SOCIUS Working Papers

The making of policies of immigration control in Portugal

Catarina Sabino
Alexandre Abreu
João Peixoto

N° 02/2010

The making of policies of immigration control in Portugal (*)

Catarina Sabino (**)
Alexandre Abreu (***)
João Peixoto (**)

(**) SOCIUS, School of Economics and Management (ISEG), Technical University of Lisbon, Portugal.
(***) Centre for Geographical Studies (CEG), University of Lisbon, Portugal.

Table of contents

Introduction

Foreign immigration in Portugal is a fairly recent phenomenon. Portugal, like other Southern European countries, has long been predominantly a country of emigration. Although it still is, Portugal has increasingly become a country of immigration since the mid-1970s, following the April Revolution of 1974 and with the decolonization process.

Four main periods characterize the short history of immigration to Portugal. The first phase occurred between 1975 and the mid-1980s. The revolution of 1974 was a turning point for immigration. The collapse of the Portuguese empire brought Portuguese returnees and other immigrants from the former colonies. The majority of flows were from Cape Verde, which had already started this movement in the late 1960s; other significant flows came from Angola and Guinea Bissau. The second phase, which started in 1986 with the entry of Portugal into the European Economic Community (EEC) – currently European Union (EU) – and continued until the end of the 1990s, was mainly marked by a drastic increase in immigration based on historical, linguistic, cultural and colonial links (PALOP [1] and Brazil) and by the persistence of Western European immigration.

The third period started in the late 1990s, when there was a massive inflow from Eastern European countries, with no previous cultural, historic or linguistic relations with Portugal, as well as a renewed immigration from Brazil and a continued diversification of origins (particularly respecting to Asia). This phase has largely exceeded, in volume, the former ones. Finally, a fourth phase, which began with the economic recession in Portugal in the start of the 21st century, has continued until the present day. Currently, a drop in Eastern European and African immigration can be noticed, and only Brazilian immigration continues.

In parallel with these inflows, the Portuguese state launched several policy initiatives in order to control immigration and to promote immigrants' integration. Until the mid-1990s, most of the policy concerns were about control, sometimes resulting from internal affairs and others from external constraints. The first relevant measure has occurred in 1975, when a new nationality law strengthened the *jus sanguini* criteria and took away retrospectively Portuguese citizenship to most African descendants living in the ex-colonies and, in some cases, mainland Portugal. This was intended to restrict Portuguese citizenship to native individuals and their descendants – although a fraction of the native Africans, particularly the ones that came to Portugal until 1975, was able to maintain it [2]. Since the mid 1980s, the adhesion to the EEC led to a reinforcement of the immigration control instruments. Only in the mid-1990s the integration problems of settled immigrant communities became more evident and policy initiatives in this domain have been promoted.

There are few systematic studies about immigration policy in Portugal. The recent nature of foreign inflows explains part of this situation, as well as the fact that policies lagged behind reality, therefore becoming still more recent. Moreover, immigrant inflows varied in its characteristics and policy initiatives have been numerous, leading

---

[1] Portuguese Speaking African Countries.
[2] This was the first parcel of what is commonly designated as Luso-Africans: PALOP citizens that always possessed or acquired Portuguese citizenship.

to the rapid obsolescence of research. Some of the main approaches, describing and analysing the various steps of immigration policy, include Baganha and Marques, 2001 and Baganha, 2005; Rocha-Trindade, 2002; Sousa, 2002; Costa, 2004; Santos, 2004; Silva, 2004; and Pires and Pinho, 2007. Academic dissertations have also accompanied the renewal of policy measures, including Oliveira, 2001; Nishiwaki, 2005; and Carvalho, J.M., 2007. Other studies, such as Machado, 2005, Marques *et al.*, 2005, as well as the above cited Santos, 2004, have discussed the relationship of immigration policy with Portuguese identity, Portuguese emigration and Lusophone migration. Further relevant approaches were the ones of Fonseca *et al.*, 2002 and Horta, 2004, describing political experiences at the local level; Carvalhais, 2007a and 2007b, reflecting on the political integration of foreigners and the possibility of a postnational citizenship; and Vitorino, 2007, reviewing different areas of policy concern. Finally, Duarte, 2005 and Marques, 2005 represent personal testimonies of actors that have been directly involved in immigration policy design.

In this paper, the main elements about the making of policies of immigration control in Portugal will be described. As regards methodology, a large part of the paper is based on secondary sources. Evidence regarding immigration flows, main policy measures, public opinion and stakeholders positions, particularly employers associations and trade unions, was based on available bibliography, statistical datasets and documental analysis, including legislation and other information available at the internet. Due to limited availability of updated evidence and research, the making of immigration policies was complemented with direct enquiry. The positions of the main political parties, negotiations and coalitions were mainly addressed through semi-directive interviews to representatives of the main political parties and some other governmental actors, particularly the former High Commissioner for Immigration and Intercultural Dialogue. All the interviews were carried out between January and March 2008. To clarify some of the aspects of policy action and institutional factors behind policies also direct contacts were done with the Aliens and Borders Service (SEF), still in March 2008.

The organisation of the paper is as follows. In Part I, immigration stocks and flows since the 1980s will be presented, as well as some data on the labour market incorporation of immigrants. Due to the wider availability of statistics based on citizenship, most elements refer to foreign citizens in Portugal[3]. In order to simplify, "immigration" will mean, in most of the paper, foreign population in Portugal, except when mention to these different concepts is done. In Part II, policies of immigration control in Portugal will be presented, taking into account the chronology of measures, current admission policy and some elements on integration and citizenship policies. In Part III, public opinion, political parties and stakeholders will be analysed. Most of the elements will be devoted to the positions of political parties regarding immigration and the complex ways through which policies are designed. In Part IV, the role of institutional domestic and external factors will be highlighted, taking into account agreements and partnerships established between Portugal and some third-countries

---

[3] There is a significant divergence between data based on citizenship and place of birth (foreign born individuals). On the one hand, it results from the offspring of foreign immigrants. This discrepancy is not very high since most immigration is recent, leaving place to a relatively small "second generation" (individuals born in Portugal with a foreign background, either possessing foreign or Portuguese citizenship), mostly from PALOP. On the other hand, it results from the high volume of Portuguese population born in the ex-colonies of Africa and returned in the mid-1970s.

and the EU constraints regarding immigration policy. Finally, some conclusive remarks will be set.

Part I. Social and demographic information

1. Demographic data

The mid-1970s was a turning point for immigration in Portugal. After the revolution of April 1974, the number of foreign residents grew steadily from 1975. Between 1974 and 1975, around half a million Portuguese – called *retornados* – returned to their home country, which was the largest demographical movement in Portugal's recent history (Pires, 2003: 132). The political instability and civil wars in the newly independent countries also "forced" many African nationals to look for better living and working conditions in Portugal.

In 1980, the foreign population in Portugal was around 51,000 (0.5% of the total Portuguese population) (Table 1.1). Africans constituted the main foreign group (49% of all legally resident foreigners); Europeans, the second major group (30% of all legally resident foreigners); and Americans (North and South), the third (18.5% of the total). As regards nationalities, Cape Verdean immigrants predominated (41% of the total), followed by immigrants from Spain and Brazil.

Table 1.1
Foreign population living legally in Portugal, 1980-2006

Nationality	1980 (a) Total	%	1990 (a) Total	%	2000 (a) Total	%	2006 (b) Total	%
Total	**50750**	**100**	**107767**	**100**	**207587**	**100**	**437126**	**100**
Europe	**15380**	**30,3**	**31412**	**29,1**	**61678**	**29,7**	**165073**	**37,8**
EU (c)	*14830*	*29,2*	*29901*	*27,7*	*56850*	*27,4*	*80014*	*18,3*
Germany	1959	3,9	4845	4,5	10385	5,0	13870	3,2
Spain	6597	13,0	7462	6,9	12229	5,9	16611	3,8
United Kingdom	2648	5,2	8457	7,8	14096	6,8	19761	4,5
Other EU	3626	7,1	9137	8,5	20140	9,7	29772	6,8
Other Europe	*550*	*1,1*	*1511*	*1,4*	*4828*	*2,3*	*85059*	*19,5*
Moldavia					15	0,0	15991	3,7
Romania					369	0,2	12045	2,8
Ukraine					163	0,1	42765	9,8
Other					4281	2,1	14258	3,3
Africa	**24788**	**48,8**	**45255**	**42,0**	**98769**	**47,6**	**154766**	**35,4**
PALOP	*24491*	*48,3*	*43297*	*40,2*	*93506*	*45,0*	*143904*	*32,9*
Angola	1482	2,9	5306	4,9	20416	9,8	33705	7,7
Cape Verde	21022	41,4	28796	26,7	47093	22,7	68163	15,6
Guinea Bissau	678	1,3	3986	3,7	15941	7,7	24550	5,6
Mozambique	594	1,2	3175	2,9	4619	2,2	6136	1,4
São Tomé Principe	715	1,4	2034	1,9	5437	2,6	11350	2,6
Other Africa	*297*	*0,6*	*1958*	*1,8*	*5263*	*2,5*	*10862*	*2,5*
America	**9405**	**18,5**	**26369**	**24,5**	**37590**	**18,1**	**91814**	**21,0**
North America	*3826*	*7,5*	*8993*	*8,3*	*10195*	*4,9*	*10790*	*2,5*
Canada	754	1,5	2058	1,9	1975	1,0	1857	0,4
USA	3072	6,1	6935	6,4	8022	3,9	8571	2,0
Other	0	0,0	0	0,0	198	0,1	362	0,1
Latin America	*5579*	*11,0*	*17376*	*16,1*	*27395*	*13,2*	*81024*	*18,5*
Brazil	3608	7,1	11413	10,6	22.202	10,7	73975	16,9
Venezuela	1705	3,4	5145	4,8	3494	1,7	3274	0,7
Other	266	0,5	818	0,8	1699	0,8	3775	0,9
Asia and Oceania	**1053**	**2,1**	**4509**	**4,2**	**9272**	**4,5**	**25181**	**5,8**
China					3281	1,6	10578	2,4
Other					5991	2,9	14603	3,3
Other	**124**	**0,2**	**222**	**0,2**	**278**	**0,1**	**292**	**0,1**

Note: (a) Residence permits.

(b) Residence permits (provisional data), extended stay permits, extended long-term visas and new long-term visas.

(c) From 1980 to 2000: EU 15. In 2006: EU 25.

Source: INE and SEF

Between 1980 and 1990 the foreign population in Portugal grew from 50,750 to 107,767 (Table 1.1). African immigration was still the leading group (42%), but some diversification of nationalities may be noticed. Cape Verde lost gradually its relative weight (descending from 41 to 27%), other African nationalities augmented and the Brazilian population increased significantly. Other small groups became visible, as occurred with Indian and Chinese immigration (Oliveira *et al.*, 2005: 6).

During most of the 1990s, the immigration panorama in Portugal compared to the previous decade did not suffer considerable qualitative changes, although there was a stronger increase in quantitative terms. In ten years, the volume of the foreign population doubled again, rising in 2000 to 207,587 (2% of the total population). Africa was still the major region of origin (47.6%), followed by Europe (29.7%) and America (18.1%). Although still the leading nationality, Cape Verdeans continued to lose their preponderance and represented only 22.7% of the total, followed by Brazil, with 10.7% (Table 1.1).

Besides the increase in legal immigration flows in the 1980s and 1990s, there was also a political and social perception of the existence of a large proportion of illegal immigrants. In 1988, it was estimated that 60,000 immigrants, mostly Africans, were living illegally in Portugal, which represented 39% of all foreigners (Pires, 2003: 145). During this period, the situation resulted in two waves of regularisation processes, in 1992-1993 and 1996. In the first wave, 39,000 individuals were granted legal status, and in the second wave the number amounted to 35,000. The main objective of this extraordinary raft of regularisations was to grant legal status to the increasing number of immigrants who overstayed or entered the country unlawfully since the 1980s, mostly supported by informal immigrant networks.

The end of the 1990s saw a turnaround in Portuguese immigration at a quantitative and qualitative level. While the "traditional" immigration flows continued, immigrants from Eastern European countries began to arrive in Portugal. This new wave of immigrants from the post-soviet independent States was composed, in a large majority, by irregular immigrants[4]. The amplitude of this new flow was difficult to assess, but estimations pointed to 50,000 Eastern Europeans in 2000. However, the real dimension only became clear after another extraordinary regularisation process in 2001, which led to the launch of a temporary work stay permit ("stay permits")[5]. The volume of inflows was confirmed by the total number of immigrants that got "stay permits" due to the regularisation process (although the applications were made in 2001, the granting of the title was prolonged until 2004). The figures for 2001-2004 revealed that almost 100 000 individuals from Eastern European nationalities benefited from the process, representing more than half the total. The exact proportions were 35% of Ukrainians, 6.9% of Moldavians, 5.9% of Romanians and 3.7% of Russians (Table 1.2).

---

[4] As found out by recent research, the majority of these immigrants had a valid tourist visa for a Schengen country (most often Germany) and then found a work and overstayed in Portugal (Baganha, Góis and Marques, 2004).

[5] Before 2001, migrants could only apply for a "resident permit" (*autorização de residência*). In 2001 the new law introduced for the first time a legal notion of temporary work stays, the "stay permit" (*autorização de permanência*), which was granted to the regularised immigrants. Contrary to former legalisation processes, the 2001 process only respected to economically active immigrants that could prove to have a labour contract.

Table 1.2
Foreign population with stay permits issued (2001-2004)
and extended stay permits (2005-2006), main nationalities

	Issued 2001-2004		Extended 2005		Extended 2006	
	nº	%	nº	%	nº	%
Total	**183833**	*100*	**93391**	*100*	**32661**	*100*
Ukraine	64337	*35.0*	33434	*35.8*	10426	*31.9*
Brazil	37765	*20.5*	18132	*19.4*	7719	*23.6*
Moldavia	12661	*6.9*	8325	*8.9*	2911	*8.9*
Romania	10818	*5.9*	6133	*6.6*	2227	*6.8*
Cape Verde	8645	*4.7*	5082	*5.4*	1882	*5.8*
Angola	8428	*4.6*	3557	*3.8*	1554	*4.8*
Russia	6780	*3.7*	2744	*2.9*	1019	*3.1*
Guinea Bissau	4455	*2.4*	2500	*2.7*	885	*2.7*
Bulgaria	1253	*0.7*	1460	*1.6*	698	*2.1*
São Tomé Principe	2548	*1.4*	1635	*1.8*	603	*1.8*

Source: SEF

Besides Eastern European inflows, the 2001 regularisation confirmed that irregular migration remained important for the traditional source countries and that the diversification of immigrant nationalities was deeper. The "stay permits" delivered show that there was a drastic increase of inflows from Brazil, which made up 20.5% of all the "stay permits" granted in 2001-2004. This inflow of Brazilians would be later known as the "second wave" of immigrants from this source (Malheiros, 2007). Other trends were the persistence of PALOP immigration (Cabo Verde, Angola, Guinea-Bissau and Sao Tome and Principe), although at a slower pace, amounting to about 13% of the permits; and an intensification of the Asian migration, mainly from China, as well as from other countries with few previous connections with Portugal.

In 2006 there are about 437,126 foreigners living in Portugal with a legal status, representing circa 4% of the total population in Portugal. It can be estimated that they represent around 5% of the labour force (not including irregular workers). Considering specific legal statuses, 332,137 foreigners had resident permits, 32,661 extended stay permits, 16,937 new long-term visas (including work, study and family reunification visas) and 55,391 extended long-term visas (Table 1.3). Taking all legal conditions, it may be confirmed that the hierarchy of immigrant national groups changed compared to the last two decades: Brazilians (16.9%) and Cape Verdeans (15.6%) were the most numerous groups, followed by Ukrainians (9.8%) (Table 1.1).

Table 1.3
Foreigners living legally in Portugal (1995-2006)

	Residence Permit	Stay Permit		Long-Term Visa (Concession)	Long-Term Visa (Extended)	Total
		Concession (accumulated)	Extended			
1995	168316	-	-	...	...	168316
1996	172912	-	-	...	...	172912
1997	175263	-	-	...	...	175263
1998	178137	-	-	...	...	178137
1999	191143	-	-	...	...	191143
2000	207587	-	-	8897	...	216484
2001	223997	126901	...	10312	...	361210
2002	238924	174558	...	10484	...	423966
2003	249995	183655	...	10755	...	444405
2004	263353	183833	...	19956	...	467142
2005	275906	-	93391	16088	46637	432022
2006 (a)	332137	-	32661	16937	55391	437126

Note: (a) Provisional data.
Source: INE and SEF

Since the first years of the 21st century, Portugal is passing through an economic crisis that has contributed to the return of several immigrants (mainly Eastern Europeans) to their countries of origin, or their remigration to other EU countries, most notably Spain. Against this trend, the main exception is Brazilian immigration, which seems to keep its pace (Pires, 2007: 55 and Malheiros, 2007). A symptom of this situation is that nearly half of the stay permits issued in 2001-2004 have not been renewed in 2005 (the latest year before many were transformed in residence permits): from a total of 183,833 issued, only 93,391 were still valid in 2005 (Table 1.3).

As regards demographic characteristics, the number of immigrant men has consistently exceeded women. In 2006, considering all legal situations, men amounted to 55.4% and women 44.6% of all immigrants, representing a masculinity ratio of 124.4. As for age distribution, the proportion of the working age foreign population (15-64 years) is quite high, representing 79% in 2006. Foreigners between 0-14 years amount to 16% and with 65 years and more only 5%.

2. Labour market and immigration

The Portuguese labour market has for a long time received foreign workers; however, only since the mid-1970s their number has increased significantly. The transformation that the Portuguese economy and society has experienced since then explains most of the immigration flows. The role of the Portuguese labour market in creating demand for foreign workforce started mainly in the 1980s, with the liberalization, increased internationalisation and modernisation of the economy, reinforced with the entry into the EEC/EU in 1986. During the 1980s, the proportion of highly skilled immigrants, most of them Europeans and Brazilians, was high; this may be explained by the pressure of the internationalisation process, which led to an injection of capital and settlement of foreign companies in Portugal. However, this trend was modified in the 1990s. The growth of public works and construction sector, as well as the service and domestic sector, resulted in a sharp increase of demand for unskilled labour, either to

the formal or informal sectors (Baganha *et al.*, 1999: 150-152). More recently, since the years 2000s, the economic downturn resulted in a decreasing labour demand.

As regards the participation rates, the labour market incorporation of the foreign population in Portugal is singular, when compared to other European countries (OECD, 2007). According to 2001 census data, referring to foreign-born foreigners, the employment rates of both foreign men and women are above those of the native-born, on the one hand, and there is a relatively high labour market participation of foreign women, on the other (Table 2.1). Immigrants from Eastern Europe presented the higher employment rates, followed by Brazilians and PALOP, and then by citizens from the EU-15. Regarding unemployment, the PALOP immigrants (men and women) were among the most affected and, in all immigrant groups, women were disproportionately touched.

Table 2.1
Labour market indicators of natives and foreign-born foreigners
in Portugal, by origin group and gender, 15-64, 2001

	Employment rate (%)		Unemployment rate (%)	
	Men	Women	Men	Women
Cape Verde	77.3	67.3	7.0	9.3
Other PALOP	74.4	57.1	9.7	17.4
Brazil	87.9	65.5	4.2	12.3
Eastern Europe	95.5	77.4	2.4	9.3
EU-15	69.4	49.4	4.3	9.7
Total foreign-born foreigners	79.4	58.2	5.9	12.8
Native-born	73.0	55.3	5.3	8.8

Source: OECD, 2007, based on INE, Census 2001

Despite the fact that the 2001 census figures are significantly outdated, it is probable that the strong participation rates have continued until now. These figures seem to be linked to the strong labour market orientation of immigration flows and their easy absorption by the labour market. The new immigration flows from Eastern Europe, as well as the "second wave" of immigrants from Brazil, that were at their highest levels in the beginning of 2000s, were also largely driven by labour market opportunities. However, regarding unemployment, updated figures show a distinct reality, as a result of the economic recession in Portugal in recent years, which led to higher unemployment among immigrants (ACIME, 2005).

The occupations in which immigrants work are displayed in Table 2.2. These data result from the *Quadros de Pessoal* and respect only to salaried workers, which concern the vast majority of the foreign workforce[6]. The occupational profile of foreign workers is quite diverse from the national average. Foreigners are concentrated in the less skilled occupations of all economic activities, although a small (but significant) proportion is situated at the top of professional hierarchies. The comparison between the occupational distributions indicates that foreigners are over-represented (i.e., they display values above the national average) among service

---

[6] *Quadros de Pessoal* is an annual statistical collection of data on all employees in private enterprises published by the Ministry of Labour. This database contains company-based information, socio-demographic characteristics of the employees, employment conditions and wages.

workers and shop and market sales workers (19%), craft and related workers (24.6%) and, mainly, elementary occupations in all sectors (31%) – besides a small group of skilled agricultural and fishery workers (2.7%).

