Guarantee of the right of asylum

1. The right of asylum shall be guaranteed to aliens or stateless people persecuted or seriously threatened of persecution in result of activity exercised in the State of their nationality or habitual residence, in favour of democracy, social and national liberty, peace among peoples, freedom and the right of the human being.

2. Shall also be entitled to the grant of asylum any aliens or stateless people who, having a well-founded fear of being persecuted for reasons of their race, religion, nationality, political opinions or membership of a particular social group, are unable to or, owing to such fear, are unwilling to return to the State of their nationality or habitual residence.

3. Asylum shall only be granted to an alien who has more than one nationality in case the reasons referred to in the above paragraphs apply to all the States of his or her nationality.

Effects of the granting of asylum

The grant of asylum pursuant to the above Article shall endow the beneficiary with the status of refugee, making him or her subject to the provisions of this law, without prejudice of the provisions of any treaties or International Conventions of which Portugal is a party or adheres to.

Exclusion from and refusal of asylum

1. Shall not benefit from asylum:

a) Those who have performed any acts that are contrary to Portugal's fundamental interests or sovereignty;

b) Those who have committed crimes against peace, war crimes or crimes against humankind, as defined in the international instruments aimed at preventing them;

c) Those who have committed felonious common Law crimes punishable with more than three years of imprisonment.

d) Those who have performed any acts contrary to the purposes and principles of the United Nations.
2. Asylum can be refused in case its granting causes demonstrated danger or well founded threat to the internal or external safety, or to public order.

**Article 4**

**Family reunion**

1. The effects of asylum shall be extended to the spouse and to minor, adopted or disabled children, whenever the applicant so requests, without prejudice of the provisions of the above Article.

2. In case the applicant is below 18 years of age and so requests, the effects shall be extended, under the same circumstances, to his father, mother and minor brothers and sisters of whom he is the sole supporter.

3. The applicant's relatives mentioned in the above paragraph can, alternatively, benefit from an extraordinary residence permit issued by the Minister for the Internal Affairs at their own request, and shall be discharged from the requisites provided for in the general regulations concerning the stay of aliens within national territory.

**Article 5**

**Consequences of asylum over extradition**

1. The grant of asylum shall prevent the pursuing of any petition for extradition of the assailed, founded on the facts based on which asylum is granted.

2. The final decision on any process for the extradition of the applicant shall be stayed while the asylum application is pending, both in the administrative and in the judicial phases.

3. In order to accomplish the provisions of the above paragraph, the submission of the asylum application shall be communicated by the Aliens and Frontier Department to the entity before which the said process runs, within two working days.

**Article 6**

**Status of the refugee**

1. The Refugee shall enjoy the same rights and shall be subject to the same duties as any aliens living in Portugal, since those are not contrary to the provisions of the present Law, of the 1951 Geneva Convention and of the 1967 New York Protocol and shall be obliged to, namely, comply with Law and regulations, as well as with any measures taken to maintain public order.

2. The Refugee shall be entitled, pursuing to the 1951 Geneva Convention, to be given an identity card that attests his or her quality, which shall be issued by the Minister for Foreign Affairs, in accordance with a standard form defined by decree order.

**Article 7**

**Forbidden acts**

The assailed shall be prevented from:
a) Interfering, in a way forbidden by law, in the Portuguese political life;

b) Performing activities which might turn to be harmful to the internal or external safety, to public order or that might endanger Portugal's affairs with other States;

c) Performing activities contrary to the purposes and principles of the United Nations, or of Treaties or Conventions of which Portugal is a party or adheres to.

**Article 8**

**Residence permit for humanitarian reasons**

1. Shall be granted a residence permit for humanitarian reasons to aliens or stateless people to whom the provisions of Article 1 do not apply and that are prevented or feel unable to return to the country of their nationality or habitual residence, for reasons of serious insecurity emerging from armed conflicts or from the repeated outrage of human rights that occurs thereon.

