



Labour migration policies  
Case study series  
Portugal

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This case study is part of a series of summaries by PICUM of specific national labour migration and work permit policies. While each case study focuses on a particular country, they are not comprehensive overviews of all the work permits available in the country. We focus on analysing the particular policies and pathways that are the most relevant across skills and sectors of employment.

This case study examines the following aspects of labour migration policy in Portugal<sup>1</sup> as of November 2022:

- 1. Visa for work from outside of Portugal**
- 2. Residence permits for employed workers in Portugal**
- 3. Job-seeking visas**
- 4. Complementary labour market policies**

We also consider, in particular, where policies include some of the essential characteristics of successful labour migration and work permit policies, as set out in PICUM's [Policy recommendations, Designing labour migration policies to promote decent work](#).<sup>2</sup>

After describing key aspects related to eligibility, the application process and permit granted under each pathway and the complementary labour market policies, we include a table comparing these aspects to our policy recommendations and related indicators.

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1 Note there are also additional regularisation mechanisms not described here, such as for humanitarian reasons and for children. This case study focuses on employment related pathways.

2 For the full report, please see PICUM, 2021, [Designing labour migration policies to promote decent work](#).

# Visa for Work from outside of Portugal<sup>3</sup>

Portuguese labour migration policy provides for the possibility to apply for a visa for work from Portuguese embassies and consulates in third countries. This pathway is not restricted to particular nationalities or certain jobs.

In order to be eligible to apply, workers need a formal job offer or labour contract in line with

Portuguese labour standards, and have the required competences and skills.<sup>4</sup> Jobs can be found online in the Institute for Employment and Vocational Training, the [IEFP](#), as well as advertised in Portuguese embassies and consulates in third countries.

## Application process

Once the person meets the requirements, they need to apply for the corresponding visa in a Portuguese embassy or consulate, to enter Portugal. This visa is valid for four months and can be extended for two other months.

Since August 2022,<sup>5</sup> people are also issued a “pre-residence permit” with their visa, if approved by the Portuguese Immigration and Border Service, the SEF.<sup>6</sup> This is a pre-residence authorisation “which contains information on obtaining a residence permit and the provisional assignment of tax, social security and national health service identification numbers”.<sup>7</sup> This pre-residence permit is valid until the SEF issues the residence permit for employed workers in Portugal and aims to avoid the challenges people faced in accessing social services when residing and working only with the four-month visa while waiting for their residence permit to be processed.

Once the pre-residence permit has been approved, the relevant Portuguese embassy or consulate will notify the applicant the date of the appointment in the SEF’s offices to convert the pre-residence permit to the residence permit for employer workers, after the worker has entered Portugal. Therefore, the process starts in the country of origin of the worker, and it is formalised during the appointment at SEF in Portugal. People who entered Portugal without a work contract but with a promise of employment need to formalise the contract before this first appointment with SEF.

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3 Alto Comissariado Para as Migrações, ACM, [Working](#).

4 The annual national quota for the number of work visas that could be issued, and requirement to carry out a labour market test, were abolished through legislation in 2021 and 2022 respectively.

5 Article 58/6, [Law No. 23/2007 as amended](#).

6 Article 14, [Regulatory Decree No. 84/2007](#).

7 Article 58/6, [Law No. 23/2007 as amended](#).

## Permit granted

The residence permit for employed workers is valid for two years and can be renewed for successive periods of three years.<sup>8</sup> The permit does not rely on one employer. It is possible to work for multiple employers, and for the person to change employer and job sector at any time, based on the same application procedure and permit.

In order to renew the permit, it is necessary to demonstrate sufficient means of subsistence. This means that the person needs to show that they have earned at least the monthly minimum wage for the previous three months prior to the renewal application.<sup>9</sup>

People with a resident permit can access Unemployment Allowance (*Subsídio de desemprego*) on the same terms as Portuguese citizens - if they have been employed for 360 days "on behalf of others with a record of earnings in the 24 months prior to the date of unemployment".<sup>10</sup> The length and the amount of the allowance vary depending on the time worked and the age of the person. Unemployed workers who have had a contract for at least 180 days in the previous 12 months may be able to apply to the Unemployment Social Allowance (*Subsídio social de desemprego*).<sup>11</sup> There are other social benefits available in Portugal, but

the system is quite complex and the information is only available in Portuguese.

