

# StartUP Visa



## FAQs – Frequently Asked Questions of StartUP Visa

### **I. STARTUP VISA SCOPE**

#### **Q.01. What is StartUP Visa?**

**A.01.** StartUP Visa is a hosting program for foreign entrepreneurs who intend to develop an entrepreneurial and/or innovative business in Portugal, through the granting of a visa or residence permit to these foreign entrepreneurs. The program is under a specific regulation, the [Legislative Order Nr. 4/2018, 2<sup>nd</sup> February](#), hereafter referred to “Legislative Order”.

#### **Q.02. To whom is it addressed?**

**A.02.** Foreign entrepreneurs, who want to establish an innovative business, will access a residence visa, allowing the development or relocation of their StartUp business to Portugal. Applicable to entrepreneurs who want to develop their project in Portugal and still have no business company in their country of origin, and/or for entrepreneurs that already have their entrepreneurial projects developed in their country of origin and are looking forward to establish a business activity in Portugal.

#### **Q.03. The minimum age for enrollment in the programme is 18 (eighteen) years old. Is there an age limit for enrollment in StartUP Visa?**

**A.03.** No, the enrollment in StartUP Visa programme has an age limit.

#### **Q.04. How many members per project can you apply for StartUP Visa program?**

**A.04.** StartUp Visa welcomes one entrepreneur or more per project, up to a maximum of 5(five) elements. Residence visas under the program shall also be granted up to a maximum of five elements, by project.

## **II. APPLICATION SUBMISSION**

### **Q.05. When does the application process start and what is the deadline for it?**

**A.05.** The application process started on the 15<sup>th</sup> March of 2018. StartUP Visa has no deadline to receive the applications once it is a rolling program.

### **Q.06. How should I proceed to submit the application for StartUp Visa?**

**A.06.** You should access to IAPMEI website (<https://www.iapmei.pt/>) and submit the application through the [online platform](#).

### **Q.07. How should I fulfill the application to the StartUp Visa programme?**

**A.07.** You must consult and act accordingly with the [Application Guide](#). In case of doubt for filling in, all questions should be addressed by email to the StartUP Visa team ([startup.visa@iapmei.pt](mailto:startup.visa@iapmei.pt)).

### **Q.08. What criteria are used for the acceptance of the application?**

**A.08.** Foreign entrepreneurs who intend to access StartUP Visa and obtain a visa or residence authorization must meet and demonstrate the following criteria, among others as paragraph 2 and 3 of article 5<sup>th</sup>, of the [Legislative Order](#):

- a) Intend to develop business activities to produce innovative goods and services aiming its internationalization;
- b) Projects and/or established companies focused on technology and knowledge, with prospects for developing innovative products;
- c) Have the potential to create qualified employment, in addition to the entrepreneurs included in the application;
- d) Have the capacity to set up a company, when applicable, during the program;
- e) Have the potential to attain, 5 (five) years after the incubation period, a turnover over 325.000€ per year, and/or assets value over 325.000€ per year.

### **Q.09. If the entrepreneur does not have a tax and/or social security number in Portugal a declaration is requested. Which formality does this declaration impose and what is its content?**

**A.09.** The formality concerns the demonstration of compliance with article 5<sup>th</sup> (1) (b) of [Legislative Order](#), to "have tax obligations fulfilled concerning tax administration and social security, when applicable" Thus, if the citizen does not have a tax and / or social security number in Portugal, he/ she must provide a solemn declaration instead.

### **Q.10. How will the evaluation of IAPMEI be carried out, in view to consider that the company has the potential to achieve a turnover of more than 325,000 €/year up to 5 years after the incubation contract? In this sense, how should the company demonstrate it?**

**A.10.** In this regard, the company is asked to indicate the turnover and assets, estimated in the fifth year of operation of the project. To ground this, it will be important to identify the target market segments, their potential, the estimated market share to be achieved in each segment / market, as well as the price positioning in relation to the competition/ substitute products.

