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Act 27/2008 of June 30, amended by Act 26/2014 of May 5

CHAPTER I

General provisions

Article 1

Object

1. This law lays down the conditions and procedures for granting asylum or subsidiary protection and the statuses of asylum seeker, refugee and subsidiary protection, transposing the following Community directives into national law:
 - a) Directive No 2004/83/EC of the Council of 29 April 2004, which establishes minimum standards for the conditions to be met by third-country nationals or stateless persons in order to be able to benefit from the status of refugee or of a person who otherwise needs international protection, as well as in relation to the respective status and the content of the protection granted;
 - b) Directive No 2005/85/EC of the Council of 1 December 2005 on minimum standards for procedures in Member States for granting and withdrawing refugee status;
 - c) Directive No 2011/95/EU of the Council of 13 December 2011, which establishes standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted;
 - d) Directive No 2013/32/EU of the European Parliament and of the Council of 26 June 2013, on common procedures for granting and withdrawing international protection;
 - e) Directive No 2013/33/EU of the European Parliament and of the Council of 26 June 2013, laying down standards for the reception of applicants for international protection.

2. Simultaneously, the transposition to national law of Directive No 2003/9/EC of the Council of 27 January 2003, implemented by Law No 20/2006 of 23 June 2006, was consolidated, laying down minimum standards for the reception of asylum seekers in Member States.

Article 2

Definitions

1. The following definitions are applicable for the purposes of the provisions of this law:
 - a) 'Residence permit', the permit issued by the Portuguese authorities pursuant to legislation which enables a foreigner or a stateless person to reside in national territory;
 - b) 'Beneficiary of international protection', a person who has been granted the status of refugee or the status of subsidiary protection, defined in sub-paragraphs i) and j);
 - c) 'Reception Centre', any site used to collectively house asylum seekers;
 - d) 'Reception conditions', the set of measures adopted in favour of applicants for international protection in compliance with this law;
 - e) 'Material reception conditions', reception conditions including accommodation, food, clothing and transport expenses, provided in kind or by means of subsidies or vouchers or subsidies for daily expenses;
 - f) 'Geneva Convention', the convention related to the status of refugees, signed in Geneva on 28 July 1951, amended by the New York Protocol of 31 January 1967;
 - g) 'Final decision', a decision on an application for international protection which cannot be appealed;
 - h) 'Detention', measure to confine the person seeking international protection to a special area;
 - i) 'Subsidiary protection status', recognition by the competent Portuguese authorities that a foreigner or stateless person is eligible for being granted a residence permit on the grounds of subsidiary protection;
 - j) 'Refugee status', recognition by the competent Portuguese authorities that a foreigner or stateless person is a refugee and is authorised to remain in national territory as such;
 - k) 'Family members', the family members of a beneficiary of international protection:



- i) Spouse or member of a civil partnership;
 - ii) Minor children or children lacking capacity for whom the couple or one of the spouses or one of the members of a civil partnership are responsible;
 - iii) Minor children who have been adopted, by means of a decision of the competent authority in the country of origin, by the applicant or by the applicant's spouse or member of a civil partnership;
 - iv) Direct first degree ascendants of the beneficiary of international protection if the said beneficiary is a minor;
 - v) Adult responsible for an unaccompanied minor;
- l) 'Minor', a national of a third country or a stateless person who is less than 18 years of age;
- m) 'Unaccompanied minors', third-country nationals or stateless persons aged less than 18 years who enter national territory without being accompanied by an adult who, by law or custom, is responsible for them, provided they have not been effectively taken into the charge of such a person, or who have been abandoned after having entered national territory;
- n) 'Reasons for persecution', grounds for the applicant's justifiable fear of being persecuted, which shall be considered keeping in mind the notions of:
- i) 'Race', which includes, namely, considerations associated with colour, ascendancy or belonging to a given ethnic group;
 - ii) 'Religion', which includes the fact of having theist, non-theist and atheist convictions, participating in or abstaining from participating in private or public cult ceremonies, both individually and collectively, in other religious acts or expressions of convictions, or forms of personal or community behaviour based on religious beliefs or stipulated by them;
 - iii) 'Nationality', which is not limited to citizenship or its absence, but also encompasses belonging to a group determined by cultural, ethnic or linguistic identity, common geographic or political origins or relationship with the population of another State;
 - iv) 'Group', a specific social group in specific cases in which:

The members of this group share an innate characteristic or a common history which cannot be changed, or they share a characteristic or belief considered to be so fundamental for the identity or consciousness of the members of the group that they cannot be required to renounce it; and this group has a distinct identity in the country in question because it is viewed as different by the rest of society;

- v) 'Political opinion', which includes, namely, the fact of having an opinion, idea or ideal in matters related to the potential agents of persecution, their policies or methods, whether or not the said opinion, idea or ideal is manifested in acts by the applicant;
- o) 'Decision-making body', administrative body responsible for assessing applications for international protection and competent to issue a decision, in the first instance, concerning such applications;
- p) 'Country of origin', the country or countries of nationality or, in the case of stateless persons, the country which was their usual residence;
- q) 'Safe country of origin', the country of which the applicant is a national or, in the case of a stateless person, a usual resident, in relation to which the applicant has not invoked any serious reason to believe that the said country is not safe, considering the applicant's personal circumstances in terms of fulfilling the conditions to be considered to be a refugee and assessed on the basis of a set of sources of information, including, especially, information from other Member States, the United Nations High Commissioner for Refugees (UNHCR), the European Council and other relevant international organisations;
- r) 'Safe third country', the country where the asylum seeker has stayed or transited before arriving in Portugal and where he or she clearly does not face a threat to life and liberty, where the principle of non-refoulement is respected along with the right to not be subject to torture or cruel, inhuman or degrading treatment, and where he or she can request the status of refugee and, if granted, receive protection, pursuant to the Geneva Convention, upholding the following rules:
 - i) A link between the asylum seeker and the third-country in question which, in principle, allows the said person to go to that country;
 - ii) Certification that the concept of safe third-country can be applied to a given country or the said applicant, including a case-by-case analysis of the country's security for the respective applicant and the national designation of countries generally considered to be safe;
 - iii) An individual assessment, pursuant to international law, of the safety of the respective third-country for the respective applicant and which, at least, allows the applicant to contest the use of the concept of safe third-country, based on the grounds of being subject to torture, cruel, inhuman or degrading treatment or punishments;



- s) 'Application for international protection', application for protection lodged by a foreign national or stateless person seeking to benefit from the status of refugee or subsidiary protection and which does not expressly request another form of protection liable to be the object of a separate application;
- t) 'Subsequent application', an application for international protection submitted after a definitive decision has been issued in relation to a previous application, including cases in which the applicant has expressly desisted from the application and those in which a decision rejecting the application has been issued after an implicit desistance;
- u) (Repealed.);
- v) 'Loss of international protection', the effect resulting from the cessation, revocation, suppression or refusal to renew the right to asylum or subsidiary protection;
- w) 'Stay in the country', the stay in Portugal, where the application for international protection was lodged or where the said application is being assessed, including the border and transit areas;
- x) 'Person eligible for subsidiary protection', the national of a third-country or a stateless person who cannot be considered to be a refugee but in relation to whom there are significant reasons to believe that he or she cannot return to the respective country of origin or, in the case of stateless persons, to the country of usual residence, due to the systematic violation of human rights occurring there or due to facing a real risk of suffering serious offences in the sense of Article 7, and who is not subject to Article 9(1), and cannot or, due to these situations, does not wish to ask for the protection of that country;
- y) 'Particularly vulnerable persons', persons with special needs, namely, minors, unaccompanied minors, disabled persons, elderly persons, pregnant women, single parent families with minor children and persons who have been subject to acts of torture, rape or other serious forms of psychological, physical or sexual violence;
- z) 'First country of asylum', the country in which the applicant has been recognised as a refugee and can still benefit from this protection or avail of effective protection in this country, pursuant to the Geneva Convention, and where it is evident that he or she does not face any threat to their life and liberty, where the principle of non-refoulement is respected along with the right to not be subject to torture or cruel, inhuman or degrading treatment, provided that the applicant is readmitted to this country;



- aa) 'Prohibition of refoulement ('principle of non-refoulement')', a principle of international asylum law, enshrined in Article 33 of the Geneva Convention, pursuant to which asylum seekers are required to be protected against being expelled or sent, directly or indirectly, to a place where their life or liberty are threatened due to their race, religion, nationality, belonging to certain social groups or political opinions. This protection is not applicable to anyone who constitutes a threat to national security or has been sentenced by definitive verdict for a particularly serious crime or offence;
- bb) 'International protection', the status of subsidiary protection and the status of refugee, defined in sub-paragraphs i) and j));
- cc) 'Refugee', a foreign national or stateless person who, justifiably fearing persecution as a consequence of activities in the State of his or her nationality or usual residence in favour of democracy, social and national freedom, peace among peoples, liberty and human rights or by virtue of his or her race, religion, nationality, political convictions or belonging to a specific social group, is outside the country of nationality and cannot or, due to this fear, does not wish to avail of the protection of the said country or a stateless person who, being outside the country of his or her usual residence, for the same reasons, cannot or, due to the said fear, does not wish to return there and who are not subject to the provisions of Article 9;
- dd) 'Representative', a person acting on behalf of an organisation representing an unaccompanied minor, in the capacity of legal tutor, a person acting on behalf of a national organisation which, pursuant to the law, is responsible for the wellbeing of and assisting minors, or any other suitable designated representative, pursuant to the law, to defend the interests of an unaccompanied minor;
- ee) 'Applicant', a foreign national or stateless person who has lodged an application for international protection for which a definitive decision has not yet been issued;
- ff) 'Applicant needing special procedural guarantees', an applicant whose capacity to avail of the rights and comply with the obligations stipulated in this law is limited due to personal circumstances;
- gg) 'Applicant with special reception needs', a vulnerable person, namely, minors, unaccompanied minors, disabled persons, elderly persons, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illnesses, mentally disturbed persons and persons who have been subjected to acts of torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of domestic violence and victims of female genital mutilation, who require special guarantees in order to avail of the rights and comply with the obligations stipulated in this law;

- hh) 'Withdrawal of the status of international protection', a decision by the competent authority revoking, suppressing or refusing to renew the status of refugee or subsidiary protection for a person.
2. For the purposes of paragraph 1(n)(iv), depending on the circumstances in the country of origin, a specific social group may include a group based on gender identity or a common characteristic of sexual orientation. This cannot be understood to include criminal acts, or consider aspects related to gender, although this in itself should not create an assumption for qualifying as a group.