Table 2.2
Foreign and total salaried workers, by occupation, 2004

Occupation	Foreign salaried workers		Total salaried workers	
	Nº	%	Nº	%
1 Legislators, senior officials and managers	2532	1,8	95901	3,7
2 Professionals	3602	2,6	128911	5,0
3 Technicians and associate professionals	5089	3,7	251021	9,8
4 Clerks	8102	5,9	380315	14,8
5 Service workers and shop and market sales workers	26322	19,0	415243	16,1
6 Skilled agricultural and fishery workers	3685	2,7	37980	1,5
7 Craft and related workers	33943	24,6	610681	23,7
8 Plant and machine operators and assemblers	11668	8,4	287273	11,2
9 Elementary occupations	42821	31,0	354476	13,8
Other	488	0,4	11918	0,5
Total	138252	100	2573719	100

Source: MTSS/DGEEP, Quadros de Pessoal

Data for economic sectors (Table 2.3) indicate that foreigners are mainly concentrated in construction (24%), real estate activities, renting and services to companies (22%), and accomodation and food service activities (15%) – sectors in which they are also more represented than the average. Their proportion among the total number of workers in each of the mentioned sectors is equal or superior to 10%, a number that would significantly increase if one would add temporary and undeclared workers. Data shown in Carvalho, L. X. (2007), for example, indicate that the proportion of immigrants without labour contract in retail trade, cleaning and construction amounts to 36.4%, 37.5% and 33.9%, respectively. Unfortunately, domestic service within the families is not registered in the *Quadros de Pessoal* database, but it is known that it is a major occupational insertion of immigrant women.

Table 2.3
Foreign and total salaried workers, by economic sector, 2004

	Foreign salaried workers		Total salaried workers		% foreign./ /total
	Nº	%	Nº	%	
A - Crop and animal production, hunting, forestry and logging	3535	2,6	43566	1,7	8,1
B - Fishing	156	0,1	4082	0,2	3,8
C - Mining and quarrying	567	0,4	12216	0,5	4,6
D - Manufactures	19656	14,2	723449	28,1	2,7
E - Electricity, gas and water collection and supply	116	0,1	11508	0,4	1,0
F - Construction	32990	23,9	312762	12,2	10,5
G - Wholesale and retail trade, repair of motor vehicles and motorcycles	15363	11,1	500042	19,4	3,1
H - Accomodation and food service activities	20430	14,8	169744	6,6	12,0
I - Transportation and storage, communication	4803	3,5	141566	5,5	3,4
J - Financial activities	609	0,4	78366	3,0	0,8
K - Real estate activities, renting and services to companies	30876	22,3	304551	11,8	10,1
L - Public administration and defence, compulsory social security	140	0,1	13404	0,5	1,0
M - Education	1185	0,9	44469	1,7	2,7
N - Human health and social work activities	3880	2,8	129283	5,0	3,0
O - Other service activities	3940	2,8	84674	3,3	4,7
P - Activities of extraterritorial organisations and bodies	6	0,0	36	0,0	16,7
Total	138252	100	2573718	100	5,4

Source: MTSS/DGEEP, Quadros de Pessoal

Available data also confirm the professional heterogeneity of the various immigrant groups. Some immigrants work in the "primary market" and have highly skilled jobs. This is mainly the case EU/15 citizens and Brazilians working as managers, free professionals and other skilled groups. In the "secondary market", we find nationals from Africa and Eastern Europe, as well as Brazilians, working in the building sector, cleaning, shops and restaurants. Some other nationalities, mainly from Asia, work often in ethnic niches and act as middlemen in the labour market. Despite some differences among singular nationalities, the occupational and sectoral integration of the three main groups of labour immigrants – PALOP, Brazil and Eastern Europe – reveals a concentration on low qualified occupations (OECD, 2007).

Regarding gender, the segmentation of labour market also applies. Available data indicate that, in 2005, 30% of all employed foreign women worked in elementary occupations and 35% were working in services, mainly in housekeeping and restaurants. For men, all major immigrant groups are represented in elementary occupations and there is also a concentration on craft and related works (particularly Cape Verdeans). Brazilian men seem to enjoy a less pronounced occupational concentration (OECD, 2007: 32-33).

Part II. Policies of immigration control

3. A chronology of policy initiatives

The development of immigration policies is intrinsically related with the evolution of migration flows. Since significant foreign immigration only occurred after the mid-1970s, it is not surprising that the major policy measures only were established after that moment. During the 1980s immigration policy was mainly centred on the regulation of flows, through the Aliens and Borders Service (SEF), a service belonging to the Ministry of Internal Administration and created in 1976. Only in the early 1990s immigration has appeared on the social and political agenda covering not only mechanisms to regulate migratory flows, but also issues related to the integration of immigrants (principles of equality and non-discrimination among nationals and foreigners).

The first immigration law in Portugal dates back to 1981 (Law-Decree nº264-B/81, September 3), then under the rule of a right-wing government, led by the Social Democratic Party. This law may be considered relatively "benevolent", since the number of illegal immigrants was always on the rise. In fact, to enter legally in Portugal, many immigrants opted for a short-term visa (tourism, health reasons, assistance to sick relatives, study, etc.) as the fastest and easiest mechanism. As a result, an increasing number of immigrants from the PALOP, without resident permits, settled in Portugal and, particularly, in the metropolitan area of Lisbon. Despite the public and governmental perception of this reality, until the beginning of the 1990s no specific measures had been taken to regulate immigration flows or the growing number of illegal migrants (Baganha, 2005: 31-32).

The continuous pressure of illegal migration, together with the country's membership of the Schengen Agreement, forced the right-wing government, in power between 1985-1995 – again under the rule of the Social Democratic Party –, to adopt a new immigration law in 1993 (Law nº59/93, March 3) and launch the first wave of extraordinary regularization, in 1992-93 (Law-Decree nº212/92, October 12). Within this framework, around 39,000 individuals legalised their status. Regarding the legal framework for the entry, stay and exit of foreigners into the national territory, the law of 1993 revised the 1981 one. The main differences between the two laws are the number of visas (four in 1981 and nine in 1993), as well as the reinforcement of expulsions. Both laws reflected the idea of immigration as a transitory situation, with no explicit references to family reunification[7]. According to Baganha (2005: 32), with this new law the government wanted to avoid the permanent stay of new immigrants; in other words, "immigration zero" was the objective of national authorities[8]. The fact that the country was still not prepared for a continued immigration and persistent economic problems may explain this reality.

---

[7] This does not mean that family reunification was not possible. However, it was not explicitly defined as a right.

[8] The precarious and "non-definitive" notion of immigration portrayed by the new law is also referred by Pires (2003: 158). According to him, the type of resident permits granted by the law confirmed that assertion: the first one is valid for one year and may be reissued for the same period; the second one has a validity of five years, being also renewable for the same period; and the third one is a permanent visa for which twenty years of residence were required.

In 1995, the election of a left-wing government, led by the Socialist Party, that would be in power during 1995-2002, led to an important progress on immigration issues. One of its first initiatives was launching a second wave of extraordinary regularization. With the former law, in practice, there were no considerable changes concerning the issuing of short-term visas, and immigrants, mainly from PALOP, continued to enter and to settle illegally in the country. In 1996, a second regularization process (Law nº17/96, May 24) targeted the immigrants who missed the first one, that lost their legal status or that entered the country afterwards. About 35,000 individuals obtained resident permits with this new process. As in the first regularization campaign, there was a positive discrimination towards immigrants from Portuguese-speaking countries. The proportion of negative answers concerning applications from these communities was very small (Pires, 2003: 146, 158-159).

More generally, with the new government, immigration policy enlarged its scope. Until then, immigration had a peripheral position in the governmental action. In 1995, for the first time, the Government Program contained specific measures about immigration, in the areas of internal administration and social policy. There was a shift from an immigration policy based only on the regulation of flows, to a policy also focused on integration issues. Changes in immigration policy had consequences on the mechanisms of admission, stay and exit of foreign individuals. The immigration law of 1998 (Law-Decree nº244/98, August 8) adopted a less restrictive approach, reducing from twenty to ten years the period of residence for the issue of a permanent resident visa. The process of family reunification is also then, for the first time, referred as a "right" (Pires, 2003: 165).

Regarding institutional aspects, the rising concern with improving immigrants living conditions was evident with the creation, in 1996, of the High Commissioner for Immigration and Ethnic Minorities, the first governmental position especially focused on the immigrant population. Later, this entity was expanded with the creation of the High Commissariat for Immigration and Ethnic Minorities (ACIME), currently designated as High Commissariat for Immigration and Intercultural Dialogue (ACIDI)[9].

At the beginning of 2001, the left-wing government considered that the existing legal framework on entry, stay and exit of foreigners in Portugal was too restrictive and inadequate to deal with immigration flows and labour shortages in the Portuguese labour market. In fact, labour demand was so strong that was encouraging foreigners to come to Portugal and stay illegally in the country. As mentioned before, in the late 1990s a sharp increase in immigration was verified, mainly reflected in the inflows of Eastern European immigrants and the "second wave" of Brazilians. As a result, a new development in the Portuguese immigration policy was introduced, with the creation of the "stay permit" (*autorização de permanência*) (Law-Decree nº4/2001, January 10), which was in practice a temporary work stay visa granted in Portugal, based on the possession of a work contract. The stay permit was delivered for one year and had the possibility of renewal for a maximum of five years. This permit allowed bringing

---

[9] The High Commissioner for Immigration and Ethnic Minorities was nominated in 1996. The High Commissariat for Immigration and Ethnic Minorities (ACIME) as a formal entity, with a larger dimension and several activities, was created in 2002. The public administration reform carried out in 2007 created the new designation of High Commissariat for Immigration and Intercultural Dialogue (ACIDI).

temporarily family members (a long-term visa was conceded for this purpose) and, at the end of the five years period, immigrants could apply for a resident permit.

In practice, this mechanism of the new law corresponded to a new regularisation process. As a result, between January and November 2001 there was another regularization campaign, this time based on employment. Previous regularizations were not directly concerned with the immigrants' participation in the labour market; but in 2001 the labour market participation has been a key precondition for regularisation and only foreign workers with valid work contracts could apply. This criterion would be maintained in subsequent regularisations. Following the 2001 law, approximately 185,000 foreign individuals regularised their status and obtained the so-called stay permits (Fonseca *et al.*, 2005: 2 and 4).

Besides this mechanism, the new 2001 law presented other novelties, designed to regulate future immigration and avoid the need of further regularisations. For the first time, a system of quotas for immigrant recruitment according to a report on domestic skill shortage was envisaged. To work legally in Portugal immigrants would have to apply for a work visa in their country of origin, at the Portuguese consulate. The number of visas had to match with the job vacancies detected in various economic sectors (the quotas). The quotas should be defined by a report carried out annually by the Institute of Employment and Vocational Training (IEFP), a department of the Ministry of Labour. The first report was published in November 2001, marking the end of the concession of stay permits. This procedure intended to put in place a mode of immigration regulation based on legal recruitment and not on further regularisation processes.

Other measures targeted directly irregular immigration and the employment of irregular immigrants. A new provision of Law-Decree nº4/2001 regarded the fight against the support to irregular immigration, particularly immigrant smuggling. According to the law, whoever favoured or facilitated illegal migration, founded and led a group or organization and profited of the entry of foreign nationals was punishable with a prison penalty. The law also foresaw the payment of fines by carriers as well as everyone which carried foreign citizens to Portugal in the exercise of a professional activity. Furthermore, employers of illegal force labour as well as self-employed illegal migrants were also punishable. The sanctions towards employers were enlarged through contracting chains, in order to prevent the use of subcontracting, one of the main modes of irregular employment; the employer and the general contractor were jointly liable for the payment of the fines. The exercise of a self-employed activity by an immigrant who was not qualified with the proper residence permit was also punishable with a fine. The criminalization of these different types of employers was considered crucial for the fight against illegal migration[10].

In 2002, new national elections brought a change in government. The Socialist Party was replaced by a right wing coalition that included the Social Democratic Party – coalition that would be in power until 2005 –, and some changes were introduced in

---

[10] This was particularly true in the case of the construction sector, where most of irregular immigrants were employed. In this sector, a complex network of relations between the agents involved (big and small companies, subcontractors, companies of job-placement, self-employed individuals) was in place, allowing the spread of irregular situations.

the immigration policy. A new immigration law was adopted in 2003 (Law-Decree nº34/2003, February 25). With this law, the stay permits were definitely abolished for new arrivals/requests (although, in practice, they were not issued since 2001), although the conditions remained the same for those immigrants having already a stay permit or waiting for a prorogation. The main control mechanism envisaged by the law was still a system of quotas according to a report on domestic skill shortages, similar to the one set in 2001. To work legally in Portugal immigrants would have to apply for a work visa in their country of origin.

Despite the new attempt, the Portuguese system of quotas for labour market recruitment continued to be scarcely effective and has not helped in the "fight" against irregular immigration. In fact, formal quotas were not fulfilled and foreign workers continued to enter irregularly in the Portuguese labour market (Fonseca *et al.*, 2005: 3). The bureaucracy involved in the process seemed to discourage immigrants and national recruiters; as a result, many immigrants continued to enter illegally in Portugal [11].

According to researchers and many public officers, the process was very complex, bureaucratic and ineffective. On the one hand, there was probably a mismatch between the real and the predicted needs of the labour market, given the dynamic of the labour market and many short-term needs. Besides, some sectors were not considered by the mechanism: for example, quotas for domestic service were never created, since they were not captured by the employers' survey. Finally, the bureaucracy involved was too cumbersome for the needs of employers and immigrants. As a result, the number of immigrants entered under this process has been low. For example, in 2004, the report set the total amount of quotas at 8500, but only 899 visas were issued for the activities included in the report. Some of these work visas were granted to people already working "irregularly" in Portugal. In these cases, the quota system has not been used to recruit new foreign workforce, but to regularize settled immigrants (Fonseca *et al*, 2005: 3-4).

During 2003 and 2004, two other regularization opportunities were opened to immigrants. A special bilateral agreement was signed on the 11th of July 2003

---

[11] The mechanism of this quota system was as follows. Every two years, according to the 2003 law, a report of employment opportunities (*Relatório de Oportunidades de Trabalho*) carried out by the Institute of Employment and Vocational Training (IEFP) established the number of foreign workers needed annually in each economic sector. This report was based on a survey targeted at employers (firms) and on the comparison of the admitted shortages and the unemployed already registered in IEFP job centres (the needs to be filled by immigrants would be complementary to the ones that could be fulfilled internally). To obtain a work visa or a resident visa, the candidate should have a work contract prior to his entry in Portugal. For that purpose, the following steps should be taken. First, the employer had to show interest in recruiting a foreign citizen by filling a specific form. Second, the IEFP might certify this "demand" issuing a specific declaration (ROT Declaration) that proved its compliance with the Report of Employment Opportunities. Third, the employer should present this declaration to the General Inspection of Work (IGT) in order to obtain a document that certified the validity of the contract and the honesty of the employer; then, the recruiter forwarded all the documents to the foreign citizen. Fourth, the foreign citizen, in his country of origin, handed the relevant file over to the consulate for a visa to be issued. Fifth, the consulate sent by e-mail the request to the General Direction of Consular Affairs and Portuguese Communities that, in turn, got the authorization from the IEFP, IGT and SEF (Aliens and Borders Service). Sixth, after the approval of these three entities, the General Direction of Consular Affairs and Portuguese Communities informed the consulate, that issued the work permit/visa.

between Portugal and Brazil allowing the regularization of irregular Brazilian workers in Portugal as well as irregular Portuguese workers in Brazil. This process allowed the granting of long-term work visas to Brazilians that could prove the possession of a labour contract. In 2004, the Regulatory-Decree nº6/2004 of 26 April, article 71, allowed the regularization of immigrants already active in the labour market that could prove that they have made compulsory discounts for social security and tax administration for a minimum period of 90 days prior to the law.

In 2005 a new left-wing socialist government was elected. Under its rule, a new immigration law (Law nº23/2007, July 4) was approved, being its full regulation made in November 2007 (Regulatory-Decree nº 84/2007, November 5). This new law introduced several changes, including further regularization possibilities, that will be analyzed in the next section.

The main immigration policy measures taken in Portugal between 1981 and today are summarized in Table 3.1. In sum, six major laws were published regarding the conditions for entry, stay and exit of foreigners in Portugal. This means that a new law was issued on average every five years. Half of these laws was published under a right-wing government, and the other half under a left-wing government. Extraordinary regularizations took place under both political orientations.

The regularization processes, number of successful applicants and the legal title issued are indicated in Table 3.2. Since the 1990s and until 2007, there have been six regularization processes. Compared to the first two extraordinary regularizations, the next three waves were focused on the integration of immigrants in the labour market. In fact, the existence or the promise of a work contract was the condition required to obtain permits or its renewal. The sixth regularisation was less focussed in the labour market, allowing other types of situations.

Table 3.1
Main immigration policy measures

Year	Policy measures
1981	Law-Decree nº264-B/81 of September 3: first immigration law in Portugal regulating the entry, stay and exit of foreigners in Portugal.
1992	Law-Decree nº212/92 of October 12: first extraordinary regularization process of immigrants in irregular situation.
1993	Law nº59/93 of March 3: introduced a new legal framework for the regulation of entry, stay and exit of foreigners in Portugal.
1996	Law nº17/96 of May 24: second extraordinary regularization process of immigrants in irregular situation.
1998	Law-Decree nº244/98 of August 8: new immigration law regulating the entry, stay and exit of foreigners in Portugal.
2001	Law-Decree nº4/2001 of January 10: new immigration law regulating the entry, stay and exit of foreigners in Portugal. With this law new aspects on Portuguese immigration policy were introduced, such as the creation of the "stay permit" and the introduction of quotas.
	In practice, the "stay permits" mechanism of the new 2001 law corresponded to a third extraordinary regularization process of immigrants in irregular situation (based on employment).
2003	Law-Decree nº34/2003 of February 25: new immigration law regulating the entry, stay and exit of foreigners in Portugal. With this law, the "stay permits" were definitely abolished for new arrivals/requests of immigrants.
	A bilateral agreement was signed on the 11th of June between Portugal and Brazil allowing the regularization of irregular Brazilian workers in Portugal as well as irregular Portuguese workers in Brazil.
2004	Regulatory-Decree nº6/2004 of 26 April: regulates the new 2003 immigration law.
	The article 71 of the Regulatory-Decree nº6/2004 allowed the regularization of immigrants having legally entered Portugal before 12th March 2003 that could prove that they have made compulsory discounts for social security and tax administration for a minimum period of 90 days prior to the law.
2007	Law nº23/2007 of July 4: new immigration law regulating the entry, stay and exit of foreigners in Portugal.
	Regulatory-Decree nº 84/2007 of November 5: regulates the new 2007 immigration law.

Source: own elaboration

Table 3.2
Regularization processes, 1992-2007

Year	1992-1993	1996	2001	2003	2004	2007
Successful applicants	39166	35082	183833	16173	N.A.	N.A.
Legal title	Resident Permits	Resident Permits	Stay Permits	Work Visas	Work Visas	Resident Permits

Source: SEF (Aliens and Borders Service)

4. Current admission policy

4.1. Admission mechanisms

(a) Visas and residence permits

Following the new 2007 immigration law (Law nº23/2007, July 4 and Regulatory-Decree nº 84/2007, November 5), in order to legally remain in Portugal foreigners must apply for the several types of visas in the Portuguese embassies and consulates. Apart from rota visas, transit visas and short-term visas, that allow the stay of immigrants for periods of up to three months in Portugal (and possibly in other Schengen countries), the new law foresees two types of medium- to long-term stay visas. These are the temporary visa (issued for an initial period of three months renewable) and the residence visa (issued for a period of up to four months for purposes of applying for a residence permit). The study visa and the various working visas foreseen in previous laws have been replaced and are included in the new categories of residence visas above.

Regarding the issue of residence permits, its competence lies with the SEF (Aliens and Borders Service). The law foresees several types of residence permits, resulting from several types of residence visas. They may be issued for the purposes of dependent employment, self-employment and entrepreneurs, research and highly skilled activities, university and other tertiary level students and family reunification, among others.

In specific cases, the law allows for the issue of residence permits without the existence of a residence visa. This is the case, for example, of victims of trafficking, long-term residents in other EU Member states and individuals severely sick and in need of medical support. In some of these cases, as well as in other aspects of the law, the provisions result from the transposition of EU directives, a point that will be examined below.

Regardless of its type, the residence permit might be a temporary residence permit or a permanent residence permit. Migrants whose residence application is accepted are initially granted a temporary residence permit, valid for an initial period of one year, renewable for periods of two years. The granting of a permanent residence permit requires an overall residence period of five years, basic Portuguese language skills, means of subsistence, accommodation, and not having been convicted of imprisonment sentences higher to one year.

According to the law, the holder of a residence permit, be it temporary or permanent, has the right to education, work (dependent and self-employment), training, justice, the same working conditions as the ones enjoyed by Portuguese workers, namely social security and fiscal benefits, access to public services and social policy measures of the Portuguese state, such as the Guaranteed Minimum Income Scheme and other measures.

This typology of admission mechanisms – visas and residence permits – represented an important change in relation to former laws, since the number of legal titles was diminished and simplified[12].

(b) Labour needs and family reunification

The new immigration law introduced a new quota system, called "global contingent", which reports total labour needs. The rationale for this new mechanism is as follows. The issue of the residence visas for the purpose of dependent employment depends on the existence of employment opportunities not filled by Portuguese, EU national workers, nationals from third countries with which the EU has an agreement of free circulation of people and nationals from third countries with a legal residence in Portugal. Every year the Portuguese government must approve a "global contingent" representing the total labour needs and job opportunities existing in the country. For 2008, this contingent was already defined: following estimations by the Ministry of Labour of the total job opportunities that cannot be filled by the above mentioned categories between the end of 2007 and the whole 2008, a number of 8500 vacancies has been reached (Resolution of the Council of Ministers nº 28/208, of 15 February). Consequently, a total of 8500 residence visas may be issued under the "global contingent" system.