**Q.11. Can a company started by a foreign citizen and a Portuguese citizen be a candidate for the StartUP Visa?**

**A.11.** It can, as long as the company is set up outside the national territory.

However, the StartUp Visa program is applicable only if the application leader is a foreign entrepreneur without permanent residence in the Schengen Area.

**Q.12. In article 2<sup>nd</sup> of the [Legislative Order](#), is it necessary to comply with both paragraphs a) and b) or is it just one of them?**

**A.12.** Only one of them must be met: either you are an entrepreneur with a project, or an entrepreneur with a company set up outside Portugal.

**Q.13. In case on an a) typology application, according to article 2<sup>nd</sup> of the [Legislative Order](#), candidates do not need to prove compliance with the requisites required in article 5<sup>th</sup> (3)?**

**A.13.** They do not need. The requisites of article 5<sup>th</sup> (3) only apply to application of b) typology.

**Q.14. Which documents are to be presented as proof of the requirement foreseen in article 5<sup>th</sup> (1) (a), of the [Legislative Order](#), associated with “Do not have permanent residence in the Schengen Area”?**

**A.14.** The documents are the copy of the passport and the copy of the residence permit of the country indicated in the application, if the citizen has permanent or long-term residence in another country outside the Schengen area. It is considered as permanent non-residents in the Schengen area, all third-country nationals who are not qualified with a permanent residence permit valid for 5 (five) or more years, according to article 76<sup>th</sup> of Act 23/2007, of 4<sup>th</sup> July, in its present edition ( Aliens Act).

**Q.15. Which documents are to be presented as proof of the requirement foreseen in article 5<sup>th</sup> (1) (b), of the [Legislative Order](#), associated with “Have tax obligations fulfilled concerning Tax Administration and Social Security, when applicable”?**

**A.15.** The information regarding the existence/non-existence of debts is always relative to Portugal. If the entrepreneur has a tax and/or social security number in Portugal, he/she must grant authorization to IAPMEI for online checking with Tax and Social Security Authorities, and enclose the certificates obtained from the related portals. For this purpose, the tax identification number of IAPMEI is 501373357 and Social Security number of IAPMEI is 200457827. In case the entrepreneur does not have a tax and/or social security number, he/she must provide a solemn declaration instead.

**Q.16. Which document is to be presented as proof of the requirement foreseen in article 5<sup>th</sup> (1) (c), of the [Legislative Order](#), associated with “Do not have criminal records”?**

**A.16.** The entrepreneur must provide evidence of the criminal record certificate, issued by the competent authorities, requested in the country of origin or residence, once a resident for more than a year. This must be presented properly translated and authenticated by the consulate office of the country of origin or apostille by the Hague Convention.

**Q.17. What is the purpose of having sufficient funds in a bank account equivalent to 12 (twelve) times the Index of Social Support (IAS) mentioned in the requirements?**

**A.17.** The total amount works on a cumulative basis, representing the minimum amount per month and per person. This represents the value of the Index of Social Support (IAS) in Portugal for 12 (twelve) months, and ensures the subsistence of the entrepreneur in Portugal.

**Q.18. If I do not have these funds in my StartUP, is the application submission at risk of not moving forward?**

**A.18.** Yes, the compliance with this requirement is mandatory to submit the application, and shall be proven through a bank statement. This requirement must be proven individually by bank statement if there is more than one entrepreneur.

**Q.19. I started to fill in the application and added one or more incubators. At that moment, does the incubator receive my request or do I need to submit my application for them to receive it?**

**A.19.** In the first phase the entrepreneur should start the registration of the process filling all the fields of identification and description of the project, and identification of the entrepreneurs. After completing this information, the entrepreneur may send a declaration of interest to one or more incubators. The entrepreneur can also enclose a video pitch, in order to help the incubator to make its evaluation. To move forward to the second phase, the entrepreneur must obtain a positive feedback from at least one incubator. After that, the entrepreneur must complete the application and submit it through the platform to be evaluated by IAPMEI. For further information you should carefully read the new version of the [Application Guide](#).

