<sup>493</sup>

In May 2025, the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) published its first report on Portugal, focusing on access to support, protection and justice.<sup>494</sup> GREVIO expressed concern with the lack of a mechanism to systematically screen, identify and refer the needs of women seeking and/or benefiting from international protection victims of violence. While praising the creation of AIMA as a single agency dealing with asylum and migration, GREVIO urged the development of ‘its potential in order to offer comprehensive support and protection to women and girls who are seeking asylum or have been granted refugee status, including through the training of AIMA staff on issues of gender-based violence’.<sup>495</sup> Notably, GREVIO encouraged the national authorities to:

- ❖ ‘[A]ddress the specific needs of women victims exposed to intersecting forms of discrimination, in particular [...] refugee and asylum-seeking women, and to integrate the perspective of such groups into the design, implementation, monitoring and evaluation of comprehensive and co-ordinated policies for preventing and combating violence against women’;<sup>496</sup>
- ❖ ‘[T]o step up measures to ensure adequate access for all women and girls to general support services, and to continue their efforts to reduce regional disparities in the availability and quality of the services provided’ and to adopt additional measures ‘to devise more effective responses to the needs of women and girls exposed to intersectional discrimination, including those of [...] asylum-seeking and refugee women victims’.<sup>497</sup>

According to AIMA, vulnerabilities may be identified during the asylum procedure, particularly during presentation of the application, the interview, the examination of the case and/or during the reception in the host entity that has a MoU with the Agency. The Agency's first-line officers conduct initial screenings on vulnerabilities upon

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<sup>489</sup> Ibid.

<sup>490</sup> Article 77(2) Asylum Act.

<sup>491</sup> Article 17-A(1) Asylum Act.

<sup>492</sup> In the context of the right of reply of the authorities to the 2024 draft AIDA report (22 August 2025), AIMA refers to screening tool, created and implemented in September 2024 (for further details see right of reply in annex). However, according to CPR's observation, the tool, a practice only in place since September 2024, is not applied systematically in all parts of the country and border posts.

<sup>493</sup> Human Rights Committee, *Concluding Observations on the fifth periodic report of Portugal*, CCPR/C/PRT/CO/5. 28 April 2020, para 34(c) and 35(c) available [here](#).

<sup>494</sup> Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), First thematic Evaluation Report – Portugal – Building trust by delivering support, protection and justice – 27 May 2025, available [here](#).

<sup>495</sup> Ibid, para. 92.

<sup>496</sup> Ibid, para. 19.

<sup>497</sup> Ibid, para. 93.

presentation of an asylum application. The indicators are assessed through self-identification, questions and direct observation. First-line officers also complete an internal vulnerability identification document, based on a UNHCR tool. It is not clear what screening consists of, and whether the tool is systematically applied and how its outcomes are assessed.

According to AIMA, as soon as vulnerability is identified, appropriate support can be given to applicants according to their needs and procedural guarantees can be promoted, such as adapted interview conditions (particularly with regard to the gender of the interviewer), interruption of interviews, and exemption from accelerated or border procedures if deemed inappropriate considering the applicant's condition.

According to CPR's observation, throughout 2024, AIMA did not demonstrate any decision-making power on the conditions and maintenance of detention of asylum applicants at the border, leading to concerns about the identification and monitoring of vulnerable cases and application of special procedural guarantees and special reception conditions.

The questionnaire used by AIMA in first instance asylum interviews includes two questions on the applicant's self-assessed health condition and capacity to undergo the interview.<sup>498</sup> Dublin interview forms also contain a couple of questions on health-related vulnerabilities.<sup>499</sup> According to CPR's observation, there is no clear link between the answer provided by the applicant and the adoption of special procedural guarantees in practice.

According to AIMA, CNAR's caseworkers do not have specific training in vulnerabilities but one of the caseworkers deals exclusively with unaccompanied children's applications. As of 2024, CNAR's caseworkers had not completed EUAA's training module on identification of vulnerable persons nor on interviewing vulnerable persons, but received general training on vulnerabilities in the context of other EUAA's training modules. In June 2025 CNAR staff took part in a training session by the EUAA, focused on conducting interviews with vulnerable individuals.<sup>500</sup>

UNHCR reported having provided training covering the identification and referral of asylum applicants and refugees with specific needs to AIMA's asylum, social and integration units. Both IOM and UNHCR reported having provided training covering the protection of specific vulnerable groups and the identification and referral of asylum applicants and refugees with specific needs, respectively, to PSP within the framework of PSP's official training programmes. ISS and UNHCR delivered training on specific needs and mental health and psychosocial support to entities involved in reception of asylum applicants.

In 2022, a new SOG sub-group was created in order to address the area of vulnerabilities within the asylum system. The group was composed by ACM, CPR, ISS, SCML, SEF, and UNHCR. During 2023, its activities were halted with the suspension of the activity of the SOG.<sup>501</sup> According to the information provided by UNHCR, the group did not resume in 2024 and issues related to vulnerabilities were discussed within the framework of the working group on migration and asylum led by the Judicial High Council. However, these discussions are primarily within the framework of detention measures.

Publicly available statistics regarding vulnerable asylum applicants are scarce and relate mostly to unaccompanied children and families with children.

According to the information provided by AIMA, the database does not allow for the uniform breakdown of cases per category of vulnerability, except for unaccompanied children. In 2024, a total of 203 unaccompanied children applied for asylum in Portugal.

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<sup>498</sup> The questions read (1) "Do you feel alright, are you comfortable? Do you have any health problems?", and (2) "Do you feel capable of talking to me at the moment?".

<sup>499</sup> The questions read (1) "Are you in good health – Y/N? Do you have health problems - Y/N? Which problems?" and (2) "Are you accompanied by a relative with health problems?".

<sup>500</sup> Information provided by AIMA in the context of the right of reply of the authorities to the report on 2024 (22 August 2025).

<sup>501</sup> The activity of the SOG was not resumed until the end of 2024.

CPR collects statistical information on asylum applicants who self-identify or are identified as vulnerable on the basis of information received from AIMA in accordance with the law, collected directly from the applicants or shared by other service providers. In 2024, of the 2,273 asylum applicants whose cases were communicated by the asylum authority, 567 were identified as vulnerable:

| Asylum applicants communicated to CPR and identified as vulnerable: 2019-2024 <sup>502</sup>             |            |            |            |            |            |            |
|--|------------|------------|------------|------------|------------|------------|
| Category of vulnerable group   | 2019       | 2020       | 2021       | 2022       | 2023       | 2024       |
| Unaccompanied children   | 77         | 38         | 65         | 146        | 108        | 168        |
| Accompanied children   | 236        | 88         | 304        | 245        | 268        | 270        |
| Single-parent families   | 61         | 23         | 19         | 41         | 49         | 81         |
| Pregnant women   | 13         | 6          | 10         | 6          | -          | 9          |
| Elderly persons  | 5          | -          | 7          | 12         | 9          | 5          |
| Disabled persons   | -          | -          | -          | -          | -          | -          |
| Survivors of torture   | 19         | 6          | 8          | 8          | 6          | -          |
| Survivors of physical, psychological or sexual violence  | 49         | 18         | 8          | 20         | 12         | 14         |
| Persons with chronic or serious illnesses  | 40         | 21         | 19         | 29         | 20         | 12         |
| Persons with addictions  | -          | -          | -          | -          | -          | -          |
| <b>Total</b>   | <b>503</b> | <b>204</b> | <b>438</b> | <b>513</b> | <b>482</b> | <b>567</b> |
| % of applicants identified as vulnerable (out of the total spontaneous applications communicated to CPR) | 29%        | 23%        | 31%        | 24%        | 19%        | 25%        |

Source: CPR.

According to the information available to CPR, a number of age assessment procedures were pending at the end of 2024. Applicants may be later determined to be adults including on the basis of their own statements, second-stage age assessment procedures requested by the Family and Juvenile Court, assessments made by AIMA, or based on information received from other EU Member States. The number of such cases regarding unaccompanied children who applied for asylum in 2024 remained marginal.

### Unaccompanied children

The Asylum Act determines that the staff handling asylum applications of unaccompanied children must be specifically trained.<sup>503</sup>

In 2019, the Committee on the Rights of the Child expressed concern with '[...] weaknesses in policy and practice relating to unaccompanied and separated children, particularly in respect of legal representation and

<sup>502</sup> Figures below five are not included in this table.

<sup>503</sup> Article 79(12) Asylum Act. The provision of mandatory training on the rights of the child to all relevant professionals, including immigration and asylum officers was also recently recommended by the Committee on the Rights of the Child. See Committee on the Rights of the Child, *Concluding observations on the combined fifth and sixth periodic reports of Portugal*, CRC/C/PRT/CO/5-6, 9 December 2019, par.13 (c), available [here](#).



guardianship during refugee determination processes'.<sup>504</sup> The Committee recommended Portugal to 'strengthen policies and practices to improve the identification and registration of unaccompanied and separated children, including through ensuring that they are provided with effective legal representation and an independent guardian immediately after they have been identified'.<sup>505</sup> The necessity and consistency of the assessment of the best interests of the child in asylum procedures were also highlighted by the Committee.<sup>506</sup>

## Victims of torture and serious violence

In the case of survivors of torture and/or serious violence, research has demonstrated that identification is conducted on an *ad hoc* basis and mostly on the basis of self-identification during refugee status determination, social interviews, or initial medical screenings.<sup>507</sup> Staff working with asylum applicants lacks specific training on the identification of survivors of torture and/or serious violence and their special needs.

According to the information provided by the Portuguese authorities to the UN Committee Against Torture in June 2018,<sup>508</sup> '[...] the number of asylum applicants that claimed to have been victims of torture or identified as victims of torture is residual.' The report also states that '[i]n general, the applicant is assessed as credible when the claims are reliable or visible signs of the act exist. This leads to a positive decision and to the granting of international protection status without the need for medical examinations. Applicants are then subject to evaluation as well as to medical and psychological monitoring in the reception centres in order to address potential traumas. There are no statistical data on these cases.'<sup>509</sup>

Following this report, the identification of survivors of torture was one of the issues addressed by the UN Committee Against Torture in its Concluding Observations on Portugal. The Committee observed that '[...] the State party has not provided complete information on the procedures in place for the timely identification of victims of torture among asylum seekers [...]' and recommended '[...] the establishment of effective mechanisms to promptly identify victims of torture among asylum seekers'.<sup>510</sup>

## Victims of human trafficking

In 2021 the national '*Protocol for the definition of procedures aimed at the Prevention, Detection and Protection of (presumed) children victims of Trafficking in Human Beings – National Referral Mechanism*' was launched.<sup>511</sup> The referral mechanism, comprised of nine practical tools, aims to establish specific procedures, to reinforce cooperation and communication among professionals and to ensure respect for the best interests of the child.<sup>512</sup> One of the practical tools focus on identification at the border, explaining the referral and identification procedures together with relevant indicators.

<sup>504</sup> Committee on the Rights of the Child, *Concluding observations on the combined fifth and sixth periodic reports of Portugal*, CRC/C/PRT/CO/5-6, 9 December 2019, par.41(c), available [here](#).

<sup>505</sup> Ibid., para. 42(c).

<sup>506</sup> Ibid., paras 41(b) and 42(b).

<sup>507</sup> Italian Council for Refugees *et al.*, *Time for Needs: Listening, Healing, Protecting*, October 2017, available [here](#).

<sup>508</sup> Committee Against Torture, *Seventh periodic report submitted by Portugal under article 19 of the Convention pursuant to the optional reporting procedure, due in 2017*, CAT/C/PRT/7, 18 December 2018, available [here](#).

<sup>509</sup> Committee Against Torture, *Seventh periodic report submitted by Portugal under article 19 of the Convention pursuant to the optional reporting procedure, due in 2017*, CAT/C/PRT/7, 18 December 2018, available [here](#) paras.133-134.

<sup>510</sup> Committee Against Torture, *Concluding Observations on the seventh periodic report of Portugal*, CAR/C/PRT/CO/7, 18 December 2019, par.38(d), available [here](#). In the List of Issues published in June 2023, the Committee Against Torture (CAT) requested information regarding, inter alia, "the number of successful applications and the number of asylum-seekers whose applications were accepted because they had been tortured or might be tortured if returned." See Committee Against Torture (CAT), *List of issues prior to submission of the eight periodic report of Portugal*, 9 June 2023, par.7, available [here](#).

<sup>511</sup> OTSH (coord.), *Protocolo para a definição de procedimentos de atuação destinado à prevenção, deteção e proteção de crianças (presumíveis) vítimas de tráfico de seres humanos - Sistema de Referência Nacional*, May 2021, available [here](#).

<sup>512</sup> The tools focus on: 1. Guiding principles of children's protective intervention; 2. Overall indicators and types of exploitation by indicators. 3. Detection in National Territory. 4. Detection at External Borders. 5. Procedures for assessing the child's age. 6. Appointment of Tutor or Legal Representative. 7. Assistance, Sheltering, (Re) Integration and Return. 8. Rights of children victims of Trafficking in Human Beings. 9. Training Module.

With regard to asylum seeking children, CPR systematically flags presumed victims of trafficking under its care to OTSH (on the basis of an anonymous form with indicators), to the relevant authorities for purposes of criminal investigation and protection, and to the competent Family Court. Where CPR caseworkers are able to obtain the unaccompanied child's consent for adequate protection, the cases can be further referred to the multidisciplinary team of the Family Planning Association (APF) that conducts an initial assessment that can lead to the placement of the presumed victim in an Anti-Trafficking Reception and Protection Centre (CAP).

Trafficking in human beings was addressed by the UN Committee Against Torture in its Concluding Observations published in 2019. The Committee expressed concern with reports of lack of training of law enforcement officers and with delays in the process of issuance of residence permits to victims.<sup>513</sup> As such, the Committee recommended Portugal to, among other things: '(a) Intensify its efforts to prevent and combat trafficking in persons, including by putting in place effective procedures for the identification and referral of victims among vulnerable groups, such as asylum applicants and irregular migrants; (b) Improve the training of law enforcement officers and other first responders by including statutory training on the identification of potential victims of trafficking in persons; and (c) Ensure access to adequate protection and support, including temporary residence permits, irrespective of their ability to cooperate in legal proceedings against traffickers'.<sup>514</sup>

According to the information provided by the national authorities to the UN Human Rights Committee on the occasion of the consideration of the relevant report, '[s]pecial emphasis had been placed on identifying trafficking victims among the children who arrived at the border accompanied by adults who might not be their parents or legal guardians. Strict procedural rules governed how those cases were handled; the minors in question were placed into care while investigations were conducted to clarify the circumstances surrounding their journey and the nature of their relationship with the adult or adults accompanying them'.<sup>515</sup>

In its assessment, with regard to trafficking in human beings and asylum, the UN Human Rights Committee flagged, inter alia, the absence 'of an adequate identification mechanism for victims of trafficking in persons in the asylum procedures, including with respect to children'. Importantly, the Committee recommended Portugal to '[p]rovide adequate training to judges, prosecutors, law enforcement officials, immigration officers and staff working in all reception facilities, including on procedures for identifying victims of trafficking in persons' and to '[e]nsure that victims of trafficking in persons have access to asylum procedures in which their potential needs can be determined'.<sup>516</sup>

In its Concluding Observations published in July 2022, the Committee on the Elimination of Discrimination Against Women (CEDAW), also highlighted the need for effective identification and referral of victims of trafficking in Portugal.<sup>517</sup>

At the occasion of the fourth cycle of the Universal Periodic Review on Portugal in 2024, many conclusions and recommendations of the Working Group flagged the need for further efforts to prevent and combat trafficking in human beings, including by improving procedures for the identification and referral of victims among vulnerable

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<sup>513</sup> Committee Against Torture, *Concluding Observations on the seventh periodic report of Portugal*, CAR/C/PRT/CO/7, 18 December 2019, para 43, available [here](#). In the List of Issues published in June 2023, the Committee Against Torture (CAT) requested information regarding, inter alia, the investigation of cases of trafficking of persons, data concerning victims, complaints, prosecutions, convictions and sentences, provision of redress to victims, data on protection and support measures, as well as measures to increase training of relevant officials." See Committee Against Torture (CAT), *List of issues prior to submission of the eighth periodic report of Portugal*, 9 June 2023, par.6, available [here](#).

<sup>514</sup> Committee Against Torture, *Concluding Observations on the seventh periodic report of Portugal*, CAR/C/PRT/CO/7, 18 December 2019, para 44, available [here](#).

<sup>515</sup> Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant (continued)*, CCPR/C/SR.3697, 13 March 2020, para 33, available [here](#).

<sup>516</sup> Human Rights Committee, *Concluding Observations on the fifth periodic report of Portugal*, CCPR/C/PRT/CO/5. 28 April 2020, par 32 and 33(b) and (c), available [here](#).

<sup>517</sup> CEDAW, *Concluding Observations on the tenth periodic report of Portugal*, CEDAW/C/PRT/CO/10, 12 July 2022, available [here](#).

groups, particularly applicants for and beneficiaries of international protection, training to law enforcement and improving access to justice and adequate protection for victims.<sup>518</sup>

In June 2022, the Group of Experts on Action against Trafficking in Human Beings (GRETA), published its third report on Portugal, focusing on access to justice and effective remedies for victims, and following-up on issues specific to the national context, including the link between asylum and trafficking in human beings.<sup>519</sup> Notably, GRETA:

- ❖ Urged the national authorities to ‘set up effective procedures on the identification of victims of trafficking among applicants for international protection and their referral to assistance’, to ‘provide systematic training and guidance to staff working at immigration detention facilities and asylum seekers accommodation centres, including social workers, medical and other staff, on the identification of victims of trafficking and the procedures to be followed’, as well as to ensure adequate legal support;<sup>520</sup>
- ❖ While welcoming the adoption of the national referral mechanism for children, recommended the adoption of ‘guidance on the identification of child victims of trafficking among unaccompanied and separated asylum-seeking children’, and the provision of training to relevant actors;<sup>521</sup>
- ❖ Recommended the authorities to ensure that ‘assistance is provided to presumed THB victims who are detained in detention centres for migrants, by setting up specific protocols and by providing specific training on trafficking indicators to police forces, social workers, medical and other staff working at facilities for asylum seekers and detained migrants’.<sup>522</sup>

GRETA also issued a number of recommendations concerning broader issues such as the national framework on trafficking, identification of victims, access to information, non-punishment provisions, and return of victims of trafficking.<sup>523</sup> The Group also highlighted the need to ensure that the reform of SEF does not impair the specialised law enforcement action in the field of trafficking in human beings.<sup>524</sup>

Within the context of the termination of SEF’s activities, competences concerning the investigation of crimes relating to the assistance of illegal migration, trafficking in human beings and related crimes were transferred to the Judiciary Police (PJ) in 2023.<sup>525</sup> It is worth mentioning that a significant number of inspectors who were previously part of SEF were transferred to PJ. It was not possible to gather information regarding the practical impact of this institutional change in the protection of victims of trafficking within the asylum system.

In July 2021, a Ministerial Order reviewing the documents issued to persons with victim status and particularly vulnerable victim status was published.<sup>526</sup> Importantly, the documents to be handed to victims of trafficking in human beings and assistance to illegal migration clearly refer to their right to apply for international protection in Portugal.

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<sup>518</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review – Portugal*, A/HRC/58/5, 18 December 2024, para. 37.106, 37.107, 37.113, 37.114, 37.280, available [here](#).

<sup>519</sup> Group of Experts on Action against Trafficking in Human Beings (GRETA), *Evaluation Report – Portugal – Third Evaluation Round – Access to justice and effective remedies for victims of trafficking in human beings*, 13 June 2022, available [here](#).

<sup>520</sup> *Ibid*, par.177.

<sup>521</sup> *Ibid*, par.186.

<sup>522</sup> *Ibid*, par.193.

<sup>523</sup> *Ibid*, pp. 47-52. See also the subsequent recommendation by the Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings: *Recommendation CP/Rec(2022)06 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Portugal*, 17 June 2022, available [here](#).

<sup>524</sup> Group of Experts on Action against Trafficking in Human Beings (GRETA), *Evaluation Report – Portugal – Third Evaluation Round – Access to justice and effective remedies for victims of trafficking in human beings*, 13 June 2022, par.27, available [here](#).

<sup>525</sup> Article 2(c) Act n. 73/2021 of 12 November 2021 approving the restructure of the Portuguese system of border control, reshaping the regime of the forces and services responsible for internal security and establishing other rules for the redistribution of competences and resources of the Immigration and Borders Service, last amended by Act n. 53/2023, of 31 August 2023, available [here](#).

<sup>526</sup> Ministerial Order n. 138-E/2021 of 1 July, available [here](#).

In December 2024, the 2025-2027 Action Plan to Prevent and Combat Trafficking in Human Beings was adopted.<sup>527</sup> The plan considers that the humanitarian crisis associated with the armed conflict in Ukraine and the significant influx of people towards the EU increases the risk of exploitative situations related to trafficking in human beings, in particular trafficking for the purpose of sexual exploitation, taking into account the high number of displaced women and children. It makes no reference to cases of international protection. According to the plan, the strategic objectives are (1) to strengthen knowledge and awareness of trafficking in human beings; (2) to ensure that victims have better access to their rights and assistance; (3) to strengthen the prevention of and fight against organised crime networks in the context of trafficking in human beings. Notably, the plan does not concretise measures to be taken for the systematic identification of victims of trafficking in human beings, focusing on the need for the intervention of civil society to identify cases.

According to OTSH, in 2024, there were no formally identified and/or confirmed victims of trafficking in human beings among applicants for and beneficiaries of international protection by the competent authorities.

CPR is unaware of instances where asylum applicants were granted international protection on the basis of a well-founded fear of persecution for reasons of trafficking in human beings.

## 1.2 Age assessment of unaccompanied children

Despite the obligation to refer unaccompanied children to Family and Juvenile Courts for the purposes of legal representation,<sup>528</sup> the Asylum Act does not provide for a specific identification mechanism for unaccompanied children or objective criteria to establish which asylum applicants must undergo an age assessment.

According to the Asylum Act, AIMA may resort to medical expertise using a non-invasive examination to determine the age of the unaccompanied child who must be given the benefit of the doubt in case well founded doubts persist regarding their age after the examination.<sup>529</sup> The law does not define or list the non-invasive methods that may be used within this context.

The unaccompanied child must be informed that their age will be determined by means of such expertise and their representative must give prior consent.<sup>530</sup> In early 2020, following the results of workshops with children on age assessment funded by the Council of Europe, the National Commission for the Promotion of Rights and the Protection of Children and Young People published a leaflet with information on age assessment procedures to children. The leaflet is available in Portuguese, English, and French.<sup>531</sup>

Refusal to allow an expert's examination does not prevent the issuance of a decision on the application for international protection but shall not determine its rejection.<sup>532</sup>

The age assessment procedure may also be triggered by the Family and Juvenile Court in the framework of judicial procedures aimed at ensuring legal representation for the child and the adoption of protective measures (see Legal Representation of Unaccompanied Children)<sup>533</sup> or by the unaccompanied child's legal representative.

As such, age assessment procedures can be triggered either by AIMA when there are significant doubts regarding the age of the applicant on the basis of physical appearance and/or demeanour, or by Family and Juvenile Courts in the framework of legal representation and child protection procedures (see [Legal](#)

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<sup>527</sup> Resolution of the Council of Ministers no. 194/2024, 24 December 2024, available [here](#).

<sup>528</sup> Article 79(2) Asylum Act.

<sup>529</sup> Article 79(6) Asylum Act.

<sup>530</sup> Article 79(7) Asylum Act.

<sup>531</sup> National Commission for the Promotion of Rights and the Protection of Children and Young People, *Une évaluation de l'âge qui respecte les droits des enfants/An age assessment procedure that respects children's rights*, 19 February 2020, available [here](#).

<sup>532</sup> Article 79(8) Asylum Act.

<sup>533</sup> In this case, it is mandatory.

Representation of Unaccompanied Children). The Agency had no data pertaining the number of applicants that underwent an age assessment procedures in 2024.

While official data is not available, in recent years CPR observed that age assessment procedures were triggered by Family and Juvenile Courts to almost all unaccompanied children by default, and without an analysis of the individual need for such procedures and/or prior individual hearing.<sup>534</sup>

The absence of objective criteria to establish what constitutes reasonable doubt, who must undergo an age assessment, and the nature of the initial age assessments is particularly problematic.<sup>535</sup>

- ❖ In cases of asylum applicants who were referred by AIMA to childcare facilities despite legitimate doubts regarding the age of the applicant on the basis of their physical appearance and/or demeanour thus putting at risk the integrity and security of the facility;
- ❖ In a few cases where asylum applicants claim to be adults but there are legitimate doubts about the possibility of them being children on the basis of statements, physical appearance and/or demeanour; and
- ❖ Due to the systematic use of age assessments triggered by Family and Juvenile Courts without adequate justification of their need and proportionality.

The law also does not establish further specific rules and principles applicable to age assessment procedures. Age assessment procedures are conducted by the National Institute of Legal Medicine and Forensic Science (INMLCF).<sup>536</sup> It is unclear whether child protection concerns are specifically considered in such assessments. According to CPR's observation the procedures thereto fail to meet the holistic and multidisciplinary standards recommended by UNHCR.<sup>537</sup> This has also been observed by UNICEF.<sup>538</sup> The methods used for age determination include wrist, clavicle and dental X-rays, as well as an evaluation of sexual development as part of the age assessment procedure.<sup>539</sup> These methods, in particular the evaluation of sexual development, are arguably invasive and therefore not in line with those permitted by the Asylum Act.

According to the information available to CPR, where the applicant did not consent to an examination of their genitals, such examinations were not performed and the age assessment examinations proceeded.<sup>540</sup>

Despite the established technical limitations of such methods,<sup>541</sup> their results have been used by the national authorities as evidence of the adulthood of the applicant and as grounds for refusing the benefit of the doubt

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<sup>534</sup> This has also been confirmed by UNICEF to the 2023 AIDA Report.

<sup>535</sup> While the border procedure has not been applied since March 2020, it is worth mentioning that, within that context, SEF has in the past refused to trigger age assessment procedures and/or give the benefit of the doubt to asylum applicants claiming to be children, with significant implications regarding detention and access to procedural rights in the absence of a legal representative.

<sup>536</sup> Article 2(1) Act no.45/2004, of 19 of August as amended by Decree-Law no.53/2021, of 16 June, available [here](#).

<sup>537</sup> UNHCR, *The Way Forward to Strengthened Policies and Practices for Unaccompanied and Separated Children in Europe*, July 2017, available [here](#).

<sup>538</sup> As per the information shared by UNICEF to the 2023 AIDA Report. UNICEF has further reported that, in some instances, legal representatives are not properly informed or trained to fully advocate for the best interest of the child within these procedures.

<sup>539</sup> While an examination of genitals was not used in age assessment in the past, INMLCF published a procedural note in 2019 on the estimation of age in living and undocumented persons that includes it in the age assessment procedure. INMLCF, *Norma procedimental – Estimativa da idade em indivíduos vivos indocumentados*, NP-INMLCF-018, 14 October 2019, previously available in Portuguese [here](#) (not available at the time of writing). The grounds for this (regrettable) change of practice are not know.

<sup>540</sup> According to CPR's observation, the refusal is usually referred in the relevant report together with an estimation of sexual development.

<sup>541</sup> For an analysis of the framework of the use of medical examinations for this purpose see, for instance: ECRE, *Age assessment in Europe – Applying European and International Legal Standards at stages of age assessment procedures*, December 2022, pp.12 et seq, available [here](#).



despite their inability to establish an exact age. This practice has been overturned by Administrative Courts in at least one instance regarding the asylum procedure,<sup>542</sup> and was criticised by the Council of Europe.<sup>543</sup>

AIMA often suspends the asylum procedure on the basis of general administrative rules in order to wait for the results of age assessment procedures ordered by the Family and Juvenile Courts.<sup>544</sup> According to CPR's experience, these decisions of suspension are not usually notified to the child applicant nor to the legal representative and suspensions tend to be prolonged. In some cases, where age assessment procedures had already been completed, the intervention of the child applicant/reception entity was necessary in order to lift the suspension of the asylum procedure.

The initial and second-stage of age assessment procedures are made for different purposes including: (i) the provision of special procedural guarantees i.e., referral to the Family and Juvenile Courts for the purposes of legal representation in the asylum procedure; (ii) the provision and the cessation of special reception conditions, i.e., immediate referral to childcare services and referral to the Family and Juvenile Courts for purposes of confirming the provision of special reception conditions there; and (iii) for the purposes of refugee status determination as a material fact of the asylum application.

The law does not provide for a specific legal remedy against the initial age assessment procedure conducted for purposes other than the refugee status determination. However, if adopted at administrative level, in principle, these that can be challenged before the Administrative Courts as per general Administrative Law.<sup>545</sup> Age assessments conducted within the context of Family and Juvenile Courts procedures may be, in principle, appealed pursuant to general rules. In practice, this is rarely – if ever – the case given the individual circumstances, and the lack of available legal expertise.

As a general rule, upon the existence of medical examinations determining that the applicant is an adult, the protective measures adopted within the context of child-protection processes cease. It is concerning that, in many cases, however, the documents issued to the applicant within the asylum procedure do not reflect a change in the date of birth of the person concerning, thus hindering integration both as a child and as an adult.

According to information available to CPR, in some cases, upon reception of the results of the medical report and before the issuance of a decision on the age assessment procedure, the competent Family and Juvenile Court gave the applicant and the appointed guardian the opportunity to reply to the analysis. According to the experience of CPR's CACR, in some instances, where the protective measure is deemed to have a positive effect in the individual case by the Family and Juvenile Court, it can be maintained. Nevertheless, this is not a standard or systematic practice within the context of age assessment procedures.

At least in some instances, cases where the applicant is deemed to be an adult were immediately referred by the Family and Juvenile Court for criminal investigation for the provision of false statements to the authorities. While no data is available in this regard, this practice has been observed both by CPR and UNICEF.<sup>546</sup>

In 2019, the UN Committee on the Rights of the Child raised concerns about age assessment procedures and recommended that Portugal 'continue to enforce multidisciplinary and transparent procedures that are in line with international standards and adequately train staff to ensure that the psychological aspects and personal circumstances of the person under assessment are taken into account'.<sup>547</sup>

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<sup>542</sup> See e.g., TAC Leiria, Decision 784/14.9 BELRA, 19 July 2014, unpublished.

<sup>543</sup> GRETA, *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Portugal*, GRETA (2017)4, 17 March 2017, available [here](#).

<sup>544</sup> Article 38(1) Administrative Procedure Code.

<sup>545</sup> Article 51(1) and (2) Code of Procedure in Administrative Courts.

<sup>546</sup> As per the information shared by UNICEF to the 2023 AIDA Report.

<sup>547</sup> Committee on the Rights of the Child, *Concluding observations on the combined fifth and sixth periodic reports of Portugal*, CRC/C/PRT/CO/5-6, 9 December 2019, pars.41(e) and 42(e), available [here](#).

## 2. Special procedural guarantees

### Indicators: Special Procedural Guarantees

1. Are there special procedural arrangements/guarantees for vulnerable people?  
☐ Yes ☒ For certain categories ☐ No
- ❖ If for certain categories, specify which:  
Unaccompanied children; applicants whose reduced ability to benefit from rights/comply with obligations is self-evident

As mentioned in [Identification](#), the Asylum Act does not include an exhaustive list of asylum applicants presumed to be in need of special procedural guarantees. Nevertheless, it does refer to age, gender, gender identity, sexual orientation, disability, serious illness, mental disorders, and victims of torture, rape or other serious forms of psychological, physical or sexual violence as possible factors which may indicate the need for special procedural guarantees.<sup>548</sup>

The Asylum Act establishes that, when such needs are identified, applicants must be provided the necessary support and conditions to exercise their rights and duties within the asylum procedure.<sup>549</sup> While the Asylum Act does not provide an exhaustive list of special procedural guarantees, it explicitly provides for the possibility to postpone the personal interview, to extend deadlines for presenting evidence, and to carry out interviews with the assistance of experts.<sup>550</sup>

According to the Asylum Act, victims of torture and/or serious violence in need of special procedural guarantees shall be exempted from the border procedure and from detention in the context of border procedures when the necessary support and conditions cannot be ensured within that context.<sup>551</sup>

While the implementation of certain special procedural guarantees will in practice depend on action from AIMA, according to the law, the responsibility for implementing these measures lies with the Institute of Social Security (ISS).<sup>552</sup>

### 2.1 Adequate support during the interview

As mentioned in [Identification](#), there is no specific unit in place with specially trained staff that can provide special procedural guarantees such as special interview techniques or tailored support during personal interviews. The Asylum Act provides for mandatory training for staff on how to deal with claim by vulnerable groups, but this is not observed in practice.<sup>553</sup>

In practice, except for asylum applicants whose limited ability to exercise the rights and comply with the obligations stemming from the Asylum Act is self-evident (e.g., due to serious illness, pregnancy), such guarantees are not implemented.

It must be noted that the practices of the national authorities in this regard are not homogeneous or systematic. CPR has observed cases of manifest inability or limited ability of applicants to exercise the rights and comply with the obligations stemming from the Asylum Act where no or insufficient special measures were adopted by the authorities (e.g. cases where there were clear signs of mental illness).

<sup>548</sup> Article 17-A(1) Asylum Act.

<sup>549</sup> Article 17-A(2) Asylum Act.

<sup>550</sup> Article 17-A(3) Asylum Act.

<sup>551</sup> Article 17-A(4) Asylum Act.

<sup>552</sup> Article 17-A(5) Asylum Act.

<sup>553</sup> Practice-based observation of CPR, January 2025.



Case law regarding the provision of special procedural guarantees in the asylum procedure has consolidated the approach of not implementing such guarantees.<sup>554</sup>

In some cases supported by CPR, where applicants were not able to exercise procedural rights (e.g., provide comments to the interview report/summary report or to decision proposals) due to certified temporary medical reasons, extensions of the relevant deadlines were granted upon request. The duration of the postponement/extension of deadlines varied. AIMA's practice in this regard is not clear but in a case with serious health problems in 2024, it did not respond to the request for the use of special procedural guarantees and the extension of the applicable deadline was not granted.

Requests for the extension of deadlines due to the impossibility to secure interpreters to carry out the relevant diligences in due time were usually not accepted by SEF. When accepted, the extension granted was very short (e.g. 1 day). In 2024, CPR did not contact AIMA in this regard.

In accordance with the law,<sup>555</sup> CPR provides specific legal assistance to unaccompanied asylum-seeking children under its care, *inter alia*, through the presence of a legal officer during the personal interview with AIMA (see [Legal Representation of Unaccompanied Children](#)).

## 2.2 Exemption from special procedures

### Exemption from the border procedure

According to the Asylum Act, victims of torture and/or serious violence in need of special procedural guarantees shall be exempted from the border procedure and from detention in the context of border procedures when the necessary support and conditions cannot be ensured within that context.<sup>556</sup>

However, no standard operational procedures and tools allowing for the early and effective identification of survivors of torture and/or serious violence and their special procedural needs are in place. As such, asylum applicants who claim to be survivors of torture, rape, or other serious forms of psychological, physical or sexual violence are not specifically exempted from border procedures in practice, despite the lack of provision of special procedural guarantees at the border.

According to CPR's observation, throughout 2024, AIMA did not demonstrate any decision-making power on the conditions and maintenance of detention of asylum applicants at the border, leading to concerns about the identification and monitoring of vulnerable cases and application of special procedural guarantees and special reception conditions.

### Exemption from the accelerated procedure

According to the Asylum Act, unaccompanied children are exempt from accelerated procedures (with the exception of subsequent applications that have not been deemed inadmissible) as well as from the application of certain grounds for inadmissibility, such as Dublin, and first country of asylum/third safe country grounds.<sup>557</sup>

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<sup>554</sup> TAC Lisbon, Decision 1502/18.8BELSB, 24 October 2018, unpublished. The case relates to an asylum applicant suffering from documented epilepsies and depression who was not identified as a vulnerable before the interview and was therefore not provided special procedural guarantees during the first instance procedure. The applicant was unable to review the report of his interview due to his condition and later (but before the issuance of a first instance decision) managed to submit SEF medical reports to SEF. According to TAC Lisbon, such issues were not material to the asylum application and were not relevant to assess the need for special procedural guarantees in accordance to the law "as the serious condition of the appellant was not due to him being a victim of torture, rape or other form of psychological, physical or sexual violence in his country of origin [...]".

<sup>555</sup> Article 79(3) Asylum Act.

<sup>556</sup> Article 17-A(4) Asylum Act.

<sup>557</sup> Article 79(9) Asylum Act.

While jurisprudence focusing on the impact of vulnerabilities in the asylum procedure and particularly on the use of accelerated procedures remains extremely rare, TCA South issued a decision deeming that an application should not have been subject to an accelerated procedure as the health condition of the applicant's daughter amounted to a special vulnerability on health grounds. The Court noted that this element was taken into account by the examining authority and considered that, in light of article 31(7)(b) of the APD and article 17-A of the Asylum Act, the application should not have been analysed in an accelerated procedure, but instead fast-tracked.<sup>558</sup>

### 3. Use of medical reports

#### Indicators: Use of medical reports

1. Does the law provide for the possibility of a medical report in support of the applicant's statements regarding past persecution or serious harm? ☒ Yes ☐ In some cases ☐ No
2. Are medical reports taken into account when assessing the credibility of the applicant's statements? ☒ Yes ☐ No

The Asylum Act contains a general provision on the right of asylum applicants to submit supporting evidence in the asylum procedure.<sup>559</sup> It further foresees the possibility for AIMA to request reports on specific issues from experts (e.g. cultural or medical) during the regular procedure.<sup>560</sup> Nevertheless, there are no specific standards in law or administrative guidance relating to medical reports for those claiming to have been subjected to torture or other serious acts of physical, psychological and sexual violence.

The lack of standard operational procedures regarding the issuance, content and relevance of medical reports in the asylum procedure has been highlighted in the particular case of survivors of torture and/or serious violence.<sup>561</sup> According to the available information, medical reports are currently not issued based on the methodology laid down in the Istanbul Protocol.

According to CPR's observations, the procedures and criteria followed by the authorities in order to request medical evaluations (including concerning mental health) were also unclear and sparse. AIMA did not provide information regarding its procedures to request medical examinations or reports *moto proprio*.<sup>562</sup>

### 4. Legal representation of unaccompanied children

#### Indicators: Unaccompanied Children

1. Does the law provide for the appointment of a representative to all unaccompanied children? ☒ Yes ☐ No

The Asylum Act determines that all unaccompanied child asylum applicants and beneficiaries of international protection are entitled to legal representation.<sup>563</sup> Legal representation can be provided by an organisation and can take the form and modalities laid down in law,<sup>564</sup> such as those provided by the General Legal Regime of Civil Guardianship Act.<sup>565</sup>

In this regard, AIMA is required to immediately flag the need for legal representation to the Family and Juvenile Court.<sup>566</sup>

<sup>558</sup> TCA South, Decision 637/21.4BELSB, 18 November 2021, available [here](#).

<sup>559</sup> Article 15(2) Asylum Act.

<sup>560</sup> Article 28(3) Asylum Act.

<sup>561</sup> Italian Council for Refugees *et al.*, *Time for Needs: Listening, Healing, Protecting*, October 2017, available [here](#).

<sup>562</sup> Information provided by AIMA on 25 June 2024.

<sup>563</sup> Article 79(1) and (2) Asylum Act.

<sup>564</sup> *Ibid.* See also Article 2(1)(ad) Asylum Act.

<sup>565</sup> Act 141/2015 of 8 September 2015.

<sup>566</sup> Article 79(1) and (2) Asylum Act.

The legal representative must be informed in advance and in a timely manner by AIMA of the asylum interview and is entitled to attend and to make oral representations.<sup>567</sup> The presence of the legal representative does not exempt the unaccompanied child from the personal interview.<sup>568</sup> Additionally, AIMA must ensure that the legal representative is given the opportunity to inform the child of the meaning and implications of the personal interview as well as to explain how to prepare for it.<sup>569</sup> The legal representative must also give their consent to age assessment procedures triggered by AIMA.<sup>570</sup>

In practice, the legal representation of unaccompanied children has taken varying legal modalities in accordance with the General Legal Regime of Civil Guardianship Act and the Children and Youths at Risk Protection Act.<sup>571</sup> Its scope usually covers the representation of the child for all legal purposes, including the asylum procedure and reception conditions.<sup>572</sup>

The Family and Juvenile Court at times appoints a free legal aid lawyer to the child in the judicial procedures conducted under the framework of the Children and Youths at Risk Protection Act. Practice in this regard is, however, inconsistent. Furthermore, according to CPR's experience, the assistance provided by such lawyers is usually limited.

As noted by UNICEF, the procedures in place are not in line with the principles of independence and impartiality of the guardian, as the role is typically assigned to the head of the institution responsible for the implementation of the child-protective measure (i.e., notably, for the provision of accommodation and daily assistance and care).<sup>573</sup>

In the case of spontaneous applicants for international protection referred to CPR's care, the Family and Juvenile Court appoints CPR's Director to act as legal representative, including for the purpose of representation/assistance in the asylum procedure. Material protection is provided in accordance with the protective measures set out in the Children and Youths at Risk Protection Act.

CPR's Legal Department provides legal information and assistance to unaccompanied children throughout the asylum procedure. It further attends personal interviews given its legal representative capacity, ensures that children have access to legal aid for appeals when necessary, and provides assistance to lawyers appointed within this mechanism.

