



■ Current Immigration
Debates in Europe:
A Publication of the
European Migration
Dialogue

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Cressida Thompson (eds.)

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for

Centre for Geographic Studies, University of Lisbon

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The Migration Policy Group (MPG) is an independent organisation committed to policy development on migration and mobility, and diversity and anti-discrimination by facilitating the exchange between stakeholders from all sectors of society, with the aim of contributing to innovative and effective responses to the challenges posed by migration and diversity.

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Portugal

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1. Making the case

1.1 The immigration debate

Immigration has been on the academic, social and political agendas since the early 1990s.² It was at this time that the number of non-European Union (EU) foreigners in Portugal reached significant numbers (about 1.2 per cent of the resident population in 1993), and they were becoming particularly visible in some regions (such as the Lisbon Metropolitan Area – LMA - and the Algarve) and some sectors of the economy (e.g. construction). However, what was more important than the ‘ethnicisation’ of certain activity sectors or neighbourhoods was the identification of specific problems shared by immigrants and their families that hindered their social inclusion. It was soon recognised that this was also a barrier for the broader goal of social cohesion. Immigrants were over-represented in the lower socio-economic section of society, and they often lived in LMA deprived quarters. Their children (in particular the ones of Cape Verdean origin) had problems at school and many ended up dropping out all together. Further, legislation limited the access of foreigners to certain social rights (certain types of work, voting in local elections, access to public housing, etc.), and there were a significant number of people in an irregular situation (estimated in the tens of thousands).

This was also the period in which the ‘inflows’ of the foreign population started to exceed the ‘outflows’ of Portuguese nationals - a transition from emigration to immigration.

Since this period, government bodies targeting specifically the immigrant population have been created (first the figure of a High Commissioner then a full High Commissariat – the ACIME- established in 2003 with extended human and financial resources) and the principle of equality of rights between foreigners and nationals has been introduced in legislation regulating social, cultural and economic issues. In addition, the government has also set up specific services targeting the ‘foreign’ population, namely two one stop shops managed by ACIME that concentrate branches of all key-departments of state – Labour Inspection, Aliens and Borders Service, Education Services and others - that are fundamental to solve immigrants queries. This concentration of the public services most frequently required by immigrants in two single places – one in Lisbon and the other in Oporto - represents an economy of scale for the users being also an advantage for the service providers because it facilitates the contacts and the exchange of information between different bodies of administration, normally located in different places. Finally, several local focal points were also established to assist the immigrants with basic information at the local level. Immigrant associations matured and they are now formally recognised by the government and civil society.

Since the 1990s, there have been five regularisation, creating opportunities for different groups of irregular immigrants.

¹ This report is based on information up to 29 August 2005.

² In 1991 Maria do Céu Esteves team published *Portugal, país de imigração*, the first piece of research to provide a picture of, and discuss the issues concerning immigrants in Portugal in a global and synthetic way.

This included two 'extraordinary' regularisation campaigns in 1992/1993 and 1996. These campaigns targeted all non-EU foreigners that could prove they had residence in Portugal for a certain number of months before the regularisation. On the first occasion (October 1992-March 1993), approximately 80,000 people applied but only 38,400 people were regularised. In the second 'extraordinary' regularisation (June-December 1996), around 35,000 immigrants applied and 31,000 residence permits were issued.

Between January and November 2001, there was another regularisation campaign based on employment. This campaign targeted foreign *workers* with valid work contracts – it excluded independent workers and the non-active population (with the exception of the formal partners and the minor children of the regularised immigrants). Approximately 185,000 non-EU foreigners regularised their situation under this scheme and obtained the so-called *stay permits* – specifically created for the people that regularised in this period. *Stay permits* allowed their holders to stay in Portugal for a period of one year, which could be extended four times provided the immigrants were able to maintain valid work contracts.

More recently, two other regularisation opportunities were opened to immigrants:

- i) In 2003, a special agreement signed between Portugal and Brazil allowed the regularisation of irregular Brazilian workers settled in Portugal³ and also irregular Portuguese workers living in Brazil. The special historical, cultural and economic⁴ ties between the two countries, and the debate on the conditions of Brazilian immigrants working in Portugal, were the main considerations that came into play in the decision-making process that led to the formulation of the agreement.
- ii) The publication of the Normative-Decree N. 6/2004, of 26 April (which regulates the dispositions of the Decree-Law no. 34/2003 that regulates the entry, stay and exit of non-EU foreigners in Portugal) included an article (article n.71) that opened up the possibility of a regularisation of non-EU foreign workers that could prove they were active in the Portuguese labour market before 12 March 2003 (date when the Decree-Law no. 34/2003 entered into force). The regularisation period was open for 45 days between the end of April and mid-June 2004. In this period, foreign workers who considered themselves in a position to regularise their situation (they were engaged in the Portuguese labour market before 12 March 2003 and were able to show tax payments and contributions to the national social security for a period of at least three months leading up to the aforementioned date) were asked to send a pre-registration document to the ACIME. Approximately 40 000 applications were received, but several of them are still being analysed by the Aliens and Borders Service and the General Inspection of Labour⁵ (for more information, please go to the section titled undocumented immigrants).

³ In order to benefit from this agreement, Brazilians should present a work contract or at least a promise of work contract.

⁴ It is important to remember that Brazil was the major destination for Portuguese emigrants between the mid-19th century and the 1950s. Also in the 1970s, Brazil received some Portuguese who left the country in the sequence of the 1974 Revolution, that re-established democracy in Portugal. Finally, Portuguese economic interests in Brazil have become more and more relevant in the end of the 1990s due to significant investments made by Portuguese companies in sectors like telecom, cement production or energy.

⁵ Although ACIME plays the role of interlocutor between the immigrant and the administration in the beginning of the process, the final decision is responsibility of the Aliens and Borders Service and the

In this changing environment, immigration issues have become more prevalent in the minds of politicians and academics, particularly since about 2000, when the foreign population doubled in three years (from 178,000 in 1998 to 350,000 in 2001). In this period, immigrants settled in new parts of the country and took part in new sectors of the economy, including commerce, manufacturing and agriculture (not only the more traditional immigrant jobs of construction and domestic and industrial cleaning).

What are the key issues of the immigration debate, a decade after it began?

The centrality of the labour market and complementary issues

Unsatisfied labour market needs and the 'quota' system

The recent increase in immigration to Portugal, especially the new flows coming from Eastern Europe and Brazil, have made waves in the media, and have prompted a great national debate about immigration. The debate seems to have been dominated by economic issues since the beginning of 2000, and the 'regulation' (or management) of immigration flows based on the needs of the Portuguese labour market. The centrality of the labour market to the immigration debate is clear, as outlined in i) the definition of the annual number of immigrants that are allowed to enter the country, and ii) the 'regularisation' processes that have taken place since 2000.

A report on domestic skill shortages is published every two years (known as the Report of Unsatisfied Labour Market Needs) to establish the number of foreign workers that are needed in each sector. In 2004, the 'quota' was set at 6,500, however the actual formal demands were significantly lower. In July 2005, the National Labour Inspection (IGT) bureau had only accepted 4,500 applicants. According to some NGOs and the IGT itself, some of these work visas were granted to people that were already working 'illegally' in Portugal. In these cases it could be said that the 'quota' is not used to recruit new foreign workers, but to regularise settled immigrants.

Experts, immigrants, NGOs, leaders of opposition parties and even government members criticise this system for being ineffective - on the one hand the formal quota is not fulfilled, and on the other, foreign workers continue to enter the Portuguese labour market without papers. The most relevant reasons for this ineffectiveness include:

- The administration of quotas through an unnecessarily complex, cumbersome and bureaucratic process. Even the efforts to simplify the process of recruitment that were included in the Normative-decree n.6/2004 of 26 April⁶ are not enough to make it a simple and 'attractive' process for the Portuguese entrepreneurs, (especially the entrepreneurs who are older and responsible for SMEs);
- The ineffectiveness of the recruitment of workers based in bilateral *Work Agreements*;

services of the Ministry of Finance as well as the General Labour Inspection must analyse the applications in order to confirm the fiscal and social security situations of the candidates.

⁶ For example, when asking for a work visa in a Portuguese Consulate, the foreigners instead of a formal work contract recognised by the General Labour Inspection, may present only a signed work contract promise together with a document stating its presentation to the General labour Inspection.

- The mismatch between the *real* and the *predicted* needs of the labour market; especially in contexts of rapid economic changes;
- Eventual signs of inefficiency and possible corruption at the level of the consulates that need investigation.

The role of regularisations

As mentioned above, pre-2001 regularisations were not directly concerned with participation in the labour market. Since 2001, however, labour market participation has been a key prerequisite. The 2001 *stay permits* process, the special regularisation of Brazilian workers and the 2004 regularisation based on social security, were clearly associated with labour market participation (though it is important to acknowledge that these regularisations have also enabled family reunion *a posteriori*).

One might argue, therefore, that the regularisations were directed at workers, not people, and the official argument, which focuses on reconciling the gap between the so-called '*real* integration capacity of the country' and the number of foreigners that are settled in Portugal, is used to justify a restrictive policy supposedly focused on the labour market. The problem is that not only is there an absence of a definition of the '*real* integration capacity',⁷ but also that the country's labour market is continually filled with new irregular workers, regardless of the policy of the day (restrictive or not). The most recent regularisation has also been criticised by several NGOs for the length of time involved in the process and also by obliging the immigrants who fulfilled the regularisation requirements to leave the country to obtain a work visa in a Portuguese consulate (normally in Spain). It was also criticised for rejecting those who made contributions to social security after March 2003.

Public opinion and the contours of the debate

Public opinion has also been important in Portugal. Several research studies and opinion polls reveal the polarisation of two conflicting points of view. One section of society still sees immigrants as competitors in the labour market, a belief that has become stronger over the last three years due to increased levels of unemployment.⁸ The other section of society views immigrants as hard workers whose presence is absolutely necessary in the Portuguese labour market because 'they work in jobs that Portuguese nationals refuse to do'.⁹ In addition, a significant percentage of those surveyed believe foreigners are exposed to higher levels of labour market exploitation than nationals (they earn less for the same working hours and they face abuses such as refusal of payment).

These opinions, which focus on the relationship between foreigners and the labour market, are set against a broader feeling of unease about the *number* of foreigners living in Portugal. A report for the European Observatory of Racism and Xenophobic Phenomena, presented in March 2005¹⁰ said that the majority of the Portuguese feel

⁷ Unless it corresponds to the number of foreign workers that are allowed to enter the country every year - according to the estimates made in the aforementioned report on labour market needs.

⁸ The global unemployment level jumped from four per cent in 2001 to 6.3 per cent in 2003, and the growth in GDP between 2001 and 2004 was only 0.25 per cent.

⁹ On these topics, see Lages, M. and Policarpo, V. (2003) – *Atitude e Valores face à Imigração* published by ACIME and Malheiros, J. et al. (2005) – *Imigração no Concelho de Cascais* (2nd Report), developed for the Municipality of Cascais.