**Q.20. If my project and/or company are not accepted by an incubator, can I submit a declaration of interest to another?**

**A.20.** Yes, you can, since there is no limit for presenting declarations of interest to the incubators. You can send several, once for moving forward with the application submission you have to be accepted in at least one incubator.

**Q.21. The information in article 6<sup>th</sup> (a) (b) (c) of the [Legislative Order](#), refers to what the incubators should mention in their declaration of interest, or about the information the entrepreneur should send to the incubators?**

**A.21.** The information is relative to the entrepreneur. It must contact certified incubators, [published in IAPMEI's website](#), whose characteristics and skills best meet the needs of the development of their project, in order to obtain a declaration of interest in their incubation, namely taking into account: the innovative nature of the project, the growth potential, the scalability of the business in the market, the prospects of setting up in Portugal, after the end of the program.

**Q.22. Can the same entrepreneur apply for the StartUP Visa with two different projects and express interest in two different incubators?**

**A.22.** No, each entrepreneur can only apply for one project at a time. If this is not respected, two of the eligibility requirements will be concerned, as per article 5<sup>th</sup> 2 (a) (h) of the [Legislative Order](#). This defines that candidates have to demonstrate that they have an effective interest in developing an entrepreneurial project, namely through the creation of an innovation based

company, and the individual contribution of each candidate is essential to the development of the entrepreneurial project. Only in case of the application's rejection or withdrawal, may the same entrepreneurs apply for another project.

### **III. EVALUATION AND APPLICATION DECISION**

#### **Q.23. How does the evaluation process for admission in the program occur?**

**A.23.** The evaluation of the economic and innovative potential is based on the degree of innovation, scalability of the business, the potential for the market, the capacity of the management team and the potential for creating qualified employment in Portugal.

#### **Q.24. How can the entrepreneur and/or the incubator follow up the progress of the evaluation process and know the decision on the application by IAPMEI?**

**A.24.** The state of progress of the evaluation process can be followed up through the [online platform](#). When the decisions are uploaded, and these are read by the entrepreneurs, the incubators that have expressed interest will be aware of the meaning of the decision on the projects. This information can be accessed, through the platform, as follows: in the case of the Incubators by accessing to the *Monitoring Entrepreneurs> Application> State* information; in the case of the entrepreneurs by consulting the *Monitoring> Access> Decision* information on the application.

#### **Q.25. What is the time for the evaluation of the applications?**

**A.25.** In accordance with article 6<sup>th</sup> (9) of the [Legislative Order](#), which regulates the StartUp Visa program, "(...) IAPMEI, I.P, renders the final decision on the application in the maximum period of 30 (thirty) working days from its submission, making it available on the electronic platform within 3 (three) working days", after the decision.

#### **Q.26. After favourable evaluation by IAPMEI, is it possible to integrate new elements or entrepreneurs in the application?**

**Q.26.** It is not possible to integrate new elements or entrepreneurs into the application after a favorable evaluation by IAPMEI.

The evaluation of the application, after its submission, results from the fulfilment of all the eligibility requirements referred in paragraph 1 of article 5 of the [Legislative Order](#). Failure to comply with these requirements, at the date of submission of the application, as well as the acceptance of subsequent elements to a project already decided by IAPMEI, calls into question the evaluation decision on the project and / or team that initially integrates it. As an alternative to this situation the entrepreneurs may cancel the initial application and formalize a new application, including the additional elements and / or entrepreneurs in the new application.

### **IV. INCUBATION CONTRACTS**

#### **Q.27. How should the entrepreneur and the incubator proceed after a favorable decision on the application, by IAPMEI?**

**A.27.** In the event of a favourable decision by IAPMEI, and only after this moment, may one of the incubators that stated interest and the entrepreneur (s) proceed with the incubation

contract which should be concluded within 40 working, in accordance with article 6<sup>th</sup> (10) of the [Legislative Order](#).

