

Information on procedural elements and rights of applicants subject to a Dublin transfer to Portugal

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Portuguese Immigration and Border Service

About this document

The ‘Roadmap for improving the implementation of transfers under the Dublin III Regulation’ was endorsed in the meeting of the Strategic Committee on Immigration, Frontiers and Asylum (SCIFA) of the Council of the European Union on 29 November 2022. The roadmap identified a clear need for objective and neutral information on reception and detention conditions and the asylum procedure in all the Member States, which can serve as reference in transfer decisions and that can be used in national courts when the person concerned has exercised his or her right to an effective remedy.

This data collection is based on Article 5 of the regulation on the European Union Agency for Asylum ⁽¹⁾ (EUAA). Member States were requested to provide information that reflects both the relevant legal provisions and the practical implementation of these provisions. The scope of the fact sheet is limited to rules and conditions applicable to applicants for international protection as well as other persons that are subject to a transfer under the Dublin III regulation ⁽²⁾.

The European Commission and the EUAA jointly developed the template which served as the basis for this fact sheet. The EUAA gathers and stores the fact sheets and requests Member States to update the information at least one time per year. The relevant national authorities of the Member States provide all the information contained within the fact sheet and are responsible for ensuring that it is accurate and up-to-date.

(1) [Regulation \(EU\) 2021/2303](#) of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010 (OJ L 468, 30.12.2021).

(2) [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 (recast) (OJ L 180, 29.6.2013).

1. Access to material reception conditions

1.1 What steps should an applicant complete following a Dublin transfer in order to gain access to accommodation and other material reception conditions in your Member State?

How long do these steps normally take?

When a transfer is communicated from another Member State, the Portuguese Dublin Unit informs the airport of the flight details and the respective accommodation centre to ensure that on arrival the applicant is properly accommodated, should he/she require it.

When the applicant expresses the wish to apply for international protection, the airport will forward:

1. If it is the first time the applicant makes an application, the applicant is referred to the Portuguese Council for Refugees for reception purposes and to the Asylum and Refugee Office to register the respective.

In these cases

- the travel from the airport to the Portuguese Council for Refugees (CPR) is provided through a taxi service, and its payment is the responsibility of the CPR.
 - accommodation, food, transport, healthcare and free education are provided.
2. Those whose request for international protection was accepted in a first stage, but the attribution of status has not yet been decided, are forwarded to the Social Security Institute and to the Asylum and Refugee Office for arrival control and renewal of documentation.

In these cases

- the travel from the airport to the accommodation provided by the Social Security Institute is provided and paid for by the Social Security Institute.
 - accommodation, food, transport, healthcare and free education are provided.
3. Those whose request for international protection has not been admitted but who are awaiting a decision on a judicial impugnation of that decision, are forwarded for reception purposes to Lisbon's Holy House of Mercy and to the Asylum and Refugee Office for renewal to control their arrival and renew their documentation.

In these cases

- travel from the airport to the accommodation at Lisbon's Holy House of Mercy is provided by the applicant and is only supported when presented to the social worker team at Lisbon's Holy House of Mercy. This assistance is always guaranteed to the applicant on the day of arrival.
- Accommodation, food, transport, healthcare and free education are provided.

4. Where a request has been rejected, the applicant may make a subsequent application, provided that he/she submits new facts and enters into the normal asylum procedures.

In such cases

- the travel from the airport to the Portuguese Council for Refugees is provided through a taxi service, and its payment is the responsibility of CPR.
 - accommodation, food, transport, healthcare and free education are provided.
5. When the third country national does not intend to apply for international protection and is without a document that allows him/her to legally reside in Portugal, two situations occur:
 - He/she is notified of voluntary abandonment, within 20 days to leave the national territory. In cases where citizens are notified of voluntary abandonment, they are supported free of charge with the provision of accommodation, food, transport, and healthcare for up to 20 days.
 - In the event that there is already a forced removal process in place prior to their arrival, the process of deportation to the country of origin or judicial expulsion is carried out.