People with a valid residence permit have the right to apply for family reunification.<sup>12</sup> It is, however, a long process and not always possible in practice.

After five years, it is possible to apply for long-term residence permit and Portuguese [citizenship](#).

However, positions are often poorly advertised, and it can be challenging both for employers to recruit candidates, and for jobseekers to secure a job offer, from overseas. There is no systematic provision of information to workers about their rights and the various procedures. Further, the consular system, does not have the capacity to respond to the number of applications they receive. Most people travel to Portugal in other ways to search for work, as it is practically very difficult to get a visa for work from outside of Portugal.

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8 Article 75/1, [Law No. 23/2007 as amended](#).

9 Since COVID-19, the SEF has been flexible with this requirement, issuing and renewing residence permits even when the person is only receiving Unemployment Allowance (which can be lower than the minimum wage). This is not stipulated by Portuguese legislation and it is at the discretion of the SEF.

10 Segurança Social, [Subsídio de desemprego](#).

11 Ibid.

12 Article 98, [Law No. 23/2007 as amended](#).

## Analysis of the Visa for Work from Outside of Portugal in Portugal compared to PICUM's key recommendations and indicators<sup>13</sup>

Policy recommendations	Indicators	Visa for work from outside of Portugal
<b>1. Streamlined and efficient procedures</b>		
<p><b>Good administration:</b> Procedures to obtain and renew visas and permits should be streamlined with reasonable administrative requirements.</p>	<p><b>1.1</b> Number of steps in application procedure</p>	<p>This is met to a large extent. The administrative requirements to obtain and renew visas and permits are reasonable and minimal. There are no restrictions such as quotas or labour market tests. However, the number of different types of visa and permit make the system complex to navigate, it remains difficult to get a job offer when outside Portugal and consular system does not have the capacity to process applications in a timely manner.</p>
<p>Information about application procedures, requirements, and applicable rules should be provided publicly for potential employers and workers in clear and accessible language.</p>	<p><b>1.2</b> Accessibility of information about procedures and applicable rules</p>	<p>This falls short. While there is some general information available online, positions are not properly advertised, and information on rights, requirements, and procedures is not kept up to date and easy to find, nor systematically provided.</p>
<p><b>Based on an offer of employment:</b> An offer of employment, with conditions in line with applicable labour law or collective bargaining agreements, should be sufficient across all jobs and sectors</p>	<p><b>1.3</b> Eligibility/non-eligibility requirements to access a permit with a job offer</p>	<p>This is met.</p>
<p><b>Stability for workers and employers:</b> Permits should be of a reasonable duration, of at least two years.</p>	<p><b>1.4</b> Length of permit</p>	<p>This is met.</p>
<p>Permits should be renewable, without requiring workers to leave the country.</p>	<p><b>1.5</b> In country renewals</p>	<p>This is met, renewals are of three years, and can be applied from within Portugal.</p>

<sup>13</sup> For the complete list of policy recommendations and suggested indicators, please see PICUM, 2021, [Designing labour migration policies to promote decent work. Policy recommendations](#).

Policy recommendations	Indicators	Visa for work from outside of Portugal
<b>2. Autonomy for workers</b>		
<b>Worker-owned procedures:</b> Workers should be able to apply for permits themselves.	<b>2.1</b> Ownership of application process/ worker or employer-made application	This is met.
<b>Labour market mobility:</b> Permits should not be tied to one employer. People should be able to change employer, including the type of job and sector, and work for more than one employer, on the same permit, without permission from the employer or labour intermediary.	<b>2.2</b> Procedure to change employer. <b>2.3</b> Procedure to change type of job <b>2.4</b> Procedure to change sector <b>2.5</b> Possibility to work for more than one employer	This is met. People are able to freely change employer, job and sector during the validity of their permit. They need to show sufficient means of subsistence to renew the permit.
	<b>2.6</b> Time period before change of employer	This is met. Workers are able to change employer and do not need to apply for a new permit.
<b>Independence from employers:</b> Financial and practical support should be accessible during this time, at least on the same terms as nationals. Particular attention should be paid to situations where workers' housing was also provided by their employer.	<b>2.8</b> Available financial and practical support while unemployed	This is met to some extent, as under this pathway unemployment and other social benefits are possible, but the system is complex, and the information is only available in Portuguese.
<b>3. Equality and family unity</b>		
<b>Non-discrimination:</b> Access to employment and associated permits should be non-discriminatory across all protected grounds under human rights law. <sup>14</sup>	<b>3.1</b> Restrictions in access to permits on prohibited grounds	This is met.
<b>Family unity:</b> Migrant workers should be able to enjoy their family life as any other person. Restrictions on migrant workers with low income from bringing their families should be lifted.	<b>3.5</b> Possibilities to and restrictions on access to permits for family members	This is met to a large extent; it is possible to apply for family reunification, but the process is long and not always possible in practice.