2. The residence permit referred to in the above paragraph shall be valid for a maximum period of five years and shall be renewable after analysing the evolution of the situation in the country of origin.

3. The Minister for the Internal Affairs shall be competent to grant the residence permit mentioned in the present Article, free from any charges and under proposal of the Office of the National Commissioner for the Refugees, in accordance with a standard form defined by decree order.

4. The Aliens and Frontiers Department shall be competent to issue the document aimed at proving residence, which shall be granted pursuant to paragraphs 2 and 3 of the present Article.

**Article 9**

**Temporary protection**

1. The Portuguese State can grant temporary protection, for a period not exceeding two years, to persons displaced from their country as a consequence of serious armed conflicts which generate refugee flows, at a large scale.

2. The criteria based on which temporary protection is eager to be granted shall be defined, in each case, by Cabinet Resolution.

3. The Government shall co-ordinate the measures taken pursuant to the above paragraphs with the measures taken within the European Union, regarding the issue of combined actions for the reception and temporary permanence of displaced persons.

**CHAPTER II**

**Proceedings**

**SECTION I**

**Admissibility of the asylum petition**

**Article 10**

**Asylum petition**
For the purposes of the present Law, shall be considered as an asylum petition the application through which an alien requests a State the protection of the 1951 Geneva Convention, as defined by the New York Protocol.

Article 11

Submission of the petition

1. The alien or stateless person who enters into national territory with the purpose of obtaining asylum shall submit his or her application to any police authority within eight days, either verbally or in writing.

2. In case the applicant is a resident to the country, such time shall run from the date when the facts based on which the request is made occurred, or came to the petitioner's knowledge.

3. The petition shall comprise the identification of the applicant and the members of his or her family entourage mentioned thereon, the description of the circumstances or facts that justify asylum and the indication of any available evidence, but the number of witnesses must not exceed 10.

4. In case the application has not been directly submitted to the Aliens and Frontier Department, it shall be remitted to that entity, which shall immediately notify the petitioner to testify within five days, and inform the Office of the United Nations High Commissioner for Refugees, as well as the Portuguese Council for Refugees.

5. With the notification referred to in the above paragraph, it shall be delivered to the petitioner a statement attesting the submission of the application, and he or she shall be informed of his or her rights and duties, namely of keeping that service informed about his or her current address and of appearing at the service's premises every 15 days on the appointed weekday, otherwise the proceedings shall not follow their normal course before the actual situation of the interested person is clarified.

Article 12

Consequences of asylum over infringements related to the entrance into the country

1. The submission of the asylum petition shall prevent the decision on any administrative proceedings or criminal process based upon irregular entrance into national territory, started against the petitioner and the persons mentioned in Article 4 who accompany him or her.

2. The proceedings or process shall be archived in case asylum is granted and it results that the corresponding infringement has been caused by the same facts that justified the grant of asylum.

3. For the purposes of the above paragraphs, the asylum petition and the decision thereon shall be communicated to the entity before which the administrative proceedings or the criminal process runs, by the Aliens and Frontiers Department, within two working days.

Article 13

Refusal of petition
1. The petition shall not be admitted in case, through the proceedings prescribed in the present Law, some of the causes mentioned on Article 3 or on the below items are immediately found to be obvious:

a) To be groundless, because it is obvious that it does not meet any of the criteria defined by the Geneva Convention or by the New York Protocol, because the allegations that the applicant fears persecution in his or her country have no reason to be, or because it constitutes an abusive usage of the asylum process;

b) To be made by petitioner that is national or habitual resident in a country likely to be considered as a safe country or as a third host country;

c) To comprise within the situations mentioned in Article 1-F, of the Geneva Convention;

d) The application is submitted, without due justification, beyond the deadline prescribed in Article 11;

e) The applicant had been decided to be expelled from national territory.

