



Treaty Series No. 75 (1954)

Exchange of Notes

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Portuguese Government

regarding the Reciprocal Abolition of Visas

Lisbon, November 23, 1954

*Presented by the Secretary of State for Foreign Affairs to Parliament
by Command of Her Majesty
December 1954*

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**EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF
THE UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND AND THE PORTUGUESE GOVERNMENT
REGARDING THE RECIPROCAL ABOLITION OF VISAS**

Lisbon, November 23, 1954

No. 1

*The Portuguese Minister for Foreign Affairs to Her Majesty's Ambassador
at Lisbon*

Lisboa,

Senhor Embaixador,

23 de Novembro de 1954.

Tenho a honra de comunicar a Vossa Excelência que, com vista a facilitar as viagens entre os territórios portugueses e britânicos, o Governo Português está disposto a concluir com o Governo de Sua Majestade no Reino Unido um acordo nos seguintes termos:—

1. Os súbditos britânicos munidos de passaportes válidos que tenham na parte exterior os dizeres "British Passport" e, na parte de dentro, a descrição do estatuto nacional do portador como "British subject" ou "British subject, Citizen of the United Kingdom and Colonies" ou "British subject, Citizen of the United Kingdom, Islands and Colonies," poderão, ressalvadas as disposições dos parágrafos 5 e 6, entrar livremente em Portugal Continental e Ilhas Adjacentes para permanência temporária, em viagens de trânsito, negócios ou recreio, sem necessidade de qualquer visto diplomático ou consular.
2. Por permanência temporária entende-se um período não excedente a dois meses o qual, excepcionalmente, poderá ser prorrogado, por motivos justificáveis, a exclusivo critério das competentes autoridades portuguesas.
3. Devem, porém, obter visto consular os súbditos britânicos que pretendam estabelecer residência ou exercer qualquer actividade profissional, remunerada ou não, em Portugal Continental e Ilhas Adjacentes.
4. Os cidadãos portugueses munidos de passaportes válidos poderão, ressalvadas as disposições dos parágrafos 5 e 6, entrar livremente no Reino Unido da Grã-Bretanha e da Irlanda do Norte, Ilhas do Canal e Ilha de Man sem necessidade de antecipadamente obterem visto.
5. Fica entendido que a dispensa da formalidade do visto não isenta os cidadãos portugueses e os súbditos britânicos que se dirijam respectivamente ao Reino Unido ou às Ilhas do Canal ou à Ilha de Man e a Portugal Continental ou às Ilhas Adjacentes da necessidade de cumprirem as leis Britânicas e Portuguesa e demais regulamentos respeitantes à entrada, residência (temporária ou permanente) e ao exercício da actividade profissional por parte de estrangeiros, e que os viajantes que não estiverem em condições de provar satisfatoriamente às Autoridades de Imigração que cumprem estas leis e regulamentos ficam sujeitos a ser-lhes recusada autorização de entrada no país, ou de desembarque.
6. As autoridades competentes de cada um dos países reservam-se o direito de recusar a entrada ou a estadia no respectivo território de pessoas que considerem indesejáveis ou que não sejam consideradas abrangidas pelas normas gerais dos respectivos Governos relativamente à entrada de estrangeiros.
7. Qualquer dos Governos pode suspender temporariamente este Acordo por motivos de ordem pública devendo a suspensão ser notificada imediatamente ao outro Governo por via diplomática.

1045

8. Quanto às viagens para as Províncias Ultramarinas de Portugal ou para as Colónias e Territórios Ultramarinos Britânicos, Protectorados ou Territórios sob Curadoria, fica entendido que os vistos continuam a ser exigidos.

II. Se o Governo de Sua Majestade Britânica concordar com o que antecede, tenho a honra de sugerir que a presente Nota e a Nota de Vossa Excelência de resposta em termos semelhantes sejam consideradas como instrumentos do Acordo entre os nossos dois Governos, o qual entrará em vigor em 1 de Janeiro de 1955 e continuará vigorando até três meses depois de ter sido denunciado por qualquer das Partes Contratantes.

Aproveito, etc.

PAULO CUNHA.

(Translation of No. 1)

Lisbon,

November 23, 1954.