¹⁰ Based on the results of two polls (2003) - the Eurobarometer and the European Social Inquiry.

there is an excessive number of foreigners in the country (62.5 per cent of those surveyed held this belief - the EU average was around 50 per cent). This position is sometimes interpreted in the press as 'resistance to immigrants' or even xenophobia. But this is not necessarily the case. It is important to note that the Portuguese are in favour of equal civic rights and a multicultural society. Further, this general feeling about the 'excessive' number of foreigners should also be understood in the context of the present economic environment, marked by labour market contraction and an increase in unemployment. Finally, there has been a lack of information about the economic and social benefits of immigration.

Without a doubt, labour market issues dominate the debate, and the uncritical interpretation of the results of opinion polls help to maintain restrictive immigration policies. Fortunately, this environment has also provided an incentive to NGOs and pro-immigrant bodies, namely the ACIME,¹¹ to campaign harder against the stereotyping of immigrants in terms of their participation in the labour market and competition for social security benefits.¹²

On the issue of social security, it is also important to note that current politicians appear to intentionally ignore the argument that a positive net migration balance helps to soften the ageing process and 'sustain the decline of the active population' (Valente Rosa, M.J., et. al, 2004). Aside from the very important inflow of young adults, the contribution of foreigners to the birth rate in Portugal rose significantly between 1995 (2.3 per cent) and 2003 (almost seven per cent), increasing the relative proportion (or perhaps contribution) of foreigners to approximately 4.5 per cent in Portugal.

The integration debate is also tied up in the immigration debate. More specifically, there is a strong focus on problems associated with the integration of second generation immigrants, and these problems are used to justify more restrictive immigration policies. This topic is discussed in greater detail in the integration debate – section 1.2.

Types of immigration

Immigration to Portugal is still dominated by unskilled workers that arrive in a 'non-family' basis. However, as time goes by, this evolves into a situation of migratory chains – there are increasingly large groups of people immigrating from particular places of origin, fed by family reunion. Irregular migration (overstaying and/or irregular entry) has also increased due to the tight control of the entry of new immigrants.

Before describing the types of non-EU 'foreigners' that are settled in Portugal, it is important to briefly review the legal categories by which these are distributed.

¹¹ Despite the extensive and very positive work of the High Commissariat in the practical domains associated with the integration of immigrants (contribution to regularisations, dissemination of information, efforts of co-operation with NGOs and municipalities...) and also to the construction of an intercultural society (creation of the Immigration Observatory that supports research in the field of migration, attribution of prizes to journalists that produce good information in the anti-discrimination domain, anti-racist and pro-intercultural society campaigns), the contents of its discourse and activity are not completely reflected in the discourses and initiatives of other government bodies that design immigration policy, namely in the fields of 'flows management', regularisation of immigrants and access to Portuguese nationality.

¹² Research developed in 2002 on the impact of immigrants on the state budget has shown a positive balance of approximately € 323 million (see Corrêa d'Almeida, A. (2002) – *Impacto da imigração em Portugal nas Contas do Estado*, ACIME, Lisbon.

Table 1 - Types of Visas (and permits) in the Portuguese legal system – basic features

Type of Visa	Purpose	Conditions (*)	Length of Stay (**)
<p>Transit Visa (Article 32, D.L. 244/98)</p>	<p>It allows the holder to temporarily enter Portugal while on route to another country, which has granted him/her admission.</p>	<p>Can allow the holder entrance once, twice or (exceptionally) several times. This Visa can be obtained at Portuguese border check points.</p>	<p>The length of each transit cannot exceed five days. It can be extended for four extra days.</p>
<p>Short Stay Visa (Article 33, D.L. 244/98)</p>	<p>It allows the holder to enter Portugal for reasons which are accepted by the relevant authorities, but which do not justify the granting of another kind of visa.</p>	<p>The visa allows one or more entries and may be attributed in the Portuguese border check-points. The holders are not allowed to work in Portugal. In the recent past, this visa has been attributed to the family members of immigrants holding stay permits.</p>	<p>This visa can have a period of validity/use that can be up to one year. However, the holder can only stay in Portugal for periods up to 90 days, every six months.</p>
<p>Residence Visa (Article 34, DL 244/98) and Residence permit</p>	<p>It allows the holder to enter Portugal with the goal of applying for a residence permit. It aims those foreigners who want to settle residence in Portugal on a more permanent basis and have the legal conditions to do so.</p> <p>The residence permit can be a:</p> <p>a) temporary residence permit b) permanent residence permit</p> <p>Only the Non-EU foreigners holding Residence Permits are considered full residents in Portugal.</p>	<p>It is valid for two entrances in national territory. The residence permit must be renewed whenever any personal identification details in the document change; It is possible for there to be situations in which the need for a residence visa can be dispensed with in order to obtain the residence permit (mentioned in advance).</p>	<p>This visa allows the holder to remain in Portugal for six months. A temporary residence permit is valid for a period of two years from the date of issue of the permit; and it is renewable for successive periods of three years; A permanent residence permit has no expiry date and must be renewed every five years or whenever necessary – that is, whenever any personal identification details change.</p>

<p>Study Visa</p> <p>(Article 35 D.L. 244/98, changed by Law n. 97/99)</p>	<p>It allows the holder to enter Portugal in order to:</p> <ol style="list-style-type: none"> 1. Follow a programme of studies in an officially recognised educational institution; 2. Carry out scientific research of interest to an officially recognised educational institution as or as a part of an academic degree; 3. Carry out an internship to conclude studies either abroad or in this country; and 4. Carry out internships in companies, the Civil Service or training centres that are not considered official educational institutions. 	<p>Allows multiple entrances on national territory.</p> <p>The holder can exercise a professional activity in a supplementary form while it is successfully carrying out the purpose for which the visa was issued (study and/or research).</p>	<p>This visa is valid for a period up to one year.</p> <p>The total authorised period of permanence corresponds to the cycle of studies or research that is being developed by the holder of visa.</p>
<p>Work Visa</p> <p>(Article 36 DL 244/98, Changed by DL 34/2003)</p>	<p>It allows the holder to enter Portugal in order to temporarily carry out a professional activity, whether employed or not.</p> <p>Work Visa (Type I) – allows the holder to carry out a professional activity in sports or show business;</p> <p>Work Visa (type II) - allows the holder to carry out a scientific research activity or an activity that suppose a set of technical high-qualified knowledge.</p> <p>Work Visa (type III) - allows the holder to carry out an independent professional activity;</p> <p>Work Visa (type IV) - allows the holder to work as a wage-earner.</p>	<p>It allows one, two or multiple entrances.</p> <p>According to the present law, the attribution of work Visas is dependent on the quota of foreigners established yearly for every branch of economic activity in a two-year report on the labour opportunities that are not satisfied by the internal offer of work.</p>	<p>This visa can be granted to allow settlement in Portugal for a period of up to one year. It can be extended for a period up to two years.</p>
<p>Temporary Stay Visa</p> <p>(Article 38 DL 244/98)</p>	<p>This visa is aimed at allowing people to enter Portugal in order to:</p> <ol style="list-style-type: none"> 1. Receive medical treatment in official or officially recognised medical facilities; 2. Accompany family members who come for the reason previously outlined, family members who have a study visa or family members who have a work permit; for such purposes a family 	<p>Its valid for multiple entrances on national territory</p> <p>Six months after the presentation of a demand for a temporary stay visa, the holder might be allowed to work. This is possible if the holder argues that after his/her arrival, the family economy has suffered changes that justify the need for additional sources</p>	<p>This visa can be granted for periods of stay for up to a year. It can be extended for successive periods of one year, depending on the circumstances.</p> <p>The length of stay in case two cannot exceed the length of the stay of the</p>

	member is either a) a spouse, b) children who are minors or handicapped and for whom one of spouses is responsible, c) minors adopted by either the applicant or spouse, d) directly related members of the family of the resident or spouse, e) brothers and sisters who are minors provided they are his/her responsibility, being the resident the guardian; 3. Family reunion for members who are holders of Stay Permits (*); 4. Well justified exceptional cases.	need for additional sources of income.	of the stay of the prime family member.
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(* **Stay Permit**: was created in 2001 (Decree-law n.4/2001 of 10 January) that allowed the foreign workers that were irregularly in Portugal to stay in the country for one year, if they could make evidence of a valid work contract registered in the General-Inspection of Labour. This system was suspended in November 2001 and removed from the revised law on entry, stay and exit of non-EU foreigners from Portuguese territory (D.L. n.34/2003 of 25 February. Around 185,000 foreigners obtained this kind of permit and thousands of these still use it as the document that allows them to legally stay and work in Portugal. In fact, stay permits can be renewed up to four times and several thousands of those who applied for them have done so along the last four years.

Apart the transit visa and the short stay visa that aim foreigners that are very short-term visitors or just crossing Portugal, all the others titles apply to some category of temporary or long-term immigrants.

Holders of temporary-stay visas that are in Portugal for health related reasons or for family reunion are *in principle* temporary non-working migrants. However, as the initial period of stay of one year or less can be extended, the category 'temporary' is no longer applicable to these cases. In addition, some family members have the possibility of participating in the Portuguese labour market, under certain circumstances (see table 1 above).

Study visa holders and work visa holders might also be considered, at least initially, as temporary immigrants. However, as in the previous case, the possibilities of extension of the visa initial time limit, may transform them into long-term immigrants. Still, the principle behind these visas is that the immigrants will return to their countries of origin after a period in Portugal (one year or a few years).

Residence permits (granted to 265,000 people in 2004) and Stay permits (184,000 workers) are the two dominant categories among the regular foreigners settled in Portugal. More than 90 per cent of regular foreigners hold one of these permits.

A residence permit is in principle granted to long-term immigrants, entitling them to the widest possible range of rights (easiness of renewal, slightly different conditions for family reunion, access to labour market and to long term vocational training...).

Most residence permit holders are not wage earners (instead they are students, retired people, entrepreneurs and homemakers, etc.).

On the other hand, *stay permits* were originally temporary, designed to facilitate labour market insertion. These permits were attributed to approximately 184,000 workers that regularised their situation under the dispositions of the 2001 law (DL n.4/2001). *Stay permits* are no longer being administered. Instead, they were part of a 'regularisation campaign' open to foreign workers whose status was similar to the status of work visas of type IV (see table 1 above). It was originally designed as a *temporary* permit, valid for one year. However, *stay permit* holders have the possibility of extending this status up to four times if they maintained their work contracts. *Stay permit* holders have fewer rights than residence permit holders.

Immigrant workers

At the end of 2003, there were approximately 298,000 registered foreign workers in the Portuguese labour market (around 5.7 per cent of the labour force), of which approximately 184,000 held *stay permits* and 114,000 held *residence permits*. After the significant increase in the number of foreigners in the Portuguese labour market between 1999 and 2001, an economic downturn led to a reduction in job creation, for both nationals and foreigners. In 2003, the inflow of foreign labour holding residence permits prolonged the economic decline, which had already started to have an affect in 2001 and 2002 (there were 5,874 new workers in 2001, 4,695 in 2002 and only 4,122 in 2003). During this time, the number of new contracts awarded under the *stay permits* scheme reduced from 47,695 to 9,097 in the space of one year.