Where representation and/or accommodation of unaccompanied children are ensured by other organisations, CPR provides legal assistance to their staff and to the children concerned on a need's basis, upon request, and with due consideration for the relevant legal framework. Within this context, CPR has observed/received reports that organisations often lack information and support regarding the specific rules and procedures applicable to asylum cases, due to their lack of experience in the field. Cooperation regarding social and integration issues is also common.

UNICEF expressed further concern with the fact that the current system does not ensure that the organisations appointed to represent unaccompanied asylum-seeking children have the necessary knowledge and skills in the field of asylum to ensure effective representation.<sup>574</sup>

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<sup>567</sup> Article 79(3) Asylum Act.

<sup>568</sup> Article 79(5) Asylum Act.

<sup>569</sup> Article 79(4) Asylum Act.

<sup>570</sup> Article 79(7) Asylum Act.

<sup>571</sup> Act 147/99 of 1 September 1999.

<sup>572</sup> Article 25(1)(a) recast Asylum Procedures Directive; Article 24(1) recast Reception Conditions Directive.

<sup>573</sup> As per the information shared by UNICEF to the 2023 AIDA Report.

<sup>574</sup> Information provided by UNICEF to the 2023 AIDA Update.

Following referral to adequate accommodation,<sup>575</sup> AIMA usually refers the need to provide the child with legal representation to the Family and Juvenile Court within a few days following the registration of the asylum application.<sup>576</sup> Practice regarding children accompanied by adults who are not their parents varies.

Upon admission to one of its reception centres, CPR immediately informs the competent entities as well.

While AIMA does not conduct individual interviews prior to the appointment of a legal representative, there is no best interests' assessment or intervention of a legal representative prior to the registration of the asylum claim.<sup>577</sup> The Asylum Act allows children to lodge their own asylum application.<sup>578</sup>

While the law does not provide for specific requirements for acting as legal representative of an unaccompanied child, the Children and Youths at Risk Protection Act contains rules governing the composition of the technical staff of reception centres for children. Accordingly, the teams must be multidisciplinary and include personnel which holds at least a BA in the field of Psychology and Social Work. The technical director of the centre must further be appointed among staff members with such an academic background.<sup>579</sup>

In 2019, the UN Committee on the Rights of the Child expressed concern with '[...] weaknesses in policy and practice relating to unaccompanied and separated children, particularly in respect of legal representation and guardianship during refugee determination processes'.<sup>580</sup> The Committee recommended Portugal to 'strengthen policies and practices to improve the identification and registration of unaccompanied and separated children, including through ensuring that they are provided with effective legal representation and an independent guardian immediately after they have been identified'.<sup>581</sup>

A study focusing on the situation of asylum-seeking unaccompanied children and ageing out in Portugal published in 2021 states that the analysis conducted reveals the lack of a national strategy for unaccompanied asylum-seeking children.<sup>582</sup>

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<sup>575</sup> Article 91 General Legal Regime of Civil Guardianship Act and the Children and Youths at Risk Protection Act.

<sup>576</sup> In addition to the relevant rules of the General Legal Regime of Civil Guardianship Act and the Children and Youths at Risk Protection Act, this is provided for in article 79(2) Asylum Act.

<sup>577</sup> A prior assessment of the best interest of the child would bring the procedure more in line with UNHCR's recommendations in this regard. See UNHCR, *The Way Forward to Strengthened Policies and Practices for Unaccompanied and Separated Children in Europe*, July 2017.

<sup>578</sup> Article 13(6) Asylum Act.

<sup>579</sup> Article 54 Children and Youth at Risk Protection Act.

<sup>580</sup> Committee on the Rights of the Child, *Concluding observations on the combined fifth and sixth periodic reports of Portugal*, CRC/C/PRT/CO/5-6, 9 December 2019, available [here](#), par.41 (c).

<sup>581</sup> Committee on the Rights of the Child, *Concluding observations on the combined fifth and sixth periodic reports of Portugal*, CRC/C/PRT/CO/5-6, 9 December 2019, available [here](#), par. 42(c).

<sup>582</sup> Sandra Roberto, Carla Moleiro, ed. Observatório das Migrações, *De menor a maior: acolhimento e autonomia de vida em menores não acompanhados*, April 2021, p.60, available [here](#).

## E. Subsequent applications

### Indicators: Subsequent Applications

1. Does the law provide for a specific procedure for subsequent applications? ☒ Yes ☐ No
2. Is a removal order suspended during the examination of a first subsequent application?
  - ❖ At first instance ☒ Yes ☐ No
  - ❖ At the appeal stage ☒ Yes ☐ No
3. Is a removal order suspended during the examination of a second, third, subsequent application?
  - ❖ At first instance ☒ Yes ☐ No
  - ❖ At the appeal stage ☒ Yes ☐ No

The law provides for specific features in the Admissibility Procedure of subsequent applications, including:

- ❖ a time limit of 10 days for the adoption of an admissibility decision at first instance i.e., to conduct a preliminary assessment;<sup>583</sup>
- ❖ the absence of automatic consequences in case of non-compliance with the time limit for deciding on admissibility;
- ❖ reduced guarantees regarding the right to a personal interview and to seek revision of the narrative of the personal interview;<sup>584</sup>
- ❖ specific criteria for assessing the admissibility of the claim;<sup>585</sup> and
- ❖ partially different time limits and effects of (onward) appeals.<sup>586</sup>

The Asylum Act does not provide for specific rules regarding the right to remain on the territory pending the examination of the application,<sup>587</sup> or the suspension of a removal decision,<sup>588</sup> nor does it provide specific time limits or limitations on the number of subsequent applications a person can lodge.<sup>589</sup> Nevertheless, an ‘unjustified’ subsequent application can lead to the Reduction or Withdrawal of Reception Conditions.<sup>590</sup>

The Board of AIMA is the competent authority to take a decision on the admissibility of subsequent applications.<sup>591</sup>

The analysis of admissibility of a subsequent claim must determine:

- (i) whether new elements of proof have been submitted, or
- (ii) if the reasons that led to the rejection of the application have ceased to exist.<sup>592</sup>

The law does not provide further clarification on what is to be considered as a new element of proof or on how to assess cessation of the rejection motives. The preliminary admissibility assessment also applies to cases where the applicant has explicitly withdrawn their application and where AIMA has rejected an application following its implicit withdrawal.<sup>593</sup>

Given the usually low number of subsequent applications, it is difficult to ascertain relevant practical guidance.

<sup>583</sup> Article 33(4) Asylum Act.

<sup>584</sup> Article 33(2), (4) and (6) Asylum Act.

<sup>585</sup> Article 33(1) and (6) Asylum Act.

<sup>586</sup> Article 33(6) Asylum Act.

<sup>587</sup> Articles 13(1) and 33(9) Asylum Act.

<sup>588</sup> In this case it should be understood that the general rule providing for the suspension of a removal order until a final decision is reached in the asylum application applies: Article 12(1) Asylum Act.

<sup>589</sup> Article 33(1) Asylum Act, according to which the asylum applicant is entitled to present a new application whenever there are new elements in light of the first asylum procedure.

<sup>590</sup> Article 60(3)(f) Asylum Act. The Asylum Act does not provide criteria to assess whether a subsequent application is unjustified. CPR is not aware of internal guidance used by the authorities to perform such assessment either.

<sup>591</sup> Article 33(6) Asylum Act.

<sup>592</sup> Article 33(1) Asylum Act.

<sup>593</sup> Article 2(1)(t) Asylum Act.

A first instance decision on the admissibility of a subsequent application from 2016 referred to a 'substantial and fundamental' difference as criteria for assessing the admissibility of the subsequent application. Several first instance decisions from 2018 referred to 'any event occurred since prior decisions at first instance and appeal stages [were adopted]', 'new elements of proof regarding the alleged facts', and that the 'absence of new facts is also enhanced by the fact that according to his statement the applicant did not return to his country of origin or left European soil since his last application'. According to the available information, more recent decisions do not offer further guidance with regard to the interpretation of the relevant concepts.

Recent case law has failed to provide guidance in this regard.<sup>594</sup> However, it has been ruled that facts that were not presented during the initial application without reason cannot be considered as new facts. In the same case, the Court also conducted an analysis – echoing SEF's first instance assessment – of whether the new facts stated by the applicant constitute relevant grounds for a well-founded risk of persecution, which seems to be at odds with the admissibility assessment at hand.<sup>595</sup>

The limited number of subsequent applications registered does not allow for a general assessment of existing obstacles in lodging a subsequent application. According to data provided by AIMA, 15 were made in 2024.<sup>596</sup> Except for 2023, figures of previous years were typically below or around 10.

However, AIMA's practice in relation to subsequent applications has been debatable in some instances. During 2024, CPR became aware that AIMA was not registering subsequent applications and instead notifying applicants to submit, within 5 working days, new facts, information or evidence, in order to assess whether to register the new application. This seems to be at odds with the Asylum Act and the APD. At the time, AIMA did not clarify this practice.<sup>597</sup> In the context of the right of reply of the authorities to the 2024 draft AIDA report, AIMA clarified that in September 2024 with the aim of standardising procedures the Agency established that any subsequent application must be registered whenever the applicant expresses the intention to submit it.<sup>598</sup>

In the last quarter of 2024, the practice seems to have changed.<sup>599</sup> At the time of presentation and registration of the subsequent application, applicants are consistently notified to submit new facts, information or evidence within 5 working days. It remains unclear if the decision whether or not to interview the applicant depends on the information submitted for this purpose. According to AIMA, an interview may be conducted if the circumstances of the case so require.<sup>600</sup>

According to information collected by CPR, in recent years, subsequent applicants are generally provided a personal interview to assess whether new elements were submitted.<sup>601</sup> Such an interview tends to differ from those conducted in the admissibility/accelerated/regular procedure insofar as it mainly seeks to ascertain new facts, evidence, or changes in circumstances related to persecution since the presentation of the initial asylum application. The reasoning of inadmissibility decisions generally includes an assessment of the existence, credibility and relevance of new facts and changes in circumstances since the presentation of the initial asylum application. The evidentiary value of documents and other elements of proof submitted, as well as the

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<sup>594</sup> TAC Lisbon, Decision 1748/18.9BELSB, 26 November 2018, unpublished.

<sup>595</sup> A similar approach was followed in a 2019 judgement of TAF Porto that noted that a subsequent application should only go beyond the preliminary evaluation if there are new facts, circumstances or evidence that by themselves show that it is likely that the applicant is eligible for international protection. TAF Porto, Decision 649/18.5BELSB, 17 January 2019, unpublished.

<sup>596</sup> Notwithstanding, data collected by CPR based on communications made by the authorities according to the Asylum Act indicates a total of 17 subsequent applications made in 2024.

<sup>597</sup> CPR questioned AIMA directly in May 2024.

<sup>598</sup> Information provided by AIMA on 22 August 2025.

<sup>599</sup> This was confirmed by AIMA in the context of the right of reply of the authorities to the 2024 draft AIDA report.

<sup>600</sup> Information provided by AIMA on 22 August 2025 in the context of the right of reply of the authorities to the 2024 draft AIDA report.

<sup>601</sup> Article 33 Asylum Act states that subsequent applications are submitted to SEF with all available supporting evidence and that SEF may, following the application, provide the applicant with a reasonable time limit to present new facts, information or evidence.

inconsistencies between the information provided and the facts described in the context of the original application, are usually analysed.

The information available to CPR indicates a typically low success rate of subsequent applications.

The Asylum Act provides for an appeal against the decision to reject a subsequent application (see Admissibility Procedure: Appeal). The time limit for lodging the appeal is 4 days.<sup>602</sup> The initial appeal has automatic suspensive effect,<sup>603</sup> as opposed to onward appeals that have no automatic suspensive effect.<sup>604</sup>

With regard to access to free legal assistance for asylum applicants during the preliminary admissibility assessment and at appeal stage, the general rules and practice of the regular procedure apply (*mutatis mutandis* given the specific changes in the procedure, e.g., the possible absence of a personal interview, see Regular Procedure: Legal Assistance).

In practice, CPR is not aware of systemic or relevant obstacles faced by asylum applicants to appeal a first instance decision on the admissibility of a subsequent application.

In 2023, STA adjudicated a case on the relationship between Dublin cases and subsequent applications. The applicant in the case had been issued a transfer decision to Germany following a take back request (article 18(1)(d) Dublin Regulation), accepted by the German authorities. The appeal court (TCA South) stated that, if the applicant based his asylum application in Portugal on new facts, this was not the adequate solution, and the application should be analysed as a subsequent application. TCA South considered that in the case analysed the applicant had in fact invoked introduced/relied on new facts and it concluded that the asylum authority should have conducted an analysis of such facts and assessed whether the grounds for the decision taken by the German authorities persisted.

STA considered that the applicant merely restated facts previously invoked to the German authorities and did not refer explicitly to any change that had occurred in the meantime in the country of origin. As such, STA concluded that the application could not be deemed as a subsequent one. The Court further stated that in order for such an application to be deemed as a subsequent one, the applicant did not have to qualify it as such, but they bear the burden of referring to the change of circumstances. STA emphasised that the administrative authority has no obligation to assess *moto proprio* whether a change of circumstances occurred in the country of origin. The Court further added that the Portuguese authorities would never be competent to adjudicate such a subsequent application, due to the responsibility criteria of the Dublin Regulation.<sup>605</sup>

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<sup>602</sup> Article 33(6) Asylum Act.

<sup>603</sup> Ibid.

<sup>604</sup> Article 33(8) Asylum Act.

<sup>605</sup> STA, Decision 03319/22.6BELSB, 9 November 2024, available [here](#). A summary of this decision is available in the EUAA case-law database (see [here](#)). One of the STA judges adjudicating the case dissented, considering that (1) the applicant invoked new and sufficient facts to qualify their the application as a subsequent application; (2) the applicant alleged that a return decision was pending in Germany, and that, as such, the national authorities could and should analyse the case taking into account the principle of non-refoulement.



## F. The safe country concepts

### Indicators: Safe Country Concepts

- |  |   |
|--|---|
| 1. Does national legislation allow for the use of “safe country of origin” concept?  | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| ❖ Is there a national list of safe countries of origin?                              | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| ❖ Is the safe country of origin concept used in practice?                            | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 2. Does national legislation allow for the use of “safe third country” concept?      | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| ❖ Is the safe third country concept used in practice?                                | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 3. Does national legislation allow for the use of “first country of asylum” concept? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

### 1. Safe country of origin

The Asylum Act provides for a definition of ‘safe country of origin’ that is in line with Article 36 of the recast Asylum Procedures Directive.<sup>606</sup> However, the law does not further regulate its application. The only exception is that the ‘safe country of origin’ concept is listed as one of the grounds for the application of the Accelerated Procedure.<sup>607</sup>

To date, the authorities have not introduced legislation that allows for the national designation of safe countries of origin for the purposes of examining applications for international protection in line with Annex I of the Directive. AIMA has confirmed that there is no list of safe countries of origin.

Notwithstanding, according to CPR’s observation, the use of the safe country of origin concept significantly increased in 2024 compared to previous years. Notably, in most cases this ground was used solely by citing the legal provision and in conjunction with other provisions. Countries such as Angola, Armenia, Brazil, Cape Verde, Colombia, Democratic Republic of the Congo, Dominican Republic, Gambia, Ghana, Guinea, Guinea-Bissau, Israel, Morocco, Peru, Senegal, Sierra Leone, United Kingdom and United States of America were deemed as safe countries of origin by the Portuguese authorities. Apart from Gambia and Senegal, this designation however was not consistent.

AIMA did not provide information regarding its practices in this regard. According to data collected by CPR based on the communications made by the authorities in line with the Asylum Act and contacts from asylum applicants, at least 177 cases were rejected in 2024 on the basis of the safe country of origin concept.

CPR has received reports of applicant’s that described being told by AIMA officials that no positive decisions are issued to applicants from certain nationalities, notably Gambia and Senegal. Within the context of the right of reply of the authorities to the 2023 draft AIDA report, AIMA denied that this has occurred.<sup>608</sup> Safe third country

The Asylum Act provides for a definition of ‘safe third country’ that presents some inconsistencies with Article 38 of the recast Asylum Procedures Directive.<sup>609</sup> These inconsistencies were raised by CPR during the legislative process that transposed the second-generation *acquis* into national law,<sup>610</sup> and include the following:

- ❖ The wording of the provision seems to indicate that it applies *ratione personae* to asylum seekers alone, as opposed to applicants for international protection;<sup>611</sup>
- ❖ The provision does not include the absence of a risk of serious harm as a condition for the application of the concept;

<sup>606</sup> Article 2(1)(q) Asylum Act.

<sup>607</sup> Article 19(1)(f) Asylum Act.

<sup>608</sup> Information provided by AIMA on 25 June 2024.

<sup>609</sup> Article 2(1)(r) Asylum Act.

<sup>610</sup> CPR, *Proposta de Lei 187 - XII que altera a Lei n.º 27/2008, de 30 de Junho – Comentários*, January 2014, available in Portuguese [here](#).

<sup>611</sup> Article 2(1)(r) Asylum Act.

- ❖ The provision does not include the possibility for the applicant to challenge the existence of a connection between him or her and the third country;
- ❖ A standard of possibility rather than one of reasonableness is set with regard to return on the basis of a connection between the applicant and the third country concerned.<sup>612</sup>

In one of the amendments to the Asylum Act enacted in 2023, a paragraph was added to the definition of the “safe third country” concept establishing that if the country at stake does not authorise the applicant to enter its territory, they must have access to the Portuguese asylum procedure.<sup>613</sup>

While excluding EU Member States from the concept of safe third country,<sup>614</sup> the Asylum Act does not provide for specific rules regarding EU and non-EU European safe third countries.

Although the concept is a ground for inadmissibility (see Admissibility Procedure),<sup>615</sup> the authorities have not introduced further rules in national legislation to date (e.g., relevant connection indicators or rules regarding the application of the concept to a particular country or to a particular applicant). AIMA has confirmed that there is no list of safe third countries.

According to CPR’s observation, in contrast to previous years, the number of inadmissibility decisions on safe third country grounds significantly increased in 2024. Countries such as Angola, Brazil, Canada, Cape Verde, Israel, Morocco, Mozambique, Panama, Senegal, United Kingdom, United States of America, and Zambia were deemed as safe third countries by the Portuguese authorities, however this designation was not consistent.

AIMA did not provide information on its practices in this regard. According to data collected by CPR based on the communications made by the authorities in line with the Asylum Act and contacts from asylum applicants, at least 84 cases were rejected in 2024 on the basis of the safe third country concept. In 2023, CPR only had information about 8 cases being rejected on this ground.

Out of these 84 cases, only 17 cases were rejected solely on the basis of the safe third country concept and thus deemed inadmissible; the other 67 were simultaneously rejected as manifestly ill-founded. Many of these decisions concerned border procedure cases.

Following an amendment enacted in 2023, according to the Asylum Act, if a case is rejected exclusively due to the application of the safe third country concept, the applicant must receive a document informing the authorities of said third country that the merits of the asylum application have not been assessed in Portugal. Such document must be issued in the third country’s language.<sup>616</sup>

However, asylum applicants assisted by CPR whose applications were rejected on the basis of this inadmissibility ground were not given a document in the language of the safe third country stating that their claim was not examined on the merits.

## Connection criteria

CPR analysed a number of inadmissibility decisions grounded on the safe third country concept issued by AIMA in the course of 2024 and concluded that, typically, the criteria of the concept are not adequately analysed by the authorities. The reasons provided for such decisions do not engage with the legal requirements for the application of the concept and consequent inadmissibility of the asylum application, and do not include an individual assessment, even when applicants allege security risks in the third country designated as safe by AIMA.

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<sup>612</sup> Article 2(1)(r)(i) Asylum Act.

<sup>613</sup> Article 2(1)(r)(iv) Asylum Act.

<sup>614</sup> Article 19-A(1)(d) Asylum Act that excludes EU Member States from the concept of third safe country.

<sup>615</sup> Article 19-A(1)(d) Asylum Act.

<sup>616</sup> Article 19-A(3) Asylum Act.

In the cases observed, mere transit for a few days/months is sufficient for the authorities to deem the safe third country concept applicable to a case. In at least one of the cases, the authorities even designated more than one country as safe for the applicant.

A 2018 judgment of TCA South determined that mere transit (for 28 days) and the submission of an asylum application were not sufficient to establish a meaningful connection for purposes of rendering the applicant's transfer to the safe third country reasonable.<sup>617</sup>

A decision from TCA South issued in 2021 focused on the application of the safe third country concept to the United States of America.<sup>618</sup> The applicant, a transgender woman from Honduras, left her country at the age of 16 fearing persecution on the basis of her gender identity. Since then, she lived in the United States irregularly for a number of years. She eventually left because, *inter alia*, she was not able to apply for asylum or to otherwise regularise her stay in the country, was exposed to extreme poverty as a consequence, and feared discrimination and violence on the grounds of her gender identity (particularly in light of the risk of being subject to migration detention). The United States was deemed as a safe third country both by SEF and the first instance court.

Closely following the reasoning adopted by the lower court, in its analysis, the TCA South considered, *inter alia*, that:

- ❖ It is 'unequivocal' that the United States is a safe country, and, as such, the Portuguese authorities do not have to anticipate the actions of the American authorities as it must be assumed that fundamental rights are respected in the country (arguing that a similar reasoning to that applied to EU Member States should be adopted);
- ❖ There was an effective link because the applicant lived in the third country for a number of years, studied and worked there and has personal, cultural and language connections to it;
- ❖ It was not deemed relevant that the applicant was irregularly present in the country and the risk of deportation to the country of origin was disregarded, based on the fact that, as a State Party to the 1951 Convention, the United States are bound to the prohibition of *refoulement*.

While the applicant also alleged that in order to have a chance to regularly stay in the United States she would necessarily have to return to Honduras, where she feared persecution, TCA South has disregarded the concern, deeming it only relevant that there is a chance for the applicant to regularise her stay in the United States and pointing to the change of President as an indicator of improvements in the country's migratory system.

According to CPR, this is a highly flawed decision for a number of reasons, in particular:

- ❖ It is unclear why the Court considers that a presumption of respect for fundamental rights should be applied to the United States and whether it should also be applied to other countries (and which criteria should be used to assess that);
- ❖ While the applicant indeed lived in the United States for a number of years and has clear links to the country, the Court failed to analyse the impacts of the irregular nature of her stay and the risks that it implied. Furthermore, the Court did not assess how the applicant could return to a country where she did not legally reside;
- ❖ While referring to the prohibition of *refoulement* applicable to the United States, the Court seemed to disregard that the same prohibition applies to Portugal and failed to assess the likelihood and potential impact of a return to Honduras (while accepting that it may occur), in order to regularise the applicant's stay in the United States;
- ❖ The Court seems to assume that a change in the Presidency automatically entails a change in a specific policy area without fully substantiating such an assumption.

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<sup>617</sup> TCA South, Decision 2163/17.7BESLB, 15 March 2018, available in Portuguese [here](#). A previous decision from TAC Lisbon had already excluded the mere transit and the presentation of an asylum application as sufficient to establish a meaningful connection: TAC Lisbon, Decision 1792/17.3BESLB, 30 September 2017, unpublished.

<sup>618</sup> TCA South, Decision 2238/20.5BELSB, 7 October 2021, available [here](#).

Despite all of these flaws, in 2022, the STA refused to analyse an appeal concerning this case on the grounds that its relevance was limited to the individual situation, and that every element of the case indicated that the lower courts had decided it correctly, following a careful, coherent and reasonable interpretation of the law.<sup>619</sup>

## 2. First country of asylum

The Asylum Act provides for a definition of ‘first country of asylum’ that is in line with Article 35 of the recast Asylum Procedures Directive,<sup>620</sup> and that attempts to merge the criteria listed in Article 38(1) of the Directive.<sup>621</sup> Without prejudice to challenges in clarity resulting from the merger, the current definition seems to exclude formal recognition of refugee status or sufficient protection in accordance to the Refugee Convention as stand-alone criteria to apply the concept as it also requires that:

- ❖ Life and liberty are not threatened;
- ❖ The principle of *non-refoulement* in accordance with the Refugee Convention is respected;
- ❖ The prohibition of the right to freedom from torture and cruel, inhuman or degrading treatment is respected.

The ‘first country of asylum’ concept is included among the inadmissibility grounds enshrined in the Asylum Act.<sup>622</sup>

AIMA did not provide information regarding its practices in this regard. According to data collected by CPR based on the communications made by the authorities in line with the Asylum Act and contacts from asylum applicants, the number of inadmissibility decisions on first country of asylum grounds is generally limited.

In those limited cases, the analysis conducted by AIMA into the requirements of the concept generally focused on the legal status of the applicant, failing to adequately assess security risks in the first country of asylum alleged by the applicant.

According to the information available to CPR, case law regarding the interpretation of the concept is highly limited but includes a ruling from a second-instance Administrative Court focusing on the definition of ‘sufficient protection’. According to the court’s interpretation of the provision enshrined in the Asylum Act, such protection should be interpreted to encompass the principle of *non-refoulement* in accordance with the Refugee Convention but also *refoulement* where a civilian’s life or person is at risk by reason of indiscriminate violence in situations of armed conflict.<sup>623</sup>

However, as stressed by TAC Lisbon in a ruling from November 2017, the formal recognition of refugee status is not *per se* sufficient to qualify a third country as a first country of asylum in the absence of a meaningful assessment of possible risks to the security of the applicant in that country.<sup>624</sup>

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<sup>619</sup> STA, Decision 02238/20.5BELSB, 13 January 2022, available [here](#).

<sup>620</sup> Article 2(1)(z) Asylum Act.

<sup>621</sup> Indeed, certain elements of the definition of the “safe third country” such as that contained in Article 38(1)(b) of the recast Asylum Procedures are not included.

<sup>622</sup> Article 19-A(1)(c) Asylum Act.

<sup>623</sup> TAC Lisbon, Decision 1791/15.0BESLB, 29 September 2015, unpublished; TCA South, Decision 12873/16, 11 February 2016, available [here](#) on Brazil as a first country of asylum for a Syrian asylum applicant.

<sup>624</sup> TAC Lisbon, Decision 2163/17.7BESLB, 30 November 2017, unpublished. Another judgement from 2019, considered that episodes of robbery in the country of asylum were “*personal circumstances*” that did not amount to “*a situation of indiscriminate violence*”. TAC Lisbon, Decision 271/19.9BELSB, 13 September 2019, unpublished.

## G. Information for asylum applicant and access to NGOs and UNHCR

### 1. Provision of information on the procedure

#### Indicators: Information on the Procedure

1. Is sufficient information provided to asylum applicants on the procedures, their rights and obligations in practice? ☐ Yes ☐ With difficulty ☒ No
- ❖ Is tailored information provided to unaccompanied children? ☐ Yes ☒ No

The Asylum Act provides for the right to:

- ❖ A broad set of information on the asylum procedure and reception conditions in general;<sup>625</sup>
- ❖ Information on key developments and decisions relating to the individual asylum file;<sup>626</sup>
- ❖ Information on detention;<sup>627</sup> and
- ❖ Specific information rights of unaccompanied children.<sup>628</sup>

Furthermore, the law provides for a general right to interpretation 'whenever necessary' during registration of the application and throughout the asylum procedure.<sup>629</sup> This refers to the right to interpretation into a language that the asylum applicant understands or is reasonably expected to understand.<sup>630</sup>

In practice, throughout 2024, CPR observed several instances when AIMA did not comply with the obligation to inform asylum applicants of key developments, decisions and associated rights during asylum procedures in a language that the asylum applicant understands. CPR also observed that, in some instances, PSP notified applicants of decisions on behalf of AIMA, at border posts and at late hours, raising serious doubts as to the adequate explanation on the grounds for the decision and access to proper interpretation. Moreover, CPR also identified cases where the same occurred with reception entities, which raises serious concerns as to the competence to carry out such an administrative act.

<sup>625</sup> This includes information on assistance and the asylum procedure by the UNHCR and CPR (Article 13(3)); information on the right to an individual application regarding dependent relatives (Article 13(5)); general information on the rights and duties in the asylum procedure (Article 14(2)); information in writing on the rights and duties in border procedures (Article 24(2)); information on the extension of the time limit for the examination and, upon demand, of the grounds for the extension and expected time limit for the decision in the regular procedure (Article 28(2)); oral information or an information brochure on the rights and duties of asylum applicants and in particular regarding the asylum procedure; applicable time limits; the duty to substantiate the claim; available service providers of specialised legal assistance; available reception and health care service providers; legal consequences of failing to cooperate with SEF in substantiating the asylum claim; the purpose of fingerprinting and of all rights of data subjects in accordance to the EURODAC Regulation; information on the admissibility decision (Article 49(1)(a), (b), (c) and (2)); information on the rights and duties of beneficiaries of international protection (Article 66).

<sup>626</sup> This includes the individual notification of first instance decisions in admissibility and accelerated procedures on national territory (Article 20(3)); the individual notification of first instance decisions in admissibility and accelerated procedures and the right to appeal at the border (Article 24(5)); individual notification of SEF's proposal for a first instance decision in the regular procedure (Article 29(2)); individual notification of the first instance decision and the right to appeal in the regular procedure (Article 29(6)); individual notification of the first instance decision, the right to appeal and the obligation to abandon national territory within 20 days regarding subsequent applications (Article 33(6) and (9)); individual notification of the first instance decision and the right to appeal regarding applications following a removal procedure (Article 33-A(6)); individual notification of outgoing Dublin take charge or take back decisions (Article 37(2)); individual notification of SEF's proposal for the cessation, revocation, ending or refusal to renew the international protection status (Article 41(6)); individual notification of the cessation, revocation, ending or refusal to renew the international protection status (Article 43(2)).

<sup>627</sup> This includes immediate information in writing on the grounds of detention as well as the right to appeal and to free legal aid (Article 35-B(2)); information on the internal rules of the detention facility and the detainee's rights and duties (Article 35-B(5)).

<sup>628</sup> This includes information on mandatory legal representation (Article 79(1)); information on the purpose, potential consequences and preparation of the personal interview by the legal representative (Article 79(4)); information on the submission to an age assessment expertise (Article 79(7)).

<sup>629</sup> Article 49(1)(d) Asylum Act.

<sup>630</sup> Articles 14(2), 24(2) and (5), 29(6), 33(6), 35-B(2) and (5), 37(2), 43(2), 49(1)(a), (b) and (2) and 66 Asylum Act.

## Information at the registration stage

Upon registration, asylum applicants receive an information leaflet from AIMA, informing them of their rights and duties during the asylum procedure and the provision of reception conditions. According to AIMA, the leaflet is available in several languages but it did not specify which ones. In CPR's experience, the leaflet is distributed to asylum applicants and it is available at least in Portuguese, English, French, Russian and Arabic. The information contained however is brief and not considered user-friendly, particularly in the case of unaccompanied children.

CPR's liaison officers present at AIMA until the end of January 2024 used to develop efforts to explain the content of the documents handed to applicants, especially when they were not able to read.

AIMA asserted that upon registration applicants receive information on their rights and duties and may request clarifications. AIMA also reported that if the information is not available in the applicant's main language, interpretation is provided.<sup>631</sup>

## Information on the Dublin procedure

According to CPR's observation, the common information leaflet set out in Article 4(3) of the Dublin III Regulation is distributed to asylum applicants by AIMA, but it is not clear when. According to AIMA, the leaflet is distributed at the appropriate stage of the procedure.<sup>632</sup> The information contained in these leaflets does not include all the information included on the Annex X (partially includes Part A but not Part B) of the corresponding Implementing Regulation.<sup>633</sup>

Asylum applicants are systematically informed in writing of the likely responsibility of another Member State, and the corresponding supporting evidence during the personal interview. If the take back/take charge request is refused by the Member State and another Member State is deemed responsible by the Portuguese authorities, the asylum applicants is usually notified of the likelihood of being transferred to that Member State. In such cases, according to CPR's experience, the asylum applicant is not informed of details regarding the refusal to take back/take charge (see [Dublin: Procedure](#)).

## Information on the border procedure

Asylum applicants detained at the border receive an information leaflet from AIMA, informing them of their rights and duties during the asylum procedure. AIMA did not specify in which languages the leaflet is available nor when it is distributed to applicants. Notably, the leaflet makes no reference to applicants' rights in detention, the grounds of detention, and the differences between the refusal of entry and the asylum procedure. In the context of the right of reply of the authorities to the 2024 draft AIDA report, AIMA added that applicants receive information leaflets about the Dublin Regulation,<sup>634</sup> as per described above.

According to CPR's observation, applicants detained at the border seem to have very limited information regarding the circumstances that lead to detention. CPR is aware that in collaboration with PSP, IOM prepared leaflets regarding the procedure of refusal of entry and the rights in detention. As of the end of 2024, the leaflet had yet to be distributed.

## Child-friendly information

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<sup>631</sup> Information provided by AIMA on 25 June 2024.

<sup>632</sup> In the context of the right of reply of the authorities to the 2024 draft AIDA report (22 August 2025), AIMA specified that the leaflet is distributed at the time of registering the asylum application.

<sup>633</sup> Commission Implementing Regulation (EU) no.118/2014 of 30 January 2014, available [here](#).

<sup>634</sup> Information provided by AIMA on 22 August 2025.



CPR is unaware of the provision of child-friendly information by AIMA, including the specific information leaflet for unaccompanied children and the information leaflet provided for by Article 4(3) of the Dublin Regulation.

According to the information provided by UNICEF to the 2023 report, the reception of unaccompanied children by entities with limited experience in the field of asylum has negatively impacted the access of such children to information regarding their migratory status and related procedures.

### Information on procedural developments

Despite written requests to that purpose, asylum applicants are usually not informed of the extension of the time limit for the examination of their application, the grounds for the extension and the expected time limit for the decision in the regular procedure as required by law.<sup>635</sup>

### Information by NGOs

CPR provides free legal information to asylum applicants throughout the asylum procedure that broadly covers the information requirements provided in the law, including specific information on the border procedure and tailored information to unaccompanied children, on the basis of individual interviews and legal counselling. CPR also distributes leaflets with general information on the procedure and legal support, information on the border procedure and detention, and child-tailored information on the asylum procedure. Challenges in capacity have at times restricted the provision of legal information during the first instance asylum procedure (see Regular Procedure: Legal Assistance). Since the beginning of AIMA's operation, CPR has faced challenges in contacting significant numbers of asylum applicants due to the lack of communication of their addresses.<sup>636</sup> The frequent change in accommodation location also hampered this contact particularly in the first half of 2024.

There are other organisations that provide legal information and assistance to asylum applicants such as the JRS, and Crescer. According to the available information, other services remain residual, non-specialised and mostly focused on integration.

In 2022, UNHCR launched the Help information website Portugal.<sup>637</sup> However, at the time of writing, the website is pending an update following AIMA's establishment.

## 2. Access to NGOs and UNHCR

### Indicators: Access to NGOs and UNHCR

1. Do asylum applicants located at the border have effective access to NGOs and UNHCR if they wish so in practice? ☒ Yes ☐ With difficulty ☐ No
2. Do asylum applicants in detention centres have effective access to NGOs and UNHCR if they wish so in practice? ☒ Yes ☐ With difficulty ☐ No
3. Do asylum applicants accommodated in remote locations on the territory (excluding borders) have effective access to NGOs and UNHCR if they wish so in practice? ☒ Yes ☐ With difficulty ☐ No

Regarding access to UNHCR, CPR and other NGOs at the border and in detention, see the sections on [Border Procedure](#) and [Access to Detention Facilities](#).

<sup>635</sup> Article 28(2) Asylum Act.

<sup>636</sup> Upon being informed of the registration of an asylum application made by an applicant that was not referred to CPR for the provision of material reception conditions, the organisation's legal department sends a letter to the address indicated by AIMA to provide information regarding the possibility to receive free legal assistance and the relevant contacts to that effect.

<sup>637</sup> Available [here](#).



## H. Differential treatment of specific nationalities in the procedure

### Indicators: Treatment of Specific Nationalities

1. Are applications from specific nationalities considered manifestly well-founded? ☐ Yes ☒ No  
❖ If yes, specify which:
2. Are applications from specific nationalities considered manifestly unfounded?<sup>638</sup> ☐ Yes ☒ No  
❖ If yes, specify which:

While this was not an official practice, CPR has observed that AIMA systematically deems applications lodged by **Venezuelans** as unfounded within accelerated procedures (notably on grounds of irrelevance).<sup>639</sup> JRS also observed this stance. This had already been SEF's practice,<sup>640</sup> which subsequently referred the cases to regularisation procedures through the humanitarian clause of the exceptional regularisation regime of the Immigration Act.<sup>641</sup> In the decisions analysed by CPR, AIMA does not refer the cases to this regime however.

While statistical data is not available, CPR has observed that persons relocated to Portugal following rescue operations in the Mediterranean Sea whose applications for international protection were rejected were also (at least at times) referred by SEF to regularisation procedures through the humanitarian clause of the exceptional regularisation regime of the Immigration Act.<sup>642</sup> This was due, according with at least some decisions analysed, to the commitment made by Portugal following the disembarkation. AIMA's practice in this regard was not yet clear at the end of 2024.

According to CPR's observation, and to the information provided by UNICEF<sup>643</sup> in 2022, this has also happened in the case of relocated unaccompanied children and young adults whose asylum applications were rejected.

In the context of providing legal assistance, CPR has observed that access to this regime may be hampered by the lack of documents issued by the country of origin (e.g., passports and criminal record certificates). This has also been noticed by UNICEF with regard to unaccompanied children and young adults in particular.

CPR has received reports of applicants that described being told by AIMA officials that no positive decisions are issued to applicants from certain nationalities, notably **Gambia** and **Senegal**. Within the context of the right of reply of the authorities to the 2023 draft AIDA report, AIMA denied that this occurred.<sup>644</sup> Nonetheless, according to data collected by CPR based on the communications made by the authorities in line with the Asylum Act and contacts from asylum applicants, these countries were repeatedly considered safe countries of origin by the authorities in 2024.

Following the fall of Bashar Al Assad's regime and the stance of some EU Member States, in December 2024 the Government guaranteed that no change would occur in the international protection status of the **Syrian** population in Portugal, nor any change would be introduced to the processing of asylum applications for the time being. It further stated that it would continue to monitor the situation and that any future decision would be in line with the EU.<sup>645</sup>

<sup>638</sup> Whether under the "safe country of origin" concept or otherwise.

<sup>639</sup> Article 19(1)(e) Asylum Act.

<sup>640</sup> For further information regarding this practice, please see previous AIDA reports available [here](#).

<sup>641</sup> Article 123 Immigration Act. Note that this practice was confirmed in the Statistical Report of Asylum (2020): Observatory for Migration, *Entrada, Acolhimento e Integração de Requerentes e Beneficiários de Protecção Internacional em Portugal – Relatório Estatístico do Asilo 2020*, May 2020, available in Portuguese [here](#), 62.

<sup>642</sup> Article 123 Immigration Act.

<sup>643</sup> Information provided by UNICEF to the 2022 AIDA update.

<sup>644</sup> Information provided by AIMA on 25 June 2024.

<sup>645</sup> Público, *Governo não mexe no estatuto de protecção dos 1500 sírios que estão em Portugal*, 12 December 2024, available [here](#).

## Reception Conditions

### Short overview of the reception system

Since 29 October 2023, the primary responsibility for the provision of material provisions is assigned to the Ministry in charge of Migration.<sup>646</sup> Nevertheless, the responsibility for the provision of material reception conditions to asylum applicants who pass the admissibility procedure and are in the regular procedure lies with the Ministry of Employment, Solidarity and Social Security.<sup>647</sup> The authorities can cooperate with other public entities and/or private non-profit organisations within the framework of a MoU to ensure the provision of such services.<sup>648</sup>

In the past, the practical framework for the reception of asylum applicants in Portugal stemmed from bilateral MoUs;<sup>649</sup> the resolution of the Council of Ministers no. 103/2020 of 23 November 2020, establishing a **single system of reception and integration** of applicants for and beneficiaries of international protection; and the internal regulations of the Single Operative Group (SOG) it created.<sup>650</sup>

The process of termination of the activity of SEF and ACM led to the suspension of the activity of the SOG,<sup>651</sup> with the exception of the social monitoring sub-group, which continues to meet, but bilaterally.

Following the termination of SEF and the beginning of AIMA's operations, some changes occurred to the practical arrangements in place for the provision of material reception conditions to asylum applicants<sup>652</sup> (see [Criteria and restrictions to access reception conditions](#)).

Asylum applicants who lack resources<sup>653</sup> are entitled to support from the moment they apply for asylum<sup>654</sup> until a final decision is reached on their asylum application,<sup>655</sup> without prejudice to the suspensive effect of appeals,<sup>656</sup> and to the provision of material reception conditions beyond final rejection in case of the ongoing need for support on the basis of an individual assessment of the applicant's social and financial circumstances.<sup>657</sup>

In 2024, CPR received consistent reports of people who faced challenges in presenting asylum applications across the country and were moreover not referred to reception solutions. There have also been reports of a lack of information and social support and/or reception solutions even after an asylum application has been lodged.

According to AIMA, asylum applicants are mostly accommodated in reception centres, collective accommodation and/or shared rooms, managed by entities that have signed a MoU with the Agency.

Asylum applicants supported by ISS are mostly provided with private housing (rented flats/houses and rooms) without prejudice to accommodation provided by relatives in Portugal and collective accommodation such as hotels or non-dedicated reception centres e.g., emergency shelters, nursing homes, etc. Applicants supported by SCML are accommodated either in private housing, or in hostels.

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<sup>646</sup> This includes admissibility procedures (including Dublin procedures); accelerated procedures, border procedures, subsequent applications and applications following a removal decision: Article 61(1) Asylum Act. As previously mentioned, until the end of 2023 migration was part of the portfolio of the Ministry of Parliamentary Affairs.