CHAPTER II

Beneficiaries of international protection

Article 3

Granting the right to asylum

1. Foreign nationals and stateless persons who are being persecuted or face a serious threat of persecution, as a result of their activities in the State of their nationality or their usual residence in favour of democracy, social and national liberties, peace among peoples, freedom and human rights are guaranteed the right to asylum.
2. Foreign nationals or stateless persons who justifiably fear persecution by virtue of their race, religion, nationality, political opinions or being part of certain social group and cannot or, due to such a fear, do not wish to return to the State of their nationality or usual residence, are also entitled to be granted asylum.
3. Asylum can only be granted to foreign nationals with more than one nationality when the reasons for the persecution mentioned in previous paragraphs are applicable with respect to all the States of which the said individual is a national.
4. For the purposes of paragraph 2, it is irrelevant whether the applicant effectively does possess the characteristic associated with the race, religion, nationality, social or political group causing the persecution, provided that such a characteristic has been attributed to the applicant by the agent of the persecution.

Article 4

Effects of granting the right to asylum

Granting the right to asylum pursuant to Article 3 above confers the status of refugee on the beneficiary, pursuant to this law, without prejudice to the provisions of international treaties or conventions to which Portugal is party or has ratified.

Article 5

Acts of persecution

1. For the purposes of Article 3, acts of persecution to justify the right to asylum must, by their nature or reiteration, constitute a serious violation of fundamental rights, or translate into a set of measures which, due to their result, nature or repetition, affect the foreign national or stateless person in a similar manner as the results of a serious violation of fundamental rights.
2. The acts of persecution mentioned in the previous paragraph can take the following forms:
 - a) Acts of physical or mental violence, including of a sexual nature;
 - b) Legal, administrative, police or judicial measures, when discriminatory or applied in a discriminatory manner;
 - c) Disproportionate or discriminatory judicial actions or penalties;
 - d) Refusing access to judicial appeals resulting in disproportionate or discriminatory penalties;
 - e) Judicial actions or penalties for refusing to carry out military service in a situation of conflict where complying with military service would mean committing a crime or act liable to result in exclusion from the status of refugee, pursuant to Article 9(1)(c);
 - f) Acts committed specifically on grounds of gender or against minors.
3. The information necessary for making decisions concerning the status of international protection cannot be obtained in a manner whereby the agents of persecution are informed of the fact that the status is being considered or which endangers the physical integrity of the applicant or the applicant's family in Portugal or in the State of origin.
4. For the purposes of recognising the right to asylum there must be a link between the reasons for the persecution and the acts of persecution mentioned in paragraph 1 or the absence of protection in relation to such acts.

Article 6

Agents of persecution

1. The following are agents of persecution:
 - a) The State;
 - b) The parties or organisations which control the State or a significant part of the respective territory;
 - c) Non-State agents, if it is proved that the agents mentioned in sub-paragraphs a) and b) are incapable of or do not wish to provide protection against the persecution, pursuant to the following paragraph.
2. For the purposes of paragraph 1(c) above, protection is deemed to exist whenever the agents mentioned in paragraph 1(a) and (b) adopt suitable measures to effectively and permanently prevent acts of persecution being committed, namely by introducing an effective juridical system to detect, act judicially and punish such acts, provided that the applicant has access to effective protection.

Article 7

Subsidiary protection

1. A residence permit for subsidiary protection is granted to foreign nationals and stateless persons who are not subject to the provisions of Article 3 and who are prevented from or feel it is impossible for them to return to the country of their nationality or their usual residence, both due to the systematic violation of human rights occurring there as well as because they run the risk of suffering serious offences.
2. For the purposes of paragraph 1 above, serious offences are considered to be:
 - a) The death penalty or execution;
 - b) Torture or inhuman or degrading penalties or treatment of the applicant in the applicant's country of origin; or
 - c) A serious threat against the applicant's life or physical integrity, due to indiscriminate violence in situations of international or domestic armed conflict or the generalised and indiscriminate violation of human rights.
3. The provisions of Article 6 above are correspondingly applicable.

Article 8

Protection sur place

1. A justifiable fear of persecution, pursuant to Article 3, or the risk of suffering serious offences, pursuant to Article 7, may be based on events that have occurred or activities after having left the State of nationality or usual residence, especially if it can be demonstrated that the activities serving as the basis of the application for international protection constitute the expression and the continuation of convictions or orientations which have already been manifested in that State.
2. Paragraph 1 above is not applicable when the fear or the risk are rooted in circumstances created by the foreign national or stateless person after leaving his or her State of nationality or usual residence exclusively with a view to benefit from the status of refugee or subsidiary protection, without sufficient grounds.

Article 9

Exclusion from asylum and subsidiary protection

1. Foreign nationals or stateless persons may not benefit from the status of refugee when:
 - a) They fall within the purview of Article 1(D) of the Geneva Convention, related to protection or assistance by United Nations bodies or agencies, apart from the UNHCR, provided that such protection or assistance has not ceased for any reason without the respective person's situation having been definitively resolved in compliance with the applicable United Nations General Assembly resolutions;
 - b) The competent authorities of the country in which the applicant has established residence consider that the applicant has the rights and duties of anyone having the nationality of the said country or equivalent rights and duties;
 - c) There are serious suspicions that:
 - i) The applicant has committed a crime against peace, a war crime or a crime against humanity, pursuant to the international instruments establishing provisions related to such crimes;
 - ii) The applicant has committed an intentional general law crime punishable with a prison sentence of more than three years outside Portuguese territory, before being admitted as a refugee;



- iii) The applicant has committed acts that are contrary to the objectives and principles of the United Nations, set out in the preamble and in Articles 1 and 2 of the United Nations Charter.
 - d) The applicant represents a danger or justified threat for internal or external security or for public order.
 2. Foreign nationals or stateless persons cannot benefit from the status of subsidiary protection when:
 - a) Any of the situations mentioned in paragraph 1(c) above are applicable;
 - b) The applicant represents a danger or justified threat for internal or external security or for public order;
 - c) The applicant has committed one or more crimes not covered by paragraph 1(c) which would have been punishable with a prison sentence had they been committed in Portuguese territory and has left the country of origin solely with a view to avoid the penalties resulting from such crime or crimes.
 3. (Repealed.)
 4. The individuals subject to the provisions of Articles 26 and 27 of the Penal Code are also considered for the purposes of implementing paragraph 1(c) and paragraph 2(a) and (c).

CHAPTER III

Procedures

SECTION I

Common provisions

Article 10

Application for international protection

1. Any application for protection, even if implicit, is presumed to be an application for international protection, pursuant to Article 2(1)(s).

2. While assessing applications for international protection it is necessary to determine, first and foremost, whether the applicant fulfils the conditions to benefit from the status of refugee and if not whether the applicant is eligible for subsidiary protection.
3. Applications for international protection submitted to the authorities of other Member States conducting border or immigration checks in national territory are assessed by the Portuguese Aliens and Borders Service (SEF).

Article 11

Right to remain in national territory

1. Individuals applying for international protection are authorised to remain in national territory until a decision has been made as to whether their application can be admitted.
2. This right to remain does not require the applicant to be issued a residence permit.

Article 12

Effects of the application for international protection on offences related to entry into the country

1. Submitting an application for international protection prevents any administrative procedure or criminal case which may have been filed against the applicant and members of the applicant's accompanying family for having entered national territory in an irregular manner from proceeding.
2. The procedure or case is archived if the international protection is granted.
3. For the purposes of the provisions of previous paragraphs, the entity where the administrative procedure or criminal case is being processed shall be informed of the application for international protection and the respective decision, within a period of five working days.

Article 13

Submitting an application

1. A foreign national or stateless person who enters national territory in order to obtain international protection shall submit an application without delay to SEF or any other police authority and may do so in writing or orally, a written record to this effect being prepared in the latter case.

2. Any police authority receiving an application as mentioned in paragraph 1 above shall send the said application to SEF within a period of forty-eight hours.
3. SEF shall immediately inform the UNHCR representative and the Portuguese Council for Refugees (*Conselho Português para os Refugiados - CPR*) as the non-governmental organisation acting on the UNHCR's behalf, that the respective application for international protection has been lodged. These organisations may contact the applicant immediately after receiving the notification, with a view to providing the applicant with information on the respective procedure, as well as their possible intervention, which is subject to the applicant's consent.
4. Until a decision is issued in relation to the application for international protection, the applicant may request that it be extended to accompanying family members, whether minors or adults. In such cases, the application shall be preceded by the express prior consent of the persons for which the applicant is responsible, on penalty of inadmissibility.
5. Before the prior consent mentioned in the previous paragraph is requested, the family members shall be informed, in private, of the relevant procedural consequences of an application being submitted in their name and their right to submit an independent application for international protection.
6. An applicant who is a minor can submit an application in his or her own name.
7. SEF shall register the application for international protection within a period of three working days after it has been submitted.