At the same time, the Institute of Employment and Professional Training (IEFP) selects the employment offers presented by employers and announces them on its website (http://www.netemprego.imigrante.gov.pt/IEFP/estrangeiros/index.jsp). The embassies and consulates abroad have access to these job offers through the IEFP website and disseminate them in the third countries where they are settled. The foreign candidate may send his/her application directly to the employer. If the employer is interested in recruiting the foreign applicant, he/she should inform the candidate and send all relevant documents (work contract or promise of a work contract and an IEFP declaration certifying that the employment offer is part of the "global contingent" and available for third countries nationals). Finally, the foreign worker should ask for the visa in the Portuguese consulate of the country where he/she is staying.[13]

This new framework represents an attempt to improve and make effective the issuance of residence and temporary visas for work purposes. Not only foreign citizens have direct access to job offers through the IEFP website, as there is also a direct contact between the potential candidates and the recruiters. The early stage of this process makes it difficult to know whether its efficacy will be superior to the one based in the former quotas.

The new Portuguese immigration law grants immigrants holding a residence permit (as well as refugees) the right to family reunification. Again, this is in line with the

---

[12] Under the new law, migrants holding a work visa, stay permit, temporary stay visa for the purpose of dependent employment, prorogation of stay for the purpose of dependent employment and study visas issued according to the former law will be granted a temporary or permanent residence permit after the "old" permits/visas have expired.

[13] Regarding temporary stay visas for temporary professional activity (dependent or independent employment), the procedure for application is similar to residence visas for dependent employment purposes.

EU directives on the theme. For immigrants with a residence permit, family reunification includes spouses, underage children, adopted children by the immigrant or his/her spouse, adult children economically dependent of the immigrant or his/her spouse that are studying in Portugal, first degree ascendants of the immigrant or his/her spouse who are economically dependent, and underage brothers/sisters under custody of the immigrant residing in Portugal. Family reunification also encompasses de facto partners, as well as their single underage, incapable or adopted children.

The holders of residence visas for purposes of study, unremunerated traineeship or voluntary service have also the right to family reunification. In this context, family members for purposes of family reunion only include, however, spouses, underage children and adopted children by the immigrant or his/her spouse spouses.

(c) Regularization mechanisms

Although the Portuguese government reaffirms that it does not intend to launch new extraordinary regularization processes, which would add to the ones that marked the short history of immigration to the country, the new 2007 immigration law has some mechanisms allowing the legalization of formerly irregular situations – what may be designated as a "soft" regularization. This is mainly the case of article 88, nº 2, which allows for certain irregular immigrants to regularize their status. Requirements for benefiting from this procedure include: having an employment contract or prove to be in a labour relation (certified either by labour unions, NGOs sitting on the Consultative Council for Immigration Affairs or the Labour Inspection); having entered and staying legally in Portugal; and being registered with the Social Security. Those who fulfil these requirements may benefit, "exceptionally", from the exception of not being compelled to hold a residence visa, which would normally be required for the issuance of a residence permit. The decision is delivered after an interview with the Border and Alien Service (SEF). [14]

Although this specific article is not explicitly an extraordinary regularization scheme, its inclusion in the new law led to some controversy. This explained the provisions inserted in the Regulatory-Decree (the law was published in July 2007 and its regulation dates from November 2007), which introduced a more stringent criterion for regularization, including the interview with SEF. In fact, the announcement of this mechanism had a large impact among immigrants and would-be immigrants, possibly leading to what is usually termed as an "appeal effect". According to the newspapers, in August 2007, after the publication of the new law, the SEF has been faced with hundreds of thousands of demands of information about this new possibility, many coming from foreign countries (Aguiar, 2007; Felner, 2007).

Besides article 88, which is focused on the labour market, the new law foresees other forms of specific "regularizations" that allow specific groups of irregular foreigners to regularize their status. This is the case of victims of trafficking and support to

---

[14] It must be noted that, although the law specifies the need for entering and staying in Portugal legally, many migrants who potentially may benefit from article 88 are irregular at the time of application. They entered with a short-term visa (for tourism, for example) but remained in Portugal after the visa expired. In order to apply under article 88, they will have to pay a fine for having remained in the country in those conditions.

irregular immigration, a procedure in line with the EU directive on the theme. According to article 109, a residence permit, without prior residence visa, may be delivered to a foreign national victim of trafficking or smuggling, the later understood as support to irregular immigration [15].

Other regularization possibilities are envisaged by the law. Under article 122, no visa for the issuing of a residence permit is necessary in case of third country minors born in Portugal from holders of residence permits; third country minors born in Portugal who attend a pre-school education or the basic, secondary or professional education; third country minors, from holders of residence permits, who have attained majority of age and stayed in Portugal since they were 10 years old; adults born in Portugal, who have stayed in the country since they were younger then 10 years; minors who are compulsory under guardianship in accordance to the Civil Code; third country nationals with a sickness requiring medical assistance in the long term; or other specific cases also included in this article. Also, article 123 foresees a special framework under which the Ministry of Internal Administration may grant a temporary residence permit for reasons of national interest, humanitarian grounds or for public interest reasons.

It must be stressed that former laws had already some similar and exceptional mechanisms of this kind. In other words, regularization mechanisms are not exclusive of the new 2007 immigration law.

4.2. Control and expulsion

The control exerted by the Portuguese authorities over the entry and stay of foreign nationals is carried out by SEF (Aliens and Borders Service), from the Ministry for Internal Administration (MAI). Its activities are undertaken at two levels: at the border and within the national territory.

(a) Border control

Regarding activities carried during border controls, reference should be made to entry refusals. A foreign citizen can be subjected to a non admission decision by SEF if he does not meet the legal conditions for entry in Portugal. Most entry refusals result from foreign citizens trying to enter Portugal without being in possession of a visa, with expired visas, with the absence of motives justifying the entry, without subsistence means and with use of fake documents.

In 2006, 3598 entry refusals where applied. This represented a slight decrease in relation to 2005, when the number of foreigners not admitted in Portugal was of 4146. Approximately 93% of all entry refusals in 2006 were registered in the international airport of Lisbon. From the total entry refusals, Brazilians were the most

---

[15] A new legislation (Law-Decree n° 368/2007 of November 5) specifies the provisions of article 109 (residence permit for victims of trafficking or smuggling) and article 111 (reflection period) of Law n° 23/2007 of July 4. According to it, a residence permit may be issued after the reflection period regardless of the first two conditions above (if the presence of the foreign citizen is important for legal proceedings and if he/she is willing to cooperate with law enforcement authorities). This will occur under special conditions, namely security concerns regarding the victim or her family, health or vulnerability reasons. The residence permit may also be delivered before the end of that period if the victim is clearly willing to cooperate with law enforcement authorities.

representative (1749 refusals, or 48.6%), followed by Venezuelans (12.1%), Senegalese (7.6%) and nationals from Guinea-Bissau (2.9%) (SEF, 2006: 29-32).

The predominance of Brazilians in the entry refusals decided by SEF reveals its importance among the sources of irregular immigration to Portugal. However, the fact that the land border with Spain is not controlled, due to the Schengen provisions, removes some of the efficacy of this control mechanism. Many of the irregular immigrants entered in Portugal during the last years, particularly the Eastern European ones, have used that form of access. This also applies to some intercontinental immigrants, such as Brazilians, that may use some other European airport, such as Madrid, in order to arrive to Portugal.

(b) Actions in the national territory

According to the current and former immigration laws, the expulsion of a foreign citizen may be the result of an illegal entry or stay in Portugal or consist in an accessory penalty for committing a crime[16]. With the exception of the latter case, initiating a removal procedure against a third country national is a reserved competence of the Aliens and Borders Service (SEF). In relation to former laws, the main novelty of the new law is the fact that it does not allow the preventive prison of foreign citizens who illegally entered or stayed in national territory, but only their detention in temporary lodging centres or similar facilities.

The removal decision can be issued either by a judicial authority (judicial expulsion) or a competent administrative authority (administrative expulsion). Removal is determined by a judicial authority when it consists in an accessory penalty for committing a crime or whenever the foreign citizen subject to the decision has legally entered or regularly stayed in Portugal. Oppositely, administrative expulsion procedures are organized against aliens that have entered or are irregularly staying in the country. The execution of administrative and judicial decisions of removal is a competence of SEF.

According to immigration law of 2007, the foreign citizen who illegally enters or stays in national territory may be arrested by a police authority and must be presented within forty eight-hours, at the most, to the court in order that coercion measures are validated and applied. By means of an administrative procedure of expulsion, the foreign citizen can be put in a temporary lodging centre or a matching facility for not more than 60 days[17], or wait at liberty pending a judicial decision. The expelled foreign citizen is prohibited of entering national territory for a period no less than five years[18].

---

[16] Other grounds for expulsion include interfering in the exercise of political rights reserved to Portuguese nationals; constituting a menace to the Portuguese state; having committed acts that if known at the time by the Portuguese authorities would have impeded entry into national territory; and having reasons to believe that the alien has committed or is about to commit serious crimes (Law n.º 23/2007, 4 July, article 134).

[17] The new law does not allow preventive detention for foreign citizens who illegally entered or stayed in national territory. Irregular migrants should be put in a temporary lodging centre or similar facilities and not in prison. The detention period can not exceed more than the necessary time to allow the execution of the removal decision, which should not exceed 60 days.

[18] Note that the foreign citizen detained under these conditions may claim, during judicial interrogatory and after being informed of the arrangements of detention on a temporary lodging centre that he wants

Foreigners who illegally enter or stay in national territory may also be notified by SEF to voluntarily abandon national territory within a determined period, usually from 10 to 20 days. According to the law, this may occur in "duly grounded cases". Scattered evidence and available data (see below) indicate that these notifications occur in the majority of cases and arrestment is infrequent. In practice, for humanitarian reasons and/or given the costs involved with expulsion (detention and judicial order of expulsion), most of the illegal migrants are notified to leave voluntarily the country. In case of voluntary abandonment, the foreigner bears the cost of the travel. The state may also assist the voluntary return within the context of cooperation programmes established with international organizations, namely the International Organization for Migration or NGOs. Still in practice, it is generally admitted that many foreigners ignore those notifications and remain in the country.

In the context of the removal of foreign citizens from the national territory, the readmission procedures should also be mentioned. All foreign citizens who are illegally staying in the territory of a state, coming directly from other state, may be readmitted by the latter through a request made by the state where the foreigner is staying. Readmission is considered "active" when Portugal is the requester state and "passive" when Portugal is the solicited state.

Table 4.1 summarizes the number of removal measures between 2000 and 2006: notifications for voluntary return, administrative procedures of expulsion, various types of expulsions (administrative expulsions, accompaniments to a border post resulting from the illegal entry and stay in Portugal and judicial expulsions resulting from an accessory penalty of a crime) and readmissions.

Table 4.1
Removal measures, 2000-2006

Year	Notification for voluntary return (a)	Administra- tive procedures of expulsion (b)	Administra- tive expulsion (c)	Accompani- ment to a border post (d)	Judicial expulsion (e)	Total expulsions made (c+d+e)	Readmissi on (f)
2000	N.A.	N.A.	N.A.		N.A.	414	2036
2001	N.A.	N.A.	118		141	259	1198
2002	N.A.	N.A.	459		94	553	700
2003	2007	1948	420	60	91	571	1366
2004	2909	1382	253	99	162	514	1760
2005	4874	2003	397	183	204	784	1118
2006	8076	2659	396	319	204	919	1091

Source: SEF – Statistical Reports, 2000, 2001, 2002, 2003, 2004, 2005 and 2006

Regarding notifications for voluntary return, the number is clearly on the increase, reflecting a stricter control within the territory. In 2006 there were 8076 notifications, compared to 4874 in 2005 and less than 3000 in 2004. In 2006, the main nationalities were Brazil (4971, or 61,6%), Romania (17,3%), Ukraine (4,5%), Bulgaria (2,8%) and Cape Verde (2,5%).

---

to leave national territory. In this case, by judge determination, the foreign citizen will be handed over to SEF custody to be accompanied to a border post in the shortest period possible. The citizen who declares the will to be accompanied to the border post is forbidden to enter in Portugal for a period of one year. Accompaniment to a border post implies the registering of the citizen at the Schengen Information System and the national register of non-admissible persons for the period of entrance interdiction (in this case one year).

The number of procedures for administrative expulsions is not so large. It attained 2659 in 2006, going up from less than 2000 in 2003. The same applies to the total number of expulsions. In 2006 a total of 919 foreigners were removed, of which 396 foreigners were expulsed (after a judicial order decision), 319 accompanied to a border post and 204 removed in the framework of a judicial expulsion. Despite the low volume, this represents a significant increase compared to previous years. In 2006, main nationalities involved in these removal procedures (administrative expulsion and judicial expulsion) were Brazilians (420, or 45,7%), Romanians (16.4%), Ukrainians (8,1%) and Venezuelans (3,7%) [19].

Finally, concerning readmissions, in 2006 there were 1091 readmissions (348 active readmissions requested by Portugal towards Spain and 743 passive readmissions, of which 619 requested by Spain and 124 by France). Comparing with 2005 data, there has been a slight decrease from 1118 readmissions – although this represents an increase in passive readmissions (713) and a decrease in the case of active readmissions (405). Both in active and passive readmissions, Brazilians were the most representative (SEF, 2006).

Another set of data pertains to inspection activities carried out by SEF, aiming at controlling the permanence and activities of foreign citizens in Portugal. These inspection activities may be performed autonomously by SEF or jointly with other entities, such as the Labour Inspection, Social Security and other national law enforcement entities, and, in the framework of the Luso-Spanish cooperation, with the *Cuerpo Nacional de Polícia*. Among other objectives, these actions include the fight against smuggling networks and human trafficking.

According to official reports, in 2006 SEF autonomously conducted 1678 inspective activities and performed 2010 in cooperation with other public entities. The majority of these activities consisted of random controls in public places (1482), controls in food and beverage establishments (627) and in construction sites (250).

Inspections for the year 2006 resulted in the identification of 177 963 individuals. Most of these were Portuguese (86017) and other EU nationals (43695). Third country nationals represented 48251 individuals, of which 3890 (8.1%) were found to be irregularly staying in the country. As may be seen in Table 4.2 below, Brazilian and Ukrainian nationals topped the group of aliens that made the object of identification procedures (SEF, 2006: 32-34). However, the group in which irregularity was more common was clearly Brazil (31,7% of irregular cases), followed by Romania and Bulgaria.

---

[19] It is interesting to note the discrepancy between the number of administrative expulsion procedures brought against irregular migrants and the number of expulsions actually carried out. In fact, not all foreign citizens subject to an administrative expulsion procedure are removed from the country. While waiting for the expulsion decision many irregular migrants remain in liberty and law enforcement some times looses track of their whereabouts. In the future, this feature will probably become even more usual as the new aliens law does not allow for the preventive detention of foreign citizens illegally entering or staying in national territory while at the same time temporary lodging centres do not have the capacity to receive all irregular migrants who are identified.

Table 4.2
Third country nationals' identified and in irregular situation, 2006

Main nationalities	Identified	Irregular situation	% of irregular
Total	48251	3890	8,1
Brazil	7905	2508	31,7
Ukraine	2555	160	6,3
Cape Verde	2290	72	3,1
Romania	2015	515	25,6
Angola	1324	66	5,0
Bulgaria	449	114	25,4

Source: SEF – Statistical Report, 2006

Despite the scarcity of data as regards the whole set of control activities (removal procedures and inspection activities), two main trends are visible. First, there was a significant increase in the control mechanisms exerted by SEF over foreigners in an irregular situation. As regards the removal procedures, the number of notifications for voluntary return was multiplied by a factor of four between 2003 and 2006 and the number of actual expulsions almost doubled during the same period. As regards inspection activities, they have detected a significant amount of foreigners with an irregular situation.

However, second, these numbers are exceedingly low, when the volume of irregular immigration in Portugal is taken into account. As seen in previous sections, out of the 437 thousand foreigners living legally in Portugal in 2006 (Table 1.1), maybe more than half have benefited from regularisation procedures (Table 3.2). Although some double counting may exist in successive regularizations (the same individual may have applied more than once) and some regularized foreigners may have left the country, around 250 thousand immigrants were regularised between 1992 and 2004. In face of this, the number of notifications, procedures for expulsion, actual expulsions is minimal.

Indeed, the above figures confirm that efforts to detect irregular immigrants have increased along the years. The same is confirmed by data from the Labour Inspection, about the detection of irregular employment involving foreigners. This means that control has increased. However, much is still to be done in this field.

The limitations of the control mechanisms are various. At the one hand, the control of land frontiers is scarce, given the Schengen provisions. At the other, the efficacy of the actions within the territory is limited. Much of the latter respects to the limited number of inspections carried out by SEF, autonomously or in cooperation. This is still more valid since it is known that a large proportion of the notifications for voluntary return do not have the intended outcome, i.e., foreigners remain in the territory.

Inspection activities by SEF are sometimes concentrated in specific economic niches, such as establishments related to the sex industry and construction sites. A systematic control of other economic activities where irregular immigration is common, carried by SEF and the Labour Inspections, including those and other economic sectors, would certainly increase the above figures.

5. Integration and citizenship policies

Although this paper focuses on the policies of immigration control, some measures related with immigrants' integration must be considered. They reveal that a more coherent and encompassing perspective have been assumed. Far from only controlling the conditions of entry, the Portuguese authorities are increasingly concerned with dealing with issues related with settled immigration communities, including possibilities for acquiring national citizenship. In some cases, the initiatives provided disregard the legal condition of immigrants, thus allowing benefits for irregular immigrants. From this point of view, they are relevant, as well as regularization mechanisms, to understand control policies. Even when targeted only for legal immigrants, the possibilities of regularization turn the integration opportunities attractive for all potential and actual immigrants.

(a) Integration policies

Several areas of immigrants' integration were addressed by the Portuguese government in recent years, mainly since the mid-1990s. Since 1996, the key institutional actor was the current High Commission for Immigration and Intercultural Dialogue (ACIDI), formerly High Commission for Immigration and Ethnic minorities (ACIME), the Portuguese public institute responsible for implementing immigrants' integration policies and promoting intercultural dialogue. In general, integration policies seem to perform well, compared to other European host countries, as attested by recent comparative approaches on the theme (Niessen *et al.*, 2007).

As regards housing, there are no specific programs for immigrants, but they are entitled, whenever in a legal condition, to national programs in this area. Immigrants face the same problems in finding house as poor nationals, and most of them live in poor neighbourhoods around the metropolitan areas of Lisbon and Oporto. Since 1993, the Special Re-Housing Program (*Programa Especial de Realojamento* – PER) gives financial support for housing construction, acquisition or renting for families who live in shantytowns or similar conditions. In 2004, a new program, *Prohabita*, was created to replace the PER. The main objectives are to improve and expand the re-housing process. SOLARH is another programme of the National Housing Institute (INH) – currently Institute for Housing and Urban Rehabilitation (IHRU) – that builds and restores houses of people with financial difficulties (www.inh.pt).

In order to tackle poverty and social exclusion, the Portuguese government created, in 1996, the "minimum guaranteed income" (*rendimento mínimo garantido*), later replaced, in 2003, by the "social insertion income". Under this measure, which included legal immigrants, people living in poverty receive an allowance from the state in exchange for a commitment to participate in a social integration program. Even so, the participation of immigrants has been traditionally very low (less than 2% of applicants in 2006 were foreigners) (OECD, 2007: 42).

In 1998, a new law on foreign labour (Law nº20/98, May 12) abolished the restrictive system of immigrant recruitment then in place, based on the need of a minimum proportion of national workers in each firm. This restrictive system was created in 1977 (Law 77/97, March 17). According to it, national and foreign employers with activity in Portugal should have at least 90% of Portuguese employees in its personnel

(in case of firms with 5 employees or more). Although this law recognized the importance of foreign qualified labour, it also clearly favored the national workforce. The end of the colonial empire and the economic recession that followed the April Revolution may have contributed to this trend for protectionist measures in the mid-1970s – a situation that was also reflected in the nationality laws, which will be described below.

In 1999, the National Parliament unanimously approved a law punishing acts of racial discrimination. Following this approval, the Commission for Equality and Against Racial Discrimination was created, becoming a place where immigrants' associations and other organizations have a permanent seat.

In 2001, there was a "clarification" of legal measures giving immigrants access to specific rights, such as the access to health care (Pires, 2003: 164). According to the 2001 law establishing a framework on health (Despacho 25360/2001, December 12), any foreign citizen living legally in Portugal has access to health care and services of the National Health Service (NHS), like all nationals. Those staying irregularly may have access to NHS by presenting a residence certificate (that can be obtained in the local councils) at the health service located in their area of residence, proving that they had been in Portugal for at least 90 days. For irregular migrants, expenses related with health care may be charged, except in the case of health problems that may put in risk public health. It may be admitted that in practice this is not so simple. Many of the irregular immigrants are not aware of their rights and are afraid of being denounced to the authorities. The residence certificate may not be also so easy to obtain because of bureaucratic procedures or the refusal of local authorities.

Linguistic competencies are particularly important in the social integration process. Until the late 1990s, most immigrants to Portugal had not linguistic problems, as they came from Portuguese-speaking countries. Eastern European inflows brought new challenges on this issue. In 2001, the Institute of Employment and Professional Training (IEFP) launched the programme "*Portugal Acolhe*" (Portugal Welcomes) for legal immigrants. The purpose was to promote the development of several skills that are essential to integrate into the Portuguese society, namely training in Portuguese language and citizenship. Furthermore, a range of free Portuguese classes is given in public schools, organized by the Ministry of Education, and in non-profit associations, often disregarding the immigrant's legal status.

The integration of the children of immigrants in the Portuguese education system is an important issue. According to the law, any minor child, independent of the legal status of its parents, has the right to attend schooling in Portugal. Furthermore, the attendance of school by the children of irregular immigrants may even provide ground for regularization. Although there is no national program aimed at promoting the Portuguese language for the children of immigrants, many schools have developed Portuguese classes to help foreign students. Mention shall be made to two national programs of education support have been created recently for students with disadvantaged background: the Program "Choices" (*Escolhas*), developed since 2001, funded by the Ministry of Labour and Social Solidarity and coordinated by ACIDI; and the "Intervention Program for Priority Education Areas" (*Territórios Educativos de Intervenção Prioritária* – TEIPs), implemented since 2006 and funded by the Ministry of Education (OECD, 2007: 42-45).

