

Institut Panos Paris

# Europe des migrations / Europe de développement

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INSTITUT PANOS PARIS – KARTHALA

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### PRÉFACE

#### IMMIGRATION, MIGRATION, DÉVELOPPEMENT ; UN CADRE, DES MOTS ET DES IMAGES, DES ACTIONS...

Les OSIMS - organisations de solidarité internationale issues des migrations<sup>1</sup> - sont devenues, aujourd'hui, des acteurs incontournables de la solidarité internationale. En contribuant à cette évolution, le projet « l'immigration, une chance pour le développement ? », plus communément appelé « OSIMS en Europe », a permis d'encourager une véritable dynamique européenne d'échanges entre des organisations issues de l'immigration installées, partageant cette volonté de se faire reconnaître en tant qu'acteurs à part entière dans la définition et la mise en œuvre des politiques et programmes de coopération et d'éducation au développement.

Recenser, produire et diffuser une information sur les pratiques des organisations de solidarité issues de l'immigration en Europe impliquées en faveur du développement de leur pays d'origine était le point de départ d'un projet de 3 ans démarré fin 2000. Au fur et à mesure de sa réappropriation par les OSIMS, cette initiative a vu se construire une dynamique renouvelée et en expansion, faite d'interactions et de contributions multiples et diverses portées par les divers acteurs impliqués (ONGs, OSIMS, organisations internationales et autres acteurs de la coopération au développement...).

*Europe des migrations / Europe de développement* veut témoigner de la diversité de ces initiatives et pratiques rencontrées, analysées ou encore croisées au cours de ces années et des divers temps de rencontres, nationales ou européennes, qui ont rythmé la vie du projet OSIMS en Europe.

<sup>1</sup> « Association à but non lucratif, constituée par des personnes issues de l'immigration et ayant tout ou partie de leurs activités tournées vers la solidarité avec le pays d'origine », définition établie par Christophe DAUM, in : Daum, C. (Eds), *Typologie des Organisations de solidarité internationale issues de l'immigration*, Paris, CCD / GREM / Institut Panos Paris, janvier 2000.

#### PORTUGAL – A NEW COUNTRY OF IMMIGRATION

*Alina Esteves*<sup>1</sup>, *Maria Lucinda Fonseca*<sup>2</sup>, *Jorge Malheiros*<sup>3</sup>  
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#### The immigration policy debates in Portugal

The new law regulating the entry, residence, exit and expulsion of foreign citizens from national territory published on 25 February 2003, brings some new issues into the immigration debate. The coalition government of Social Democrats and Christian-Democrats that took office in April 2002 has introduced significant changes in the previous law that allowed for the regularisation of undocumented immigrants holding a valid work contract, on the grounds that it was too flexible and did not fulfil the expectations of immigrants regarding integration. The new cabinet has drawn a more complex and elaborate law based on three arguments : 1) the promotion of legal immigration according to the country's labour market needs ; 2) the effective or real integration of immigrants ; 3) the fight against illegal immigration.

1. Alina Esteves is lecturer in the Department of Geography of the University of Lisbon and Researcher at the Centro de Estudos Geográficos of the same University. She has developed research in several domains of social geography, namely criminality and immigration. She is co-editor of the book *Immigration and Place in Mediterranean Metropolis* (Lisbon, FLAD).
2. Maria Lucinda Fonseca is professor in the Department of Geography of the University of Lisbon and Researcher at the Centro de Estudos Geográficos of the same University. She has been working in social and population issues for more than 15 years and among her publications in these domains is the co-edition of the book *Immigration and Place in Mediterranean Metropolis* (Lisbon, FLAD).
3. Jorge Malheiros is lecturer in the Department of Geography of the University of Lisbon and Researcher at the Centro de Estudos Geográficos of the same University. He has been working in international migration issues for the past 12 years and his publications on the subject include the co-edition of the recent book *Immigration and Place in Mediterranean Metropolis* (Lisbon, FLAD).