When and how is the applicant provided with information on how to gain access to accommodation and other material reception conditions?

Upon arrival at the airport, the Immigration and Borders Service informs applicants of the available reception facilities and directs them to these reception institutions.

In addition, the Asylum and Refugee Department also informs applicants of the existing reception possibilities in Portugal.

1.2 What material reception conditions (as per Article 2(g) Directive 2013/33/EU laying down standards for the reception of applicants for international protection (recast) (RCD) are available to applicants for international protection entitled to these in your Member State?

In Portugal the framework legislation to ensure the rights and guarantees to applicants is as follows: - Law no. 27 of 2008, of 30.06, as amended by Law 26/2024 of 05.05 and Law no. 18/22 of 25.08 allows:

Reception conditions, in Law no. 27 of 2008, of 30.06 article 57, in which it defines:

Material reception conditions may take the following forms:

1. Accommodation in kind (ex in reception centre for asylum seekers and in hotel units, food baskets).
 - Food in kind (provided by the reception centre and in hotels).
 - The reception centre has a kitchen available so that each applicant can cook their own meals according to their eating habits, religious beliefs, and culture.

- Monthly social support cash benefit to cover food, clothing, hygiene, and transport costs.
2. Education of minors - access is free of charge:
- Order No. 2044/2022,- creates a special curriculum for children with non-Portuguese mother tongue, lasting 1 year, with an appropriate curriculum and a very reduced number of subjects to encourage the learning of Portuguese and promote the integration of minors.
 - Circular letter Educational measures for the integration of refugee children and young people into the education system - Minors are enrolled in the national education system
 - Children and young people who are beneficiaries or applicants for international protection - Reception Guide

All this information is available for general consultation (e.g. teachers, non-teaching staff, parents) on the website: refugiados@dge.mec.pt.

3. Access to work from the date of application for international protection:
- Law no. 27 of 2008, 30.06, with the changes introduced by law no. 26/2024 of 05.05 and law no. 18/22 of 25.08 allows access to education and the labour market law no. 18/22 of 25.08.
4. Access to health - free access, whose framework for the health area is the following:
- Joint informative circular of hospitals and health centres, which defines the access of applicants and beneficiaries of international protection to the national health service.
 - Welcoming Manual on the access of foreign citizens to the health system.

This information has been disseminated by all the services of the health administration at national level.

5. Free translation phone line that can be used by applicants and all professionals of the various services, with 70 languages, in order to promote better integration of applicants.

They are provided with accommodation, food, transport, healthcare and free education.

1.3. How does your Member State ensure that applicants for international protection in your Member State are provided with full access to the material reception conditions as defined in Article 2(g) of RCD in line with Article 17 and 18 of RCD, and, where relevant, more favourable provisions set out in your national legislation?

Council of Ministers Resolution 103/2020, 23 November - Establishes a single reception and integration system for applicants and beneficiaries of international protection.

In terms of the provisions of paragraph 9 of Article 28 of Law 4/2004, of January 15, as amended, and paragraphs d) and g) of Article 199 of the Constitution, the Council of Ministers resolves.

1. Proceed to the creation of a single reception and integration system for applicants and beneficiaries of international protection, including unaccompanied children, which covers resettlement and relocation, as well as applicants for international protection taken back in charge and beneficiaries of international protection readmitted to the country.
2. Constitute a single operative group that functions in the restricted or extended training, with coordination and technical-operational functions, respectively (Single Operative Group).
3. Define that the restricted formation with coordination functions of the Single Operative Group is composed of the High Commissioner for Migrations, I. P. (ACM, I. P.), the Immigration and Borders Service (SEF) and the Social Security Institute, I. P. (ISS, I. P.).
4. Define that the extended formation with technical-operating functions of the Single Operative Group is constituted by the entities referred in number 3 and by the services and entities of the different governmental areas with competences regarding applicants and beneficiaries of international protection, namely
 - a) The Directorate-General for Higher Education;
 - b) The Directorate-General for School Establishments;
 - c) The Portuguese Institute for Sport and Youth, I. P.;
 - d) The Institute of Employment and Professional Training, I. P.;
 - e) The National Agency for Qualification and Professional Education, I. P.;
 - f) Lisbon's Holy House of Mercy (SCML);
 - g) The Central Administration of the Health System, I. P.;
 - h) The Directorate-General of Health;
 - i) The Housing and Urban Rehabilitation Institute, I. P.