Although the *stay permits* issued in 2003 corresponded to demands (presented before the scheme was revoked by the present law regulating the conditions of entry, stay and exit of non-EU foreigners from the national territory - DL n.34/2003 of 25 February), this reduction has not been compensated by an increase in the number of work visas registered in 2003 – from the 1,888 work visas requested, only 1,383 were effectively approved by the Portuguese authorities.

Table 2 – Inflows of foreign labour in 2003 by occupation groups (people who asked for residence permits)

Occupations	Total		EU		Other Europe		Africa		Brazil	
	Abs.	%	Abs.	%	Abs.	%	Abs.	%	Abs.	%
Managers and Directors	320	7.8	235	16.7	14	2.5	10	0.9	39	5.3
Professionals	788	19.1	501	35.7	68	12.1	44	4	113	15.5
Intermediate Technicians	476	11.5	257	18.3	25	4.5	27	2.5	124	17
Clerical employees	196	4.8	70	5	10	1.8	31	2.8	71	9.7
Semi-skilled employees of service and commerce	561	13.6	159	11.3	55	9.8	133	12.2	148	20.3
Agriculture and fishery workers	110	2.7	20	1.4	16	2.9	62	5.7	8	1.1

Manufacturing and construction workers	686	16.6	76	5.4	125	22.3	352	32.3	93	12.8
Transport workers and tool operators	230	5.6	23	1.6	135	24.1	35	3.2	29	4
Non qualified workers	755	18.3	62	4.4	112	20	395	36.3	104	14.3
Total	4,122	100	1,403	100	560	100	1,089	100	729	100

Source: INE, Estatísticas Demográficas, 2003.

Immigrants are easily broken into groups according to nation of origin and sector. Immigrants from (mainly Western) Europe are often highly skilled professionals, whereas most of the other groups (with the partial exception of the Brazilians) tend to be attracted to the construction, cleaning, retail, and hospitality sectors (predominantly unskilled work). It is important to note that the construction sector employs significant numbers of immigrants from the dominant groups of the first immigration wave (the citizens from Portuguese-Speaking Countries of Africa, known as PALOP¹³ citizens) and also from the dominant groups of the last immigration wave (particularly from Eastern Europe). However, the second most prominent sector of employment for the PALOP workers is the low-skilled service sector; Eastern Europeans, on the other hand, are over-represented in manufacturing (a sector new to the employment of immigrants).¹⁴ Brazilian immigrants are more evenly dispersed, despite a trend revealing a preference for tertiary activities, both skilled and unskilled. Finally, Chinese immigrants are most often involved in ethnic businesses, such as retail trade and hospitality.

As indicated above, in 2003 there was an economic downturn in Portugal, and immigrants (in particular non-EU immigrants) experienced significant increases in unemployment. Sectors employing the largest numbers of immigrants, particularly in unskilled work, were the hardest hit. The overall unemployment rate of immigrants is similar to the unemployment rate of Portuguese nationals; however, PALOP immigrants suffer significantly higher rates than others (table 3). Some studies look at the problems of labour market integration experienced by some members of this group (e.g. Angolans and Guineans) that began to arrive in Portugal after the Cape Verdeans and frequently justify their migration with political reasons. This group, identified as non-labour migrants have experienced more difficulties integrating into the labour market, a situation that is aggravated in cases where there is a mismatch between a person's qualifications and labour market demands. In addition, there is competition between old and new waves of migrants, and employment opportunities are sometimes withheld from PALOP workers (due to employer prejudice).

The immigrants included in the most recent migratory waves (mostly Brazilians and Eastern Europeans) experienced the highest variations in the number of unemployed in 2003 (+37.2 per cent and +28.4 per cent). The increase in the number of unemployed from the PALOP countries registered by the Institute of Employment and

¹³ PALOP is the Portuguese acronym for Portuguese-Speaking African Country.

¹⁴ It is important to note that a significant proportion of Eastern European migrants are clearly over-qualified for the work they are doing. There is evidence of a very high percentage who possess technical and college degrees (Baganha, M. I.; Marques, J. C.; Góis, P. (2004) in: Baganha, M. I.; Fonseca, M. L. (Eds.). Luso- American Foundation, Lisbon, pp. 23-39 and Fonseca, M. L.; Alegria, J.; Nunes, A. (2004), in, Baganha, M. I.; Fonseca, M. L. (eds) (2004) Fundação Luso-Americana, Lisboa, pp. 91-118.

Professional Training (IEFP) has been smaller (+15.8 per cent), with the exception of Cape Verdeans (+25.8 per cent).

Despite efforts to control 'irregular' immigration and the effects of the economic recession, the number of foreign workers living in Portugal is still increasing, not only due to family reunion but also due to the arrival of thousands of irregular immigrants, both 'over-stayers' and people entering the country without authorisation. These irregular immigrants generally accept lower salaries, and they often fill low skilled jobs in the socially under-valued sectors of the economy, rejected by both national workers and long term documented foreign residents (who are generally better informed about their rights and in a condition to demand full respect for them).

Table 3 - Registered unemployment of foreigners – 2002 and 2003

	2002			2003			Var. rate 2002-03
	Unempl	Act pop.	UR	Unempl	Act pop.	UR	
Total foreigners	15,055	285,650	5.3	18,393	298,000	6.2	22.2
Germany	199	5,755	3.5	261	5,805	4.5	31.2
France	347	4,640	7.5	431	4,875	8.8	24.2
Spain	328	8,275	4	390	8,640	4.5	18.9
United Kingdom	119	,7030	1.7	153	7,145	2.1	28.6
Bulgaria	85	2,950	2.9	135	2,980	4.5	58.8
Moldova	319	12,080	2.6	478	12,545	3.8	49.8
Romania	203	10,560	1.9	293	10,770	2.7	44.3
Russia	353	6,970	5.1	473	7,255	6.5	34.0
Ukraine	1,659	61,845	2.7	2,312	64,360	3.6	39.4
Angola	2,521	18,310	13.8	2,813	18,790	15	11.6
Cape Verde	2,341	32,005	7.3	,945	32,885	9	25.8
Guinea Bissau	1,669	13,835	12.1	1,893	14,910	12.7	13.4
Mozambique	275	2,435	11.3	275	2,570	10.7	0.0
S. Tome Principe	845	4,900	17.2	932	5,210	17.9	10.3
Brazil	2,020	46,420	4.4	2,772	49,540	5.6	37.2
Other nationalities	1,772	47,640	3.7	1,837	49,720	3.7	3.7

Unempl = unemployed; Act pop = Active Population; UR=Unemployment Rate

Source: IEFP (Instituto de Emprego e Formação Profissional) & INE – *Demographic Yearbook*.

In essence, the current status of the Portuguese economy, marked by stagnation and growth in unemployment, is reducing the absorption capacity of the national labour market, even in the unskilled segments. This has led to increased internal mobility of immigrant workers. It is interesting to note that this recession cycle has also made new immigrants (belonging to the 1999/2001 immigration wave - particularly those coming from Eastern Europe) consider emigrating to more attractive destinations. In the period 2001-2005 around 65,000 foreigners did not renew their permits - they have probably left Portugal (ACIME, 2005 – *Imigração – os mitos e os factos*. ACIME, Lisbon.).

Family migration

Between 2002 and 2003, the number of residence permits attributed to family reunion declined from 3,104 to 2,835. However, among all new applications for residence permits the share of applications made on the basis of family reunion increased from 22.1 to 23.8 per cent, which means that family reunion residence permits didn't decline *as much as* other residence permit categories. In addition, 2,615 *temporary stay* visas were granted to family members of workers (also with *stay permits*), and 3,689 new applications were made for *temporary stay visas* (mostly from Eastern European immigrants) in 2003. These figures seem to point to the increasing relevance of family reunion in Portugal. This is not unusual, since labour migration is often followed by an increase in family migration as family members are reunited. With the boom of labour immigrants registered between 1999 and 2002, a further increase in the arrival of family members might be expected,¹⁵ particularly from Ukraine, Brazil and Moldova. This phenomenon is already visible - a number of Eastern European immigrants with *stay permits* have requested temporary *stay permits* for their family members (2003).

A detailed analysis of the family reunion by regions of origin clarifies the differences between the several groups:

- PALOP nationals, with the partial exception of the people coming from Guinea-Bissau, and Chinese and Indian immigrants, are at a more advanced stage of the migratory process, which means there is a lower number of male 'pioneer' workers and a larger proportion of arrivals through family reunion;
- Eastern Europeans and Brazilians are less likely to have entered on the basis of family reunion. This situation is in accordance with both the recent nature of immigration and the growing importance of the labour market. Despite the similarities in relation to the position in the migratory cycle, the two groups display some interesting characteristics: the Eastern Europeans follow the traditional path of chain migration (initial arrivals dominated by men), however the Brazilians follow a less traditional pattern. Instead, they display a relatively balanced sex distribution, which translates to a higher proportional presence of women / or female migrants

Undocumented migrants

It is difficult to quantify the number of irregular foreigners currently working in Portugal. Nevertheless, different sources point to between 80,000 and 100,000 people. According to the results of a questionnaire undertaken between December 2004 and January 2005, which engaged a representative sample of 1,600 non-EU foreigners living in Portugal aged 18 or more, 14.4 per cent were undocumented, 3.4 per cent had a tourist visa and 1.1 per cent had a short stay visa (valid for a period of three months).¹⁶ Combined, this brings the total to almost 20 per cent (in the case of immigrants from non-EU countries) without the required permit to stay and work in Portugal (Fonseca, L. et al. 2005).

As outlined above, in the second half of 2003, a bilateral agreement between Portugal and Brazil facilitated the regularisation of irregular Brazilian immigrants if they could meet certain requirements. In 2004, this campaign gave 10,770 work

¹⁵ This is a major conclusion of the research *Reagrupamento familiar e imigração em Portugal*, coordinated by Lucinda Fonseca at Centro de Estudos Geográficos.

¹⁶ These last two types of visa do not entitle their holders with the right to work in Portugal.

visas to Brazilian citizens. Further, the Normative-Decree N. 6/2004, of 26 April (which regulates the dispositions of the Decree-Law no. 34/2003), allowed the regularisation of irregular foreign workers who had made contributions to the social security system for a period of three months. There were approximately 40,000¹⁷ applications, however only around 3,000 foreigners have received work visas since this regularisation began.

Immigrants have experienced 'irregularity' differently in Portugal. Those belonging to older waves of migration (e.g. the PALOP and Asian immigrants) have achieved a greater level of stability, and display higher percentages of people with documents that enable long stays (according to the aforementioned questionnaire, more than 40 per cent had residence permits whereas less than ten per cent of the Brazilians and Eastern Europeans held permits). At the same time, 16 per cent of Eastern Europeans and more than a quarter of the Brazilians were undocumented or 'over-stayers' (less than eight per cent in the cases of PALOP and Asian citizens). Finally, it is important to note that the proportion of 'tourist' and 'short stay' visas is more significant among Brazilians, student visas used more often by Asians and Africans, and temporary stay visas are popular among Eastern Europeans (table 4).