Your Excellency,

I have the honour to inform your Excellency that, with a view to facilitating travel between Portuguese and British territories, the Portuguese Government are prepared to conclude with Her Majesty's Government in the United Kingdom an agreement in the following terms:—

1. British subjects possessing valid passports bearing on the cover the inscription "British Passport" and, inside, the description of the holder's national status as "British subject" or "British subject; Citizen of the United Kingdom and Colonies" or "British subject, Citizen of the United Kingdom, Islands and Colonies" shall be free, subject to the provisions of paragraphs 5 and 6, to enter Continental Portugal and the Adjacent Islands for the purpose of temporary residence (either in transit or on business or for recreation), without the necessity of obtaining any diplomatic or consular visa.

2. The words "Temporary residence" mean a period of not more than two months, which may be extended exceptionally on reasonable grounds, the decision being the exclusive prerogative of the Portuguese authorities.

3. British subjects, however, who wish to take up permanent residence or employment or occupation, whether paid or unpaid, in Continental Portugal or the Adjacent Islands, will have to obtain a Portuguese Consular visa.

4. Portuguese citizens holding valid Portuguese passports shall be free, subject to the provisions of paragraphs 5 and 6, to enter the United Kingdom of Great Britain and Northern Ireland, the Channel Islands, and the Isle of Man without the necessity of obtaining a visa in advance.

5. It is understood that the waiver of the visa requirement does not exempt Portuguese citizens and British subjects coming respectively to the United Kingdom or the Channel Islands or the Isle of Man and to Continental Portugal or the Adjacent Islands from the necessity of complying with the British and Portuguese laws and regulations concerning the entry, residence (temporary or permanent) and employment or occupation of foreigners, and that travellers who are unable to satisfy the immigration authorities that they comply with these laws and regulations are liable to be refused leave to enter or land.

6. The competent authorities of each country reserve the right to refuse leave to enter or stay in the country in any case where the person concerned is undesirable or otherwise ineligible under the general policies of the respective Governments relating to the entry of aliens.

7. Either Government may suspend this agreement temporarily for reasons of public order. Such a suspension shall be notified immediately to the other Government through the diplomatic channel.

8. As regards travel to the overseas provinces of Portugal or to British colonies and overseas territories, protectorates or territories under trusteeship, it is understood that visas will continue to be required.

II. If Her Majesty's Government in the United Kingdom are prepared to accept the foregoing provisions, I have the honour to suggest that the present Note and your Excellency's reply in similar terms should be regarded as constituting the agreement between the two Governments, which shall take effect on the 1st of January, 1955, and shall be terminable by either Government subject to three months' notice.

I avail, &c.
PAULO CUNHA.

No. 2

Her Majesty's Ambassador at Lisbon to the Portuguese Minister for Foreign Affairs

*British Embassy,
Lisbon.*

M. le Ministre,

November 23, 1954.

I have the honour to acknowledge your Excellency's Note of to-day's date concerning the abolition of visas between our two countries, which runs as follows:—

[As in Translation of No. 1.]

I have the honour to confirm that Her Majesty's Government are ready to conclude an agreement on the terms set out in your Excellency's Note, the present exchange of Notes constituting the Agreement.

With reference to Article 5 of your Excellency's Note, I have the honour to enclose a Memorandum setting forth the conditions under which Portuguese nationals are granted leave to land in the United Kingdom and to draw your Excellency's particular attention to the fact that in the case of Portuguese nationals travelling to the United Kingdom for a business, holiday or family visit, the United Kingdom immigration authorities must normally be satisfied that the visitor does not intend to settle in the United Kingdom or to stay longer than three months.

I have, &c.
N. RONALD.

MEMORANDUM

Conditions Governing the Grant of Leave to Land to Portuguese Citizens going to the United Kingdom

A Portuguese citizen going to the United Kingdom must, like any other foreigner, secure the permission of the Immigration Officer at his port of arrival before he is allowed to land. Certain conditions (which are set out in the following paragraphs) govern entry to the United Kingdom for various purposes, and the Immigration Officer must satisfy himself that a foreigner fulfils these before he allows him to proceed. In addition the Immigration Officer is required by law to refuse leave to land to a foreigner if (a) he is not in a position to support himself or his dependents (if any) during his stay, (b) he is of unsound mind or mentally defective, (c) he has been sentenced for a crime within the meaning of the Extradition Act, or (d) if there are

medical reasons for withholding permission to land. Further no alien against whom a Deportation Order has been made can be allowed to land in the United Kingdom whilst that Order is in force.