14 For more information, see Fundamental Rights Agency and Council of Europe, 2018, [Handbook on European non-discrimination law, 2018 edition](#).

Policy recommendations	Indicators	Visa for work from outside of Portugal
<b>5. Social Inclusion</b>		
<p><b>Pathways to settlement:</b> There should also be pathways to settlement after a number of years. All periods of residence should count towards long-term residence status.</p>	<p><b>5.1</b> Residence counts towards long-term residence or settled status</p>	<p>This is met as after five years workers can apply for long-term residence status and citizenship.</p>



# Residence Permits for Employed Workers

Combined residence and work permits based on employment are relatively accessible for people regardless of nationality, with various statuses in Portugal, to work in any job or sector.

If the person is already residing regularly in Portugal, they can apply for a **residence permit for employed workers with a residence visa (Article 88/1)**.<sup>15</sup>

There is also a pathway for **residence permits for employed workers without a residence visa**, both for people who entered and stay in the Portuguese territory regularly (i.e. have a valid non-residence/visit visa or are staying within a visa waiver period (**Article 88/2**)), and for people who are undocumented (i.e. entered irregularly, or entered regularly but whose permit, visa or visa waiver period has expired) (**Article 88/6**). This latter option was changed from a discretionary measure to a regularisation mechanism in 2019.<sup>16</sup>

## Application process

There are slightly different criteria depending on the person's current residence status. In all cases, the criteria and required documents include:<sup>17</sup>

- a passport.<sup>18</sup>
- a promise or contract of employment, in any job or sector, of at least one year.<sup>19</sup>
- evidence of sufficient means of subsistence – this is not clearly defined by the law<sup>20</sup> which gives some degree of flexibility. It can be proven, for example, by showing the contract of employment, often with some accompanying payslips, or registered self-employed activities with income for 12 months.
- evidence of adequate accommodation (rental contract or service receipts showing place of residence).
- no criminal record for offences, that combined or separately, result in more than one year in prison, either in Portugal or the person's country of origin, nor having a valid entry ban.
- a social security number (except in cases of promised employment contract) and a tax number.

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<sup>15</sup> [Law No. 23/2007 as amended.](#)

<sup>16</sup> Ibid.

<sup>17</sup> For more details on the application process and a full list of the required documents see SEF, [Applying for Residence in Portugal. Working in Portugal.](#)

<sup>18</sup> People who do not hold a passport may be able to apply for regularisation based on humanitarian reasons, Article 123, [Law No. 23/2007 as amended.](#)

<sup>19</sup> It is also possible to work part-time for more than one employer. There is also a special regime for domestic workers, and other independent workers, who only need to open activity in the Tax Authority and show they pay taxes.

<sup>20</sup> Order number [1563/2007, of 11/12.](#)

People applying for a permit under [Article 88/1](#) must also show valid residence visa.

If a person does not have a valid residence visa,<sup>21</sup> they need to show either:

- a valid entry visa or stamp showing entry, within visa waiver period ([Article 88/2](#)).

or

- that they have been working and making social security contributions for 12 months ([Article 88/6](#)).<sup>22</sup>

Crucially, undocumented workers can register their employment with social security, obtain a social security number and pay social security contributions. The law stipulates that immigration enforcement is possible, but in practice, this rarely happens.

