

Absences from Portugal

“How much time can I spend outside of Portugal?”

“Do I have to stay in Portugal 183 days every year?” [sidenote: 183 days defines *tax residency* and is unrelated to the time in/out of country to preserve *residency*, your residence permit]

“Can being absent from Portugal cancel my residence permit?”

The legal language underlying the answer is quoted below in the Aliens Act, yet the short answer is that **there is a minimum amount of time you must be in Portugal and a maximum amount of time you can be absent from Portugal**, regardless of where else you might reside.

The table below sets out the **required minimum stay** in Portugal depending on type of Residence Permit. This table has been controversial regarding the minimum stay for holders of “other Residence Permits” because it isn’t compliant the EU’s freedom of movement provisions across EU territory, and it doesn’t align perfectly with the statement of absence in the Aliens Act. We’ve asked attorneys for comments, yet no case law can be found to demonstrate that these minimum stay requirements have been enforced beyond those applied to the Golden Visa permits. Based on observation ONLY, it seems that this requirement isn’t enforced yet we provide it here in the event you see it mentioned elsewhere.

Permit Type	Permit Issue	Validity Period	Required Minimum Stay
Golden Visa Residence Permit	Initial	2 years	At least 14 days per 2-year period
	Subsequent temporary permits	2 years	At least 14 days per 2-year period
	Permanent residence permit	5 years	No minimum stay requirements legally provided for, but there may be a presumption of a 7-day average annual requirement
Other Residence Permits	Initial	2 year	At least 16 months per 2-year period, provided no absence exceeds 6 consecutive months*
	Subsequent temporary permits	3 years	At least 28 months per 3-year period, provided no absence exceeds 6 consecutive months*
	Permanent residence permit	5 years	At least 30 months per 5-year period, provided no absence exceeds 24 consecutive months*

*Maximum absences can be exceeded due to professional or health reasons or force majeure. Requires pre-approval from SEF or duly provable records.

ALIENS ACT

Law No. 28/2019, of 29/03: **Approves the legal regime for the entry, stay, departure and removal of foreigners from the national territory.**

Legal citation: [Lei n.º 23/2007, de 04 de Julho \(pgdlisboa.pt\)](#)

Article 85: Cancellation of Residence Permits

1 - The residence permit shall be cancelled where:

- a) the holder has been the subject of a decision of coercive removal or a decision to expel the national territory from the national territory; or
- (b) the residence permit has been granted on the basis of false or misleading statements, false or falsified documents, or through the use of fraudulent means; or

(c) for the holder there are serious reasons to believe that he has committed serious criminal acts or there are real indications that he intends to commit such acts, in particular in the territory of the European Union; or

(d) for reasons of public order or security.

2 - Without prejudice to the application of special provisions, the residence permit may also be cancelled when the person concerned, without relevant reasons, is absent from the country:

a) Being the holder of a temporary residence permit, six consecutive months or eight interpolated months, in the total period of validity of the authorization;

(b) being the holder of a permanent residence permit, 24 months in a row or, within a period of three years, 30 interpolated months.

3 - The absence beyond the limits provided for in the preceding paragraph shall be justified upon request submitted by the SEF before the departure of the resident from the national territory or, in exceptional cases, after his departure.

4 - The residence permit is not cancelled for citizens who are absent for periods longer than those provided for in paragraph 2, when they prove that during their absence from national territory, they have developed professional or business activity or cultural or social activity.

5 - The cancellation of the residence permit shall be notified to the person concerned and communicated electronically to ACIDI, I. P., and to the Advisory Board with an indication of the grounds for the decision and implies the seizure of the corresponding title.

6 - The member of the Government responsible for the area of internal administration, with the power of delegation in the national director of the SEF, is competent for cancellation.

7 - The cancellation decision is liable to judicial challenge, with purely devolutive effect, before the administrative courts.

This article contains the amendments to the following diplomas:

- Law No. 29/2012 of 09/08

- Law No. 102/2017 of 28/08