Article 14

Proof of submission of an application and information

1. Within three days after the registration applicants are to be given a document serving as proof that the application for international protection has been submitted and which simultaneously attests that the applicant is authorised to remain in national territory while the application is pending.
2. Individuals applying for international protection are informed of their rights and duties in a language they understand or can reasonably be presumed to understand.

Article 15

Duties of individuals applying for international protection

1. Applicants shall submit all the information necessary to justify the application for international protection, namely:
 - a) Identification of the applicant and members of the applicant's family;
 - b) Indication of the applicant's nationality, previous country or countries and place or places of residence;
 - c) Indication of previous applications for international protection;
 - d) Description of the circumstances or facts justifying the need for international protection;
 - e) Allow fingerprints to be taken of all fingers, provided that the respective individual is at least 14 years old, pursuant to Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013, on the establishment of the Eurodac system for the comparison of fingerprints;
 - f) Maintain SEF informed of their place of residence and immediately communicate any change in address to this service;
 - g) Appear at SEF when asked to do so, with regard to any circumstance of the respective application.
2. For the purposes of paragraph 1 above, along with the application for international protection, applicants shall also submit any available identification and travel documents, as well as supporting items and may present up to a maximum of 10 witnesses.

Article 15-A

Translation of documents

1. When submitting the supporting items mentioned in Article 15(2), applicants shall take steps to have them translated into Portuguese.
2. Upon request by the applicant, when the applicant clearly does not have sufficient means to do so, SEF shall have the documents translated.
3. For the purposes of the provisions of paragraph 2 above, applicants shall prove the relevance of the documents to be translated for the application to be assessed, SEF being responsible for assessing the relevance of the respective translation.

4. The documents mentioned in previous paragraphs shall be translated before the time frames stipulated for decisions concerning the respective application for protection.

Article 16

Statements

1. Before any decision is made on the application for international protection, the applicant has the right to make statements in a language of their choice or in another language the applicant understands and through which the applicant can communicate clearly, in conditions guaranteeing due confidentiality and which allow the applicant to present the circumstances justifying the respective application.
2. The statements are provided individually, except if the presence of family members is considered necessary for a suitable assessment of the situation.
3. For the purposes of previous paragraphs, upon receiving an application for international protection, SEF shall immediately notify the applicant to provide statements within a period of two to five days.
4. (Repealed.)
5. Such statements may only be dispensed with:
 - a) If there are already conditions for a favourable decision concerning the status of refugee based on the available elements of proof;
 - b) If the applicant is deemed to be unable or incapable for the purpose due to long term circumstances, outside the applicant's control;
 - c) (Repealed.)
6. When statements are not provided pursuant to the previous paragraph, SEF shall ensure that the applicant or the person in their charge may communicate other information by any means.

Article 17

Report

1. After the measures described in previous articles have been carried out, SEF shall prepare a written report containing essential information related to the application.

2. The applicant shall be notified of the report mentioned in paragraph 1 above so as to be able to reply within a period of five days.
3. The representatives of the UNHCR and the CPR, as the non-governmental organisation acting on the UNHCR's behalf, shall be notified of the report mentioned in paragraph 1, provided that the applicant has consented to such notification, so that the said organisation can reply to the report if it so wishes, during the same period of time allowed for the applicant to reply.
4. The reasons due to which an applicant refuses to confirm the report are to be noted in the respective case file, notwithstanding the decision concerning the application.

Article 17-A

Special procedural guarantees

1. After the application for protection has been submitted and before the decision stipulated in Articles 20 and 24, it is necessary to assess the need to implement special procedural guarantees for applicants whose capacity to exercise rights and comply with obligations is limited owing to personal circumstances, namely, due to their age, gender, sexual identity, sexual orientation, disability or serious illness, mental disturbances, due to having been victims of torture, rape or other serious forms of psychological, physical or sexual violence.
2. In situations where applicants have been identified to be in the circumstances mentioned in paragraph 1, they shall be provided support and the necessary conditions to exercise the rights and duties inherent to the procedures for international protection.
3. In situations where special conditions are applicable the time frames stipulated for conducting the interviews or submitting elements of proof, as well as to conduct interviews with the support of experts in the identified areas, may be extended.
4. In cases where it is not possible to provide support and conditions to applicants identified as needing special procedural guarantees owing to torture, rape or other serious forms of psychological, physical or sexual violence, the special system for applications submitted at border posts is not applied.
5. The measures stipulated in this article are implemented by the district centre of the Social Security Institute [*Instituto de Segurança Social, I. P.*] and entities with which it has established agreements.

Article 18

Assessment of the application

1. While assessing each application for international protection SEF is responsible for analysing all relevant elements, namely the applicant's statements, pursuant to previous articles, and all available information.
2. While assessing the application SEF shall especially consider:
 - a) Pertinent facts related to the country of origin, obtained from sources such as the European Asylum Support Office, the UNHCR and relevant human rights organisations, at the time when a decision concerning the application is being made, including the respective legislation and regulations and the guarantees for their application;
 - b) The applicant's situation and personal circumstances, so as to assess whether the applicant suffered or could suffer persecution or serious offences based on the respective personal situation;
 - c) If the applicant's activities from the time of leaving the respective country of origin were solely or primarily aimed at creating the necessary conditions for applying for international protection, to assess whether these activities could expose the applicant to persecution or serious offences if the applicant returned to that country;
 - d) Whether it is reasonable to foresee that the applicant could avail of the protection of another country of which the applicant could claim citizenship;
 - e) The possibility of internal protection if, in a part of the country of origin, the applicant:
 - i) Does not have a justified fear of being persecuted or does not face a real risk of serious offence; or
 - ii) Has access to protection against persecution or serious offences, as defined in Article 5 and in Article 7(2), can travel and be admitted safely and in a regular manner in that part of the country and have reasonable expectations of being able to settle there.
3. The fact that the applicant has already been persecuted or directly threatened with persecution or has suffered or been directly threatened with a serious offence, unless there are justified reasons to consider that the motives for the respective persecution or serious offence have ceased and shall not be repeated, constitutes a serious indication of a justified fear of being persecuted or the risk of suffering a serious offence.

4. The applicant's statements shall be confirmed by means of documental proof or other means of proof admitted directly, unless the following conditions are met, cumulatively:
 - a) The applicant has made a genuine effort to justify the respective application;
 - b) The applicant has submitted all the elements available and a satisfactory explanation for the absence of any other elements considered to be pertinent;
 - c) The statements made by the applicant were considered to be coherent and plausible and did not contradict the available information;
 - d) The application was submitted as soon as possible, unless the applicant provides sufficient justification for this not to have been the case;
 - e) The applicant's general credibility has been ascertained.

Article 19

Expedited processing

1. The analysis of the conditions to be met in order to benefit from the status of international protection is subject to expedited processing and the application is considered to be unfounded when it is seen that:
 - a) The applicant has misled the authorities, submitting false information or documentation or concealing important information or documents related to the applicant's identity or nationality liable to have a negative impact on the decision;
 - b) It is likely that the applicant, in bad faith, has destroyed or lost identity or travel documents which could help determine their identity or nationality;
 - c) The applicant has made clearly incoherent and contradictory, patently false or obviously untrue statements, which contradict information that has been sufficiently verified about the country of origin, undermining the credibility of the allegation with regard to the reasons for meeting the requirements for benefiting from protection;
 - d) The applicant entered or has remained illegally in national territory and did not submit the application for international protection as soon as possible, without valid reasons;
 - e) While submitting the application and presenting the facts the applicant only cited issues that were not pertinent or of minimal relevance to analyse compliance with the conditions to be considered a refugee or a person eligible for subsidiary protection;

- f) The applicant comes from a safe country of origin;
 - g) The applicant has submitted a subsequent application which was not considered inadmissible pursuant to Article 19-A;
 - h) The applicant submitted the application solely with a view to delaying or impeding the execution of a prior or imminent decision for the applicant's removal;
 - i) The applicant represents a danger for internal security or for public order;
 - j) The applicant refuses to undergo the obligatory collection of fingerprints in accordance with Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013, on the establishment of the Eurodac system for the comparison of fingerprints.
2. (Repealed.)

Article 19-A

Inadmissible applications

1. Applications are considered to be inadmissible in the following situations:
 - a) The application is subject to the special procedure to determine the State responsible for analysing the application for international protection, as stipulated in Chapter IV;
 - b) The applicant benefits from the status of international protection in another Member State;
 - c) A country which is not a Member State is considered to be the first country of asylum;
 - d) A country which is not a Member State is considered to be a safe third-country;
 - e) A subsequent application was submitted which did not contain nor present new elements or data related to the analysis of compliance with the conditions to benefit from international protection;
 - f) An application was submitted by a person for whom the applicant is responsible, after the said person had consented that a previous application be submitted in the said person's name and there are no elements justifying a separate application.
2. In the cases set out in paragraph 1 above, it is not necessary to analyse the conditions to be fulfilled in order to benefit from the status of international protection.