The significant increase in the number of foreigners in the last years of the 20<sup>th</sup> century (1996 : 172,912/2001 : 350,503) pointed to the lack of workers on the national labour market and the need to let immigrants in. However, due to the present economic recession experienced by the Portuguese economy (unemployment is rising and the GDP estimates are below the EU values), the reduction of public spending and the reorientation of EU structural funds towards the new candidate countries, the opportunities for foreign workers are becoming scarcer and the scenario for the introduction of labour requires a more cautious attitude regarding the selection of labour force. Thus, the idea behind the report issued every two years by the government after taking into account the comments and remarks from a set of labour and immigrant-related institutions assessing the labour needs in the various sectors and regions of economic activity, reflects this cautious attitude, but also, in the government's opinion, a fear of a development of extremist ideologies among the Portuguese population. The Government establishes a maximum annual limit for entries of third country nationals onto the national territory, and workers coming to Portugal must hold a labour visa or a residence permit. The term "quota" is not mentioned in the law, but the quota principle is used. A new kind of work visa, for scientific and research activities, was created with the goal of keeping scientists and highly skilled people in Portugal. The explicit reference to the skills of immigrants is a new feature of this law and it shows the preference for workers who have already received some kind of professional training and are, therefore, more apt to perform a job.

It is also interesting to note that most of the institutions which opinion is taken into account for the elaboration of the report on labour import – Employment and Training Institute, Madeira and Azores Autonomous Regions, General Inspection of Labour, National Association of Portuguese Municipalities, Employers and Trade Unions Confederations, and High Commissariat for Immigration and Ethnic Minorities (ACIME) – are closely related to the labour market rather than to the immigrant field. Immigrant associations and NGOs are only represented by the ACIME, and in its new and more complex structure, through the Consultative Council for Immigration Issues (COCAD).

The pro-active attitude regarding immigration is not on the immigrant side anymore, but rather on the host country's side. Unlike what happened between January and November 2001, immigrant workers can no longer come to Portugal with a tourist visa and ask for documents after overstaying the legal three-month period, because the Foreigners and Borders Office (SEF) will not accept these requests. Moreover, SEF now has more power and less bureaucratic procedures to follow when removing undocumented foreigners from the country. The host country decides who can cross the

border to work, when, and, possibly, the region of destination. The reference to the geographical unit "distritos" as hosting areas is also remarkable because there had never been a reference to the settlement regions – until now, immigrants were absolutely free to choose their areas of residence.

Within this context, the first pillar of the new immigration policy – the promotion of legal immigration according to the country's labour market needs – has led to the establishment of a more regulatory attitude, by withdrawing the flexibility of the Portuguese hosting system. Curiously, if labour market needs are a justification for the acceptance of a certain number of new immigrants every year, demographic issues associated to ageing within the population and the progressive reduction of the natural increase are not considered in the most recent official documents. However, in the current debates on immigration involving NGOs, academics and trade unions, the relationship between population growth/ageing and immigration has been raised several times. Empirical data show that the age structure of immigrants is younger than the one displayed by the Portuguese population, and also that the contribution of immigrants to births is higher than their contribution to the total resident population<sup>4</sup>. In addition, 80 % of the population growth registered between the Census of 1991 and that of 2001 is due to net migration and not to natural increase<sup>5</sup>. In a recent Conference (October 2002) organised by the Portuguese Parliament in Portugal in cooperation with the *Instituto de Ciências Sociais* and the *Centro de Estudos Geográficos*, the first panel focused precisely on the relationship between demographic decline, ageing and immigration. The experts invited<sup>6</sup> stressed the contribution of immigration to the demographic growth of Portugal and the UE, mentioning also that immigrants may contribute to reduce the ageing process but are not "the solution". In the discussion that followed the experts' presentations, trade union representatives and NGOs such as *SOS Racismo* mentioned that the government is aware of the demographic relevance of immigration but does not explicitly mention it. In fact, demographic references are absent from the preamble of the New Foreigners Law (with the exception of a minor reference to the demographic unbalance between developed and developing countries) and a

4. OECD/SOPEMI Report - *Tendances des Migrations Internationales-2001* and Carrilho, M.J. (2002) - "Os imigrantes no Processo de Envelhecimento em Portugal" in *Parlamento Europeu em Portugal/ICS/CEG, conferência "A Europa, o desafio demográfico e o espaço de liberdade, segurança e justiça"*.

5. Conim, C. And Malheiros, M. in Instituto de Estudos para o Desenvolvimento (2002) "A Política Europeia de Imigração", *Desenvolvimento 10*, Lisbon.

6. In addition to Carrilho, the other experts present in this panel were Maria Lucinda Fonseca and Maria João Valente Rosa. Their interventions can also be found in *Parlamento Europeu em Portugal/ICS/CEG, conferência "A Europa, o desafio demográfico e o espaço de liberdade, segurança e justiça"*.