<sup>647</sup> Article 61(2) Asylum Act.

<sup>648</sup> Article 61(1) and (2) *in fine* Asylum Act.

<sup>649</sup> Notably MoUs between the Ministry of Home Affairs / SEF and CPR, between ISS and CPR, and between the ISS and Santa Casa da Misericórdia de Lisboa (SCML).

<sup>650</sup> Resolution of the Council of Ministers no. 103/2020 of 23 November 2020, available [here](#).

<sup>651</sup> The last meeting of the extended line-up of the SOG took place on 20 September 2023.

<sup>652</sup> For further information regarding the previous framework, please see previous AIDA reports available [here](#).

<sup>653</sup> Articles 51(1) and 56(1) Asylum Act.

<sup>654</sup> Articles 51(1), 56(1) and 2(1)(ae) Asylum Act.

<sup>655</sup> Article 60(1) Asylum Act.

<sup>656</sup> Articles 60(1) *in fine* and 30(1) Asylum Act.

<sup>657</sup> Article 60(2) Asylum Act.

The provision of special reception conditions for unaccompanied children during the asylum procedure is currently managed by ISS.

## A. Access and forms of reception conditions

### 1. Criteria and restrictions to access reception conditions

#### Indicators: Criteria and Restrictions to Reception Conditions

1. Does the law make material reception conditions available to asylum applicants in the following stages of the asylum procedure?

|                           |   |   |  |
|---------------------------|---|---|--|
| ❖ Regular procedure       | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Reduced material conditions            | <input type="checkbox"/> No            |
| ❖ Dublin procedure        | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Reduced material conditions            | <input type="checkbox"/> No            |
| ❖ Admissibility procedure | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Reduced material conditions            | <input type="checkbox"/> No            |
| ❖ Border procedure        | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Reduced material conditions            | <input type="checkbox"/> No            |
| ❖ Accelerated procedure   | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Reduced material conditions            | <input type="checkbox"/> No            |
| ❖ First appeal            | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Reduced material conditions            | <input type="checkbox"/> No            |
| ❖ Onward appeal           | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Reduced material conditions            | <input type="checkbox"/> No            |
| ❖ Subsequent application  | <input checked="" type="checkbox"/> Yes | <input checked="" type="checkbox"/> Reduced material conditions | <input checked="" type="checkbox"/> No |

2. Is there a requirement in the law that only asylum applicants who lack resources are entitled to material reception conditions? ☒ Yes ☐ No

#### 1.1 Responsibility for reception

Since 29 October 2023, the primary responsibility for the provision of material provisions is assigned to the Ministry in charge of Migration.<sup>658</sup> Nevertheless, the responsibility for the provision of material reception conditions to asylum applicants who pass the admissibility procedure and are in the regular procedure lies with the Ministry of Employment, Solidarity and Social Security.<sup>659</sup> The authorities can cooperate with other public entities and/or private non-profit organisations within the framework of a MoU to ensure the provision of such services.<sup>660</sup>

In the past, the practical framework for the reception of asylum applicants in Portugal stemmed from bilateral MoUs,<sup>661</sup> the resolution of the Council of Ministers no. 103/2020 of 23 November 2020, establishing a **single system of reception and integration** of applicants for and beneficiaries of international protection, and the internal regulations of the Single Operative Group (SOG) it created.<sup>662</sup>

According to the Resolution, the main features of the single system of reception and integration were as follows:

- ❖ The system covered all applicants and beneficiaries of international protection, including unaccompanied children, resettled refugees, and relocated asylum applicants;
- ❖ A Single Operative Group (SOG) was established. The SOG had a restricted and an extended line-up;
- ❖ The restricted line-up of the SOG ensured its coordination and was composed by ACM, SEF and ISS;
- ❖ The extended line-up of the SOG developed technical and operational tasks. In addition to ACM, SEF and ISS it included: the Directorate General for Higher Education (DGES), DGEstE, Portuguese Institute

<sup>658</sup> This includes admissibility procedures (including Dublin procedures); accelerated procedures, border procedures, subsequent applications and applications following a removal decision: Article 61(1) Asylum Act. As previously mentioned, until the end of 2023 migration was part of the portfolio of the Ministry of Parliamentary Affairs.

<sup>659</sup> Article 61(2) Asylum Act.

<sup>660</sup> Article 61(1) and (2) *in fine* Asylum Act.

<sup>661</sup> Notably MoUs between the Ministry of Home Affairs / SEF and CPR, between ISS and CPR, and between the ISS and Santa Casa da Misericórdia de Lisboa (SCML).

<sup>662</sup> Resolution of the Council of Ministers no. 103/2020 of 23 November 2020, available [here](#).

of Sports and Youth (IPDJ), IEFPP, ANQEP, SCML, ACSS, DGS, and IHRU. The resolution further established that other entities with competences in the fields of reception and integration, namely CPR, were part of this line up.

- ❖ ACM was responsible for organising periodic meetings (at least one every month), providing logistical and administrative support, and preparing the regulation of the SOG;
- ❖ The resolution further detailed the responsibilities of ACM, SEF and ISS within the context of the SOG;
- ❖ The SOG was established for 5 years with possibility of extension. Instruments concerning reception and integration of applicants for and beneficiaries of international protection in force must be adjusted to the provisions of the resolution.

Within the framework of the SOG, three subgroups were created to handle operational matters: the social monitoring subgroup, the unaccompanied children subgroup, and the programmed arrivals subgroup.<sup>663</sup>

The social monitoring subgroup of the SOG was the structure for referral and follow up on the provision of reception conditions to spontaneous asylum applicants. Before, the group was composed of ACM, SEF (both replaced by AIMA), CPR, ISS, and SCML, and met twice a month. The extended line-up of the SOG used to meet once a month. The process of termination of the activity of SEF and ACM led to the suspension of the activity of the SOG,<sup>664</sup> with the exception of the social monitoring sub-group, which continues to meet, but bilaterally.

Following the termination of SEF and the beginning of AIMA's operations, some changes occurred to the practical arrangements in place for the provision of material reception conditions to asylum applicants.<sup>665</sup> Since the last quarter of 2023 CPR has been unable to ensure the provision of accommodation to all spontaneous asylum applicants as per previous practice both due to the lack of further capacity of infra-structures, and to the lack of funding to that effect.<sup>666</sup> AIMA confirmed that the transition between financial frameworks created constraints but affirmed that such constraints had been overcome by June 2024.<sup>667</sup>

Hence, despite institutional changes and some lack of operational clarity, in practice the following entities were competent to provide reception conditions to spontaneous applicants, depending on the type and stage of the procedure and/or the profile of the applicant:

- ❖ The **Institute for Social Security (ISS)** provided material reception conditions to asylum applicants in the regular procedure;
- ❖ **Santa Casa da Misericórdia de Lisboa (SCML)** assisted asylum applicants who have submitted an appeal against a Dublin decision or a first instance decision (with the exception of a first instance decision in the regular procedure) as well as certain categories of asylum applicants in the regular procedure (e.g., vulnerable cases such as unaccompanied children initially accommodated at CACR that move into assisted apartments and former unaccompanied children initially accommodated at CACR; or individuals and families with strong social networks in the Lisbon area);

<sup>663</sup> In 2022, a new SOG sub-group was created in order to address the area of vulnerabilities within the asylum system. The group was composed by ACM, CPR, ISS, SCML, SEF, and UNHCR. According to the information provided by UNHCR, the group has not been resumed in 2024.

<sup>664</sup> The last meeting of the extended line-up of the SOG took place on 20 September 2023.

<sup>665</sup> For further information regarding the previous framework, please see previous AIDA reports available [here](#).

<sup>666</sup> On the one hand, there were significant delays in the provision of AMIF funding at national level, on the other since the beginning of its operations AIMA publicly stated that it wanted to evaluate the provision of services by the organisation before renewing any cooperation frameworks. While AIMA and CPR signed a contract for the provision of accommodation for a limited number of asylum applicants in January 2024, this did not ensure the payment of services previously ensured by the organisation and did not provide sufficient resources for CPR to continue ensuring the usual reception model. In fact, by the end of the 2023 and 2024 the organisation often faced financial constraints leading to delays in the payment of financial allowances to asylum applicants and salaries to employees. See, for instance: Público, *Conselho Português para os Refugiados confirma salários e verbas em atraso*, 8 January 2024, available [here](#).

<sup>667</sup> Information provided by AIMA on 25 June 2024. Nevertheless, CPR was still experiencing the aforementioned repercussions at the beginning of 2025.

- ❖ The **Agency for Integration, Migration and Asylum (AIMA)** provides accommodation to asylum applicants in the admissibility (including Dublin) and accelerated procedures in national territory, under the competencies assigned by the Asylum Act to the Ministry in charge of Migration, through its Reception Management Unit<sup>668</sup>. AIMA does not have its own reception facilities and cooperates with other entities within the framework of a MoU/contract service to ensure the provision of accommodation;
- ❖ While the Asylum Act determines that the Ministry in charge of migration is responsible for the provision of material reception conditions to applicants detained at the border,<sup>669</sup> the **Public Security Police (PSP)** manages the provision of material reception conditions within the context of border procedures and procedures in detention following a removal order (see Conditions in Detention Facilities) due to the transfer of competences previously assigned to SEF. PSP is a police authority under the Ministry of Home Affairs.<sup>670</sup>

Until beyond the first half of 2024, AIMA provided accommodation directly through the youth hostel network (*Movijovem – Pousadas da Juventude*). According to AIMA, this was a contingency plan. In the second semester of 2024, AIMA expanded the reception capacity and signed MoUs and contract services with new reception entities in addition to CPR: Adolescere, Convento Balsamão, JRS, and Together International.

## 1.2 The right to reception and sufficient resources

The law provides for the right of asylum applicants to material reception conditions regardless of the procedure they are in,<sup>671</sup> with the exception of a possible withdrawal or reduction of those conditions in the case of ‘unjustified’ subsequent applications.<sup>672</sup>

Asylum applicants are entitled to support from the moment they apply for asylum,<sup>673</sup> and until a final decision is reached on their asylum application,<sup>674</sup> without prejudice to: (i) the suspensive effect of appeals,<sup>675</sup> and (ii) the provision of material reception conditions beyond the final rejection in case of ongoing need for support on the basis of an individual assessment of the applicant’s social and financial circumstances.<sup>676</sup>

Only asylum applicants who lack resources are entitled to material reception conditions.<sup>677</sup> The law provides for criteria to assess the sufficiency of resources that consist in either the lack thereof or a level of financial resources which is inferior to the ‘social support allowance’.<sup>678</sup> While until 2023, ISS has interpreted this provision as referring to the social pension (*pensão social*),<sup>679</sup> the practice changed from 2023 on. As such, the provision has

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<sup>668</sup> Article 61(1) Asylum Act.

<sup>669</sup> Article 61(1) Asylum Act.

<sup>670</sup> PSP’s competencies at the border were used by AIMA in public statements to reject any responsibility for the situation of asylum applicants detained at the border, a position hardly compatible with the provisions of the Asylum Act. See, for instance: Rádio Renascença, “*Há pouco que a AIMA possa fazer*” pelos migrantes que dormem no aeroporto, 25 January 2024, available [here](#).

<sup>671</sup> Articles 51(1) and 56(1)-(2) Asylum Act.

<sup>672</sup> Article 60(3)(f) Asylum Act. The reference to an “unjustified subsequent application” seems to indicate that the potential withdrawal or reduction would only occur at the end of the 10-day admissibility/preliminary assessment as per Article 33(4). According to the information available to CPR, such possibility was not enforced in the past, as SEF referred subsequent applicants in need of housing to the relevant entities. AIMA’s practice in this regard is not yet clear.

<sup>673</sup> Articles 51(1), 56(1) and 2(1)(ae) Asylum Act that entitle third-country nationals or stateless persons who have “presented” an asylum application to material reception conditions. The presentation of the asylum application is to be understood as preceding the registration of the asylum claim under Article 13(1) and (7) Asylum Act.

<sup>674</sup> Article 60(1) Asylum Act.

<sup>675</sup> Articles 60(1) *in fine* and 30(1) Asylum Act.

<sup>676</sup> Article 60(2) Asylum Act.

<sup>677</sup> Articles 51(1) and 56(1) Asylum Act.

<sup>678</sup> Article 56(3) Asylum Act.

<sup>679</sup> Decree-Law no. 464/80. According to the referred Decree-Law, the social pension is measure of solidarity to offer social protection to the most vulnerable populations. It is provided, among others, to nationals, who are not entitled to a pension from the contributory social security system who lack any revenue or whose revenue is below the value of the social pension (Article 1).

been interpreted as referring to a reference value of the Social Support Reference Index (*Indexante de Apoios Sociais*, IAS).<sup>680</sup> According to the information provided by ISS, the reference value has been updated every year.

According to ISS, cases are reassessed every three months and the provision of material reception conditions is maintained where indicators of a lack of resources subsist.

Asylum applicants can be requested to contribute,<sup>681</sup> or reimburse,<sup>682</sup> partly or in full, the cost of material reception conditions and health care depending on the level and the point in time when the authorities become aware of their financial resources. However, neither the law nor administrative guidelines specify at what point the asylum applicant is required to declare any financial resources they might have.

In previous years, and despite practical challenges and concerns, spontaneous asylum applicants did not face systematic obstacles in gaining access to available material reception conditions (e.g., due to delays in the issuance of the individual certificate of the asylum application or a strict assessment of resources).

Since late 2023, AIMA has been directly providing accommodation to asylum applicants in the admissibility (including Dublin) and accelerated procedures under the competencies assigned by the Asylum Act to the Ministry in charge of Migration.<sup>683</sup>

In 2024, CPR has received consistent reports of people who faced challenges in presenting asylum applications across the country and were moreover not referred to reception solutions. There have also been reports of a lack of information and social support and/or reception solutions even after an asylum application has been lodged.

Until the end of the first semester of 2024, CPR has received consistent reports of significant issues impacting asylum applicants who are provided accommodation directly by AIMA, namely: lack of information, isolation, lack of means to access AIMA's services, lack of access to material reception conditions (including food), instances of withdrawal of accommodation immediately following notification of a negative decision (in violation of the applicable legal framework), frequent and often unannounced changes of place of accommodation, and lack of response to specific needs (including access to health care). This happened in particular when AIMA provided accommodation through the youth hostel network (*Movijovem – Pousadas da Juventude*). AIMA denied this occurred.<sup>684</sup>

Access to CPR's Refugee Reception Centre (*Centro de Acolhimento para Refugiados*, CAR) that accommodates isolated adults and families is dependent on written referral from AIMA-CNAR. The same stands for the provision of material conditions such as financial assistance by CPR to asylum applicants who have opted for private housing with relatives.

CPR does not proactively engage in means assessments for the duration of the provision of material reception conditions given that access to paid employment is, in practice, limited at this stage. Nonetheless, if the applicant has an employment contract, the termination of this provision may be negotiated.

Following admission to the regular procedure, or if the application is deemed inadmissible or is rejected in an accelerated procedure,<sup>685</sup> the asylum applicant is referred by CPR to the Single Operative Group (SOG) through

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<sup>680</sup> Act no.53-B/2006, of 29 December as amended.

<sup>681</sup> Article 56(4) Asylum Act.

<sup>682</sup> Article 56(5) Asylum Act.

<sup>683</sup> Article 61(1) Asylum Act.

<sup>684</sup> Within the context of the right of reply of the authorities to the 2023 draft AIDA report, AIMA noted that all asylum applicants are informed of the available accommodation and its conditions, and that all asylum applicants were offered accommodation. It has also noted that asylum applicants are duly informed of changes to their accommodation arrangements, and that applicants are referred to healthcare authorities. AIMA did not provide further information regarding the procedures and criteria for withdrawal of accommodation. Information provided by AIMA, 25 June 2024.

<sup>685</sup> This includes rejected asylum applicants released from the border after the expiry of the 60-day time limit (see Duration of Detention).



its social monitoring subgroup. The SOG decides on the provision of material reception conditions in the regular procedure (by ISS), or at appeal stage (by SCML), based on an individual report that includes information on the socio-economic circumstances of the individual. Given that asylum applicants admitted to the regular procedure are often unemployed, and lack financial resources, it is not common to cease the provision of material reception conditions at this point.

CPR ensures accommodation until ISS or SCML take over and asylum applicants only leave its facilities when alternative accommodation is secured.

Upon release from detention, asylum applicants may face challenges in accessing reception conditions as AIMA claims not being responsible for reception of applicants already notified of a decision on admissibility, inadmissibility or rejection in an accelerated procedure. It should be noted that, at this stage, the cases have not yet been referred to the ISS and/or SCML in the context of the social monitoring subgroup of the SOG. According to PSP, applicants are advised to contact AIMA and ISS to request support upon release. On some occasions, PSP has to take action to identify solutions, namely by contacting the social emergency line (144).

As for unaccompanied children, PSP refers the case to the Family and Juvenile Court. ISS later identifies a reception facility, such as CPR's CACR, according to the court order.

CPR is aware that in some cases in 2024 the release from detention was delayed due to the lack of reception responses on national territory.

## 2. Forms and levels of material reception conditions

### Indicators: Forms and Levels of Material Reception Conditions

1. Amount of the monthly financial allowance/vouchers granted to adult asylum applicants as of 31 December 2024 (in original currency and in €): € 432.87 - € 319.53

The Asylum Act provides for a general definition of material reception conditions,<sup>686</sup> as well as a closed list of forms of provision of material reception conditions in article 57(1) that includes:

- ❖ Housing;<sup>687</sup>
- ❖ Food;
- ❖ Monthly social support allowance for food, clothing, transport, and hygiene items;
- ❖ Monthly complementary allowance for housing; and
- ❖ Monthly complementary allowance for personal expenses and transport.

Additionally, Article 57(3) establishes a closed list of possible combinations of forms of material reception conditions that consist of:

- ❖ Housing and food in kind with a [monthly] complementary allowance for personal expenses and transportation; and
- ❖ Housing in kind or complementary allowance for housing with a social support allowance [for food, clothing, transportation and hygiene items].

However, in duly justified instances, asylum applicants may exceptionally be offered forms and combinations of material reception conditions other than those provided in the law for a limited period of time, where:

<sup>686</sup> Article 2(1)(e) Asylum Act: housing, food, clothing and transportation offered in kind, through financial allowances, vouchers or daily allowances.

<sup>687</sup> Under Article 57(2), housing and food in kind can consist of: (a) housing declared as equivalent to reception centres for asylum applicants in the case of border applications; (b) installation centres for asylum applicants or other types of housing declared equivalent to installation centres for asylum applicants that offer adequate living conditions; and (c) private houses, apartments, hotels, or other forms of housing adapted to accommodate asylum applicants.



- ❖ There is a need for an initial assessment of the special needs of the applicant; and/or
- ❖ Available reception capacity is temporarily exhausted.<sup>688</sup>

Article 57(4) was amended in 2023,<sup>689</sup> limiting the situations where asylum applicants could be offered forms/combinations of material reception conditions other than those provided in the law. Until then, the law also allowed such a change if:

- ❖ The housing in kind as per the law was not available in the area where the asylum applicant is located; and/or
- ❖ The international protection applicants are detained at a border where housing equivalent to reception centres is not available.

The Asylum Act enshrines the right of asylum applicants to the satisfaction of their basic needs to a level that guarantees their human dignity.<sup>690</sup> One of the amendments to the Asylum Act enacted in 2023 added that the material reception conditions must satisfy basic needs.<sup>691</sup> The Asylum Act does not include further specific criteria to determine what is an adequate standard of living which guarantees their subsistence and protects their physical and mental health as per Article 17(2) of the recast Reception Conditions Directive. While it can be argued that the 2023 amendment responds to the subsistence requirement included in the Directive, it is doubtful that it implies adequate protection of the physical and mental health of asylum applicants.

The specific criteria for establishing the value of the financial allowances consists of a percentage of the 'social support allowance'.<sup>692</sup> While until 2023, ISS has interpreted this provision as referring to the social pension (*pensão social*),<sup>693</sup> the practice changed from 2023 onwards. As such, in 2023, the provision has been interpreted as referring to a reference value of the Social Support Reference Index (*Indexante de Apoios Sociais*, IAS).<sup>694</sup> According to the information provided by ISS, in 2024, the reference value for the calculation of the allowances was 85% of the IAS (€ 432.87).

In 2025, the reference value for the calculation of the allowances will be changed to 45% of the IAS (€ 235.13),<sup>695</sup> per information shared by ISS. According to ISS, in 2025 applicants with an admissibility decision to the regular procedure will have this allowance increased to an amount identical to the IAS. If confirmed, this differentiation from applicants in an appeal stage is not provided for in the Asylum Act<sup>696</sup> and raises concerns.

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<sup>688</sup> Article 57(4) Asylum Act.

<sup>689</sup> As per article 6 Act no.53/2023, of 31 August 2023. The amended version entered into force on 29 October 2023.

<sup>690</sup> Article 56(1) Asylum Act.

<sup>691</sup> Article 57(5) Asylum Act.

<sup>692</sup> Article 58 Asylum Act.

<sup>693</sup> Decree-Law no. 464/80. According to the referred Decree-Law, the social pension is measure of solidarity to offer social protection to the most vulnerable populations. It is provided, among others, to nationals, who are not entitled to a pension from the contributory social security system who lack any revenue or whose revenue is below the value of the social pension (Article 1).

<sup>694</sup> Act no.53-B/2006, of 29 December as amended, and Ministerial Order no.421/2023. In 2024, the IAS stood at € 509.26.

<sup>695</sup> Act no.53-B/2006, of 29 December as amended, and Ministerial Order no. 6-B/2025/1. In 2025, the IAS stands at € 522,50.

<sup>696</sup> Article 58 Asylum Act.

These percentages represent the upper limit of the allowances. In 2024, the following amounts applied:

| Level of financial allowances per expense: 2024                          |            |          |          |
|--|------------|----------|----------|
| Type of monthly allowance  | Percentage | Amount   |          |
|  |            | ISS      | SCML     |
| Social support allowance for food, clothing, transport and hygiene items | 70%        | € 303.01 | € 172/05 |
| Complementary allowance for housing                                      | 30%        | € 129.86 | € 73.74  |
| Complementary allowance for personal expenses and transport              | 30%        | € 129.86 | € 73.74  |

Source: ISS and SCML, information provided directly in July 2025

In practice, asylum applicants referred by AIMA to CPR in the framework of admissibility procedures (including Dublin) and accelerated procedures on the territory benefit from housing at CAR or in other facilities (e.g. hostels, apartments or rooms in private accommodation) provided by CPR (see Types of Accommodation), along with a monthly allowance of € 150 per adult, € 50 per child below the age of four, and € 75 per child over the age of four, to cover food and transport expenses.<sup>697</sup>

Applicants may also find accommodation in the private market. If they do, they may request an additional monthly allowance for the rent of € 150 per adult, and € 75 per child.

CPR's Social Department provides asylum applicants with second-hand clothes as well as food items as needed and/or weekly with the support of the charities/projects such as the Food Bank (*Banco Alimentar*), Refood and *Missão Continente*, as well as sporadic private donations. Personal care products are provided.

Depending on the individual circumstances, CPR also pays for: (i) medication - due to problems related to access to State funded medication through the National Health Service (*Serviço Nacional de Saúde*, SNS), and in the case of non-funded medication; (ii) school supplies for children; (iii) differentiated health care, e.g., dentists; and (iv) taxi transportation, e.g., in case of a medical emergency or for particularly vulnerable individuals.

In the case of unaccompanied children in the regular procedure and at appeal stage, CPR provides material reception conditions in kind such as housing, food, clothing, transportation, school supplies, sports, social and cultural activities, capacity-building and personal development activities. They also receive a monthly allowance of € 50 for personal needs. Unaccompanied young people in pre-autonomy stage under CPR's care are responsible for managing their own monthly allowance of € 150.

In the regular procedure or pending an appeal against a rejection decision during the admissibility stage or in an accelerated procedure, the financial allowance provided by ISS and by SCML is expected to cover all expenses.

Nevertheless, SCML provides an additional monthly allowance in cases of severe economic vulnerability (which are often linked to the extremely high costs of accommodation). In 2024, 52 applicants were covered by this measure.<sup>698</sup>

<sup>697</sup> In 2025, CPR plans to increase the monthly allowance to € 220.10 per adult, and € 117.71 per child.

<sup>698</sup> Moreover, according to information provided by SCML, the organisation also allows asylum applicants under its care to access its healthcare units in accordance with medical needs.

ISS has also confirmed that in 2024 it has continued to provide further support for housing expenses (first two months of rent upon presentation of a lease proposal) and that, when deemed justified following assessment, additional support for housing and other expenses can be granted.

The total monthly allowance for all expenses per person is calculated in accordance with the amounts mentioned above,<sup>699</sup> albeit with a regressive percentage per additional member of the household. In 2024, the amounts applied were as follows:

| Level of ISS / SCML financial allowance for all expenses: 2024 |          |          |
|--|----------|----------|
| Category of applicant  | Amount   |          |
|  | ISS      | SCML     |
| Head of household  | € 432.87 | € 319.53 |
| Other adult(s) in household                                    | € 303.01 | € 223.67 |
| Child  | € 216.44 | € 159.76 |

Source: ISS and SCML, information provided directly in July 2025

Even though no qualitative research has been conducted to date on destitution of asylum applicants in the asylum procedure, the level of financial allowances is manifestly low, particularly in light of the current living costs in the country.

CPR's Social Department receives regular complaints from asylum applicants at all stages of the asylum procedure regarding financial difficulties to meet basic needs and anxiety regarding low levels of income. In 2024, CPR continued to note an increase in the number of requests for additional food support, particularly from families with children. This assessment regarding the level of financial allowances was also confirmed by SCML.

A study focusing on unaccompanied asylum-seeking children and ageing out in Portugal published in 2021 revealed that, while the children and young people involved generally rated the response of relevant entities in a positive manner, the vast majority stated that the financial allowances received are insufficient to cover their expenses.<sup>700</sup>

Such difficulties might constitute a contributing factor to the level of absconding and cessation of support (see [Reduction or Withdrawal of Reception Conditions](#)).

<sup>699</sup> Article 58 Asylum Act.

<sup>700</sup> Sandra Roberto, Carla Moleiro, ed. Observatório das Migrações, *De menor a maior: acolhimento e autonomia de vida em menores não acompanhados*, April 2021, p.44, available [here](#).

### 3. Reduction or withdrawal of reception conditions

#### Indicators: Reduction or Withdrawal of Reception Conditions

1. Does the law provide for the possibility to reduce material reception conditions?  
☒ Yes ☐ No
2. Does the law provide for the possibility to withdraw material reception conditions?  
☒ Yes ☐ No

The Asylum Act provides for an exhaustive list of grounds that may warrant the reduction or withdrawal of material reception conditions.<sup>701</sup> These consist of **unjustifiably**:

- (a) Abandoning the place of residence determined by the authority without informing SEF/AIMA or without adequate permission;
- (b) Abandoning the place of residence without informing the reception organisation;
- (c) Failing to comply with reporting duties;
- (d) Failing to provide information that was requested or to appear for personal interviews when summoned;
- (e) Concealing financial resources and hence unduly benefiting from material reception conditions; and
- (f) Lodging a subsequent application.

For the reduction or withdrawal to be enacted, the behaviour of the applicant needs to be unjustified,<sup>702</sup> implying the need for an individualised assessment of the legality of the decision, which is, however, not clearly stated in the law.

Reduction or withdrawal decisions must be individual, objective, impartial, and reasoned.<sup>703</sup> The asylum applicant is entitled to appeal the decision before an Administrative Court,<sup>704</sup> with suspensive effect,<sup>705</sup> and may benefit from free legal aid to that end.<sup>706</sup> Reception conditions that are reduced or withdrawn pursuant to grounds (a) to (c) above can be reinstated if the asylum applicant is found or presents themselves to the authorities.<sup>707</sup>

According to AIMA, no formal decisions were issued to reduce or withdraw reception conditions in 2024. No further information has been provided regarding practices in this matter.

In the past, CPR observed that SEF at times sent communications to the organisation reporting that an applicant was failing to comply with the reporting duties (i.e. they missed an appointment with the authority) and suggested that CPR should determine whether to withdraw the provision of reception conditions. Given the legal framework applicable to the reduction and withdrawal of reception condition and CPR's legal status it is hard to reconcile such a practice with the Asylum Act and with the guarantees provided by the law to the applicant.

According to the experience of CPR, in the past where support was suspended because an applicant repeatedly failed to present themselves as required by the authorities, it was reinstated upon appearance.

Furthermore, particularly until the end of the first semester of 2024, CPR received consistent reports of deficiencies in the provision of reception conditions by AIMA, including instances of withdrawal of accommodation immediately following notification of a negative decision (in violation of the applicable legal framework).

According to AIMA, there may be interruptions in the provision of reception conditions at times when there are gaps. AIMA states that upon reception applicants are informed by the host entities of their rights and duties, features and rules of the reception system, and available services. While it is not clear to which type of gaps

<sup>701</sup> Article 60(3) Asylum Act.

<sup>702</sup> Article 60(3) Asylum Act.

<sup>703</sup> Article 60(5) Asylum Act.

<sup>704</sup> Article 60(8) Asylum Act.

<sup>705</sup> Articles 63(1) and 30(1) Asylum Act.

<sup>706</sup> Article 63(2) Asylum Act.

<sup>707</sup> Article 60(4) Asylum Act.

AIMA referred to and if it concerned, for instance, the transition from one host entity/institution to another in the practical framework for the reception of asylum applicants, the right to reception should be ensured until another institution takes over and secures alternative means.

According to ISS, no decisions reducing or withdrawing reception conditions were taken in 2024. According to the data provided by ISS, out of the 2,585 persons supported by the entity in 2024, support provision was terminated in a total of 36 cases, due to disappearance without informing the entity.<sup>708</sup> ISS states that it is not possible to disaggregate the information on the other grounds provided by law.

According to the data provided by SCML, out of the 814 persons supported by the entity in 2024, support provision was terminated in 351 cases due to disappearance without informing the entity.<sup>709</sup>

According to the available information, other instances of cessation of support were connected to situations where the applicant no longer lacked financial resources according to the relevant criteria (see [criteria and restrictions to access reception conditions](#)).<sup>710</sup>

### Criteria and restrictions to access reception conditions

The law does not provide for specific sanctions for seriously violent behaviour or serious breaches of the rules of accommodation centres and other housing provided in the framework of material reception conditions. Nevertheless, service providers are required to adopt adequate measures to prevent violence, and notably sexual and gender-based violence.<sup>711</sup> The law does not provide any guidance regarding the measures to be adopted.<sup>712</sup>

In the case of **CAR**, both the Regulation of the centre and the individual contract signed between CPR and the asylum applicant include specific prohibitions of abusive and violent behaviour. Such behaviour can ultimately result in withdrawal of the support provided by CPR following an assessment of the individual circumstances and taking into consideration the vulnerability of the applicant.<sup>713</sup> Specific follow-up measures also vary considering the individual situation of the applicant.

In the case of **CACR**, while the Regulation contains similar prohibitions and age-appropriate remedial action,<sup>714</sup> the accommodation of unaccompanied children stems from and can only be reviewed by the competent Family and Juvenile Court in the framework of the Children and Youths at Risk Protection Act (see [Legal Representation of Unaccompanied Children](#)).

In practice, without prejudice to criminal proceedings where applicable, instances of withdrawal of support from CPR following abusive and/or violent behaviour in breach of internal rules remain rare events. For most cases, the consequences consist of a transfer to alternative accommodation to ensure the security and well-being of the remaining residents.<sup>715</sup> In the case of unaccompanied children, Family and Juvenile Courts generally prioritise the stability of the living environment,<sup>716</sup> and are extremely reluctant to uproot the child by transfer to another institution.

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<sup>708</sup> Article 60(3)(b).

<sup>709</sup> *Idem*.

<sup>710</sup> Articles 51(1) and 56(1) Asylum Act.

<sup>711</sup> Article 59(1)(e) Asylum Act.

<sup>712</sup> SCML reported having 24-hour surveillance to promote the safety and well-being of applicants staying in hotel units. Households and women are housed in a separate hotel unit from lone men. In cases of violence, the guard service calls the police.

<sup>713</sup> The contract is currently available *inter alia* in Portuguese, English, French and is otherwise interpreted to the client if not available in a language that he understands.

<sup>714</sup> These include, by order of increasing severity, an oral warning; a reprimand; to execute a repairing task; reduction of pocket money; limitation of authorisations to leave the CACR; restriction of ludic and pedagogical activities, notably with fellow children; and transfer to another institution.

<sup>715</sup> According to SCML this measure is also adopted by the organisation when the behaviour of the beneficiary jeopardises the well-being of other residents and staff.

<sup>716</sup> Article 78(2)(e) Asylum Act provides for stability of housing as a contributing factor to upholding the best interests of the child.

## 4. Freedom of movement

### Indicators: Freedom of Movement

1. Is there a mechanism for the dispersal of applicants across the territory of the country? ☒ Yes ☐ No
2. Does the law provide for restrictions on freedom of movement? ☐ Yes ☒ No

The Asylum Act does not contain specific restrictions on the freedom of movement or grounds for residence assignment but provides for the duty of asylum applicants to keep SEF informed of their place of residence.<sup>717</sup> Furthermore, the authorities may decide to transfer the asylum applicants from housing facilities when needed for an adequate decision-making process regarding the asylum application or to improve housing conditions.<sup>718</sup>

Since 2012, the operational framework for the reception of asylum applicants in Portugal provides for a dispersal mechanism (see Criteria and Restrictions to Access Reception Conditions).

Following the admissibility procedure and admission to the regular procedure, or if the application is deemed inadmissible or rejected in an accelerated procedure, the asylum applicant is generally referred by frontline service providers such as CPR to the social monitoring sub-group of the SOG. The social monitoring sub-group meets at least twice a month to discuss individual cases and decides on the provision of material reception conditions in the regular procedure (generally by ISS) or at appeal stage (by SCML). This is done on the basis of an individual monitoring report and in accordance with existing reception capacity countrywide. This can either result in a dispersal decision for those admitted to the regular procedure (with assistance provided by local Social Security services) or placement in private housing/hostels in the Lisbon area for those who have appealed the rejection of their application (under the responsibility of SCML).

According to ISS, the criteria based on admissibility to the regular procedure/appeal stage following inadmissibility or rejection of a case is no longer relevant for determining the entity responsible for the provision of material conditions. ISS states that a new criterion was adopted based on the location of the applicant's residence at the time of referral by frontline service providers to the social monitoring sub-group of the SOG. In this sense, SCML has taken over the responsibility for the provision of material conditions of applicants residing in the municipality (not district) of Lisbon, while the rest fall under the responsibility of ISS.

It remains unclear whether this change in criterion was formalised and when. According to CPR's observation, the previous criterion remained for most of 2024, if not all year.

When an asylum applicant needs to move to a different part of the country within this context, the trip (public transportation) is organised, and the cost covered, by ISS. According to ISS, AIMA and frontline service providers such as CPR provide logistical support to the applicant. In CPR, applicants are informed about the travel arrangements in a language they understand, and it is standard practice for a member of ISS staff to be present on arrival.

According to the statistics shared by the ISS, as of December 2024, a total of 2,585 applicants and beneficiaries of international protection benefited from ISS material support across the country.

<sup>717</sup> Article 15(1)(f) Asylum Act.

<sup>718</sup> Article 59(2) Asylum Act.

| Dispersal of applicants and beneficiaries of international protection receiving ISS support – 5 main districts: 2024 |        |
|--|--------|
| Area   | Number |
| Lisbon   | 755    |
| Setúbal  | 358    |
| Castelo Branco   | 210    |
| Coimbra  | 203    |
| Porto  | 178    |

Source: Information provided by ISS (July 2025).

Most asylum applicants and beneficiaries of international protection receiving material reception conditions from ISS in 2024 resided in Lisbon. Additionally, SCML supported a total of 814 individuals in 2024, the majority of whom resided in Lisbon (see Types of Accommodation). By the end of the year, SCML was providing support to 531 applicants for or beneficiaries of international protection.

There is some flexibility in the implementation of the dispersal policy, and, according to CPR's experience, the entities involved make an effort to take personal preferences into account. CPR and ISS have also developed efforts to conduct joint videocalls with the applicants to promote a smooth transition process.

According to ISS, asylum applicants admitted to the regular procedure may request a review of their dispersal decision and their accommodation in a particular area where accommodation, education, employment and/or health related grounds justify an exception (e.g., regarding unaccompanied children enrolled in schools, asylum applicants who are employed at the time of the decision or particularly vulnerable asylum applicants who benefit from specialised medical care in Lisbon, see Responsibility for Reception).

Otherwise, refusal to accept the dispersal decision by failing to report to the local Social Security service or abandoning its support following the dispersal decision will generally result in the withdrawal of material reception conditions. ISS noted, however, that if the reinstatement of support is subsequently requested, the services do evaluate the individual situation.

According to the information available to CPR, once the dispersal decision is made by the SOG, asylum applicants are not subjected to onward dispersal decisions resulting in their move from the initial district of assignment.<sup>719</sup>

On the contrary, until the end of the first semester of 2024, CPR has received consistent reports according to which asylum applicants to whom AIMA provides reception condition may be subject to frequent and often unannounced changes of place of accommodation, without any apparent link to the grounds for change of the place of accommodation prescribed by the Asylum Act. AIMA did not provide information on the frequency and reasons for transfers to other facilities. In any case, this practice seems to have improved with the stabilisation of host entities in the second half of 2024.

Even though no official evaluation has been conducted to date to assess the impact of the dispersal policy, according to the information collected by CPR, the main concerns raised by asylum applicants include lack of specialised support and tailor-made integration services such as language training and vocational training, isolation, lack of interpreters and specialised mental health care, difficulties in accessing specialised legal

<sup>719</sup> It should be noted that in accordance with Article 59(2) Asylum Act, decisions ordering the transfer of asylum applicants from housing facilities can only occur when needed for an adequate decision-making process regarding the asylum application or to improve housing conditions.



assistance (including that provided by CPR due to the geographical distance), inequalities in access to public services and lack of homogenisation of information provided by such services, and the absence of culturally relevant facilities/services in certain parts of the country. CPR has also received reports of applicants stating that the delays in the implementation of the dispersal decision led them to initiate their integration process in the Lisbon area, making them later reluctant to accept to move and restart.

According to the Statistical Report of Asylum 2022, the dispersal mechanism is generally considered an example of good practice despite the implementation challenges. Among the challenges identified by the Report are: (i) the reluctance of applicants in moving from the Lisbon area to other parts of the country; (ii) the need to finetune the distribution criteria; and (iii) discrepancies in the response capacity of local Social Security services.<sup>720</sup> These are persisting implementation challenges, also mentioned in prior reports.

## B. Housing

### 1. Types of accommodation

#### Indicators: Types of Accommodation

- |   |   |
|---|---|
| 1. Number of reception centres:   | Information not available (spontaneous asylum applicants) |
| 2. Total number of places in the reception system:  | Information not available                                 |
| 3. Total number of places in private accommodation:   | Variable  |
| 4. Type of accommodation most frequently used in a regular procedure:<br><input type="checkbox"/> Reception centre <input type="checkbox"/> Hotel or hostel <input type="checkbox"/> Emergency shelter <input checked="" type="checkbox"/> Private housing <input type="checkbox"/> Other                 |   |
| 5. Type of accommodation most frequently used in an accelerated procedure:<br><input checked="" type="checkbox"/> Reception centre <input checked="" type="checkbox"/> Hotel or hostel <input type="checkbox"/> Emergency shelter <input type="checkbox"/> Private housing <input type="checkbox"/> Other |   |

#### Accommodation of spontaneous asylum applicants

As mentioned in Freedom of Movement, asylum applicants are generally referred by frontline service providers to the SOG following admission to the regular procedure, or in case of appeals against negative decisions. At this point, the provision of housing is relayed by either local Social Security services for the duration of the regular procedure or by SCML in the Lisbon area at appeal stage.

According to information provided by ISS, asylum applicants are mostly accommodated in private housing (rented flats/houses and rooms) without prejudice to accommodation provided by relatives in Portugal and placement in collective accommodation facilities such as hotels or non-dedicated reception centres, e.g., emergency shelters, nursing homes, etc. While ISS manages reception facilities where applicants for and beneficiaries of international protection may be accommodated in certain circumstances, none of them has places specifically assigned to such persons.

Applicants supported by SCML are accommodated either in private housing, or in hostels.<sup>721</sup> A very limited number of asylum applicants are sometimes referred to homeless shelters managed by the organisation on a temporary basis to address specific vulnerabilities.

<sup>720</sup> Observatório das Migrações (OM), *Requerentes e Beneficiários de Proteção Internacional – Relatório Estatístico do Asilo 2022*, June 2022, p.138, available in Portuguese [here](#).

<sup>721</sup> In 2024, SCML specifically contracted two hostels for this purpose. One of the hostels has capacity for 27 people and is set to accommodate households and women. The second hostel can accommodate 80 people and is exclusively for single men.

The provision of special reception conditions for unaccompanied children during the asylum procedure is currently managed by ISS. For more information, see: [Special reception needs of vulnerable groups](#).

As mentioned before, in the end of 2023 the reception system during admissibility (including Dublin) and accelerated procedures on the territory had to adjust to the change in the asylum authority and to CPR being unable to ensure the provision of accommodation to all spontaneous asylum applicants (see [Responsibility for Reception](#)) due to the lack of further capacity of infra-structures, and to the lack of funding to that effect. In the past, factors such as the number of referrals for accommodation, occasional delays in the transition into accommodation provided by other stakeholders, as well as the need to preserve family units, frequently determined the need for CPR to resort to external accommodation solutions such as hostels, as well as to instances of overcrowding.