1.4. Does your Member State apply a policy in line with Article 20.1(c) of reducing or in duly justified exceptional cases withdrawing the access to reception conditions for applicants in cases the applicant lodged a subsequent application?

No.

If yes, what material support is provided to persons whose material reception conditions have been reduced or withdrawn in accordance with Article 20(1)(c) in your Member State to ensure a dignified standard of living and access to health care?

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1.5 What health care is an applicant for international protection entitled to in your Member State in line with Article 19 RCD?

When waiting for a decision or appealing a negative decision, an applicant cannot register in the national health system but has access to health care. What he/she cannot have is a number in the national health system.

Claimants until the first decision and claimants with negative decisions only have access to necessary health care, which includes emergency care and essential treatment for mental illness and mental disorders.

Applicants with a positive decision have free access to the National Health Service without any restriction on treatment or consultations.

When the decision on the asylum application is positive, he/she has access to the national health system, just like Portuguese citizens.

1.6 What steps are taken to ensure that applicants for international protection in your Member State have full/effective access to health care, in line with Article 19 of RCD, and, where relevant, more favourable provisions set out in your national legislation?

Those whose application for international protection has been accepted in a first stage, but it has not yet been decided whether or not they will be granted status, are guaranteed all health care and consultations. These applicants are given a national health system number that allows them full access on an equal footing with nationals.

The applicant who is still waiting for a decision, or when the decision is appealed in court, only has access to medical assistance and medication, emergency care, including diagnosis and therapy, primary health care. Here we are only referring to urgent and unavoidable care. They do not have the same access as the above-mentioned applicants because they do not have a National Health System number.

1.7 Please describe what are the support measures available/provided to persons with special reception needs in your Member State in line with Article 21 RCD (e.g. minors, unaccompanied minors)?

When an unaccompanied minor makes an asylum application at the Asylum and Refugee Department or at the airport he/she is referred to the reception centre for refugee children. The travel to the Reception Centre is provided by the Reception Centre itself.

This reception centre operates 24 hours a day, and has a team of social workers and a coordinator.

On arrival at the centre the child is immediately attended to by social workers, who make an initial assessment of their situation and make an inventory of the goods the minors have in their possession when they enter the centre. They also evaluate the basic necessities, such as clothes and hygiene products.

This centre, through the coordinator, applies for the appointment of a guardian at the family court to ensure the protection of the minor's interests.

The Centre is also concerned to find out if there are other important contacts for the minor (friends or family).

In the first days, the life history is reconstituted and an intervention plan is defined.

The following activities take place in the centre:

- Work on training and work issues
- Visits to companies
- Workshops for elaboration of CV and job interviews
- Training actions on gender equality and Portuguese organisational culture
- When the young person is integrated in a job, the centre mediates between the young person and the employer
- Integration in a sports project, in a Portuguese club and with the collaboration of the Portuguese Olympic Committee
- Enrolment in school for regular or vocational education.
- Protocols with private clinics for stomatological and ophthalmological treatments.

Meals are provided by the centre.

A working group was created in Portugal that includes several national and international institutions, ex. UNHCR, IOM, which is developing a referral model for vulnerable applicants.

1.8 How does your Member State ensure that applicants for international protection with special reception needs in your Member State are provided with full access to the reception conditions, which cater for their special reception needs, in line with Article 21(1) of RCD, and, where relevant, more favourable provisions set out in your national legislation?

