

On 28th of March, Law no. 27-A/2019 ("**Brexit Act**") providing for a set of contingency measures applicable in the event the United Kingdom ("**UK**") leaves the European Union ("**EU**") without concluding a withdrawal agreement (*hard Brexit*), was published in the national official journal ("*Diário da República*")

The Brexit Act is applicable to UK citizens and their family members (regardless of nationality) residing in Portugal on the date of withdrawal. The new statute provides for measures relating with (i) rights of residence; (ii) political and electoral rights; (iii) higher education; (iv) social security; (v) exercise of professional activities and recognition of diplomas; (vi) access to healthcare; and (vii) drivers' licenses.

The Brexit Act entered into force immediately, *i.e.*, on the 29th of March, although its application was made conditional upon Portuguese citizens residing in the UK receiving equivalent treatment in the UK (except for access to healthcare by non-residents). The Portuguese Government was authorised to acknowledge, by administrative order, whether such equivalent treatment exists. In the negative, the current legislation will be partially or totally suspended.

Below is a summary of the main aspects provided for in the Brexit Act by subject-matter.

(i) Residence rights:

- UK citizens and their family members residing in Portugal on the date of withdrawal will be deemed residents in Portugal without any interruption and may continue to reside in Portugal until 31.12.2020 without the need to obtain a residence permit. Permits, certificates and cards granted to UK Citizens and their family members remain valid and until 31.12.2020. UK citizens and their family members hold the rights and obligations already provided for under national legislation;
- UK citizens and their family members who establish residence in Portugal until the withdrawal date will be granted the right of residence under the conditions provided under EU law;
- On the date of withdrawal:
 - a) UK citizens and their family members residing in Portugal under EU law for less than 5 (five) years will be granted a temporary residence permit;
 - b) UK citizens and their family members residing in Portugal under EU law for at least 5 (five) years will be granted a permanent residence permit.
- UK citizens and their family members wishing to benefit from residence rights after the date of withdrawal may apply immediately and until 31.12.2020 for the issuance of a residence title. Proof of residence must, in principle, be submitted. The procedure takes place either before municipal services or public registries.

(ii) Political and electoral rights:

- UK citizens elected for municipal authorities will remain in office until the end of their mandates;
- If a hard Brexit occurs until the 15th (fifteenth) day prior to the elections for the European Parliament, UK citizens will be officially removed from the electoral rolls.



(iii) Higher education:

- The so-called “international student” regime – established by Decree-Law no. 36/2014 – will not be applicable to UK citizens and their family members already enrolled in Portuguese higher education institutions, as well as to UK citizens and their family members who enroll in a Portuguese higher education institution until 31.12.2020, up until the completion of the studies cycle.

(iv) Social security rights:

- For purposes of benefit rights under Article 3(1) of Regulation (EC) no. 883/2004 of the European Parliament and of the Council of 29 April 2004, periods of insurance under mandatory social security schemes completed in the UK will be accounted for until the date of withdrawal;
- The aggregation of periods of insurance will be made pursuant to Regulation (EC) no. 883/2004 of the European Parliament and of the Council of 29 April 2004, and on the basis of the information provided by the UK Authorities (provided under EU law formalities currently in force).

(v) Professional activities:

- UK citizens holding an administrative license authorising the exercise of a professional activity in Portugal for a limited period of time will remain authorized to practice after the date of withdrawal;
- UK citizens legally exercising professional activities in Portugal on the date of withdrawal will keep the right to the recognition of their professional qualifications as provided for in Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005;
- EU and European Economic Area citizens, as well as third country nationals to which national or European legislation grants national treatment, legally exercising professional activities in Portugal on the date of withdrawal will keep the right to the recognition of the professional qualifications acquired in the UK before withdrawal, as provided for in Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005.

(vi) Healthcare:

- UK citizens residing in Portugal on the date of withdrawal remain beneficiaries of the Portuguese National Healthcare System (*Sistema Nacional de Saúde*), under national health legislation;
- Until 30.12.2020, UK citizens staying temporarily in Portugal will have access to public healthcare services. Access is made conditional upon presentation of a valid passport and the costs of such services are borne by the Portuguese State and then re-invoiced to the UK;
- UK citizens coming to Portugal specifically for the purpose of receiving healthcare treatments are not covered by these provisions.

(vii) Driver's licence:

- UK citizens must exchange their drivers' licenses until 31.12.2020.