Member of the European Parliament elected by one of the parties in the government coalition, who was present at the panel table (Mr. José Ribeiro Castro), despite acknowledging the relevance of immigration for population growth in Europe, directed his attention to the policies on family and their possible role in supporting an increase in fertility.

The second pillar - the effective integration of immigrants - is almost absent from the preamble of the new law. However, the ACIME is partly responsible for the active development of this policy, and also for fighting social exclusion and racism. The main idea behind the reformulation of ACIME's competences and organisation <sup>7</sup> is the promotion of the integration of those who come legally to Portugal to work. Despite referring to the respect for the immigrants' social and cultural identity, the law is clear when defining the attributions of the High Commissariat: "the promotion of the knowledge and acceptance of the Portuguese language, laws, and also of the cultural and moral values of the Portuguese Nation as conditions for a complete integration" (Article n° 2b, DL n° 251/2002, 22 November). What is brought into the discussion in terms of defining complete integration is not only the command of the Portuguese language or the respect for Portuguese law, two basic rules to live in a foreign country, but also/rather the acceptance by immigrants of the moral and cultural values of the nation. Considering that immigrants will be part of the Portuguese society, one might wonder if their moral and cultural values can also be incorporated into the Portuguese Nation in order to enrich it. The change of COCAI's composition is also noteworthy. The new COCAI includes the Adjunct to the High Commissioner, a representative of each of the following ministries - Internal Affairs, Education and Social Solidarity and Work - a representative of each Autonomous Region (Madeira and Azores) and a representative of the National Association of Portuguese Municipalities. Due to the growing diversity of immigrant communities in Portugal, a representative of each of the three largest non-CPLP <sup>8</sup> immigrant communities living in the country has also been included in the Council. Despite this, the presence of the Government and State representatives is now stronger and when voicing opinions about bills on integration and immigration policies, it will certainly be more difficult to reach a consensus among COCAI's members. One of the new competences of the High Commissariat is to promote the research on immigrant and ethnic minorities' integration in the Portuguese society and to realise this, ACIME's Observatory of Immigration has already organised a public presentation of three studies.

In the scope of the integration policy pursued by the government, immigrants have seen the minimum residence period to obtain a long-term residence permit reduced from six to five years (CPLP countries) and from ten to eight years (other countries). Immigrant integration also deals with family reunification rights, and these have changed towards a more restrictive policy in which only the spouse, the children and the parents and parent in-law can join the immigrant after one year of legal residence in Portugal. The one-year period of legal residence is, however, the shortest time imposed by Community directives in terms of family reunification.

The Decree-Law n° 34/2003 is very clear about the third pillar of the new immigration law - fighting illegal immigration - and there has been a clear reinforcement of the role and power of the Foreigners and Borders Office (SEF) in terms of controlling the entry, stay and removal of undocumented foreigners. SEF's bureaucratic procedures to withdraw a non-documented third country national from Portugal have been eased and simplified. On the employers' side, the sanctions for those hosting illegal workers have also hardened and the penalty paid per non-documented worker varies according to the size of the firm.

One of the goals of this new law is to harmonise Portuguese legislation on the control of migratory flows and prompt expulsion of illegal third country nationals from the national territory with the EU directives regulating the presence of third country nationals in the Schengen area. This Decree Law also transposes three EU directives into Portuguese/internal law: the one on the responsibility of transportation companies in carrying passengers without the necessary documents to the Schengen area; the directive on the definition of help given to the entry, movement and residence of undocumented foreigners; and the directive on the reinforcement of the penal framework to prevent help given to the entry, movement and residence of illegal foreigners. All these changes show the clear security trend among EU authorities which focus on controlling the entry and movement of non-Schengen citizens inside the Community, but they are also an effort to cut down human smuggling and labour exploitation. The shocking new about immigrants being transported in containers or victimised by mafia networks who extort money by violent means has warned people about how dangerous human trafficking can be with underground criminal organisations operating quite freely in the EU. As a full EU member state Portugal is also following this trend justified not only by the need to harmonise policies among the different member states, but also by a certain alarmism caused by the recent wave of arrivals.

Another interesting feature of this new law is the call for the participation of local authorities in the discussion of immigration issues, with clear re-

7. The High Commissariat for Immigration and Ethnic Minorities (ACIME) is composed of the High Commissioner, the Consultative Council for Immigration Issues (COCAI) and the Commission for Equality and Against Racial Discrimination.