The reception centre has implemented Article 21 of the RCD in a policy framework for the reception of persons with special reception needs.

The reception centre provides structural attention to persons in vulnerable situations, in terms of guidance and awareness-raising. The role of the reception centre is to identify and assess a person's special needs and to respond, for example, to refer people to a suitable reception facility or to refer a person to an external organisation (e.g. healthcare).

Applicants with special needs have access to existing Portuguese services, depending on the identified need, as shown below:

Upon arrival at the reception centre, applicants are seen by the social workers' team and whenever a health vulnerability is detected, a medical team, composed of a doctor and a nurse, is called to the centre. Depending on the assessment, they are referred to a specialised service of the National Health Service, e.g. pregnant women, rape victims, mental health problems, drug addiction, etc.

- mental health problems are referred to health services with that clinical specialty,
- victims of trafficking, if they are in danger, can be referred to structures of reception for victims of trafficking
- LGBTI cases - the reception centre has established protocols with NGOs that work only with people associated with these areas.

- Victims of domestic violence - there are also protocols between the reception centre and NGOs that work with these victims for psychological and legal support, and in extreme cases, shelter homes.
- Elderly - The reception centre has protocols with NGOs that support these people in terms of personal hygiene and the preparation of meals. When necessary, it is also possible to place them in an old people's home.
- Disabled - the welcoming centre has a protocol with an entity that places people with physical and motor disabilities in the labour market
- UAM- unaccompanied minors there is a reception centre for these minors.

In the reception centre's facilities, there are:

Portuguese classes, group sessions on Portuguese culture and job search techniques, sports activities run by interns/volunteers and a facility for children of applicants aged between 4 months and 5 years, an integration department that provides support in accessing the labour market (CV, preparation for job interviews, approaching employers), Volunteer bank, where the applicants themselves support the daily activities of the centre, e.g. gardening, equipment maintenance, laundry... Food bank, seminal collection in the institution Food bank and in a hypermarket for distribution to the applicants.

In the reception centre there is a room for people with reduced mobility, and there is a lift.

1.9 How can an applicant for international protection avail themselves of a legal remedy in line with Article 26 RCD, in case they consider that their rights to material reception conditions are not being met in your Member State?

The applicant submits an application to the social security services and, if his precarious economic situation is proven, he is assigned a lawyer and is exempt from paying court costs.

2. Access to the asylum procedure

2.1 What are the procedural steps that an applicant for international protection transferred to your Member State needs to undertake in order to gain access to the asylum procedure following a Dublin transfer to your Member State?

The asylum procedure starts ex officio without the direct intervention of the applicant if the applicant has already an asylum case in Portugal. When he arrives Portugal border control authorities notifies him to present at Asylum Department.

If this is not the case, the procedure starts as a non-Dublin procedure with the applicant request at border control or in Asylum Department.

How long do these steps normally take?

Immediately.

Are there any different steps to take for persons whose applications would be considered as subsequent applications? (Location to register, fees, admissibility procedure etc.)

No, it's the same steps.

How long do these steps normally take?

The same, immediately.

Where can the applicant find this information, or be provided with this information?

This information can be found in the Asylum and Refugees Department or be provided through CPR – Portuguese centre for refugees.

2.2 What are the procedural consequences in your Member State of an application for international protection being considered a subsequent application?

There is a special procedure described by the asylum law in article 33: The immigration services make a preliminary assessment of the application within a maximum of 10 days of its submission and the judicial review has a purely devolutive effect, i.e, it does not suspend a deport decision.

2.3 Does your Member State avail itself of the possibility under Article 33(2) Directive 2013/32/EU on common procedures for granting and withdrawing international protection (recast) (APD) to consider an application for international protection lodged by an applicant transferred to your country through the Dublin procedure as inadmissible? If so, under which of the grounds listed in this Article?

Yes, it's considered in all the grounds listed in the article.