Under the competencies assigned by the Asylum Act to the Ministry in charge of Migration,<sup>722</sup> AIMA provides accommodation to asylum applicants through its Reception Management Unit. Following a contingency plan until the end of the first half of 2024 where AIMA provided accommodation directly through the youth hostel network (see: [The right to reception and sufficient resources](#)), it then expanded the reception capacity in the second semester of 2024 and signed MoUs and contract services with new reception entities in addition to CPR.

According to AIMA, applicants for international protection are mostly accommodated in reception centres, collective accommodation and/or shared rooms, managed by entities that have signed a MoU with the Agency. In 2024, the main host entities were Adolescere, Convento Balsamão, CPR, JRS, Together International, and the youth hostel network. AIMA affirms that the Portuguese Red Cross (CVP) and ISS were also involved in the provision of reception conditions.

AIMA states that it carries out an individual assessment in order to select the location and type of facility to accommodate an applicant, taking into account specific needs, family unit, availability of places, and characteristics of the reception centre.

AIMA did not provide information on the total capacity and occupancy of the asylum reception system in 2024 during admissibility (including Dublin) and accelerated procedures on the territory. AIMA states that 1,300 asylum applicants were provided reception conditions throughout 2024.<sup>723</sup>

In the context of the right of reply of the authorities to the 2024 draft AIDA report, AIMA affirmed that from August 2024 applicants are exclusively accommodated in reception centres, with a total six centres in operation.<sup>724</sup> AIMA did not clarify the type of reception facilities provided by each organisation, nor did it give details on the number of asylum applicants each organisation received. It is not clear if and how many reception centres are specialised and specifically assigned to asylum applicants.

Adults and families with children who receive reception conditions provided by CPR are accommodated at CPR's Refugee Reception Centres (**CAR 1** and **CAR 2**) or very occasionally in private accommodation provided by CPR (apartments and rooms in the private market or hostels) during admissibility (including Dublin) and accelerated procedures on the territory. CPR's Refugee Children Reception Centre (**CACR**) offers unaccompanied children appropriate housing and reception conditions regardless of the stage of the asylum procedure.

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<sup>722</sup> Article 61(1) Asylum Act.

<sup>723</sup> This is the same figure provided for the 2024 Homeland Security Annual Report (Relatório Anual de Segurança Interna – RASI) regarding the number of applicants for international protection in situation of economic insufficiency.

<sup>724</sup> Information provided by AIMA on 22 August 2025.

| Capacity and occupancy of the asylum reception system in 2024 |                  |                               |
|---|------------------|-------------------------------|
| Centre  | Capacity         | Occupancy at 31 December 2024 |
| CAR 1   | 70 (+25)         | 57                            |
| CAR 2   | 90               | 64                            |
| CACR  | 12               | 7                             |
| <b>Total</b>  | <b>172 (+25)</b> | <b>128</b>                    |

Source: CPR.

**CAR 1** is an open reception centre located in **Bobadela**, Municipality of Loures, and operates in the framework of MoUs with the Ministry in charge of Migration and the Ministry of Labour, Solidarity and Social Security. The official capacity of CAR 1 stands at 60 places but, in practice, the centre can accommodate up to 70 persons. As a complement to CAR 1, CPR manages a private house (CVG) with a capacity for 25 persons.

**CAR 2** is an open reception centre located in **S. João da Talha**, Municipality of Loures. It used to be specifically devoted to the reception of resettled refugees, but it has become part of CPR's reception response for spontaneous asylum applicants in March 2024. CAR 2 has a maximum capacity of 90 places. By the end of 2024, CAR 2 accommodated a total of 64 persons, including resettled refugees.

In 2024, CPR provided reception assistance to a total of 1,075 asylum applicants,<sup>725</sup> an average of 275 per month, of which 87% were accommodated at CAR 1/CAR 2/CVG, and 13% in alternative private accommodation (including rooms in private apartments and hostels).<sup>726</sup> The average accommodation period with the assistance of CPR in 2024 was 138 days (roughly 4 and a half months).

CPR ensures accommodation until ISS or SCML take over. As such, asylum applicants only leave its facilities when alternative accommodation is secured (see [Responsibility for Reception](#)).

**CACR** is an open specialised reception centre for unaccompanied asylum-seeking children located in Lisbon that has operated since 2012 in the framework of MoUs with the Municipality of Lisbon and the Ministry of Labour, Solidarity and Social Security. It has an official capacity of 12 places.<sup>727</sup>

Similarly to other reception centres managed by CPR, there were instances in the last few years where CPR informed the authorities of the lack of capacity to provide adequate reception conditions to unaccompanied children. In such cases, unaccompanied children were referred to other reception facilities within the child-care system. In 2024 CPR signed a new MoU with the Ministry of Labour, Solidarity and Social Security which restructured the way in which cases are referred to CACR. CACR is now a specialised residential unit for emergency situations within the scope of national ISS responses. During 2024, the centre was unable to accept new referrals, except for 3. In total, 28 children were accommodated in 2024.

Apart from spontaneous applicants, during 2024, CPR accommodated 54 refugees resettled under the National Resettlement Programme (nationals of Iraq, Iran, Syria, Eritrea and Sudan and from Türkiye, Egypt and Jordan),

<sup>725</sup> Including applicants for international protection whose applications were made before 2024.

<sup>726</sup> Accommodation by the end of the provision of support or by 31/12/2022. In total, and according to the reception model currently implemented by CPR, a total of 68% of the supported asylum applicants was accommodated in CAR during a period of time.

<sup>727</sup> The original capacity was 13, but it was reduced to 12 in the context of the new MoU with the Ministry of Labour, Solidarity and Social Security signed in 2024.

34 Afghan asylum applicants under the humanitarian evacuation programme, 4 asylum applicants under the humanitarian boat rescues in the Mediterranean, and 10 beneficiaries of temporary protection from Ukraine.

Access to adequate housing is identified as a major issue within the national context by asylum applicants, refugees and NGOs.<sup>728</sup> Factors such as high prices, and contractual demands including high deposits, need of guarantors and proof of income hinder the capacity of asylum applicants and refugees to access the market directly, and that of frontline service providers to increase reception capacity. Consequently, asylum applicants and refugees often have to resort to overcrowded or sub-standard housing options when accessing the private housing market.<sup>729</sup>

The 2023 edition of the Statistical Report of OM also highlighted that reception entities are under pressure to respond to the accommodation of all spontaneous asylum applicants due to factors such as the increase number of applications, lack of human and financial resources, and lack of places for reception.<sup>730</sup> There is no available statistical report for 2024.

### **Housing of relocated unaccompanied children from Greece**

Reception of unaccompanied children relocated from Greece is subject to a different practical framework. According to the available information, it includes an initial period of 3 to 6 months during which the psychological, educational, and social support are ensured. Support is then guaranteed through the general network of the ISS, 'independent living',<sup>731</sup> or foster families.<sup>732</sup>

According to the information provided by the Secretary of State for Integration and Migration (SEIM) to the Parliament in December 2020, foster families<sup>733</sup> are a solution meant to younger children and have been applied in practice.<sup>734</sup> The SEIM also noted that reception entities involved in the programme receive training, and that a manual is being prepared. Furthermore, weekly visits are performed by ISS (and, in Lisbon, the SCML).<sup>735</sup>

According to ISS, 3 specialised reception centres with a total of 37 places were involved in this programme in 2023. Additionally, there were also places available in supervised autonomy facilities for the reception of unaccompanied children. According to the information provided by ISS, a total of 197 places were available for reception within this context by the end of 2023. According to the information provided by ISS, by the end of 2023, a total of 71 unaccompanied children were included in the programme.

### **Emergency reception**

Decree-Law 26/2021 of 31 March 2021<sup>736</sup> created a National Pool of Urgent and Temporary Accommodation and a National Plan of Urgent and Temporary Accommodation. Recognising the lack of solutions in this regard, the

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<sup>728</sup> In addition to CPR, SCML and JRS also expressed this concern when providing information for the AIDA report.

<sup>729</sup> It should be noted that while these issues are not only specific to applicants and beneficiaries of international protection, factors such as the absence of support networks increase their impact in asylum seeking and refugee families.

<sup>730</sup> Observatório das Migrações (OM), *Requerentes e Beneficiários de Proteção Internacional – Relatório Estatístico do Asilo 2023*, p.153, 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.

<sup>731</sup> Unofficial translation ("autonomia de vida").

<sup>732</sup> See, for instance: *State Party report on Follow-up to Concluding Observations* [Human Rights Committee], CCPR/PRT/FCO/5, 27 July 2021, pp.11-13 available [here](#).

<sup>733</sup> The legal framework for foster families is established by Decree-Law 164/2019 of 25 October 2019, available [here](#).

<sup>734</sup> Reception through foster families has not been used in the case of asylum seeking/refugee children in other occasions/contexts.

<sup>735</sup> Video recording of the parliamentary hearing of the Ministry of the Presidency and the Secretary of State for Integration and Migration (21 December 2020) available [here](#).

<sup>736</sup> Available [here](#). The functioning of the National Pool of Urgent and Temporary Accommodation is governed by Ministerial Order 120/2021, 8 June, available [here](#).

National Plan aims to create structured responses to people in need of emergency or transitional accommodation.<sup>737</sup>

According to the Decree-Law, the National Plan covers persons under the mandate of the entities that form the restricted line-up of the SOG (SEF and ACM – replaced by AIMA – and ISS).<sup>738</sup> Referrals of applicants for/beneficiaries of international protection to accommodation within this context should be made by ISS and AIMA.<sup>739</sup> Such referrals must be communicated to the SOG.<sup>740</sup> Additionally, entities responsible for the reception of applicants and beneficiaries of international protection may access support to promote urgent and temporary accommodation solutions for the National Pool.<sup>741</sup>

Although the period of applications for building/rehabilitating housing under this programme was due to be open until 31 May 2024, according to AIMA the results of the applications are still pending.<sup>742</sup> ISS noted the programme did not apply in 2024. Neither CPR, nor SCML had information regarding access by asylum applicants to this programme.

## 2. Conditions in reception facilities

### Indicators: Conditions in Reception Facilities

1. Are there instances of asylum applicants not having access to reception accommodation because of a shortage of places? ☐ Yes ☒ No
2. What is the average length of stay of asylum applicants in the reception centres?
  - ❖ Adults 138 days (CAR)
  - ❖ Unaccompanied children 399 days (CACR)
3. Are unaccompanied children ever accommodated with adults in practice? ☒ Yes ☐ No
4. Are single women and men accommodated separately? ☒ Yes ☐ No

The main forms of accommodation used during admissibility, including Dublin, and accelerated procedures on the national territory are reception centres, collective accommodation and/or shared rooms. As regards the regular procedure, private accommodation is usually used (see [Types of Accommodation](#)).

There is currently no regular monitoring of the reception system in place.

AIMA did not clarify the type of reception facilities provided by each organisation with which it signed MoUs and contract services in addition to CPR. Thus, it is not clear which type of reception facilities Adolescere, Convento Balsamão, JRS, and Together International have available, and if any are specialised and specifically assigned to asylum applicants. AIMA states that asylum applicants are mostly accommodated in reception centres, collective accommodation and/or shared rooms, managed by these entities.

According to AIMA, upon reception applicants are informed by the host entities of their rights and duties, features and rules of the reception system, and available services. In these facilities, AIMA states that applicants are provided with access to the National Health System (including urgent and essential treatments), social support to guarantee basic needs, access to education for children, financial support in proven cases of need, and psychological support, if necessary. Also, according to AIMA, the support provided is equivalent regardless of

<sup>737</sup> Article 11 Ministerial Order 120/2021, 8 June defines the maximum periods of emergency/transition accommodation – 15 days or 6 months, respectively, that may be renewed for an equal period. A specific regime applies to victims of domestic violence.

<sup>738</sup> Article 5(1)(b)(iii) Decree-Law 26/2021 of 31 March.

<sup>739</sup> Article 12(1) and (2) Ministerial Order 120/2021, 8 June.

<sup>740</sup> Article 12(3) Ministerial Order 120/2021, 8 June.

<sup>741</sup> Article 12 Decree-Law 26/2021 of 31 March; article 26(c) Decree-Law 37/2018 of 4 June; article 7(c) Ministerial Order 120/2021, 8 June.

<sup>742</sup> Information provided by AIMA in July 2025.

the type of facility used as it is guaranteed by AIMA through the MoUs and contract services signed with the different host entities. This includes access to health, education, social support, and security.

AIMA has not provided information on how these rights, which are provided for by law, are guaranteed to applicants in practice, nor has it clarified how the need for financial support is assessed.

ISS is among the competent authorities for licensing, monitoring and providing technical support to the operation of reception centres for asylum applicants.<sup>743</sup> ISS has laid down specific rules for temporary reception centres for children at risk (such as CACR).<sup>744</sup> Furthermore, the law provides for specific standards regarding housing in kind for asylum applicants,<sup>745</sup> and children at risk (such as unaccompanied children).<sup>746</sup> The specific material reception standards relevant to CAR and CACR are foreseen in the underlying bilateral MOUs (see Types of Accommodation) and in the internal regulations of each facility.

**CAR 1** and **CAR 2** are composed of shared rooms with dedicated bathrooms/toilets and are equipped to accommodate asylum applicants with mobility constraints, e.g., it includes a lift and adapted bathrooms/toilets. Single men and women are accommodated in separate areas. The residents are expected to cook their own meals in a communal kitchen and have access to common fridges and cupboards. The centres also have a laundry service, and a playground. CAR 1 also has a day-care/kindergarten for resident and local community children, as well as a library connected to the municipal library system and a theatre/event space that can be rented out.

CPR provides psychosocial and legal assistance, Portuguese language training, socio-cultural activities, as well as integration-related support (see [Access to the Labour Market](#)). Logistical support staff is present at CAR 24 hours a day and the overall cleaning of the centre is carried out by a private company, though the residents are expected to contribute to the cleaning of their room and that of the common kitchen. The team of the centre often liaises with other organisations to provide specific support to particularly vulnerable residents.

CPR adheres to the mental health and psychosocial support (MHPSS) model. The current reception strategy entails that CAR 1 is a screening centre for new admissions during which social and health needs are identified and information on the host country is provided. CAR 1 is mostly dedicated to the reception of sole applicants, single-parent households and other vulnerable applicants with specific needs. CVG, the private house managed by CPR as a complement to CAR 1, is dedicated to the reception of semi-autonomous families. CAR 2 is mostly dedicated to the reception of households and sole applicants without specific needs.

The average accommodation period with the assistance of CPR in 2024 was of 138 days (roughly 4 and a half months).

**CACR** is composed of shared rooms with dedicated bathrooms/toilets and is equipped to accommodate asylum applicants with mobility constraints. Two resident cooks are responsible for the provision of meals in line with the nutritional needs of children, although children can be allowed to cook their own meals under supervision. The centre also has a laundry service, a playground and a small library, and provides psychosocial and legal assistance, Portuguese language training and socio-cultural activities. Children accommodated at CACR are systematically enrolled in local schools or in vocational training programmes. In 2024, the staff of CACR included a social worker, two social educators, an education assistant and support staff (present 24 hours a day to ensure the overall functioning of the centre), who were assisted by legal officers and a language trainer.

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<sup>743</sup> Decree-Law No 64/2007.

<sup>744</sup> These rules are contained among others in technical guidelines that provide for quality standards on issues such as capacity, duration of stay, composition and technical skills of staff, hygiene and security standards, location and connectivity, access to the building, construction materials, composition and size of the building, internal regulation, personal integration plans, activities planning, reporting and evaluation etc. An earlier version from 1996 is available [here](#). According to the information available [here](#), the ISS has also adopted quality standards for other temporary reception centres (such as CAR) contained in technical guidelines dated 29 November 1996 (unpublished).

<sup>745</sup> Article 59 Asylum Act: protection of family life, including the unity of children and parents/legal representatives; right to contact relatives and representatives of UNHCR and CPR; adoption of adequate measures by the management of the facility to prevent violence, and notably sexual and gender-based violence.

<sup>746</sup> Articles 52-54 Children and Youth at Risk Protection Act.



**CACR** offers unaccompanied children appropriate housing and reception conditions regardless of the stage of the asylum procedure. Given the specific needs and contexts involved, the average stay in 2024 stood at 399 days.

The official capacity of CACR stands at 12 places. In the past, the existing gap in specialised reception capacity repeatedly resulted in overcrowding that has been partially averted by: changing arrangements in rooms to expand capacity while preserving adequate accommodation standards; resorting to separate accommodation of unaccompanied children above the age of 16 at the **CAR 1 and CAR 2**, supervised by the Family and Juvenile Court (both as a measure of last resort in the case of capacity shortages, and in a process of growing autonomy for young applicants at more advanced stages of the integration process); and, depending on the individual circumstances, promoting the placement of children above the age of 16 in supervised private housing by decision of the Family and Juvenile Court in line with the protective measures enshrined in the Youths at Risk Protection Act.<sup>747</sup>

Absconding and the associated risk of human trafficking remain relevant concerns. A total of 7% of unaccompanied children accommodated by CPR absconded in 2024 (see [Special Reception Needs](#)), but it was an atypical year in terms of numbers of new referrals.

Notwithstanding, according to OTSH, in 2024, there were no formally identified and/or confirmed victims of trafficking in human beings among applicants for and beneficiaries of international protection by the competent authorities.

A study focusing on the situation of asylum-seeking unaccompanied children and ageing out in Portugal published in 2021 revealed, inter alia, that the children and young people involved reported challenges related to the cultural and religious diversity of those living in reception centres, as well as difficulties in adjusting to different alimentary practices. Some of those questioned also highlighted difficulties in transitioning to autonomous living due to financial hurdles and, when dispersed to locations outside the Lisbon area, social isolation.<sup>748</sup>

### C. Employment and education

#### 1. Access to the labour market

**Indicators: Access to the Labour Market**

1. Does the law allow for access to the labour market for asylum applicants?  
❖ If yes, when do asylum applicants have access the labour market?

☒ Yes ☐ No  
When they apply for asylum
2. Does the law allow access to employment only following a labour market test?

☐ Yes ☒ No
3. Does the law only allow asylum applicants to work in specific sectors?  
❖ If yes, specify which sectors:

☐ Yes ☒ No
4. Does the law limit asylum applicants' employment to a maximum working time?  
❖ If yes, specify the number of days per year

☐ Yes ☒ No
5. Are there restrictions to accessing employment in practice?

☒ Yes ☐ No

<sup>747</sup> Act 147/99.

<sup>748</sup> Sandra Roberto, Carla Moleiro, ed. Observatório das Migrações, *De menor a maior: acolhimento e autonomia de vida em menores não acompanhados*, April 2021, pp.53 et seq, available [here](#).



An amendment to the Asylum Act enacted in 2022, determines that asylum applicants have the right to work from the moment of the application for international protection.<sup>749</sup> Furthermore, asylum applicants are entitled to benefit from support measures and programmes in the area of employment and vocational training under specific conditions to be determined by the competent Ministries.<sup>750</sup>

There are no limitations attached to the right of asylum applicants to employment such as labour market tests or prioritisation of nationals and legally resident third country nationals. The issuance and renewal of declarations of asylum applications and provisional residence permits by AIMA, which clearly state the right to employment,<sup>751</sup> are free of charge.<sup>752</sup> The only restriction on employment enshrined in the law consists in limiting access to certain categories of the public sector for all third-country nationals.<sup>753</sup>

Asylum applicants benefit from the same conditions of employment as nationals, including regarding salaries and working hours.<sup>754</sup> 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).<sup>755</sup>

With the exception of the submission of beneficiaries of international protection to the same conditions applicable to Portuguese nationals,<sup>756</sup> there are no specific rules regarding the recognition of diplomas and academic qualifications in the Asylum Act. The general rules for the recognition of foreign qualifications at primary, lower, and upper secondary levels include conditions that are particularly challenging for asylum applicants and beneficiaries of international protection (see Access to Education).

There are no statistics available on the number of asylum applicants in employment at the end of 2024.

Asylum applicants can register as 'job applicants' with IEFP. As such they are able to search for jobs and benefit from vocational training and assistance. Such registration is usually smooth in practice, but throughout 2023 CPR observed some instances where the services were not aware of the documents issued by the asylum authorities to asylum applicants. These instances were solved after intervention by the organisation. It was not possible to obtain data on the number of asylum applicants registered with IEFP to that effect.

In CPR's experience, asylum applicants and beneficiaries of international protection face many challenges in securing employment, such as:

- ❖ Poor language skills and communication difficulties;
- ❖ Professional skills that are misaligned with the needs of employers;
- ❖ Difficulties in obtaining recognition of diplomas (particularly relevant for regulated professions);
- ❖ Lack of or difficulties in obtaining a social security identification number (*Número de Identificação da Segurança Social*, NISS) or fiscal identification (*Número de Identificação Fiscal*, NIF);
- ❖ Difficulties in opening bank accounts, in particular due to the requirement to present documents such as a residence permit;
- ❖ Reluctance by employers to hire asylum applicants (namely due to lack of knowledge regarding their legal status and/or limited validity of documents issued during the asylum procedure);
- ❖ Lack of support network;
- ❖ Limited knowledge about the labour market and cultural norms;

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<sup>749</sup> Articles 54(1), as amended by Act n.18/2022, of 25 August. Before this change, asylum applicants were entitled to access the labour market and to benefit from support measures and programmes in the area of employment and vocational training following admission to the regular procedure and issuance of a provisional residence permit.

<sup>750</sup> Article 55 Asylum Act.

<sup>751</sup> Ministerial Order 597/2015.

<sup>752</sup> Article 84 Asylum Act.

<sup>753</sup> Article 15(2) Constitution and Article 17(1)(a) and (2) Act 35/2014.

<sup>754</sup> Article 4 Labour Code.

<sup>755</sup> Article 5 Labour Code.

<sup>756</sup> Article 70(3) Asylum Act.

- ❖ Difficulties in accessing certified training due to lack of proof of prior qualifications;
- ❖ Difficulties in exchanging a foreign driving licence for a national one.

Such challenges have also been reported by SCML.<sup>757</sup> According to SCML, the precarious nature of most employment opportunities results in alternating periods of labour integration and non-integration, and applicants may be more vulnerable to exploitation.

In recent years, CPR has noted difficulties in the issuing of fiscal numbers, despite the fact that the Fiscal authority drafted clear guidance as to the fact that the declaration of the asylum application suffices for this to be done.<sup>758</sup> In 2024, these obstacles seem to have been overcome, with only the challenges to accessing services (also experienced by nationals) remaining, notably access to tailored-support in the case of people with vulnerabilities or disabilities as it is conditional and time-consuming.

Nevertheless, challenges persist regarding registration with the Social Security, despite efforts from the authorities to simplify and digitalise processes through an online platform. Often the application is submitted online with all the required documentation and is rejected on improper grounds.<sup>759</sup> According to CPR's observation, this may be related to inconsistent criteria used between officials in the analysis.

A study focusing on the situation of unaccompanied asylum-seeking children and ageing out in Portugal published in 2021 revealed that, out of those consulted, 34.3% were working, mostly in civil construction. Only 65.2% of those questioned deemed the salaries as fair compensation for the work performed.<sup>760</sup> The analysis conducted concluded that the participants are mostly engaged in unspecialised and likely precarious jobs.<sup>761</sup>

In 2024, within the context of CPR's integration-related support, asylum applicants were able to find jobs in areas such as cleaning, customer services, civil construction, logistics, and agriculture. With the exception of specific functions (such as electrician jobs), low salaries were generally observed.

Within the context of a specific project aiming to support the integration of unaccompanied children over 15 years old in the job market, internships and training opportunities, CPR observed additional challenges in the integration of asylum applicants in specific sectors such as sports, particularly by not being able to compete due to the lack of documentation.<sup>762</sup> The project also highlighted the impacts of the challenges mentioned above in this specific group.

CPR's Integration department continued to observe persistent challenges with regard to access to recognition/validation/certification of professional and academic competencies of asylum applicants and refugees. Notably:

- ❖ Lack of original diplomas and certificates (for instance, IEFP does not accept personal statements regarding qualifications, simply registering these persons as literate job applicants);
- ❖ Difficulties in obtaining certified translations of existing documents;
- ❖ Long administrative procedures for recognition/validation/certification, and lack of regular communication flows;
- ❖ Lack of knowledge of Portuguese language.

<sup>757</sup> SCML further reported that, in 2024, 20 of the asylum applicants assisted by the organisation were able to become autonomous due to their integration on the job market.

<sup>758</sup> With some branches requiring a passport for registration, for instance.

<sup>759</sup> Failure to present an employment contract, declaration of application for asylum and/or residence permit, declaration on honour as to the reason for requesting a social security number, for instance.

<sup>760</sup> Sandra Roberto, Carla Moleiro, ed. Observatório das Migrações, *De menor a maior: acolhimento e autonomia de vida em menores não acompanhados*, April 2021, p.46, available [here](#).

<sup>761</sup> Ibid, 64.

<sup>762</sup> For more information see [here](#).

While there are no specific programmes targeting applicants for and beneficiaries of international protection, asylum applicants and beneficiaries of international protection are included among the target population of some of IEFP's employability support measures.

According to CPR's experience, the main challenge faced by applicants/beneficiaries of international protection within this context is that the amount paid to interns by the programme depends on their level of qualifications. As many applicants/beneficiaries of international protection cannot prove their qualifications, most of them are only eligible to the lowest tier of grant (in 2024, € 662.04).<sup>763</sup> Furthermore, sometimes, asylum applicants are not allowed to register to these programmes, on the grounds of not yet being beneficiaries of international protection.

CPR's Integration Department offers individual assistance that covers job search techniques, recognition procedures, search and referrals to vocational training and volunteering opportunities. Other NGOs, such as JRS, also provide employment assistance to asylum applicants and develop projects in this field. To CPR's knowledge, some Local Support Centres for the Support of Migrants (*Centros Locais de Apoio à Integração de Migrantes*, CLAIM) are in operation, resulting from MoUs between AIMA and other organisations. These centres provide, inter alia, support in integration-related issues, such as information on employment, training and recognition of qualifications. There is no up-to-date list of which CLAIMs are in operation, or contact details and opening hours.<sup>764</sup>

The National Plan to Combat Racism and Discrimination 2021-2025 provides for the implementation of training courses with internships in the area of tourism to promote the integration of refugees and migrants in the labour market.<sup>765</sup> As part of the 'Accelerate the Economy' initiative, the 'Integrate for Tourism' programme was launched in partnership between the National Tourism Authority, the Network of Hotel and Tourism Schools, AIMA and the Portuguese Tourism Confederation.<sup>766</sup> Under this programme, trainees have access to a training grant, transport and food support. In addition, the programme provides personalised support for 1,000 trainees, with the aim of ensuring that everyone can benefit from qualified training and successful integration. As observed by CPR, publicity for this initiative is very limited.

### Portuguese Language training

The legal framework for public Portuguese language was amended in 2022, expanding access to persons over 16 years old (previously, it only covered persons over 18), and to applicants for temporary protection.<sup>767</sup> Access by asylum applicants was already provided for.

According to available information asylum applicants are able to register with IEFP to access to Portuguese language training.

Among the challenges traditionally encountered in this area are the lack of training tailored to persons with low levels of education/illiteracy/poor knowledge of the Latin alphabet, the limited availability of alphabetic training for foreigners, as well as limited availability of training at B1 and B2 levels due to group size requirements. This was particularly challenging in certain parts of the country with lower numbers of eligible learners.

Since 2022, CPR observed an improvement in the access of asylum applicants to 'Portuguese as a host language' courses, the public Portuguese language training scheme, with an increase of the number of entities that may organise relevant courses.<sup>768</sup>

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<sup>763</sup> See [here](#) and [here](#).

<sup>764</sup> See AIMA's official website [here](#).

<sup>765</sup> *National Plan to Combat Racism and Discrimination 2021-2025*, available [here](#), 74-75.

<sup>766</sup> For more information, see [here](#).

<sup>767</sup> Ministerial Order no.183/2020, of 5 August 2020, amended by Ministerial Order no.184/2022, of 16 February 2022, available [here](#). These courses are free of charge for participants and may be funded by EU funds (article 10).

<sup>768</sup> Available [here](#), A guide by IEFP on the organisation of trainings under the new framework is available [here](#).

In 2024, CPR provided 746 hours of Portuguese language training course and promoted 15 sociocultural activities, which totalled 138 asylum applicants. Applicants took part in both literacy and language initiation activities at the same time, as per CPR's practice. CPR also offered online classes to ensure access for vulnerable and/or geographically dispersed applicants, which accounted for 17% of all classes.

ACM created an Online Platform for Portuguese to promote informal learning of Portuguese, which continued to be available online by the end of 2024.<sup>769</sup>

### Vocational training

The low level of language skills associated with the lack of diplomas and/or potentially challenging recognition procedures, render access to vocational training offered by IEPF and its partners within the public system challenging to most asylum applicants and beneficiaries of international protection. According to CPR's observations, vocational training in the private sector is generally unaffordable.

As of 2018 asylum applicants admitted to the regular procedure and beneficiaries of international protection that are unable to present the relevant diplomas/certificates or whose documents and academic qualifications have not been recognised in the Portuguese educational system can be registered by IEPF as 'literate users' in the SIGO platform.<sup>770</sup> Other than Portuguese language training courses, such registration only provides access to: (a) modular training<sup>771</sup> at basic education level; (b) training in basic skills (reading, writing, calculation and information and communication technologies) in preparation for EFA Courses; and (c) Education and Training Courses for Adults (*Cursos de Educação e Formação para Adultos*, EFA) with equivalence to the 4<sup>th</sup> or 6<sup>th</sup> year of basic education or a professional certificate.<sup>772</sup> Neither modular training nor training in basic skills entail an academic certification.

CPR is working closely with the Vocational Training Centre for the Construction and Public Works Industry in the South (CENFIC), organising training courses at CPR's premises, and is also in contact with the Vocational Training Centre for Commerce and Related Trades (CECOA) and INOVINTER, developing more training courses. Notably, trainees have access to a training grant. CPR's Integration Department identifies difficulties in accessing these initiatives arising from the need for applicants to hold a bank account (something that has repeatedly been refused by banks due to of the asylum-related documents held/lack of passport) and from the subsequent displacements to other parts of the country resulting from the applicable framework on reception responsibility.

CPR is aware that SCML, through its training centre, is developing modular training courses that enable applicants and beneficiaries of international protection to participate. Currently not all courses are certified, but they have a strong practical component made possible by the conditions of the training centre. Notably, in addition to literacy classes, training courses are offered to those who are unable to present a qualification certificate, requiring only the presentation of a document proving their legal status. The courses are in the areas of carpentry, housekeeping, cooking, pastry and restaurant, beauty care, hairdressing, geriatrics, and teaching assistant.

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<sup>769</sup> See [here](#).

<sup>770</sup> Integrated Information and Management System for Education and Training Courses (*Sistema Integrado de Informação e Gestão da Oferta Educativa e Formativa*, SIGO) which contains a national catalogue of education and training courses offered by training institutions at national level and the certification of individual trainees: DGEEC, 'Sobre o Sistema Integrado de Informação e Gestão da Oferta Educativa e Formativa', 3 July 2017, available in Portuguese [here](#).

<sup>771</sup> Modular training aims to refresh and improve the practical and theoretical knowledge of adults and improve their educational and vocational training levels. For more information see IEPF, *Formação Modular*, available in Portuguese [here](#).

<sup>772</sup> IEPF, *Cursos de Educação e Formação para Adultos (Cursos EFA)*, available in Portuguese [here](#).

## 2. Access to education

### Indicators: Access to Education

- |  |   |
|--|---|
| 1. Does the law provide for access to education for asylum-seeking children? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 2. Are children able to access education in practice?                        | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

The Asylum Act provides for the right of asylum-seeking children to public education under the same conditions as nationals and third-country nationals whose mother tongue is not Portuguese.<sup>773</sup> This right cannot be curtailed if the asylum applicant reaches adulthood while already attending school to complete secondary education.<sup>774</sup> The Ministry in charge of education is responsible for ensuring the right of children to education.<sup>775</sup>

The general rules for the recognition of foreign qualifications at primary, lower, and upper secondary levels include conditions that are particularly challenging for asylum applicants and beneficiaries of international protection,<sup>776</sup> such as:

- ❖ The presentation of documents certifying academic qualifications,<sup>777</sup> and, eventually, of additional supporting documents;<sup>778</sup>
- ❖ The presentation of duly translated and legalised documents;<sup>779</sup>
- ❖ In the absence of such documents, the presentation of a sworn statement issued by the applicant or their parents or legal guardian accompanied by a statement from an Embassy or a reception organisation related to the country of origin confirming exceptional individual circumstances;<sup>780</sup> and the completion of a competency tests.<sup>781</sup>

Considering the challenges faced by child applicants for and beneficiaries of international protection in this regard, in 2020, the Directorate-General for Education (DGE) and the National Agency for Qualification and Vocational Education and Training (ANQEP) issued a circular letter<sup>782</sup> defining extraordinary educational measures applicable to child applicants for/beneficiaries of international protection. It clarifies procedures for the recognition of academic qualifications/school placement, the progressive integration in the Portuguese education system, and provides for the reinforcement of Portuguese language training and school social support. These guidelines are only applicable to children within the compulsory school age (6 to 18 years old).

Accordingly, with regard to the recognition of qualifications/school placement:

- ❖ **In the absence of documents proving the academic/professional qualifications** (e.g. certificates, diplomas), applicants must present the following elements: (i) a sworn statement issued by the applicant, their parents or legal guardian, specifying the number of school years completed; (ii) a statement by a competent authority (such as AIMA or CPR) confirming exceptional individual circumstances.<sup>783</sup> If any document concerning previous qualifications is available to the applicant, it should be added to the process. In this case the applicant is integrated in the education system, but no equivalence/recognition

<sup>773</sup> Article 53(1) Asylum Act.

<sup>774</sup> Article 53(2) Asylum Act.

<sup>775</sup> Article 61(4) Asylum Act. For information regarding the functioning of early childhood education and care in Portugal, see [here](#).

<sup>776</sup> Decree-Law 227/2005 of 28 December. In general, enrolment in schools (primary, lower and upper secondary education levels) requires a procedure for the recognition of foreign academic qualifications, but children must be granted immediate access to schools and classes while that procedure is pending (article 8(5) Decree-Law 227/2005).

<sup>777</sup> Article 7(2) Decree-Law 227/2005.

<sup>778</sup> Article 7(4) Decree-Law 227/2005.

<sup>779</sup> Article 7(2) Decree-Law 227/2005.

<sup>780</sup> Article 10(1) and (2) Decree-Law 227/2005.

<sup>781</sup> The content of the test varies according to the level of education and the curriculum, but always includes a Portuguese as a Second Language. See Article 10(5) and (6) Decree-Law 227/2005.

<sup>782</sup> Circular letter - DGE and ANQEP, *Medidas educativas de integração de crianças e jovens no sistema educativo*, August 2020, available at: <https://bit.ly/3mwfSKq>.

<sup>783</sup> Applicants previously identified by governmental entities are exempt from presenting this statement.

is granted. Placement must consider the age of the applicant and the corresponding school level. School attendance must be ensured during the first month following enrolment and may be progressive. While the analysis is pending, the applicant must be conditionally enrolled in school enabling them to attend the corresponding activities.

- ❖ **If documents proving the academic/professional qualifications are available**, in order to obtain an equivalence, the relevant norms<sup>784</sup> apply, but applicants are exempt from translating<sup>785</sup> and legalising the certificates/diplomas. Processes are analysed by DGE (primary, lower, and upper secondary levels) or by ANQEP (other qualifications, excluding higher education). School attendance must be ensured during the first month following enrolment and may be progressive. While the analysis is pending, the applicant must be conditionally enrolled in school enabling them to attend the corresponding activities.

As such, currently, in practice, school placement of children does not require the performance of tests. This has been confirmed by CPR's experience.

The 2020 circular letter further reaffirmed the increased autonomy of schools in adjusting activities to the specific needs of asylum applicants and beneficiaries of international protection. Such adaptations include a progressive convergence with the regular curriculum by temporarily exempting students from certain subjects and providing additional Portuguese language classes. The guidelines also clarify the entitlement of asylum applicants and beneficiaries of international protection to the various modalities of social assistance available to students enrolled in the public education sector for the purposes of food, accommodation, financial assistance and school supplies.<sup>786</sup> Furthermore, the circular letter recommends the creation of multidisciplinary teams in hosting schools to support response to specific needs. However, such teams must be created with existing resources.

According to DGE, in the 2024/2025 academic year, the Ministry of Education reinforced school resources to promote the integration of students who are asylum applicants or beneficiaries, namely by allowing the hiring of cultural mediators and reinforcing the human resources of 'Portuguese as a Non-Native Language' programmes. DGEstE reported the creation of multidisciplinary teams with psychologists, social workers, interpreters, cultural and linguistic mediators, among others.

Between 2024 and beginning of 2025, a number of legal provisions on education were published, namely:

- ❖ Students who enter the Portuguese education system during the academic year in which the exams must be taken may be exempted from taking final exams up to the 9<sup>th</sup> year of basic education. This includes 'students under the refugee or international protection regimes, and who are flagged as Portuguese as a Non-Native Language students';<sup>787</sup>
- ❖ Approval of a new learning recovery plan, in which learning Portuguese is deemed as a fundamental pillar for promoting inclusion, equity and academic success, and provides a tailor-made approach to the linguistic needs and background of each student;<sup>788</sup>
- ❖ Adoption, inter alia, of measures such as level zero for students who are unfamiliar with the Portuguese language and alphabet; and organisation of classes of 'Portuguese as a Non-Native Language' based on student's level rather than their year of schooling;<sup>789</sup>
- ❖ Without prejudice to the previous equivalence regime, establishment of a new framework for a simplified school placement of children. Schools can approve placement without the need for a formal equivalency process, which remains applicable in other circumstances and at other levels of education (from the 9<sup>th</sup>

<sup>784</sup> Decree-Law 227/2005 of 28 December (primary, lower and upper secondary levels) and Order 13584/2014 of 10 November.

<sup>785</sup> Only if the documents are written in German, Spanish, French or English.

<sup>786</sup> Ministry of Education Legislative Order 8452-A/2015 of 31 July 2015, amended by Legislative Order 7255/2018 of 31 July 2018.

<sup>787</sup> Legislative Order no. 4/2024, 21 February 2024, Article 12(7).

<sup>788</sup> Council of Ministers Resolution no. 140/2024, 17 October 2024.

<sup>789</sup> Order no. 29/2025, 7 February 2025.

year of Portuguese basic education onwards, excluding certification of completion of the 9<sup>th</sup> grade, to which it does not apply).<sup>790</sup>

According to DGE, the latter aims to adapt the system to the individual circumstances of students and the needs of the Portuguese education system itself, by addressing the delays and inefficiencies arising from the equivalency process which are mainly due to lack of supporting documents, complexity of legalising and translating, and context in the students' countries of origin.

In 2024, DGE published a comprehensive practical guide for the support of student inclusion in schools.<sup>791</sup> DGEstE supports coordination between reception entities and public schools to ensure integration in the education system.

In practice, accompanied and unaccompanied children are systematically referred to public schools upon accommodation at **CAR** and **CACR** or contact with CPR's social workers. According to the experience of the organisation, enrolment in local public schools is generally guaranteed within a reasonable period (on average, two weeks).

Unaccompanied children enrolling in upper secondary education are usually enrolled in an area of their interest with subsequent adjustments introduced afterwards considering the individual progress. Progressive integration in school is also possible. According to CPR's experience, this has been positive, allowing a smoother integration in the education system and faster language learning.

Nevertheless, CPR has highlighted the need to consider other frequent challenges, such as the lack of resources in certain schools to ensure the necessary teaching of Portuguese language as well as the lack of literacy courses.

**UNICEF**<sup>792</sup> has also reported similar observations, adding that, inter alia, the reception of spontaneous unaccompanied asylum-seeking children in different parts of the country has created challenges to the school enrolment due to the lack of awareness of the relevant services.

Following the 2022 amendment, the Asylum Act establishes that all asylum applicants are entitled to access **vocational training**.<sup>793</sup>

Nevertheless, according to CPR's experience, access to vocational training by adults remains particularly limited as opportunities generally require a good command of the Portuguese language and diplomas that asylum applicants and beneficiaries of international protection rarely have or are unable to legalise due to the legal requirements of recognition procedures (see Access to the Labour Market). In addition, this access is usually denied to applicants who have not yet been admitted to the regular procedure.

In the case of unaccompanied children, according to CPR's experience, access to vocational training is only possible if they have a certain level of education (e.g. if they completed the 6<sup>th</sup> grade in Portugal or if they state having previously attended secondary education), regardless of prior professional experience, for instance.

A study focusing on the situation of asylum-seeking unaccompanied children and ageing out in Portugal published in 2021 revealed that, out of those consulted 55.2% felt safe in school and only 4.5% disagreed. The report also observed that there is an overall positive image of teachers and of the overall school context.<sup>794</sup> With regard to integration, however, language barriers have been mentioned as a significant challenge.<sup>795</sup>

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<sup>790</sup> Decree-Law 7/2025, 11 February 2025.

<sup>791</sup> Available [here](#).

<sup>792</sup> Per the information provided by UNICEF to the 2023 AIDA Update.

<sup>793</sup> Article 55(1) Asylum Act.