2. For the purposes of paragraph 1 (a), it shall be considered as a circumstantial evidence that the asylum petition is clearly fraudulent or that it constitutes an abusive usage of the asylum proceeding namely when the applicant:

a) Bases upon and justifies his or her request with evidence emerging from false or forged documents, when questioned about them declares that they are authentic, deliberately and in bad faith renders false statement related to the object of the request or destroys documents that prove his or her identity;

b) Deliberately omits the fact that he or she has already submitted an asylum petition in one or in several countries, eventually using a false identity.

3. For the purposes of paragraph 1 (b), shall be considered as:

a) Safe country - the country in relation to which can safely be determined that, in an objective and verifiable way, it does not origin any refugees or in relation to which can be determined that the circumstances that could previously justify the claim of the 1951 Geneva Convention have ceased to exist, taking namely into account the following elements: respect for human rights, existence and normal operation of democratic institutions, political stability;

b) Third host country - the country where it has been demonstrated that the asylum petitioner is not subject to threats to his or her life or liberty, as defined by Article 33 of the Geneva Convention, or subject to torture or inhuman or degrading punishments, where he or she obtained protection or got the opportunity, at the frontier or within its territory, to contact with local authorities to seek protection or where he or she has provenly been admitted and benefits from an actual protection against refoulement, as defined by the Geneva Convention.

**Article 14**

**Summary fact-finding phase and decision**

1. After a summary fact-finding process, the Director of the Aliens and Frontier Department shall be competent to issue a grounded decision refusing or admitting the petition, within 20 days, after which the petition shall be considered as admitted, if no decision has been issued.

2. The decision mentioned to in the above paragraph shall not be issued before the end of the
time limit prescribed in Article 11 (4), or before the rendering of the statements referred thereon, which shall be considered, for all due purposes, as the hearing of the interested.

3. This decision shall be immediately communicated to the representative of the United Nations High Commissioner for the Refugees and to the Portuguese Council for the Refugees.

**Article 15**
Consequences of the petition refusal

1. The decision that refuses the petition shall be notified to the petitioner within twenty four hours, mentioning that he or she must leave the country within 10 days, otherwise he or she shall be expelled immediately after the termination of that period.

2. The notification referred to in the above paragraph shall include information on the rights of the petitioner pursuant to the below Article.

**Article 16**
Reappraisal and appeal

1. In case the petitioner does not agree with the reached decision, he or she can, within five days from the date of notification, request its reappraisal, with suspensive effect, by means of a petition addressed to the national commissioner for the Refugees, who may interview the petitioner personally, if he finds it necessary.

2. Within forty eight hours from receiving the reappraisal petition or interviewing the petitioner, the national commissioner for the Refugees shall take his final decision, which can be appealed before the Administrative Court of first jurisdiction (Tribunal Administrativo de Círculo), within eight days.

**SUBSECTION I**
Requests made at Frontier Offices

**Article 17**
Special regime

1. The admissibility of asylum applications made at Frontier Offices by aliens who do not fulfil the necessary requisites to be admitted into national territory shall be subject to the regime prescribed in the previous Articles, with the changes emerging from the present Subsection.

2. The staff who meets the applicants at Frontier Offices shall be subject to adequate training, namely under the terms of the applicable recommendation, approved by the European Council Parliamentary Assembly on the 7th November 1996.

**Article 18**
Request appraisal and decision

1. The Aliens and Frontier Department shall immediately communicate the submission of the asylum requests referred to in the above Article to the representative of the Office of the United Nations High Commissioner for the Refugees and to the Portuguese Council for the Refugees; these entities can express their opinion within no more than forty eight hours, and interview the
petitioner, if they wish so.

2. Within the time limit referred to in the above paragraph, the petitioner shall be informed of his or her rights and duties, and shall render statements which shall be considered, for all due purposes, as previous hearing of the interested.

3. The Director of the Aliens and Frontier Department shall issue a grounded decision accepting or refusing the request within no more than five days, but never before expiring the time limit prescribed in paragraph 1.