With the objective of supporting immigrants, the ACIDI set up, in 2004, two National Support Centres for Immigrants (CNAIs), in Lisbon and Oporto, followed by several Local Support Centres for Immigrants (CLAIs), at the municipal level. Such centres are successful examples of governmental initiatives in the area of reception and integration of newly arrived immigrants. These centres provide support to both legal and irregular immigrants. Despite being a governmental agency, there is a general awareness that ACIDI disregards the legal situation, at the contrary of SEF. This does not mean, however, that irregular immigrants are entitled to the same benefits of legal ones, but only that their situation will be cared upon. CNAIs centralize relevant institutions – such as SEF, Social Security, Authority for the Conditions of Work, Ministry of Health, etc. – in the provision of public services to immigrants. The presence of socio-cultural mediators and representatives from immigration communities in those centres should be pointed out, as they play an important role in liaising with public services and helping with intercultural communication (European Commission, 2004).

Finally, in 2007, an ambitious integration plan for immigrants was approved, encompassing several policy areas and constituting an exhaustive plan of action in the field (Resolution of the Council of Ministers nº 63-A/2007, of 3 May; see also ACIDI, 2007 and 2007/2008).

(b) Citizenship policies

As regards citizenships policies, there was also progress towards more inclusiveness. However, the process was not linear. Until 1974, children born in Portuguese territory – including Portugal and its colonies – were Portuguese citizens. The end of the Portuguese colonial empire raised the issue of losing or keeping the Portuguese nationality for those people born or living in the former colonies. As a result, a new nationality law entered in force in 1975, denying the right of Portuguese nationality to many citizens who were African descendents. This law created retroactively a foreign community (Africans who lost the Portuguese nationality) that progressively grew due to family reunification (Baganha and Marques, 2001: 29).

In 1981, a new nationality law confirmed the decline of the *jus soli* principle in favour of the *jus sanguini* one. According to this law, the children of foreign citizens born in Portugal had the right to Portuguese nationality if i) their parents were living in Portugal at least for six years and ii) declared the will to be Portuguese. In 1994, another nationality law introduced measures of positive discrimination toward Portuguese speaking countries and made the acquisition of Portuguese nationality by children of foreign citizens dependent on the regular status of their parents. The right to Portuguese nationality acquisition for the children of immigrants born in Portugal was limited to those having parents living in Portugal with a valid resident permit, for at least six years for PALOP parents and ten years for other foreigners.

Recently, in 2006, Portugal changed again its nationality law, this time clearly opening the criteria for acquisition. The new law allows immediate nationality acquisition for the "third generation immigrants" – individuals that are born in Portugal from parents that are also born in the Portuguese territory. It is also easier to obtain Portuguese nationality for "second generation" immigrants, as now one of the

parents only have to live legally in Portugal for five years. The length of mandatory residence in Portugal for alien residents applying for nationality reduced from ten to six years for all immigrants, whereas in the former law only nationals of Portuguese speaking countries benefited from this reduced length of legal residence; all other immigrants were required to have ten years of legal residence for nationality access. The new citizenship law is, however, more demanding regarding Portuguese language skills. Candidates who do not possess a degree issued by a Portuguese official school are required to be successful in Portuguese language tests organised by the Ministry of Education nationwide every two months.

Part III. Political parties, social organizations and public opinion

6. Public opinion

Each country has a set of myths with respect to how it sees itself and how it relates to otherness. In the case of Portugal, the overarching myth is that of a country characterised by, as the popular saying goes, "*brandos costumes*" – a hard-to-define expression conveying generally moderate and "middle-of-the-road" attitudes and customs. It is also a country that traditionally likes to pride itself upon its welcoming attitude and cosmopolitan worldview, in an ideological formulation that goes back to the colonial days and then revolved around the alleged specificity of Portugal as a humane coloniser, in what then used to be known as "*luso-tropicalism*".

However, as might be expected, these myths do not necessarily match the observable reality. Shaped in complex ways by the (re)constructed memory of a variety of historical events (such as the country's role in the age of discoveries, its past as a colonial power, its memory of recent colonial wars, its participation in the global migration system – until very recently, predominantly as country of origin –, the accession to and membership of the European Union – hence, of the industrialised "North" – and the relatively recent experience of rather differentiated waves of immigration) and by the ideological discourses that accompany them, the matrix of values and attitudes that characterises the Portuguese society in this respect is a contradictory and evolving complex that eschews simple categorising.

In the following paragraphs, we provide an overview of the main conclusions that can be drawn from some of the most methodologically robust sources of survey data on the attitudes and values of the Portuguese public opinion on these issues. They consist of both international surveys – namely the European Value Study (EVS) and the European Social Survey (ESS) – and two Portuguese surveys – Lages and Policarpo, 2003 and Lages *et al.*, 2006 [20].

The main picture that emerges from these surveys is that of a public opinion that, contrary to popular myth, is not particularly free from prejudice in its worldview nor open and welcoming in its attitude towards immigration and diversity. However, it also seems to have undergone considerable changes in recent times and to be

---

[20] The reader is referred to their respective internet sites for additional primary data and, in some of the cases, more detailed analyses: http://www.europeanvalues.nl/ (European Value Study); http://www.europeansocialsurvey.org/ (European Social Survey); and, for Lages and Policarpo, 2003 and Lages *et al.,* 2006, the website of the Portuguese Observatory on Immigration (http://www.oi.acidi.gov.pt/modules.php?name=Content&pa=showpage&pid=15).

significantly differentiated according to factors such as age and educational level, which may hint at the most likely direction of future trends.

On the level of resistance to immigration, we find that the Portuguese public opinion can hardly be characterised as welcoming. The vast majority (58.6%) of the respondents to the 1999 EVS questionnaire (Figure 6.1) considered that immigrants should only be allowed into the country "as long as jobs are available" and a full 22.2% were in favour of "strict limits", as opposed to 11% in favour of "letting anyone come". This is generally consistent with the conclusions of the ESS questionnaire carried out seven years later, in 2006 (Figures 6.2 and 6.3), in which 60.6% were in favour of allowing "none" or only "a few" immigrants of the same race/ethnic background into the country. The numbers rise further when the question referred to immigrants of a different race/ethnic background (64.3%). This is also consistent with the results obtained by Lages *et al.* (2006), whose question referred to whether the overall number of immigrants in the country (rather than that of *new* immigrants) should increase, remain the same, or decrease – the results indicating a clear majority (53%) of the latter.

Fig. 6.1 Immigrant policy - "Which one of the following do you think the government should do?", 1999, % of valid answers, EVS 1999

- DNK/DNA
- Prohibit people from coming
- Strict limits
- As long as jobs available
- Let anyone come

4,4   3,7
11
22,2
58,6

Fig. 6.2 Allow many/few immigrants of same race/ethnic background as majority, % of valid answers, weighted values (according to design), ESS 2006

- Allow many to come and live here
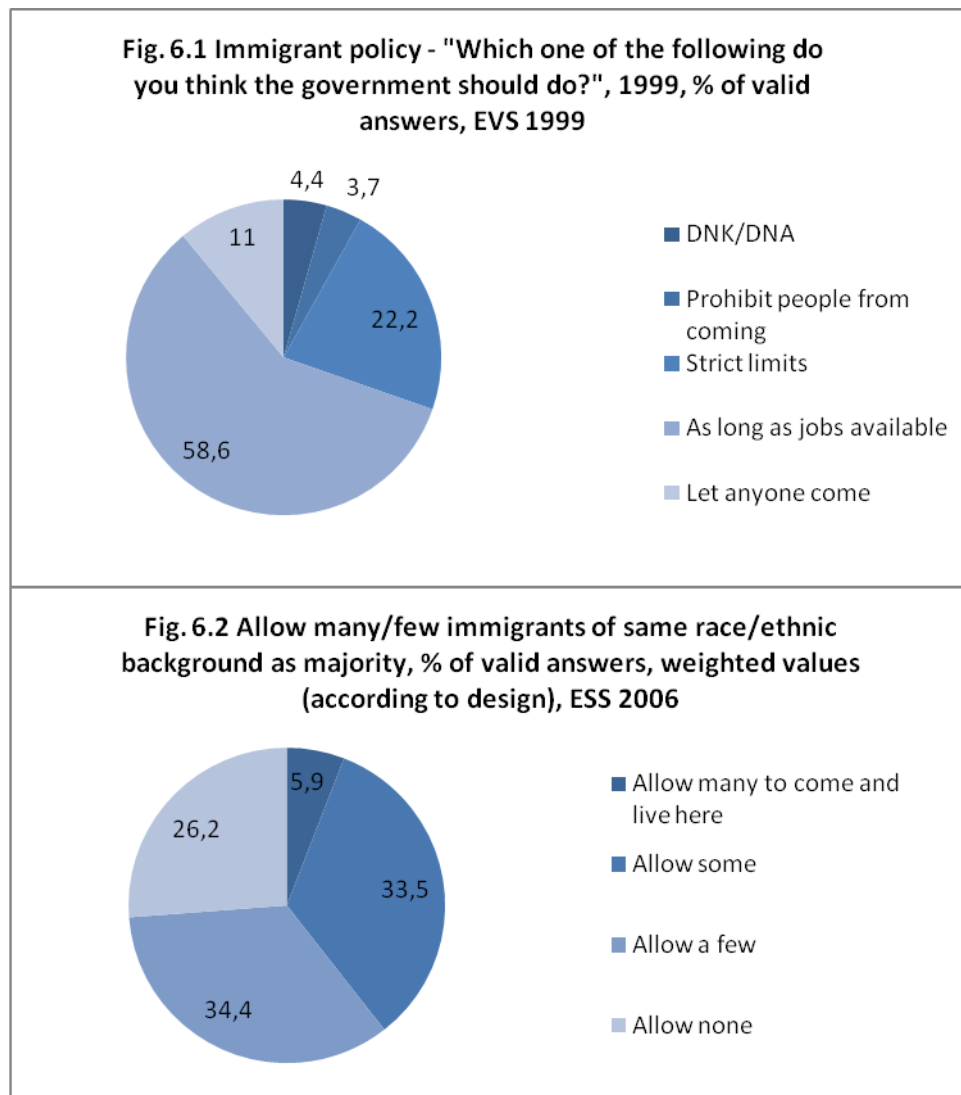- Allow some
- Allow a few
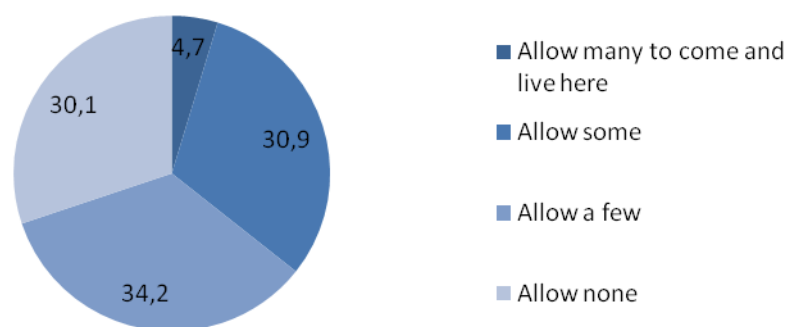- Allow none

5,9
26,2
33,5
34,4

Fig. 6.3 Allow many/few immigrants of different race/ethnic background from majority, % of valid answers, weighted values (according to design), ESS 2006

Among the factors identified in Lages *et al.* (2006) as significantly influencing resistance to immigration, we find sex (women are more resistant than men), age (younger adults are most favourable), intensity of regular contact with people from different backgrounds (suggesting that contact breeds sympathy and understanding), religiousness (which correlates positively with hostility to immigration), self-assessed political positioning (left of centre being more favourable) and a series of interrelated factors having to do with educational level, socio-professional status and income (the higher the aforementioned factors, the more favourable the attitude). Figures 6.4, 6.5 and 6.6 illustrate the relationship between the level of resistance to immigration (a composite index created from the resistance to immigration by the various macroregional groups), on the one hand, and sex, general political self-identification and self-assessed level of contact with immigrants, on the other.
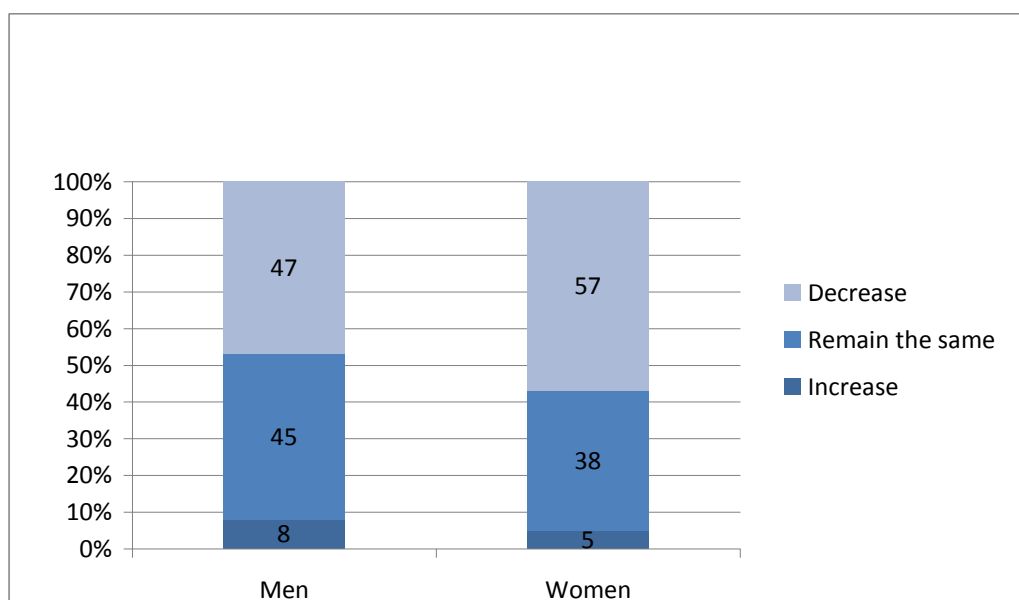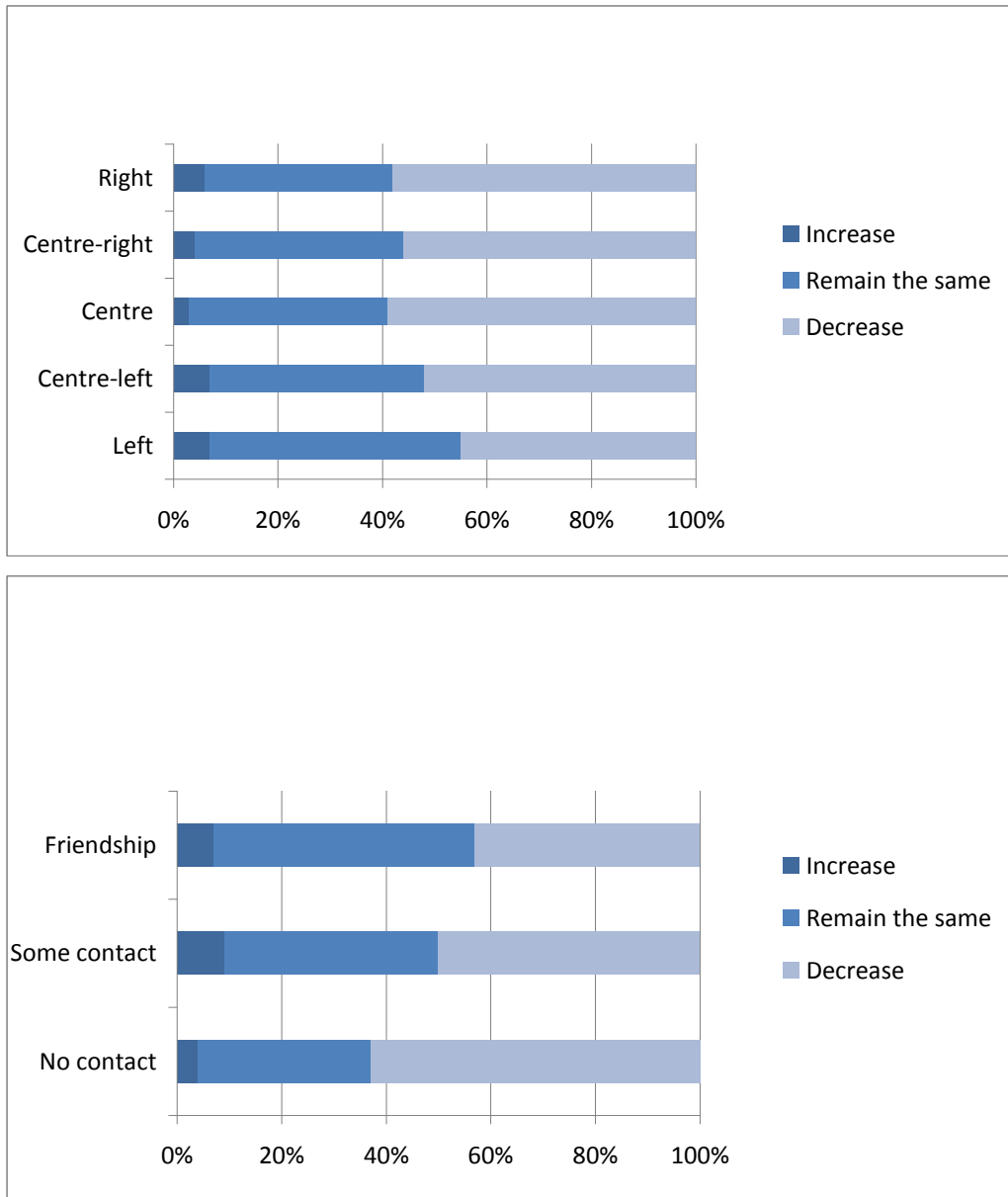
As would be expected, the level of *resistance* to immigration is closely associated with the level of *appreciation* of immigration, even though the answers to the questions focusing on the latter in Lages *et al.* (2006) show a somewhat brighter picture, and despite the fact that the "predicting factors" of the latter, though similar, are not exactly the same as in the case of the former (sex, for example, loses significance). Thus, when asked whether immigration is good or bad for the economy on a 0-10 scale (ESS 2004 and 2006), the answers were quite evenly spread around the centre and in fact showed a positive change between 2004 and 2006 with respect to how the economic impact of immigration is viewed (Fig. 6.7). Similar results can be found with respect to the evolution of public opinion on whether immigration "enriches or undermines" the cultural life of the country (Fig. 6.8). On whether immigrants "make the country a worse or better place to live" overall (Figs. 6.9), the distribution still leans towards the negative side, but significantly less so in 2006 than in 2004 and 2002.
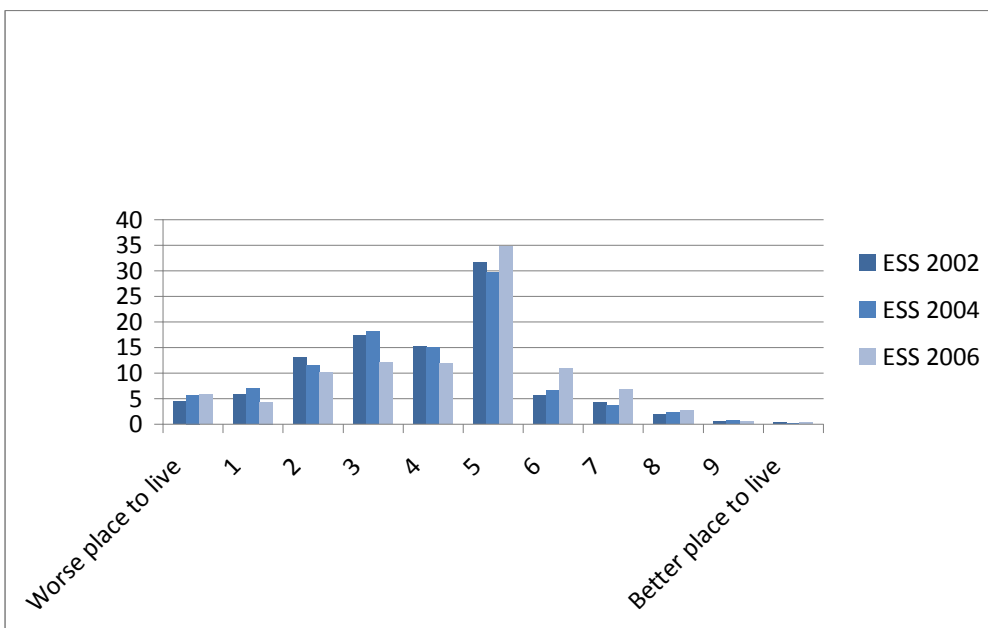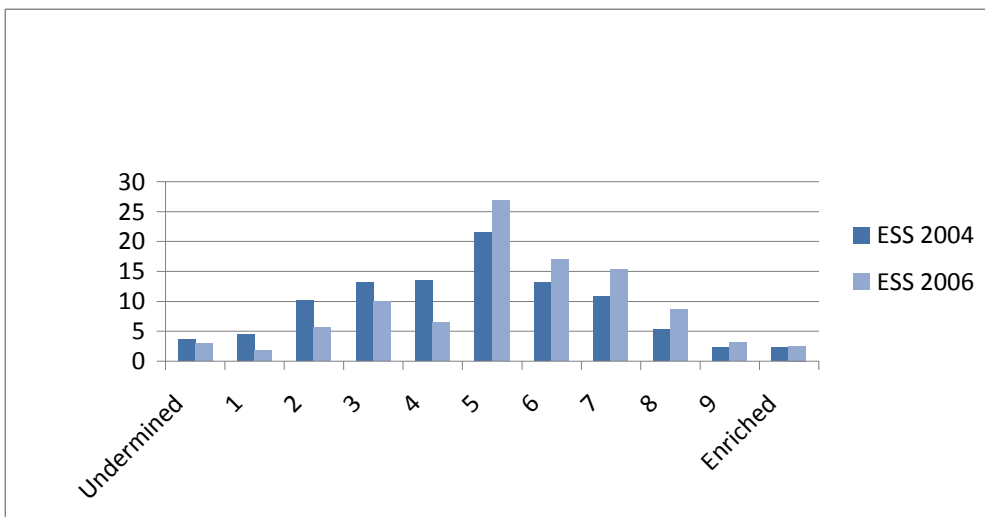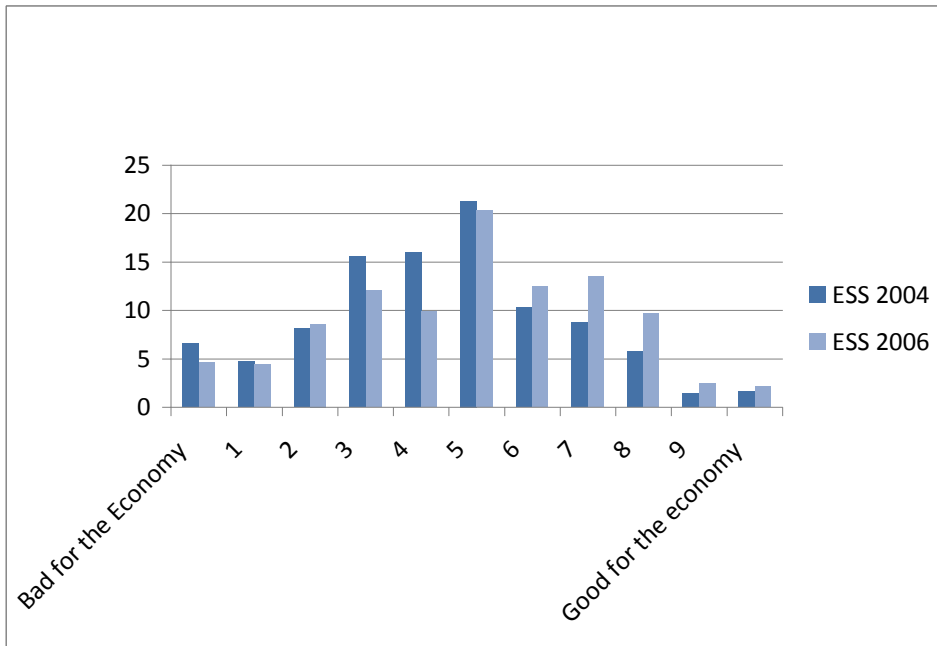
The results of the 2002 and 2004 surveys carried out by Lages *et al.* confirm this very significant recent shift in attitudes, while indicating a generally more favourable view of the impacts of immigration than is the case in the ESS. This, alongside the relatively and increasingly "progressive" view of the rights that ought to be granted to both legal and illegal immigrants (Lages *et al.*, 2006), suggests that we are currently faced with a major process of axiological change, whereby certain "soft racism" attitudes and prejudices, that nevertheless remain deeply entrenched, are being rapidly and strongly challenged by conflicting human rights norms and by the dissemination of the rational/objective discourse on the beneficial effects of immigration.