<sup>794</sup> Sandra Roberto, Carla Moleiro, ed. Observatório das Migrações, *De menor a maior: acolhimento e autonomia de vida em menores não acompanhados*, April 2021, p.44, available [here](#).

<sup>795</sup> Ibid, 54.



Regarding **higher education**, the Government introduced the ‘student in an emergency situation for humanitarian reasons’ status in 2018,<sup>796</sup> following a review of the Portuguese educational system by the Organisation for Economic Co-operation and Development (OECD).<sup>797</sup>

The status can be claimed by any non-Portuguese or EU student who originates from a region affected by armed conflict, natural disaster, generalised violence or human rights violations requiring a humanitarian response.<sup>798</sup> According to the law, beneficiaries of international protection and asylum applicants admitted to the regular procedure are entitled to the status by operation of the law.<sup>799</sup>

Students with ‘emergency situation for humanitarian reasons’ status are entitled to alternative procedures for assessing entry conditions in the absence of documentation such as diplomas,<sup>800</sup> equal treatment to Portuguese students regarding university fees and other levies,<sup>801</sup> full access to social assistance available to higher education students,<sup>802</sup> and may benefit from a scholarship.<sup>803</sup> Failure to renew the permit that establishes the ‘emergency situation for humanitarian reasons’ status will result in termination of the scholarship. It should be noted that the rules do not address the issue of access to entry visas for eligible students living abroad.<sup>804</sup>

At the beginning of 2025, a law was enacted establishing the legal framework for housing supplements for displaced higher education students.<sup>805</sup> Beneficiaries in ‘emergency situations for humanitarian reasons’ and beneficiaries of temporary protection are considered displaced students.<sup>806</sup>

The 2023 edition of the Statistical Report of OM states that while this framework was created in 2018, it was only with displaced students from Ukraine (beneficiaries of temporary protection) that it began to be used as an option for students to remain integrated in a university context. The report notes that enrolments in higher education with this status only occurred in the 2022/2023 academic year, accounting for 366 displaced persons from Ukraine.<sup>807</sup>

With regard to the recognition of higher education degrees and diplomas, the law provides for the possibility of the exemption of documentary evidence in processes concerning applicants in an emergency situation for humanitarian reasons where the qualifications cannot be proved due to that situation.<sup>808</sup> Such exemptions are analysed on a case-by-case basis. In 2020, this possibility was extended to situations where the applicant cannot prove their qualifications due to circumstances affecting the regular functioning of the institutions of the State concerned.<sup>809</sup>

It is unclear to CPR whether this status has an effective impact on access to higher education by applicants for and beneficiaries of international protection.

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<sup>796</sup> Article 8A Decree-Law 36/2014, inserted by Decree-Law 62/2018.

<sup>797</sup> OECD, *OECD Reviews of School Resources: Portugal 2018*, December 2018, available [here](#).

<sup>798</sup> Article 8A(1) Decree-Law 36/2014.

<sup>799</sup> Article 8A(2) (a) and (b) and 3(a) Decree-Law 36/2014.

<sup>800</sup> Article 14(1)(c) Decree-Law 36/2014.

<sup>801</sup> Article 8A(5) Decree-Law 36/2014.

<sup>802</sup> Article 10(1) Decree-Law 36/2014.

<sup>803</sup> Order no. 9619-A/22, 4 August 2022, amended by Order no. 7647/2023, 24 July 2023.

<sup>804</sup> For a critical assessment of Decree-Law 36/2014, see JRS, *Estudante em Situação de Emergência por Razões Humanitárias: Mais um direito sem visto?*, November 2018, available in Portuguese [here](#).

<sup>805</sup> Act no. 8/2025, 5 February 2025. In July 2025, there was no regulation in place to allow for its immediate implementation.

<sup>806</sup> According to DGES, this regime will take effect from the 2025/2026 academic year and may include supplements of up to €400/year.

<sup>807</sup> Observatório das Migrações (OM), *Requerentes e Beneficiários de Proteção Internacional – Relatório Estatístico do Asilo 2023*, p.212-213, 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.

<sup>808</sup> Article 13 Ministerial Order 33/2019 of 25 January, available [here](#).

<sup>809</sup> Article 14 Ministerial Order 33/2019 of 25 January, available [here](#).

## D. Health care

### Indicators: Health Care

1. Is access to emergency healthcare for asylum applicants guaranteed in national legislation?  
☒ Yes ☐ No
2. Do asylum applicants have adequate access to health care in practice?  
☒ Yes ☐ Limited ☐ No
3. Is specialised treatment for victims of torture or traumatised asylum applicants available in practice?  
☐ Yes ☒ Limited ☐ No
4. If material conditions are reduced or withdrawn, are asylum applicants still given access to health care?  
☒ Yes ☐ Limited ☐ No

The Asylum Act enshrines the right of asylum applicants and their family members to health care provided by the National Health System (*Serviço Nacional de Saúde*, SNS),<sup>810</sup> and includes a specific provision on the right to adequate health care at the border.<sup>811</sup>

The primary responsibility for the provision of health care lies with the Ministry of Health,<sup>812</sup> except for asylum applicants detained at the border who fall under the responsibility of the Ministry of Home Affairs/Ministry in charge of migration.<sup>813</sup> The latter can however cooperate with public entities and/or private non-profit organisations to ensure the provision of such services.<sup>814</sup>

In accordance with the Asylum Act,<sup>815</sup> the specific rules governing access of asylum applicants and their family members to health care<sup>816</sup> are provided by Ministerial Order No 30/2001 and Ministerial Order No. 1042/2008,<sup>817</sup> according to which:

Access to health care encompasses medical care and medication, and is available from the moment the asylum applicant applies for asylum,<sup>818</sup>

Medical assistance and access to medicines for basic health needs and for emergency and primary health care are to be provided under the same conditions as for Portuguese citizens,<sup>819</sup>

<sup>810</sup> Articles 52(1) and 56(1) Asylum Act.

<sup>811</sup> Article 56(2) Asylum Act. This provision should be read in conjunction with Article 146-A(3) Immigration Act that provides for the right of pre-removal detainees in CIT to emergency and basic health care.

<sup>812</sup> Article 61(3) Asylum Act.

<sup>813</sup> Article 61(1) Asylum Act. While not included in this provision, PSP should also be considered responsible for providing access to health care to asylum applicants in pre-removal detention given its managing responsibilities of CIT: Article 146-A(3)-(4) Immigration Act.

<sup>814</sup> *Ibid.*

<sup>815</sup> Article 52(1) *in fine* Asylum Act.

<sup>816</sup> The legal and operational background pertaining to the access of asylum applicants to health care was revisited by the ACSS and the DGS in an internal guidance note issued on 12 May 2016 in the framework of the European Agenda for Migration, available [here](#).

<sup>817</sup> Ministerial Order No 1042/2008 extends Ministerial Order No 30/2001 *ratione personae* to applicants for subsidiary protection and their family members.

<sup>818</sup> Ministerial Order No 30/2001, para 2. Under Article 52(2) Asylum Act, the asylum applicant is required to present the certificate of the asylum application to be granted access to health care under these provisions. The internal guidance note issued on 12 May 2016 by the ACSS and the DGS provides for possible documents entitling the asylum applicant to access health care and includes a complete list of documents issued to the asylum applicant by SEF during the asylum procedure (e.g., renewal receipts of the certificate of the asylum application, provisional residence permit, etc.)

<sup>819</sup> *Ibid.*

Asylum applicants have access to the SNS free of charge<sup>820</sup> for emergency health care, including diagnosis and treatment, and for primary health care,<sup>821</sup> as well as assistance with medicines, to be provided by the health services of their residence area.<sup>822</sup>

Asylum applicants are entitled to health care until a final decision rejecting the asylum application unless required otherwise by the medical condition of the applicant.<sup>823</sup> Reduction or withdrawal of reception conditions cannot restrict the access of asylum applicants to emergency health care, basic treatment of illnesses and serious mental disturbances or, in the case of applicants with special reception needs, to medical care or other types of necessary assistance, including adequate psychological care where appropriate.<sup>824</sup> This provision remains to be tested in practice (see Reduction or Withdrawal of Reception Conditions).

The special needs of particularly vulnerable persons must be taken into consideration in the provision of health care,<sup>825</sup> through adequate medical care,<sup>826</sup> and specialised mental health care including for survivors of torture and serious violence,<sup>827</sup> and in detention.<sup>828</sup> The responsibility for special treatment required by survivors of torture and serious violence lies with ISS.<sup>829</sup>

In practice, asylum applicants have effective access to free health care in the SNS in line with the applicable legal provisions.<sup>830</sup> However, persisting challenges have an impact on the quality of health care. According to prior research,<sup>831</sup> and to the information available to CPR, these include:

- ❖ Delay in registering with the SNS and obtaining a patient number;<sup>832</sup>
- ❖ Language and cultural barriers (e.g., the lack of interpreters for certain languages and the reluctance of health care services to use interpretation services such as ACM's/AIMA's translation hotline);
- ❖ Difficult access to diagnosis procedures and medication paid by the SNS due to bureaucratic constraints.

While CPR has observed improvements in access to mental health care services and to other categories of specialised medical care (e.g., dentists)<sup>833</sup> in the SNS due to partnerships with relevant actors,<sup>834</sup> access to these services generally continues to be challenging.

Worryingly, between the end of 2023 and the beginning of 2024 CPR has received occasional reports of difficulties in accessing necessary healthcare by applicants who have been provided accommodation directly by AIMA outside of Lisbon. Most of complaints concerned lack of adequate information, no assistance in referrals, being accommodated far away from the nearest hospital and not having financial conditions to pay for the necessary trip, and lack of knowledge regarding their legal status by the services.<sup>835</sup>

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<sup>820</sup> Article 4(1)(n) Decree-Law 113/2011.

<sup>821</sup> For the purposes of free access to the SNS, primary health care is to be understood as including among others: (i) Health prevention activities such as out-patient medical care, including general care, maternal care, family planning, medical care in schools and geriatric care (ii) specialist care, including mental care (iii) in-patient care that does not require specialised medical care, (iv) complementary diagnostic tests and therapies, including rehabilitation and (v) nursing assistance, including home care: Ministerial Order No 30/2001, par.6.

<sup>822</sup> Ministerial Order No 30/2001, par.5.

<sup>823</sup> Ministerial Order No 30/2001, par.8.

<sup>824</sup> Article 60(7) Asylum Act.

<sup>825</sup> Article 77(1) Asylum Act.

<sup>826</sup> Articles 52(5) and 56(2) Asylum Act.

<sup>827</sup> Articles 78(3)-(4) and 80 Asylum Act.

<sup>828</sup> Article 35-B(8) Asylum Act.

<sup>829</sup> Article 80 Asylum Act.

<sup>830</sup> However, UNICEF reported having observed challenges in the registration of unaccompanied asylum seeking children in certain healthcare units throughout the country mostly due to lack of awareness of the relevant services.

<sup>831</sup> Italian Council for Refugees *et al.*, *Time for Needs: Listening, Healing, Protecting*, October 2017.

<sup>832</sup> In addition to CPR, JRS also expressed this concern when providing information for the AIDA report.

<sup>833</sup> In this regard, DGS noted in the past that such difficulties are similar to those faced by Portuguese citizens.

<sup>834</sup> Such as the Psychiatric Hospital Centre of Lisbon, the Unit for Intervention in Addiction and Dependency and the Local Healthcare Unit of Sacavém.

<sup>835</sup> Within the context of the right of reply of the authorities to the 2023 draft AIDA report, AIMA noted that applicants are referred to healthcare authorities. Information provided by AIMA, 25 June 2024.

According to CPR's experience, while it has been possible for unaccompanied children under its care to access mental health care support within the SNS<sup>836</sup> or through other resources, access to psychological support remains challenging. As a response, in 2024 a protocol was signed with a psychology clinic, which has been providing psychological counselling to unaccompanied children, both in person and online. CPR's CACR has observed an improvement in access to psychiatric care since 2022 due to a protocol established with Psychiatric Hospital Centre of Lisbon that allowed easier and faster access to services, medication and specialised care.

CPR's Psychological Support Department continued to provide psychological assistance to applicants for international protection supported by CPR, and to facilitate referrals to relevant services provided by partners such as psychiatric follow-up. In the course of 2024, the Psychological Support Department provided 360 individual consultations and promoted 83 group activities (e.g., psychological screening groups, mindfulness groups, narrative therapy groups, psychological coaching, etc.).

According to the information provided by SCML, the team ensuring support to asylum applicants includes a psychologist. Applicants can also be referred to psychiatric care within the health care units managed by the organisation. SCML also confirms that access to mental healthcare within the SNS is often challenging, particularly due to delays, the suitability of available solutions, and language barriers. In 2024, SCML supported 121 applicants in accessing primary health care.

JRS also has a Mental Health Office, specialising migration-related matters.

According to CPR's experience, unaccompanied asylum-seeking children have access to gender-specific care and family planning support. CAR has further observed that arrangements to promote patient's comfort in medical care are ensured upon request.

In August 2020, the National Association of Pharmacies informed its associates of new procedures regarding medical prescriptions issued to applicants for international protection.<sup>837</sup> According to CPR's experience, access to medication by the SNS has improved and, in general, applicants only have to pay for medication that is not (fully or partially) co-paid by the SNS. Nevertheless, there are still discrepancies in the procedures adopted by different health units for the issuance of prescriptions and flaws in the issuance of digital prescriptions. This led, for instance, to the need for CPR and SCML to pay for medication on several occasions.

CPR and the Sacavém Community Care Unit of the São José Local Health Unit cooperate closely. The long-term care unit conducts medical appointments at CAR once a week and ensures the implementation of the national vaccination plan among applicants. Additionally, the unit provides routine support to persons in need of assisted medication, pregnant women, new-borns, as well as to persons with other health-related vulnerabilities.

CPR provides financial support to unaccompanied asylum-seeking children and asylum applicants in admissibility and accelerated procedures to cover the costs of diagnosis procedures and medication depending on the individual circumstances and available resources. In 2023, CACR began a partnership with the Faculty of Dental Medicine of the University of Lisbon which has led to significant improvements in the access of unaccompanied children to dental care, as well as in the continuity of such care with reduced costs. This partnership continued in 2024.

According to a study focusing on the situation of asylum-seeking unaccompanied children and ageing out in Portugal published in 2021, the majority of participants evaluated their health condition and the relationship with doctors positively and did not feel discriminated within the context of healthcare.<sup>838</sup>

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<sup>836</sup> Particularly through programme "Aparece" (information available at: <https://bit.ly/3mzqad1>).

<sup>837</sup> Following what was prescribed in the handbook governing the relationship between Pharmacies and the SNS, available [here](#).

<sup>838</sup> Sandra Roberto, Carla Moleiro, ed. Observatório das Migrações, *De menor a maior: acolhimento e autonomia de vida em menores não acompanhados*, April 2021, available [here](#), 44 et seq.

## E. Special reception needs of vulnerable groups

### Indicators: Special Reception Needs

1. Is there an assessment of special reception needs of vulnerable persons in practice?

☒ Yes

☐ No

An 'applicant in need of special reception needs' is defined in terms of reduced ability to benefit from the rights and comply with the obligations stemming from the Asylum Act due to their vulnerability. The Asylum Act provides for a non-exhaustive list of applicants with an increased vulnerability risk profile that could need special reception conditions: children, unaccompanied children, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of domestic violence and female genital mutilation.<sup>839</sup>

While the Asylum Act also refers to guarantees available to particularly vulnerable persons,<sup>840</sup> the two concepts seem to be used interchangeably, meaning that any person with special reception needs is *a priori* a vulnerable person for the purposes of the Asylum Act.<sup>841</sup>

The identification of persons with special needs and the nature of such needs must take place upon registration of the asylum application or at any stage of the asylum procedure,<sup>842</sup> but within reasonable time following registration.<sup>843</sup>

The provision of special reception conditions should take into consideration: (i) the material reception needs of particularly vulnerable persons;<sup>844</sup> (ii) their special health needs, including those particular to survivors of torture and serious violence.<sup>845</sup>

The law further details the modalities of some of these categories of special reception conditions particularly regarding the special needs of children<sup>846</sup> (including unaccompanied children)<sup>847</sup> and housing conditions.

There are no specific mechanisms, standard operating procedures, or units in place to systematically identify asylum applicants in need of special reception conditions. The only exceptions are age assessment procedures and procedures for the identification and protection of potential victims of trafficking that present practical and technical implementation challenges (see Identification).

AIMA states that it carries out an individual assessment in order to select the location and type of facility to accommodate an applicant, taking into account specific needs, family unit, availability of places, and characteristics of the reception centre. No further information on its practical implementation has been provided.

In practice, in the framework of admissibility (including Dublin) and accelerated procedures on the territory, asylum applicants who present apparent vulnerabilities entailing special reception needs such as children, disabled people, elderly people, pregnant women, single parents with minor children, persons with serious illnesses or mental disorders referred to CPR for the provision of material reception conditions, are generally identified by the organisation.

<sup>839</sup> Article 2(1)(ag) Asylum Act.

<sup>840</sup> Article 2(1)(y) Asylum Act.

<sup>841</sup> Article 77(1) and (3) Asylum Act.

<sup>842</sup> Article 77(2) Asylum Act.

<sup>843</sup> Article 77(3) Asylum Act.

<sup>844</sup> Articles 56(2) and 77(1) of Asylum Act.

<sup>845</sup> Articles 35-B(8), 52(5), 56(2), 78(3)-(4) and 80 Asylum Act.

<sup>846</sup> Article 78 Asylum Act.

<sup>847</sup> Article 79 Asylum Act.

This can be based on information received from AIMA prior to their referral to CPR's reception centres, but mostly depends on information collected during the provision of material reception conditions and/or legal assistance by the organisation.

Upon admission in its reception facilities, CPR has developed a screening and reception mechanism in order to overcome challenges concerning the lack of relevant social and health-related information upon referral by the authorities. CPR adopted a proactive and preventive reception model in which screening is the basis of the process. Priority is given to situations of vulnerability, the preventive assessment of applicants on arrival and the design of life projects that are adapted to the personal needs of each individual.

CPR's teams often liaise with other organisations to provide specific support to the special needs of particularly vulnerable residents.

CPR's Psychological Support Department continued to provide psychological assistance to applicants for international protection supported by CPR, and to facilitate referrals to relevant services provided by partners such as follow-up psychiatric services. In the course of 2024, the Psychological Support Department provided 360 individual consultations and promoted 83 group activities (e.g., psychological screening groups, mindfulness groups, narrative therapy groups, psychological coaching, etc.).

According to ISS, there are two social responses that cover persons with special reception needs and that are developed in autonomous facilities. The Temporary Accommodation Centres are designed to accommodate adults in need for a limited period of time, with a view to future referral to the most appropriate social response. At the national level, there are 28 Temporary Accommodation Centres with capacity for 892 people. The Insertion Communities comprise a set of integrated actions aimed at the social insertion of various target groups who, due to certain factors, find themselves in a situation of social exclusion or marginalisation. This social response may or may not involve accommodation. At national level, there are 44 Integration Communities with capacity for 2,582 people. Both social responses are not exclusive to applicants/beneficiaries of international protection.

According to SCML, asylum applicants referred to the organisation by the SOG benefit from specific social counselling at the appeal stage and may be referred to homeless shelters managed by the organisation on a temporary basis to address specific vulnerabilities. Rooms with individual bathrooms can also be used to respond to certain special needs. Similarly, according to ISS special needs are assessed and vulnerable asylum applicants are provided differentiated support during the regular procedure, notably in the case of children, disabled and the elderly.

According to the information provided by SCML, the team ensuring support to asylum applicants includes a psychologist. Applicants can also be referred to psychiatric care within the health care units managed by the organisation. SCML also confirms that access to mental healthcare within the SNS is often challenging, particularly due to delays, suitability of available solutions and language barriers.

JRS also has a Mental Health Office, specialising in the field of migration.

In 2022, a new SOG sub-group was created in order to address the area of vulnerabilities within the asylum system. The group was composed by ACM, CPR, ISS, SCML, SEF, and UNHCR. During 2023, its activities were halted with the suspension of the activity of the SOG.<sup>848</sup> According to information provided by UNHCR, the group did not resume in 2024 and issues related to vulnerabilities were discussed within the framework of the working group on migration and asylum led by the Judicial High Council. However these discussions are primarily within the framework of detention measures.

UNHCR reported having provided training covering the identification and referral of asylum applicants and refugees with specific needs to AIMA's asylum, social and integration units. IOM and UNHCR reported having provided training covering the protection of specific vulnerable groups and the identification and referral of asylum

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<sup>848</sup> The activity of the SOG did not resume as of the end of 2024.

applicants and refugees with specific needs, respectively, to PSP within the framework of PSP's official training programmes. ISS and UNHCR delivered training on specific needs and mental health and psychosocial support to entities involved in reception of asylum applicants.

## 1. Reception of families and children

The accommodation of **unaccompanied children** who are 16 and over in adult reception centres and the initiation of family tracing are dependent on a best interests' assessment.<sup>849</sup> Under the Asylum Act, the best interest of the child also requires that children:

- ❖ Be placed with parents or, in their absence, with adult relatives, foster families, specialised reception centres or tailored accommodation;
- ❖ Not be separated from siblings;
- ❖ Are offered stability, notably by keeping changes in place of residence to a minimum;
- ❖ Are ensured well-being and social development;
- ❖ Have security and protection challenges addressed, notably where there is a risk of human trafficking; and
- ❖ Express their opinion, taking into consideration their age and maturity.<sup>850</sup>

The provision of special reception conditions for unaccompanied children during the asylum procedure is currently managed by ISS, according to court orders.

According to ISS, at the end of 2024, there was a constant capacity of 75 places exclusively for asylum-seeking unaccompanied children through 5 types of social responses:

- ❖ 1 Reception centre with a specialised residential unit for emergency situations – with 12 places;
- ❖ 2 Specialised reception centres – 24 places;
- ❖ 1 Reception centre with a support unit for promoting autonomy – 14 places;
- ❖ 1 Reception centre with a residential unit for specific problems – 15 places;
- ❖ 3 Supervised autonomies with sheltered accommodation – 20 places.

ISS has not specified which entities are involved in the management of these centres. CPR is aware of some entities involved in the reception of unaccompanied children, such as CVP, due to the provision of legal support.

To complement and meet needs, 170 unaccompanied children were also referred to child-care facilities of the general national protection system.

By the end of 2024, a total of 240 unaccompanied asylum-seeking children were under guardianship/supervision of ISS, both in specialised and general child-care facilities.

**CACR** is a specialised reception centre for unaccompanied children with a specialised residential unit for emergency situations managed by CPR (see [Types of Accommodation](#)). CPR provides material reception conditions to unaccompanied children regardless of the stage of the asylum procedure, in accordance with protective measures adopted by Family and Juvenile Courts in the framework of the Children and Youths at Risk Protection Act (see [Legal Representation of Unaccompanied Children](#)). CPR promotes family tracing, in partnership with the Portuguese Red Cross (CVP), if considered to be in the best interest of the child and taking into consideration the child's opinion.

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<sup>849</sup> Article 79(10) and (14) Asylum Act.

<sup>850</sup> Article 78(2)(a)-(h) Asylum Act.



To the extent that it is possible, and with consent of the applicants, family unity should be preserved in the provision of housing.<sup>851</sup> Adult asylum applicants with special reception needs should be accommodated with adult relatives who are legally responsible for them and already present on the territory.<sup>852</sup>

CPR's reception centres offer facilities to accommodate disabled people and playgrounds for children who are systematically enrolled in public education. Despite practical challenges, families are generally given separate accommodation either at CAR or in external accommodation. Asylum applicants are generally referred to the SNS for health assessments and care, including differentiated care, even though referral constraints particularly for mental health care and certain categories of specialised medical care have been traditionally experienced.

According to the Asylum Act, adequate measures must be adopted to avoid sexual and gender-based violence and harassment in reception centres and other housing provided to asylum applicants.<sup>853</sup> Among the measures adopted by CPR in this regard are the definition of separate room areas, the development awareness raising activities, the possibility to make accommodation arrangements adapted to the specific needs of individuals, and monitoring by staff.

UNICEF expressed further concern with the fact that the current system does not ensure that the organisations appointed to represent unaccompanied asylum-seeking children have the necessary knowledge and skills in the field of asylum to ensure effective representation.<sup>854</sup> The organisation has also noted that specialised facilities are often overcrowded.

UNICEF<sup>855</sup> has reported being aware of instances where unaccompanied children were assigned the protective measure of 'independent living'<sup>856</sup> without full consideration for their needs and effective protection, inter alia:

- ❖ Insufficiency of the financial allowance granted to such children to cover essential living costs, and inconsistent practices regarding the amounts paid, methods and frequency of payment;
- ❖ Challenges faced by children in obtaining proper accommodation in the private housing market due to the very high prices of housing in the country and the limited amounts of the financial allowances applicable, leading them to resort to solutions without the appropriate legal protection and to share accommodation with adults, and making it impossible to ensure the adequacy of the living environment.

## 2. Reception of survivors of torture and violence

While ISS is responsible for ensuring access to rehabilitation services for survivors of torture and serious violence,<sup>857</sup> the provision of material reception conditions and health care adapted to the special needs of vulnerable persons seems to be dependent on the responsibility-sharing rules applicable to asylum applicants in general.

The provision of reception conditions by ISS in the regular procedure following a dispersal decision by the SOG is done in accordance to agreed standards. In each district there is a responsible officer for reception conditions who reports directly to central services, but there is no specialised team dedicated to survivors of torture and/or serious violence. According to ISS, caseworkers can make referrals to specialised services at local level, for instance, for asylum applicants placed in the area of **Coimbra**, ISS has the possibility to make referrals to the Centre for the Prevention and Treatment of Psychogenic Trauma that provides differentiated mental health care adapted to the needs of survivors of torture and/or serious violence.

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<sup>851</sup> Articles 51(2) and 59(1)(a) and (b) Asylum Act.

<sup>852</sup> Article 59(1)(c) Asylum Act.

<sup>853</sup> Article 59(1)(e) Asylum Act.

<sup>854</sup> Information provided by UNICEF to the 2023 AIDA Update.

<sup>855</sup> Information provided by UNICEF to the 2023 AIDA Update.

<sup>856</sup> Unofficial translation ("autonomia de vida"). This is a protective measure that can be applied to children over 15 years old and that aims to promote its autonomy and ability to live independently, while providing economic assistance as well as social and pedagogical support (article 45 Act no.147/99, of 1 September, as amended).

<sup>857</sup> Article 80 Asylum Act.

## F. Information for asylum applicants and access to reception centres

### 1. Provision of information on reception

The Asylum Act provides for the right of asylum applicants to be immediately informed about their rights and duties related to reception conditions.<sup>858</sup> It also foresees that they must be informed about the organisations that can provide assistance and information regarding available reception conditions, including medical assistance.<sup>859</sup> Furthermore, AIMA is required to provide asylum applicants with an information leaflet, without prejudice to providing the information contained therein orally.<sup>860</sup> In both cases the information must be provided in a language that the asylum applicant either understands, or is reasonably expected to understand.

In practice, upon registration, asylum applicants receive an information leaflet from AIMA, informing them of their rights and duties during the asylum procedure and the provision of reception conditions. According to AIMA, the leaflet is available in several languages but it did not specify which ones. In CPR's experience, the leaflet is distributed to asylum applicants and it is available at least in Portuguese, English, French, Russian and Arabic. The information contained however is brief and not considered user-friendly, particularly in the case of unaccompanied children.

CPR's liaison officers present at AIMA until the end of January 2024 used to develop efforts to explain the content of the documents handed to applicants, especially when they were not able to read.

AIMA asserted that upon registration applicants receive information on their rights and duties and may request clarifications. AIMA also reported that if the information is not available in the applicant's main language, interpretation is provided.<sup>861</sup>

Furthermore, CPR is not aware of the provision of tailored leaflets or information to specific groups by AIMA.

In accordance with existing MoUs with the authorities (see Responsibility for Reception), CPR provides information to asylum applicants throughout the asylum procedure and particularly during admissibility (including Dublin) and accelerated procedures. This is done through individual interviews as well as through social and legal support. The information provided by CPR broadly covers the information requirements provided in the law as regards the institutional framework of reception, including on the dispersal policy, as well as the types and levels of material reception conditions, access to health care, education, employment, etc. Information leaflets regarding CPR's support are also distributed.

The information provided by CPR further includes the provision of tailor-made information to unaccompanied children upon their admission to CACR orally and using supporting materials such as a leaflet that contains child-friendly information on internal rules, available services, geographical location, general security tips and contacts, etc. (available in Portuguese, English, Russian, Tigrinya and French). CACR is preparing to have these materials available in audio format in the languages most commonly used by child applicants.

According to AIMA, upon reception applicants are informed by the host entities of their rights and duties, features and rules of the reception system, and available services.

During the regular procedure and at appeal stage, asylum applicants should benefit from individual follow-up with ISS and SCML. While no research has been conducted to date to assess the impact of the dispersal policy, CPR is not aware of any serious challenges in accessing social services or in the provision of information regarding reception conditions during this stage of the asylum procedure despite some complaints regarding difficulties in securing an appointment/effective contact, accessing specific services, and language barriers.

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<sup>858</sup> Article 49(1)(a) Asylum Act.

<sup>859</sup> Article 49(1)(a)(iv) Asylum Act.

<sup>860</sup> Article 49(2) Asylum Act.

<sup>861</sup> Information provided by AIMA on 25 June 2024.

According to the available information, other services remain residual, non-specialised and mostly focused on integration.

## 2. Access to reception centres by third parties

### Indicators: Access to Reception Centres

1. Do family members, legal advisers, UNHCR and/or NGOs have access to reception centres?

☒ Yes

☐ With limitations

☐ No

The Asylum Act provides for the right of access to reception centres and other reception facilities for family members, legal advisers, UNHCR, CPR, and other refugee-assisting NGOs recognised by the State for the provision of assistance to asylum applicants.<sup>862</sup>

The internal regulation of **CACR** provides for the right of unaccompanied children to receive visits from family and friends upon approval by the Family and Juvenile Court. The internal regulation of **CAR** provides for a general right to visits upon authorisation of the Director of the Centre.

In practice, asylum applicants accommodated at CAR and CACR benefit from legal assistance from CPR's staff (see Regular Procedure: Legal Assistance) as well as from information and facilitation of contacts and meetings with lawyers at appeal stage. Such meetings can either take place at the reception centres or at the lawyers' offices, in the presence of a representative of CPR in the case of unaccompanied children.

## G. Differential treatment of specific nationalities in reception

There is no information available regarding discrimination or preferential treatment of asylum applicants pertaining to reception conditions such as accommodation, health care, employment, education or others, on the basis of nationality.

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<sup>862</sup> Article 59(4) Asylum Act.

## Detention of Asylum Seekers

### A. General

#### Indicators: General Information on Detention

|  |                |
|--|----------------|
| 1. Total number of asylum applicants detained in 2024:                     | 392            |
| 2. Number of asylum applicants in detention at the end of 2024:            | 43             |
| 3. Number of detention centres specifically for asylum applicants:         | 4              |
| 4. Total capacity of detention centres specifically for asylum applicants: | Not applicable |

Between March 2020 and October 2023, detention of asylum applicants predominantly occurred when applicants for international protection were previously detained pending a removal procedure,<sup>863</sup> and in cases where precautionary measures/alerts regarding the person concerned are active.

The application of border procedures and of detention of asylum applicants subjected to border procedures was resumed by the beginning of November 2023, after being suspended for approximately 3 and a half years.

While the Asylum Act also provides for the possibility of placing other categories of asylum applicants in detention,<sup>864</sup> including those subjected to Dublin procedures, according to CPR's experience, these are not used in practice.

The competent authority to place and review the detention of an asylum applicant in a CIT,<sup>865</sup> or in detention facilities at the border,<sup>866</sup> is the Criminal Court with territorial jurisdiction over the place where detention is imposed. In the case of detention at the border, PSP initially imposes detention, but is required to inform the Criminal Court of said detention measure within 48 hours of arrival at the border for the purpose of maintaining the asylum applicant in detention beyond that period.<sup>867</sup> For information on the preliminary checks at border points prior to detention, see: [Preliminary checks of third country nationals upon arrival](#).

UNHCR, CPR, legal representatives, and other NGOs have effective access to asylum applicants in detention at the border in accordance with the law.<sup>868</sup> Nevertheless, access to legal information as well as assistance in detention has been hindered by factors such as shorter deadlines, and limited capacity of service providers.

In addition to the impacts of detention, shorter deadlines and reduced procedural guarantees are applicable in the context of procedures conducted while the applicants are detained. These reduced guarantees increase the risks of poorer quality decision-making.

**Unidade Habitacional de Santo António** (CIT-UHSA)<sup>869</sup> is the only temporary installation centre *per se* currently functioning in Portugal. The main detention facility at the border is located in the international area of **Lisbon** airport and has an overall capacity of 24 places. Airport detention facilities also exist at Porto and Faro airports with a capacity of 18 and 13 places respectively.<sup>870</sup>

<sup>863</sup> Article 35-A(3)(b) Asylum Act.

<sup>864</sup> Article 35-A(3) Asylum Act.

<sup>865</sup> Article 35-A(5) Asylum Act.

<sup>866</sup> Article 35-A(6) Asylum Act.

<sup>867</sup> Ibid.

<sup>868</sup> Article 49(6) Asylum Act.

<sup>869</sup> Decree-Law 44/2006 provides for the creation and functioning of CIT – UHSA in Porto.

<sup>870</sup> While pre-removal facilities also exist in the airports of Ponta Delgada and Madeira, CPR is unaware of its use for detention of applicants for international protection.

It is publicly known that since late October/beginning of November 2023, asylum applicants and other migrants refused entry into national territory at Lisbon airport were frequently detained in the transit zone of the airport in appalling conditions due to the lack of capacity of the corresponding detention facility.<sup>871</sup>

As mentioned in [Determining Authority](#) the termination of the activity of SEF entailed that existing general police forces became responsible for border control and for executing expulsion decisions. As such:

- ❖ The National Republican Guard (*Guarda Nacional Republicana*, GNR) became responsible for the surveillance and control of maritime and land borders, and for executing expulsion decisions within its jurisdiction;<sup>872</sup>
- ❖ The Public Security Police (*Polícia de Segurança Pública*, PSP) became responsible for the surveillance and control of air borders, and for executing expulsion decisions within its jurisdiction.<sup>873</sup>

Consequently, PSP became responsible for the operation of CIT-UHSA and airport detention facilities since 29 October 2023. According to the information provided by PSP, this change posed operational and administrative challenges. PSP noted, for instance, the need to provide specific training to officials and to allocate them to the detention facilities, the limited capacity of the facilities, and the transition of service provision contracts previously concluded by SEF to PSP.

PSP reported that a total of 533 foreign nationals were subject to administrative detention during 2024, of which 392 were asylum applicants.<sup>874</sup>

CPR is aware that in some cases in 2024 the release from detention was delayed due to the lack of reception responses on national territory. For more information, see: [The right to reception and sufficient resources](#).

IOM and UNHCR reported having provided training covering, inter alia, human rights, international protection, interviewing techniques, the protection of specific vulnerable groups, and the identification and referral of asylum applicants and refugees with specific needs, to PSP within the framework of PSP's official training programmes.

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<sup>871</sup> See, for instance: Diário de Notícias, *Requerentes de asilo "dormem em bancos" no aeroporto. Sindicato da PSP denuncia situação "caótica"*, 3 December 2023, available [here](#).

<sup>872</sup> Article 2(a) Act n. 73/2021 of 12 November 2021 approving the restructure of the Portuguese system of border control, reshaping the regime of the forces and services responsible for internal security and establishing other rules for the redistribution of competences and resources of the Immigration and Borders Service, last amended by Act n. 53/2023, of 31 August 2023, available [here](#).

<sup>873</sup> Ibid, article 2(b).

<sup>874</sup> Note that the statistics provided by PSP to this report only cover the period between 29/10/2023 and 31/12/2023. Data regarding SEF's tenure is not available.

## B. Legal framework of detention

### 1. Grounds for detention

#### Indicators: Grounds for Detention

1. In practice, are most asylum applicants detained
  - ❖ on the territory: ☒ Yes ☐ No
  - ❖ at the border: ☐ Yes ☒ No
2. Are asylum applicants detained during a regular procedure in practice?  
☐ Frequently ☐ Rarely ☒ Never
3. Are asylum applicants detained during a Dublin procedure in practice?  
☐ Frequently ☐ Rarely ☒ Never

Under the Asylum Act, detention of asylum applicants cannot be based on the application for international protection alone,<sup>875</sup> and can only occur on grounds of:

- ❖ National security, public order, public health; or
- ❖ Risk of absconding; and

Must be based on an individual assessment and occur only if the effective application of less severe alternative measures is not possible.<sup>876</sup>

The possible grounds for the detention of asylum applicants also include:<sup>877</sup>

- ❖ Applying for asylum at the border;
- ❖ Applying for asylum following a decision of removal from national territory; or
- ❖ The application of the Dublin procedure.

According to the law, detention may only be applied if it is not possible to effectively implement less severe alternative measures.

Moreover, Article 26(1) of the Asylum Act also determines that asylum applicants who applied for asylum at the border remain in the international area of the (air)port while waiting for the decision.<sup>878</sup>

As mentioned in General, systematic detention of asylum applicants in Portugal within the context of border procedures resumed by the end of October 2023. Accordingly, asylum applicants were detained until their application was admitted to the procedure (7 days),<sup>879</sup> or for a maximum of 60 days in case of an appeal against the rejection of the application.<sup>880</sup> This is the most relevant context of detention of asylum applicants at national level. As per CPR's observation and analysis, detention within this context is applied systematically without an individual assessment of its necessity or proportionality.

Asylum applicants who apply for asylum in detention at a CIT due to a removal procedure remain in detention during the asylum procedure until their application is admitted to the procedure (10 days)<sup>881</sup> or for a maximum of 60 days in case of an appeal against the rejection of the asylum application.<sup>882</sup> While the Asylum Act provides for the suspension of all administrative and/or criminal procedures related to the irregular entry of the asylum

<sup>875</sup> Article 35-A(1) Asylum Act.

<sup>876</sup> Article 35-A(2) Asylum Act.

<sup>877</sup> Article 35-A(3) Asylum Act.

<sup>878</sup> It is our understanding that while this article seems to provide for the general detention of asylum applicants within the context of border procedures, it must be applied with due regard for the rules established in Art.35-A of the Asylum Act.

<sup>879</sup> Article 26(4) Asylum Act.

<sup>880</sup> Article 35-B(1) Asylum Act.

<sup>881</sup> Article 33-A(5) Asylum Act.

<sup>882</sup> Article 35-B(1) Asylum Act.

applicant on the national territory - and thus requires that the competent authorities are informed of the asylum application within 5 days for that purpose - <sup>883</sup> detention at a CIT due to a removal procedure will rarely, if ever, be suspended *ex officio* by the Criminal Courts on that basis. Detention within this context continues to be systematically applied.

According to the information provided by PSP, during 2024, a total of 392 asylum applicants were subject to administrative detention, of which 347 at the border (refusal of entry and asylum application made at the border) and 45 at CIT-UHSA (within the context of a removal procedure).

CPR is unaware of case law relating to or judicial interpretations of detention grounds such as the application of a Dublin procedure, threat to national security, public order, public health, or risk of absconding.

## 2. Alternatives to detention

### Indicators: Alternatives to Detention

1. Which alternatives to detention have been laid down in the law?
  - ☒ Reporting duties
  - ☐ Surrendering documents
  - ☐ Financial guarantee
  - ☒ Residence restrictions
  - ☐ Other
2. Are alternatives to detention used in practice?
  - ☐ Yes ☒ No

As mentioned in Grounds for Detention, according to the Asylum Act, detention of asylum applicants requires an assessment of the individual circumstances of the applicant and of the possibility to effectively implement less severe alternative measures,<sup>884</sup> thus demanding proof that alternatives to detention cannot be effectively applied. The Asylum Act lays down alternatives to detention consisting either of reporting duties before SEF on a regular basis or residential detention with electronic surveillance (house arrest).<sup>885</sup>

Despite the safeguards enshrined in the law to ensure that detention of asylum applicants, including at the border, is used as a last resort and only where necessary, in practice, criminal courts rarely, if ever, conduct an individual assessment on whether detention is necessary and proportional and whether it is possible to effectively implement alternatives to detention. In the past, even where the Criminal Court of Lisbon invited SEF to consider the release of families with children and their referral to CAR,<sup>886</sup> the decisions systematically fell short of conducting an individual assessment of necessity and proportionality and of issuing an order to SEF.

Concerns regarding the judicial review of decisions to detain were flagged by the Ombudsperson in a hearing at the Parliament in 2020 (see Procedural Safeguards: Judicial review of the detention order).<sup>887</sup>

In 2019, the practice was also condemned by the UN Committee Against Torture. It expressed concerns on multiple issues, including the excessive use of detention, the absence of individualised assessments as well as little consideration for alternatives to detention, the lack of adequate detention conditions in the relevant facilities, and entry fees charged to external parties at Lisbon airport.<sup>888</sup> Among other detention-related observations, the

<sup>883</sup> Article 12(1) and (3) Asylum Act.

<sup>884</sup> Article 35-A(2) and (3) Asylum Act. While the need for an assessment of the individual circumstances of the applicant is only mentioned in the case of detention on the grounds of national security, public order, public health or when there is a flight risk, it is difficult to conceive an assessment of less severe alternative measures for the remaining grounds for detention that is not based on the individual circumstances of the applicant.