4. The decision mentioned in the above paragraph shall be notified to the petitioner, with information regarding his or her rights to appeal and, simultaneously, communicated to the representative of the Office of the United Nations High Commissioner for the Refugees and to the Portuguese Council for the Refugees.

**Article 19**

**Reappraisal**

1. Within twenty four hours after being notified of the decision, the petitioner can apply for its supersedeas reappraisal, by means of a request submitted before the national commissioner for the Refugees, who shall take his final decision within twenty four hours.

2. Both the representative of the Office of the United Nations High Commissioner for the Refugees or of the Portuguese Council for the Refugees can, if they wish so, express their written opinion about the decision of the Director of the Aliens and Frontier Department, within twenty four hours after the communication of that decision.

**Article 20**

**Consequences of the request and decision**

1. The applicant shall stay within the Port or Airport International area while waiting for the decision of the Director of the Aliens and Frontier Department or of the National Commissioner for the Refugees, thus applying the proceedings and further guarantees pursuant to Article 4 of Law 34/94, of the 14th September.

2. In case the decision rejects the request, the petitioner shall be compelled to travel back to the place where he or she started his or her journey from or, if this is impossible, to the State where the document he or she travelled with was issued, or to any other place where he or she can be admitted to, namely a third host country.

3. The decision which admits the request, or the expiring of the time limits prescribed in Articles 18 or 19 without notification of the admissibility refusal shall determine the entrance of the applicant into national territory, thus following the fact-finding phase of the asylum proceedings, pursuant to Articles 21 and following of the present Law.

4. The applicant can also request the postponement of the return for no more than forty eight hours, in order to instruct an attorney at Law with the relevant elements to the subsequent lodging of the judicial appeal.

**SECTION II**

**Grant of asylum**
Article 21

Provisional residence permit

1. The Aliens and Frontiers Department shall issue a provisional residence permit in favour of the persons to whom the asylum request that has been admitted applies; this permit shall be valid for a period of 60 days from the date of submission of the petition and shall be renewable for periods of 30 days until decision thereupon or, in the situation described in Article 25, until the time limit prescribed thereon expires, and shall be issued in accordance with the standard form defined by decree order of the Minister for Internal Affairs.

2. Minor, adopted or disabled children to whom the provisions of Article 4 (1) apply and under the conditions prescribed thereon, shall be mentioned in the applicant's residence permit, by means of an additament.

3. While the asylum proceedings are pending, shall apply to the applicant the provisions of the present law and of the legislation concerning foreigners.

Article 22

Fact-finding phase and report

1. The Aliens and Frontiers Department shall proceed with the requested diligence and shall investigate every fact whose knowledge shall be convenient to a fair and quick decision.

2. The fact-finding phase shall take place within 60 days; it shall be extended for an equal period, whenever that shall be necessary.

3. During the fact-finding phase, the representative of the Office of the United Nations High Commissioner for the Refugees or of the Portuguese Council for the Refugees can join to the file any reports or information regarding the respective country of origin and obtain information regarding the state of the proceedings.

4. Immediately after the end of the fact-finding phase, the Aliens and Frontiers Department prepares a report which shall be sent, together with the file, to the Office of the National Commissioner for the Refugees.

5. Those who acted within the asylum proceedings shall keep confidential any information which they had access to in the exercise of their duties.

Article 23

Proposal, hearing and decision

1. The Office of the National Commissioner for the Refugees shall prepare a grounded proposal project of asylum grant or refusal within 10 days after receiving the file.

2. This project shall be communicated to the representative of the Office of the United Nations High Commissioner for the Refugees and to the Portuguese Council for the Refugees who may, if they wish so, make observations on its contents, within five days.

3. The applicant shall be notified of the contents of the proposal and can make observations on it within the same time limit.
4. In case either the applicant or the entities mentioned in paragraph 2 make observations, the Office of the National Commissioner for the Refugees shall reappraise the project in the light of the new elements and submit a grounded proposal before the Minister for Internal Affairs within five days.

