

# RME LEGAL

## 2024 NHR TRANSITORY PERIOD

The termination of the NHR tax regime has been approved by the Portuguese Parliament. However, a transitory period has been introduced to guarantee respect for the applicants' expectations, as they have already taken steps that demonstrate their intention to move to Portugal.

In this sense, **it will still be possible to apply for the NHR tax regime in 2024, provided that:**

a) For the taxpayer who, on December 31, 2023, meets the conditions outlined in Article 16 of the IRS Code to qualify as a tax resident in Portuguese territory;

b) For the taxpayer who becomes a tax resident by December 31, 2024, and declares, for the purpose of their registration as a non-regular resident, possession of one of the following elements:

- i) A promise of employment, a work contract, or a secondment agreement concluded by December 31, 2023, with duties to be performed in Portuguese territory; or,
- ii) A lease agreement or another contract granting the use or possession of property in Portuguese territory, concluded by October 10, 2023; or,
- iii) A reservation agreement or a promise-to-buy contract for real property rights in Portuguese territory, concluded by October 10, 2023; or,
- iv) Enrollment or registration of dependents in an educational institution located in Portuguese territory, completed by October 10, 2023; or,
- v) A valid residence visa or residence permit until December 31, 2023; or,
- vi) Procedure initiated by December 31, 2023, of the residence visa or residence authorization application process with the competent authorities, in accordance with the current immigration legislation, notably through the scheduling or actual appointment for a residence visa or residence permit application submission, or through the submission of the application for residence visa or residence permit.

c) The taxpayer who is a member of the household of taxpayers referred to in the previous paragraphs.

For the taxpayer who is already registered as a non-regular resident in the tax authority's taxpayer registry, the NHR will apply until the 10-year period (from application) is complete.

To summarize, we would structure the available options as follows:

- For EU citizens it would be necessary to meet one of the conditions above listed as i), ii), iii), iv) or apply for a Residency Certificate as EU citizens in 2023.**
- For non-EU citizens, it would be necessary to meet one of the conditions above listed as i), ii), iii), iv) or having a pending immigration process (with the Consulate or AIMA) or proving that an appointment has been made in 2023 (even if the appointment will only take place in 2024).**
- Family members, if not meeting the conditions themselves, will also be protected if they are moving to Portugal with a family member covered by the above rules from i) to vi).**