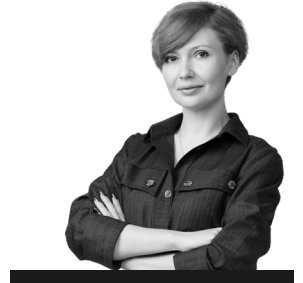


## One year has elapsed since the start of the war in Ukraine.



Iryna Katsyka  
COUNSEL

**I** joined CS'Associados one month later and have since been providing assistance to Ukrainian refugees in Portugal on an exclusive basis.

To date, I have answered more than 800 enquiries and requests made to our *pro bono* line.

On that basis, we thought it could prove helpful to publish some up-to-date general guidelines, considering the most common requests raised by Ukrainian refugees.

### **1. The procedure and terms for obtaining temporary protection in Portugal. The specifics of submitting applications remotely. Rights of persons who have received temporary protection.**

Citizens of Ukraine, as well as stateless persons and citizens of third countries who were resident in Ukraine, who left the country after 24 February 2022 are entitled to temporary protection in Portugal.

The application for temporary protection is submitted to the SEF electronically or in written form.

Temporary protection will last for one year and can be extended for two periods of six months each, depending on how events develop in Ukraine. According to the EU's latest decision, temporary protection for Ukrainian refugees has been extended at least until March 2024.

In many cases, Portugal also provides temporary protection to Ukrainian citizens who were outside Ukraine before 24 February 2022, for example due to business travel, a vacation, studies, family circumstances or for other reasons.

Contrary to widely circulated information, it is not possible to submit an application for temporary protection while outside Portugal.

As of February 2023, the timing for obtaining temporary protection ranges from 20 days to 1.5 months from submission of the request. Tax, social security and healthcare services numbers are sent to the email address specified in the request, and are later aggregated in an official certificate, which affords evidence that the holder may stay lawfully in Portugal.

Temporary protection is equated to a Portuguese residence permit. Obtaining additional or any other residence permits is not required.

According to the Temporary Protection Directive, after obtaining a certificate, a person under temporary protection receives a residence permit, access to the labour market and to housing, medical care and education for their children. Anyone who legally resides in Portugal is also entitled to open a basic bank account, the maintenance of which is free for one year.

At a State level, Portugal does not provide free housing to displaced people, but voluntary organisations and some local municipalities do contribute significantly to resettlement.

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## 2. **The right and procedure for travelling to Ukraine during the period of temporary protection. Staying in Portugal and departing to other countries.**

The right to travel to Ukraine during the period of temporary protection is not restricted.

According to the decision of the European Union dated 10 October 2022, temporary protection is retained even when the person in question returns to Ukraine for a long period.

At the same time, the refugee must notify the State and local authorities of their return to Ukraine if there is a permanent change of residence. If a person receives social benefits, the Social Security must be notified of the departure. That notification is to be made in writing to the address of the Social Security Services where the refugee is registered. In order to maintain social benefits, the person question cannot leave Portuguese territory for more than 30 days.

To return to Portugal from Ukraine a printed certificate of temporary protection together with the person's passport will suffice.

When staying in Portugal under temporary protection, the visa-free period is not counted. However, the terms of the visa-free regime apply to citizens of Ukraine after leaving the country of temporary protection or Ukraine to other Schengen zone countries. For holders of biometric passports, that period is 90 days out of a 180-day period.

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### **3. The right to change country of residence and obtain temporary protection in another country.**

According to the requirements of the Temporary Protection Directive, a person has the right to use temporary shelter in a single EU member state at any time. In view of the above, when changing country of residence, the residence permit issued in the first EU country and the rights arising from it must be revoked. In Portugal, this is done by submitting an application electronically to the SEF to cancel the temporary protection certificate. As of February 2023, the processing time for an application for the cancellation of temporary protection ranges from 15 days to two months.

When confirmation is received of the cancellation of temporary protection, a person can then apply for temporary protection in another country.

If a person receives social benefits in Portugal, the Social Security must also be notified of the departure to stop accruing social benefits. Social benefits received by a person before leaving the country do not have to be returned.

Special attention should be paid to the termination of employment relationships, as some employment contracts require prior notice; in some cases, prior notice in excess of one month must be served.

## 4. **Absence of a foreign and domestic Ukrainian passport. Documents required for departure from Portugal.**

If entry into Portugal was based on an internal Ukrainian passport or an expired foreign passport, citizens of Ukraine should contact the consular department of the Embassy of Ukraine in Portugal (<https://portugal.mfa.gov.ua/>). The consular department provides services for ordering foreign passports, extending the validity period of a foreign passport, issuing a certificate of return to Ukraine ("white passport"), and has the required notary services.

A request to extend the validity of a foreign passport can be made if the passport's validity is less than three months or if the passport is no longer valid. Extending a passport's validity period is carried out free of charge on the day of application.

If a child enters Portugal solely on the basis of a birth certificate, in order to return to Ukraine, it will be necessary to receive a temporary passport document (from the age of 16) or to paste a photo card of the child with relevant information in the foreign passport of one of their parents (up to the age of 16). A child under the age of 16 need not appear at the Embassy.

The validity period of the certificate is determined by the consular official, based on the real possibility of the holder of the certificate returning to Ukraine – however, it cannot exceed 30 days unless otherwise stipulated by international treaties of Ukraine. In the event of illness, accident and for other reasons stipulated by the law, the validity period of the certificate may be extended by the consular official for the period necessary (which cannot exceed 30 days) for the person to return to Ukraine.

Only territorial bodies or subdivisions of the State Migration Service of Ukraine have the authority to paste a photo into the internal passport of a citizen of Ukraine or to issue a passport in the form of an ID card.

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## 5. **Social benefits.**

After a Social Security number has been assigned, a message will be sent to the email address specified in the application for temporary protection, inviting the person concerned to an appointment at the Institute of

Employment and Vocational Training (IEFP), to register and submit a job search application. The Social Security must be contacted directly to register for social benefits.

Social benefits entail financial assistance to ensure that beneficiaries are able to meet their minimum needs and to take part in an integration programme, which is a contract aimed at ensuring a person's social, labour and public integration. Signing the specified contract is mandatory.

As a rule, social benefits are deposited in a bank account or are provided in the form of a voucher to a postal address approximately two months after submitting an application. Payments are accrued from the moment the application is submitted to the Social Security. If a person lives alone, the monthly income cannot exceed EUR 189.66. If a person lives with a family, the amount of income cannot exceed EUR 189.66 for the first household member, EUR 132.76 per subsequent household member and EUR 94.83 per minor.

If more than one person is registered in a household and one member has a job from which at least the minimum wage is received, payments to the other members of the household usually cease.

It is also worth noting that unjustified refusal to sign an employment contract, as well as dismissal from work at the initiative of the employee, constitutes grounds for termination of further social benefit payments.

When signing an employment contract and starting a job, it is mandatory to send a written notification to the Social Security on the same day.

I hope this was helpful 