To ensure that the procedure runs correctly, both parties must comply with the following:

1. Entrepreneurs should invite the incubators to conclude the contract on the platform menu “Incubation Requests/Incubation Contracts”;
2. The Incubators must accept the request and upload the concluded contract on the platform, within 5 working days.

After this procedure, entrepreneurs shall have access to the **Declaration of Acceptance to StartUP Visa**, for the purpose of applying for a visa and/or a residence permit with the competent authorities.

**Q.28. Does the incubation contract to be signed oblige the entrepreneur to physically incubate?**

**Q.28.** Yes. Under the program, the contract to be established between the incubator and the entrepreneur must respect the “physical incubation” model, not including the possibility of “virtual incubation”, according to article 4 (i) , of the [Regulation Nr. 344/2017, 13<sup>th</sup> November](#).

**Q.29. How to conclude an incubation contract without the entrepreneur having a national document and Portuguese tax identification number that allows the establishment of a contract by a service, namely public?**

**A.29.** Generally, a contract with a foreigner citizen, for example an employment contract, requires the identification, signatures and domicile of the parties, and the reference to the work visa or residence permit of the worker permanence in Portugal. Therefore, in the contract to be concluded with the incubator, it will not be possible to refer to the documents above, since this will be the process that will lead to the granting of residence visa. Thus, since the contract cannot forgo with the identification of the parties, the current identification document of the entrepreneur should be mentioned, referring to the type (namely the passport), its number, place and date of issue.

**Q.30. What is the average amount charged for the services provided by the incubators?**

**A.30.** The entrepreneur must articulate with the incubator all information regarding the incubation conditions and/or the resulting amounts.

**Q.31. The company should be set up in Portugal in which phase: before the application, after the acceptance in the program along with the incubator contract, during the term of the incubation contract, or at the end of the contract?**

**A.31.** The company should be set up during the incubation contract and must be established at the end of this.

**V. VISA AND RESIDENCE PERMIT**

**Q.32. Is the visa only granted after all the investment of the company in Portugal has been made?**

**A.32.** The visa must be requested at the Portuguese consulate section after the approval of the entrepreneur in the programme, after being formalized the incubation contract and issued the Acceptance Statement by IAPMEI. The company does not have to be set up in Portugal for this

purpose, once its establishment should take place already during the process of incubation. The residency visa is intended to allow the holder to enter the Portuguese territory in order to apply for a residence permit. This visa is valid for 2 entries and entitles its holder to stay in national territory for 4 months.

**Q.33. How to start the visa application, after the project has the interest of an incubator and a positive decision of the IAPMEI?**

**A.33.** The residency visa must be requested at the consulate section of the area of residence, together with all necessary documentation (see Q.34). Applicants for residence visas to immigrant entrepreneurs under the Startup Visa program are, however, exempt from visas requests by attendance. The time limit for decision on the application for a residence visa is 60 days.

**Q.34. What documentation is needed to start the visa application?**

**A.34.** The documentation required to apply for a residence visa for entrepreneurial immigrants, under the StartUP Visa, is as follows:

- ) Official form for visa application dully completed and signed;
- a) Declaration issued by IAPMEI - Portuguese Agency for Competitiveness and Innovation (IAPMEI, I.P.), certifying the signing of an incubation contract with a certified incubator, in accordance with Article 6<sup>th</sup> of the [Legislative Order](#), that regulates the «Startup Visa» Program.
- b) Passport or additional travel document valid for 3 months beyond the duration of the planned stay.
- c) Two passport photos, up-to-date and with enough quality to identify the applicant.
- d) Valid travel insurance, allowing medical coverage, including medical emergencies and repatriation.
- e) Proof of being in a regular situation when from a different nationality than that of the country where the visa is being applied for.
- f) Consent to a criminal record check by SEF - Immigration and Borders Service.
- g) Criminal record certificate from the country of origin or the country where the applicant is residing for over a year (children under the age of 16 are exempt from presenting a criminal record).
- h) Proof of means of subsistence as stipulated by law.
- i) Proof of subsistence means can be made through a statement of responsibility, signed by a Portuguese national or by a foreign national legally resident in Portugal.