In all cases, the worker has ownership of the application process. Initial expressions of interest and applications are preferably submitted through an online platform (SAPA portal), though applications can also be made to any office of the competent authorities. Applicants cannot check the status of the application.<sup>23</sup>

There is no fee for processing the application, only a fee for the residence permit card itself (when initially issued, and on renewal). However, undocumented workers may be subject to a fine for the time they have resided in Portugal irregularly. Though not commonly imposed, the amount of this fine and whether or not it is imposed is quite arbitrary. Employers may also be sanctioned for employing people irregularly, but these are not regularly implemented in the context of regularisation procedures. Nonetheless, some employers are reluctant to hire undocumented workers due to risks of being sanctioned.

In practice, it is also very difficult to get an appointment with SEF, due to lack of capacity to process applications. The main problems with the residence permits for employed workers without a residence visa (88/2 and 88/6) are that the person is considered as irregularly residing during the application procedure<sup>24</sup> and the length of the procedures and the waiting times to receive a decision can be between one and four years. During this time, applicants do not have equal access to healthcare and are excluded from most social protection measures, despite paying into the social security system.

There is also a risk of employers not paying taxes; in this case, workers are unable to regularise their status, and risk being arrested and deported.

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21 Concerning the regularisation mechanisms, article 88, paragraph 2 and paragraph 6, please also see PICUM, 2021, [Regularisation of undocumented Migrants: How to Make it Work](#).

22 Applicants should also indicate the date they arrived in Portugal and provide some kind of proof (such as a bus ticket or hostel reservation).

23 Some associations submit manifestations of interest on the SEF SAPA portal, without having most of the documents and proofs that are required. This clogs and makes the work of SEF very difficult, and significantly increases the number of appointments for regularization purposes. Result: there are never openings, and when they open, people call all day.

24 In response to the COVID-19 pandemic, the government decided to treat all people with a pending regularisation application as regularly resident, to ensure equal access to health and social protection. For more information see PICUM, July 2020, [Regularising undocumented people in response to the COVID-19 pandemic](#); PICUM, 2020, [Non-exhaustive overview of European government measures impacting undocumented migrants taken in the context of the COVID-19 pandemic, March-August 2020](#).

If the applicant becomes unemployed during the application procedure, it can also pose a problem, since it is necessary to demonstrate sufficient means of subsistence, through regular income, and for undocumented applicants under 88/6, quite

consistent social security payments. However, the application is not reliant on the employer that provided the initial work contract or promise of employment; it is possible to change employer during this period.

## Permits granted

The conditions and rights associated with the residence permit for employed workers are described above.

Government [figures](#) for 2021 show that nearly 29,000 people obtained a residence permit for employed workers without a residence visa, under 88/2 (those with regular entry into Portugal).<sup>25</sup> This was the most common means of obtaining a residence permit in Portugal.

## Analysis of the Residence Permits for Employed Workers in Portugal compared to PICUM's key recommendations and indicators<sup>26</sup>

Policy recommendations	Indicators	Residence Permits for Employed Workers
<b>1. Streamlined and efficient procedures</b>		
<p><b>Good administration:</b> Procedures to obtain and renew visas and permits should be streamlined with reasonable administrative requirements.</p>	<p><b>1.1</b> Number of steps in application procedure</p>	<p>This is met to large extent. The administrative requirements to obtain and renew visas and permits are reasonable and minimal, though they may still pose a barrier for some. There are no restrictions such as quotas or labour market tests. However, there are significant administrative issues and delays – with processing times of up to four years – due to the lack of resources dedicated to processing applications.</p>

<sup>25</sup> Data is not yet available regarding applicants under 88/6 due to the short time period this mechanism has been in place (and the COVID-19 pandemic).

<sup>26</sup> For the complete list of policy recommendations and suggested indicators, please see PICUM, 2021, [Designing labour migration policies to promote decent work. Policy recommendations](#).