5. The Minister for Internal Affairs shall decide within eight days from the date of submission of the proposal referred to in the above paragraph.

**Article 24**

**Notification and appeal**

1. Within 20 days, an appeal against the refusal of the asylum petition can be lodged at the Supreme Administrative Court, with suspensive effect.

2. The rendered decision shall be notified to the applicant by the Aliens and Frontiers Department, mentioning the right referred to in the above paragraph and it shall be communicated to the representative of the Office of the United Nations High Commissioner for the Refugees and to the Portuguese Council for the Refugees.

**Article 25**

**Effects of the asylum refusal**

1. In case asylum is refused, the applicant can stay within national territory for a transitory period, which shall not exceed 30 days.

2. The applicant shall be subject to the provisions of the legislation on aliens since the end of the time limit prescribed in the above paragraph.

**Article 26**

**Extensive application**

The provisions of sections I and II of the present chapter shall apply, with the due adaptations, to the situations mentioned in Article 8.

**SECTION III**

**Request for refugee resettlement**

**Article 27**

**Resettlement petition**

1. The petitions for resettlement of refugees under the mandate of the Office of the United Nations High Commissioner for the Refugees shall be submitted by the representative of the Office of the United Nations High Commissioner for the Refugees before the Minister for Internal Affairs, who shall, within eight days, request the Aliens and Frontiers Department to issue a report.

2. The report on the petitions referred to in the above paragraph shall be issued within twenty four hours; the said Government member shall decide on the admissibility and the grant of asylum,
taking into account the specific circumstances of the case and the legitimate interests to be safeguarded.

CHAPTER III

Special proceeding to determine the State responsible for analysing the asylum petition

Article 28

Determination of the responsible State

Whenever, under the provisions of the international instruments concerning the determination of the State responsible for analysing an asylum application made at an European Union member State, it emerges the need to proceed with such determination, a special proceeding shall be organised, in accordance with the provisions of the present chapter.

Article 29

Asylum petition in Portugal

1. Where there are strong evidence that other member State of the European Union is responsible for analysing the asylum petition, the Aliens and Frontiers Department shall apply for the concerned authorities to accept it.

2. Once the requested State accepts the responsibility, the director of the Aliens and Frontiers Department shall, within five days, render the decision of custody transfer, which shall be notified to the applicant and communicated to the representative of the Office of the United Nations High Commissioner for the Refugees and to the Portuguese Council for the Refugees.

3. The notification mentioned in the above paragraph shall be served upon the applicant together with a safe-conduct, which shall be issued by the Aliens and Frontiers Department, in accordance with a standard form that shall be defined by decree order.

4. Within five days from the notification of the transfer decision, the applicant can request its reappraisal by means of an application, with suspensive effect, submitted before the national commissioner for the refugees, who shall decide within forty eight hours.

5. In case the requested State answers negatively to the application of the Aliens and Frontiers Department pursuant to paragraph 1, the provisions of chapter II of the present law shall apply.

Article 30

Execution of the transfer decision

The Aliens and Frontiers Department shall execute the decision of transferring the applicant, whenever the latest does not abandon national territory on a voluntary basis.

Article 31

Suspension of the running of the time prescribed for the decision
The fact-finding phase of the proceeding for determination of the State responsible for analysing the asylum request shall suspend, until final decision, the running of the time limit prescribed in Articles 14 (1) and 18 (3).

Article 32

Asylum request in another member State of the European Union

1. The director of the Aliens and Frontiers Department shall decide on the acceptance of the Portuguese State’s responsibility for the analysis of the asylum applications made at other member States of the European Union.

2. The decision mentioned in the above paragraph shall be rendered within three months from the date of receiving the acceptance request made by the State where the asylum petition has been submitted.

3. In the cases described as urgent by the State where the application has been made, the time limit referred to in the above paragraph shall be reduced to eight days.