**Q.35. What should the entrepreneur do to apply for a residence permit, and what documentation is required?**

**A.35.** Upon entry into Portugal the application for the granting of residence permit is directed to the SEF-Immigration and Borders Service. For such:

**a) Scheduling:**

The appointment automatically made to the SEF will appear on the sticker of the granted visa.

**b) Formalization of the Application for Residence Permit (AR)**

On the date and place indicated by the SEF, you must submit in person the **form/application** necessary to formalize the AR request ([https://imigrante.sef.pt/?media\\_dl=1923](https://imigrante.sef.pt/?media_dl=1923)), completed and signed by you or your legal representative, followed by:

- Declaration of Acceptance to StartUP Visa by IAPMEI, certifying the conclusion of an incubation contract with a certified incubator, in accordance with Article 6<sup>th</sup> of the [Legislative Order](#), that regulates the «Startup Visa» Program.
- Two recent, identical photographs, in color with blank background, and easily identifiable;
- Passport or any other valid travel document;
- Evidence of sufficient means of subsistence, as per the provisions of [Order Number 1563/2007, of 11/12](#) (Portuguese version);
- Evidence that the applicant has adequate accommodation;
- Permission for SEF to check Portuguese criminal record (except people under 16 years old);
- Criminal record of the country of nationality of the applicant or criminal record of the applicant of the country of his/her residence for more than one year (according to nr. 4 of Article 53rd of [Regulatory Decree nr. 84/2007](#) - Portuguese version).

For more details, we suggest that you consult the information available on the [website of SEF](#).

**Q.36. What is the length of stay in Portugal under the visa granted by StartUP Visa?**

**A.36.** StartUP Visa is a residence visa, under article 60<sup>th</sup> (2) (c) of Act 23/2007, of July 4<sup>th</sup> (Aliens Act). Residence visas, according to article 58<sup>th</sup> (2) of the same Act are valid for 4 (four) months and 2 (two) entries into the national territory. The visa can be extended, within national territory for a period of 90 (ninety) days and grants the right to apply for a residence permit (article 58<sup>th</sup> (1) of Act 23/2007, of July 4<sup>th</sup>). This way, the holder of the StartUP visa newly arrived in national territory must attend the SEF's appointment, on the date that will appear on the sticker of the granted visa.

**Q.37. What is the possibility of granting a residence visa to the family of the entrepreneurs, so that they can move along with them under the scope of the program?**

**A.37.** Only holders of valid residence permits are entitled to family reunification with family members, and must be requested from the SEF. Therefore, the application for a residence visa for the purpose of family reunification can only be carried out after the SEF has approved the referred family reunification.

**Q.38. What is the guarantee of family reunification?**

**A.38.** Family reunification may be requested, being its approval namely conditioned to the granting of the right of residence to the holder/ entrepreneur.

**Q.39. Being accompanied by my wife, can she have a professional activity in Portugal?**

**A.39.** Obtaining a favorable evaluation of the family reunification request, can the family of the entrepreneur develop their regular and professional life in Portugal, during the validity of the entrepreneur's visa.



**Q.40. Is it possible to request a visa for a minimum number of qualified employees, during the start-up period of the company in Portugal?**

**A.40.** Downstream of the project and/ or company integrated in the scope of the program, and granting of visas to the entrepreneurs, it might apply other appropriate visa requests. Those shall respect the period and the reason of the stay of the other applicants, integrating them in the company project in Portugal.

**Q.41. With the granting of the visa and/or residence permit will I be able to work in another activity while developing the project under the program?**

**A.41.** The activity developed, or to be developed must respect the reason for which the visa or residence authorization was granted to the entrepreneur.