3. Detention and limitations to the freedom of movement of applicants

3.1 Are there any circumstances under which your Member State an applicant for international protection could be detained on public health grounds (e.g. quarantine), under applicable provisions of national law unrelated to Article 9 RCD?

No.

If yes, please describe these different types of circumstances, the legal basis for the detention, duration, conditions (incl. type of facilities), and the legal remedies available to challenge such a decision.

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3.2 How can an applicant challenge a decision to place them in detention according to Articles 8 and 9 RCD?

Have free legal assistance and legal representation, being able to appeal against administrative or judicial decisions. The possibility to appeal against a decision is taken in the moment of the notification of the decision, communicated in a language that he/she can understand.

3.3 What are the limits set out in national law to the duration that an applicant may be placed in detention according to Article 9 RCD?

60 days.

At what intervals does the judicial authority needs to review a detention decision according to Article 9(5) RCD?

The decision is reviewed after 30 days.

3.4 What types of less coercive (alternative) measure to detention are used in your Member State?

Please elaborate under which conditions these are generally used and how does your Member State ensure that these less coercive alternative measure to detention are used when they can be applied effectively as per Article 8.2 RCD?

The applicant is notified to attend (in own accommodation or in CPR – Portuguese Council for refugees acommodation) the services (in the rules). When evaluated to detain the applicant, he is presented to a judge who assesses the possibility of expulsion from the country.

3.5 What conditions, set out in Article 10 RCD, are provided to applicants whilst in detention (specialised detention facilities, access to open-air space, possibility to communicate with UNHCR or an organisation working on behalf of UNHCR, possibility to communicate and receive

visits from family members, legal advisers or counsellors and persons representing NGOs, information on the rules of the facility)?

Detained applicants are separated from other detainees (vg. Criminal), and have access to open-air pace, possibility to communicate with all institutions, receive visits and free legal advisers. Detained applicants are held in specialized detention facilities for immigration detention. Within the detention centres, detainees are free to move around the ward during the day and – at given times – different facilities and common areas of the detention centre, including an outside area. Their rooms are equipped with phones that can be used at any time at their own expense. If there is no phone in their room, they can use a phone available in common areas. Detainees can receive visitors. Upon arrival at the detention centre, they are informed about the House Rules, including rules about receiving visits.

4. Available legal remedies and access to legal aid

4.1 At which stages of the asylum procedure does an applicant have the right to legal aid after having been transferred to your Member State?

The applicant has access to legal assistance from the first moment in the administrative process.

4.2 Is the legal aid provided free of charge to applicants for international protection or does your Member State apply any form of means testing? If so how is this applied in practice?

The legal aid provided is free of charge.

4.3 What are the deadlines within which your Member State requires that an applicant lodge an appeal with regards to decisions not to grant international protection or not to further examine the application on grounds of inadmissibility?

15 days with suspensive effect.

4.4 What are the formal requirements when lodging an appeal as referred to in question 4.3?

Have an administrative decision negative to the applicant's claim.

4.5 Does your Member State avail itself of the possibility under Article 9(2) APD to make an exception from the right to remain in the Member State pending the examination of the application in case of a request for extradition of the applicant to a third country? If yes, how do the competent authorities of your Member State ensure that a decision to extradite an applicant to a third country pursuant to Article 9(2) APD is taken in accordance with Article 9(3) APD, i.e. it does not result in direct or indirect refoulement, in violation of international and Union requirements?

No, pending the examination of the application in case of a request for extradition the applicant have the right to remain in Portugal. There is no exception.

4.6 Does your Member State avail itself of the possibility under Article 9(2) APD to make an exception from the right to remain in the Member State where a person makes subsequent applications as referred to in Article 41 APD?

Yes, the applicant has the right to remain in Portugal until an administrative decision is taken (in case a subsequent application).

If yes, how do the competent authorities of your Member State ensure that a decision to return the applicant to a third country does not result in direct or indirect refoulement, in violation of international and Union requirements as per Article 41(1) APD?