Article 20

Competence to assess and decide

1. The national director of SEF is responsible for issuing a justified decision concerning unfounded and inadmissible applications within a period of 30 days from the date the application for international protection is lodged.
2. In the absence of a decision within the period stipulated in paragraph 1 above, the application is deemed to have been admitted.
3. The applicant shall be informed of the decision concerning the application mentioned in previous paragraphs within a period of two days.
4. In the case of justified applications, the SEF national director is responsible for the decision concerning admissibility.
5. The representative of the UNHCR and the CPR, as the non-governmental organisation acting on the UNHCR's behalf, are informed of the decision mentioned in paragraph 1, provided that the applicant has consented to this.

Article 21

Effects of the decision

1. The decision confirming the admissibility of the application for international protection results in the procedure proceeding pursuant to Section III of Chapter III.
2. A decision stipulating that the application is inadmissible results in the applicant being notified to abandon the country within a period of 20 days, if in an irregular situation.
3. If the applicant does not comply with the provision stipulated in the previous paragraph, SEF shall take steps towards coercive removal, pursuant to the terms of the legal system governing the entry, stay, departure and removal of foreigners from national territory, approved by Law No 23/2007 of 4 July 2007, amended by Law No 29/2012 of 9 August 2012.

Article 22

Jurisdictional appeals

1. The decision by the SEF national director is subject to jurisdictional appeals at the administrative courts, within a period of eight days, with a suspensive effect.

2. The jurisdictional appeals mentioned in paragraph 1 above are subject to the procedures and time frames stipulated in Article 110 of the Code of Procedures for Administrative Courts, with the exception of the provisions of Article 110(3).

SECTION II

Applications submitted at border posts

Article 23

Special system

1. Decisions concerning applications for international protection submitted at border posts by foreign nationals who do not meet the legal requirements necessary for entering national territory are subject to the provisions of previous articles with the changes contained in this section.
2. Staff who receive applicants requesting international protection at border posts shall have appropriate training and suitable knowledge of the relevant applicable standards in the field of the laws governing international protection.

Article 24

Assessment of the application and decision

1. SEF shall inform the representative of the UNHCR and the CPR, as the non-governmental organisation acting on the UNHCR's behalf, that the application for international protection mentioned in Article 23 above has been submitted and these organisations may interview the applicant should they so wish.
2. The applicant shall be informed in writing, in a language the applicant understands or can reasonably be presumed to understand, of their rights and obligations and may make statements which are valid, for all purposes, as a prior hearing of the interested party.
3. The statements described in paragraph 2 above are subject to the provisions of Article 16.
4. The SEF national director shall issue a justified decision concerning the applications within a maximum period of seven days.

5. The applicant shall be notified in writing of the decision mentioned in paragraph 4 above, along with information related to the right to applicable jurisdictional appeals, in a language the applicant understands or may reasonably be presumed to understand, and this shall also be communicated to the representative of the UNHCR and the CPR, as the non-governmental organisation acting on the UNHCR's behalf, provided that the applicant has consented to this.

Article 25

Jurisdictional appeals

1. The decision by the SEF national director is subject to jurisdictional appeals at the administrative courts, within a period of four days, with a suspensive effect.
2. The jurisdictional appeals mentioned in paragraph 1 above are subject to the procedures and time frames stipulated in Article 110 of the Code of Procedures for Administrative Courts, with the exception of the provisions of Article 110(3).
3. Jurisdictional appeals of the decisions related to the jurisdictional objections mentioned in paragraph 1 above have a suspensive effect.
4. The interested party is entitled to legal protection, and the legal system to appoint a defender for urgent procedures shall be applicable, with due adaptations. Similarly, the immediate appointment of a forensic agent may also be requested, under conditions to be established by means of an agreement between the member of the government responsible for home affairs and the Bar Association.

Article 26

Effects of the application and the decision

1. The applicant shall remain in the international zone of the port or airport while awaiting notification of the decision by the SEF national director, the procedures and other guarantees stipulated in legislation being applied.
2. Temporary accommodation for unaccompanied or separated minors is subject to special conditions, pursuant to terms recommended internationally, namely by the UNHCR, UNICEF and the International Committee of the Red Cross.

3. Without prejudice to the provisions of Article 25 above, a decision that the application is inadmissible shall result in the application of the legal system governing the entry, stay, departure and removal of foreigners from national territory.
4. The decision to admit the application or the elapsing of the period stipulated in Article 24(4) without a decision having been notified shall result in the applicant being allowed to enter national territory and the case shall then be processed pursuant to the following articles.

SECTION III

Procedures

Article 27

Provisional residence permit

1. In situations in which the application for international protection has been admitted, SEF shall issue a provisional residence permit, valid for a period of six months from the date of the decision to allow the application, renewable until the final decision is issued, or, in the situation set out in Article 31, until the period specified therein has elapsed.
2. The model for the residence permit mentioned in paragraph 1 above is established by means of an order issued by the member of the government responsible for the area of home affairs.
3. Members of the applicant's family to whom the effects of international protection have been extended are also issued a residence permit, pursuant to paragraph 1 above.
4. While the procedures for international protection are pending the applicant is subject to the provisions of this law as well as the legal system governing the entry, stay, departure and removal of foreigners in national territory.

Article 28

Processing

1. SEF shall carry out the required steps and verify all the relevant facts for a fair and quick decision, being responsible for implementing the procedures for international protection.

2. The processing period is six months and in especially complex cases this period may be extended up to nine months. The applicant shall be kept informed of the situation and, on request, of the reason for any delays, as well as the expected period for the decision.
3. Within the scope of carrying out the procedures for international protection SEF may, if necessary, request the opinion of experts for specific questions, namely medical or cultural matters.
4. During the processing, the UNHCR representative or the CPR, as the non-governmental organisation acting on the UNHCR's behalf, can add reports or information about the respective country of origin to the case file and obtain information on the application for international protection and on the progress of the case, provided that the applicant has consented to this.
5. At any stage of the process, the representative of the UNHCR or the CPR, as the non-governmental organisation acting on the UNHCR's behalf, may submit their observations to SEF, in their role under Article 35 of the Geneva Convention.

Article 29

Decision

1. After the processing, SEF shall prepare a justified proposal on whether to grant or refuse international protection.
2. The applicant shall be notified of the contents of the proposal mentioned in paragraph 1 above and may respond to the same within a period of 10 days.
3. (Repealed.)
4. After the period mentioned in paragraph 2 above has elapsed, the duly justified proposal is sent to the SEF national director, who shall submit it to the member of the government responsible for home affairs within a period of 10 days.
5. The member of the government responsible for home affairs shall decide within a period of eight days from the date the proposal mentioned in paragraph 4 above has been submitted.
6. SEF shall notify the applicant of the decision, in a language the applicant understands or can reasonably be presumed to understand, mentioning the applicant's rights pursuant to Article 30 below and shall also inform the UNHCR representative or the CPR, as the non-governmental organisation acting on the UNHCR's behalf, provided that the applicant has consented to this.

Article 30

Jurisdictional appeals

1. Decisions made pursuant to Article 29 above are subject to jurisdictional appeals at the administrative courts, within a period of 15 days, with a suspensive effect.
2. The jurisdictional appeals mentioned in paragraph 1 above are subject to the procedures and time frames stipulated in Article 110 of the Code of Procedures for Administrative Courts, with the exception of the provisions of Article 110(3).

Article 31

Effects of a decision to refuse international protection

1. If a decision is issued to refuse international protection, the applicant may remain in national territory for a transitional period of no more than 30 days.
2. The applicant is subject to the legal system governing the entry, stay, departure and removal of foreigners from national territory after the end of the period specified in paragraph 1 above.

Article 32

Closure of a case

1. A case is declared to be closed whenever the applicant requesting international protection expressly desists from the application or there is an implicit desistance of the case and the process has been halted for more than 90 days, namely when the applicant:
 - a) Does not provide information that is essential for the application when notified to do so;
 - b) Does not appear for the personal interview;
 - c) Disappears or is absent without contacting SEF;
 - d) Does not comply with the obligation to appear or any other obligation concerning communications.
2. The SEF national director is responsible for declaring a case to be closed, with the faculty to delegate this responsibility.

3. Without prejudice to declaring the case to be closed pursuant to paragraph 2 above, an applicant requesting international protection who again appears before the authorities is entitled to ask for the case to be re-opened, which, in such cases, shall resume at the same stage at which it was interrupted.

SECTION IV

Subsequent applications

Article 33

Submitting a subsequent application

1. Without prejudice to the elapsing of the time periods specified for the respective jurisdictional appeals, applicants who have been refused the right to international protection may submit a subsequent application, whenever there are new elements of proof which would permit the respective applicant to benefit from that right or when the applicant believes the reasons for the decision stipulating inadmissibility or the refusal of the right to international protection no longer exist.
2. The subsequent application is addressed to SEF and shall be processed with all the documents of proof justifying its submission. SEF may grant the applicant a reasonable period to present new facts, information or elements of proof.
3. SEF shall inform the UNHCR representative and the CPR, as the non-governmental organisation acting on the UNHCR's behalf, of the submission of the subsequent application.
4. SEF shall carry out a preliminary assessment of the application within a maximum period of 10 days counted from the date the application was submitted or the date the elements the applicant has been requested to provide, pursuant to paragraph 2, have been submitted.
5. When the preliminary assessment indicates that the applicant meets the conditions necessary to benefit from the right to international protection, the procedure shall proceed pursuant to Article 27 onward, it being possible to dispense with verifying proof that has already been produced in the previous procedure being used by the applicant.