Table 4 – Legal status according the country/region of nationality (%)

Groups by country/region of nationality	No visa	Expired visa	Expired Stay permit	Expired residence permit	"Tourist" visa(++)	Student visa	Short-term visa (up to 3 months)	Residence visa (up to 6 months)	Work visa (up to 1 year)	Temporary stay permit	Residence permit	Stay permit	Other	Total
PALOP	4.9	2.8	0.2	0.9	2.4	9.1	0.6	1.4	9.6	1.4	43.4	23.0	0.3	100.0
Angola	6.6	3.8	0.0	0.5	2.3	10.8	0.5	1.4	10.3	0.9	38.0	24.4	0.5	100.0
Cape Verde	3.8	1.7	0.0	1.3	0.8	7.9	1.3	1.7	8.8	0.8	51.0	20.5	0.4	100.0
Guinea Bissau	7.1	5.1	0.0	1.0	4.1	1.0	0.0	1.0	12.2	2.0	44.9	21.4	0.0	100.0
Mozambique	0.0	3.1	0.0	0.0	6.3	18.8	0.0	3.1	6.3	3.1	21.9	37.5	0.0	100.0
São Tomé & Príncipe	1.9	0.0	1.9	1.9	3.7	16.7	0.0	0.0	7.4	3.7	40.7	22.2	0.0	100.0
Other African country	24.4	0.0	2.2	0.0	0.0	0.0	0.0	2.2	24.4	2.2	20.0	20.0	4.4	100.0
Asia	0.0	3.3	0.0	0.0	0.0	16.7	0.0	6.7	13.3	0.0	46.7	13.3	0.0	100.0
Brazil	18.8	7.1	0.4	0.0	7.5	1.7	2.5	0.4	28.5	0.0	9.2	22.6	1.3	100.0
Eastern Europe	14.7	1.3	0.9	0.0	2.7	1.8	1.3	1.3	31.1	10.2	8.0	24.4	2.2	100.0
Ukraine	11.6	0.8	0.8	0.0	2.3	0.8	0.8	1.6	27.9	14.0	7.8	28.7	3.1	100.0
<i>Total</i>	<i>10.2</i>	<i>3.3</i>	<i>0.4</i>	<i>0.5</i>	<i>3.4</i>	<i>6.0</i>	<i>1.1</i>	<i>1.4</i>	<i>18.2</i>	<i>2.8</i>	<i>28.9</i>	<i>22.8</i>	<i>1.0</i>	<i>100.0</i>

(++) – There is not a formal 'tourist visa' in the Portuguese system. Because these are answers to a questionnaire, the immigrants who responded 'tourist visa' probably meant a short-term visa or a visa issued by other EU country.

Source: Fonseca et al., 2005: 148

¹⁷ It is important to mention that 40,000 applications do not correspond to 40,000 people. Some of these foreigners were Brazilians who were also registered under the specific regularisation process for Brazilian citizens. In addition, the General Inspection of Labour has identified several people that registered more than once.

Elements of the immigration debate: final remarks

The number of foreigners settling in Portugal is increasing exponentially (reaching a total of 465,454 people in 2004 – an increase of over 7.1 per cent in a year). In the context of economic recession in Portugal, a reduction of public spending and the reorientation of EU structural funds towards the new EU candidate countries, the opportunities for foreign workers have declined, and labour migration policies are becoming more cautious and selective.

As mentioned at the beginning of the chapter, the effectiveness of the quota system, which aims to adjust the immigrant flows to the labour market needs of the country, is now challenged by all stakeholders and also by important members of the current administration.¹⁸ A revision of the law is now expected for the end of 2005 or eventually for the first months of 2006, according to declarations of the Minister of Internal Affairs (that is responsible for the Aliens and Borders Service).

We hope that solutions, or at least partial remedies, will include:

- A new policy of immigration and management of immigration flows must be designed, changing the present 'quota' system and involving a stronger co-operation between several government bodies, namely the Ministry of Home Affairs, the Ministry of Foreign Affairs (that runs the consulates) and the Ministry of Labour.
- A revision of the system of visas and permits that will reduce its variety, leading to a lower degree of differentiation in the statuses of the non-EU foreigners. This will also enable a simplification of the administration procedures.
- Policy articulation: there must be coherence between the policies at the European, State and Local levels. Partnerships and co-operation are required.
- Bilateral and international agreements must be made in order to maximise advantages for both sending and receiving countries. This must take place with co-operation and effective partnerships between the government and major economic actors involved in the employment of immigrants.

The debate on irregular migration is closely linked to the issue of clandestine work. However, undocumented immigrants are now finding it increasingly difficult secure even clandestine work due to labour market competition and the high penalties imposed on employers as stipulated in the new immigration law. In addition, the economic recession has increased their level of vulnerability – leading to several cases of exploitation. As mentioned above, the opportunities provided by the regulation of the 2003 law are interesting and positive (it included a clarification of family reunion possibilities and the possibility of regularising foreign workers that settled in Portugal before the 12 March 2003 and made social security and fiscal contributions for a period of at least three months). However, the process has been slow, particularly in services such as the SEF, which has left a number of immigrants in a state of limbo. Further, it should be noted that the process does not cover all situations (e.g. the irregular immigrants who started to work after March 2003 and contributed for social security), despite the large number of positive answers that has

¹⁸ See interview with the new General-Director of the Aliens and Borders Service, Manuel Jarmela Palos, to the newspaper *Público* on the 29 August 2005.

been given by the Portuguese Inspection of Labour (around 3,000 between May 2004 and July 2005).

As far as family reunification is concerned, the debate is focused on the following topics:

- The distinction in Portuguese law between the concepts of 'family reunification' (used by those with residence permits) and 'family reunion' (used by those with stay permits and work visas). This legal differentiation has no basis, since its sociological content is identical, given that both have to do with facilitating family life and the quality of life of the household, giving family members the possibility to live together;
- There is a need to clarify the situation relating to 'dependent adult children', in order to facilitate young adult students' access to family reunification. Overall, people are studying for longer, which means young adults enter into employment much later. Therefore, maintaining the relatively rigid age limit (at 18 years) does not adequately reflect social transformations currently taking place;
- Unlike other EU countries, Portuguese policies have not really addressed the case of family reunification and long-term civil unions (except in the limited granting of visas outlined above);
- The restriction on access to the labour market (only possible if there is a change in family structure or resources following the arrival of the family member[s] benefiting from reunification) for spouses/partners that seek to be reunified with family members that hold stay permits or work visas should be lifted. By making access to labour market more difficult, it effectively promotes the dependence of spouses on their sponsoring family members and can potentially cause problems for the household's quality of life, since the presence of more family members implies a greater division of existing resources, even if they are sufficient for their well-being.
- In addition, the system should itself be revised, namely the need to reduce the overall amount of time that the administrative/bureaucratic process takes to process a family reunification application.

1.2 The integration debate

Over the last year, the issue of the integration has been dominated by the question of social inclusion of second-generation migrants (in particular those related to the dominant groups of the first wave of immigrants (PALOP)). More specifically, there are three key areas of concern: i) education; ii) criminality and iii) access to Portuguese nationality.

Education

Portuguese schools are having difficulties adapting to the increasing diversity of the students and also of the languages they speak. Until the 1999/2000 immigration wave, most foreigners came from Portuguese-speaking countries, and it was assumed that their children would be able to at least understand Portuguese. However, with the growing presence of Chinese, Eastern Europeans and other immigrants, schools have been under more pressure to find ways to overcome the language limitations of their students. In several schools, specific Portuguese classes are offered to foreign students. These classes have already started to have

an impact - there is now some evidence that the children of the more recent wave of immigrants (Chinese, Eastern Europeans, etc.) are adapting more easily than the PALOP. According to some teachers, PALOP students (who speak and write a 'different' Portuguese and do not benefit from specific listening-comprehension classes) have more learning difficulties than Eastern Europeans, Indians or Chinese, once the latter have overcome initial linguistic barriers.

It is also important to note that irregular immigrants have had difficulties registering their children in schools. However, this issue has become less of a concern since the introduction of the Decree-Law n.67/2004 of 25 March 2004, which created a national register of foreign minors in an irregular situation in Portugal. This register aims to ensure that irregular minors receive the same rights as regular migrants, namely health care and a basic education. The data contained in the register is used exclusively for health and education purposes and cannot be used against the parents of the irregular minor or to support any kind of regularisation process.

Crime¹⁹

Although most data reveals higher rates of crime amongst foreigners, a recent study has shown a different interpretation of the data, based on age and social structure shows that the differences between foreign residents and nationals are eliminated (Seabra & Santos, 2005). This study also demonstrates that foreigners are often subject to harsher penalties for the same crimes.

Other research has stressed the association between the social disadvantage of immigrant children, especially those of African origin, and potential trajectories of social exclusion and eventually delinquent behaviour. Within this picture, the neighbourhood context is a relevant factor, because it may contribute to the reproduction of cycles of privation and poverty and stresses the negative stigma associated with certain populations. Some researches have demonstrated, for example, an over-representation of immigrants (especially of PALOP immigrants) in several deprived quarters (public housing estates, 'shack' settlements and clandestine housing) on the periphery of Lisbon. Because of this, public housing policies were criticised for promoting the spatial concentration of 'disadvantaged' groups in large estates with poor quality of housing and communal space, suffering from a lack of connection with other neighbourhoods.

However, new 'target area' policies have since been implemented under EU URBAN I and URBAN II initiatives and more recently under the PROQUAL programme. These programmes combine improvements to the physical infrastructure with community development. Some of the projects have been very successful. However, there is a lack of connection between policies, there are difficulties in finding systematic material support, and there are difficulties in maintaining the projects for longer periods (for example, ten years). Finally, there is a lack of 'follow up' with these populations.

The ESCOLHAS programme has also addressed the issue of crime. Prized by the Council of Europe and well reputed among the EU institutions, ESCOLHAS is a good example of an initiative that combines target area and target group perspectives. This programme was conceived in 2001 to target youth crime in 53 'disadvantaged' quarters in the Metropolitan areas of Lisbon and Oporto with high percentages of youth. It involves a partnership principle, which brings together local NGOs and also

¹⁹ The 'criminalisation' of immigrants and especially of their children is also addressed in chapter 2 – the role of the media.

with other organisations in civil society. These partners set up interdisciplinary project teams (that included mediators from the neighbourhood) that try to build bridges with local schools and youth, especially those considered 'at risk'.

After three years it is clear that the results vary from quarter to quarter,²⁰ however the overall trend appears to be positive. Over this time, the programme has also evolved from its 'excessive' focus on crime prevention to a broader goal of social inclusion.