CHAPTER IV

Competent entities

Article 33

Competence to decide on asylum

The Minister for Internal Affairs shall be competent to decide on the grant or refusal of asylum, under proposal of the Office of the National Commissioner for the Refugees.

Article 34

Office of the National Commissioner for the Refugees

1. Within the Ministry for Internal Affairs shall be created the Office of the National Commissioner for the Refugees, which shall be competent to prepare grounded proposals of asylum grant or refusal, grant and renewal of residence permits due to humanitarian reasons and declaration of loss of the right of asylum, as well as to decide on the reappraisal requests which shall be submitted before itself, in accordance with the law.

2. The Office of the National Commissioner for the Refugees shall be composed by a national commissioner for the refugees, who shall preside over it, by an associate-national commissioner, who assists and replaces him in his absences and impediments, and by a lawyer qualified or skilled in the field of asylum law, who shall exercise functions of assistance; they shall be appointed by joint order of the Ministers for Internal Affairs and Justice.

3. The offices of national commissioner for the refugees and assistant-national commissioner for the refugees shall be performed by judicial or public prosecution magistrates with more than 10 years of service and meritorious grades; they shall be nominated pursuant to appointment of the Superior Councils of the Bar and of Public Prosecution, respectively.

4. The statutes of the Office of the National Commissioner for the Refugees shall be approved until 15 days before the entry into force of the present law.
Article 35

Aliens and Frontiers Department

1. The Aliens and Frontiers Department shall be competent to act within the fact-finding phase of the asylum proceedings, and its director shall decide on the admission or refusal of the asylum applications and on the acceptance, on the part of the Portuguese State, of the responsibility for the analysis of a request and its transfer to another member State of the European Union.

2. Within the fact-finding phase of asylum proceedings, the Aliens and Frontiers Department can, if that is found to be necessary, request the opinion of experts on some specific questions, namely of medical or cultural nature.

CHAPTER V

Loss of the right of asylum

Article 36

Causes of the loss of the right of asylum

Shall cause the loss of the right of asylum:

a) The express waiver;

b) The practice of forbidden acts or activities, in accordance with the provisions of Article 7;

c) The demonstration of falsity of the alleged grounds for the grant of asylum or the existence of facts which, had they been known at the time of granting, would have implied a negative decision;

d) The request and the obtaining by the assailed of the protection of the country of his or her nationality;

e) The voluntary re-acquisition of the nationality he or she had lost;

f) The voluntary acquisition of a new nationality by the assailed, as long as he or she enjoys the protection of the respective country;

g) The voluntary re-settlement in the country he or she left or out of which he or she stayed for fear of persecution;

h) The termination of the reasons which justified the grant of asylum;

i) The decision to expel the assailed, rendered by the competent court of law;

j) The abandon of national territory by the assailed, thus settling in another country.

Article 37

Effects of the loss of the right of asylum

1. The loss of the right of asylum pursuant to the provisions of Article 36 (b) shall be a motive of expulsion from national territory, without prejudice of the provisions of paragraph 3.
2. The loss of the right of asylum for the reasons mentioned in items (a), (c), (d), (e), (f), (g) and (h) of the previous Article shall determine the subjection of the assailed to the provisions of the general law concerning the stay of aliens within national territory, without prejudice of the provisions of the following paragraph.

3. In case the loss of the right of asylum shall be determined by the circumstance mentioned in item (h) of the previous Article, the assailed can apply for the grant of a residence permit, with exemption from exhibiting the respective visa, in accordance with the provisions of the general legal framework on aliens.

**Article 38**

**Expulsion of the assailed**

The expulsion of the assailed, in accordance with the provisions of the previous Article, shall not bring about his placement in the territory of a country where his or her freedom shall be put at risk by any of the causes that, in accordance with the provisions of Article 1, might be considered as a ground for the grant of asylum.

**Article 39**

**Administrative and judicial competence**

1. The Minister for Internal Affairs shall be competent to, under proposal of the Office of the National Commissioner for the Refugees, declare the loss of the right of asylum in the cases referred to in Article 36 (a), (g), (i) and (j).