Policy recommendations	Indicators	Residence Permits for Employed Workers
<p><b>Based on an offer of employment:</b> An offer of employment, with conditions in line with applicable labour law or collective bargaining agreements, should be sufficient across all jobs and sectors</p>	<p><b>1.3</b> Eligibility/ non-eligibility requirements to access a permit with a job offer</p>	<p>This is met as these permits are available across all jobs and sectors, based on an offer of employment.</p>
<p><b>Stability for workers and employers:</b> Permits should be of a reasonable duration, of at least two years.</p>	<p><b>1.4</b> Length of permit</p>	<p>This is met as the length of the permit is of two years.</p>
<p>Permits should be renewable, without requiring workers to leave the country</p>	<p><b>1.5</b> In-country renewals</p>	<p>This is met. Workers can renew this permit for a successive period of three years.</p>
<p><b>In-country applications:</b> People should be able to apply for the various residence and work permits provided for by national law from within the country, regardless of their status, including when undocumented.</p>	<p><b>1.6</b> In-country applications including when undocumented</p>	<p>This is met. However, undocumented applicants should be considered regularly residing during the application procedure.<sup>27</sup> Undocumented workers may be subject to a fine for their irregular residence, although this is rarely imposed.</p>
<p>Restrictions on people changing from one type of status or permit to another should be lifted.</p>	<p><b>1.7</b> Status/ permit can be converted into another</p>	<p>This is met as these permits are accessible for people with various statuses.</p>
<p><b>2. Autonomy for workers</b></p>		
<p><b>Worker-owned procedures:</b> Workers should be able to apply for permits themselves.</p>	<p><b>2.1</b> Ownership of application process/ worker or employer-made application</p>	<p>This is met.</p>

27 In response to the COVID-19 pandemic, the government decided to treat all people with a pending regularisation application as regularly resident, to ensure equal access to health and social protection. It is crucial that this measure is continued. For more information see PICUM, [Regularising undocumented people in response to the COVID-19 pandemic](#); PICUM, 2020, [Non-exhaustive overview of European government measures impacting undocumented migrants taken in the context of the COVID-19 pandemic, March-August 2020](#).

Policy recommendations	Indicators	Residence Permits for Employed Workers
<p><b>Labour market mobility:</b> Permits should not be tied to one employer. People should be able to change employer, including the type of job and sector, and work for more than one employer, on the same permit, without permission from the employer or labour intermediary.</p>	<p><b>2.2</b> Procedure to change employer <b>2.3</b> Procedure to change type of job <b>2.4</b> Procedure to change sector <b>2.5</b> Possibility to work for more than one employer <b>2.6</b> Time period before change of employer</p>	<p>This is met. The worker can change employer, job, and sector freely on the same permit. They can work for more than one employer.</p>
<p><b>Independence from employers:</b> Permits should remain valid to provide a reasonable period of time of unemployment to search for alternative work, for workers that lose or leave their job.</p>	<p><b>2.7</b> Time periods for unemployment/ job search during validity of permit and after the permit has expired</p>	<p>This is met to a large extent, as people can be unemployed during the validity of the permit. However, it remains necessary to show sufficient means of subsistence to renew the permit, linked to employment in the 3 months prior to the application for renewal.</p>
<p>Financial and practical support should be accessible during this time, at least on the same terms as nationals. Particular attention should be paid to situations where workers' housing was also provided by their employer.</p>	<p><b>2.8</b> Available financial and practical support while unemployed</p>	<p>This is met to a large extent. People can access unemployment and other income support on the same terms as nationals, but the system is complex, and the information is only available in Portuguese.</p>
<h3>3. Equality and family unity</h3>		
<p><b>Non-discrimination:</b> Access to employment and associated permits should be non-discriminatory across all protected grounds under human rights law.<sup>28</sup></p>	<p><b>3.1</b> Restrictions in access to permits on prohibited grounds</p>	<p>This is met.</p>
<p><b>Family unity:</b> Migrant workers should be able to enjoy their family life as any other person. Restrictions on migrant workers with low income from bringing their families should be lifted</p>	<p><b>3.5</b> Possibilities to and restrictions on access to permits for family members</p>	<p>This is met to a large extent; it is possible to apply for family reunification, but the process is long and not always possible in practice.</p>

28 For more information, see Fundamental Rights Agency and Council of Europe, 2018, [Handbook on European non-discrimination law, 2018 edition](#).