The media may be argued to play a mixed and contradictory role in this respect. On the one hand, it has often been "accused" of being largely responsible for the common association between immigration and deviant behaviour that is prevalent among the public opinion. Seabra e Santos (2005), in particular, have shown that the incidence of criminal behaviour among the foreign population in Portugal has been statistically equivalent to that of the Portuguese autochthonous population, once social class effects are controlled for. Yet, the same authors also cite a study by Ferin Cunha *et al.* (2004, cit. in Seabra e Santos, 2005), which has concluded that crime is the topic most frequently addressed by the mass media in their coverage of immigration. On the other hand, the media must also be regarded as at least partially responsible for the dissemination of more "objective" information on the impacts of immigration, such as that which has led to the shift in perceptions mentioned above. The increasing perception of the positive net contribution of the immigrants to the social security budget, for example, is especially illustrative of this (Lages *et al.*, 2006).

The overall result of this ideological clash is a rather contradictory one. Given the current trends, it seems likely that more immigration-friendly values and attitudes will gradually and increasingly gain the upper hand in the future. This is clearly visible in the very rapid and significant "positive" shift in terms of the attitudes towards immigrants and immigration. For the time being, however, those values only seem to translate into positive attitudes towards immigrants and immigration in what regards the appreciation/evaluation of certain specific impacts of immigration and on the issue of immigrants' rights. On the overall resistance to immigration, especially *further* immigration, and on the persistence of "soft" racist and xenophobic attitudes and prejudices, the reality still fails to live up to the myth.

All this corroborates a number of propositions, some of which are not necessarily self-evident: i) that the mythology surrounding a given nation's values and attitudes is often inconsistent with the reality of those values and attitudes; ii) that values and attitudes can be deeply entrenched, but can also change extremely quickly (by historical standards) given a sufficient change in circumstances, information, etc.; and iii) that values and attitudes are driven by a complex mix of emotion and rationality, which often renders them internally inconsistent (Lages *et al.*, 2006).

The Portuguese case provides sufficient evidence to back all of these three propositions, in particular making it especially hard to be categorical when it comes to outlining future trends. Still, the best possible "guesstimates" must inevitably take account of the fact that, at a more general level, the Portuguese society seems to be slowly but steadily undergoing a gradual shift towards relatively more solidarity-

driven and post-materialistic values; that this, alongside the increase in education and access to information, on the one hand, and the increase in the level of contact with immigrants and foreigners, on the other, seems to point towards relatively more favourable attitudes towards immigration in the future; but also that this likely "favourable" future evolution is structurally conditioned by what seems to be one of the most deeply entrenched features of the attitudes towards immigration among the Portuguese public opinion: its *utilitarian* underpinnings (Lages *et al.*, 2006).

In this latter respect, of course, Portugal is far from an exception: in most countries of immigration, even pro-immigration arguments are most often about how immigration is useful and advantageous to the autochthonous population, implicitly endorsing a worldview in which the national/ethnic *other* is presented, reinforced and assessed as such. This is unlikely to change in the short term, not least because such a change would impinge upon the very foundations of national identity, whereby it would have to confront extremely powerful mechanisms of socialisation and identity building. The current process of axiological change among the Portuguese population is therefore one in which appreciation and understanding of the other have been gaining ground, and most likely will continue to do so, but in which the construct of *alterity* itself hardly seems at stake – as would inevitably be the case were a truly cosmopolitan and welcoming worldview to emerge.

7. Main proposals of the most important political parties

Mainly since the beginning of the 1990's, the Portuguese government has constantly focused on the regulation of migratory waves in the country. As pointed out in Part II, the first provisions on the admission, stay and exit of foreign nationals date back from 1981. Between 1992 and 2007, five major amendments to this law and six extraordinary regularization procedures, counting already with the most recent law, have been made and launched.

The two main Portuguese political parties are the Socialist Party (PS) and the Social Democratic Party (PSD). The PS is a centre-left and the PSD a centre-right party. Since the instauration of the democracy, in 1974, these two parties have been in the government, alternately. Most of the times they have been in power solely, others in coalition with third parties and once in coalition between themselves. On the opposition, the main parties are the Communist Party of Portugal (PCP), the Party of the Social Democratic Centre - Popular Party (CDS-PP) (which despite of its title is a right wing party) and the Left Bloc (BE), a left party[21]. The most interesting point for this paper is that, although several differences exist between the dominant parties (PS and PSD), they have shown a remarkable convergence on major immigration issues.

7.1. Immigration laws and the stance of the main political parties

In 1991, under the leadership of the PSD, the 12th Government after the instauration of democracy was elected. The future accession of Portugal to the Schengen Agreement implied some changes of the legal frame of immigration. The main concerns about immigration were, then, control and border security, largely resulting from European Union requirements, the result thereof being the adoption of more

---

[21] The BE elected two MPs for the first time in the 1999 Parliament elections. It resulted from the fusion of formerly independent extreme-left political parties.

restrictive provisions on migration. With this aim, in March 1992, the PSD submitted to the Portuguese Parliament a request for amendment of Law-Decree nº264-B/81, which included an extraordinary regularization procedure.

In fact, faced with the increase of irregular immigration and the need, voiced by several sectors of the society, of an extraordinary regularization process, the PS launched, in February 1992, the first Parliamentary debate on immigration and submitted a proposal for an extraordinary regularization procedure, which was rejected by the government. However, the PSD, which had a majority in the Parliament, launched in October an extraordinary regularization (Law-Decree nº212/92 of October 12), with the support of labour union organizations, the Catholic Church and some other confessions. The PS and the other parties voted in favour of this initiative of the PSD.

Some actors that were engaged in the demand for the first regularization call it today a true "social movement" (information from the interviews carried out for this project). Among the institutional actors then involved, the Catholic Church is indeed one of the most important. The Church has dealt with migration issues since long ago, firstly with Portuguese emigrants and then with foreign immigrants in Portugal. During this new immigration phase, the church has always been very active in the field, protecting and claiming for immigrants rights. Another prominent actor were the immigrants´ associations. The first part of the 1990s is considered to be a decisive phase in their institutionalisation, given the interaction then reached and their commitment to political action (Albuquerque, Ferreira and Viegas, 2000).

In 1993, a new law on immigration (Law nº59/93 of March 3) was adopted with more stringent provisions, as a response to migratory pressure in the EU space. Besides the PSD, the CDS-PP was the unique party clearly supporting the more restrictive stance of the new law, although its vote was an abstention during the final round. The PS and the PCP voted against.

In 1995, under the leadership of the PS, the 13th Government was elected. A more open immigration policy and the rejection of a security view were then launched. In this context, the PS adopted in 1996 the second extraordinary regularization procedure (Law nº17/96 of May 24), aimed at the regularization of immigrants not covered by the previous measures. Some divergences appeared during the debates in the Parliament. The PSD was initially against a general amnesty and proposed that other measures of regularisation from the previous immigration law (Law-Decree nº59/93) were used[22]. The CDS-PP supported that initiative, as it was in line with the cooperation policy between Portugal and the Portuguese-speaking countries, then the source of the largest amount of irregular immigrants. The PCP disagreed on the different treatment given to the different groups of immigrants (positive discrimination in favour of foreign nationals from Portuguese-speaking countries). However, during the final vote, the proposal of regularization was approved by all parties, which can be explained by a positive discrimination in favour of the Portuguese-speaking countries, which was in accordance with international cooperation between Portugal and these countries (Carvalho, J. M., 2007: 64-65).

---

[22] This was mainly the case of article 64 of Decree-Law 59/93, which accepted that, in cases of exceptionally admitted national interest, a residence permit could be given to foreign citizens.

The entry into force of the Schengen Agreement, with practical effects since 1995, and a strong pressure from the immigrants' associations and the Catholic Church, forced the PS to approve in 1998 a new law on immigration (Law-Decree nº244/98 of August 8). After the Parliamentary debates about the proposed law, the PSD voted in favour, the CDS-PP voted against and the PCP also voted against, as it considered that the law maintained restrictive provisions. The convergence between moderate parties (PS and PSD) is the most important point to be signalled.

In 1999 the PS is re-elected (14th Government), but without absolute majority. Meanwhile, the entry into force of the Schengen Agreement and a strong demand of unqualified workforce had the result of a strong increase of irregular immigration during this period. Considering the volume of irregular inflows, this time mainly from Eastern Europe, and the proliferation of human trafficking, the PS proposed in 2001 a new law on immigration (Law-Decree nº4/2001 of January 10). As said in Part II, this law had the double objective of setting a new regulation mechanism and carrying a new regularization. The new legal title then created, the "stay permit", corresponded in practice to a third extraordinary regularization process, this time based on employment. The PCP and the BE, who wanted wider regularization measures, strongly criticized the temporary nature of the permits, which, on the expiry of their validity period, were not automatically converted in residence permits. The PSD disagreed also on the creation of a new regime for visas and proposed the regularization of immigrants under the special measures laid down in the previous law (Law-Decree nº244/98) (Carvalho, J. M., 2007: 86-67). The CDS-PP supported the temporary nature of the stay permits.

Considering the lack of an absolute majority of the PS, the CDS-PP played a pivotal role in the process. The PS had to make an alliance with the CDS-PP so that the new law on immigration could be approved in the Parliament. This allowed the CDS-PP to have some bargaining power on the drafting of the law, leading to the introduction of a quota system (information from the interviews). These quotas were to be set following a Report of Employment Opportunities (*Relatório de Oportunidades de Trabalho*) to be published annually. In the final vote, the PSD, the PCP and the BE voted against the new law and the CDS-PP abstained.

The 15th Government, composed by an alliance of PSD and CDS-PP, was appointed following the 2002 elections. A new immigration law was adopted in February 2003 (Law-Decree nº34/2003 of February 25). The new law was more restrictive than the previous one and introduced again a quota system, legally binding, which fixed a limit of annual entries. The basis for this would be again a Report of Employment Opportunities (*Relatório de Oportunidades de Trabalho*), published every two years. The PS abstained and the PCP and the BE voted against the new law.

In July 2003 the visit of the Brazilian President Lula da Silva to Portugal resulted in the fourth extraordinary regularization (the commonly designated "Agreement Lula"). A bilateral agreement was signed on July 11 between Portugal and Brazil, allowing the regularization of illegal Brazilian workers in Portugal, as well as illegal Portuguese workers in Brazil. All parties voted in favour.

Afterwards, in April 2004, a Regulatory-Decree (nº6/2004 of 26 April) was approved in order to execute the new immigration law (Law-Decree nº34/2003 of February 25). Article 71 of the Regulatory-Decree is considered as the fifth extraordinary regularization. It concerned immigrants having legally entered Portugal before March 2003 who could prove to have made compulsory discounts for social security and tax administration for a minimum period of 90 days prior to the law. Again, all parties voted in favour.

During the mandate of this government, important divergences arose about immigration policy. The two parties forming the coalition – PSD and CDS-PP – had different views on migration issues. According to some of the actors involved (information from the interviews), while PSD interpreted immigration issues as an opportunity and in a broader view, which included immigrant's integration issues, CDS-PP viewed migration matters mostly on a security perspective. The dominance of the PSD in the government, based on its much stronger electoral support, allowed the prevalence of its positions, although this was not made without conflicts.

In July 2004, the PSD (16th Government) was elected. This was a short mandate interrupted by anticipated elections and without significant intervention on the immigration area.

In 2005, the PS is elected (17th Government). A new law on immigration was prepared and adopted in 2007 (Law 23/2007 of July 4; its regulation was made by the Regulatory-Decree nº 84/2007 of November 5). The new immigration law is considered to be less restrictive than the former. Despite the fact that the PS possessed an absolute majority in the Parliament, a lengthy negotiation was made to get the support of most of the parties. The result is that the PSD and the PCP approved the law, although the CDS-PP and the BE voted against it. The PSD renewed the consensus that it has often had with the PS on major immigration issues. In the Portuguese political terminology, the coalition made by these two major parties in episodic or structural issues is known as "central bloc" – a term that was coined when they were allied in the government. For the PCP this is the first time that the party did not vote against a new immigration law. This party believes that for the first time, and contrarily to previous laws, the new law did not worsen the situation of immigrants and contains mechanisms of regularization. The CDS-PP voted against this law mainly because of articles 88 (nº2) and 59 (nº7), which are designated by them as new extraordinary regularization processes. For the BE the new law maintains a restrictive feature and lacks channels of regular immigration.

In sum, the changes made to immigration laws seem to follow the program of the governing party: they tend to be slightly more open and less restrictive during the PS governments, and less open and more restrictive during the PSD governments and the alliance PSD and CDS-PP. However, this picture becomes much blurred when concrete coalitions are observed and the positions of the parties are studied in depth. In fact, the PS and the PSD have converged very often on immigration issues, the CDP-PP has supported immigration initiatives by both of those parties and all governing parties have set in action some kind of regularization programs. Also the more leftist parties – PCP and BE - have converged with them in some initiatives.

In general, it may be argued that there has been some tolerance by all political parties concerning irregular immigration, with the result of several extraordinary regularization measures. The fact that irregular immigrants have mainly came from Portuguese-speaking countries (PALOP and Brazil) – at least until the more recent immigration wave, in the late 1990s – partly explains those actions. This positive discrimination toward Portuguese speaking countries is linked to the external politics of Portugal with these countries, but also to the needs of a non-qualified workforce (mainly in the building sector), which could be found among the immigrant communities living in Portugal. This was particularly true after the accession of Portugal to the EU and the impact of the structural funds in the home economy, and also during special events such as Expo 98 and Euro 2004. The fact that other major immigrants groups, such as the Eastern European one, have not faced strong integration problems, may have consolidated those political measures.

In Table 7.1, the main immigration policy initiatives from the most important political parties are summarized, as well as their vote in different moments.

Table 7.1
Main immigration policy initiatives from the most important political parties

Year	Policy Measures	Parties in the Government	Vote
1992	Law-Decree nº212/92 of October 12: 1st extraordinary regularization:	PSD	PS, PCP and CDS-PP voted in favour.
1993	Law nº59/93 of March 3: immigration law	PSD	PS and PCP voted against. CDS-PP abstained
1996	Law nº17/96 of May 24: second extraordinary regularization	PS	PSD, PCP and CDS-PP voted in favour.
1998	Law-Decree nº244/98 of August 8: immigration law	PS	PSD voted in favour. PCP and CDS-PP voted against.
2001	Law-Decree nº4/2001 of January 10: immigration law / third extraordinary regularization	PS	PSD, PCP and BE voted against. CDS-PP abstained.
2003	Law-Decree nº34/2003 of February 25: immigration law	PSD and CDS-PP	The PCP and the BE voted against. PS abstained.
	Bilateral agreement was signed on the 11th of July between Portugal and Brazil (fourth extraordinary regularization)	PSD and CDS-PP	PS, PCP and BE voted in favour.
2004	Article 71of the Regulatory-Decree nº6/2004 of 26 April regarding the Law-Decree nº34/2003: fifth extraordinary regularization	PSD and CDS-PP	PS, PCP and BE voted in favour.
2007	Law nº23/2007 of July 4 regulated by the Regulatory-Decree nº368/2007 of November 5th	PS	PSD and PCP voted in favour. CDS-PP and BE voted against it.

Source: own elaboration

7.2. Views of the main political parties on immigration

(a) Electoral programs and political motives

Immigration issues have been in the electoral agenda of the main political parties for some years. While the PS, the PSD and the PCP say that it has occurred since the end of the 1980's and beginning of the 1990's, the CDS-PP stress that it has been mostly since 2000, with the increase of immigration flows in Portugal. The BE, due to its young age, includes the immigration issues in its electoral program only since 2000.

In the case of the major parties, in the beginning of the 1990's immigration issues were mainly concerned with admission and exit of immigrants, a more transversal view being adopted since the mid-1990s and, more generally, since the year 2000.

A deeper analysis may capture some significant stages. The PS and the PCP are mainly concerned with regulation and integration issues since the beginning of the 1990's. The PS mentions the contacts it developed with immigrants associations in Portugal in the end of the 1980's, as it intended to raise in the Portuguese Parliament some immigration issues, like extraordinary regularizations, housing and education, these issues being until then in "charge" of the Catholic Church, which always had an important role in this field and lobbied towards a regularization procedure. Significantly, the first MP with an immigrant background (Cape Verde) was elected by the PS in 1992, being in the forefront of those political initiatives.

For the PCP, immigration issues were on the agenda since 1987, particularly in the context of the law on aliens (entry, stay and exit), but also in the field of social issues, like access to housing and health system by immigrants.

The PSD has dealt with immigration issues in two moments. First, during the mandate of the PSD government elected in 1991, immigration was mostly seen in the frame of home security. Secondly, after 2002, the PSD tried to meet the needs of the country in order to build a "true" immigration policy in two pillars: admission and integration (for details on this perspective, see Duarte, 2005).

As regards the factors influencing the support or rejection of some measures (information from the interviews), human rights are said to be a key force on the basis of the decisions of the majority of the parties (PS, PSD, PCP and BE). Some of these, such as PCP and BE, say that human rights are more important than economic criteria. The PS has a more mitigated view, stressing the importance of human rights but also emphasizing economic needs. The same seems to apply to PSD. The fact that PS and PSD have recurrently occupied government positions may explain their more pragmatic view. On its side, the CDS-PP stresses "national interest" as the main factor, thus also revealing its broader political background.

(b) Regularization processes

A relevant issue on Portuguese immigration policy is the abundance of regularization initiatives – a point common to other Southern European countries. The fact that all major political parties have approved all or most of these initiatives was an issue deserving examination, mostly during the interviews.

The PS suggests that in Portugal there has always been a will and a concern for easing life of foreign citizens, particularly irregular immigrants, in benefit of individual immigrants but also of the whole Portuguese society. According to this party, the large number of regularisations results from the partial character of the regularization procedures, since none involved all persons living with an irregular status. However, it is admitted that no regularization mechanism would be capable of solving definitely the problem. If it was decided, at a certain moment, to regularize all illegal immigrants, there would be always more. Following this view, immigration is a "global phenomenon beyond our control". However, according to the PS, there is maybe a kind of "tolerance" and a different view about immigrants in Southern Europe, different from Northern Europe, which accounts for the frequent regularisations.