PORTUGUESE CITIZENS WHO WISH TO VISIT THE UNITED KINGDOM

2. Portuguese citizens are welcome to make short visits to the United Kingdom for holidays, or to see relatives, or for business purposes. The Immigration Officer must, however, be satisfied that the visitor does not intend to settle in the United Kingdom or to stay longer than the period of three months normally granted to foreign visitors. If the Immigration Officer is satisfied that the real object of the foreigner is not to pay a visit to the United Kingdom but to take up work or to settle there, permission to land, even for a visit, will normally have to be refused. Young Portuguese citizens wishing to stay temporarily to learn English while living with a family in the United Kingdom may be admitted on certain conditions, details of which can be obtained from the nearest United Kingdom Consular or Visa Officer.

PORTUGUESE CITIZENS WHO WISH TO TAKE UP EMPLOYMENT IN THE UNITED KINGDOM

3. Any Portuguese citizen going to the United Kingdom to work for an individual employer must be in possession of a Ministry of Labour and National Service permit before leave to land can be granted. Applications for these permits, which are issued only for certain limited classes of work for which British workers are not available, must be made to the Ministry of Labour and National Service by the prospective employer in the United Kingdom. The foreigner must obtain the permit from his prospective employer before he leaves for the United Kingdom and must present it to the Immigration Officer on arrival.

PORTUGUESE CITIZENS WHO WISH TO SET UP IN BUSINESS IN THE UNITED KINGDOM

4. Foreigners are welcome to the United Kingdom on business visits, but if a foreigner wishes to set up in business in the United Kingdom he should apply in advance to the Home Office through the appropriate United Kingdom Visa Officer, giving full particulars of his proposed activities in the United Kingdom and the name and address of any person in the United Kingdom who is aware of his plans.

PORTUGUESE CITIZENS WHO WISH TO TAKE UP RESIDENCE IN THE UNITED KINGDOM

5. Admission to the United Kingdom for residence is at present normally restricted to limited classes of persons, with close relatives already living in the United Kingdom, who are alone and unable to support themselves abroad and whose relatives in the United Kingdom wish to offer them a home. Permission to reside in the United Kingdom with a relative is given only by the Home Office and should be secured before the foreigner comes to the United Kingdom otherwise he may have to be refused leave to land, or if he is allowed to land will be required to leave the country at the conclusion of an ordinary visit. A Portuguese citizen who wishes to live in the United Kingdom should apply to the nearest United Kingdom Consular or Visa Officer stating in full his reasons for wishing to do so. If he wishes to join a relative in the United Kingdom his application should be accompanied by documentary evidence that the relative is able and willing to offer him a home and maintenance in the United Kingdom.

PORTUGUESE CITIZENS WHO WISH TO STUDY IN THE UNITED KINGDOM

6. Portuguese citizens who wish to come to the United Kingdom to study must satisfy the Immigration Officer that a place has been definitely reserved in a full-time course of education at a University, Technical College, School or similar institution and that satisfactory arrangements have been made for accommodation and maintenance. Students will normally be expected to leave the United Kingdom when their course of study comes to an end.

EXTENSIONS OF STAY

7. Portuguese citizens allowed to enter the United Kingdom for employment, to set up in business or residence are, like other foreigners, normally admitted on a temporary basis only in the first instance, and the Immigration Officers will normally give them leave to land for a period not exceeding twelve months at the most. Applications for this to be extended may, however, be made to the Home Office towards the end of the initial period.

GENERAL

8. Any Portuguese citizen seeking advice about United Kingdom practice as regards the admission of foreigners should make enquiries, in the first instance, of the nearest British representative. Leave to land in the United Kingdom can, however, be granted only at the port by an Immigration Officer who has full discretion to refuse leave to land when he considers it necessary in the public interest.

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