Policy recommendations	Indicators	Residence Permits for Employed Workers
<b>5. Social Inclusion</b>		
<p><b>Pathways to settlement:</b> There should also be pathways to settlement after a number of years. All periods of residence should count towards long-term residence status.</p>	<p><b>5.1</b> Residence counts towards long-term residence or settled status</p>	<p>This is met as after five years workers can apply for long-term residence status and citizenship.</p>

## Job-seeking visa

In July 2022, the Portuguese Parliament approved amendments to the Law on Foreign Nationals, which came into effect in 25 August 2022,<sup>29</sup> introducing a job search visa which allows people to go to Portugal to look for work. It is not restricted to any nationality or job type.

In order to get this visa, people need to register in the [IEFP platform](#) to declare their interest in going to Portugal to find a job, and indicate their academic qualifications and professional experience. In order to be eligible, job seekers need to have valid health insurance and accommodation<sup>30</sup> as well as show proof of means of subsistence,<sup>31</sup> defined as the equivalent of three times the minimum wage, around 2115€.<sup>32</sup>

The job-seeking visa is valid for 120 days. It authorizes jobseekers to enter Portugal once, reside and carry out a dependent work activity until the visa expires.

When the person is issued the job-seeking visa, an appointment with SEF is also scheduled within the 120 days of validity of the visa. The person should go to the SEF on the scheduled day with all the documents necessary for a residence permit for employed workers (as per article 88.º), including the employment contract.

The job-seeking visa can be extended for a 60

day-period, if the person hasn't been able to secure an employment contract in the initial time period. In order to get an extension, job seekers have to show again proof of their registration with IEFP and that their housing conditions can be maintained.

People from the eight countries in the Community of Portuguese Speaking Countries (CPLP),<sup>33</sup> are exempted from having to submit proof of a valid health insurance and means of subsistence to access the job-seeking visa, if they can provide a letter of sponsorship. This is a letter in which a Portuguese citizen declares that they have the means to cover the costs of food and accommodation for the person, as well as repatriation costs.

Job seekers who have not been able to find a job within the time frame of the visa will need to leave the country. In order to reapply, a year must have passed since the date of expiration of the previous visa.<sup>34</sup>

It is too early to evaluate the functioning of the job-seeking visa. Nonetheless, it will likely facilitate regular labour migration to the country and reduce the number of people refused entry and detained. This is particularly the case for people from the CPLP countries, for whom the requirements to access the visa are less, and who are the majority of people who are denied entry to Portugal due to the lack

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29 Article 57-A, [Law No. 23/2007 as amended](#).

30 In compliance with Article 77, paragraph 1, subparagraph e), on General conditions for granting a temporary residence permit. Article 77/1, [Law No. 23/2007 as amended](#).

31 People do not need to prove means of subsistence if they have a letter of sponsorship.

32 The monthly minimum wage in Portugal as of 2022 is 705€. Ministry of Foreign Affairs, [Job Seeking Visa](#).

33 The CPLP, in Portuguese [Comunidade dos Países de Língua Portuguesa](#), was created in 1996, and includes Angola, Brazil, Cape Verde, Guinea Bissau, Mozambique, Portugal, and São Tomé e Príncipe. East Timor became a member after its independence in 2002.

34 Article 57-A, [Law No. 23/2007 as amended](#).

of a visa. However, attention will need to be paid to address risks of dependency on sponsors.<sup>35</sup>

## Analysis of the Job Seeking Visa in Portugal compared to PICUM's key recommendations and indicators<sup>36</sup>

Policy recommendations	Indicators	Job-seeking Visa
<b>1. Streamlined and efficient procedures</b>		
<b>Good administration:</b> Procedures to obtain and renew visas and permits should be streamlined with reasonable administrative requirements.	<b>1.1</b> Number of steps in application procedure	This is met to some extent. The procedure itself is streamlined but the administrative requirements will present a barrier for some to access to visa.
<b>Stability for workers and employers:</b> Permits should be of a reasonable duration, of at least two years.	<b>1.4</b> Length of permit	This falls short, as the initial validity is only 120 days, which may not be enough time to find work and secure an employment contract.
Permits should be renewable, without requiring workers to leave the country	<b>1.5</b> In-country renewals	This is met. People can extend the validity of this visa for 60 extra days.
<b>In-country applications:</b> People should be able to apply for the various residence and work permits provided for by national law from within the country, regardless of their status, including when undocumented.	<b>1.6</b> In-country applications including when undocumented	This is met to some extent. Jobseekers can apply within the country but only within the validity of the visa.
Restrictions on people changing from one type of status or permit to another should be lifted.	<b>1.7</b> Status/ permit can be converted into another	This is met. This pathway allows jobseekers to access a work permit once they find a job.