The PSD and the CDS-PP are keener in discussing terminology. According to the PSD, in legal terms one must not talk about regularization procedures, but about exceptional measures. The PSD does not talk about "regularization procedures" in their documents and official speeches, as there is a possibility of "appeal effect" if that expression is used. In its perspective, those exceptional measures are linked to concrete and exceptional cases and situations. For example, defaults in the functioning of state bodies give rise to injustices that need to be solved by exceptional measures. This was the case, according to the PSD, of the initiative taken by the PSD/CDS-PP government, in 2004, that regularized immigrants who could prove to have made compulsory discounts for social security and tax administration.

The position of the CDS-PP, however, is not so benevolent. For the CDS-PP, the existence of regularization procedures is due to the short life of certain policies and to the absence of consensus between the different parties, which requires alternative measures to regularize immigrants. According to its representatives, the CDS-PP supported the regularizations of 2001, 2003 and 2004 because they targeted immigrants that were working in Portugal and contributing for the social security; they remained irregular only because of state institutions' failure. Still according to this party, failures of former PS governments created "inhuman situations" that should be solved by extraordinary regularizations. Despite this political reasoning, similar to the PSD, evidence gathered during this project suggested that the CDS-PP approval of the 2001, 2003 and 2004 regularizations was anything but consensual. Internal divisions inside the party may have existed in 2001, and a power struggle inside the coalition with the PSD existed in 2003 and 2004.

There is more similarity between the positions of the PCP and the BE. These parties consider that extraordinary regularizations are aimed at solve problems that the law did not solve. Although having supported the various regularizations made thus far, they believe that that they are not the solution for problems of irregularity. In line with the PS, the representatives of the PCP note the presence of some sensibility towards irregular immigrants by governments who engage in regularization procedures. Regarding Portugal, this is justified, partly, by a solid cultural relationship with the main countries of origin of immigration. Good relations between the Portuguese population and immigrants' communities help the acceptance of regularization procedures. For the BE, the moment when laws will create legal channels for immigration and automatic regularization mechanisms will be of utmost importance.

For the BE the "appeal effect" is an excuse made by the governments for not introducing in the law automatic regularization mechanisms, for the adoption of restrictive laws and not granting rights to people already living in Portugal.

(c) Relationship between the parties on immigration issues

Despite some divergences, many reflecting the broader political view of each political party – or, simply, their political rhetoric –, a remarkable consensus in the immigration field has existed until now among the main Parliamentary groups. This was stressed by one of the interviewees: "there has been in the Portuguese Parliament a wide convergence, which is exceptional in European terms".

This convergence is greater between the PS and the PSD – thus always reviving the "central bloc" –, which have functioned as a core consensus on this matter. These two parties keep a dialogue and a balanced vision between human rights and sovereign rights, as well as economic needs, and believe that the country must accept immigrants but can not establish an "open doors" system. In many occasions the perspectives of these parties have converged, giving place to a large majority to approve several immigration measures.

The relationship with CDS-PP has been more complex. As said, the latter joined the PS to approve the 2001 law (although it formally abstained in the final vote). It was also a partner of the PSD in the government when the initiatives of 2003 and 2004 have been set. These facts do not always mean consensus. The CDS-PP stresses in the first place security issues. It is clearly the more right-wing perspective of the Parliament. Many of the views of the CDS-PP are not shared by the other parties. During the PSD and CDS-PP colligation government, different views on immigration regulation were in the origin of conflicts between these two parties, concerning the 2003 law, the 2003 agreement with Brazil and the 2004 regularization. According to some interviewees, the CDS-PP used to refer to the migration phenomenon with "fear" (a negative view), while the PSD considered immigration as an "opportunity" and not a threat. The practical alliance with the PS in 2001 and the PSD in 2003-2004 corresponds to more or less difficult negotiations, internal or external to the party. As said above, the introduction of the quotas as main regulation mechanism seem to have been a demand of CDS-PP in the 2001 and 2003 laws as trade-off for the acceptance of other measures.

Both the PS and the PSD admit that there has also been, in some issues, a consensus with the PCP, although this party has a less restrictive view on admission of foreigners. In fact, in 2001 the PCP strongly criticised the governmental measures of PS which introduced the quota system and the "stay permits". The PCP believes that quotas are an "artificial system" for regulating immigration flows, which have not been efficient so far. Regarding "stay permits", it affirms that they have created a category of immigrants with fewer rights.

Meaningfully, some of the PS supporters also believe that the "stay permits" launched in 2001 by the PS government was not an adequate solution, as it complicated the visa system and took off some rights to immigrants (in former regularizations, standard residence permits were granted to immigrants, unlike what occurred in 2001)

(information from the interviews). This seems to suggest that even inside the PS some disagreements arose – besides the concessions made to the CDS-PP at that time.

In the same vein, internal divergences around immigration seem to have existed inside the PSD and the CDS-PP. Some representatives of the PSD, which have helped the common approval of the 2007 law, talk about different sensibilities about the theme inside the party. Also the CDS-PP seems marked by cleavages. Some sectors with higher linkages with the Catholic Church and with the PALOPs have been more tolerant in the admission field than other sectors. In sum, in many parties there have been measures that were not approved by groups or persons inside the parties, reflecting a political pluralism that is not always evident to the public opinion.

Despite the divergences, reasons for a certain consensus around immigration were suggested by the PCP and CDS-PP representatives. The PCP adds that in Portugal arguments against immigration are very residual and are supported by an almost non-existent extreme-right. Even the CDS-PP admits that there has always been some openness to immigration and to cooperation with Portuguese-speaking countries.

The BE is sometimes an isolated voice. It lines with the PCP in defending a less restrictive and more open policy. However, its positions regarding the formal approval of laws have diverged recently, when the PCP accepted and the BE voted against the 2007 law. The BE also considers that the CDS-PP is the party in the antipodes of what the BE defends about immigration.

It must be stressed that, during the current legislature, the debate on immigration has been quieter, according to the main parties. According to the left wing parties, PS and PCP, there was a convergence on the new law, due to the fact that this government abandoned a "closed doors" perspective. However, the PSD also approved the law, which was taken as a "surprise" by one of the former interviewees.

Another of the left-wing parties' interviewees referred that, while the composition of the Parliament remains as it stands, there will no major troubles for immigrants. For this MP, the representatives of all parties in the Parliament concerned with immigration have shown, until now, a sensible approach to immigration.

(d) The new law on immigration: pros and cons

As seen above, the most recent law on immigration (Law nº23/2007, July 4 and Regulatory-Decree nº 84/2007, November 5) was approved by a large majority, including the PS, PSD and PCP. Only the CDS-PP and BE voted against. This is remarkable since the absolute majority of the PS allowed the isolated approval of the law, regardless of the other parties' position. The opinions of the political parties about the law, as well as the negotiations leading to its approval, were matter of enquiry during the interviews.

For the PS representative this is an open, balanced and moderate law, which aims at helping people already working in Portugal, as well as minors. However, it is not an "open door" law. Several civil society organizations were consulted during the drafting of the law. According to the PS, the government accepted almost all the

proposals of the PSD, many of the PCP and some of the CDS-PP. This reflected a sound negotiation and the quest for consensus.

The PSD representative suggests that the new law has more pros than cons. According to this party, some of the positive points are the reduction of the number of visas; more rights and protection guarantees for foreign nationals, in the field of the fight against illegal immigration and trafficking; the admission of immigrant entrepreneurs, what allows, in practice, the entry of foreigners who come to the country not only to carry dependent work (a good way to increase entrepreneurial spirit and the entrance of capital); and the action against false marriages.

For the CDS-PP, the main pros are the transposition of EU directives, and the main cons are articles 59 and 88, as they are considered to be processes of extraordinary regularization, indirectly facilitating the action of trafficking and smuggling networks.

In the case of PCP, this was the first time that the decision not to vote against an immigration law was taken. This was grounded on the fact that there was a "better understanding" of immigration, which was not the case until recently. According to its representative, this was the first law that did not worsen the immigrant's situation. Previous laws were always on a line of "closing doors" and with small possibilities of regularization. In sum, some of the pros are the conversion of all legal titles related to precarious situations into resident permits; the reduction of the number of visas; and new expectations on regularization. However, there are some cons, like forbidding a resident permit for people who entered irregularly in Portugal but have a promise of a work contract or are carrying a professional activity[23].

The BE is more critical of the new law, as there are not enough legal channels for immigration nor of automatic regularization. The BE considers that some articles of the new law may be positive on paper, but not in reality[24]. Some of the pros are the article on protection of victims of trafficking and support to illegal immigration (although the BE fears that it will stay forever on paper), as well as article 122, which allows the regularization of third country minors born in Portugal who attend pre-school education or basic, secondary or professional education. Some cons are, for instance, the fact that administrative decisions of the SEF cannot be challenged. The BE also criticize the point concerning criminalization of false marriages, which can influence people: on the one hand, people wishing to marry can be afraid to do it; on the other hand, it creates stereotypes about some migrants' communities.

---

[23] According to its representative, the PCP does not defend an "open door" policy and believes that people who entered or remained unlawfully in Portugal cannot be regularized; however, this must be eased in case where there is some kind of insertion in the country, including a professional activity. According to PCP, article 88 (which allows regularizations) is a "fragile solution", as it allows discretionary decisions on irregular situations. This maybe a solution in a concrete case, if there is a political and administrative will, but it does not guarantee regularization for anybody.

[24] For example, in the new law, temporary resident permits maintain the rationale of former visas. That is to say that, although a unique resident permit is set, in fact this permit was unfolded and follows the rationale of the visas in previous law. Further, the BE, in line with some immigrants' associations in Portugal, demanded, inter alia, that the renewal of residence permits would not be the sole responsibility of the Aliens and Borders Service (SEF). The new law refers that renewals can be issued by local authorities; however, that did not happen until now. The law foresees the drafting of a protocol between the Ministry of Internal Administration, the Ministry of Justice and the Lawyers Association for helping immigrants, whose entrance is refused, to get information and legal counseling to challenge the decision of refusal; again, this protocol was not yet established.

In sum, at the level of discourse the political parties seem coherent with their political stance and electoral programs towards immigration. Their positions regarding the more or less restrictive character of the law and the possibilities for regularization largely follow what could be expected from them. However, the fact that immigration was not, until now, a matter of strong public debate may have eased their concrete positions. The truth is that, in real politics, there was often convergence and wide support for immigration initiatives. This may be viewed as a consequence or, more significantly, a cause of the weak public discussion around the theme.

8. Xenophobic parties

There are no legal overtly racist or xenophobic parties or associations in Portugal, as this is in fact forbidden by the Portuguese Constitution, which states, in its article 46 (nº 4), that "racist organisations or those endorsing the fascist ideology are not permitted". There is, however, a nationalist party – Partido Nacional Renovador ("National Renewal Party"), hereinafter PNR – for whom opposition to immigration is probably the main political banner. It has so far enjoyed very little electoral support. There are also several underground groups that endorse racist, fascist and/or neo-Nazi ideologies, which have been associated with a small number of very serious but isolated incidents. However, this problem is far from having the significance that it has in many other European countries.

PNR was "formed" in November 1999, when a small group of mostly former members of the Movimento de Acção Nacional ("National Action Movement", hereinafter MAN) took control of a previously existent party from the centre of the political spectrum (PRD), which had fallen out of favour among the electorate and had accumulated debts. MAN itself was active between 1985 and 1992 and, although it was supposedly a "cultural" association, its membership was mostly made up of far-right skinheads. It became notorious for the involvement of several of its members in acts of racist violence, as well as for the murder, in 1989, of a militant of a Trotskyite party in Lisbon. MAN subsequently became the first organisation to be tried for the violation of the aforementioned article of the Constitution, a trial which ended with the movement's disbandment of its own initiative.

In its website[25], PNR claims to be a "nationalist party (...) above the left-right dichotomy", that is neither "extremist, radical, violent nor xenophobic" and which is "not against immigrants, but against the invasion by immigrants". However, evidence abounds as to its far-right xenophobic character, from the aesthetics of the party and its followers, to declarations [26] by some of its leaders supporting the right-wing authoritarian regime in place between 1926-74, to proclaiming that "one of the first initiatives of a PNR government would be to stop immigration to Portugal, but for exceptional cases in which the immigrants are demonstrably qualified and necessary"[27]. In the Spring of 2007, PNR occupied a central place in the news due to putting up an outdoor political advertisement against immigration in Lisbon's main traffic hub.

---

[25] www.pnr.pt.
[26] http://www.sosracismo.pt/rel2002/direita.htm#_ftn2 .
[27] http://www.pnr.pt/portal/index.php?option=com_content&task=view&id=61&Itemid=103 .

PNR's constituency is extremely limited, but it has been growing, having reached an absolute maximum so far in the Parliamentary Elections of 2005 (9321 votes) and a relative one in the 2004 Elections for the European Parliament (0.24%) (Figures 8.1 and 8.2). The analysis of the results of the 2005 Parliamentary Elections by district does not suggest the existence of any particularly discernible geographical pattern: PNR voting ranged between a minimum of 0.13% in Évora and a maximum of 0.33% in Guarda (both mostly interior districts). The figure for Lisbon (0.24%) was somewhat above the national average of 0.16%.

Fig. 8.1 Electoral support to PNR, 2001-2005, absolute no. of votes
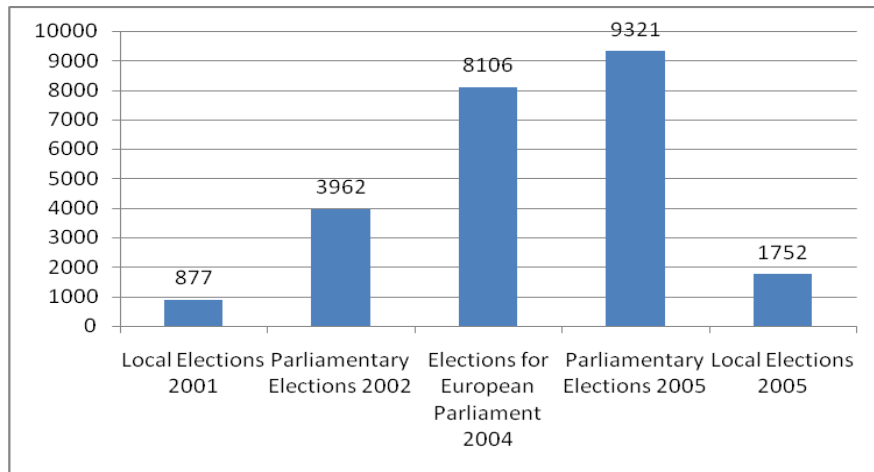
Source: STAPE

Fig. 8.2 Electoral support to PNR, 2001-2005, % of total turnout
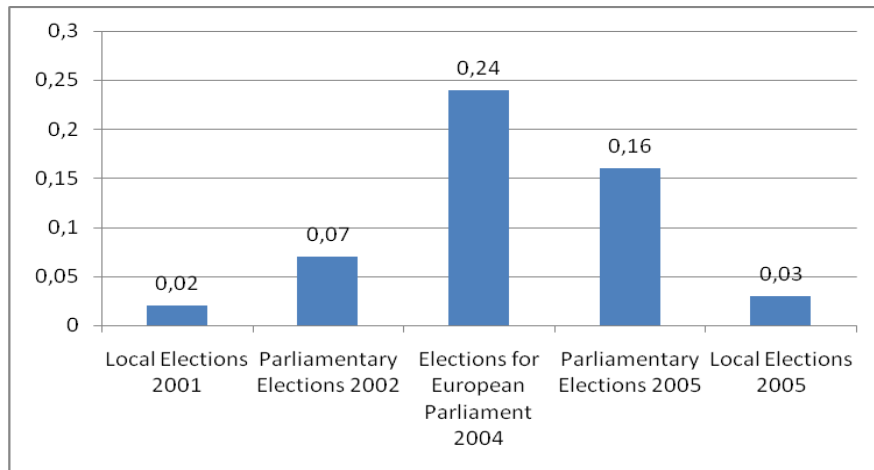
Source: STAPE

It is clear, however, that the ability of PNR to be present in the media exceeds by far its electoral significance. It does this mostly through outdoor campaigns and demonstrations, usually as of particularly meaningful dates for the nationalists. In June 2005, many of its supporters took part in a xenophobic demonstration "against crime" – the largest nationalist demonstration ever in Portugal, which mobilised around 1,000 people.

The most notorious activity of the xenophobic far-right, however, has a largely underground character. Extreme-right groups such as the Portugal Hammerskins, Orgulho Branco ("White Pride") ou Frente Nacional ("National Front") have been involved in a variety of violent incidents, the most serious of which have been the murder of a left-wing militant in 1989 (already referred to above) and that of a Portuguese citizen of African origin in 1995 [28]. These groups have also traditionally succeeded in infiltrating the organized fan groups of Portugal's largest football clubs, and some of their membership has been linked by the media to a range of other underground and criminal activities, including night club "bouncing" and drugs and arms trafficking[29]. The latest tactical move of the Portuguese extreme-right, however, reportedly consists of seeking to take over student unions at the high school and university levels, a move in which it has so far been met with limited success[30].

9. Employers associations and trade unions

Both the Portuguese employers' associations and their trade union counterparts exhibit an acute awareness of the fact that immigration is a reality that has come to stay, due both to the ageing of the Portuguese autochthonous population and to labour market segmentation (with many secondary labour market segments characterised by both significant labour supply by, and demand of, immigrant workers). This does not mean that these two types of social actors share a common outlook on immigration matters: rather, trade union confederations have often accused employers of seeking to take advantage of immigration as a way of undermining acquired labour standards, social rights and workers' cohesiveness.

However, the ideological and strategic reaction of the two main trade union confederations – Confederação Geral dos Trabalhadores Portugueses - Intersindical (General Confederation of Portuguese Workers, traditionally associated with the Communist Party, henceforth CGTP-IN) and União Geral dos Trabalhadores (General Workers' Union, traditionally associated with the Socialist Party in government, henceforth UGT) – to the way in which they perceive employers to have recourse to immigration has not been to turn against immigration, or against the immigrants themselves. On the contrary, it may be characterised as considerably more sophisticated than that.

Carlos Trindade, head of CGTP-IN's Migration Department, has claimed that their three main goals to respect to immigration and integration policy are: "i) to ensure the equality of labour conditions (wages, working time and labour rights) and the upholding of [the migrants'] social and citizenship rights (...); ii) to legalise all irregular migrants, in order to tackle the unscrupulous employers and mafias that exploit them (...); and iii) to demand that the Portuguese government and the

---

[28] Several people allegedly involved in both of these crimes (as many as 15 different persons in the case of the latter) were brought to trial and the majority were sentenced to what in the Portuguese context may be considered long prison terms (up to 12 years in the former case, up to 18 years in the latter). Two of most notorious convicts involved in each of the two cases, however, have since evaded prison and are sought by the police.

[29] References include:
http://www.esquerda.net/index.php?option=com_content&task=view&id=4385&Itemid=64 ;
http://dn.sapo.pt/2007/04/19/nacional/membros_claques_entre_skins_detidos.html.

[30] See: http://pt.novopress.info/?p=1157.

European Union adopt policies and measures that facilitate the integration of the immigrants in the host societies" (Trindade, 2004).

In a similar vein, UGT has issued public statements in favour of "a structured policy of legal immigration; fighting illegal immigration and trafficking networks; fostering the integration of the immigrant communities; a EU-wide immigration policy; and fighting racism and xenophobia" (UGT, 2004). This trade union confederation, too, has set up an Immigrant Support Information and Coordination Centre (on UGT positions, see also Cordeiro, 2008).

Both these trade union confederations have actively sought to reach out to immigrants, e.g. by providing assistance to their legalisation processes as of extraordinary regularisation campaigns and by signing protocols with their (the unions') counterparts in certain countries of origin (Público, 2001; CGTP-IN, 2007a). They have also manifested their opposition to quota systems and called for "more effective ways of managing legal immigration" (UGT, 2004), condemned "PNR's xenophobic propaganda" (CGTP-IN, 2007b; see section 8) and argued that "the fight against irregular work and exploitation by the employers must not lead to harming the workers themselves, namely through their automatic repatriation" (CGTP-IN, 2005).

The employers' associations, too, have shown their dissatisfaction with the "lack of flexibility and bureaucratic character" of the quota system in place until recently and called for more flexible regulation mechanisms (Abreu and Peixoto, 2008). While this is a consensual aspect among the four main employers' confederations – Confederação do Comércio e Serviços de Portugal (Portuguese Commerce and Services Confederation, or CCP), Confederação da Agricultura Portuguesa (Confederation of Portuguese Agriculture, or CAP), Confederação da Indústria Portuguesa (Confederation of Portuguese Industry, or CIP) and Confederação do Turismo Português (Confederation of Portuguese Tourism, or CTP) –, it is voiced most vehemently by the representatives of those sectors – e.g. agriculture and tourism – in which output and labour demand decisions have to be made on a more short-term basis.

An aspect in which employers' associations have exhibited a particularly sophisticated stance (or at least discourse) concerns their claim that they do not "regard immigration as a way to postpone the restructuring of the predominant competitiveness model – rather, it is seen as a way to meet specific unmet labour market demands *while* seeking to reinforce the value-added component of the Portuguese economy, namely by promoting skills' acquisition by the workers in the various sectors" (id., ibid.).

Despite the lack of systematic evidence, it may be hypothesized that employers and their representatives have mostly claimed for an open stance to immigration and, in some cases, for immigrant regularization, as occurred with the concession of stay permits by the 2001 law. Despite the fact that the employment of immigrants in the informal economy (without contract and payment of social contributions) has brought increasing penalties for employers, the working conditions accepted by immigrants,

even within the formal economy, and some of their characteristics, seem to be largely beneficial for recruiters [31].

In sum, the employers' and the worker's representatives share to some extent a common understanding of the implications of globalisation, of the inevitability of immigration and of the inadequacy of rigid attempts by the government to excessively bureaucratise the regulation of the flows. In a somewhat contradictory vein to this, many of them (on both sides) also agree on the desirability of "national preference" clauses and provisos in the immigration law. Their main source of disagreement with respect to immigration concerns the alleged – by the trade unions – recourse to (especially irregular) immigration by the employers with a view to undermining workers' unity and undercutting labour standards.