6. If it is concluded that new elements of proof have not been submitted the SEF national director shall issue a decision to the effect that the application is inadmissible, the applicant being immediately notified, in a language the applicant understands or can reasonably be presumed to understand, of the reasons for the decision considering the results of the preliminary assessment, as well as the possibility of jurisdictional appeals at the administrative courts, within a period of four days, with a suspensive effect.
7. The jurisdictional appeals mentioned in paragraph 6 above are subject to the procedures and time frames stipulated in Article 110 of the Code of Procedures for Administrative Courts, with the exception of the provisions of Article 110(3).
8. The jurisdictional appeals of the decisions related to the jurisdictional appeals mentioned in paragraph 1 above do not have a suspensive effect.
9. When the applicant is in national territory, the notification of the decision mentioned in paragraph 6 shall also state that the applicant is to leave the country within 20 days, being subject to the legal system governing the entry, stay, departure and removal of foreigners from national territory after the said period, except when the applicant already benefits from a more favourable period owing to the provisions of this law.

SECTION V

Application after a decision for removal from national territory

Article 33-A

Submission of an application after a decision for removal

1. Foreign nationals or stateless persons who submit an application for international protection after being subject to a process of coercive removal or judicial expulsion are subject to the rules stipulated in this article.
2. The application mentioned in paragraph 1 above is submitted to SEF and shall be processed with all the elements of proof that justify its submission.
3. SEF shall inform the UNHCR representative and the CPR, as the non-governmental organisation acting on the UNHCR's behalf, as soon as the application is submitted.
4. Before any decision is issued about the application, applicants have the right to make statements, pursuant to Article 16, which is valid for all effects as a prior hearing of the interested party.

5. SEF shall assess the application pursuant to Article 18, the SEF national director being responsible for issuing a decision within a maximum period of 10 days from the day the application is submitted.
6. The applicant shall immediately be notified of the decision by the SEF national director and informed of the possibility of jurisdictional appeals at the administrative courts, within a period of four days, with a suspensive effect.
7. The jurisdictional appeals mentioned in paragraph 6 above are subject to the procedures and time frames stipulated in Article 110 of the Code of Procedures for Administrative Courts, with the exception of the provisions of Article 110(3).
8. The jurisdictional appeals of the decisions related to the jurisdictional appeals mentioned in paragraph 6 above do not have a suspensive effect.

Article 34

(Repealed.)

SECTION VI

Resettlement of refugees

Article 35

Application for resettlement

1. Applications for the resettlement of refugees within the purview of the UNHCR are submitted to the member of the government responsible for home affairs.
2. SEF is responsible for the necessary processing measures and a decision on applications shall be issued within a maximum period of 60 days.
3. The non-governmental organisation appointed within the scope of the agreement established for this purpose shall be informed of applications submitted and may issue an opinion in this regard, within a period of ten days.
4. The member of the government responsible for home affairs shall decide whether to accept the application for resettlement within a period of 15 days from the date SEF submits the application.

5. The acceptance of the application for resettlement confers the respective applicants a status identical to that stipulated in Chapter VII.

SECTION VII

System for placement or holding in detention facilities

Article 35-A

Placement or holding in detention facilities

1. 1 — Applicants requesting international protection cannot be kept in detention owing to the fact that they have requested protection.
2. Applicants can only be placed or held in detention facilities on grounds of national security, public order, public health or when there is a flight risk, based on an individual assessment and if it is not possible to effectively implement less serious alternative measures.
3. Applicants can also be placed or held in detention facilities if it is not possible to effectively implement less serious alternative measures:
 - a) In the context of applications submitted at border posts, as stipulated in Section II of Chapter III;
 - b) In the context of applications submitted after a decision of removal from national territory, pursuant to Section V of Chapter III;
 - c) During the special procedure to determine the State responsible for analysing the application for international protection, stipulated in Article 28 of Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013, establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person.
4. For the purposes of the previous paragraph, the following are considered to be less serious alternative measures:
 - a) Periodically reporting in person to SEF;
 - b) Obligation to remain within the accommodation, using electronic monitoring technology, pursuant to legislation.

5. Such placements within the scope of this article, as well as the alternative measures, are determined by the magistrate for the misdemeanour court in the respective area of jurisdiction or by the district court in other areas of the country.
6. In the context of applications for international protection submitted at border posts, the stay in the detention facility or equivalent space is communicated within a maximum period of 48 hours to the magistrate for the misdemeanour courts of the respective area of jurisdiction or the district court in other areas of the country, to be assessed pursuant to this article.

Article 35-B

Conditions for placement or holding in a detention facility

1. The placement in a detention centre or equivalent space mentioned in Article 35-A above may not be extended for more time than strictly necessary and may not exceed 60 days. The decision may be reanalysed as a matter of regular procedure and/or at the applicant's request if relevant circumstances or new information likely to undermine the legality of the measure come to light.
2. Applicants are immediately informed in writing, in a language they understand or can be reasonably presumed to understand, of the reason for such a placement and the means of jurisdictional appeals available to them, as well as the possibility of being able to benefit from legal support pursuant to applicable legislation.
3. Applicants are allowed, on request, to contact their legal representatives, their family members and representatives of the UNHCR or CPR, as the non-governmental organisation acting on the UNHCR's behalf, and of other organisations acting in this area.
4. Access to the facilities of the detention centre can only be limited owing to reasons of security, public order or administrative management, provided that access is not severely curtailed or prevented.
5. Applicants are given information on the rules in effect in the facilities where they are being housed, as well as their rights and duties, in a language they understand or can reasonably be presumed to understand.
6. As far as possible, unaccompanied minors are accommodated in institutions with staff and facilities suitable for the personal needs of their age.
7. Families shall receive separate accommodation guaranteeing them the necessary privacy and female applicants shall be guaranteed separate accommodation.

8. Vulnerable persons shall be guaranteed regular monitoring and suitable support, considering the specific situation, including their state of health.
9. Applicants being held in facilities shall have access to open air spaces.

CHAPTER IV

Special procedure to determine the State responsible for analysing the application for international protection

Article 36

Determining the responsible State

When it proves necessary to determine the State responsible for analysing an application for international protection a special procedure is organised regulated by this chapter.

Article 37

Application for international protection submitted in Portugal

1. When it is deemed that another Member State is responsible for analysing the application for international protection, pursuant to Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013, SEF shall request the respective authorities to assume or resume charge.
2. After the respective State has accepted responsibility, the SEF national director shall issue a decision, within a period of five days, pursuant to Article 19–A(1)(a) and Article 20. The applicant shall be notified of the said decision in a language the applicant understands or can be reasonably presumed to understand, as shall the UNHCR representative and the CPR, as the non-governmental organisation acting on the UNHCR’s behalf, by means of a request submitted, accompanied by the applicant’s consent.
3. The notification mentioned in paragraph 2 above is accompanied by a safe-conduct for the applicant, to be issued by SEF in accordance with a model to be approved by an order by the member of the government responsible for home affairs.
4. The decision issued by the SEF national director is subject to jurisdictional appeals at the administrative courts, within a period of five days, with a suspensive effect.



5. The jurisdictional appeals mentioned in paragraph 4 above are subject to the procedures and time frames stipulated in Article 110 of the Code of Procedures for Administrative Courts, with the exception of the provisions of Article 110(3).
6. Jurisdictional appeals of decisions related to the jurisdictional appeals mentioned in paragraph 4 above have a suspensive effect.
7. If the respective State responds negatively to SEF's request, pursuant to paragraph 1 above, the provisions of Chapter III shall be applicable.

Article 38

Execution of the transfer decision

SEF is responsible for ensuring the transfer of the applicant seeking international protection.

Article 39

Suspension of the time frame for the decision

The procedure to determine the State responsible for analysing the application for international protection suspends, until the final decision, the calculating of the period set out in Article 20(1) and Article 24(4).

Article 40

Application for international protection submitted in another Member State of the European Union

1. The SEF national director is responsible for decisions concerning acceptance of responsibility by the Portuguese State after analysing the application for international protection lodged in other Member States of the European Union.
2. The decision stipulated in paragraph 1 is made within a maximum period of two months from the date the request for acceptance formulated by the State in which the applicant seeking international protection is located or in which the application was lodged is received.
3. In cases classified as being urgent by the State where the application was lodged the time period mentioned in paragraph 2 above is reduced to eight days.

CHAPTER V

Loss of the right to international protection

Article 41

Causes for ceasing, revoking, suppressing or rejecting a renewal of the right to international protection

1. The right to asylum ceases when the foreign national or stateless person:
 - a) Decides voluntarily to again avail of the protection of the country of his or her nationality;
 - b) Voluntarily recovers his or her nationality after having lost it;
 - c) Acquires a new nationality and enjoys the protection of the country of the newly acquired nationality;
 - d) Returns voluntarily to the country he or she left or outside which he or she had remained for fear of persecution;
 - e) Cannot continue to refuse to avail of the protection of the country of nationality, since the circumstances due to which he or she was recognised as a refugee no longer exist;
 - f) In the case of a stateless person, he or she is in a suitable condition to return to the country of usual residence, since the circumstances due to which he or she was recognised as a refugee no longer exist;
 - g) Expressly renounces the right to asylum.
2. Subsidiary protection ceases when the circumstances resulting in the said protection no longer exist or have changed to such an extent that the protection is no longer necessary.
3. For the purposes of the provisions of paragraph 1(e) and (f) and paragraph 2, and without prejudice to the provisions of Article 47, such cessation can only be declared if SEF concludes that the change in circumstances in the State of nationality or usual residence of the person benefitting from the right to asylum or subsidiary protection is sufficiently significant and enduring to eliminate the justified fear of persecution or the risk of suffering serious harm.
4. Paragraph 1(e) and (f) are not applicable to refugees who able to invoke imperative reasons related to prior persecution to refuse to avail of the protection of the country of their nationality or, in the case of stateless persons, of their erstwhile country of usual residence.