<sup>35</sup> Information provided by JRS Portugal, 20 October 2022.

<sup>36</sup> For the complete list of policy recommendations and suggested indicators, please see PICUM, 2021, [Designing labour migration policies to promote decent work. Policy recommendations.](#)



Policy recommendations	Indicators	Job-seeking Visa
<p><b>Attracting key workers:</b> Systems which provide people a secure permit on the basis of individual criteria rather than an offer of work (so-called 'supply driven' models) should also be developed.</p>	<p><b>1.8</b> Requirements to access a permit to search for work or have facilitated access to the labour market and associated permits</p>	<p>This is met through this pathway.</p>
<b>2. Autonomy for workers</b>		
<p><b>Worker-owned procedures:</b> Workers should be able to apply for permits themselves.</p>	<p><b>2.1</b> Ownership of application process/ worker or employer-made application</p>	<p>This is met.</p>
<b>3. Equality and family unity</b>		
<p><b>Non-discrimination:</b> Access to employment and associated permits should be non-discriminatory across all protected grounds under human rights law.<sup>37</sup> If there is preferential treatment, including for certain nationalities, this should be justifiable in relation to pre-existing disadvantage.</p>	<p><b>3.1</b> Restrictions in access to permits on prohibited grounds <b>3.2</b> Justification for preferential treatment, if applicable</p>	<p>This is met. While there is preferential treatment for people from CPLP<sup>38</sup> countries, it is possible for anyone to apply for the visa.</p>

<sup>37</sup> For more information, see Fundamental Rights Agency and Council of Europe, 2018, [Handbook on European non-discrimination law, 2018 edition](#).

<sup>38</sup> The CPLP, in Portuguese [Comunidade dos Países de Língua Portuguesa](#), was created in 1996, and includes Angola, Brazil, Cape Verde, Guinea Bissau, Mozambique, Portugal, and São Tomé e Príncipe. East Timor became a member after its independence in 2002.

## Complementary labour market policies

While the residence and work permit policies are designed in a way that, to a large extent, promotes autonomy for workers and social inclusion, there remains limited action in terms of proactive provision of information to empower workers and support them to make applications.

When working irregularly during regularisation procedures, workers often face minor but consistent labour rights violations, such as being required to work unpaid overtime. There are measures in place that support migrant workers to access remedy, such as the possibility for trade unions to recognise employment relationships. However, there remain practical barriers to filing complaints and receive due wages.<sup>39</sup>

### Complementary labour market policies compared to PICUM's key recommendations and indicators<sup>40</sup>

Policy recommendations	Indicators	Complementary labour market policies
<b>4. Complementary labour market policies to enforce labour rights for all</b>		
<p><b>Justice for all:</b> Labour standards monitoring, complaints and redress mechanisms should be well resourced, independent and confidential. Measures should be developed to protect workers from employer retaliation and immigration enforcement as a result of exercising their rights - and effectively provide access to justice for migrant workers.</p>	<p><b>4.4</b> Measures to protect workers from employer retaliation and immigration enforcement following engagement</p>	<p>This is met to some extent. It is possible for migrant workers to exercise their labour rights through complaints mechanisms. However, specific measures to protect workers from employer retaliation are absent, and the labour inspection authorities often carry out inspections together with police or immigration authorities.</p>
<p><b>Empowerment:</b> Targeted measures should ensure migrant workers have meaningful access to accurate information, NGOs and trade unions, and independent legal advice</p>	<p><b>4.6</b> Measures to provide accurate information, and access to NGOs and trade unions</p>	<p>This is met to some extent. There remains limited action in terms of proactive provision of information.</p>

<sup>39</sup> For more information, see PICUM, 2020, [A Worker is a Worker: How to ensure undocumented migrant workers can access justice](#).

<sup>40</sup> For the complete list of policy recommendations and suggested indicators, please see PICUM, 2021, [Designing labour migration policies to promote decent work. Policy recommendations](#).





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