<sup>885</sup> Article 35-A(4)(a) and (b) Asylum Act.

<sup>886</sup> Judicial Court of the Lisbon District, Local Misdemeanour Court of Lisbon – Judge 2, Applications Nos 3881/17.5T8LSB, 13 February 2017; 19736/17.0T8LSB, 11 September 2017; 22330/17.2T8LSB, 16 October 2017; 22779/17.0T8LSB, 20 October 2017; 23770/17.2T8LSB, 3 November 2017; 25058/17.0T8LSB, 20 November 2017; 25060/17.1T8LSB, 20 November 2017; 8909/19.1T8LSB, 29 April 2019.

<sup>887</sup> Video recording available [here](#).

<sup>888</sup> Committee Against Torture, *Concluding Observations on the seventh periodic report of Portugal*, CAR/C/PRT/CO/7, 18 December 2019, para 39, available [here](#).



Committee recommended that detention is used only ‘as a measure of last resort and for as short a period as possible, by ensuring individualised assessments, and promote the application of non-custodial measures’.<sup>889</sup>

In 2020, the UN Human Rights Committee echoed concerns regarding detention at the border (namely regarding its duration and conditions), and recommended Portugal to ‘[e]nsure that the detention of migrants and asylum seekers is reasonable, necessary and proportionate [...] and that alternatives to detention are found in practice.’<sup>890</sup>

In April 2023, the Committee on the Elimination of Racial Discrimination (CERD), in its Concluding Observations,<sup>891</sup> recommended Portugal to ensure that (1) all applicants for international protection at the borders and in reception and detention centres are promptly received, registered, and referred to the asylum authorities and refugee status determination procedures, ensuring the identification of vulnerable applicants, in particular, stateless persons; (2) the length of detention of migrants and asylum applicants is reasonable, necessary, and appropriate in accordance with international human rights standards; and (3) the living conditions and treatment in reception centres and detention facilities are in conformity with international standards.<sup>892</sup>

According to the information provided by PSP, the authority is also unaware of the application of alternatives to detention within this context.

### 3. Detention of vulnerable applicants

#### Indicators: Detention of Vulnerable Applicants

1. Are unaccompanied asylum-seeking children detained in practice?
 

☐ Frequently
 ☒ Rarely
 ☐ Never

❖ If frequently or rarely, are they only detained in border/transit zones? ☒ Yes ☐ No
2. Are asylum seeking children in families detained in practice?
 

☒ Frequently
 ☐ Rarely
 ☐ Never

The Asylum Act defines an ‘applicant in need of special procedural guarantees’ in terms of reduced ability to benefit from the rights and comply with the obligations stemming from the Asylum Act due to their individual circumstances.<sup>893</sup> Even though it does not include an exhaustive list of asylum applicants presumed to be in need of special procedural guarantees, it refers to age, gender, gender identity, sexual orientation, disability, serious illness, mental disorders, torture, rape or other serious forms of psychological, physical or sexual violence as possible factors underlying individual circumstances that could lead to the need of special procedural guarantees.<sup>894</sup>

Within these applicants, the Asylum Act identifies a sub-category of individuals whose special procedural needs result from torture, rape, or other serious forms of psychological, physical or sexual violence that may be exempted from border procedures and hence detention.<sup>895</sup> Furthermore, it clearly determines that placement of unaccompanied and separated children in detention facilities at the border must comply with applicable

<sup>889</sup> Ibid. para 40(a). In the List of Issues published in June 2023, the Committee Against Torture (CAT) requested information regarding, inter alia, the measures taken to ensure that the detention of asylum applicants, including at the border, is only used as a measure of last resort, where justified as reasonable, necessary and proportionate, and for as short a period as possible and to further implement alternatives to detention in practice. See Committee Against Torture (CAT), *List of issues prior to submission of the eight periodic report of Portugal*, 9 June 2023, para. 19, available [here](#).

<sup>890</sup> Human Rights Committee, *Concluding Observations on the fifth periodic report of Portugal*, CCPR/C/PRT/CO/5. 28 April 2020, par 34(d) and (e), and 35 (d), available [here](#).

<sup>891</sup> Committee on the Elimination of Racial Discrimination, *Concluding Observations on the combined eighteenth and nineteenth periodic reports of Portugal*, CERD/C/PRT/CO/18-19, 28 April 2023, available [here](#).

<sup>892</sup> Ibid, par.34, c), d), and e).

<sup>893</sup> Article 17-A(1) Asylum Act.

<sup>894</sup> Ibid.

<sup>895</sup> Article 17-A(4) Asylum Act.

international recommendations such as those by UNHCR, UNICEF, and the International Committee of the Red Cross (ICRC).<sup>896</sup>

The asylum system continues to lack a systematic mechanism of identification of vulnerabilities, including within the context of detention (see: [Guarantees for vulnerable groups](#)).

PSP confirms there is no formal and systematic mechanism of identification of vulnerabilities at border points. Therefore, response to cases continued to happen mostly on an ad hoc basis, with no clear general guidance, leading to uncertainty.

In addition, despite the fact that responsibility for promoting special procedural guarantees that could lead to the release from detention lies with AIMA, it seems that the Agency has no decision-making power on the conditions and maintenance of detention of asylum applicants at the border.

According to the data provided by PSP in the course of 2024, 48 children were detained in EECIT Lisbon, out of which 16 were unaccompanied children and 32 were children accompanied by family members. PSP states the average period of detention of unaccompanied children was 6 days, and 13 days for accompanied children.

Information collected by CPR on the basis of communications from the authorities and the legal assistance provided indicates the systematic detention of children accompanied by family members and for longer detention periods. In order for privacy and family unity to be respected to a minimum, the conditions in EECIT Lisbon do not allow for more than one family to be detained. CPR is aware of several households with minor children simultaneously subject to detention at EECIT Lisbon for almost a month in the end of 2024. As a result, families were divided into wards according to gender.

According to PSP, accompanied children remain with their adult family members in detention and the length of detention is tied to the asylum procedure.

As for unaccompanied children, PSP reports prompt referral for accommodation in child-reception facilities, following referral to the Family and Juvenile Court. PSP notes that detention periods might be prolonged in case of a delay in response from the Court.

Information regarding other vulnerabilities is not collected, as per PSP.

During 2024, CPR observed that particularly vulnerable persons, such as pregnant women, sick people, victims of torture/violence and others, were held in detention, with no apparent adjustments implemented to respond to individual special needs. Despite CPR's efforts, most cases remained in detention for considerable periods of time.

The UN Human Rights Committee, in its Concluding Observations published in 2020, stated that Portugal 'should ensure that children and unaccompanied minors are not detained, except as a measure of last resort and for the shortest appropriate period of time, taking into account their best interests as a primary consideration with regard to the duration and conditions of detention and their special need for care'. The Committee further noted that it should be guaranteed that child asylum applicants should have 'access to adequate education, health, social and psychological services, and legal aid, and that they are provided with a legal representative and/or guardian without delay'.<sup>897</sup>

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<sup>896</sup> Article 26(2) Asylum Act. For detailed information on the practices concerning detention of children in previous years, please refer to the corresponding AIDA reports.

<sup>897</sup> Human Rights Committee, *Concluding Observations on the fifth periodic report of Portugal*, CCPR/C/PRT/CO/5. 28 April 2020, par 37, available [here](#).

## 4. Duration of detention

### Indicators: Duration of Detention

1. What is the maximum detention period set in the law (incl. extensions): 60 days
2. In practice, how long in average are asylum applicants detained? Less than 60 days

An asylum applicant, either at the airport or land border, 'who does not meet the legal requirements for entering national territory' can be detained for up to 7 days for an admissibility procedure.<sup>898</sup>

If AIMA takes a positive admissibility decision or if no decision has been taken within 7 working days, the applicant is released. If the claim is deemed inadmissible or unfounded in an accelerated procedure, the asylum applicant can challenge the rejection before the administrative courts with suspensive effect and remains detained for up to 60 days during the appeal proceedings. After 60 days, even if no decision has yet been taken on the appeal, PSP must release the individual from detention and provide access to the territory.

The maximum detention period of 60 days is equally applicable in instances where the application is made from detention at a CIT due to a removal procedure.<sup>899</sup>

According to the data provided by PSP, in the course of 2024, the average duration of detention at the border of asylum applicants who have appealed the refusal of their application was of 31 days. For the same period, the average detention at CIT-UHSA was of 60 days.

According to the data provided by PSP in the course of 2024, 48 children were detained in EECIT Lisbon, out of which 16 were unaccompanied children and 32 were children accompanied by family members. PSP states the average period of detention of unaccompanied children was 6 days and 13 days for accompanied children.

CPR is not aware of instances where the maximum detention duration was exceeded in the case of asylum applicants in 2024. However, CPR is aware of some cases in 2024 where release from detention was delayed due to the lack of reception responses on national territory.

## C. Detention conditions

### 1. Place of detention

#### Indicators: Place of Detention

1. Does the law allow for asylum applicants to be detained in prisons for the purpose of the asylum procedure (i.e. not as a result of criminal charges)? ☐ Yes ☒ No
2. If so, are asylum applicants ever detained in practice in prisons for the purpose of the asylum procedure? ☐ Yes ☒ No

The legal framework of detention centres is enshrined in Act 34/94 which provides for the detention of migrants in Temporary Installation Centres (*Centros de Instalação Temporária*, CIT) managed by SEF, either for security reasons (e.g., aimed at enforcing a removal from national territory) or for irregular entry at the border. Detention

<sup>898</sup> Article 26 and 35-A(3)(a) Asylum Act.

<sup>899</sup> Article 35-B(1) Asylum Act.

facilities at the border (EECIT),<sup>900</sup> which are not CIT *per se*, have been classified as such by Decree-Law 85/2000 for the purposes of detention following a refusal of entry at the border.<sup>901</sup>

| Detention capacity in border detention centres: 2024 |                   |                             |                               |
|--|-------------------|-----------------------------|-------------------------------|
| Detention centre                                     | Total capacity    | Capacity for male detainees | Capacity for female detainees |
| Detention facility – Lisbon airport                  | 24 <sup>902</sup> | 10                          | 10                            |
| Detention facility – Porto airport                   | 18                | 9                           | 9                             |
| Detention facility – Faro airport                    | 13                | 10                          | 3                             |

Source: Information provided by PSP (July 2025). This refers to the total capacity of the detention centre and is thus not limited to asylum applicants specifically.

According to the information provided by PSP, **CIT-UHSA** has an overall capacity for 29 persons (27 males and 2 females).

According to the information provided by the authorities, none of the facilities mentioned above have dedicated places for asylum applicants.

| Persons detained at border detention facilities: 2024 <sup>903</sup> |       |                   |                |
|--|-------|-------------------|----------------|
| Detention centre   | Total | Asylum applicants | Other migrants |
| Detention facility – Lisbon airport                                  | 400   | 347               | 53             |
| Detention facility – Porto airport                                   | -     | -                 | -              |
| Detention facility – Faro airport                                    | -     | -                 | -              |

Source: Information provided by PSP (July 2025). This refers to the total capacity of the detention centre and is thus not limited to asylum applicants specifically.

<sup>900</sup> Council of Ministers Resolution 76/97.

<sup>901</sup> See also Council of Ministers Resolution 76/97. In this context, it is important to underline, as recalled by the Ombudsperson: “The confinement of foreign citizens, including where it takes place in the international area of an airport, indeed consists in a deprivation of freedom (...) that goes beyond a mere restriction of freedom. On this matter cf. the judgement of the European Court of Human Rights n. ° 19776/92, 25 June 1992 (*Amuur v France*).” Ombudsperson, *Tratamento dos cidadãos estrangeiros em situação irregular ou requerentes de asilo nos centros de instalação temporária ou espaços equiparados*, September 2017, available in Portuguese [here](#), fn. 14 [unofficial translation].

<sup>902</sup> Includes a family room (capacity for 2 persons) and a multipurpose room for people with reduced mobility (capacity for 2 persons).

<sup>903</sup> According to PSP, citizens detained in EECIT Porto and EECIT Faro were transferred from EECIT Lisbon, where the detention order was initially ordered.

The lack of capacity of the detention facilities referred to above has been frequently flagged by the authorities and many projects have been mentioned in the past as means to increase the detention capacity without significant follow-up.<sup>904</sup>

According to the information provided by PSP for the 2024 AIDA update, the following projects are currently foreseen:

- ❖ Construction of two new CITs in Odivelas and in Porto;
- ❖ Requalification of EECIT Porto;
- ❖ Requalification of EECIT Faro;
- ❖ Requalification and expansion of EECIT Lisbon.

PSP stated that there are no plans to increase capacity at CIT-UHSA, given the planned construction of new CITs.

CPR is unaware of the detention of asylum applicants in police stations or in regular prisons for the purposes of the asylum procedure.

It is publicly known that in the last quarter of 2023 and first quarter of 2024, asylum applicants and other migrants refused entry into national territory at Lisbon airport were frequently detained in the transit zone of the airport in appalling conditions (see: [Conditions in detention facilities](#)) due to the lack of capacity of the corresponding detention facility.<sup>905</sup>

According to the information provided by PSP, there is no limit to the number of persons that may be detained in such spaces. Also according to PSP, during 2024, out of 232 persons, 221 asylum applicants were initially placed in the transit zone of the Lisbon airport while waiting to be transferred to EECIT Lisbon. PSP claimed that the average duration of detention in the transit zone for migrants later transferred to EECIT Lisbon was 72 hours. It is not clear whether this figure includes asylum applicants. CPR's observation and public reports point towards longer periods, particularly in the last quarter of 2023 and the first quarter of 2024.

According to one media piece from December 2023, whose one of the main sources is one of the unions of PSP officials:<sup>906</sup>

- ❖ There were almost permanently 15 to 20 persons at the transit area awaiting a place in the detention facility;
- ❖ There were people detained in the transit area for 7 days, sleeping in benches;
- ❖ Access to hygiene facilities for showering and personal hygiene depended upon escort by PSP officials;
- ❖ Meals were provided by PSP officials and initial medical assistance by Doctors of the World (Médicos do Mundo, MdM), and airport medical services.

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<sup>904</sup> For an overview of projects publicly mentioned in the past, please refer the to 2022 AIDA Update available [here](#) Regarding the lack of capacity of detention facilities See also: Ombudsperson, *Mecanismo Nacional de Prevenção - Relatório à Assembleia da República 2022*, July 2023, pp.99-100, available [here](#).

<sup>905</sup> See, for instance: Diário de Notícias, *Requerentes de asilo "dormem em bancos" no aeroporto. Sindicato da PSP denuncia situação "caótica"*, 3 December 2023, available [here](#); SIC Notícias, *"Pomos roupa no chão e dormimos em cima": 13 pessoas estão a viver no aeroporto de Lisboa*, 20 December 2023, disponível em: [here](#) Jornal de Notícias, *Número de requerentes de asilo a viver no aeroporto "vai crescer"*, 20 December 2023, available [here](#).

<sup>906</sup> Diário de Notícias, *Requerentes de asilo "dormem em bancos" no aeroporto. Sindicato da PSP denuncia situação "caótica"*, 3 December 2023, available [here](#).

## 2. Conditions in detention facilities

### Indicators: Conditions in Detention Facilities

1. Do detainees have access to health care in practice? ☒ Yes ☐ No  
❖ If yes, is it limited to emergency health care? ☐ Yes ☒ No

### 2.1 Overall conditions

In the absence of legal standards for the operation of CIT, the detention facilities at the border and the **CIT – UHSA** in Porto are managed by PSP pursuant to internal regulations.<sup>907</sup>

The general regulation governing the placement of foreign and stateless persons in CIT and EECIT has been approved by the Minister of Home Affairs in July 2020.<sup>908</sup> The regulation explicitly states that it is applicable to applicants for international protection, and that, in such cases, detention is subject to the rules provided by the Asylum Act.<sup>909</sup>

It is unclear whether a new Regulation was/will be adopted following the termination of the activity of SEF and the take over of PSP within this field. PSP did not provide information in this regard. In any case, in the absence of new rules, it is only logical to deem references of the regulation to SEF as being applicable to PSP within the scope of its competencies.

It also establishes, inter alia, that:

- ❖ Possible victims of trafficking in human beings and unaccompanied children should be accommodated in adequate facilities;<sup>910</sup>
- ❖ SEF must inform detainees, according to the law, of the grounds of detention, status of their file and their rights and duties in a language that they understand or may be reasonably presumed to understand;<sup>911</sup>
- ❖ Transfers of persons between facilities may occur in order to ensure adequate reception conditions;<sup>912</sup>
- ❖ Each facility must have an internal regulation, to be approved by the National Director of SEF;<sup>913</sup>
- ❖ SEF is responsible for the management of the facilities and for the coordination of the fulfilment of the basic needs of detainees. The entity must appoint a person to be in charge of each facility;<sup>914</sup>
- ❖ The Ministry of Social Security and the Ministry of Health are responsible for the fulfilment of needs within their scope of action in centres located within the national territory;<sup>915</sup>
- ❖ Private companies may be hired to ensure the security of persons and goods;<sup>916</sup>
- ❖ Staff working in the facilities must have multidisciplinary training (namely with regard to languages) and the teams must be composed of both men and women;<sup>917</sup>
- ❖ SEF may establish cooperation protocols with civil society organisations within this context;<sup>918</sup>
- ❖ Upon consent, detainees must be subject to a clinical evaluation performed by a healthcare professional. Access to healthcare (including psychological care) free of charge must be ensured during the detention, specific care is to be provided to particularly vulnerable persons;<sup>919</sup>

<sup>907</sup> Ministerial Decision n. 5863/2015 of 2 June 2015 regulates in detail detention conditions by police forces, including SEF, but is only applicable to the initial 48-hour detention period.

<sup>908</sup> *Regulamento Regime geral sobre o acolhimento de estrangeiros e apátridas em Centros de Instalação Temporária (CIT) e Espaços Equiparados a Centros de Instalação Temporária (EECIT)*, 31 July 2020, available [here](#).

<sup>909</sup> Articles 1(1) and 3.

<sup>910</sup> Article 1(2).

<sup>911</sup> Article 5(2).

<sup>912</sup> Article 7(1).

<sup>913</sup> Article 8(4).

<sup>914</sup> Article 9(1) and (2).

<sup>915</sup> Article 9(3).

<sup>916</sup> Article 9(4).

<sup>917</sup> Article 9(5).

<sup>918</sup> Article 9(6).

<sup>919</sup> Article 10.

- ❖ Detainees are entitled to visits from direct family members and lawyers. Specific rules on schedules and duration of visits must be included in the internal regulation of each facility. Visits by entities entitled to access by the law are subject to the rules applicable to lawyers;<sup>920</sup>
- ❖ If they wish, detainees can be contacted and visited by the diplomatic/consular authorities of their country of origin;<sup>921</sup>
- ❖ Specific rules are established for telephone calls, namely the distribution of calling cards or access to telephones for a reasonable period of time. As a general rule, possession of communication equipment is forbidden unless the internal regulations state otherwise;<sup>922</sup>
- ❖ The facilities must ensure the dignity of detainees, provide for their separation by gender and age (except in the case of families), have an outdoor space and available leisure activities. Measures must be adopted to prevent violence, inhuman treatment or abuse by other detainees;<sup>923</sup>
- ❖ The food provided must be subject to quality control, be sufficient, and respect dietary or philosophical/religious beliefs;<sup>924</sup>
- ❖ Detainees are to be provided with a hygiene kit, access to toilets bathrooms with hygiene and security, and the necessary conditions to wash clothes must be ensured. Access to luggage must also be ensured;<sup>925</sup>
- ❖ A monitoring commission to evaluate and monitor the functioning of the relevant facilities composed by representatives from SEF, IGAI, Ombudsperson and ACM is to be established. It must meet at least twice a year.<sup>926</sup>

In April 2020, the UN Human Rights Committee expressed concern over the detention conditions of migrants in Portugal, recommending that conditions and treatment in relevant facilities comply with international standards.<sup>927</sup>

### **EECIT Lisbon**

Until March 2020, the detention facility at Lisbon airport was the most relevant detention space of applicants for international protection (mostly within the context of border procedures). This became once again the case since the resumption of the application of asylum border procedures by the end of October 2023.<sup>928</sup>

According to the information provided by PSP, in 2024, the EECIT Lisbon had an overall capacity of 24 places – out of which, 10 for men and 10 for women. It also has a family room (with capacity for 2 persons) and a multipurpose room for people with reduced mobility (with capacity for 2 persons).

In the past, the National Preventive Mechanism affirmed that the renovation of the space was overall positive and took into account relevant concerns such as security, privacy and contact with the exterior.<sup>929</sup> It further noted that the room's conditions were adequate.<sup>930</sup> According to the latest report from the National Preventive Mechanism covering 2023 the panic buttons at the rooms were in place but other rules were not yet applied notably the video surveillance had not yet been extended to all the interview rooms located at the border.

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<sup>920</sup> Articles 12, 13 and 15.

<sup>921</sup> Article 14.

<sup>922</sup> Article 16.

<sup>923</sup> Article 19.

<sup>924</sup> Article 23.

<sup>925</sup> Article 25.

<sup>926</sup> Article 28.

<sup>927</sup> Human Rights Committee, *Concluding Observations on the fifth periodic report of Portugal*, CCPR/C/PRT/CO/5. 28 April 2020, par 34(e) and 35(e), available [here](#).

<sup>928</sup> This is so despite that according to the information publicly available, the new regulation of EECIT Lisbon explicitly excludes detention of applicants for international protection in the facility. It was not possible to confirm whether this regulation was amended in the course of 2023.

<sup>929</sup> Ombudsperson, '*Mecanismo Nacional de Prevenção, Relatório à Assembleia da República*', 24 June 2021, available [here](#), 89.

<sup>930</sup> Ibid.



Each wing has a common area that includes a space for meals.<sup>931</sup> The 2020 report highlights the creation of a prayer room that can be used upon scheduling to avoid conflicting practices.<sup>932</sup> The toilet and bathroom facilities are shared and were deemed as having good conditions by the Ombudsperson, who also highlighted that washing and dryer machines have been added to the facility.<sup>933</sup> The report covering 2023 notes there is no privacy in the showers and no Wi-Fi coverage. Each wing has a small courtyard.

The reception area of the facility includes an office for PSP and three offices for visits, including by lawyers and NGOs such as CPR. CPR's assessment is that the offices do not ensure adequate privacy, notably due to inadequate sound isolation.

According to CPR's observation, both PSP officers and staff of a private security company are present in the facility. Apparently, staff of the security company perform logistical tasks.

The preparation of meals is ensured by a catering company.

Information on the current cleaning arrangements is not available. According to CPR's observation, in the past, the facility was regularly cleaned by a cleaning company.

According to the information available to CPR, detainees are allowed to keep their luggage and to keep and use their mobile phones. Free wi-fi internet is available. However, according to CPR's observation, mobile phones may only be charged in the reception area. While phones are charging, they remain under the care of security staff.

### ***Transit area – Lisbon airport***

It is publicly known that in the last quarter of 2023 and beginning of 2024, asylum applicants and other migrants refused entry into national territory at Lisbon airport were frequently detained in the transit zone of the airport in appalling conditions due to the lack of capacity of the corresponding detention facility.<sup>934</sup>

According to the information provided by PSP, there is no limit to the number of persons that may be detained in such spaces. Also according to PSP, during 2024, out of 232 persons, 221 asylum applicants were initially placed in the transit zone of the Lisbon airport while waiting to be transferred to EECIT Lisbon. PSP claimed that the average duration of detention in the transit zone for migrants later transferred to EECIT Lisbon was 72 hours. It is not clear whether this figure includes asylum applicants. CPR's observation and public reports point towards longer periods, particularly in the last quarter of 2023 and the first quarter of 2024.

According to the information provided by PSP to the AIDA report, health care of people detained at the transit zone is ensured by the airport medical teams and food and hygiene are ensured through contracts with private entities.

According to one media piece from December 2023, whose one of the main sources is one of the unions of PSP officials:<sup>935</sup>

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<sup>931</sup> Ombudsperson, 'Mecanismo Nacional de Prevenção, Relatório à Assembleia da República', 24 June 2021, available [here](#), 89.

<sup>932</sup> Ibid.

<sup>933</sup> Ibid, 92 and 94.

<sup>934</sup> See, for instance: Diário de Notícias, *Requerentes de asilo "dormem em bancos" no aeroporto. Sindicato da PSP denuncia situação "caótica"*, 3 December 2023, available [here](#). Público, *Marroquino passa 19 noites a dormir no chão do aeroporto à espera do pedido de asilo*, 16 December 2023, available at [paywall]: [here](#) ; SIC Notícias, *"Pomos roupa no chão e dormimos em cima": 13 pessoas estão a viver no aeroporto de Lisboa*, 20 December 2023, disponível em: [here](#); Jornal de Notícias, *Número de requerentes de asilo a viver no aeroporto "vai crescer"*, 20 December 2023, available [here](#).

<sup>935</sup> Diário de Notícias, *Requerentes de asilo "dormem em bancos" no aeroporto. Sindicato da PSP denuncia situação "caótica"*, 3 December 2023, available [here](#).

- ❖ There were almost permanently 15 to 20 persons at the transit area awaiting a place in the detention facility;
- ❖ There were people detained in the transit area for 7 days, sleeping in benches;
- ❖ Access to hygiene facilities for showering and personal hygiene depended upon escort by PSP officials;
- ❖ Meals were provided by PSP officials and initial medical assistance by Doctors of the World (Médicos do Mundo, MdM), and airport medical services.

During this period, CPR has also received consistent reports according to which significant numbers of asylum applicants remained detained in the international area of the airport for prolonged periods of time in conditions that are incompatible with human dignity. For instance, people sleeping in airport seats/floor/camp beds and not having access to bedclothes, personal items, and personal hygiene facilities on a systematic basis. CPR has also received reports that the food provided (mostly sandwiches) was not adequate and did not fulfil nutritional needs. This situation has also been publicly condemned by the National Preventive Mechanism.<sup>936</sup>

### **EECIT-Porto and EECIT-Faro**

According to the information available to CPR, throughout 2024, asylum applicants detained at the border at Lisbon airport were often transferred to the EECIT's located at Porto and Faro airports due to the lack of capacity of EECIT-Lisbon.

In its 2024 report (covering 2023), the National Preventive Mechanism stated that during its visit in August 2023 EECIT Porto was still closed following some renovation work and thus only previously identified risk factors were evaluated. The main concerns were the absence of video surveillance extended to all interview rooms located at the border, lack of a family room, an isolation room in the men's wing and a space for visitors.<sup>937</sup>

There is no publicly available information regarding the conditions in EECIT Faro, and CPR did not visit this facility in the course of 2024. However, in the context of providing legal assistance, CPR has received a number of complaints about food, hygiene and cleanliness conditions.

### **CIT-UHSA**

The Ombudsperson deems the conditions at CIT-UHSA as overall adequate, underlining the existence of outdoor areas and the regular presence of staff and volunteers from external entities.<sup>938</sup>

According to JRS, CIT-UHSA has 32 rooms, five of which are cell rooms. Construction work was carried out throughout 2024 to create a family wing, which is not yet complete.

According to the available information, the facility has separate wings for men and women, as well as a family room. There is a big outdoor space whose use depends on being accompanied by staff of the facility/volunteers.<sup>939</sup> Daily cleaning is ensured, and the Ombudsperson deemed the food provided varied and adequate.<sup>940</sup> Access to personal belongings that do not jeopardise physical integrity is allowed.<sup>941</sup>

<sup>936</sup> See, for instance: SIC Notícias, *Provedoria da Justiça denuncia situação "indigna" no centro de detenção do aeroporto de Lisboa*, 24 January 2024, available [here](#).

<sup>937</sup> Ombudsperson, *Mecanismo Nacional de Prevenção – Relatório à Assembleia da República 2023*, July 2024, available [here](#), 56.

<sup>938</sup> Ombudsperson, *Mecanismo Nacional de Prevenção - Relatório à Assembleia da República 2022*, July 2023, p.96, available [here](#).

<sup>939</sup> Ombudsperson, *'Mecanismo Nacional de Prevenção, Relatório à Assembleia da República'*, 24 June 2021, pp.102 et seq, available [here](#).

<sup>940</sup> Ibid.

<sup>941</sup> Ibid.

Volunteers and workers from organisations such as JRS, IOM and Doctors of the World (MdM) are regularly present in the facility.<sup>942</sup> Access to personal mobile phones is allowed in certain periods of the day,<sup>943</sup> and detainees may also have access to a mobile phone provided by the JRS staff present in the facility.<sup>944</sup>

According to the information provided by IOM in 2023, a room for meetings between detainees and their lawyers was added to the facility in 2022.

In its 2023 report (covering 2022), the National Preventive Mechanism reiterated its concern with issues such as the lack of access to free wi-fi internet, the size of the beds, and with the lack of adequate regulation of the use and conditions of placement in the cell-room (a measure that may be adopted when the security of the facility is compromised).<sup>945</sup>

According to the information provided by IOM, surveys conducted with detained migrants regarding the detention conditions revealed a mostly positive evaluation of PSP officers following the transition occurred by the end of October 2023.

## 2.2 Activities

Each wing of the detention facility at **EECIT Lisbon** has a courtyard with tables and chairs. The courtyards in the border detention facilities have been criticised by the Ombudsperson in the past for being too small, surrounded by walls and lacking natural light.<sup>946</sup> As far as CPR is aware, the situation remains unchanged.

In its report covering 2023, the National Preventive Mechanism criticised once again the absence of a cultural mediator in the facility and noted that PSP stated that a protocol was being developed with IOM in order to develop cultural mediation activities.<sup>947</sup>

According to the information available to CPR, detainees are allowed to keep their luggage and mobile phones. Free wi-fi internet is available. However, according to CPR's observation, mobile phones may only be charged in the reception area. While phones are charging, they remain under the care of security staff.

**CIT-UHSA** has big outdoor space whose use depends on detainees being accompanied by staff of the facility/volunteers.<sup>948</sup> Access to personal mobile phones is allowed in certain periods of the day.<sup>949</sup> Access to personal belongings that do not jeopardise physical integrity is allowed.<sup>950</sup> According to the report of the National Preventive Mechanism published in 2021, in 2020, more toys were made available in the facility and it had a play room that was well equipped.<sup>951</sup>

In its 2023 report (covering 2022), the National Preventive Mechanism reiterated its concern with issues such as the lack of access to free wi-fi internet, the size of the beds, and with the lack of adequate regulation of the use

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<sup>942</sup> Ombudsperson, *Mecanismo Nacional de Prevenção - Relatório à Assembleia da República 2021*, July 2022, p.74, available [here](#); information provided by IOM in March 2024.

<sup>943</sup> According to the Ombudsperson, in 2021, the use of personal mobile phones was allowed between 10h and 21h30m. Ombudsperson, *Mecanismo Nacional de Prevenção - Relatório à Assembleia da República 2021*, July 2022, pp.75-76, available [here](#).

<sup>944</sup> Ombudsperson, '*Mecanismo Nacional de Prevenção, Relatório à Assembleia da República*', 24 June 2021, pp.103 et seq, available [here](#).

<sup>945</sup> Ombudsperson, *Mecanismo Nacional de Prevenção - Relatório à Assembleia da República 2022*, July 2023, p.96-07, available [here](#).

<sup>946</sup> Ombudsperson, *Tratamento dos cidadãos estrangeiros em situação irregular ou requerentes de asilo nos centros de instalação temporária ou espaços equiparados*, September 2017, p.33, available in Portuguese [here](#).

<sup>947</sup> Ombudsperson, *Mecanismo Nacional de Prevenção – Relatório à Assembleia da República 2023*, July 2024, available [here](#), 50-51.

<sup>948</sup> Ombudsperson, '*Mecanismo Nacional de Prevenção, Relatório à Assembleia da República*', 24 June 2021, pp.101 et seq, available [here](#).

<sup>949</sup> Ibid, pp.103 et seq.

<sup>950</sup> Ibid.

<sup>951</sup> Ibid, pp.102 et seq.

and conditions of placement in the cell-room (a measure that may be adopted when the security of the facility is compromised).<sup>952</sup>

While the law provides for access to education of children asylum applicants under the same conditions as nationals,<sup>953</sup> and the rules governing CIT provide for the access of detained children to education depending on the duration of their detention,<sup>954</sup> according to the information available to CPR children in detention do not have access to education or pedagogical activities in practice either at the detention facility or by accessing normal schools.

### 2.3 Health care and special needs in detention

The responsibility for providing health care to asylum applicants at the border lies with the Ministry of Home Affairs/ Ministry in charge of Migration that can rely on public entities and/or private non-profit organisations in the framework of a MoU to ensure the provision of such services.<sup>955</sup>

The Asylum Act provides for the right of asylum applicants and their relatives to adequate health care at the border (i.e., in detention),<sup>956</sup> and for the right of vulnerable asylum applicants in detention to regular health care that meets their particular needs.<sup>957</sup> The Asylum Act does not, however, specify this particular standard,<sup>958</sup> and/or whether it differs from the general standard of health care provision in the asylum procedure.<sup>959</sup>

According to the available information, nursing and medical care, as well as referrals to the national healthcare system at **EECITs** and **CIT-UHSA** are ensured by the NGO Doctors of the World (*Médicos do Mundo*, MdM).<sup>960</sup>

According to the information provided by PSP, the provision of health care to people detained at the transit area of Lisbon airport is performed by the airport's medical teams.

In its report published in 2024, the National Preventive Mechanism deemed that in 2023 most detainees at EECIT-Lisbon had access to an initial medical evaluation but mental healthcare services provided were insufficient.<sup>961</sup>

According to previous research,<sup>962</sup> and the information available to CPR, there are no specific mechanisms or standard operational procedures for the early identification of vulnerable asylum applicants and their special

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<sup>952</sup> Ombudsperson, *Mecanismo Nacional de Prevenção - Relatório à Assembleia da República 2022*, July 2023, p.96-07, available [here](#).

<sup>953</sup> Article 53 Asylum Act.

<sup>954</sup> Article 146-A(7) Immigration Act.

<sup>955</sup> Article 61(1) Asylum Act.

<sup>956</sup> Article 56(2) Asylum Act.

<sup>957</sup> Article 35(b)(8) Asylum Act.

<sup>958</sup> However, Article 146-A(3) Immigration Act states that a foreigner detained at a CIT or an equivalent detaining facility (i.e., at the border) is entitled to emergency and basic health care only and that special attention should be provided to vulnerable individuals, particularly to children, unaccompanied children, handicapped persons, elderly persons, pregnant women, families with children and survivors of torture, rape and other forms of serious psychological, physical or sexual violence.

<sup>959</sup> In accordance with Article 52(1) Asylum Act and Ministerial Orders ("Portaria") No 30/2001 and No 1042/2008, asylum applicants and their relatives are entitled to medical assistance and access to medicines for basic needs, and for emergency and primary care in the National Health Service (SNS) under the same conditions as nationals. Primary care is to be understood as including at least access to general practitioners, access to specialists, inpatient care, complementary diagnostic tests and therapies, and nursing assistance. Furthermore, Article 4(1)(n) Decree-Law No 113/2011 (recast) provides for free access to the SNS by asylum applicants.

<sup>960</sup> Details on the project available [here](#).

<sup>961</sup> Ombudsperson, *Mecanismo Nacional de Prevenção – Relatório à Assembleia da República 2023*, July 2024, available [here](#), 49-50.

<sup>962</sup> See Italian Council for Refugees *et al.*, *Time for Needs: Listening, Healing, Protecting*, October 2017, available in Italian [here](#).

reception needs at the border or in pre-removal detention. This has been confirmed by the National Preventive Mechanism in its report published in 2023.<sup>963</sup>

When detained (see [Detention of Vulnerable Applicants](#)), vulnerable applicants are granted access to services and medical treatment under the same standards that are applicable to all detainees.

### 3. Access to detention facilities

#### Indicators: Access to Detention Facilities

1. Is access to detention centres allowed to:

- |                   |   |                                  |                             |
|-------------------|---|----------------------------------|-----------------------------|
| ❖ Lawyers:        | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Limited | <input type="checkbox"/> No |
| ❖ NGOs:           | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Limited | <input type="checkbox"/> No |
| ❖ UNHCR:          | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Limited | <input type="checkbox"/> No |
| ❖ Family members: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Limited | <input type="checkbox"/> No |

The Asylum Act and the general regulation governing the placement of foreign and stateless persons in CIT and EECIT<sup>964</sup> provide for the right of detainees to receive visits from legal representatives, embassy representatives, relatives, as well as national and international human rights organisations.<sup>965</sup>

In accordance with the law, UNHCR and CPR have the right to be informed of all asylum claims presented in Portugal and to personally contact asylum applicants irrespective of the place of application in order to provide information on the asylum procedure, as well as regarding their intervention throughout the process.<sup>966</sup>

In the particular case of legal assistance, asylum applicants in detention are entitled to receive visits from lawyers, UNHCR, and CPR.<sup>967</sup> Access restrictions can only be based on grounds of security, public order or operational reasons and only to the extent that they do not limit access in a significant or absolute manner.<sup>968</sup>

Regarding other forms of contact with the exterior, detainees at EECIT Lisbon are allowed to use their mobile phones in their rooms and have access to free wi-fi internet.

In its report covering 2023, the National Preventive Mechanism criticised once again the absence of a cultural mediator in the facility and noted that PSP stated that a protocol was being developed with IOM in order to develop cultural mediation activities.<sup>969</sup>

CPR's legal officers visit **EECIT Lisbon** on a regular basis to provide free legal information and assistance within the context of the asylum procedure to asylum applicants detained in the facility (see: [Border Procedure: Legal Assistance](#)).

Despite the fact that CPR generally has full access to asylum applicants detained at the border, some difficulties have been observed regarding access to persons detained at the transit area of Lisbon airport mostly due to the lack of PSP personnel to escort applicants/legal officers. In the first semester of 2024, no access was granted to legal officers and it remained unclear how to gain access.<sup>970</sup>

<sup>963</sup> Ombudsperson, *Mecanismo Nacional de Prevenção - Relatório à Assembleia da República 2022*, July 2023, p.93, available [here](#).

<sup>964</sup> *Regulamento Regime geral sobre o acolhimento de estrangeiros e apátridas em Centros de Instalação Temporária (CIT) e Espaços Equiparados a Centros de Instalação Temporária (EECIT)*, 31 July 2020, available [here](#).

<sup>965</sup> Article 35-B(3) Asylum Act.

<sup>966</sup> Article 13(3) Asylum Act.

<sup>967</sup> Article 49(6) Asylum Act.

<sup>968</sup> Article 35-B(4) Asylum Act.

<sup>969</sup> Ombudsperson, *Mecanismo Nacional de Prevenção – Relatório à Assembleia da República 2023*, July 2024, available [here](#), 50-51.

<sup>970</sup> Practice-based observation by CPR, January 2025.

IOM began its presence in **EECIT Lisbon** and **EECIT Porto** in March 2024, and has weekly presence at the facilities. Based on specific needs, IOM visits **EECIT Faro**. In 2024, IOM delivered information sessions to detainees, including asylum applicants, on the nature and circumstances of detention, rights and duties, and practical aspects of daily life in the EECITs. IOM also conducts satisfaction surveys aimed at assessing detainees' perceptions of the conditions of detention for the purpose of monitoring and advocating for improved conditions and protection.

In the case of **CIT-UHSA**, the law provides for an MoU with the IOM and JRS Portugal,<sup>971</sup> that are responsible for training staff and providing social, psychological, and legal assistance to detainees.

According to CPR's experience regarding asylum applicants who have applied from detention at CIT-UHSA, JRS has staff in the detention facility that provide in-house assistance. Medical and psychological assistance is provided by volunteer organisations such as MdM. Furthermore, IOM has a weekly presence at the facility and shares information materials (namely on the rights and duties of detainees, regular migration, removal and detention), organises information sessions to detainees, including asylum applicants, provides individual support to detainees who remained for extended periods, and conducts satisfaction surveys.

Asylum applicants detained in CIT-UHSA benefit from legal assistance provided by CPR in cooperation with JRS staff present in the facility.

According to the National Preventive Mechanism, visits are also allowed in CIT-UHSA (1 visitor per detainee at each time).<sup>972</sup>

## D. Procedural safeguards

### 1. Judicial review of the detention order

#### Indicators: Judicial Review of Detention

- |   |   |                             |
|---|---|-----------------------------|
| 1. Is there an automatic review of the lawfulness of detention? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. If yes, at what interval is the detention order reviewed?    | 7 days                                  |                             |

The law provides for the right of asylum applicants to receive information in writing regarding the grounds for their detention, access to free legal aid and legal challenges against detention in a language they either understand or are reasonably expected to understand.<sup>973</sup>

The competent authority to impose and review the detention of an asylum applicant in a CIT,<sup>974</sup> or in detention facilities at the border,<sup>975</sup> is the Criminal Court which has territorial jurisdiction over the place where detention occurs. In the case of detention at the border, PSP is required to inform the Criminal Court of the detention within 48 hours upon arrival at the border for purposes of maintaining the asylum applicant in detention beyond that period.<sup>976</sup>

The review of detention can be made *ex officio* by the Criminal Court or upon request of the detained asylum applicant at all times on the basis of new circumstances or information that have a bearing on the lawfulness of the detention.<sup>977</sup>

<sup>971</sup> Article 3 Decree-Law 44/2006.

<sup>972</sup> Ombudsperson, '*Mecanismo Nacional de Prevenção, Relatório à Assembleia da República*', 24 June 2021, p.103, available [here](#).

<sup>973</sup> Article 35-B(2) Asylum Act.

<sup>974</sup> Article 35-A(5) Asylum Act.