Part IV. Institutional domestic and external factors

10. Relationships with the countries senders of emigrants

10.1. Bilateral agreements

(a) Temporary migration agreements

Since the end of the 1970s Portugal had been establishing bilateral agreements in the field of migration (see Gabinete de Documentação e Direito Comparado – http://www.gddc.pt). Agreements were first and foremost signed with countries from the former colonies, as well as with countries of Portuguese emigration (like Venezuela, Luxemburg, Belgium and France). The latter were agreements designed to facilitate migration, residence and work of Portuguese citizens in countries that were the main destinations of Portuguese emigration. The first agreements signed between Portugal and former colonies, such as Guinea-Bissau (1977) and São Tomé and Principe (1979), had the aim of regulating procedures to be followed by citizens from both countries in order to migrate and work in the other country, mainly including visa regulations.

Bilateral agreements since the 1990s reflect Portugal's new profile as an immigration receiving country. As such, several agreements have been signed with emigrant sending countries. Migration agreements may by classified, for the sake of clarity, according to different areas of intervention: agreements of temporary labour migration; agreements of readmission and deportation; and agreements of cooperation on the area of prevention and fight of human trafficking and illegal migration.

Regarding agreements on temporary labour migration, on 18th February 1997 Portugal and Cape Verde signed a Protocol on Temporary Emigration of Cape Verdean Workers to Portugal (Decree n. º 60/97 of 19 November). The aim of this agreement was to ease procedures regarding temporary recruitment of Cape Verdeans. Within its framework, Portuguese employers had to inform the Portuguese Institute of Employment and Professional Training (IEFP) of their intention to recruit Cape Verdeans workers. IEFP analyzed the request in light of Portuguese policy for

---

[31] A study issued by Carvalho (2004), for example, concluded for significant advantages for Portuguese firms in hiring immigrants. These advantages result from a higher availability from immigrants to functional and geographic mobility and from their frequently high professional and educational skills.

employment, namely if it corresponded to existing labour needs, employment opportunities not filled by Portuguese, EU or nationals from third countries with whom the EU had an agreement on free movement of workers. Following clearance of this intention to recruit, IEFP informed the Cape Verdean Embassy in Lisbon, which should transmit all "job offers" to the Cape Verdean Institute for Emigrant Support.

In Cape Verde, the Institute for Emigrant Support should in turn publish the offer and select the candidates. The list of potential workers was then sent to the Cape Verdean Embassy in Lisbon, which in turn might convey it back to the IEFP. If the Portuguese employers decided to recruit a candidate included in the list, a contract proposal should be sent, through the Cape Verdean Embassy in Lisbon, to the Institute for Emigrant Support. The employer was required to include, attached to the contract, a statement of responsibility that guaranteed the repatriation of the worker in case of labour relation interruption (Decree n.º 60/97 of 19 November).

In practice it is difficult to assess whether or not this protocol was successful in promoting the recruitment of Cape Verdean workers. It is certain that it was signed juts before the Expo 98, an operation that involved a large number of workers, often immigrants, in civil construction and public works. The general perception, however, is that it has not been efficient and most Cape Verdean working in Portugal since were not recruited through this channel.

On 11th July 2003 Portugal and Brazil signed a mutual labour recruitment agreement (Decree n.º 40/2003 of 19 September) aiming at facilitating the movement of Portuguese and Brazilians workers between the two countries. This agreement is commonly known as the "Lula Agreement" (the fourth extraordinary regularization), as it was signed during an official visit of the Brazilian President to Portugal in 2003.

Under this agreement – applicable to nationals of both countries in possession of a work contract validated by the authorities of the receiving country at the time of its signing – all types of visa applications shall benefit from a fast track procedure. In conjunction with article 6, that allowed for the application of work visas in consulates outside the country of residence of the applicant, both these rules of the agreement paved the way for the regularization of thousands of Brazilian citizens.

Regarding Eastern European countries, Portugal and Romania signed an agreement on temporary recruitment of Romanian citizens to Portugal on 19 July 2001 (although only approved in 2005 by Decree nº18/2005). Similar agreements were signed on the 26 September 2002 with Bulgaria (entered into force with Decree n. º23/2003) and on 12 February 2003 with Ukraine (in force since Decree n.º3/2005). The main objective of these agreements is to prevent illegal migration by focussing on the procedures to be followed by Portuguese employers who wish to recruit nationals from Romania, Bulgaria and Ukraine (Marques and Góis, 2007: 6). Similarly to the agreement with Cape Verde, explained above, there is an articulation between employers, the General Inspection of Work (IGT), IEFP and the relevant institutions in the country of origin.

The impact of these latter agreements is also difficult to assess, as no statistics are available. Nonetheless, it may be realistic to assume that the impact has not been considerable. In fact, Portugal is facing an economic crisis since 2001 and Eastern

European migration has declined – particularly in the case of Ukrainians. Also, Bulgaria and Romania having recently joined the EU will most certainly make obsolete these agreements in the short term, following the end of the *moratorium* imposed on the free movement of its workers.

(b) Readmission agreements

Alongside policies aimed at recruiting legally and preventing illegal migration, such as the temporary migration agreements mentioned above, Portugal has also signed a number of bilateral readmission agreements, mostly with European countries, with the purpose of repressing illegal immigration.

Generally, such agreements foresee that all third country nationals illegally staying in the territory of one of the contracting states and arriving directly from other contracting state, may be readmitted by the latter following a request submitted by the former. Readmission agreements simplify and fasten the process of expulsion of third country nationals. Travel costs are usually supported by the contracting state that requested the readmission of an illegal citizen.

Countries with which Portugal has signed readmission agreements include Spain, signed on 15 February 1993 and ratified by Parliament Resolution n.º 61/1994; France, signed on 8 March 1993 and ratified by Parliament Resolution n.º 15/1994; Lithuania, signed on 11 February 1999 and ratified by Decree n.º 11/2001; Hungary, signed on 28 January 2000 and ratified by Parliament Resolution n.º 62/2001; Estonia, signed on 12 November 2001 and ratified by Parliament Resolution n.º 46/2003; and Romania, signed on 26 September 2002 and ratified by Parliament Resolution n.º 43/2003. According to SEF, readmission agreements are most often activated in the case of Spain and France.

Furthermore, Portugal and the United States of America (USA) have signed on the 3 October 2000 (Decree n.º 24/2000) an agreement regarding the deportation of Portuguese citizens from the USA and of American citizens from Portugal. Similarly, Portugal has also signed with Canada on the 29 January 2001 (Decree n.º 10/2001) an agreement regarding the deportation of Portuguese citizens from Canada and of Canadian citizens from Portugal. Reasons for deportation in the framework of such agreements include criminal behaviour or remaining in the territory of the contracting states in violation of internal law – first and foremost for reasons of unauthorized work.

(c) Other agreements

Regarding international cooperation in the area of prevention and fight against human trafficking and illegal migration, Portugal and Morocco signed an agreement on the 7 September 1999 (approved with the Decree n.º 35/2004) focusing on border controls and migration flows. This bilateral agreement is intended, first and foremost, to increase cooperation between the two countries with the aim of fighting illegal migration and criminal exploitation of migration flows.

Cooperative activities foreseen in this agreement include: information exchange on borders control, migration management and fight against irregular migration;

exchange of data on falsified documents and technical knowledge for countering falsifications; exchange visits and sharing of information for a better management of borders control; organization of internships, conferences and seminars.

On the 11 July 2003 Portugal further signed an agreement with Brazil on the prevention and fight against trafficking of migrants (Decree n.º 42/2003 of 20 September). The objective of this agreement is the exchange of experiences, information and other forms of cooperation in the field of irregular migration control, prevention and fight against the trafficking of migrants.

Cooperation in the area of training includes mutual training on legal systems and processes of law, informatics systems, falsified documents and procedures for identification of illegal migrants. Special channels for information exchange – namely by posting immigration liaison officers in diplomatic representations or by use of electronic means of communication – seem to offer a more systematic and consistent nature to this agreement when compared to that signed with Morocco.

This agreement also benefited from the previous "Lula Agreement" that created the basis for a common understanding between Portugal and Brazil on a range of immigration and human trafficking issues. One of the activities arising from this agreement was a bilateral Seminar on Trafficking and Illegal Immigration that took place in Portugal in May 2006. This was followed, in November 2006, by a second bilateral seminar in Brazil on the same subject. Two declarations on human trafficking came out of these events, focusing, among others, on prevention, cooperation and training between the two countries. In practice, this agreement has facilitated the exchange of information between Portugal and Brazil. The presence of a liaison officer from SEF in Brasilia has also helped on this task.

10.2. Other forms of cooperation

In the framework of international cooperation with countries of origin of Portuguese immigration, reference should be made to the role of immigration liaison officers of the Aliens and Borders Service (SEF) in preventing illegal migration. SEF has liaison officers in Brazil, Senegal, Guinea-Bissau, Cape Verde and Russia.

Liaison officers from SEF are posted in Portuguese diplomatic representations abroad depending on the existence of relevant migration flows from the country in question to Portugal. Generally speaking, they have the task of increasing dialogue and cooperation with counterparts and providing assistance to national and local entities. Their work aims at preventing illegal migration within the country of origin, as well as promoting regulation of migration flows. Liaison officers further assist Portuguese consular authorities in their task of analyzing and issuing visas (SEF, 2006: 53).

More recently, liaison officers posted in Portuguese diplomatic representations abroad are no longer exclusively belonging to SEF. Liaison officers are currently originating from the Ministry of Internal Affairs in general and can therefore belong to other law enforcement agencies. This change is linked to the need to support countries in matters not only related with migration issues. In countries where migration flows to Portugal are relevant, however, a liaison officer from SEF is appointed.

Other forms of cooperation with countries of origin include the recent setting up in Cape Verde, in January 2008, of a support centre for immigrants. This centre, named Support Centre for Migrants in the Sending Country (Campo – Centro de Apoio ao Migrante no País de Origem), was a joint initiative of Portuguese governmental agencies and NGOs, namely ACIDI (High Commission for Immigration and Intercultural Dialogue), IPAD (Portuguese Institute for Development Support) and AIPA (Immigrants' Association of Azores). This initiative was partially inspired in the experience of the National Support Centres for Immigrants (CNAIs) created by the ACIDI and existing since 2004 in Portugal

The Support Centre for Migrants in the Sending Country of Cape Verde has the role of informing Cape Verdean citizens in a pre-immigration stage about migration conditions and procedures in Portugal. This kind of initiative in sending countries is a relevant example of cooperation in the management of migration flows, which may be replicated in the future in the main source countries of immigration to Portugal.

11. Influence of the European Union in the domestic policies on immigration

11.1. Legal framework

The influence exerted by the EU on Portuguese immigration policy can be viewed at two levels: the impacts caused by the adhesion to the Schengen Agreement and the transposition of EC Directives related to immigration.

As regards Schengen, Portugal was, along with Spain, the third country to join the founding group by means of adherence protocols signed in Bohn on June 25th 1991 (Schengen Acquis). The original agreement was signed by Germany, France, Belgium, Luxembourg and the Netherlands on June 14th 1985, followed by the adhesion of Italy, in 1990. On June 19th 1990, the founding countries further signed a Convention on how the Schengen Agreement was to be applied and free movement to be achieved in practice. The Convention came into force in 1995, when border controls were abolished between the five original countries, Italy, Spain and Portugal.

The impact of Schengen in Portugal had mainly to do with the abolition of physical control over the land border with Spain, one of the most relevant means of immigration control. As already stated in section 4.2, it is often admitted that many of the inflows targeting Portugal since the mid-1990s, including irregular immigration, have profited from this reduced control. For example, studies on Eastern European immigration to Portugal confirmed that most immigrants entering between the late 1990s and early 2000s had a visa for a Schengen country (most often Germany) and then overstayed (Baganha, Góis and Marques, 2004). The temporary setting of controls, as occurred during the Euro 2004 football championship, also demonstrated how vulnerable the land border is to irregular immigrants.

As regards EC directives, with the exception of Council Directives 2001/51/EC of 28 June and 2002/90/EC of 28 November – transposed by Law Decree n.º 34/2003, 25 February – and Council Directive 2001/40/EC of 28 May – transposed by Law n.º 53/2003, 22 August - the majority of all Directives approved under Title IV of the EC Treaty on immigration admission, fight against illegal immigration, border management and visas were only transposed into Portuguese Law in 2007. This

implied that Portugal has made the object, in 2007, of an infringement procedure by the Commission, under article 226 of the EC Treaty, for failure to comply with deadlines for the transposition of a number of EC Directives relating to immigration.

The recently approved immigration legal framework – Law n. ° 23/2007, July 4 – states in article 2 its purpose to transpose into the domestic legal system the following EC legislation: Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification[32]; Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air [33]; Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long term residents [34]; Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities [35]; Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data [36]; Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service [37] and Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research [38].

The recent 2007 law further incorporates the rules of Council Directives 2001/51/EC[39], 2001/40/EC[40] and 2002/90/EC that had previously been transposed, thus achieving the consolidation of the Portuguese legal framework for immigration.

Table 11.1 summarizes the EU directives transposed to the Portuguese immigration law.

---

[32] See articles 98 to 108 of Law n. ° 23/2007, July 4.
[33] See articles 173 to 180 of Law n. ° 23/2007, July 4.
[34] See articles 116 to 121, 125 to 134, 136 and 137 of Law n. ° 23/2007, July 4.
[35] See articles 109 to 115 of Law n. ° 23/2007, July 4 and Law – Decree n.° 368/2007, 5 November.
[36] See articles 42 to 44 of Law n. ° 23/2007, July 4.
[37] See articles 62 to 63 and 91 to 97 of Law n. ° 23/2007, July 4.
[38] See articles 54, 57, 61, 90 and 122 (1) (q) of Law n. ° 23/2007, July 4.
[39] See article 41 of Law n. ° 23/2007, July 4
[40] See articles 169 to 172 of Law n. ° 23/2007, July 4.

Table 11.1
EU Directives transposed to the Portuguese immigration law

Law Decree n. º 34/2003, 25 February
Council Directives 2001/51/EC of 28 June supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985
Council Directive 2002/90/EC of 28 November defining the facilitation of unauthorised entry, transit and residence
Law n. º 53/2003, 22 August
Council Directive 2001/40/EC of 28 May on the mutual recognition of decisions on the expulsion of third country nationals
Law n. º 23/2007, July 4
Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification
Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air
Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents
Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities
Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data
Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service
Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research

Source: own elaboration

11.2. Operational cooperation

The operational cooperation existing between Portugal and the other EU member states is carried bilaterally in the framework of the cooperation with Spain, with whom Portugal shares its only land border, and increasingly within Frontex.

The cooperation with the Spanish authorities on land border control was already described in section 4.2. Some inspection activities carried out by SEF, set to control the permanence and activities of foreign citizens in Portugal, are performed jointly with the Cuerpo Nacional de Polícia, in the framework of the Luso-Spanish cooperation.

The participation in Frontex has been increasingly relevant. This EU agency coordinates operational activities between member states in the area of external borders security in the EU. The agency has been assuming an important role in the consolidation of a common action benefiting EU security (SEF, 2006: 48). SEF is deeply involved in Frontex activities. It has posted four experts in its headquarters, settled in the city of Warsaw, Poland. Last February, the General Director of SEF was also appointed Deputy Chairperson of Frontex Management Board. However, other Portuguese law enforcement entities and military forces also participate in the activities of the European agency.

SEF has a central bureau which coordinates the Portuguese SEF activities within Frontex and selects the adequate officers to participate in these actions. SEF is prioritarily involved in Frontex operations in the Mediterranean coast and in cooperation with Spain. This is justified by the relevance of these areas for Portugal regarding immigration issues. Although pressure from North Africa has not occurred until now, it is viewed as a potential problematic area for immigration control.

11.3. Priorities and demands

Another level of relationship with the EU are the priorities and demands defended by Portugal at the European level or, in another words, the EU immigration policy it supports. From this perspective, its position does not seem to be particularly active, although in some cases a specific agenda seem to exist. At the one hand, Portugal has apparently maintained a less demanding approach than other countries, such as Spain, which has repeatedly asked for cooperation in the Southern border control and was among the supporters of the recent directive on return of irregular immigrants. The fact that the pressure over its borders is not considered excessive and the privileged relationship with many of the source countries (the Portuguese-speaking ones) may partly explain the Portuguese stance. One of the arguments set by the Portuguese authorities is that the most severe lack of control over the borders in recent years has not resulted from the porosity of the Portuguese external borders but, at the contrary, from the adhesion to the Schengen space; as said above, most of the irregular immigrants coming from Eastern Europe had a valid visa for another EU country.

At the other hand, Portugal has sometimes revealed the interest of influencing the broader EU approach. This was evident in the second semester of 2007, when Portugal held its third EU Presidency. Migrations were one of the Portuguese priorities for the EU Presidency. During the six months of Presidency the debate has been fostered on the promotion of legal migration channels, the integration of migrants, health and migration, development of policies in these areas of intervention, readmission and circular migration.

With these aims, a High Level Conference on Legal Migration took place on 13 and 14 September in Lisbon; a Conference on Health and Migrations in the EU took place on the 27 and 28 September in Lisbon; and a Conference on Human Trafficking and Gender was organized on the 8 and 9 October in Oporto. The aim of Portugal was to include migration issues in the European agenda. This may be interpreted as an attempt to influence European policies, although the outcomes were arguably relevant.

It is also important to remember that the strengthening of Europe as a space of freedom, security and justice has been one of the priorities of the programme common to the German, Portuguese and Slovene presidencies.

The recent discussion of the directive on return, approved by the EC in 2008, also gave clarity to some internal divisions among the EU member states regarding issues of immigration control. Evidence collected in the news suggested that, in the recent debate, Portugal has joined the "less restrictive" group of countries (also comprising Belgium, Luxembourg and Poland). This group contrasted with the "more restrictive" (including Spain, Italy, Germany, Austria, Netherlands and Malta) in matters such as

the length of detention of irregular immigrants (Cunha, 2008). The fact that the Portuguese policy seems to be carried out, since long ago, with a significant autonomy from the EU may be expressed by the non implication of the recent directive on the Portuguese provisions; the maximum length of detention of irregular immigrants in Portugal is currently 60 days, much lesser than the maximum period set by the EC.

Part V. Conclusions

When considered in the framework of contemporary international migration, immigration history in Portugal is very recent. Only after the mid-1970s, with the political change and the de-colonisation process, it became significant. It increased its volume after the adhesion to the European Union in 1986 and accelerated after the late 1990s. Having started mainly as an exchange between Portuguese-speaking countries, namely the African ex-colonies and Brazil, it became progressively diversified. Today, there is still a majority of Portuguese-speaking immigrants, mainly from Cape Verde and Brazil, but other national groups became numerous, as occurs with Eastern European immigrants, particularly from Ukraine. Most immigrant inflows have been linked with the labour market, what explains the high activity rates found among immigrants. It is not surprising that the informal economy has been a privileged route for immigrants' incorporation. Although data is hard to find in this domain, a large part of the immigrants have entered the country irregularly or overstayed, attaining a legal status due to one of the various regularization processes.

Immigration policy also has a brief history but is also diversified. Between 1981 and 2007 six major immigration laws regarding the conditions for entry, stay and exit of foreigners in Portugal have been published. These laws and related regulatory mechanisms have allowed six regularization processes – already counting with the one just initiated by the most recent law, in 2007. With some delay compared to the regulation mechanisms, also policies devoted to immigrants' integration were issued. These were mostly visible since the mid-1990s. The creation of the High Commissioner for Immigration and Ethnic Minorities, that gave place to the current High Commissariat for Immigration and Intercultural Dialogue (ACIDI), was a landmark in this domain. Progressively, the concession of rights to foreign immigrants was expanded. The recent modification of the nationality law, in 2006, allowing more opportunities for the acquisition of Portuguese citizenship, is an example of this process.

The making of policies of immigration control in Portugal has been complex. First, it faced a recent and non-linear immigration experience. Inflows have not always been stable and its characteristics have varied. Second, international flows occur in a different context than before. Globalization has created a large international labour market, the migration industry – including trafficking and smuggling – has expanded its activities and the EU membership constrained some of the classical regulation mechanisms. The opening of EU internal borders allowed by the Schengen Agreement is the most visible example of the latter novelty. In sum, Portugal was not used to regulate immigration and had to learn in a different context than its more developed European counterparts. Third, immigration has been linked to some structural traits of the Portuguese society, such as the importance of the informal economy and the weak welfare state, some consequences of which are hard to

regulate. For example, the informal economy was responsible for a significant part of the immigrant labour recruitment, challenging the capabilities of the state for control.

The mode how the political system dealt with immigration control showed a significant consensus along the time. In Portugal, government responsibilities have been mostly shared since 1974 by two political parties: the Socialist Party (PS), from the centre-left, and the Social Democratic Party (PSD), from the centre-right. They usually alternate power, although they have been once allied in the government, an experience that was labelled as "central bloc". During this period, they formed governments autonomously or, at times, in coalition. The most common alliance has been, until today, between the PSD and the Party of the Social Democratic Centre / Popular Party (CDS-PP), a right wing party. Other major political parties represented in the Parliament are the Communist Party of Portugal (PCP) and the Left Bloc (BE), both from the left.

The position of the major parties, particularly those that had government responsibilities, regarding immigration does not reveal a clear-cut divide. Considering the six major laws on immigration control, half was published under a right-wing government and half under a left-wing government. Extraordinary regularizations took place under both political orientations – again half for each. Some important mechanisms for immigration regulation, such as quotas for labour recruitment, were approved by both, i.e., politically different governments.