At the end of 2004, the programme was extended to cover the whole country, and it entered a second stage, marked by indirect interventions²¹ and the reinforcement of social and technological dimensions (local access to information and communication technologies as well as computing training). In addition, the immigrants' offspring were expressly assumed as a target priority, something that was not explicit in the first stage of the programme. Although it is still early to evaluate the full results of these 'second stage' projects, the first assessment reports indicate that most participating organisations are meeting their key objectives.²²

Nationality

A 'soft' *jus sanguinis* principle has been the basis of the Portuguese nationality law since 1981. Because of this, the children of foreign parents born in Portugal have faced a number of challenges in obtaining Portuguese citizenship (until July 2005, the access to Portuguese citizenship depended on the time of legal and continuous residence of the parents in Portugal – six years for the foreigners coming from the Portuguese speaking countries and ten years for others).

This law made thousands of young people of African descent born in Portugal, foreign citizens (Cape Verdeans, Angolans, etc). The difference this made in terms of rights was particularly evident in terms of access to labour (especially for those in an irregular situation) or leisure (sports teams limit the number of foreign athletes). This situation was further compounded by the broader discrimination of ethnic Africans, which contributed to a sense of 'not belonging', that challenges the principles of inclusion and of a democratic and cohesive society.

When presented with this problem, Cabinet decided to change the Nationality law. While the changes presented by the Cabinet in July 2005 were positive, they have been criticised by many NGOs for not going far enough.²³ Instead of helping the (Portuguese born) children of foreigners to access Portuguese nationality, new legislation focuses on third generation migrants (children with at least a foreign parent already born in Portugal). Under the new law, third generation migrants are the only ones with automatic access to Portuguese citizenship from the time of birth. For the others (second generation migrants) most of the original rules remain in-force: access to citizenship still relies on the condition of continuous legal residence of the parents in Portugal for a period of at least six years (now generalised to all foreigners and not just to the PALOP citizens). Children can naturalise their status at the age of 18, however they need to prove ten years of continuous residence in Portugal.

²⁰ In some quarters, the results have been very positive, and the youth have been able to develop (and take ownership of) new cultural and leisure activities. This has helped to build more positive self-images, to increase self-esteem and to give the participants confidence in their capacity to organise things for themselves.

²¹ NGOs apply for state funding for particular projects in the broader programme framework.

²² The central support team administering the projects have been in close contact with the individual project managers to ensure the programme runs according to plan.

²³ There is a petition on the matter running in Internet.

Other integration issues

While most discussions focus on the integration of second generation migrants, there are some concerns about the integration of first generation immigrants, particularly in the areas of a) access to the labour market (and in particular problems experienced by irregular migrants outlined in section 1.1); and b) appropriate housing.

The housing problem of many immigrants (clustering in deprived neighbourhoods and shanty towns, especially in the periphery of Lisbon) is debated at local level, and it focuses on the access of foreigners to the re-housing programme PER. The main problems are related to the situation of undocumented immigrants who do not have access to new public houses, the clearance of 'shacks' in 'shanty town' areas, and to cases where foreigners that have settled in the quarters marked for clearance after the 1993 re-housing register. Extraordinary regularisations and individual interventions have resolved some of these problems, but the re-housing programme is now reaching its final stage, and a global solution has not yet been found.

Other integration issues, such as language or cultural differences are being dealt with positively in Portugal even without the creation of a strict or compulsory 'Integration Programme'. In fact, the debate around the compulsory character (or not), the meaning and the contents of integration programmes currently debated in Northern European countries is absent in Portugal. Portugal does not have a pre-arrival introduction programme and the government is rolling back its involvement in integration initiatives, such as Portugal Acolhe – *Portugal Hosts*.

Launched in 2001 by the Institute of Employment and Professional Training (IEFP), *Portugal Hosts*, has focused on producing a "Welcoming Guide" in six languages, and it has offered language classes (in three levels, with a total of 50 hours per level), and a training module on "Citizenship practices" (12 hours). The first courses were run in training centres located in various Portuguese regions between July and December 2001. In December, the Programme entered a 'diffusion phase' that involved partnerships with some NGOs. The Programme is not compulsory and does not involve a fee (in fact, trainees receive a food subsidy and support for transport costs while attending the courses).

Table 5 provides data on the trainees involved in first stages of the programme. Most of the participants came from Eastern Europe, namely Ukraine and Russia, and men outnumbered women (corresponding with the sex structure of the immigrants settled in Portugal). The absence of PALOP citizens is largely explained by the mismatch between the programme goals and the specific needs of those immigrants, who are supposed to have full (or at least some) knowledge of Portuguese language.

Table 5 – Participation in the training programme "*Portugal Acolhe*" (07/01-04/02)

Nationalities	Trainees			%		
	Men	Women	Total	Men	Women	Total
Ukrainian	357	132	489	73,0	27,0	59,0
Russian	68	82	150	45,3	54,7	18,1
Romanian	24	17	41	58,5	41,5	4,9
Moldovan	34	16	50	68,0	32,0	6,0
Bangladeshi	31	0	31	100,0	0,0	3,7
Others	53	15	68	77,9	22,1	8,2
TOTAL	567	262	829	68,4	31,6	100,0

Source: IEFP (2002) - *Portugal Acolhe: Estudo Sócio-Demográfico de Formandos-Imigrantes*. IEFP, Lisbon.

The initial goal was to reach 10,000 people per year (however, this figure appears to have been too ambitious). In 2001-2002, only 3,331 people participated, a figure that justified a revision of the original target. There have been some very positive results (confirmed by a reduced number of dropouts), however, the evaluation of the programme recommended that it target a greater portion of the immigrant population (by rethinking the courses), and that it reinforce the partnerships and co-operation with other public institutions. These goals were supposedly introduced in 2003-2004, but the programme has since experienced difficulties, and the next evaluation report has not yet been issued.

Immigrant associations, Catholic Church organisations and other NGOs have also mobilised themselves to offer courses of Portuguese language and citizenship. Some of these independent courses have been combined with computing or professional training, such as courses run by the Portuguese Council for Refugees or courses developed by the EQUAL partnership Sunrise in Santa Maria da Feira/S. João da Madeira (North Portugal) aimed the Eastern European workers.

1.3 The brain drain debate

In recent years, developed countries have set up schemes designed to attract and facilitate the entry and settlement of high- and semi-skilled workers from developing countries, with the purpose of filling in labour gaps in certain activity branches, such as IT and health. According to most research, this selective form of immigration is more beneficial for destination countries because highly skilled immigrants, who have high levels of productivity, adapt well to the labour market conditions of their new country. Overall they make a significant contribution to the economy, which compensates for the social expenses they generate (Olmedo, R. 2001 pp. 190-203). In this context, one might argue that the brain drain issue is very relevant as it has an important impact on the economy and the labour market of both the country of origin and destination.

However, in Portugal this issue does not occupy a prominent position in the debates on immigration, not only due the insertion of the large majority of non-EU foreigners in the low skilled segments of the labour market, but also due to the recent character of immigration, that contributes to completely focus the debate on the issues of flow management (actually, more flow control) and integration.

With the exception of Spanish doctors and nurses, Portugal does not promote the recruitment of highly skilled foreign professionals. On the contrary, there are arguments criticising the presence of highly skilled foreigners on the basis of labour market competition with nationals,²⁴ in particular those who recently obtained diplomas in Portuguese universities. Others argue that the government should invest in the training of Portuguese nationals instead of recruiting foreigners.

However, there is a certain 'societal consciousness' about the 'under use' of the skills possessed by immigrants, especially from Eastern Europe. The Calouste Gulbenkian Foundation and the Jesuit Refugee Service have already started a programme of re-training and recognising skills. This programme targets foreign doctors and nurses who work in other segments of the Portuguese labour market; but some experts and NGOs think this is not enough.

²⁴ Some years ago, Portuguese dental surgeons, publicly criticised (and even demonstrated against) the presence of a large number of Brazilian dentists in Portugal.

The focus in Portugal is therefore on the recognition of the competences of foreigners who are already in the national labour market, not on the potential development of a programme aimed at recruiting highly skilled foreigners – despite the introduction of a specific visa for these purposes in the foreigners law of 2003 – or in the eventual development of co-operation and return strategies that allow the origin countries to get a larger part of benefits associated to the migration of their highly skilled workers. This last point is the focus of a few NGOs working in development and the IOM, who are involved in repatriation programmes aimed at foreigners who have finished their higher education in Portugal.

2. Basing policies on evidence and consultation

The media and the influence of public opinion on policy development

In Portugal, the debate about the media, immigration and ethnic minorities has been prominent among academics and NGOs working in these fields, and the broader public.

This debate focuses on the media's ability to create, feed into, build and mould society. In particular, the debate examines: a) the ability of media to shape the image and identity of immigrants and ethnic minorities, b) how this representation marks and conditions the lives of these individuals, c) the impact these images have on the way the host society sees immigrant and ethnic communities and, d) the impact that the resulting social environment has on policy development.²⁵

Broadly, media coverage is often negative, and it has clearly influenced the way in which Portuguese people see and relate to immigrants and ethnic minorities. This, in turn, has influenced the policies developed by the government.

Journalists will often present stories from a particular angle, following the basic hero / villain formula, a formula that makes for light, entertaining news. In the process, it often highlights incidents and issues that have very little to do with issues of general public concern, and are chosen in order to shock and entertain. In the process, this moulds public perceptions, encouraging stereotypes in the collective imagination. Therefore, regardless of their reach and frequency (immigration is not ignored), they tend to have a negative impact on the *quality* of information used in public discourse (Cádima, F. R. et al. 2003, p.10).

In essence, the media does not limit itself to the business of informing. It takes on the additional role of generating opinions, influencing the debate discourse, setting the agenda, and advocating for certain policies (Cadima et al., 2003, p.25).

Cultural studies researchers who emphasise the role of class, race and gender in the definition of social, political and economic representations and in the subsequent distribution of power in society find that the systematic attribution of certain representations to individuals and groups – involving characteristics, behaviours and attitudes – has come to provide for the stereotyping of identity, based on 'belonging' or 'not belonging' to a group. Effectively, ethnic identity and/or how a given identity is perceived, is a product of interaction between groups, with the image of 'us' only taking form when existing in contrast with the image of 'them'. As a result, in this game of interactions, the media (particularly television, due to the nature of this medium) plays an important role in the production (and reproduction) of the status and characteristics attributed to different social identities.

More specifically, the Portuguese media has constructed images of immigrants and ethnic minorities as 'others' and often as 'criminals', 'delinquents' and 'undesirables' - stereotypes that do not really represent the truth, but which can be so effective that they end up becoming part an individual's identity, contributing to shaping their attitudes and behaviours.

²⁵ Unfortunately, there has been little focus on the influence that media could exert, for example, in stimulating mobility, or as a source of information for potential immigrants. The media's role in the creation of trans-national communities is also missing.