2. Under all the circumstances mentioned in the remaining items of Article 36, the Second Jurisdiction Court (Tribunal da Relação) within the residence area of the assailed shall be competent to declare the loss of the right of asylum and to order expulsion, whenever that shall be the case.

3. To the proceedings provided for in the above paragraph shall apply, on a subsidiary basis and with the due adaptations, the rules governing the criminal process.

**Article 40**

**Communication to the Department of Justice**

Whenever, in accordance with the provisions of paragraph 2 of the above Article, there shall be grounds to declare the loss of the right of asylum and to order the expulsion of the assailed in accordance with the provisions of Article 37 (1), the Aliens and Frontiers Department shall provide the associate-general-attorney at the competent Second Jurisdiction Court (Tribunal da Relação) with all the relevant elements for the submission of the respective request of declaration or expulsion.

**Article 41**

**Formulation of the request**

The request for declaration of loss of the right of asylum and, shall it be the case, the request for expulsion in accordance with the provisions of Article 37 (1) shall be made through an application, submitted in triplicate and duly accompanied of all the evidence found to be necessary.
Article 42

Reply of the defendant

1. The rapporteur shall provide for the notification of the defendant within 15 days from filing.

2. The reply shall be submitted in triplicate, accompanied with the corresponding evidence; the duplicate shall be delivered to the assistant-general-attorney.

Article 43

Witnesses

The number of witnesses to be appointed by any of the parties shall not exceed 10.

Article 44

Production of evidence

1. The rapporteur, within 30 days after the submission of the Defendant's reply or after expiring the time limit prescribed for such purpose, shall perform the acts of evidence production that shall be necessary for the decision.

2. Once the production of evidence is complete, both the Petitioner and the Defendant shall be notified to submit their allegations within eight days, in succession.

Article 45

Approval

The file shall be successively submitted to the approval of each of the assistant-judges for eight days, no sooner than the last allegation is joined, or after the deadline for its delivery expires; it shall be then enrolled for trial.

Article 46

Contents of the expulsion decision

In case it provides for the expulsion, the judgement shall contain the elements referred to in Article 81 (1) of Decree Law 59/93, of 3 March.

Article 47

Appeal

1. The judgement can be appealed before the Supreme Court of Justice; the appeal shall be lodged within 10 days.

2. The decision referred to in Article 39 (1) can be appealed before the Supreme Administrative Court, in accordance with the provisions of the general law.
Article 48

Execution of the expulsion order

Once the decision transits in rem judicatam, its certificate shall be sent to the Aliens and Frontiers Department, which shall execute the expulsion order eventually contained therein and inform the delegate of the Office of the United Nations High Commissioner for the Refugees and the Portuguese Council for the Refugees about it.

CHAPTER VI

Social Support

SECTION I

Reception

Article 49

Guarantee of reception

The Portuguese State shall guarantee to asylum applicants, until final decision on the application, conditions of human dignity.

Article 50

Social support

1. The State shall grant social support to asylum applicants in a situation of economic and social insufficiency and to the members of their family entourage who the provisions of the present law apply to.

2. Non governmental organisations can co-operate with the State in the fulfilment of the measures provided for in the present law, namely through the signing of co-operation protocols.

Article 51

Information

At the beginning of the proceeding, the Aliens and Frontiers Department shall inform asylum applicants on the rights they enjoy and on the duties they are subject to, as well as on the procedural course.

Article 52

Interpreting and legal aid

1. Asylum applicants shall benefit, whenever necessary, from the services of an interpreter who shall assist them in the formulation of their request and in the course of the proceeding.

2. The Office of the United Nations High Commissioner for the Refugees and the Portuguese Council for the Refugees can provide legal counselling directly to asylum applicants, at all stages
3. The asylum applicant shall benefit from legal aid, in accordance with the provisions of the general law.