<sup>975</sup> Article 35-A(5) and (6) Asylum Act.

<sup>976</sup> Ibid.

<sup>977</sup> Article 35-B(1) Asylum Act.



According to CPR's experience, judicial decisions usually rubber stamp the decision of the border authority to detain without an assessment of the necessity and proportionality of detention and without taking into account the individual characteristics of the applicant(s) involved, even in the case of adults accompanied by children. In fact, between the last quarter of 2023 and the first semester of 2024, CPR observed judicial decisions that determined that an applicant could be detained in the transit area of the Lisbon airport if the detention centre was full, despite the public nature of the detention conditions in such area (see: [Detention Conditions](#)).

On the other hand, detention reviews (either *ex officio* or upon request) are uncommon in practice. As such, release usually takes place following admission to the regular procedure or at the end/near the end of the maximum detention time limit of 60 days in cases of a negative decision and appeal (see Duration of Detention).

In the beginning of 2024, UNHCR and the Judicial High Council (*Conselho Superior de Magistratura*, CSM) established a working group with multiple actors relevant in the field of asylum and border control in order to, inter alia, discuss and harmonise the applicable procedures, in particular regarding detention and lack of alternatives to detention, family separation, and identification and referral of vulnerabilities. The group met regularly throughout the year and agreed on the adoption of standard operating procedures for border control.

## 2. Legal assistance for review of detention

### Indicators: Legal Assistance for Review of Detention

1. Does the law provide for access to free legal assistance for the review of detention?  
☒ Yes ☐ No
2. Do asylum applicants have effective access to free legal assistance in practice?  
☒ Yes ☐ No

The law sets out the right of asylum applicants to free legal aid under the same conditions as nationals,<sup>978</sup> which thus includes proceedings in front of the Criminal Court regarding detention at the border. Access to legal aid is processed under the same conditions as nationals, which include a 'means test'.<sup>979</sup> In the context of legal aid for the purposes of appealing the rejection of the asylum application, this test is generally applied in a flexible manner. CPR has no experience with legal aid applications for the purposes of detention review.

While the law provides for an accelerated free legal aid procedure at the border on the basis of a MoU between the Ministry of Home Affairs and the Bar Association,<sup>980</sup> such procedures are only for purposes of the application and remain to be implemented to date. The relevance of broader legal support within the context of detention and the possibility of implementing specific MoUs with the Bar Association for that purpose have also been repeatedly underlined by the Ombudsperson.<sup>981</sup>

In practice, detained asylum applicants benefit from legal information and assistance from CPR. This includes free legal information regarding detention and assistance for the purposes of detention review, albeit the latter is limited to vulnerable asylum applicants due to capacity constraints.

In November 2020, the Ministry of Home Affairs, the Ministry of Justice, and the Bar Association signed a protocol to ensure the provision of legal counselling and assistance to foreigners to whom entry into national territory was refused (Lisbon, Porto, Faro, Funchal and Ponta Delgada airports).<sup>982</sup> This protocol was made within the

<sup>978</sup> Article 49(1)(f) Asylum Act.

<sup>979</sup> Act 34/2004.

<sup>980</sup> Article 25(4) Asylum Act.

<sup>981</sup> Ombudsperson, *Mecanismo Nacional de Prevenção – Relatório à Assembleia da República 2023*, July 2024, available [here](#), 49-50.

<sup>982</sup> Ministry of Home Affairs, *Estrangeiros impedidos de entrar em Portugal vão ter direito a advogado*, 4 November 2020, available in Portuguese [here](#). According to the National Preventive Mechanism, the practical implementation of the Protocol was only ensured from March 2021. See: Ombudsperson, *'Mecanismo Nacional de Prevenção, Relatório à Assembleia da República'*, 24 June 2021, available [here](#).



framework of Article 40(2) of the Immigration Act and is not intended to cover the application for international protection (see: [Border Procedure: Legal Assistance](#)).

In its report covering 2023, the National Preventive Mechanism highlighted the fact that the protocol also did not cover persons with a removal order, noting that they should also have access to legal assistance. The National Preventive Mechanism also noted having encountered persons who were not aware of their legal status and rights as they had not been provided with necessary interpretation.<sup>983</sup>

In its report covering 2022, the National Preventive Mechanism also noted that, out of the 2,655 persons refused entry at the border at Lisbon airport, 1,769 (66.6%) waived their right to legal assistance. Out of the 93 persons refused entry at the border at Porto airport, 87 (94%) waived their right to legal assistance.<sup>984</sup>

## E. Differential treatment of specific nationalities in detention

CPR is unaware of any increased risk of detention and/or systematic detention and/or longer periods of detention of asylum applicants based on nationality.

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<sup>983</sup> Ombudsperson, *Mecanismo Nacional de Prevenção – Relatório à Assembleia da República 2023*, July 2024, available [here](#), 49-50.

<sup>984</sup> The National Preventive Mechanism praised the fact that such waivers are done in writing, while highlighting that the document should be written in a language that the person understands or that it should be translated by an interpreter to ensure full understanding of its content. Ombudsperson, *Mecanismo Nacional de Prevenção - Relatório à Assembleia da República 2022*, July 2023, pp.92; 95, available [here](#).

## Content of International Protection

### A. Status and residence

#### 1. Residence permit

##### Indicators: Residence Permit

1. What is the duration of residence permits granted to beneficiaries of protection?
  - ❖ Refugee status 5 years
  - ❖ Subsidiary protection 3 years

The Portuguese authorities are bound by a duty to issue beneficiaries of international protection a residence permit.<sup>985</sup> Its duration varies according to the type of international protection granted: the residence permit for **refugees** is valid for 5 years,<sup>986</sup> while the residence permit for **subsidiary protection** beneficiaries is valid for 3 years.<sup>987</sup> The issuance of these residence permits is free of charge.<sup>988</sup>

AIMA did not provide information regarding residence permits issued in 2024.

According to CPR's experience in providing legal information and assistance to asylum applicants and beneficiaries of international protection at all stages of the asylum procedure (see Regular Procedure: Legal Assistance), the average length of the procedure for issuing a residence permit following a decision granting international protection in previous years was considered reasonable, ranging from a few weeks to a month and a half. It should be noted that asylum applicants admitted to the regular procedure are in possession of a provisional residence permit, valid and renewable for 6 months, at the time they are granted international protection (see Short Overview of the Asylum Procedure).<sup>989</sup> Following the request for issuance of the international refugee status/subsidiary protection residence permit, beneficiaries are issued a declaration certifying their application for the renewal of a residence permit.

In 2024, CPR continued to notice significant difficulties in booking appointments for the renewal of residence permits, which was exacerbated by the lack of response from AIMA's services. According to CPR's experience, this has often caused challenges to beneficiaries of international protection, notably regarding access to employment and access to certain services.

In addition, in 2024, it was reported to CPR that some AIMA front desk services across the country refused to renew documents for beneficiaries of international protection, referring them to CNAR in Lisbon.

According to CPR's observation, the average waiting period for the issuance of residence permits following such appointments has been growing lengthier and lengthier and in some cases is unreasonable. This is particularly acute in cases requiring an individual analysis (e.g., beneficiaries of subsidiary protection). CPR has received reports of beneficiaries waiting for more several months without information. Following the appointment and until the issuance of the renewed residence permit beneficiaries are issued a declaration certifying their application for the renewal of a residence permit.

<sup>985</sup> Article 67 Asylum Act. This provision is generally in line with Article 24 recast Qualification Directive.

<sup>986</sup> Article 67(1) Asylum Act.

<sup>987</sup> Article 67(2) Asylum Act.

<sup>988</sup> Article 67(4) Asylum Act.

<sup>989</sup> Article 27(1) Asylum Act.

The delays in the issuance and renewal of residence permits have been flagged by the UN Human Rights Committee.<sup>990</sup> Such delays, with impacts in access to services and assistance, have also been identified by the Statistical Report of Asylum 2020.<sup>991</sup>

While noting the existence of difficulties in determining the number of beneficiaries of international protection in the country each year, the Statistical Report of Asylum 2023 indicates that by the end of 2022, 3,126 beneficiaries of international protection had valid residence permits in Portugal (2,086 refugees and 1,040 beneficiaries of subsidiary protection).<sup>992</sup> It should be noted that the report includes humanitarian residence permits as beneficiaries of subsidiary protection which is not in line with the applicable legal framework. It also includes in the figure residence permits issued to family members of holders of humanitarian residence permits. As such, the real number of beneficiaries of subsidiary protection at the time would likely be 636. According to the same source, the majority of refugees were from Syria, Eritrea and Iraq, and the majority of subsidiary protection beneficiaries were from Syria, and Iraq.<sup>993</sup> There is no available statistical report for 2024.

In June 2024, the Government amended Decree-Law 10-A/2020,<sup>994</sup> determining, inter alia, that:

- ❖ Visas and documents related to the residency of foreign nationals expired since the entry into force of the Decree-Law, or within the previous 15 days, are accepted as valid until 30 June 2025;
- ❖ After 30 June 2025, such documents will continue to be accepted providing the holder has an appointment for its renewal;
- ❖ This regime does not apply to documents concerning temporary protection.

With regard to the readmission of beneficiaries of international protection in Portugal, SEF previously reported that requests for readmission are analysed according to the following criteria:

- ❖ The person concerned holds a valid residence permit;
- ❖ The person concerned has a valid right of residence in Portugal, regardless of the validity of the corresponding residence permit;
- ❖ The person concerned continues to benefit from international protection in Portugal, regardless of the issuance of the corresponding residence permit.

AIMA did not provide information in this regard, namely number of readmission requests concerning beneficiaries of international protection or procedures to be adopted if the person concerned is undocumented.

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<sup>990</sup> Human Rights Committee, *Concluding Observations on the fifth periodic report of Portugal*, CCPR/C/PRT/CO/5. 28 April 2020, available [here](#), para 34(a).

<sup>991</sup> Observatory for Migration, *Entrada, Acolhimento e Integração de Requerentes e Beneficiários de Protecção Internacional em Portugal – Relatório Estatístico do Asilo 2020*, May 2020, available in Portuguese [here](#), 227.

<sup>992</sup> Observatório das Migrações (OM), *Requerentes e Beneficiários de Protecção Internacional – Relatório Estatístico do Asilo 2023*, pp.221, 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.

<sup>993</sup> Ibid. Nationalities such as Cape Verde, and Brazil are listed among the main nationalities of beneficiaries of subsidiary protection, which is likely due to the fact that the figures include holders of humanitarian residence permits.

<sup>994</sup> Decree-Law 10-A/2020 of 13 March 2020, available in Portuguese [here](#); Amendment introduced by Decree-Law no.41-A/2024, of 28 June 2024, available [here](#).

## 2. Civil registration

### 2.1 Registration of childbirth

Civil registration acts of foreign authorities regarding foreigners, can only be transcribed into the Portuguese civil registry if the applicant demonstrates a legitimate interest in the transcription,<sup>995</sup> and if the act is: duly translated,<sup>996</sup> legal, and does not raise well-founded doubts as to its authenticity.<sup>997</sup>

In practice, the need of beneficiaries of international protection to transcribe foreign birth certificates normally arises in the framework of naturalisation procedures that require the registration of birth by the Central Registrations Service (*Conservatória dos Registos Centrais*, CRC) based on a duly legalised birth certificate prior to the registration of the acquisition of Portuguese nationality.<sup>998</sup> It may also arise in the case of marriage (transcription of foreign marriages and registration of marriages contracted in Portugal) and the regulation of parental authority as both are added to the birth registry of the parties involved.<sup>999</sup> In the case of [Naturalisation](#) procedures and registration of marriages, the law provides for alternative avenues in case the applicant is unable to produce a duly legalised birth certificate.

According to the experience of CPR, there are no other recurring instances where the need for the registration of birth with the national authorities arises as such registration is not required for identification and issuance of international protection residence permits. Furthermore, according to the law, residence permits issued by the authorities replace identification documents for all legal purposes.<sup>1000</sup>

It is mandatory to register any birth occurred in Portuguese territory, regardless of nationality of the child or the parents.<sup>1001</sup>

The birth must be declared to the civil registry authorities either by: (1) the parents or a person assigned that responsibility in writing by the parents; or (2) the next closest relative of the child who is aware of the birth.<sup>1002</sup>

The declaration of birth may be done electronically or in person – either at a civil registry office within 20 days, or at the medical facility where the birth occurred before medical discharge of the mother.<sup>1003</sup>

The actual registration of birth that follows the declaration can either take place at the maternity ward or at a civil registry office.<sup>1004</sup>

The law does not contain limitations on birth registration due to the legal status of parents.

The registration of birth requires that identification documents of the parents are presented 'whenever possible'.<sup>1005</sup> According to the Immigration Act, the residence permit replaces the identification document for all

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<sup>995</sup> Article 6(4) Civil Registration Code.

<sup>996</sup> Article 49(8) Civil Registration Code.

<sup>997</sup> Article 49(1) Civil Registration Code. In case the civil registry officer is not satisfied with the credibility of the foreign registration act, it may suspend the procedure and contact *ex officio* the issuing authority for clarifications at the expense of the applicant, an option that is ill adapted to beneficiaries of international protection (Article 49(2) and (3) Civil Registration Code). The applicant may also lodge a judicial appeal against the decision of the civil registration officer to refuse partially or in total the authenticity of the document (Article 49(4)-(6) and 292(2) Civil Registration Code) in which case he or she will be allowed to present statements and alternative evidence (Article 49(7) Civil Registration Code).

<sup>998</sup> Article 50(1) Portuguese Nationality Regulation.

<sup>999</sup> Article 69(1)(a) and (e) Civil Registration Code.

<sup>1000</sup> Article 84 Immigration Act.

<sup>1001</sup> Article 1(1) and (2) Civil Registration Code.

<sup>1002</sup> Article 96 Civil Registration Code.

<sup>1003</sup> Article 96 Civil Registration Code. The consequences for the non-declaration of a birth occurred in Portugal are defined in article 98 Civil Registration Code.

<sup>1004</sup> Articles 101, 101-A and 101-B Civil Registration Code.

<sup>1005</sup> Article 102 Civil Registration Code.

legal purposes.<sup>1006</sup> Furthermore, according to the Civil Registration Code, if the parents cannot provide an identification document, this requirement may be replaced by the presentation of two witnesses.<sup>1007</sup> An interpreter must be appointed in case the parents are unable to communicate with the civil registry officer in Portuguese and the civil registry officer is not familiar with the language spoken by the parents.<sup>1008</sup>

If the child or their parent(s) are foreign citizens, were born abroad or have an additional nationality, the law allows for their registration under a foreign first name.<sup>1009</sup>

According to CPR's experience, applicants for and beneficiaries of international protection whose children are born in Portugal do not face significant or systematic challenges in registering their birth.

However, some problems may arise with the registration of paternity where the father cannot personally declare his willingness to be registered as such before a Portuguese civil registry office, and the marriage contracted abroad is not previously registered in Portugal, as is generally the case. In these cases, a paternity investigation is usually conducted by the Family Court with uncertain results given the potential difficulties of applicants and beneficiaries of international protection to meet evidentiary requirements.<sup>1010</sup>

The requirement of presenting two witnesses in the absence of an identification document may also be challenging in some cases.

In this regard, it is also important to note that children born in Portugal to foreigners who are not representing their country (i.e. in an official capacity), are Portuguese by birth if:

- ❖ one of the parents legally resides in the country at the time of the birth; or
- ❖ one of the parents resides in Portugal for at least one year at the time of birth (regardless of status), and if they do not declare that they do not want to be Portuguese.<sup>1011</sup>

According to official information obtained by CPR within the context of provision of legal assistance to applicants for and beneficiaries of international protection, this provision, that was amended in 2020, is applicable retroactively.<sup>1012</sup>

Since 2022, CPR has observed instances where the temporary residence permit granted to asylum applicants admitted to the regular procedure was insufficient to prove legal residency. This seems to be at odds with the intent of the provisions of the Asylum Act. An opinion from the Consultative Council of IRN issued in June 2023 clarified that neither the validity nor the provisional nature of the temporary residence permits at stake should lead to the conclusion that the parent does not have legal residency in Portugal.<sup>1013</sup> Consequently, if one of the parents of a child born in Portugal to foreign parents holds a temporary residence permit according to the Asylum Act, the child is Portuguese by birth.

Additional problems observed in this regard in the past relate to the (non)issuance of citizen cards to such children due to the lack of an identification document from the mother. This issue was also raised with the Ministry of Justice in 2022, that recognised that the practice was incorrect and reportedly clarified the internal procedures in this regard.

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<sup>1006</sup> Article 84 Immigration Act.

<sup>1007</sup> Article 45 Civil Registration Code.

<sup>1008</sup> Article 42 Civil Registration Code.

<sup>1009</sup> Article 103 Civil Registration Code.

<sup>1010</sup> Article 120 Civil Registration Code and Articles 1847, 1853(a), 1864 and 1865 Civil Code.

<sup>1011</sup> Article 1(1)(f) Nationality Act. Until the 2020 recast, a minimum of 2 years of legal residence of one of the parents at the time of birth was required.

<sup>1012</sup> The provision's retroactive application has also been confirmed by an opinion of the Advisory Board of the Institute of Registries and Notary Affairs (IRN). See Conselho Consultivo do Instituto de Registos e Notariado, Parecer n.º 1/CC/2021, 21 February 2021, available [here](#).

<sup>1013</sup> Parecer do Conselho Consultivo, C.C. 38/2022 SJ-CC, 14 June 2023, available [here](#).

## 2.2 Registration of marriage

In practice, according to CPR's experience, the need of beneficiaries of international protection to transcribe foreign marriage registries is not a recurring issue given that AIMA does not require such registration for the purposes of derivative international protection (i.e., when protection is extended to someone else) or family reunification of procedures (see [Family Criteria](#)).

Marriage between foreigners in Portugal, on the other hand, requires the presentation of the spouses' residence permits,<sup>1014</sup> birth certificates,<sup>1015</sup> and certificates of no impediment,<sup>1016</sup> that must be either duly legalised or not raise well-founded doubts regarding their authenticity.<sup>1017</sup> Where the spouses are unable to produce a legal birth certificate or a certificate of no impediment for the purposes of marriage, the law provides for alternative legal avenues to either replace the birth certificate,<sup>1018</sup> or justify the absence of the certificate of no impediment,<sup>1019</sup> where there are strong reasons thereto. To that end, the civil registry officer may choose to conduct the investigations deemed appropriate,<sup>1020</sup> and consider alternative evidence such as witness statements.<sup>1021</sup>

According to CPR's experience, beneficiaries of international protection do not face significant or systematic challenges in contracting marriage in Portugal as civil registry offices generally accept alternative legal avenues to either replace the birth certificate or to justify the absence of the certificate of no impediment due to their legal status and recognised protection needs. Nevertheless, practice in this domain has been slightly inconsistent and CPR is also aware of challenges, mostly depending on the service contacted.

According to CPR's experience, spouses that arrived in Portugal through family reunification procedures must register their marriage in the national system in order to be able to acquire Portuguese nationality under the specific rules for persons whom are married or in a civil partnership with a Portuguese citizen.<sup>1022</sup>

## 3. Long-term residence

### Indicators: Long-Term Residence

1. Number of long-term residence permits issued to beneficiaries in 2024:

Data not available

Competence for issuing a long-term residence permit lies with the National Director of AIMA,<sup>1023</sup> that must issue a decision within 6 months of application.<sup>1024</sup> The residence permit is valid for 5 years and is automatically renewed at the request of the beneficiary of protection.<sup>1025</sup>

The following criteria must be met to obtain a long-term resident status regardless of the type of international protection held by the beneficiary:<sup>1026</sup>

<sup>1014</sup> Article 137(1) Civil Registration Code.

<sup>1015</sup> Article 137(2) Civil Registration Code.

<sup>1016</sup> Article 166(1) Civil Registration Code.

<sup>1017</sup> Article 49(1) Civil Registration Code.

<sup>1018</sup> Articles 135(5), 137(5) and 266 to 269 Civil Registration Code.

<sup>1019</sup> Article 166(2) Civil Registration Code.

<sup>1020</sup> Article 268(1) Civil Registration Code.

<sup>1021</sup> Articles 143(1) and 166(3) Civil Registration Code.

<sup>1022</sup> Article 3 Nationality Act establishes a specific regime for the acquisition of nationality by spouses/civil partners of a Portuguese citizen. Accordingly, the spouse/civil partner of a Portuguese citizen for more than three years may acquire the nationality by merely stating that they want to do so.

<sup>1023</sup> Article 128 Immigration Act.

<sup>1024</sup> Article 129(4) Immigration Act. The time limit can be extended by 3 months in particularly complex cases but the applicant must be informed of the extension of the time limit (Article 129(5) Immigration Act). The application is automatically accepted in the absence of a decision at the end of the 3-month time limit extension (Article 129(6) Immigration Act).

<sup>1025</sup> Article 130(2) Immigration Act.

<sup>1026</sup> Article 126 Immigration Act.

- ❖ Legal and continuous residence in the national territory for 5 years following the date of the application for international protection;
- ❖ Stable and regular resources to ensure their survival and that of their family members, without having to resort to the social assistance system;
- ❖ Health insurance;
- ❖ Accommodation;
- ❖ Fluency in basic Portuguese.

Long term resident status can be refused to a former beneficiary of international protection whose refugee status has ceased because they have voluntarily accepted the protection of the country of nationality or, have voluntarily re-acquired the nationality of their country of origin (see [Cessation](#)).<sup>1027</sup>

AIMA did not provide information on such permits being issued to beneficiaries of international protection in 2024.

As the main provider of legal information and assistance to asylum applicants and beneficiaries of international protection, CPR is not aware of the issuance of long-term residence status to beneficiaries of international protection in recent years and has provided legal assistance for that purpose in a very limited number of cases. According to its experience, access to such status by beneficiaries of international protection is rare for reasons mostly related to a lack of information and awareness, lack of the necessary financial resources, insufficient language skills, and the priority given to applications for [Naturalisation](#).

#### 4. Naturalisation

##### Indicators: Naturalisation

- |  |                    |
|--|--------------------|
| 1. What is the minimum residence period for obtaining citizenship? |                    |
| ❖ Refugee status   | 5 years            |
| ❖ Subsidiary protection  | 5 years            |
| 2. Number of citizenship grants to beneficiaries in 2024:          | Data not available |

Competence for conferring Portuguese nationality lies either with the Minister of Justice regarding naturalisation,<sup>1028</sup> or with the Central Registry Office (*Conservatória dos Registos Centrais*) regarding other modalities for obtaining Portuguese nationality.<sup>1029</sup>

According to the law, and in the absence of any deficiencies or irregularities in the procedure attributable to the applicant the time limit for taking a final decision on the file is at least 3.5 months in naturalisation cases,<sup>1030</sup> and 3 months in the remaining cases.<sup>1031</sup> Official data on actual timeframes is not available but, according to CPR's experience, naturalisation procedures in particular tend to be much longer in practice.<sup>1032</sup>

The Portuguese Nationality regime is relatively flexible, and the amendments introduced in recent years, including in 2020, have generally broadened the scope for nationality acquisition.<sup>1033</sup>

Some of the modalities of acquisition of Portuguese nationality are of particular relevance to beneficiaries of international protection.

<sup>1027</sup> Article 127(3) Immigration Act.

<sup>1028</sup> Article 27 Portuguese Nationality Regulation.

<sup>1029</sup> Article 41 Portuguese Nationality Regulation.

<sup>1030</sup> Article 27 Portuguese Nationality Regulation.

<sup>1031</sup> Article 41(1) and (2) Portuguese Nationality Regulation.

<sup>1032</sup> According to the 2022 annual report of the Ombudsperson to the Parliament, the average duration of the analysis of nationality procedures is of more than 2 years. See: Ombudsperson, *Relatório à Assembleia da República 2022*, July 2022, available [here](#), 25.

<sup>1033</sup> While the Nationality Regulation was amended in 2023, the changes did not impact the provisions described here.



Foreign citizens, including refugees and beneficiaries of subsidiary protection, are eligible for naturalisation under the following conditions:<sup>1034</sup>

- ❖ 18 years of age or emancipation in accordance with Portuguese law;
- ❖ Minimum legal residence of 5 years in Portugal;
- ❖ Proof of proficiency in Portuguese (at least, A2 level);
- ❖ Absence of conviction to a prison sentence of at least 3 years for a crime punishable by Portuguese law;
- ❖ Not being a danger or a threat to national security or defence due to their involvement in activities related to the practice of terrorism, in accordance with the law that governs terrorism.

According to the information available to CPR, in the case of beneficiaries of international protection, the regular residence period runs from the date of the application for international protection.

Furthermore, the Nationality Act contains a number of special naturalisation regimes exempting certain applicants of some of the above-mentioned requirements.<sup>1035</sup> Notably, children of foreign nationals born on national territory are eligible for naturalisation under the following conditions:<sup>1036</sup>

- ❖ Absence of conviction to a prison sentence of at least 3 years for a crime punishable by Portuguese law (if over 16 years old);
- ❖ Not being a danger or a threat to national security or defence due to their involvement in activities related to the practice of terrorism, in accordance to the law that governs terrorism (if over 16 years old);
- ❖ At least one parent resided in the country (regularly or not) at least for the 5 years prior to the application; or one of the parents regularly resides in the country; or the child has completed at least one level of pre-school, basic education, or the secondary education (including vocational training) in Portugal.

Naturalisation under this provision is free of charge.<sup>1037</sup> For information on acquisition of nationality at birth by children born in Portugal see [Civil Registration](#).

Children in residential care to whom a definitive child protective measure has been applied by the Family and Juvenile Courts may also acquire Portuguese nationality through naturalisation, with exemption of residency requirements.<sup>1038</sup> If the child is over 16 years old, eligibility depends upon:

- ❖ Absence of conviction to a prison sentence of at least 3 years for a crime punishable by Portuguese law (if over 16 years old);
- ❖ Not being a danger or a threat to national security or defence due to their involvement in activities related to the practice of terrorism, in accordance to the law that governs terrorism (if over 16 years old);

In this case, the process must be triggered by the Public Prosecutor Office,<sup>1039</sup> and is also free of charge.<sup>1040</sup>

It should be noted that, on the basis of a reasoned request, the Ministry of Justice may decide to exempt naturalisation applicants from presenting supporting evidence in special and justified cases where it is shown that the facts for which supporting evidence is required are true beyond doubt.<sup>1041</sup> The law also details the proof of proficiency in Portuguese.<sup>1042</sup>

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<sup>1034</sup> Article 6(1) Nationality Act; Article 19 Portuguese Nationality Regulation.

<sup>1035</sup> Article 6(2) – (9) Nationality Act.

<sup>1036</sup> Article 6(2) Nationality Act; Article 20 Portuguese Nationality Regulation.

<sup>1037</sup> Article 6(12) Asylum Act. The provision, added in 2020, determines that naturalisation under some of the special regimes is free of charge. Naturalisation under other provisions (including the general regime) has a cost of €250.

<sup>1038</sup> Article 6(3) Nationality Act.

<sup>1039</sup> Ibid.

<sup>1040</sup> Article 6(12) Nationality Act.

<sup>1041</sup> Article 26 Portuguese Nationality Regulation.

<sup>1042</sup> Article 25(2)-(9) Portuguese Nationality Regulation and Ministerial Order 176/2014.

Foreign citizens, including refugees and beneficiaries of subsidiary protection, can acquire Portuguese citizenship if they have been married or have been in a civil union with a Portuguese citizen for at least 3 years.<sup>1043</sup>

CPR's experience indicates that the main challenges in acquiring nationality through naturalisation are related to poor language skills and obtaining supporting evidence. Supporting evidence required in naturalisation applications generally consists of legalised and translated birth certificates as well as criminal records from the country of nationality and former countries of residence, including EU Member states. In accordance with the applicable provisions, the authorities are generally flexible regarding supporting evidence in naturalisation procedures involving refugees and beneficiaries of subsidiary protection who present reasoned justifications. CPR further provides support to that end, e.g., by clarifying the international legal standards that apply to administrative assistance.

Another issue that continued to be identified in the course of 2024 is related to the content of the declarations issued by AIMA to certify the period of legal residence, as was already the case with SEF. According to CPR's observation, when the renewal of the residence permit was pending, that period of time was not referred to as legal residence by the authority. This was the case despite the beneficiary of international protection holding a certificate that replaces the actual residence permit for all legal purposes (including to attest regular residency in the country). This is compounded by divergent practices adopted by different front-desks of AIMA.

While in 2023 the form to apply for naturalisation removed the requirement to present this declaration, the Nationality Regulation was not amended accordingly.

According to IRN,<sup>1044</sup> this requirement was removed from the form as this information is certified by AIMA, at ex-officio and mandatory request of the Central Registry Office. If the applicant has any doubts about the fulfilment of the legal residence requirement, the declaration can be requested from AIMA and even be attached to the nationality application. However, this does not exempt ex officio consultation between the respective authorities.

AIMA did not provide information on the number of beneficiaries of international protection who applied for Portuguese nationality through naturalisation in 2024. According to AIMA, 91 persons were granted Portuguese nationality through naturalisation in 2024.<sup>1045</sup>

## 5. Cessation and review of protection status

### Indicators: Cessation

1. Is a personal interview of the beneficiary in most cases conducted in practice in the cessation procedure?  
☐ Yes ☒ No
2. Does the law provide for an appeal against the first instance decision in the cessation procedure?  
☒ Yes ☐ No
3. Do beneficiaries have access to free legal assistance at first instance in practice?  
☒ Yes ☐ With difficulty ☐ No

Competence for taking decisions on the cessation of international protection lies with the Ministry in charge of Migration on the basis of a proposal put forward by the Board of AIMA.<sup>1046</sup> The representative of UNHCR or CPR shall be informed of the declaration of loss of the right to international protection.<sup>1047</sup>

<sup>1043</sup> Article 3 Nationality Act; Article 14 Portuguese Nationality Regulation.

<sup>1044</sup> Information provided directly by IRN to CPR in July 2024.

<sup>1045</sup> Information provided by AIMA on 22 August 2025 in the context of the right of reply of the authorities to the 2024 draft AIDA report.

<sup>1046</sup> Article 43(1) Asylum Act.

<sup>1047</sup> Article 43(3) Asylum Act.

The Asylum Act establishes the grounds for cessation of international protection.<sup>1048</sup>

Regarding refugee status, the right to asylum ceases when the foreign national or stateless person:<sup>1049</sup>

- ❖ Decides to voluntarily accept the protection of the country of their nationality;<sup>1050</sup>
- ❖ Voluntarily reacquires their nationality after having lost it;<sup>1051</sup>
- ❖ Acquires a new nationality and enjoys the protection of the country of the newly acquired nationality;<sup>1052</sup>
- ❖ Returns voluntarily to the country they left or outside which they had remained for fear of persecution;<sup>1053</sup>
- ❖ Cannot continue to refuse the protection of the country of nationality or habitual residence, since the circumstances due to which they were recognised as a refugee no longer exist;<sup>1054</sup> or
- ❖ Expressly renounces to the right to asylum.<sup>1055</sup>

Regarding subsidiary protection, the right ceases when the circumstances resulting in said protection no longer exist or have changed to such an extent that the protection is no longer necessary.<sup>1056</sup>

The grounds relating to a change in circumstances justifying the cessation of refugee status or subsidiary protection can only be applied if AIMA concludes that the change in circumstances in the country of origin or habitual residence is significant and durable to exclude a well-founded fear of persecution or a risk of serious harm.<sup>1057</sup>

Furthermore, this cessation ground is without prejudice to the principle of *non-refoulement*,<sup>1058</sup> and is not applicable to refugees who are able to invoke imperative reasons related to prior persecution to refuse to avail themselves of the protection of the country of their nationality or habitual residence.<sup>1059</sup> The latter safeguard is only explicitly provided in the Asylum Act for refugees, failing to adequately transpose Article 16(3) of the Qualification Directive.

AIMA is required to notify the beneficiary of protection of the intended cessation in order to allow them to exercise the right to an adversarial hearing in writing within 8 days.<sup>1060</sup>

A decision on cessation is subject to a judicial appeal with suspensive effect.<sup>1061</sup> In the absence of specific provisions, it should be understood that beneficiaries of international protection are entitled to apply for free legal aid at appeal stage under the same conditions as nationals as legal aid is an integral part of the social security system (see [Regular Procedure: Legal Assistance](#)).<sup>1062</sup>

Cessation of international protection results in the applicability of the Immigration Act to former beneficiaries,<sup>1063</sup> according to which an individual whose refugee status has ceased is entitled to a temporary residence permit without the need to present a residence visa,<sup>1064</sup> even though other requirements such as a travel document, accommodation, and income still apply.

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<sup>1048</sup> Article 41 (1)-(4) Asylum Act.

<sup>1049</sup> Article 41(1) Asylum Act.

<sup>1050</sup> Article 41(1) (a) Asylum Act.

<sup>1051</sup> Article 41(1) (b) Asylum Act.

<sup>1052</sup> Article 41(1) (c) Asylum Act.

<sup>1053</sup> Article 41(1) (d) Asylum Act.

<sup>1054</sup> Article 41(1) (e) and (f) Asylum Act.

<sup>1055</sup> Article 41(1) (g) Asylum Act.

<sup>1056</sup> Article 41(2) Asylum Act.

<sup>1057</sup> Article 41(3) Asylum Act.

<sup>1058</sup> Article 47 Asylum Act.

<sup>1059</sup> Article 41(4) Asylum Act.

<sup>1060</sup> Article 41(6) Asylum Act.

<sup>1061</sup> Article 44 Asylum Act.

<sup>1062</sup> Article 72 Asylum Act.

<sup>1063</sup> Article 42(2) Asylum Act.

<sup>1064</sup> Article 122(1)(f) Immigration Act. According to CPR's experience, persons in this situation are granted a residence permit valid for 2 years, that may be renewed for periods of 3 years, under article 77 Immigration Act.

Cessation of subsidiary protection has become increasingly relevant in recent years. According to the information provided by the previous asylum authority, SEF, cessation of refugee status also occurred in 2021 and 2022 (while extremely rare). CPR was not aware of prior cessation decisions concerning refugee status.<sup>1065</sup>

In 2021, a total of 36 cessation of subsidiary protection decisions were adopted by the national authorities, mostly concerning Ukrainian citizens (13). In 2022, a total of 33 decisions of cessation of subsidiary protection were issued by the Portuguese authorities, mostly concerning nationals of Ukraine (19) and DRC (7).

According to the information provided by AIMA, no cessation decisions were taken in the course of 2024.

In the past, in the framework of the provision of legal assistance, CPR repeatedly observed several shortcomings in the cessation proceedings conducted by SEF including the lack of renewal of the residence permits while the cessation process was pending and the poor quality of the assessment conducted into the change in circumstances in the country of nationality. Indeed, the assessments conducted did not take into consideration the specific/individual circumstances of each person concerned as the same information was used for all persons meaning that it lacked an actual assessment of whether there was a significant and durable change in circumstances for each individual.

According to the information provided by SEF on CPR's request following the invasion of Ukraine, cessation procedures concerning Ukrainian where a final decision was not adopted by the time of the invasion were to be reviewed. CPR does not have further information on the implementation of this measure. According to AIMA, the Agency does not have a specific formal policy for the reassessment of cessation cases.

Moreover, CPR identified that, in cases of family reunification procedures where the sponsor acquires Portuguese nationality, it is AIMA's practice not to renew residence permits for reunited family members and instead refer them to the law regulating the free movement and residence of EU citizens and their families in the national territory<sup>1066</sup> or to the regularisation regime under the Immigration Act. Among other requirements, both regimes involve the presentation of documents from their country of origin, such as proof of family ties and valid passports. This practice, which AIMA confirmed to CPR,<sup>1067</sup> stems from the fact that family members are considered to have been granted an extension of the right to international protection which, with the sponsor's acquisition of Portuguese nationality, ceases and is therefore no longer extended to them.

CPR also identified the same practice in cases of child beneficiaries, who have gone through the asylum procedure in Portugal and whose granting of international protection was not previously considered autonomous but rather an extension of that of the adult. It seems that the same rationale for cessation applied to family reunification cases applies here.

In cases assisted by CPR, children and other family members were not notified of any decision to cease the extension of international protection and therefore had no right to an adversarial hearing nor right to judicial review of the authority's decision. This practice is at odds with the law and raises serious concerns as it may leave children and other family members in a legal vacuum and without protection in relation to the country of origin.

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<sup>1065</sup> The 2023 report of the OM included data on cessation of protection. The reported data points towards relatively high numbers of cessation of refugee status, notably in 2015, 2016 and 2019 that do not match CPR's observation and data previously provided by SEF to the AIDA reports. Observatório das Migrações (OM), *Requerentes e Beneficiários de Proteção Internacional – Relatório Estatístico do Asilo 2023*, pp.126 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.

<sup>1066</sup> Act no. 37/2006 of 9 August, available [here](#).

<sup>1067</sup> Information provided by AIMA directly to CPR in August 2024.

National jurisprudence on cessation is limited. The existing decisions available at the time of writing concern subsidiary protection cessation due to a change of circumstances, and offer limited guidance. Two main general points are reinforced by such decisions:

- ❖ The burden of proof of a change in the circumstances lies with the national authorities;<sup>1068</sup>
- ❖ A double test – sufficiency and durability - is applicable to cessation due to a change of circumstances.<sup>1069</sup>

With regard to the **sufficiency** criterion, in one of the cases, the holding of an election in DRC, with a subsequent change of president was deemed as representative of a change of regime and, therefore, as sufficient within the cessation context.<sup>1070</sup> In the other case analysed, the court concluded that the armed conflict in Ukraine, even if (at the time) limited to certain regions, its indiscriminate and long lasting impact in the civilian population, and the risk of military conscription observed when the applicant was granted subsidiary protection (2016) persisted. As such, the changes in the country of origin were deemed as insufficient to trigger cessation of subsidiary protection.<sup>1071</sup>

With regard to **durability** of the change, TAF Braga considered that there has to be stability in the change, allowing the authorities to predict that it will last. The court further stated that the analysis cannot be based on a fixed timeframe, and that durability must be determined on a case-by-case basis. In the case analysed, the court concluded that the change observed in DRC two years after the presidential election and change was not yet consolidated, given the information available regarding the country's political setting. Furthermore, the court noted that the information to be considered in the analysis must be broad and go beyond the political context (for instance, information regarding the legal and judicial system must be analysed as well).<sup>1072</sup>

## 6. Withdrawal of protection status

### Indicators: Withdrawal

1. Is a personal interview of the beneficiary in most cases conducted in practice in the withdrawal procedure? ☐ Yes ☒ No
2. Does the law provide for an appeal against the withdrawal decision? ☒ Yes ☐ No
3. Do beneficiaries have access to free legal assistance at first instance in practice? ☒ Yes ☐ With difficulty ☐ No

The Asylum Act establishes specific grounds for revocation, ending or refusal to renew international protection that are assessed pursuant to the same procedural rules applicable to Cessation.

These include the cases where the beneficiary of international protection:<sup>1073</sup>

- ❖ Should have been or can be excluded from the right to asylum or subsidiary protection, pursuant to the exclusion clauses;<sup>1074</sup>
- ❖ Has distorted or omitted facts, including through the use of false documents, that were decisive for benefitting from the right to asylum or subsidiary protection;<sup>1075</sup>
- ❖ Represents a danger for the security of the Member State where they are present;<sup>1076</sup>

<sup>1068</sup> TAC Lisbon, Decision 1837/21.2BELSB, 23 December 2021, not publicly available.

<sup>1069</sup> TAF Braga, Decision 1294/21.3BEBRG, 7 October 2021, not publicly available.

<sup>1070</sup> TAF Braga, Decision 1294/21.3BEBRG, 7 October 2021, not publicly available.

<sup>1071</sup> TAC Lisbon, Decision 1837/21.2BELSB, 23 December 2021, not publicly available.

<sup>1072</sup> TAF Braga, Decision 1294/21.3BEBRG, 7 October 2021, not publicly available.

<sup>1073</sup> Article 41(5) Asylum Act.

<sup>1074</sup> Article 41(5)(a) Asylum Act.

<sup>1075</sup> Article 41(5)(b) Asylum Act.

<sup>1076</sup> Article 41(5)(c) Asylum Act. This provision was amended in 2023, replacing “internal security” for the wording mentioned above.

- ❖ Having been sentenced by a final judgment for an intentional common law crime punishable with a prison term of more than three years, represents a danger for national security or for public order.<sup>1077</sup>

Practice in this regard remains limited. According to the information provided by AIMA, no such decisions were adopted in the course of 2024.

## B. Family reunification

### 1. Criteria and conditions

#### Indicators: Family Reunification

1. Is there a waiting period before a beneficiary can apply for family reunification?  
☐ Yes ☒ No  
 ❖ If yes, what is the waiting period?
2. Does the law set a maximum time limit for submitting a family reunification application?  
☐ Yes ☒ No  
 ❖ If yes, what is the time limit?
3. Does the law set a minimum income requirement?  
☐ Yes ☒ No

Refugees and beneficiaries of subsidiary protection have the same right to family reunification under the law.<sup>1078</sup> While the right to family reunification encompasses the family members listed in the Asylum Act, its exercise is mostly governed by the provisions of the Immigration Act.<sup>1079</sup>

In the 2023 Global Refugee Forum, Portugal was one of the countries leading the multi-stakeholder pledge to support family reunification.<sup>1080</sup> The Portuguese state pledged to 'promote the simplification of family reunification procedures as a crucial aspect of the integration process for refugees hosted in Portugal'.<sup>1081</sup>

#### 1.1 Eligible family members

A person granted international protection in Portugal can reunite with the following family members:<sup>1082</sup>

- ❖ A spouse or unmarried partner,<sup>1083</sup> including same-sex partners, if the relationship is regarded as a sustainable relationship i.e., at least 2 years of living together in conditions analogous to marriage;<sup>1084</sup>
- ❖ Children under 18 years old if they are dependent on the sponsor and/or on their spouse or unmarried partner and regardless of their marital status. The right to family reunification also includes adopted children under 18 years old of the sponsor or of their spouse or unmarried partner. Adult children who lack legal capacity (e.g., for reasons of mental health) and are dependent on the sponsor and/or on their spouse or unmarried partner are also included; and
- ❖ Parents, if the sponsor is under 18 years old.