A good example of this is the media coverage of a collective robbery undertaken by a group of young people of African origin on a beach on the Estoril coast (in Carcavelos, near Lisbon) on 10 June 2005. With the beach teeming with people, the robbery generated great confusion that involved delinquents and shocked beachgoers who fled in order to avoid getting robbed. The media, particularly television, transmitted the event with almost live coverage. Sources were not checked and the “collective robbery at Carcavelos beach” was spun into a major virtual event involving (supposedly) 500 ‘black’ delinquents. The images were powerful, but not altogether accurate, and the story did not analyse the broader situation. As reported later by the police, the ‘criminal action’ was organised on the beach right at the moment before it occurred and only between 30 and 40 people were involved.

While it is clear that this was a case of delinquency, this delinquency cannot be disassociated from the issue of social exclusion and the lack of opportunity that so many second-generation immigrants experience. The media sensationalised the coverage and twisted the truth by making inaccurate generalisations based on information that was gathered ‘in the heat of it all’. This report inevitably led to a feeling of insecurity and it reinforced stigmas about the ‘criminalisation’ of young people of African origin. This type of media coverage, though debated and corrected at a later date, fuels xenophobia, reaffirming the unhelpful association made between insecurity and foreigners. It reinforces stereotypes, which have a profound impact on the lives of immigrants, contributing to their ability to be included in and accepted by the host society. Finally, this type of coverage helps to legitimise restrictive immigration policies.

A chance for positive change?

In spite of the problems observed, recent studies (Cádima, F. R. et al. 2003; Ferin Cunha, I. et al. 2004) note that positive change is taking place as regards the representations of immigrants and ethnic minorities. Old-fashioned racism has given way to new forms of subtle racism, often associated with certain age / ethnic groups (e.g. young people of African origin and gypsies) and certain themes like drugs, crime, violence and prostitution. It is also important to note that sensationalism is losing ground to more neutral reporting, focused on facts and the benefits of immigration.

In addition, there have been a number of recent attempts to deconstruct the relationship between media and the social construction of reality, particularly on the issues of racism and xenophobia. In this area, it is important to recognise the work of the High Authority for Media and the High Commissariat for Immigration and Ethnic Minorities (ACIME) by noting initiatives such as:

- The production of documentaries and other television programmes²⁶ that objectively explore the challenges facing immigrants and ethnic minorities encounter; and
- The creation (2002) of the ACIME *Immigration and Ethnic Minority – Journalism for Tolerance* award, a prize that seeks to promote tolerance and integration by honouring exceptional journalism that has played a role in combating racism and xenophobia.

²⁶ The best known of these programmes is probably the programme *Nós (Us)*, directed by ACIME and showing on RTP 2 (Portuguese public television – channel 2), RTP Africa and RTP Internacional.

Migration Policies – contents and debates

The national level

The immigration history in Portugal is often linked to former Portuguese colonies. Until the post-2000 immigration wave, dominated by Eastern Europeans and Brazilians, Portuguese-speaking countries were the main sources of migration. As a consequence, Portuguese laws made a distinction between Portuguese-speaking citizens and others, benefiting the former through such things as an easier access to nationality (until the 2005 law, PALOP and Brazilian citizens only needed six years of residence to achieve Portuguese citizenship whereas foreigners from the other nationalities needed ten years) (Marques, M. et al, 1999). In 1971 the first bilateral agreement was signed with Brazil, granting special treatment to Portuguese and Brazilians in each country respectively (namely economic and political rights). After the independence of the Portuguese colonies in Africa, other bilateral agreements were signed conferring special rights to citizens from Cape Verde and Guinea. Later, other treaties were signed between Portugal and Angola, Mozambique and S. Tomé and Príncipe (Esteves, M. C. (org.) et al. 1991). A more recent agreement has been signed with Cape Verde (1998), being the only real effective treaty in terms of temporary recruitment of workers.

It is important to mention that the advantages given by the law to PALOP citizens seem to be diminishing in the very recent years. On the one hand, bilateral immigration agreements have been signed with Romania, Bulgaria and Ukraine (although never implemented). On the other hand, the 2005 nationality law eliminates the distinction between PALOP and non-PALOP citizens in terms of the number of years of residence in Portugal that are necessary to apply for Portuguese nationality.

Marques et al. underline the dual goals of the Portuguese policy. On one hand, it reinforces the creation of a Portuguese-speaking 'trans-national community', which implies widening and deepening the rights of citizens from Portuguese-speaking countries. Yet, on the other hand, Portuguese policy also respects the Schengen agreement and European directives' limitations.

Migration might be one of the areas in which the EU has the most difficulties in defining a common policy (Peixoto, J. 2002, pp. 483-497). Nevertheless, Esteves, Fonseca and Malheiros stress the successive efforts to harmonise Portuguese legislation with EU norms and directives. For instance, Decree-Law no. 34/2003 not only transposes three EU directives (aimed at reinforcing penalties to those who contribute to the entry, movement or settlement of illegal immigrants) to the national legal framework but it also recognises (and tries to address) the affect irregular immigrants can have on other Schengen countries (with common controls and policies). Esteves, Fonseca and Malheiros have also compared the principles conveyed in the EU Directives on family reunification (COM(2002)225-adopted), long-term residents (COM(2001)127-adopted) and economic migration (COM(2001)386-not adopted) with the Portuguese legislation. In most cases, Portuguese legislation is in line with the key ideas of these directives and can even be considered more progressive in some situations (e.g. resources and time periods associated with the granting of family reunification).

Specific policies on the recognition of qualifications are inspired by UNESCO norms and EU policies. Nevertheless, those policies display a weak application since a large share of skilled migration to Portugal is not controlled and becomes invisible in the internal labour markets of multinational corporations (Peixoto, 2002).

The Portuguese policy also considers the principles of equality and non-discrimination among national and foreign citizens. These principles clearly referred to specific international links being common to other EU countries.

In addition to the studies that compare the Portuguese legislation with EU directives, a group of Portuguese law experts (Canotilho, J.J.G. (coord.) 2000) have developed a very interesting analysis, comparing several international legal instruments and national pieces of legislation on the topic of immigrants' rights, in several different fields (e.g. religious pluralism, juridical protection, freedom of expression, political participation, work, social security, access to private property). Their final conclusions are presented in the progressive *Charter of Minimum Standards of Rights of Foreigners and Ethnic Minorities*, which involves several comments and justifications.

Canotilho again took up a juridical analysis of immigration in Portugal in the EU context in a recent work (2004), paying particular attention to the issue of Portuguese and European citizenship. He criticised the entry, stay and expulsion conditions for foreign citizens in Portugal (Decree-Law no. 34/2003 of 25 February 2003), referring to the Portuguese immigration policy as yet another policy seeking to control immigration instead of being an active immigration policy. At the European level, he defends the principle of equal treatment for third country citizens legally residing in the EU Member States as permanent residents so as to avoid the creation of a broad category of residents in Europe considered both non-residents and non-citizens (Canotilho, J. J. G. 2004 pp. 153- 164).

Recently, some researchers have been involved in developing a critical overview of Portuguese immigration policies stressing that Portugal is in a 'crisis of political control'. In other words, it is argued that there is a gap between the national immigration policy (based on laws) and their actual efficiency. Peixoto (2002) goes even further, stressing that, "concerning the entry of illegal immigrants, the Portuguese state has always exhibited some tolerance, being influenced by the practicalities of the real movements and the labour market's demand." This argument is not consensual among Portuguese academia. Other researchers find that Portugal has no more difficulties in immigration control than any other North European state (Marques, M. & Valente Rosa, M. J. 2003 pp. 8-35).

Nevertheless, the efficacy of the legalisation processes was questioned (Malheiros, J. 1996 & Peixoto, J. 2002), giving rise to the creation of new immigration laws in 1999-2001. The main change was that illegal migrants residing in Portugal with a work contract and with a clean criminal record could apply for a 'stay permit' between January and October 2001. At the same time, the law severely punishes the employment of illegal migrants and the trafficking of migrant workers.²⁷ Those without a work visa or a residence permit are also subject to harsh sanctions.

The changes introduced in the law regulating the entry, stay, exit and expulsion of foreign citizens (Decree-Law no. 34/2003) have been discussed by authors such as Esteves, Fonseca and Malheiros. These researchers debate the terms of this new law and criticize its: i) excessive focus on the security and labour dimension at the expense of the human and social dimensions; ii) formalisation of the inequalities between different categories of non-EU residents; and the iii) relatively restrictive concept of family (to be applied in family reunification processes). In addition, they recognise the increasing interest of the government in immigration issues as well as

²⁷ If any Portuguese or legal immigrant recruits illegal foreigners, he/she can be punished with one to four years in prison.

the positive intentions to control immigration flows, but call attention to certain signs of 'governmentalisation' of the structures dealing with immigrant-related issues and also to certain neo-assimilationist perspectives that are softly incorporated in the regulatory documents.

In a previous work, Baganha and Marques (Baganha, M. I. & Marques, J. C. 2001) pointed out the growth and diversification of the actions and public programmes geared towards immigrants' and ethnic minorities' integration in Portugal in the second half of the 1990s (e.g. social benefits on employment and unemployment, health, education and housing, etc.), a situation that proves the existence of a positive public attitude towards immigrants.

The abovementioned authors go further by including two more recommendations. One considers that it will be important that NGOs and other organisations working with immigrants and ethnic minorities acquire independence from state financial support - otherwise their goals may be compromised. Another recommends investment in promoting cultural diversity in Portuguese daily life, including immigrants' and ethnic minorities' cultural practices (e.g. music, dance and cuisine).

According to the discourse of the governmental elite (Oliveira 2000), immigration is discussed in terms of cultural affinity. Attention is paid to the cultural proximity of certain immigrant populations as compared with a European identity. On the other hand, the period of discovering the past and the Portuguese contact with different cultures has fostered a common sense of belonging. Oliveira also demonstrates that there is no coherent discourse within each political party and the fragmentation of attitudes multiplies when analysing particular MPs.

Local Integration Policies

Integration issues are mainly discussed at the local level. Because of this, it is important to focus on the discussions taking place in municipal administrations to the immigrants' problems, particularly in the case of the Lisbon Metropolitan Area (LMA) where more than half of the legal immigrants are settled.

The issue of housing, and particularly the question of the access to public housing, is a major topic, both in research and in local policy agendas (Fonseca, M. L. et al 2002, pp. 107-134). Two main reasons seem justify the particular attention that has been given to immigrants' housing problems: on the one hand, there is a concentration of a large proportion of PALOP citizens in public estates and shanty towns located in the outlying municipalities of the LMA, characterised by very poor physical and social conditions (França, L. *et al.* 1992 & Malheiros, J.M. 2000); on the other hand, until 1993, access to public housing was explicitly confined to nationals (Decree-Law no. 797 of 6 November 1976). This situation forced local governments to include those citizens in public housing programmes, such as the Special Re-housing Programme (PER), created in 1993 (Marques, M.; Santos, R.; Ralha, T. & Cordeiro, A. 1999). In addition, the late 1980s and early 1990s were marked by several social movements, pushed by local associations, left-wing political parties and Catholic organisations, demanding that a strong and decisive intervention be made by national and local authorities in order to solve the problem of shantytowns and rundown housing in the Metropolitan Areas of Lisbon and Oporto.