5. The renewal of the right to asylum or subsidiary protection is repealed, suppressed or refused when it is seen that the foreign national or stateless person:
 - a) Should have been or can be excluded from the right to benefit from the right to asylum or subsidiary protection, pursuant to Article 9;
 - b) Has distorted or omitted facts, including the use of false documents, decisive for benefitting from the right to asylum or subsidiary protection;
 - c) Represents a danger for internal security;
 - d) Has been sentenced by a judgement of the court of last resort for an intentional common law crime punishable with a prison term of more than three years, represents a danger for internal security or for public order.
6. For the purposes of a prior audience, SEF shall notify the beneficiary about the planned decision, who may reply within a period of eight days.

Article 42

Effects of the loss of the right to international protection

1. (Repealed.)
2. The loss of the right to international protection pursuant to Article 41 above results in the application of the legal system governing the entry, stay, departure and removal of foreigners in national territory.
3. (Repealed.)

Article 43

Competence to declare the loss of the right to international protection and removal from national territory

1. The member of the government responsible for home affairs is responsible for declaring the loss of the right to international protection, based on a proposal submitted by the SEF national director.
2. The applicant shall be notified of the declaration mentioned in paragraph 1 above, in a language which the applicant understands or can be reasonably presumed to understand.



3. The representative of the UNHCR or the CPR, as the non-governmental organisation acting on the UNHCR's behalf, shall be informed of the declaration of the loss of the right to international protection.

Article 44

Jurisdictional appeals

1. The decision issued within the scope of Article 43(1) is subject to jurisdictional appeals at the administrative courts, within a period of eight days, with a suspensive effect.
2. The jurisdictional appeals mentioned in paragraph 1 above are subject to the procedures and time frames stipulated in Article 110 of the Code of Procedures for Administrative Courts, with the exception of the provisions of Article 110(3).

Article 45

(Repealed.)

Article 46

(Repealed.)

Article 47

Prohibition of expulsion or refoulement

1. When the loss of the right to international protection results in a process towards coercive removal, this is subject to the principle of non-refoulement defined in Article 2(1)(aa).
2. No persons shall be returned, removed, extradited or expelled to a country where they would be subject to torture or cruel or degrading treatment.

CHAPTER VI

Status of an applicant requesting asylum and subsidiary protection

SECTION I

General provisions

Article 48

Effects of asylum and subsidiary protection on extradition

1. The granting of asylum or subsidiary protection prevents the implementation of any request to extradite the beneficiary, based on the facts on which the international protection was granted.
2. The final decision on any process to extradite the applicant which is pending is suspended while the application for international protection is being assessed, during the administrative phase as well as during the jurisdictional phase.
3. For the purposes of compliance with the provisions of the previous paragraph, SEF shall inform the entity responsible for the respective extradition process of the lodging of an application for international protection within a period of two working days.

Article 49

Rights of applicants

1. Without prejudice to the provisions of the following articles, applicants requesting asylum or subsidiary protection benefit from the following guarantees:
 - a) To be immediately informed or, when the application has been submitted through another entity, within five days from the date the application has been lodged, in a language the applicant understands or can reasonably be presumed to understand, of their rights and obligations in the context of reception, namely with regard to:
 - i) The time periods and means available to comply with the duty to submit elements relevant for assessing the application;
 - ii) Procedural processes;
 - iii) Organisations or groups of persons who provide specific legal assistance;

- iv) Organisations which can provide support or information concerning available reception conditions, including medical assistance;
 - v) The consequences of not complying with the duties and a lack of cooperation stipulated in Article 15;
- b) To be informed at the time their fingerprint data is taken, in a language the applicant understands or can reasonably be presumed to understand, of the purpose and processing of their personal data, as well as all the other rights of persons concerning personal data as stipulated in Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of the 'Eurodac' system for the comparison of fingerprints;
 - c) Be informed of the decision concerning the application's admissibility and the respective contents, even if through a legal representative, if availing of the assistance of a lawyer;
 - d) Benefit, whenever necessary, from the services of an interpreter to assist in formalising the application and during the respective procedures;
 - e) Benefit from free legal counselling in all phases of the procedures, to be provided by a public entity or non-governmental organisation with which an agreement has been signed to this end;
 - f) Benefit from legal support pursuant to legislation.
2. Without prejudice to the provisions of paragraph 1(a), SEF is required to provide the applicant requesting asylum or subsidiary protection with an information leaflet in a language the applicant can understand, without prejudice to the same information also being provided orally.
 3. (Repealed.)
 4. (Repealed.)
 5. Lawyers representing applicants requesting asylum or subsidiary protection can access the information in the respective case file.
 6. The applicant's lawyers, representatives of the UNHCR and CPR, as the non-governmental organisation acting on UNHCR's behalf, and representatives of other non-governmental organisations active in this area are entitled to access prohibited areas, such as detention or transit facilities, in order to be able to duly provide the applicant the necessary counselling.
 7. While providing the statements mentioned in Article 16, applicants seeking asylum or subsidiary protection can be accompanied by a lawyer, without prejudice to the fact that the absence of the said lawyer shall not prevent the procedure from being carried out.

Article 50

(Repealed.)

SECTION II

Provisions related to reception conditions

Article 51

Means of subsistence

1. Applicants seeking asylum or subsidiary protection who do not have economic and social resources and members of their family are granted social support for accommodation and food, pursuant to legislation in effect.
2. For the purposes of paragraph 1 above, while allocating accommodation suitable measures shall be taken, with the consent of the applicants, to maintain as far as possible the unity of the family present in national territory, namely the measures stipulated in Article 59(1)(a) and (b).

Article 52

Medical assistance and medication

1. Applicants seeking asylum or subsidiary protection and their respective family members are required to be allowed to access the National Health Service, pursuant to an order to be defined by the members of the government responsible for home affairs and health.
2. The document proving that an application has been lodged seeking international protection or subsidiary protection, issued pursuant to Article 14, is deemed to be sufficient to prove the status of applicant for the purpose of the provisions of paragraph 1 above.
3. For the purposes of this article the health authorities can, for reasons of public health, require applicants to undergo a medical examination, to prove that they do not suffer from any of the diseases defined in the applicable World Health Organisation instruments or other infectious or contagious parasitical diseases subject to protection measures in national territory. The results of such examinations are confidential and do not affect the procedures for international protection.
4. The medical examinations and measures described in paragraph 3 above shall not be systematic in nature.

5. Particularly vulnerable applicants are required to be provided with medical or other assistance which proves necessary.

Article 53

Access to education

1. The minor children of applicants seeking asylum or subsidiary protection and applicants seeking asylum or subsidiary protection who are minors have access to the educational system in the same conditions as national citizens and other nationals for whom Portuguese is not their mother tongue.
2. The possibility of continuing secondary education cannot be denied on the grounds that a minor has reached the age of adulthood.

Article 54

Right to work

1. Applicants seeking asylum or subsidiary protection who have already been issued a provisional residence permit are guaranteed access to the labour market, pursuant to general legislation. The social support system stipulated in Article 56 shall cease after the applicant engages in a remunerated profession.
2. (Repealed.)
3. (Repealed.)
4. In cases of jurisdictional appeals of decisions to refuse international protection, the right to access the labour market shall continue until the delivery of the respective judgement confirming that the application is unfounded.

Article 55

Programmes and measures for employment and professional training

1. Applicants seeking asylum or subsidiary protection have access to programmes and measures for employment and professional training in conditions to be established by the ministries overseeing the respective areas, provided that they meet the requirements established in Article 54 above.
2. (Repealed.)

SECTION III

Material reception conditions and health care

Article 56

Social support

1. Applicants seeking asylum or subsidiary protection and their respective family members who do not have sufficient means to allow their subsistence are guaranteed the material reception conditions as well as the health care established in this section, with a view to meeting their basic needs in conditions ensuring human dignity.
2. Particularly vulnerable applicants seeking asylum or subsidiary protection and their family members and applicants seeking asylum or subsidiary protection who are in border posts are similarly guaranteed suitable material reception conditions, as well as appropriate health care.
3. For the purposes of paragraph 1 applicants who do not have any type of resources or resources worth less than the value of the social support subsidy ascertained pursuant to applicable legislation are deemed to not have sufficient resources.
4. If it is proved that an applicant has sufficient resources he or she may be asked to make a total or partial contribution to cover the expenses derived from the material reception conditions and health care.
5. If it is proved that an applicant has sufficient resources to pay for the material reception conditions and health care at the time when these basic needs were provided, the competent entity can request the respective reimbursement.