<sup>1077</sup> Article 41(5)(d) Asylum Act.

<sup>1078</sup> Article 68(1) Asylum Act.

<sup>1079</sup> Ibid. Articles 98 *et seq* Immigration Act.

<sup>1080</sup> For more, see Global Compact on Refugees, *Multistakeholder Pledge: Supporting Refugee Family Reunification*, available [here](#).

<sup>1081</sup> Idem.

<sup>1082</sup> Articles 68 and 2(1)(k) Asylum Act.

<sup>1083</sup> Both the sponsor and the spouse/unmarried partner must be at least 18 years old.

<sup>1084</sup> Unmarried partner unions may be attested by any means of proof provided in the law (testimony, documentary proof, affidavit, common children, etc.) In accordance with the law, when a refugee is unable to present official documents to prove his or her family relations, other means of proof will be taken into consideration.



Unaccompanied children can apply for family reunification with their parent(s). In the absence of biological parents, the child can apply for family reunification with an adult responsible for them (e.g., grandparents, legal guardians, or other family members).

It is not required that family formation pre-dates entry into Portugal.

The list of eligible family members in the case of beneficiaries of international protection is more restrictive than that enshrined in the Immigration Act for migrants. The latter also includes: (i) dependent children over 18 years old who are unmarried and studying in Portugal; (ii) dependent first-degree ascendants in the direct line; (iii) siblings under 18 years old, as long as the resident is their guardian, according to a decision issued by the competent authority of the country of origin, duly recognised in Portugal.<sup>1085</sup>

While in the past it was common for SEF to extend the more favourable regime to beneficiaries of international protection, information gathered by CPR indicated that this was no longer the case as the authorities tend to restrict family reunification to the list of relatives included in the Asylum Act. AIMA's practice in this regard is not yet clear.

## 1.2 Family reunification procedure

The request for family reunification can be made immediately following the granting of international protection and there is no time limit for applying for family reunification upon arrival in Portugal.

According to the information provided by AIMA, applications for family reunification with family members living abroad or for the extension of international protection to family members already present in Portugal must be submitted by the sponsor at an AIMA office.<sup>1086</sup> Applications are *not* accepted at Portuguese embassies.<sup>1087</sup>

In recent years, significant challenges in obtaining appointments and extremely long waiting times for appointments for the purposes of family reunification had been observed by CPR. This worsened in 2024. In the context of providing legal assistance, CPR has been able to verify that this happens even in the case of unaccompanied children in Portugal who want to apply for reunification with one of their parents.

According to media reports, AIMA conceded there are no vacancies for submitting family reunification applications apart from families with children already resident in Portugal.<sup>1088</sup> The number of applications for family reunification halved between 2023 and 2024.<sup>1089</sup>

The following official documents must be presented with the application:<sup>1090</sup>

- ❖ Copy of the travel document of the family member;
- ❖ Criminal record of the family member, including country of nationality and any country of residence where the family member has lived for over 1 year;
- ❖ Where applicable, statement of parental authorisation from the other parent (if not travelling with the child);
- ❖ Death certificate of the child's other parent or evidence of sole legal guardianship if original death certificate is not obtainable, where applicable.

The following official documents are required to prove family relations:

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<sup>1085</sup> Article 99 Immigration Act.

<sup>1086</sup> Information provided by AIMA, 25 June 2024.

<sup>1087</sup> In very limited cases, the application for family reunification may be filled online [here](#).

<sup>1088</sup> See *Expresso*, *Reagrupamento familiar caiu para metade entre 2023 e 2024: só famílias com crianças já residentes em Portugal são aceites*, 12 June 2025, available [here](#).

<sup>1089</sup> *Idem*.

<sup>1090</sup> Article 103 Immigration Act; Article 67 Governmental Decree n. 84/2007 of 5 November 2007.



- ❖ Spouses: marriage certificate;
- ❖ Children: birth certificate, decision of adoption duly recognised by a national authority (if applicable); proof of legal incapacity of adult child (if applicable);
- ❖ Other adults in charge of an unaccompanied child: decision of guardianship duly recognised by a national authority.

In accordance with the law, all official documents need to be translated and duly legalised by the Portuguese embassy with territorial competence prior to their submission to AIMA.<sup>1091</sup>

Regarding refugees, the law explicitly lays down that in the absence of official documents to demonstrate family relations, other types of proof should be taken into consideration. The application for family reunification cannot be refused on the sole basis of lack of documentary evidence.<sup>1092</sup> Other types of proof can consist of interviews of the sponsor and family members; copies of original documents; witness testimonies; or common children in the case of unmarried partnerships. Portuguese authorities do not conduct DNA tests in the framework of family reunification applications. Even though not formally required, the law does not exclude DNA testing as means of proof of family relations.

In practice, this more favourable regime is generally extended to beneficiaries of subsidiary protection.

Furthermore, refugees are exempted from the general obligation to present proof of accommodation and income in family reunification procedures.<sup>1093</sup> This legal provision has also been applied to beneficiaries of subsidiary protection.

The application may be refused on the following grounds:

- ❖ Misrepresentation or omission of facts;
- ❖ Non-fulfilment of legal requirements;
- ❖ Where the potential beneficiary family member would be excluded from refugee status or subsidiary protection;<sup>1094</sup>
- ❖ Where the potential beneficiary is barred from entering Portugal; and/or
- ❖ Where the potential beneficiary poses a risk to public order, public security or public health.

Non-fulfilment of legal requirements may involve: (a) lack of adequate travel documents; (b) lack of criminal records of the potential beneficiary family member; (c) situations where a parent other than the sponsor has not authorised the family reunification of their child with the sponsor; or (d) non-eligibility of the family member.<sup>1095</sup>

The application should be decided within 3 months, with a possible extension for an additional 3 months if the delay is duly justified by the complexity of the case. In case of extension, the applicant should be informed of the reasons thereof.<sup>1096</sup>

In the absence of a decision within 6 months from the date of the application and unless the applicant bears responsibility for the delay (e.g., unanswered request for additional information and/or documents), the application is deemed automatically accepted.

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<sup>1091</sup> According to CPR's experience, documents in English, French and Spanish were usually accepted without translation by SEF. AIMA's practice in this regard is not yet clear.

<sup>1092</sup> Article 106(4) Immigration Act.

<sup>1093</sup> Article 101(2) Immigration Act.

<sup>1094</sup> Article 68(3) Asylum Act.

<sup>1095</sup> Article 106 Immigration Act.

<sup>1096</sup> Article 105 Immigration Act.

A decision refusing an application for family reunification may be appealed in the administrative courts. In the absence of specific deadlines and procedures, the general rules on administrative appeals apply.<sup>1097</sup> CPR does not have experience with appeals in this domain.

Within the context of resettlement, CPR has observed that, until the termination of its activity in October 2023, ACM developed efforts to identify family members of resettled refugees present in Türkiye and Egypt in order to assess the possibility of including such persons in resettlement quotas. For information on other forms of admission to the territory, see [Access to the Territory and Push-backs](#).

AIMA did not provide information regarding family reunification procedures in 2024.

## 2. Status and rights of family members

According to AIMA, if the application is successful, the sponsor is informed by post by AIMA. Family outside Portuguese territory then has 90 days to go to the Portuguese diplomatic representation of the country they are in to obtain a residence visa. Upon arrival in Portugal, they are to contact an AIMA office to request an extension of their international protection status. Those already in Portugal can go directly to the AIMA office to request the extension.<sup>1098</sup>

In accordance with the law, family members receive the same legal status and are entitled to the same rights as the sponsor.<sup>1099</sup> This is generally the case in practice. Nevertheless, CPR is aware of cases of issuance of Immigration Act residence permits (with inherent costs, different status, and subject to a different legal regime for renovation) to family members regarding whom family reunification was accepted and carried out, but who are not included in the restricted list of eligible members of the Asylum Act. According to CPR's observation, this is a systematic practice in such cases. According to the information provided by SEF, this is based on the understanding that a family member who is not eligible for family reunification under the Asylum Act, must be subject to the application of the general provisions of the Immigration Act.

According to CPR's observation, when cessation procedures are triggered with regard to the sponsor, family members are also subject to similar procedures.

CPR identified that, in cases where the sponsor acquires Portuguese nationality, it is AIMA's practice not to renew residence permits for reunited family members and instead refer them to the law regulating the free movement and residence of EU citizens and their families in national territory<sup>1100</sup> or to the regularisation regime under the Immigration Act. For more information, see: [Cessation and review of protection status](#).

## C. Movement and mobility

### 1. Freedom of movement

Beneficiaries of international protection are guaranteed freedom of movement throughout the national territory under the same conditions provided for foreign nationals legally residing in Portugal.<sup>1101</sup>

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<sup>1097</sup> General rules provided in the Administrative Procedure Code – CPA - (available [here](#)), and in the Code of Procedure in Administrative Courts – CPTA - (available [here](#)). Notably, article 58(1)(b) CPTA provides for a general deadline for appeal of 3 months.

<sup>1098</sup> Information provided by AIMA, 25 June 2024.

<sup>1099</sup> Article 68(2) Asylum Act.

<sup>1100</sup> Act no. 37/2006 of 9 August, available [here](#).

<sup>1101</sup> Article 75 Asylum Act.

CPR is not aware of any limitations in this regard in practice, with the exception of those possibly arising from the dispersal policy implemented by the SOG that may result in limitations for reasons of access to material support (see [Reception Conditions: Freedom of Movement](#)).

## 2. Travel documents

The Portuguese authorities are bound by a duty to issue travel documents to refugees and beneficiaries of subsidiary protection.<sup>1102</sup>

The **refugee** travel document consists of an electronic travel document,<sup>1103</sup> following the Refugee Convention format,<sup>1104</sup> which, since 2022, is valid for five years and renewable.<sup>1105</sup> The document is to be issued unless imperative national security/public order require otherwise.<sup>1106</sup> The authorities competent for granting refugee travel documents consist of the Board of AIMA<sup>1107</sup> for applications made on the national territory, and consulates<sup>1108</sup> for applications made abroad.<sup>1109</sup>

Between January 2023 and 28 October 2023, the issuance of the refugee travel document had a cost of €23.65.<sup>1110</sup> From 29 October 2023 onwards, the cost increased to € 31,45.<sup>1111</sup>

In the case of beneficiaries of **subsidiary protection**, the issuance of travel documents is left to the discretion of national authorities, at odds with Article 25(2) of the recast Qualification Directive. The Asylum Act states that a Portuguese passport for foreigners *may* be issued to beneficiaries of subsidiary protection who cannot demonstrably obtain a national passport unless imperative motives of national security/public order require otherwise.<sup>1112</sup>

Beneficiaries of subsidiary protection are thus required to present a valid residence permit and to demonstrate their inability to obtain a national passport, notably on the basis of relevant proof or credible statements showing a potential risk to their own safety or the refusal of their country's consular representation to issue such a passport.<sup>1113</sup> The standard for this analysis is not further specified by law and guidance in this regard is not publicly available.

In the context of the right of reply of the authorities to the 2024 draft AIDA report, AIMA stated that Portuguese passports for foreigners *may* also be issued to holders of extraordinary residence permits, which are generally issued to reunited family members of beneficiaries of international protection.<sup>1114</sup>

This understanding seems to be at odds with the provisions of the Asylum Act, since the effects of the international protection regime granted must be declared extendable to the family member of the sponsor<sup>1115</sup> and thus it is unclear as to why a family member of a refugee is not entitled to a refugee travel document *per se*.

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<sup>1102</sup> Article 69 Asylum Act; Article 19 Immigration Act.

<sup>1103</sup> Ministerial Order no. 302/2015 of 22 September 2015 and Ministerial Order 412/2015 of 27 November 2015.

<sup>1104</sup> Article 69(1) Asylum Act.

<sup>1105</sup> Article 19 Immigration Act. An amendment to the Immigration Act enacted in 2022 extended the validity of the refugee travel document from one to five years.

<sup>1106</sup> Article 69(1) Asylum Act.

<sup>1107</sup> Upon favourable opinion of the Borders and Foreigners Coordination Unit.

<sup>1108</sup> Upon favourable opinion of the Borders and Foreigners Coordination Unit and AIMA.

<sup>1109</sup> Article 20 Immigration Act.

<sup>1110</sup> Ministerial Order no. 1334-E/2010 of 31 December 2010 last amended by Ministerial Order 204/2020 of 28 August, available [here](#). Amount applied in 2023, according to information publicly available [here](#). Until September 2020 the refugee travel documents issued by the Portuguese authorities were not electronic and their issuance was free of charge.

<sup>1111</sup> Ministerial Order no.307/2023 of 13 October, available [here](#).

<sup>1112</sup> Article 69(2) Asylum Act.

<sup>1113</sup> Decree-Law 83/2000 of 11 May 2000, as amended by Decree-Law 138/2006 of 26 July 2006.

<sup>1114</sup> Information provided by AIMA on 22 August 2025.

<sup>1115</sup> Article 68(2) Asylum Act.

The Portuguese passport for foreigners is valid for a period of up to two years,<sup>1116</sup> and, in 2024, had a cost of €111.<sup>1117</sup>

The issuance of the Portuguese passport for foreigners is assigned to the Institute of Registries and Notary (*Instituto dos Registos e Notariado*, IRN).<sup>1118</sup> Following queries made within the context of the provision of legal assistance to beneficiaries of international protection, CPR learnt that such documents were not being issued until March 2024 due to operational issues.<sup>1119</sup>

According to AIMA, 69 refugee travel documents were issued in 2024.<sup>1120</sup> No information was provided on the number of Portuguese passports for foreigners issued to beneficiaries of subsidiary protection and family members of beneficiaries of international protection.

According to the experience of CPR, there have been challenges in getting appointments for the issuance of travel documents, in particular due to confusion over which service (AIMA or IRN) is responsible for the issuance. Notwithstanding, the length of the procedure for issuing a travel document can be considered reasonable overall and does not exceed a couple of months.

AIMA did not provide information on refusals for 2024.

## D. Housing

### Indicators: Housing

- |  |                    |
|--|--------------------|
| 1. For how long are beneficiaries entitled to stay in reception centres?       | Data not available |
| 2. Number of beneficiaries staying in reception centres as of 31 December 2024 | Data not available |

The law provides for the right of refugees and beneficiaries of subsidiary protection to housing under the same conditions of foreign nationals legally residing in Portugal,<sup>1121</sup> therefore encompassing public housing.<sup>1122</sup>

While CPR is not aware of systematic instances of homelessness among beneficiaries of international protection, access to adequate housing is consistently identified as a major issue within the national context by asylum applicants, refugees and NGOs.<sup>1123</sup> Factors such as high prices, and contractual demands including high deposits, need of guarantors and proof of income hinder the capacity of asylum applicants and refugees to access the market directly, and that of frontline service providers to increase reception capacity. Consequently, asylum applicants and refugees often have to resort to overcrowded or sub-standard housing options when accessing the private housing market.<sup>1124</sup>

Given the impact of the matter, in 2022, the SOG decided to include it in the agenda of all its extended line-up meetings. While this topic continued to be discussed in the extended line up of the group, and the creation of a

<sup>1116</sup> Article 38 Decree-Law 83/2000 of 11 May 2000.

<sup>1117</sup> According to information publicly available [here](#). Ministerial Order no.307/2023 of 13 October does not provide for the cost of the Portuguese passport for foreigners.

<sup>1118</sup> Article 3(1)(b) Act n. 73/2021 of 12 November 2021 approving the restructure of the Portuguese system of border control, reshaping the regime of the forces and services responsible for internal security and establishing other rules for the redistribution of competences and resources of the Immigration and Borders Service, last amended by Act n. 53/2023, of 31 August 2023, available [here](#).

<sup>1119</sup> Although there is no official information, it seems to have resumed during 2024.

<sup>1120</sup> Information provided by AIMA on 22 August 2025 in the context of the right of reply of the authorities to the 2024 draft AIDA report.

<sup>1121</sup> Article 74 Asylum Act.

<sup>1122</sup> Article 5 Public Leasing Act; Article 5 Regulation 84/2018.

<sup>1123</sup> In addition to CPR, SCML and JRS also expressed this concern when providing information for the AIDA report.

<sup>1124</sup> It should be noted that while these issues are not only specific to applicants and beneficiaries of international protection, factors such as the absence of support networks increase their impact in asylum seeking and refugee families.

specific sub-group to deal with housing was being considered, these arrangements were halted with suspension of the activity of the SOG.<sup>1125</sup>

Access of beneficiaries of international protection to public housing remains extremely limited for reasons that according to CPR's experience have traditionally been linked to legal constraints under previous rules, limited stock of available public housing, lack of prioritisation of beneficiaries of international protection in public housing policy and heavy bureaucratic requirements.

Within the context of resettlement, hosting entities are responsible for the provision of accommodation. In the case of resettled refugees supported by CPR, the average length of stay in the centre has increased in recent years, namely due to challenges in accessing housing in the private market. These difficulties have also been compounded by rent increases and evictions of families that had already left the reception centre.

Decree-Law 26/2021 of 31 March 2021<sup>1126</sup> created, inter alia, a National Pool of Urgent and Temporary Accommodation and a National Plan of Urgent and Temporary Accommodation. Recognising the lack of solutions in this regard, the National Plan aims to create structured responses to people in need of emergency or transition accommodation.<sup>1127</sup>

According to the Decree-Law, the National Plan covers persons under the mandate of the entities that form the restricted line-up of the SOG (SEF and ACM – replaced by AIMA – and ISS).<sup>1128</sup> Referrals of applicants for/beneficiaries of international protection to accommodation within this context should be made by ISS and AIMA.<sup>1129</sup> Such referrals must be communicated to the SOG.<sup>1130</sup> Additionally, entities responsible for the reception of applicants and beneficiaries of international protection may access support to promote urgent and temporary accommodation solutions for the National Pool.<sup>1131</sup>

Although the period of applications for building/rehabilitating housing under this programme was due to be open until 31 May 2024, according to AIMA the results of the applications are still pending.<sup>1132</sup> ISS noted the programme did not apply in 2024.

By the end of 2024, the implementation and impact of this legislation was unclear.

## E. Employment and education

### 1. Access to the labour market

The law provides for the right of refugees and beneficiaries of subsidiary protection to access the labour market pursuant to general rules.<sup>1133</sup>

Similarly to asylum applicants (see [Reception Conditions: Access to the Labour Market](#)), there are no limitations attached to the right of beneficiaries of international protection to employment such as labour market tests or prioritisation of nationals and third-country nationals.

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<sup>1125</sup> The activity of the SOG did not resume as of the end of 2024.

<sup>1126</sup> Available [here](#). The functioning of the National Pool of Urgent and Temporary Accommodation is governed by Ministerial Order 120/2021, 8 June, available at: <https://bit.ly/3uEmOLm>.

<sup>1127</sup> Article 11 Ministerial Order 120/2021, 8 June defines the maximum periods of emergency/transition accommodation – 15 days or 6 months, respectively, that may be renewed for an equal period. A specific regime applies to victims of domestic violence.

<sup>1128</sup> Article 5(1)(b)(iii) Decree-Law 26/2021 of 31 March.

<sup>1129</sup> Article 12(1) and (2) Ministerial Order 120/2021, 8 June.

<sup>1130</sup> Article 12(3) Ministerial Order 120/2021, 8 June.

<sup>1131</sup> Article 12 Decree-Law 26/2021 of 31 March; article 26(c) Decree-Law 37/2018 of 4 June; article 7(c) Ministerial Order 120/2021, 8 June.

<sup>1132</sup> Information provided by AIMA in July 2025.

<sup>1133</sup> Article 71(1) Asylum Act.

The only restriction on employment enshrined in the law is the limited access for all third-country nationals to certain categories of employment in the public sector.<sup>1134</sup>

The issuance and renewal of residence permits by AIMA is free of charge.<sup>1135</sup>

Beneficiaries of international protection benefit from the same conditions of employment as nationals, i.e., in terms of salaries and working hours.<sup>1136</sup> 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).<sup>1137</sup>

Beneficiaries of international protection are equally entitled to access work-related training opportunities for adults, vocational training and practical experiences under the same conditions as nationals.<sup>1138</sup>

With the exception of the submission of beneficiaries of international protection to the conditions applicable to nationals of the same country,<sup>1139</sup> there are no specific rules regarding the recognition of diplomas and academic qualifications in the Asylum Act and the general rules and practical challenges facing asylum applicants apply (see [Reception Conditions: Access to the Labour Market](#)).

There are no statistics available on the number of beneficiaries of international protection in employment at the end of 2024. According to CPR's experience, despite existing support mechanisms pertaining to language training and employment assistance, asylum applicants and beneficiaries of international protection face many challenges in securing employment that are both general and specific in nature (see [Reception Conditions: Access to the Labour Market](#)).

## 2. Access to education

The Asylum Act provides for the right of children who are refugees or beneficiaries of subsidiary protection to education under the same conditions as national citizens.<sup>1140</sup> The right to education under the same conditions as nationals is extended to adult beneficiaries of international protection.<sup>1141</sup> The access of children who are beneficiaries of international protection to public education and recognition procedures bares no relevant distinction to asylum seeking children and has already been described in detail. The same holds true for access of adult beneficiaries of international protection to vocational training (see [Reception Conditions: Access to Education](#)).

## F. Social welfare

According to the Asylum Act, the general rules governing the social welfare system are applicable to refugees and beneficiaries of subsidiary protection.<sup>1142</sup> Refugees and beneficiaries of subsidiary protection are entitled to the same rights and to access social welfare under the same conditions as nationals.

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<sup>1134</sup> Article 15(2) Constitution; Article 17(1)(a) and (2) Act 35/2014.

<sup>1135</sup> Article 67(4) Asylum Act.

<sup>1136</sup> Article 71(3) Asylum Act; Article 4 Labour Code.

<sup>1137</sup> Article 5 Labour Code.

<sup>1138</sup> Article 71(2) Asylum Act. Even though related to the right to education, Article 70(2) Asylum Act seems to enshrine a similar right to training.

<sup>1139</sup> Article 70(3) Asylum Act.

<sup>1140</sup> Article 70(1) Asylum Act.

<sup>1141</sup> Ibid.

<sup>1142</sup> Article 72 Asylum Act.

The Social Insertion Revenue (*Rendimento Social de Inserção*, RSI) is a social protection measure that aims to support individuals in serious economic need and who are at risk of social exclusion. This is the most relevant social allowance available to beneficiaries of international protection.<sup>1143</sup>

In addition to the financial allowance, RSI comprises an inclusion programme, based on a contract established with the concerned household. Access by beneficiaries of international protection is subject to the fulfilment of the general conditions prescribed by law, namely:

- ❖ If the applicant lives alone – their monthly income cannot exceed the amount of the allowance;
- ❖ If the applicant lives with family members – the combined monthly income cannot exceed the total amount of the allowance;
- ❖ The applicant must be 18 years of age or older (although there are situations in which younger persons are also eligible);
- ❖ The applicant must be registered with IEFP.

The monthly financial allowance of the RSI is as follows:<sup>1144</sup>

| Rendimento Social de Inserção: 2024 |          |
|-------------------------------------|----------|
| Category of applicant               | Amount   |
| Head of household                   | € 242.23 |
| Other adult in household            | € 169.56 |
| Child                               | € 121.12 |

Source: Information provided by ISS (July 2025).

Beneficiaries of international protection may access this allowance upon recognition of the refugee status or conferral of subsidiary protection, while the assistance described in Reception Conditions ceases.

According to the law, refugees and beneficiaries of subsidiary protection are also entitled to other social allowances such as child benefits and family allowances<sup>1145</sup> unemployment benefits,<sup>1146</sup> and other benefits, under the same conditions as nationals and as long as they meet the applicable requirements.

In practice, the follow up of social welfare matters is provided by ISS and SCML,<sup>1147</sup> following the assistance provided throughout the asylum procedure.

In general, refugees and beneficiaries of subsidiary protection are required to present their residence permit in order to have access to such support measures. While CPR is unaware of systemic problems in accessing support, refugees and beneficiaries of subsidiary protection often report difficulties in meeting their basic needs with the low income provided by the social welfare system.

<sup>1143</sup> Act 13/2003.

<sup>1144</sup> Amended version of Ministerial Order 257/12 of 27 August, available [here](#). For more information on RSI, see: ISS, *Practical Guide – Social Integration Income*, available [here](#).

<sup>1145</sup> Decree-Law 176/2003.

<sup>1146</sup> Act 220/2006.

<sup>1147</sup> SCML also supports refugees and beneficiaries of international protection in specific situations, e.g., vulnerable cases such as unaccompanied children that move into assisted apartments and former unaccompanied children previously accommodated at CACR; individuals and families with strong social networks in the Lisbon area.



The Statistical Report of Asylum 2023 estimates that 32.1% of the beneficiaries of international protection in Portugal were autonomous from social (financial) support by the end of 2022.<sup>1148</sup> There is no available statistical report for 2024.

## G. Health care

The Asylum Act enshrines the right of refugees and beneficiaries of subsidiary protection, as well as their family members, to health care provided by the SNS under the same conditions as nationals.<sup>1149</sup> Furthermore, it provides for the right to tailored health care, including the treatment of mental conditions, for vulnerable refugees under the same conditions as national citizens.<sup>1150</sup>

The special needs of particularly vulnerable persons including beneficiaries of international protection must be taken into consideration in the provision of health care,<sup>1151</sup> notably through rehabilitation and psychological support to children who have been subjected to various forms of violence,<sup>1152</sup> and adequate treatment to survivors of torture and serious violence.<sup>1153</sup> Responsibility for special treatment required by survivors of torture and serious violence lies with ISS.<sup>1154</sup>

Asylum applicants and beneficiaries of international protection are exempt from any fees to access the National Health System.<sup>1155</sup> Additionally, all children are exempt from such fees.<sup>1156</sup>

In practice, beneficiaries of international protection have effective access to free health care in the SNS in line with applicable legal provisions. However, as with asylum applicants (see [Reception Conditions: Health Care](#)) persisting challenges have a significant impact on the quality of the care available. According to research and information available to CPR, these include language and cultural barriers due to the reluctance of health care services to use available interpretation services such as AIMA's translation hotline; restricted access to diagnosis procedures and medication paid by the SNS due to bureaucratic constraints; or very limited access to mental health care and other categories of specialised medical care (e.g., dentists) in the SNS.<sup>1157</sup>

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<sup>1148</sup> Observatório das Migrações (OM), *Requerentes e Beneficiários de Proteção Internacional – Relatório Estatístico do Asilo 2023*, p.254, 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.

<sup>1149</sup> Article 73(1) Asylum Act.

<sup>1150</sup> Article 73(2) Asylum Act.

<sup>1151</sup> Article 77(1) Asylum Act.

<sup>1152</sup> Article 78 (3)-(4) Asylum Act.

<sup>1153</sup> Article 80 Asylum Act.

<sup>1154</sup> *Ibid.*

<sup>1155</sup> Article 4(1)(n) Decree-Law 113/2011 of 29 November 2011.

<sup>1156</sup> Article 4(1)(b) Decree-Law 113/2011 of 29 November 2011.

<sup>1157</sup> Italian Council for Refugees *et al.*, *Time for Needs: Listening, Healing, Protecting*, October 2017, available at: <https://bit.ly/3gEoe1T>.

## ANNEX I – Transposition of the CEAS in national legislation

### Directives and other CEAS measures transposed into national legislation

| Directive / Regulation   | Deadline for transposition                         | Date of transposition | Official title of corresponding act  | Web Link  |
|--|--|-----------------------|--|---|
| <b>Directive 2011/95/EU</b><br>Recast Qualification Directive        | 21 December 2013                                   | 5 May 2014            | Act n. 27/2008, transposing Directives 2011/95, 2013/32/EU and 2013/33/EU, last amended by Act n. 53/2023, of 31 August 2023 | <a href="https://bit.ly/3j3r6c6">https://bit.ly/3j3r6c6</a> (PT)<br><a href="https://bit.ly/3pHbedv">https://bit.ly/3pHbedv</a> (EN)<br>–does not include the 2022 and 2023 amendments) |
| <b>Directive 2013/32/EU</b><br>Recast Asylum Procedures Directive    | 20 July 2015<br>[Article 31(3)-(5) - 20 July 2018] |                       |  |   |
| <b>Directive 2013/33/EU</b><br>Recast Reception Conditions Directive | 20 July 2015                                       |                       |  |   |
| <b>Regulation (EU) No 604/2013</b><br>Dublin III Regulation          | Directly applicable<br>20 July 2013                |                       |  |   |

The following section contains an overview of some of the most significant incompatibilities in transposition of the CEAS in national legislation:

| Directive   | Provision            | Domestic law provision                   | Non-transposition or incorrect transposition   |
|---|----------------------|--|--|
| <b>Directive 2011/95/EU</b><br>Recast Qualification Directive | Article 12 recast QD | Article 9 Asylum Act (exclusion clauses) | <p>Article 9(1)(c)(ii) transposes Article 12(2)(b) of the recast Qualification Directive to the national legal order. While the directive refers to the commission of a serious non-political crime, the Asylum Act refers to the commission of an intentional non-political crime punishable with prison sentence of over three years. By operation of Article 9(2)(a) of the Asylum Act, this exclusion clause is also applicable to exclusion from subsidiary protection. While CPR is not aware of the practical application of this clause, defining the gravity threshold as a prison sentence of over three years may open the door to the exclusion of cases not envisaged by the relevant provision of the recast Qualification Directive.</p> <p>Furthermore, Article 9(1)(d) allows for the exclusion from refugee status where there are serious reasons for considering that the person constitutes a danger to the security of the Member State where [the person is] present.</p> |

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|   | Article 8 recast Qualification Directive | Article 18 Asylum Act (analysis of the application – internal protection alternative)                | Article 18(2)(e) of the Asylum Act establishes that an internal protection alternative may be considered in the adjudication of the application for international protection. There is some ambiguity in the transposition as a literal interpretation of the provision of the Asylum Act would determine that the criteria established in Article 8(1) <i>in fine</i> of the recast Qualification Directive ('and they can safely and legally travel to and gain admittance to that part of the country and can reasonably be expected to settle there.') would only apply to situations where the applicant 'has access to protection against persecution or serious harm'.<br>Furthermore, while the definition mirrors Article 8(1) of the recast Qualification Directive, the procedural requirements established in Article 8(2) of the Directive were not transposed by the Asylum Act. |
|   | Article 16(3) recast QD                  | Article 41 Asylum Act (cessation of protection)  | The Asylum Act does not contain the safeguard clause determining that subsidiary protection should not cease in situations where the beneficiary can reasonably invoke reasons connected to past serious offense not to return to the country of origin.   |
|   | Article 25(2) recast QD                  | Article 69(1) Asylum Act (issuance of travel documents to beneficiaries of international protection) | According to the Asylum Act, issuance of travel documents to beneficiaries of subsidiary protection is left to the discretion of national authorities.   |
|   | Article 12 recast QD                     | Article 41 Asylum Act (revocation of, ending or refusal to renew international protection)           | See <i>supra</i> the analysis of exclusion clauses, relevant to revocation of, ending or refusal to renew international protection per Article 41(5)(a) of the Asylum Act.   |
| <b>Directive 2013/32/EU</b><br>Recast Asylum Procedures Directive | Article 10(3)(a) recast APD              | -  | The Asylum Act does not explicitly refer that the analysis of and the decision concerning an asylum application must be individual, objective and impartial as determined by article 10(3)(a) of the recast APD.   |
|   | Article 37 recast APD                    | Article 2(1)(q) Asylum Act (safe country of origin)  | The Asylum Act provides for a definition of 'safe country of origin' that is in line with Article 36 of the recast Asylum Procedures Directive. However, the law does not further regulate its application. Notably, the Asylum Act does not refer to the need to adopt complementary legislation for the designation of safe countries of origin and the substantive and procedural criteria for such designation as provided in Article 37 and Annex I of the recast Asylum Procedures Directive. The safe country of origin concept is not applied in practice.   |

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|  | Article 38 recast APD  | Article 2(1)(r) Asylum Act (definition of safe third country) | <p>The Asylum Act provides for a definition of ‘safe third country’ that presents some inconsistencies with Article 38 of the recast Asylum Procedures Directive. Most notably:</p> <ul style="list-style-type: none"> <li>❖ The provision applies <i>ratione personae</i> to asylum seekers alone, as opposed to applicants for international protection.</li> <li>❖ The provision does not include the absence of a risk of serious harm as a condition for the application of the concept.</li> <li>❖ The provision does not include the possibility for the applicant to challenge the existence of a connection between him or her and the third country.</li> <li>❖ A standard of possibility rather than reasonableness is set in the provision concerning the return on the basis of a connection between the applicant and the third country concerned.</li> </ul> <p>In this regard, it is worth noting that there is a difference between the English and Portuguese versions of the Directive. While Article 38(2)(a) of the English version refers to the reasonableness of the person returning to the third country, the Portuguese version does not include such reference, simply indicating that the connection between the applicant and the country allows return ‘in principle’.</p> |
|  | Article 14(2)(b) and (4) recast APD                          | Article 16 Asylum Act (personal interview)                    | <p>The circumstances in which the determining authority may omit the personal interview are exhaustively listed in Article 16(5) of the Asylum Act and mirror the corresponding provision of the recast Asylum Procedures Directive (Article 14(2)). However, with regard to cases where the applicant is deemed unfit/unable due to enduring circumstances beyond their control, the final part of Article 14(2)(b) of the Directive was not transposed (‘When in doubt, the determining authority shall consult a medical professional to establish whether the condition that makes the applicant unfit or unable to be interviewed is of a temporary or enduring nature.’). The safeguard contained in Article 14(4) of the recast Asylum Procedures Directive that determines that the absence of personal interview in such situations ‘shall not adversely affect the decision of the determining authority’, was also not explicitly transposed to the Asylum Act.</p>  |
|  | Article 15 recast APD (also article 4(3) in fine recast APD) | Article 16 Asylum Act (personal interview)                    | <p>With regard to the conditions of the personal interview, the Asylum Act does not fully transpose the requirements set out in the recast Asylum Procedures Directive (Article 15), particularly those regarding to the characteristics of the interviewer and on the use of interpreters (Article 15(3) recast Asylum Procedures Directive). Furthermore, and without prejudice to Article 84 of the Asylum Act that refers to the adequate training of all staff working with applicants and beneficiaries of international protection, the specific training requirement for interviews provided for in Article 4(3) <i>in fine</i> of the recast Asylum</p>  |

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|  |                                  |   | Procedures Directive was not transposed to the domestic order ('Persons interviewing applicants pursuant to this Directive shall also have acquired general knowledge of problems which could adversely affect the applicants' ability to be interviewed, such as indications that the applicant may have been tortured in the past.').   |
|  | Article 16 recast APD            | Article 16 Asylum Act (personal interview)  | With regard to the content of the personal interview, the national legislator did not transpose the final part of Article 16 of the recast Asylum Procedures Directive, establishing that the personal interview 'shall include the opportunity to give an explanation regarding elements which may be missing and/or any inconsistencies or contradictions in the applicant's statements.'   |
|  | Article 10 recast APD            | Article 18 Asylum Act (analysis of the application – country of origin information) | While Article 18(2)(a) orders the national authorities to duly consider country of origin information in the analysis of applications, the domestic law does not fully transpose the requirements set out in Article 10(3)(b) of the recast Asylum Procedures Directive. Namely, it fails to state that the information must be precise and up-to-date. Even though the norm refers to different sources for such information (EASO, UNHCR and relevant human rights organisations) it does not clearly state that different sources must be consulted in each analysis. Furthermore, Article 18(2)(a) of the Asylum Act refers exclusively to the country of origin, as opposed to Article 10(3)(b) of the recast Directive that also refers to the use of information regarding transit countries whenever necessary. |
|  | Articles 31(8) and 32 recast APD | Article 19 Asylum Act (accelerated procedures)                                      | The wording of the Asylum Act does not seem to be fully in line with the recast Asylum Procedures Directive and with the applicable international standards as its literal application may lead not only to the accelerated processing but also to the automatic rejection of applications based on the listed grounds (e.g., a delay in making the application).   |
|  | Article 35 recast APD            | Articles 2(1)(z) and 19-A(1)(c) Asylum Act (first country of asylum)                | Neither Article 2(1)(z) of the Asylum Act, that defines the 'first country of asylum' concept, nor Article 19-A(1)(c) of the Asylum Act that provides for the corresponding inadmissibility clause, explicitly contain the safeguard of Article 35 of the recast Asylum Procedures Directive, entitling the applicant to challenge the application of the concept to their particular circumstances.  |
|  | Article 46(4) recast APD         | Article 25(1) Asylum Act (time limits for appeal – border procedure)                | Article 25(1) of the Asylum Act establishes a 4-day time limit for the appeal of a refusal (inadmissibility or merits) adopted within the context of a border procedure. While current practical implementation mitigates some of the negative consequences of such a reduced timeframe, this time limit is hardly compatible with the requirement for 'reasonable time   |

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|   |   |  | limits' that do 'not render such exercise impossible or excessively difficult' provided for in Article 46(4) of the recast Asylum Procedures Directive.  |
|   | Article 24 recast APD<br>(also article 22 recast RCD)       | Articles 17-A and 77 Asylum Act<br>(mechanisms for assessing vulnerability and special needs – procedural and reception) | The Asylum Act provides for the need to identify persons with special needs and the nature of such needs but no procedure or mechanism for such identification and assessment has been established so far at domestic level.   |
|   | Article 25(5) recast APD                                    | Article 79 (6) and (7) Asylum Act<br>(age assessment)  | The Asylum Act does not contain the limitation on the use of medical examination for age assessment enshrined in the first part of Article 25(5) recast Asylum Procedures Directive: 'Member States may use medical examinations to determine the age of unaccompanied minors within the framework of the examination of an application for international protection where, following general statements or other relevant indications, Member States have doubts concerning the applicant's age'. Furthermore, the right to information of the unaccompanied children regarding the age assessment procedure established in Article 79(7) of the Asylum Act does not fully transpose all the requirements of Article 25(5)(a), in particular with regard to the methods used and to the consequences of results.  |
| <b>Directive 2013/33/EU</b><br>Recast Reception<br>Conditions Directive | Articles 8 and 9 recast RCD<br>(also article 26 recast APD) | Article 26(1) Asylum Act<br>(detention at the border)  | Article 26(1) of the Asylum Act determines that asylum applicants that applied for asylum at the border remain in the international area of the (air)port while waiting for the decision without establishing further requirements (e.g., necessity and proportionality, individual assessment, alternatives to detention), in contravention with Articles 8 and 9 of the recast Reception Conditions Directive and with Article 26 of the recast Asylum Procedures Directive. It should be noted that further requirements to detention of asylum applicants are established in Article 35-A of the Asylum Act. It is our understanding that a correct application of Article 26(1) of the Asylum Act requires due regard for such requirements. Notwithstanding, in practice, asylum applicants that file their applications at the border are indeed systematically detained. |

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|  | Article 9(5)<br>recast RCD                                  | Article 35-B(1) Asylum Act<br>(revision of detention)  | Article 35-B(1) of the Asylum Act establishes that detention may be reviewed <i>ex officio</i> or upon request of the applicant if relevant circumstances or new information which may affect its lawfulness arise. This seems to fall short from the guarantees provided for in Article 9(5) of the recast Asylum Procedures Directive that establishes that revision should be conducted by a judicial authority and does not limit such revision to situations where new circumstances or information becomes available ('Detention shall be reviewed by a judicial authority at reasonable intervals of time, ex officio and/or at the request of the applicant concerned, in particular whenever it is of a prolonged duration, relevant circumstances arise or new information becomes available which may affect the lawfulness of detention').                   |
|  | Article 14(2)<br>recast RCD                                 | Article 53 Asylum Act<br>(access to education)   | The Asylum Act does not contain any reference to a maximum time limit with regard of access to education by children.  |
|  | Article 17(2)<br>recast RCD                                 | Articles 56(1) and 57(5)<br>Asylum Act   | Article 56(1) of the Asylum Act enshrines the right of asylum applicants to the satisfaction of their basic needs to a level that guarantees their human dignity. One of the amendments to the Asylum Act enacted in 2023 added that the material reception conditions must satisfy basic needs (article 57(5) Asylum Act). The Asylum Act does not include further specific criteria to determine what is an adequate standard of living which guarantees their subsistence and protects their physical and mental health as per Article 17(2) of the recast Reception Conditions Directive. While it can be argued that the 2023 amendment responds to the subsistence requirement included in the Directive, it is doubtful that it implies adequate protection of the physical and mental health of asylum applicants as also determined by the Directive provision. |
|  | Article 22 recast<br>RCD<br>(also article 24<br>recast APD) | Articles 17-A and 77<br>Asylum Act<br>(mechanisms for assessing<br>vulnerability and special<br>needs – procedural and<br>reception) | The Asylum Act provides for the need to identify persons with special needs and the nature of such needs but no procedure or mechanism for such identification and assessment has been established so far at domestic level.   |