In addition to housing, Fonseca, Caldeira and Esteves (2002) have identified social support to immigrants and ethnic minorities and education as other major priorities in the activities of LMA municipalities.

These authors describe specific experiences of decentralised co-operation, mostly involving municipalities within the LMA, and stress Portugal's recent experience in this domain as well as the frequent relationship between immigration links and development initiatives that involve local authorities. The reduced level of institutionalisation and the lack of long-term sustainable development strategies seem to hinder greater success with these initiatives. Nevertheless, both authors agree on the positive character of several initiatives (e.g. school support, investment in new facilities, exchange of students and specialists, etc.) and on the potential associated with them.

There is some variation between the broader integration philosophies and the programmes implemented by different municipalities. However, two dominant approaches are visible: i) in some cases, municipalities have created consultative councils or specific bodies to handle immigrants' needs; ii) in other cases, despite recognising the ethnic and cultural specificities of immigrant groups, their particular issues are dealt with via mainstream bodies of the local administration.

Apparently, the kind of approach taken by each municipality seems to depend less on the political force that rules it than on the number of resident foreigners, the dynamics of immigrants' associations and the personal stature of the political leaders and other relevant local opinion-makers.

2.2 The stakeholders

Governmental agencies

In March 2005, a socialist party took control of government, replacing the former centre-right coalition. So far, the government bodies that deal with immigration have not suffered a deep restructuring, despite the change in the politicians that occupy the key places. In the current government structure, the Ministries of Presidency, Internal Affairs, Foreign Affairs and Social Security and Labour are those primarily responsible for directing and implementing immigration policy. The ACIME structure has not suffered any changes and its responsibilities remain the same (the High-Commissioner and the Adjunct High-Commissioner). It is probable that the last semester of 2005 will bring some changes in terms of national directives concerning immigration policy and also in the way of conducting them.

The role of the Ministry of Internal Affairs is to define and implement immigration and asylum policy, including naturalisation laws, the statutes on equality and refugees, and the control of entry, stay, departure, and expulsion of foreigners from Portugal, with the Aliens and Borders Service (Serviço de Estrangeiros e Fronteiras, or SEF). The Minister of Presidency is responsible for the High Commissariat for Immigration and Ethnic Minorities.²⁸ The Ministry of Foreign Affairs, via Portuguese embassies and consulates, is in charge of the concession of different types of entry visas and visas for prolonged stays on Portuguese territory for non-European Union citizens. Further, in conjunction with the Ministry of Social Security and Labour, it is responsible for the implementation of bilateral acts and accords between the Portuguese State and third countries, in order to promote the mechanisms necessary

²⁸ The High Commissariat for Immigration and Ethnic Minorities (Alto Comissariado para a Imigração e Minorias Étnicas - ACIME) is composed of the High Commissioner, the Consultative Council for Immigration Issues (Conselho Consultivo para os Assuntos da Imigração - COCAI) and the Commission for Equality and Against Racial Discrimination (Comissão para a Igualdade e Contra a Discriminação Racial - CICDR).

to satisfy the employment needs of workers from outside the European Union. The Ministry of Social Security and Labour is involved in the promotion of the integration policy. Two of its services - the Institute for Employment and Professional Training (Instituto de Emprego e Formação Profissional, or IEFP) and the Inspector-General for Labour (Inspeção-Geral do Trabalho, or IGT) - play key roles, contributing to the decision about the maximum annual limit on entries into Portugal by foreign workers from outside the European Union, according to the sector needs. In addition, the IGT plays an important role in monitoring the illegal employment of immigrants and also in registering and giving statements about the validity of the work contracts of the foreign workers (those who ask for visas under the quota stipulated in the Report of the Unsatisfied Labour Market needs and those who try to regularise their situation both under the Luso-Brazilian Agreement and the possibilities open by the Normative-Decree 6/2004).

The levels of influence of the aforementioned institutions in the definition and the discussion of immigration policy are associated with the specific responsibilities of each institution. Thus, SEF has a great influence on the definition of the control mechanisms of migratory fluxes. The Ministry of Social Security and Labour is involved above all in the management of the fluxes, seeking to harmonise them with the needs of the labour market, and combating illegal employment. Finally, ACIME has a significant role in the definition and especially implementation of the policies linked with the integration of immigrants and ethnic minorities in Portuguese society, and in the promotion of public debates about these policies.

The main idea behind the formulation of ACIME's competences and organisation is the promotion of the integration of those who come legally to Portugal to work. Despite referring to the respect for the immigrants' social and cultural identity, the law on the role of the High Commissariat focuses on: "the promotion of the knowledge and acceptance of the Portuguese language, laws, and also of the cultural and moral values of the Portuguese Nation as conditions for a complete integration" (Article no. 2b, DL no.251/2002, 22 November). Integration includes not only the command of the Portuguese language or the respect for Portuguese law, but also the acceptance of the moral and cultural values of the nation. Considering that immigrants will be part of the Portuguese society, one might wonder if their moral and cultural values can also be incorporated into the Portuguese Nation in order to enrich it.

The High Commissariat for Immigration and the Ethnic Minorities is presided over by a High Commissioner who is chosen by the government and holds office for a three-year term (Decree-Law no. 251/2002). With its headquarters in Porto, ACIME's structure also relies upon a permanent representation in Lisbon, coordinated by an Adjunct to the High Commissioner. ACIME promotes exchange and dialogue between entities that are representative of immigrants and ethnic minorities in Portugal, as well as a thematic study on the social inclusion of immigrants and ethnic minorities in collaboration with social partners, welfare institutions and other public or private entities that are involved in this domain. The High Commissariat, with its interdepartmental structure, functions as a reference for and offers support to the government in matters linked with immigrants and ethnic minorities.

In fact ACIME is one of the pillars for the effective integration of immigrants and is partly responsible for the active development of the immigration policy, and also for fighting social exclusion and racism. It is, among the governmental institutions involved, the one that has been most active in disseminating information about immigrants and immigration policy in Portugal. It promotes public participation policy discussions and especially in the development of initiatives that facilitate the integration of immigrants in Portugal.

In 2003-2004 ACIME has been involved in developing a number of new initiatives:

1. The National Immigrant Information Network (Rede Nacional de Informação ao Imigrante), which includes the publication of a monthly information bulletin, educational leaflets and brochures, as well as an information call centre (accessible in three languages) and the transmission of information via the Internet (www.acime.gov.pt);
2. The National Immigrant Assistance System (Sistema Nacional de Apoio ao Imigrante), which involves direct running of one stop shops at national level (in Lisbon and Porto)²⁹ and support to the local information points scattered throughout the country, that are run by local organisations. In these centres, immigrants can obtain the necessary information on legalisation, employment, healthcare, education, social assistance, and so on. In the two national centres all key institutions that deal with immigration (the Aliens and Borders Service (SEF), the Institute for Employment and Professional Training (IEFP), Social Security and the Ministry of Education) are present, enabling foreigners to solve a large set of their problems;
3. The Immigration Observatory (Observatório da Imigração), composed of a coordinator chosen by ACIME and an informal council comprised of university research centres.³⁰ The Observatory promotes public discussion and the development of studies on immigration and ethnic minorities living in Portugal. As the references used in this report demonstrate, ACIME has supported and published work by a wide range of researches in the last two years.

ACIME, by way of the Consultative Council for Immigration Issues (COCAI),³¹ is also involved in evaluating, on behalf of the government, the opinions of associations representing immigrants, social partners, NGOs and welfare institutions about the legal projects related to the rights of immigrants, to the social integration policies that promote the elimination of all forms of discrimination against immigrants, as well as the respect for their identity and culture. The COCAI also has an important role on the juridical implementation of immigrants associations (Law n.º. 115/99, of 3 August and DL 75/2000, of 9 May), including managing financial support. COCAI's composition includes the Adjunct to the High Commissioner a representative of each of the following ministries – Internal Affairs, Education and Social Solidarity and Work – a representative of each Autonomous Region (Madeira and Azores) and a representative of the National Association of Portuguese Municipalities. Due to the growing diversity of immigrant communities in Portugal, a representative of each of the three largest non-CPLP³² immigrant communities living in the country has also been included in the Council.

²⁹ Hundreds of foreigners pass in the Lisbon centre daily to solve their problems. It is one of the government services used by more people.

³⁰ Including: the Centro de Estudos Geográficos from the Universidade de Lisboa, the Centro de Estudos das Migrações e das Relações Interculturais from the Universidade Aberta, the Centro de Estudos Multiculturais from the Universidade Independente, the Centro de Estudos Sociais from the Faculty of Economics at the Universidade de Coimbra, SociNova from the Universidade Nova de Lisboa, and the Gabinete de Ecologia Humana do Laboratório Nacional de Engenharia Civil e Associação Numena (Portuguese representative in the European Observatory on Racism and Xenophobia).

³¹ It was created by DL n.º. 39/98, of 27 February. The structure of COCAI was changed (DL 251/2002, of 22 November), integrating it into the High Commissariat for Immigration and Ethnic Minorities (ACIME), and consequently turning it into a more governmental organisation.

³² CPLP stands for Community of Portuguese Speaking Countries.

Other significant actors

In addition to governmental institutions, different types of actors — who try to generate discussions and influence political decision-making in the area of immigration can be distinguished:

- Political parties;
- Trade unions and professional organisations;
- Immigrant associations;
- Churches and associations of religious character;
- Non-governmental organisations that, either directly or indirectly, are involved in offering assistance to immigrants and ethnic minorities; and
- University institutions that are dedicated to research in the area of international migration.

Political parties, especially those represented in Parliament, play a significant role in the discussion on immigration policy, not only in parliamentary debates and within the party structures, but also through the contacts that they maintain with authoritative bodies, local power (municipalities and parishes), immigrant associations, unions, employers' associations, non-governmental organisations, etc., as well as by way of their participation in discussion forums sponsored by other actors interested in this subject.

The union federations, UGT and CGTP-IN have both gained a more active role in the discussion on immigration policy, as the participation of immigrant workers has become increasingly important in national employment figures, particularly in the private construction sector. The UGT and the CGTP-IN have directed their energy towards ways of combating the illegal employment of foreign workers and to fight against conditions of exploitation by employers and human traffickers to whom many immigrants - especially those who are illegal - are subject. They have fought for the need to legalise immigrants who are already working in Portugal, for the intensification of investigations concerning employers who have hired illegal workers, and for harsher penalties for illegal employment - the only ways to effectively combat clandestine immigration and the exploitation of immigrant workers. Both UGT and CGTP-IN have sought to encourage the debate and to influence immigration policy by means of their participation in COCAI and in the Economic and Social Council, through direct contact with members of the government who are directly responsible for immigration policy, and furthermore, by participating in conferences, seminars and workshops dedicated to these themes, whether on their own initiative or on that of other institutions.