Article 57

Types of grants

1. Material reception conditions may be provided in the following ways:
 - a) Housing in kind;
 - b) Food in kind;
 - c) Monthly social support benefit, for expenditure associated with food, clothing, hygiene and transport;



- d) Supplementary monthly subsidy for housing;
 - e) Supplementary subsidy for personal expenditure and transport.
2. The housing and food in kind may be provided in one of the following ways:
- a) In facilities equivalent to reception centres for asylum seekers in cases where the application is submitted at border posts;
 - b) In reception centres for asylum seekers or equivalent establishments providing suitable living conditions;
 - c) In private houses, apartments, hotels or other facilities adapted to receive asylum seekers.
3. The following forms of reception can be applied cumulatively:
- a) Accommodation and food in kind with a supplementary subsidy for personal expenses and transport;
 - b) Accommodation in kind or a supplementary subsidy for accommodation with the social support cash benefit.
4. On an exceptional basis and for a specific period, material reception conditions that are different from those stipulated in previous paragraphs may be established, whenever:
- a) An initial assessment of the specific needs of applicants is necessary;
 - b) The material reception conditions stipulated in paragraph 2 are not available in the geographic area where the applicant is located;
 - c) The available capacity for accommodation is temporarily full; or
 - d) The applicants seeking asylum or subsidiary protection are being held at a border post which does not have facilities equivalent to reception centres.

Article 58

Amounts of the subsidies

The monetary support mentioned in Article 57(1)(c) and (d) is calculated with reference to the social support subsidy stipulated in applicable legislation and shall not exceed the following percentages:

- a) Monthly social support cash benefit, for expenses associated with food, clothing, hygiene and transport, corresponding to 70% of the amount ascertained;

- b) Monthly supplementary subsidy for accommodation, corresponding to 30% of the amount ascertained;
- c) Monthly subsidy for personal expenses and transport, corresponding to 30% of the amount ascertained.

Article 59

Additional guarantees for accommodation

1. The entity responsible for providing accommodation in kind, pursuant to Article 57(2), shall:
 - a) Take steps to protect the family life of the applicants;
 - b) Ensure, if applicable, that the minor children of applicants or applicants who are minors are housed with their parents or with the adult family member responsible for them by law;
 - c) Ensure, as far as possible, that adult applicants with special reception needs are housed with close family members who are already in national territory and are responsible for them by law;
 - d) Ensure that applicants are able to communicate with their family or their legal representatives, as well as with representatives of UNHCR or the CPR, as the non-governmental organisation acting on the UNHCR's behalf;
 - e) Implement suitable measures to prevent aggression and violence, namely on the basis of gender, including sexual assault and aggression, inside the facilities and the reception centres mentioned in Article 57(2).
2. Applicants seeking asylum or subsidiary protection can be transferred from one reception facility to another only if this proves to be necessary for the easy processing of the case or to improve accommodation conditions.
3. Applicants transferred pursuant to paragraph 2 above are guaranteed the possibility of being able to inform their legal representatives of the transfer and their new address.
4. The applicant's lawyers, representatives of the UNHCR or the CPR, as the non-governmental organisation that acts on the UNHCR's behalf, and other non-governmental organisations working in this area, which are recognised by the State as such, are guaranteed access to the reception centres and other accommodation facilities so as to assist applicants seeking asylum or subsidiary protection. Restrictions on access may only be imposed if duly justified and only to ensure security at the centres and facilities and the security of the applicants.

5. Individuals working in the reception centres are required to receive suitable training and are duty bound to maintain the confidentiality of the information of which they become aware while engaging in their functions.

SECTION IV

Reducing or ceasing the benefit of reception conditions

Article 60

Reducing or ceasing the benefit of reception conditions

1. Social support ceases with a decision to refuse an application for international protection, being subject to appeals at administrative courts and jurisdictional appeals of the decision confirming its subsequent effects, addressed respectively, in Article 30(1) and (2).
2. The support described in paragraph 1 above shall not cease when an analysis of the applicant's economic and social situation concludes that the support needs to be continued.
3. The reception conditions may be totally or partially withdrawn if the applicant seeking asylum or subsidiary protection does any of the following without due justification:
 - a) Abandons the place of residence established by the competent authority without informing SEF or without the required permission;
 - b) Abandons the place of residence without informing the competent entity responsible for accommodation;
 - c) Does not comply with obligations to appear in person;
 - d) Does not provide the information requested or does not appear at individual interviews when summoned for this purpose;
 - e) Has concealed financial resources and is hence benefitting unduly from material reception conditions;
 - f) Submits a subsequent application.
4. If, after the reception conditions have ceased owing to a failure to comply with the provisions of paragraph 3(a) to (c), the applicant is found or appears voluntarily before the competent authorities, a justified decision shall be made as to whether to allow the respective individual to again benefit from some or all of the reception conditions.

5. Decisions related to the reduction and cessation of benefits associated with reception conditions in the situations mentioned in paragraph 1 are made in an individual, objective and impartial manner and shall be duly justified.
6. The decisions mentioned in paragraph 5 above shall be exclusively based on the particular situation of the individual in question, especially in the case of particularly vulnerable persons, keeping in mind the principle of proportionality.
7. The reduction or ceasing of benefits does not prejudice access to urgent health care, basic treatment of illnesses and serious mental disturbances and medical care or other types of assistance necessary for applicants with special reception needs, including suitable psychological assistance if necessary.
8. The decisions mentioned in paragraph 3 above are subject to appeal pursuant to Article 63(1).

SECTION V

Guarantees to ensure the effectiveness of the reception system

Article 61

Competences

1. The ministry responsible for home affairs is tasked with ensuring that applicants seeking asylum or subsidiary protection who have been held at border posts have access to accommodation and health care, and meeting the responsibilities inherent to granting the material reception conditions, until the decision concerning the application's admissibility is issued. Such responsibilities may also be ensured by other public entities or private non-profit organisations, as defined in agreements.
2. The ministry responsible for the area of solidarity, employment and social security is responsible for bearing the costs resulting from the attribution of material reception conditions to applicants seeking asylum or subsidiary protection who have entered or are already in national territory, from the time the application is admitted until a final decision. Such conditions may be provided directly or through other public entities or private non-profit organisations with which agreements have been signed.
3. The entities responsible for the National Health Service are responsible for ensuring that applicants seeking asylum or subsidiary protection and their family members have access to health care, pursuant to applicable legislation.



4. Access for minors to the educational system is ensured by the competent entities within the purview of the ministry responsible for the area of education and science.
5. The entities responsible for granting the material reception conditions stipulated in this law are responsible for the decisions mentioned in Article 60.

Article 62

Staff and resources

The authorities and other organisations mentioned in Article 61 above shall provide their staff with suitable basic training to meet the needs of applicants seeking international protection.

Article 63

Guarantees

1. The decisions made pursuant to Article 60 which individually affect applicants seeking asylum or subsidiary protection are subject to administrative and jurisdictional guarantees and, when subject to appeal at administrative courts, have the effects stipulated, respectively, in Article 30(1) and (2).
2. The forms of legal support are governed by applicable legislation.

Article 64

Collaboration between non-governmental organisations and the State

1. Non-governmental organisations can collaborate with the State to implement the measures described in this law.
2. Collaboration between non-governmental organisations and the State to implement measures related to applicants seeking asylum or subsidiary protection mentioned in paragraph 1 above may be reflected in the organisation of information and voluntary work, legal support, reception support and other forms of social support, by means of agreements or other reciprocal ties.

CHAPTER VII

Status of refugee and subsidiary protection

Article 65

Rights and obligations

Persons benefitting from the status of refugee and subsidiary protection enjoy the rights and are subject to the duties of foreign nationals residing in Portugal, insofar as they do not contradict the provisions of this law, of the 1951 Geneva Convention and the 1967 New York Protocol. They are also obliged to uphold laws and regulations, as well as the measures aimed at maintaining public order.

Article 66

Information

In the notification granting the status of refugee or subsidiary protection, SEF shall inform the beneficiary of the rights and duties related to the respective status, in a language the beneficiary understands or can be reasonably presumed to understand.

Article 67

Residence permits

1. Persons benefitting from the status of refugee are granted a residence permit valid for an initial period of five years, renewable for similar periods, unless imperative reasons of national security or public order require otherwise and without prejudice to the provisions of Chapter V.
2. Persons benefitting from the status of subsidiary protection are granted a residence permit for subsidiary protection valid for an initial period of three years, renewable for similar periods, preceded by an analysis of the evolution of the situation in the country of origin, unless imperative reasons of national security or public order prevent this and without prejudice to the provisions of Chapter V.
3. Family members of the person benefitting from the status of refugee or subsidiary protection are issued an extraordinary residence permit, the validity of which is identical to that of the person benefitting from the status of asylum or subsidiary protection, waiving the requirements stipulated by the legal system governing the entry, stay, departure and removal of foreigners from national territory.

4. After being proposed by the SEF national director, the member of the government responsible for the area of home affairs is responsible for granting the residence permit stipulated in this article, waiving all associated costs, according to the model established by an order issued by the said member of the government.
5. The SEF national director is responsible for decisions to grant the extraordinary residence permit mentioned in paragraph 3 above, as well as decisions to renew the residence permits as stipulated in previous paragraphs, with associated fees being waived.
6. (Repealed.)

Article 68

Preserving the family unit

1. Persons benefitting from the status of refugee or subsidiary protection are entitled to family formation with members of their family mentioned in Article 2(1)(k), in the conditions stipulated in the legal system governing the entry, stay, departure and removal of foreigners from national territory.
2. The effects of the asylum or the subsidiary protection shall be declared to extend to the family members mentioned in paragraph 1 above.
3. The provisions of previous paragraphs are not applicable in cases in which the family member is excluded from the status of refugee or subsidiary protection or loses such a status pursuant to this law.