Article 53

Medical and medicine assistance

1. Asylum applicants shall be given access to the National Health Service, in accordance with the provisions of a decree order which shall be issued jointly by the Ministers for Internal Affairs and Health.

2. The document mentioned in Article 11 (5) shall be sufficient to prove the quality of asylum applicant, for the purposes of the above paragraph.

Article 54

Means of subsistence

Asylum applicants in a situation of economic and social insufficiency and their respective family entourage in accordance with the provisions of Article 4 shall be granted social support for housing and feeding; the granting of this support shall be ruled by decree order of the Ministers of Finances, Internal Affairs and Solidarity and Social Security, which shall be published within 60 days after the publication of the present law.

Article 55

Right to work

Asylum applicants who have already been granted a temporary residence permit shall be secured access to the labour market, in accordance with the provisions of the general law; the application of the social support regime provided for in Article 50 shall terminate with the exercise of paid employment.

SECTION II

Particularly vulnerable situations

Article 56

Minors

Without prejudice of any tutelage measures which shall apply in accordance with the provisions of the legislation concerning minor tutelage, and when the circumstances so require, minor asylum applicants can be represented by a non-governmental entity or organisation.

Article 57

Access to teaching
Asylum applicants at school age and in favour of whom a temporary residence permit has been issued shall have access to the public structures of compulsory education, under the same conditions as national citizens.

**Article 58**

**Other vulnerable persons**

Asylum applicants who have been victims of torture, rape or any other physical or sexual abuse shall benefit from special attention and care on the part of the respective social security centre within the area of their residence or of entities which have signed support protocols with the latest.

**SECTION III**

**Termination of social support**

**Article 59**

**Termination of support**

1. Social support shall terminate with the final decision on the asylum application, independently from the lodging of the appropriate judicial appeal.

2. The termination of support in accordance with the provisions of the previous paragraph shall not occur in case, once the applicant's economic and social situation is appraised, it emerges that there shall be necessary to maintain it.

3. Shall cease the support granted to asylum applicants who, without a justification, fail to appear before the concerned authorities when called, go off to unknown location or change their residence without previously informing the Aliens and Frontiers Department of that fact.

**CHAPTER VII**

**Final and transitory provisions**

**Article 60**

**Notification procedure**

1. The notifications upon the applicant shall be made personally or by means of registered letter with notice of reception, which shall be sent to his or her last known address.

2. In case the letter is returned, such fact shall be immediately communicated to the Office of the United Nations High Commissioner for the Refugees and to the Portuguese Council for the Refugees; the applicant shall be considered as having been notified in case he or she does not appear at the Aliens and Frontiers Department within 20 days from the date of the said return.

**Article 61**

**Extinction of the proceeding**
1. The proceeding which is stayed for more than 90 days, due to a reason which the applicant is liable for, shall be extinct.

2. The competence to declare on the extinction of the proceeding shall lie with the Minister for Internal Affairs.

**Article 62**

**Gratuitousness and urgency of the proceedings**

The proceedings for grant or loss of the right of asylum and for expulsion shall be gratuitous and urgent, both at the administrative and at the judicial phases.

**Article 63**

**Interpretation and integration**

The provisions of the present law shall be interpreted and integrated in accordance with the Universal Declaration of Human Rights, the European Convention on Human Rights, the Geneva Convention of 28 July 1951 and the Optional Protocol of 31 January 1967.

**Article 64**

**Revocation**

Law 70/93, of 29 September, shall be revoked.

**Article 65**

**Entry into force**

1. The legal regime provided for in the present law shall enter into force 60 days after the date of its publication, without prejudice of the immediate enforcement for the purpose of beginning its regulation process.

2. The present law shall apply to the pending asylum applications.

Approved on the 29th January 1998. The President of the Assembly of the Republic, António de Almeida Santos

Enacted on the 13th March 1998. Publish. The President of the Republic, JORGE SAMPAIO.