The increase and diversification of migratory fluxes towards Portugal, as observed in the last five years, have been reflected in the strengthening of the various associative movements of immigrants, and has brought on a growing interest in the defence of the rights of non-European citizens and in the possibility to offer different forms of assistance for their integration in the host society - especially for those most in need - by a host of non-governmental organisations as well as welfare and religious institutions, namely those related to the Catholic Church.

Immigrant associations play an important role as pressure groups and as advisers in juridical and social matters as well as playing a role as mediators between the populations they represent (or the elites of these populations) and several political structures (the government, the local authorities and the political parties) and

frequently, being involved in partnerships with National Government Bodies (e.g. High Commissariat for Immigration and Ethnic Minorities [ACIME] and Social Security, etc.), local authorities, trade unions and NGOs (e.g. Santa Casa da Misericórdia, SOS Racismo, Instituto de Apoio à Criança, etc.) with the purpose of implementing local development projects, supporting interventions in domains such as health and re-housing and developing anti-racism campaigns.

Because of the nature of the activities that they develop, the immigrants' associations and the other NGOs that work in the field of immigrant integration have sought to influence policies by focusing their energy on combating all forms of discrimination and exploitation to which immigrants may be subject, as well as on the development of social policy that seeks to facilitate their integration in Portugal. They have used their influence in the government's consultative organs in which they are represented, publicised their opinions by means of the media, and forged unified stances with other relevant institutions and actors. The disclosure of its stance by the Coordinating Secretariat of Immigrant Associations (Secretariado Coordenador de Associações de Imigrantes, or SCAI), a group comprising 15 associations, about the alterations proposed by the government to the legal regime of entry, stay and expulsion of foreigners from the national territory (DL 244/98 of 8 August 1998, with alterations introduced by the law 97/99 of 26 July 1999 and by the Decree-Law 4/2001 of 10 January 2001) constitutes a good example of the combined efforts by immigrants to increase their influence and political power (www.casadobrasildelisboa.rcts.pt/guia-scai-documentos.htm). More recently, some of these organisations have joined with the trade unions and political parties to organise a demonstration in Lisbon on the legalisation and rights of immigrants. Finally, these organisations are in the frontline of the critics aiming the nationality law, stressing the reduced ambition of the changes brought up by the 2005 diploma, that do not facilitate as much as they could the access of the children of immigrants (the 'second generation') to Portuguese nationality.

The Bar Association has participated in the discussion on the legal resolutions that define the conditions of entry, stay, departure and expulsion of foreigners from the national territory, the concession of nationality, the right to asylum and the statute of refugees, as well as the social, economic and political rights of immigrants settled in Portugal.

It is important to note the increase in scientific research in different disciplines (demographic, juridical-political, geographic and socio-economic) and on different spatial scales, dedicated to the study of Portuguese immigration. In addition, a high number of publications, numerous conferences and seminars have taken place both nationally and internationally, promoted by or with the participation of academics. In Portugal, however, the dialogue between researchers and political decision-makers remains very limited and, because of this, the influence of scientific knowledge on the formulation of immigration policy is quite tenuous.

References

- Baganha, M. I. and Marques, J. C. (2001), *Imigração e Política. O caso português*, Lisbon: Fundação Luso-Americana.
- Cádima, F. R. et al. (2003) - *Representações (imagens) dos imigrantes e minorias étnicas na imprensa*. Lisbon: OBERCOM/ACIME.
- Canotilho, J.J.G. (coord.) (2000) – *Direitos Humanos, Estrangeiros, Comunidades Migrantes e Minorias*. Celta/Direcção-Geral dos Assuntos Consulares e Comunidades Portuguesas, Lisbon.
- Canotilho, J. J. G. (2004) – Enquadramento Jurídico da Imigração. In : *I Congresso da Imigração em Portugal. Diversidade – Cidadania – Integração*. ACIME, Porto.
- Esteves, M. C. (org.) et al. (1991), *Portugal, País de Imigração*, Lisbon : Instituto de Estudos para o Desenvolvimento.
- Ferin Cunha, I. et al. (2004) - *Media, Migração e Minorias Étnicas*. Lisbon: ACIME.
- Fonseca, M. L.; Caldeira, M.J. and Esteves, A (2002) – “New Forms of Migration into the European South: Challenges for Citizenship and Governance: the Portuguese Case” in *International Journal of Population Geography*, vol. 8, n.2.
- Fonseca, L. et al. (2005) - *Reagrupamento familiar e imigração em Portugal*. ACIME, Lisbon (forthcoming).
- França, L. et al. (1992) - *A Comunidade Caboverdiana em Portugal*, Lisbon, Instituto de Estudos para o Desenvolvimento
- Lages, M. and Policarpo, V. (2003) – *Atitude e Valores face à Imigração* published by ACIME
- Marques, M., Ralha, T. ; Oliveira, C. and Justino, D. (1999b), Between the ‘Lusophone Community’ and European Integration where do immigrants fit in? Immigration and citizenship in Portugal, Working Paper Series #10, Lisbon: SociNova
- Marques, M. and Valente Rosa, M. J. (2003), “L’intégration des immigrés au Portugal: Singularité ou retard?”, in *Sociologia.Problemas e Práticas*, 41, pp. 8-35.
- Marques, M., Santos, R.; Ralha, T. and. Cordeiro, A. (1999), *City template Oeiras. Basic information on ethnic minorities and their participation*, Portuguese Report to MPMC project, Lisbon: SociNova.
- Malheiros, J. (1996) – Imigrantes na Região de Lisboa: os anos da mudança. Lisbon, Colibri, p.107
- Malheiros, J.M. (2000) - “Urban Restructuring, Immigration and the Generation of Marginalised Spaces in the Lisbon Region” in King, R.; Lazaridis, G. and Tsardanidis, C. (org) - *Eldorado or Fortress? Migration in Southern Europe*, Londres, Macmillan Press, pp. 207-232.
- Malheiros, J. et al. (2005) – *Imigração no Concelho de Cascais (2nd Report)*, developed for the Municipality of Cascais.

Oliveira, N. (2000), Discursos políticos sobre minorias imigrantes: a construção de uma “questão”, Working Paper Series #16, Lisbon: SociNova.

Olmedo, R. (2001) – “A transferência internacional de mão-de-obra” in MSST/DEPP, *Imigração e Mercado de Trabalho*. Cadernos Sociedade e Trabalho II. Lisbon, MSST/DEPP.

O’Reilly, K. (2001), “Blackpool in the sun” – images of the British on the Costa del Sol. In King, Russel & Wood, Nancy (Ed.), *Media and Migration – Constructions of Mobility and Difference*. London: Routledge.

Peixoto, J. (2002) - - “Strong market, weak state: the case of recent foreign immigration in Portugal”, in *Journal of Ethnic and Migration Studies* volume 28, number 3, July, p.492.

Seabra, H. and Santos, T. (2005) – *Criminalidade de Estrangeiros: um inquérito científico*. NUMENA/ACIME, Lisbon.

Valente Rosa, M.J.; Seabra, H: and Santos, T. (2004) – *Contributos dos Imigrantes para a Demografia Portuguesa*. ACIME, Lisbon.

References

- Baganha, M. I. and Marques, J. C. (2001), *Imigração e Política. O caso português*, Lisbon: Fundação Luso-Americana.
- Cádima, F. R. et al. (2003) - *Representações (imagens) dos imigrantes e minorias étnicas na imprensa*. Lisbon: OBERCOM/ACIME.
- Canotilho, J.J.G. (coord.) (2000) – *Direitos Humanos, Estrangeiros, Comunidades Migrantes e Minorias*. Celta/Direcção-Geral dos Assuntos Consulares e Comunidades Portuguesas, Lisbon.
- Canotilho, J. J. G. (2004) – Enquadramento Jurídico da Imigração. In : *I Congresso da Imigração em Portugal. Diversidade – Cidadania – Integração*. ACIME, Porto.
- Esteves, M. C. (org.) et al. (1991), *Portugal, País de Imigração*, Lisbon : Instituto de Estudos para o Desenvolvimento.
- Ferin Cunha, I. et al. (2004) - *Media, Migração e Minorias Étnicas*. Lisbon: ACIME.
- Fonseca, M. L.; Caldeira, M.J. and Esteves, A (2002) – “New Forms of Migration into the European South: Challenges for Citizenship and Governance: the Portuguese Case” in *International Journal of Population Geography*, vol. 8, n.2.
- Fonseca, L. et al. (2005) - *Reagrupamento familiar e imigração em Portugal*. ACIME, Lisbon (forthcoming).
- França, L. et al. (1992) - *A Comunidade Caboverdiana em Portugal*, Lisbon, Instituto de Estudos para o Desenvolvimento
- Lages, M. and Policarpo, V. (2003) – *Atitude e Valores face à Imigração* published by ACIME
- Marques, M., Ralha, T. ; Oliveira, C. and Justino, D. (1999b), Between the ‘Lusophone Community’ and European Integration where do immigrants fit in? Immigration and citizenship in Portugal, Working Paper Series #10, Lisbon: SociNova
- Marques, M. and Valente Rosa, M. J. (2003), “L’intégration des immigrés au Portugal: Singularité ou retard?”, in *Sociologia.Problemas e Práticas*, 41, pp. 8-35.
- Marques, M., Santos, R.; Ralha, T. and. Cordeiro, A. (1999), *City template Oeiras. Basic information on ethnic minorities and their participation*, Portuguese Report to MPMC project, Lisbon: SociNova.
- Malheiros, J. (1996) – *Imigrantes na Região de Lisboa: os anos da mudança*. Lisbon, Colibri, p.107
- Malheiros, J.M. (2000) - “Urban Restructuring, Immigration and the Generation of Marginalised Spaces in the Lisbon Region” in King, R.; Lazaridis, G. and Tsardanidis, C. (org) - *Eldorado or Fortress? Migration in Southern Europe*, Londres, Macmillan Press, pp. 207-232.
- Malheiros, J. et al. (2005) – *Imigração no Concelho de Cascais (2nd Report)*, developed for the Municipality of Cascais.

Oliveira, N. (2000), Discursos políticos sobre minorias imigrantes: a construção de uma “questão”, Working Paper Series #16, Lisbon: SociNova.

Olmedo, R. (2001) – “A transferência internacional de mão-de-obra” in MSST/DEPP, *Imigração e Mercado de Trabalho*. Cadernos Sociedade e Trabalho II. Lisbon, MSST/DEPP.

O’Reilly, K. (2001), “Blackpool in the sun” – images of the British on the Costa del Sol. In King, Russel & Wood, Nancy (Ed.), *Media and Migration – Constructions of Mobility and Difference*. London: Routledge.

Peixoto, J. (2002) - - “Strong market, weak state: the case of recent foreign immigration in Portugal”, in *Journal of Ethnic and Migration Studies* volume 28, number 3, July, p.492.

Seabra, H. and Santos, T. (2005) – *Criminalidade de Estrangeiros: um inquérito científico*. NUMENA/ACIME, Lisbon.

Valente Rosa, M.J.; Seabra, H: and Santos, T. (2004) – *Contributos dos Imigrantes para a Demografia Portuguesa*. ACIME, Lisbon.

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