Article 69

Travel documents

1. Persons benefitting from the status of refugee are issued, on request, a travel document in compliance with the provisions stipulated in the annexe to the Geneva Convention, which shall enable them to travel outside national territory, unless imperative reasons of national security or public order require otherwise.
2. Persons benefitting from the status of subsidiary protection, who clearly cannot obtain a national passport, can, on request by the interested party, be issued a Portuguese passport for foreign nationals which enables them to travel outside national territory, unless imperative reasons of national security or public order require otherwise.

3. The fee due for issuing these documents is stipulated by means of an order issued by the member of the government responsible for home affairs.

Article 70

Access to education

1. Minors who have been granted the status of refugee or subsidiary protection are allowed to fully access the educational system, in the same conditions as national citizens.
2. Adults who have been granted the status of refugee or subsidiary protection are allowed access to the educational system in general, as well as to training and professional improvement or refresher courses, in the same conditions as national citizens.
3. In the context of procedures in force to recognise diplomas, certificates and other foreign official proof of qualifications, persons benefitting from the status of refugee or subsidiary protection are guaranteed equal treatment as applicable to national citizens.

Article 71

Access to employment

1. Persons benefitting from the status of refugee or subsidiary protection are guaranteed access to the labour market, pursuant to general legislation, and the social support stipulated in Article 56 shall cease after engaging in remunerated employment.
2. Persons benefitting from the status of refugee or subsidiary protection are also guaranteed training opportunities associated with employment for adults, professional training and practical experience at work sites, in the same conditions as national citizens.
3. The legal provisions related to remuneration and other conditions related to employment are applicable.

Article 72

Social security

Persons benefitting from the status of refugee or subsidiary protection are subject to the legal provisions related to the social security system.

Article 73

Health care

1. Persons benefitting from the status of refugee or subsidiary protection and their respective family members can access the National Health Service in the same conditions as national citizens.
2. Persons benefitting from the status of refugee or subsidiary protection who are identified as being particularly vulnerable are guaranteed suitable health care, including treatment for mental disturbances, when necessary, in the same conditions as national citizens.
3. For the purposes of paragraph 2 above, persons with special needs are considered to be pregnant women, disabled persons, victims of torture, rape and other serious forms of physical, psychological or sexual violence, such as victims of domestic abuse and victims of female genital mutilation, minors who have suffered any form of abuse, neglect, exploitation, torture, cruel, inhuman or degrading treatment or the effects of an armed conflict

Article 74

Accommodation

Beneficiaries of the status of refugee or subsidiary protection are ensured access to accommodation, in conditions equivalent to those of foreign nationals residing legally in Portugal.

Article 75

Freedom of movement in national territory

Beneficiaries of the status of refugee or subsidiary protection are guaranteed the freedom of movement in national territory, in the same conditions stipulated for foreign nationals residing legally in Portugal.

Article 76

Integration programmes

The competent entities shall promote integration programmes in order to facilitate the integration of refugees and beneficiaries of subsidiary protection into Portuguese society.

CHAPTER VIII

Common provisions for the statuses of applicants and beneficiaries of asylum and subsidiary protection

Article 77

Provisions concerning particularly vulnerable persons

1. The situation of particularly vulnerable persons is considered both during the analysis procedures as well as in terms of material conditions and health care, pursuant to the following articles.
2. At the time the application for international protection or subsidiary protection is submitted or at any time during the procedure, the competent authority shall identify persons with special needs to be considered, along with the nature of these requirements, as stipulated in paragraph 1 above.
3. The assessment of applicants with special needs shall be carried out within a reasonable period immediately after the application for international protection is submitted.

Article 78

Minors

1. The best interests of minors shall be taken into consideration while applying this law.
2. For the purposes of paragraph 1 above, the following are considered to be in the best interests of the minor, namely:
 - a) Being placed with their respective capable parents or, in their absence, successively, with adult family members, in foster families, in specialised centres offering accommodation for minors or sites which have the necessary conditions for the purpose;
 - b) (Repealed.)
 - c) (Repealed.)
 - d) Not separating siblings;
 - e) Stability in their lives, with changes of residence limited to the minimum possible;
 - f) Their wellbeing and social development, keeping in mind their origins;
 - g) Aspects related to safety and protection, especially if there is a risk of their being victims of human trafficking;
 - h) Their opinion, considering their age and maturity.

3. The competent authorities of the Public Administration shall ensure that minors who have been victims of any form of abuse, neglect, exploitation, torture, cruel, inhuman and degrading treatment, or of armed conflicts, have access to rehabilitation services, as well as suitable psychological assistance, providing qualified support if necessary.
4. The rules contained in previous paragraphs are applicable to unaccompanied minors.

Article 79

Unaccompanied minors

1. Minors who are applicants or beneficiaries of international protection shall be represented by a non-governmental organisation or entity, or by any other form of legally permitted representation, without prejudice to the tutelary measures applicable within the scope of tutelary legislation for minors, the minor being informed of this.
2. SEF is responsible for informing the competent court of any application submitted by a minor or incapable person, for the purpose of representation, so that the minor or incapable applicant may exercise rights and comply with duties stipulated in legislation.
3. The representative shall be informed by SEF, in a timely manner, of the time scheduled for the statements mentioned in Article 16, so as to be present, being able to intervene during the said statements.
4. SEF shall take steps to ensure that the representative has the opportunity to inform the unaccompanied minor of the significance and the possible consequences of the personal interview and, if necessary, the way to prepare for the said interview.
5. SEF can require the presence of the unaccompanied minor at the personal interview even if the representative is present.
6. SEF may use medical experts in order to determine the age of the unaccompanied minor, by means of a non-invasive expert examination, presuming the applicant to be a minor if justified doubts persist.
7. Unaccompanied minors shall be informed that their age will be determined by means of an expert examination and the respective representative shall give consent to this end.
8. Refusal to allow an expert examination shall not result in the rejection of the application for international protection, nor prevent a decision from being issued in this regard.
9. The provisions stipulated in Article 19(1)(g) and Article 19-A(1)(b),(e) and (f) are applicable to applications submitted by unaccompanied minors

10. Unaccompanied minors age 16 years or above may only be placed in reception centres for adults applying for international protection when this is in their best interests.
11. In cases in which the life or physical integrity of a minor or the minor's close relatives is at risk, namely if they are in the country of origin, information concerning such persons is collected, processed and disseminated in a confidential manner, to avoid compromising their safety.
12. Staff involved in analysing applications for international protection involving unaccompanied minors shall have suitable training for the specific needs of minors and are bound by confidentiality in terms of the information of which they become aware while exercising their functions.
13. Commissions to protect children and youths in danger which are responsible for protecting and safeguarding unaccompanied minors awaiting a decision regarding repatriation may submit an application for international protection in the name of the unaccompanied minor, if it is believed that the said minor may require this protection, after assessing the respective personal situation.
14. In order to protect the best interests of the unaccompanied minor, SEF, in liaison with other entities involved in the procedure and with the ministry responsible for foreign affairs, shall commence the process to find family members.
15. If international protection has already been granted and the search mentioned in paragraph 14 above has not yet been started, the respective process shall be begun as soon as possible.

Article 80

Victims of torture or violence

Persons who have been victims of acts of torture, rape or other acts of serious violence shall be ensured special treatment suitable for the damage caused by the said acts, namely by means of special attention and monitoring by the respective district centre of the Social Security Institute and health services or entities with which the institute has signed agreements to provide support.

Article 81

Voluntary repatriation

Assistance may be provided to the applicants and beneficiaries of asylum or subsidiary protection who have manifested a desire to be repatriated, namely by means of programmes for voluntary return and reintegration stipulated in applicable legislation.

CHAPTER IX

Final provisions

Article 82

Notification

1. Notifications to applicants are carried out personally or by means of registered letters, with proof of delivery, to be sent to their last known address.
2. If the letter is returned, this fact shall immediately be communicated to the UNHCR representative and to the CPR, as the non-governmental organisation acting on the UNHCR's behalf, the notification having been deemed to have been carried out if the respective applicant does not appear at SEF within a period of 20 days counted from the date the said letter was returned.

Article 83

Training and confidentiality

Persons involved in the asylum procedures as well as all those who work with asylum seekers, beneficiaries of refugee status or subsidiary protection, namely at reception centres and border posts, shall be suitably trained and are bound by confidentiality in terms of the information to which they have access while engaging in their functions.

Article 84

Urgent processing and waiving of costs

The procedures for granting or denying the right to asylum or subsidiary protection and for expulsion are free of cost and are of an urgent nature during the administrative as well as the judicial phases.

Article 85

Simplification, dematerialisation and identification

The provisions of Article 212 of Law No 23/2007 of 4 July 2007, amended by Law No 29/2012 of 9 August 2012, concerning simplification, dematerialisation and the identification of persons are applicable, with due adaptations.



Article 86

Interpretation and integration

The precepts of this law shall be interpreted and integrated in harmony with the Universal Declaration of Human Rights, the European Convention on Human Rights, the Geneva Convention of 28 July 1951 and the Additional Protocol of 31 January 1967.

Article 87

Law No 67/2003 of 23 August 2003

The provisions in this law do not prejudice the legal system stipulated in Law No 67/2003 of 23 August 2003 (which transposed Council Directive No 2001/55/EC of 20 July 2001 into national law).

Article 88

Repeal clause

Law Nos 15/98 of 26 March 1998 and 20/2006 of 23 June 2006 are hereby repealed.

Article 89

Entry into force

This law shall enter into force 60 days after it is published and is applicable to pending applications for asylum.