

**EDUCATION**

Foreign higher education in Portugal: the new framework

On 7 April 2026, Decree-Law 83/2026 was published. This decree-law establishes, for the first time, a specific legal framework applicable to higher education activities carried out in Portugal by foreign institutions not part of the Portuguese system.

This legislation has been published at a time when the provision of higher education services by institutions not based in Portugal is becoming increasingly important. This has made the need for appropriate regulation more pressing. The decree-law introduces formal obligations, information requirements and administrative control mechanisms, with particular emphasis on protecting students.

The new legislation introduces formal obligations, information requirements, and tighter administrative control mechanisms.

The decree-law sets out the regulatory framework applicable to higher education activities carried out on a face-to-face, blended, or distance learning basis by (i) institutions established in another EU Member State or an EEA State; and (ii) institutions legally established in third countries, provided that they are accredited by an agency that is a member of the International Network for Quality Assurance Agencies in Higher Education that:

- Carry out their activities in Portugal.
- Issue diplomas that are recognised or valid in the state in which they are legally established.
- Are not integrated into the Portuguese higher education system.

One of the main features of the framework is the mandatory requirement for registration with the Portuguese Institute for Higher Education (Instituto para o Ensino Superior, I.P. (IES, I.P.)). Registration is completed by submitting an application drafted in Portuguese. The application must be sent electronically and must contain the following details:

- Full identification of the institution.
- A description of the higher education activities to be carried out in Portugal.

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Prior to enrolment, institutions must provide applicants with clear and prominent information on the nature and scope of the academic or professional recognition of the diplomas awarded in Portugal.

- Identification of the institution awarding the qualification.
- Information on the accreditation and recognition system applicable in the country of establishment.
- Information on the physical premises in Portugal, if applicable.
- The official website and email address of the applicant institution.

The IES, I.P. has 30 days to assess the application and may refuse it if the information provided is incomplete, inaccurate or misleading, or if the name used could cause confusion with a Portuguese higher education institution.

The legislation introduces explicit restrictions on the use of certain designations. It prohibits the adoption of names or expressions that might suggest integration into the national higher education system. Examples of such words include 'university', 'higher education institute', and 'faculty'.

These restrictions apply not only to business or corporate names, but also to advertising, institutional communications and the digital presence of the institutions.

The decree-law expressly clarifies that registering the institution does not automatically result in any academic or professional recognition. The general framework for the recognition of degrees and diplomas, which is based on individual procedures, remains fully applicable.

One of the central pillars of the new framework is the strengthening of information duties towards students. Prior to enrolment or registration, institutions must provide clear and prominent information regarding:

- i) The legal status of the institution providing the education.
- ii) The nature and limits of the academic or professional recognition of the diplomas issued in Portugal.

The IES, I.P., in coordination with the General Inspectorate of Education and Science is responsible for supervision of compliance with the legislation.

Without prejudice to the educational autonomy of the institutions, the IES, I.P. may:

- i) Request documentation.
- ii) Issue recommendations.

iii) Require the adoption of corrective measures.

iv) Cooperate with the competent authorities in the institution's country of origin.

This information must be included on the institution's website and in all relevant information materials. The IES, I.P. may order the immediate correction of misleading or ambiguous content.

Failure to comply with the obligations set out in the decree-law constitutes an economic administrative offence, falling within the general framework of the Legal Framework for Economic Administrative Offences.

Therefore, compliance with the new rules requires a comprehensive assessment of institutional and communication practices to mitigate the risk of penalties and anticipate regulatory scrutiny.

The decree-law comes into force on 8 May 2026. Any foreign institution that falls within the scope of this new legislation on the date of its entry into force must submit a registration application within 90 days of that date. Failure to do so may result in the above-mentioned fines being applied. ■

Compliance with the new rules requires a thorough review of institutional and communication practices to mitigate the risk of penalties and prepare for increased regulatory scrutiny.