The first law regulating the conditions for entry, stay and exit of foreigners in Portugal, in 1981, was published under a right-wing government, led by the PSD. It was mainly concerned with regulation of flows. This party was in power between 1985 and 1995. Within this period, two important moments in immigration policy occurred: the first extraordinary regularization process, in 1992-1993, and a second immigration law, in 1993. Meaningfully, the first regularization was approved in the Parliament with the favourable vote of all major parties: PSD, PS, CDS/PP and PCP. The fact that the largest part of irregular immigrants was composed of citizens coming from the ex-colonies of Africa is one of the explanations for this unanimity. Besides humanitarian considerations, also political ones applied: the cooperation with Portuguese-speaking countries was defended by a vast array of parties, from the left and right. Despite this consensus, the 1993 law was not approved by the opposition (PS and PCP voted against; the CDS/PP abstained).

In 1995 a new phase in immigration policy started. The PS was elected for the government and would be in power until 2002. Already in 1996 a second extraordinary regularization was launched. One of its objectives was to reach a larger proportion of irregular citizens than before, since it was known that the previous regularization had not responded to all existing situations. Again meaningfully, all the major parties voted in favour in the Parliament. In 1998 a third immigration law was approved, less restrictive than before. Given the evident incapability of controlling inflows – the late 1990s were the moment of strongest acceleration – a new law was published in 2001. The latter launched the opportunity for the largest regularization carried out so far in the country, based in the concession of the "stay permits". The position of the parties regarding the 1998 and 2001 laws, including the third regularization, was not unanimous. The PSD voted in favour in 1998 but against in 2001; the CDS/PP voted against in 1998 but abstained in 2001; and the PCP was

always against, as well as the BE in 2001. However, the position of the CDS/PP in 2001, when it abstained, was crucial and previously discussed. Since the PS had no majority in the Parliament, that vote was essential to the approval. It is known that the law was negotiated among PS and CDS/PP, and that some of its measures resulted from CDS/PP proposals, such as the introduction of quotas.

Between 2002 and 2005 the government changed hands and the PSD regained power, this time in coalition with the CDS/PP. In 2003 a new immigration law was approved. It confirmed as one of its main mechanisms the existence of quotas for labour recruitment. In the Parliament, the PS abstained and the PCP and BE voted against. Still in this year, a visit to Portugal of President Lula da Silva, from Brazil, gave way to a fourth process of regularization, targeted only to Brazilian immigrants. All parties voted in favour. Meanwhile, the 2003 immigration law was object of complete regulation only in 2004. This process has not been consensual inside the coalition – and maybe the regularization of 2003 was not also entirely peaceful. Significant divergences have arisen between the PSD and the CDS/PP about regulation measures. Despite this, the regulatory-decree of 2004 launched a further regularization process. All parties voted in favour. The CDS/PP was probably the least enthusiastic about this. The concerns about security, the declared primacy of the labour market and the opposition to regularization processes seem to have increase within the party during the years.

To complete the chronology, a new PS government took power in 2005 and is still ruling. It prepared and launched a new immigration law in 2007, which contains another regularization mechanism. The sectorial quotas (per economic sector) were abandoned but were replaced by the introduction of a "global contingent" as indicator of maximum labour recruitment. The making of the law has included several contacts with other parties, particularly the PSD and the PCP. The fact is that, for the first time, PS, PSD and PCP voted in favour a major immigration law. The CDS/PP and BE voted against.

A significant consensus about immigration regulation issues seems to be one of the major conclusions to be derived from this description. The "central bloc", meaning by this a political consensus existing in the main governing parties, the PS and the PSD, functioned more than once. This consensus, situated at the centre of the political axis, has sometimes involved other parties, such as the right-wing CDS/PP and the left-wing PCP. This process is far from being straightforward. In the expression of one of the interviewees, which worked with the government during several years, "we constructed, we negotiated". The internal heterogeneity of the political parties became evident in some circumstances, and overt power struggles have occurred within parties and coalitions. Divergences arose within the same party and governing coalitions, but they were overcome in a more or less lengthy process. An example of unexpected convergences is the negotiation between the PS and the CDS/PP for the approval of the 2001 law.

The rationale behind these policy decisions is not always clear. This means that the main factors explaining policies devoted to regulate foreign inflows in Portugal can only be presented tentatively. Humanitarian reasons are present in the discourse of all major parties, although in a dissimilar manner. The more left-wing parties, such as the PCP and the BE, place it as the main criterion for immigration regulation. The two

main governing parties, the PS and the PSD, emphasize its importance but weigh it against labour market needs. The CDS/PP is the party that emphasizes the less this factor. However, it does refer to it when stressing the need to combine "rigorous" control with "humanity" in integration issues. The fact that this party is heir of a democratic Christian tradition may explain this duality.

Labour market considerations are mainly visible in PS, PSD and CDS/PP. However, the exact mode of promoting immigration control through labour market criteria has not been always clear, and a learning process seems to be under way. Since 2001, the different laws promoted by these parties have included some sort of mechanism trying to evaluate internal labour market needs as a way to justify foreign labour recruitment. The quota system devised in 2001 and 2003 has been far from effective. The importance of the informal economy and the bureaucratic burden associated with legal recruitment have not helped in the process. Moreover, the PS and the PSD seem never to have been enthusiastic with the quotas. The CDS/PP stands, still today, as the main defender of the system. In 2007, a different and simpler mechanism was created, but it is still soon to evaluate its efficacy.

Other factors may explain the variable geometry of the political parties' positions and the frequent consensus that has been reached. The links between immigration policy and Portuguese identity, including universalism, Lusophone connections and Portuguese emigration have already been discussed in the literature (Santos, 2004; Machado, 2005; Marques et al., 2005). Since immigration to Portugal was, until the mid-1990s, mostly composed of Portuguese-speaking immigrants, a benevolent attitude may have been built, given the historical, linguistic and cultural similarities. The fact the Portugal is still facing a significant out-migration, more often to other EU countries (such as Spain and the UK) and Switzerland, may also contribute to the association between formally different discourses, on immigration and emigration. Nationalism is a variable much less operant in this domain. Among the major political parties, only the CDS/PP has presented some traits of nationalistic positions. However, the internal heterogeneity of this political party (as other parties) may have smoothed its positions. Radical nationalistic and xenophobic parties are rare in Portugal. An anti-immigrant discourse has not paid off until today in the Portuguese political system.

The lack of a strong political divide in relation to immigration may be partially explained by the shape of public opinion. Attitudes and values of the Portuguese population towards immigration are complex and sometimes contradictory, but reveal, nonetheless, the increase of a more favourable stance over the years. Some of the Portuguese myths are built around the conception of universalism and humanitarian considerations. Recent survey data on attitudes and values regarding immigration do not fully match with this picture, as significant levels of resistance towards immigration were found. However, a significant acceptance of immigration also occurs and, most important, it is increasing. This is still more relevant since the recent years, from the early 2000s, were characterised by economic recession and rising levels of unemployment. Despite this, public opinion did not rise up against immigrants. In the expression of one of the interviewees, "there is social peace regarding immigration". In face of this, it is not surprising that the major political parties are keen in maintaining a generally favourable stance in this domain.

The position of relevant stakeholders is also an explanation for the overall consensus. Employers and trade unions have revealed a generally favourable attitude towards immigration. They accept the inevitability of immigration in the contemporary world and reveal a positive attitude towards immigrants in Portugal. The employers are keen in recruiting them. Labour demand has been one of the most important factors explaining inflows. Both in the informal and the formal economy, foreign immigrants have been beneficial for economic activity and employers recognize it. The political position most often defended by employers' representatives is an increased flexibility for international labour recruitment. On its side, trade unions denounce that immigrants are often used as a mode of diminishing labour standards and social rights existing in the national workforce. Despite of this, they always promoted the immigrants defence, claming and cooperating in extraordinary regularizations.

Another relevant stakeholder with a major role in this domain is the Catholic Church. Catholic organisations were always in the forefront of the defence of immigrants' rights. This occurred since when the theme has not gained visibility. During the 1980s, they have been among the pioneers of the claim for a first extraordinary regularization. Some of the left-wing political parties acknowledge this fact, and recognize that their role was to bring for the political sphere, in the early 1990s, the discussion that started elsewhere. Although the current influence of the Catholic Church in Portugal is hard to ascertain (for example, the levels of religious practice are decreasing among the population), it is certain that the Church is very active and that Catholic affiliations are transversal to many political parties, including the PS, PSD and CDS/PP. It is certainly not by chance that the second High Commissioner for Immigration and Ethnic Minorities, nominated by the PSD in 2002, was a Catholic priest, and that the third and fourth High Commissioners, nominated by the PS in 2005 and 2008, were persons actively committed to Catholicism.

The level of adhesion of policy objectives with immigration reality is nonetheless low. In another terms, the gap between policy and outcomes has been considerable since the 1980s, what enlarges the "crisis of control" to the Portuguese case (Cornelius et al., 2004; on the theme, see also Peixoto, 2002 and Baganha, 2005). As occurs in numerous contexts, the political discourse has been keen in proclaiming an objective of strict regulation and control. Several measures were launched to promote legal immigration and to provide international labour recruitment. Extraordinary regularizations were said to occur to solve previous unsolved situations, and to make a start for new eras were no regularizations would be needed. However, all policy mechanisms devised to facilitate legal immigration proved to be ineffective, and the strength of other factors proved too strong for political regulation. Those factors included high demand in labour-intensive sectors, particularly in the informal economy, the strength of informal social networks and the functioning of smuggling and trafficking networks. The opening of the land borders, given the Schengen provisions, added to the difficulties of control, although it does not explain other sources of irregular immigration, including the African and the Brazilian one. In short, irregular immigration is endemic in the Portuguese society. When trying to identify the main factors that hindered the implementation of regulation policies, these encompass the economic (labour market demand), institutional (EU regulations, such as the Schengen implications over land border control) and legal (inadequacy of legal immigration channels) domains.

The future of immigration control in Portugal remains an open question. Most outcomes will depend on factors that are not under the rule of immigration policy. The type of economic demand, rates of economic growth and extent of the informal economy will largely determine future inflows. EU regulations will also constrain future policies. Attitudes and values of public opinion, a decisive factor of political action, are of uncertain evolution. As one of the interviewees told, the plea for tolerance and immigrants' acceptance "is an everyday fight". Disregarding these factors, the main Portuguese political actors will probably maintain a generally favourable stance towards immigration and will try to promote more effective channels for legal immigration. Recent initiatives of the Portuguese government included a closer cooperation with source countries, including the opening of a "Support Centre for Migrants in the Sending Country" in Cape Verde. Efforts to an effective regulation will certainly continue, in closer connection with other EU member states and migrants' sending countries. A transnational phenomenon such as migration claims for a transnational regulation.

Bibliography

Abreu, A. and J. Peixoto (2008), "Portugal", in E. Honekopp and H. Mattila (eds.), *Permanent or Circular Migration? Policy Choices to Address Demographic Decline and Labour Shortages in Europe*, Budapest, IOM, pp. 183-214.

ACIDI (2007), *Plano para a Integração dos Imigrantes*, Lisbon, ACIDI.

ACIDI (2007/2008), *Imigração em Portugal – Informação Útil*, Lisbon, ACIDI.

ACIME (2005), *Estatísticas da Imigração*, Lisbon, ACIDI, mimeo.

Aguiar, C. (2007), "Chegaram da Índia e Paquistão a sonhar com papéis", *Diário de Notícias*, 31 August 2007, acessed online at http://dn.sapo.pt.

Albuquerque, R., L. Ferreira and T. Viegas (2000), *O Fenómeno Associativo em Contexto Migratório – Duas Décadas de Associativismo de Imigrantes em Portugal*, Oeiras, Celta Editora.

Baganha, M. I. (2005), "Política de imigração: a regulação dos fluxos", *Revista Crítica de Ciências Sociais*, 73, pp. 29-44.

Baganha, M. I. *et al.* (1999), "Os imigrantes e o mercado de trabalho: o caso português", *Análise Social*, 36 (150), pp. 147-173.

Baganha, M. I. and J. C. Marques (2001), *Imigração e Política: o Caso Português*, Lisbon, Fundação Luso-Americana.

Baganha, M. I., P. Góis and J. C. Marques (2004), "Novas migrações, novos desafios: a imigração do Leste", *Revista Crítica de Ciências Sociais*, 69, pp. 95-115.

Carvalhais, I. E. (ed.) (2007a), *Cidadania no Pensamento Político Contemporâneo*, Estoril, Principia.

Carvalhais, I. E. (2007b), *Postnational Citizenship and the State – Political Integration of Non-National Residents in Portugal*, Oeiras, Celta Editora.

Carvalho, J. M. (2007), *A Política de Imigração do Estado Português entre 1991 e 2004*, Dissertação de Mestrado, Lisboa, Instituto de Ciências Sociais.

Carvalho, L. X. (2004), *Impacto e Reflexos do Trabalho Imigrante nas Empresas Portuguesas. Uma Visão Qualitativa*, Lisboa, Observatório da Imigração - ACIME.

Carvalho, L. X. (2007), *Os Limites da Formalidade e o Trabalho Imigrante em Portugal*, Cadernos OI, 1, Lisboa, ACIDI.

Cordeiro, J. (2008), "O movimento sindical e a complexidade do fenómeno migratório", *Migrações*, 2, pp. 207-211.

CGTP-IN (2005), "Apreciação jurídica sobre anteprojecto de lei da imigração", accessed online on March 3rd, 2008 at http://www.cgtp.pt/index.php/images/stories/imagens/2005/11/index.php?option=com_content&task=view&id=519&Itemid=144

CGTP-IN (2007a), "Protocolo de Cooperação sobre Trabalhadores Imigrantes CGTP-IN – CUT", accessed online on March 3rd, 2008 at http://www.cgtp.pt/index.php?option=com_content&task=view&id=785&Itemid=144

CGTP-IN (2007b), "A CGTP-IN condena a propaganda xenófoba do PN", accessed online on March 3rd, 2008 at http://www.cgtp.pt/index.php?option=com_content&task=view&id=669&Itemid=144

Cornelius, W. *et al.* (ed.) (2004), *Controlling Immigration – A Global Perspective*, 2nd ed., Stanford University Press, Stanford.

Costa, P. M. (2004), *Políticas de Imigração e as Novas Dinâmicas da Cidadania em Portugal*, Lisboa, Instituto Piaget.

Cunha, Isabel Arriaga (2008), "Governos da UE perto de um acordo sobre regras para expulsão de ilegais", *Público*, 22 May 2008, accessed online at http://ultimahora.publico.clix.pt.

Diário da República, Despacho 25360/2001, "Acesso dos Imigrantes à Saúde", II Série, Nº286, 12 de Dezembro 2001.

Duarte, F. B. (2005), *Uma Verdadeira Política de Imigração*, Lisboa, Âncora Editora.

European Commission (2004), *Handbook on Integration for Policy Makers and Practitioners*, Directorate-General for Justice, Freedom and Security of the European Commission.

European Commission (2007), JAI Acquis, Update October 2007, accessed online at http://ec.europa.eu/justice_home/doc_centre/intro/docs/jha_acquis_1107_en.pdf

European Union (EU), http://europa.eu/scadplus/leg/en/lvb/l33020.htm

EU - Schengen Acquis, accessed online at http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2000:239:0001:0473:PT:PDF

Felner, R. (2007), "Governo trava legalização de imigrantes após avalancha de candidaturas", *Público*, 30 August 2007, accessed online at http://ultimahora.publico.clix.pt.

Fonseca, M. L., J. M. Malheiros and S. Silva (2005), "Portugal", in J. Niessen, Y. Schibel and C. Thompson (eds), *Current Immigration Debates in Europe: A Publication of the European Migration Dialogue*, Migration Policy Group.

Fonseca, M. L., M. J. Caldeira and A. Esteves (2002), "New forms of migration into the European South: challenges for citizenship and governance. The Portuguese case", *International Journal of Population Geography*, 8 (2), pp. 135-152.

Gabinete de Documentação e Direito Comparado, http://www.gddc.pt

Horta, A. P. (2004), *Contested Citizenship: Immigration Politics and Migrants' Grassroot Organizing in Post-Colonial Society*, New York, Centre for Migration Studies.

Instituto Nacional de Estatística (INE), http://www.ine.pt

Instituto Nacional de Habitação (INH), http://www.portaldahabitacao.pt/pt/portal/ihru

Instituto de Emprego e Formação Profissional (IEFP), "Lei da imigração – Regime vigente", acessed online at http://oefp.iefp.pt/admin/upload/Conferencias/Regulares/9af415fb-5b20-4aa9-9c74-045b06a2f8db.pdf

Instituto de Emprego e Formação Profissional (IEFP), "Programa Portugal Acolhe", acessed online at http://portal.iefp.pt/portal/page?_pageid=117,106131&_dad=gov_portal_iefp&_schema=GOV_PORTAL_IEFP

Lages, M. and V. Policarpo (2003), *Atitudes e Valores perante a Imigração*, Lisboa, Observatório da Imigração - ACIME.

Lages, M. (coord.), V. Policarpo, J. C. Marques, P. L. Matos and J. C. António (2006), *Os Imigrantes e a População Portuguesa: Imagens Recíprocas - Análise de duas sondagens*, Lisboa, Observatório da Imigração - ACIME.

Machado, F. L. (2005), "Des étrangers moins étrangers que d'autres? La régulation politico-institutionnelle de l'immigration au Portugal", in E. Ritaine (ed.), *L'Europe du Sud Face à l'Immigration. Politique de l'Étranger*, Paris, PUF, pp. 109-146.

Malheiros, J. M. (ed.) (2007), *A Imigração Brasileira em Portugal*, Colecção Comunidades, 1, Lisboa, ACIDI.

Marques, J. C. and P. Góis (2007), "Ukrainian migration to Portugal. From non existence to the top three immigrants groups", *Migrationonline.cz Focus on Central and Eastern Europe*, January 2007, pp.1-8.

Marques, M. M., N. Dias and J. Mapril (2005), "Le «retour des caravelles au Portugal»: de l'exclusion des immigrés à l'inclusion des lusophones?", in E. Ritaine (dir.), *L'Europe du Sud Face à l'Immigration. Politique de l'Étranger*, Paris, PUF, pp. 109-146.

Marques, R. (2005), *Uma Mesa com Lugar para Todos*, Lisboa, Instituto Padre António Vieira.

Niessen, J. *et al.* (2007), *Migrant Integration Policy Index*, Brussels, British Council and Migration Policy Group.

Nishiwaki, Y. (2005), *Desenvolvimento Histórico da Política de Imigração em Portugal e na Europa: Diversidade e Convergência*, Dissertação de Mestrado, Lisboa, ISCTE.

OECD (2007), *The Labour Market Integration of Immigrants in Portugal*, DELSA/ELSA (2007)7, 22 October 2007.

Oliveira, C. R. *et al*. (2005), *Indicators of Immigrants Integration*, First Report, Lisbon, ACIME.

Oliveira, N. (2001), *Portugal, País de Imigração, a Política de um Imaginário. Representações da Imigração no Discurso Político Nacional*, Dissertação de Mestrado, Lisboa, Universidade Nova de Lisboa.

Peixoto, J. (2002), "Strong market and weak state: the case of foreign immigration in Portugal", *Journal of Ethnic and Migration Studies*, 28 (3), 483-497.

Pires, R. P. (2003), *Migrações e Integração*, Oeiras, Celta Editora.

Pires, R. P. (2007), "Migration flows: dynamics and ways of management", in A. Vitorino (ed.), *Immigration: Opportunity or Threat? Recomendations of the Gulbenkian Immigration Forum*, Estoril, Princípia Editora.

Pires, R. P. and F. Pinho (2007), "Políticas de imigração em Portugal", in J. M. Viegas *et al.* (eds.), *Portugal no Contexto Europeu. Vol. I: Instituições e Política*, Lisbon, Celta Editora.

Público (2001) "Centros de atendimento da UGT já atenderam 700 imigrantes", newspaper article published on April 5th, 2001 and accessed online at http://dossiers.publico.pt.

Rocha-Trindade, M. B. (2002), "Portugal: ongoing changes in immigration and governmental policies", *Studi Emigrazione*, 148, pp. 795-810.

Santos, V. (2004), *O Discurso Oficial do Estado sobre e Emigração dos Anos 60 aos 80 e a Imigração dos Anos 90 à Actualidade*, Lisboa, Observatório da Imigração - ACIME.

Seabra, H. and T. Santos (2005), *A Criminalidade de Estrangeiros em Portugal: um Inquérito Científico*, Lisboa, Observatório da Imigração - ACIME.

Serviço de Estrangeiros e Fronteiras (SEF), *Relatório de Actividades - Imigração, Fronteiras e Asilo*, Lisboa, SEF, annual editions from 2000 until 2006, acessed online at http://www.sef.pt.

Silva, J. P. (2004), *Direitos de Cidadania e Direito à Cidadania*, Lisboa, Observatório da Imigração - ACIME.

Sousa, M. C. U. (2002), "The Portuguese immigration law", *International Journal of Migration and Law*, 4 (1).

Trindade, C. (2004), "Declaração ao X Congresso da CGTP-IN", January 2004, accessed online on March 3rd, 2008 at
http://www.cgtp.pt/acgtp/orgaos/congressos/xcongresso/intervencoes/carlostrindade.htm

UGT (2004), "Posição da UGT sobre a Previsão de Necessidades de Mão-de-Obra de Trabalhadores Imigrantes", accessed online on March 3rd, 2008 at www.ugt.pt/parecer_03_03_2004.pdf

Vitorino, A. (ed.) (2007), *Immigration: Opportunity or Threat? Recomendations of the Gulbenkian Immigration Forum*, Estoril, Princípia Editora.