8. CPLP stands for Community of Portuguese Speaking Countries.

ences to their role as host agencies for immigrants who work very close to citizens. Since the establishment of the High Secretariat for Immigration and Ethnic Minorities (ACIME) in November 2002, municipalities have been represented in the COCAI through a representative of the National Association of Portuguese Municipalities, and their opinion is also taken into account when elaborating the report on the Portuguese labour market needs. However, the balance between the material and human resources available to work with the foreign population on the one hand, and the number of arrivals and diversity of needs on the other, makes it very difficult for local authorities to cope with this responsibility.

According to a recent questionnaire submitted to several local authorities of the Lisbon Metropolitan Area <sup>9</sup>, the main concerns of politicians regarding immigrants are housing, social issues and education. Although not directly orientated towards immigrants, the Special Re-housing Programme (PER) allowed municipalities in both metropolitan areas (Lisbon and Porto) to eliminate the shanty neighbourhoods where families with economic difficulties lived. Among them, there were immigrant families who, facing the constraints of the housing market, "solved" their housing problem by building a shack. The social issues mentioned by local authorities have to do with insertion or integration challenges posed by citizens with different cultural and social backgrounds to the municipal authorities. Single-headed households, without family support networks (grandparents, for example), and high fertility rates among women, imply the need for kindergartens and crèches open for long periods (due to the working hours of mothers who often work as office cleaners, cooks, domestic servants) with little fees and preferably located in neighbourhoods where immigrants live. Speaking their native language at home, rather than Portuguese, or having no parental support at home to do their homework, makes school success a more difficult goal to achieve for immigrant children. Education was the issue mentioned in third place by local authorities which see the *Entreculturas Project* ("Among Cultures- Project) launched by the Ministry of Education as a efficient tool to reach children with different cultural backgrounds (immigrant and gipsy children).

In order to develop closer work with immigrant communities living in the municipalities, some local authorities have established immigrant consultative councils or special offices to attend to immigrants' needs. Lisbon and Amadora were the pioneers in founding consultative councils where associations representing immigrants and local authorities discussed issues

pertinent for both parts. Loures has an office dealing with immigrants' representatives and is now setting up an observatory on immigration to keep pace with the changes in its large immigrant population (GARSE), and Odivelas, a recent municipality formed by territory taken from Loures, had for some time a similar structure (GARSD). The budgetary constraints due to an environment of economic recession have led to a substantial reduction of expenditures, and the activities developed in the scope of the consultative councils have been included in the general activities <sup>10</sup>. Thus, no budget provision has to be made for the activities developed with immigrants associations. This is a prejudicial situation to them, as through consultative councils, associations had a privileged contact with local authorities. Their requests and needs were "more efficiently" attended to and they voiced their opinions about local policies directly to the mayor and deputy mayors. Now, they must fill their requests for financing and support to the respective municipal department (sports, health, culture) just like other associations, which makes it more difficult for them to obtain the help needed <sup>11</sup>.

### The stakeholders

The recent massive increase in immigration to Portugal, especially the new migratory flow coming from Eastern Europe, has made waves in the media and has prompted a great national debate about immigration policy. In its agenda, the new governmental coalition of the centre-right formed in April 2002 included the development of a National Plan for Immigration (*Plano Nacional de Imigração*, or PNI) that would contain a document summarising the legislative framework already in place, as well as initiatives to be developed, focusing on the recognition of immigrants' rights and responsibilities and the methods and actions to be taken in order to work towards their integration in Portugal.

### Governmental agencies

In the current governmental structure, the Presidency of the Council of Ministers, the Ministry of Internal Affairs, the Ministry of Foreign Affairs, and the Ministry of Social Security and Labour are those primarily responsible for directing and implementing immigration policy.

The role of the Ministry of Internal Affairs is to define and implement immigration and asylum policy, namely the concession of nationality, the statute on equality and on refugees, and the control of entry, stay, departure, and

9. Fonseca, L.; Caldeira, M.J. and Esteves, A. (2002) – "New forms of Migration into the

European South: challenges for citizenship and governance – the Portuguese case" in *International Journal of Population Geography*, 8, pp.135-152.

10. Officially, both Lisbon and Amadora still have immigrants' consultative councils.

11. The Amadora municipality has a PAMA – Programme of Support of the Associative Movement.

expulsion of foreigners from the national territory, with the Immigration and Borders Service (Serviço de Estrangeiros e Fronteiras, or SEF) being the entity responsible for the implementation of this policy. The Presidency of the Council of Ministers is responsible for policies dealing with the inclusion of immigrants in Portuguese society. For this purpose, the High Commissariat for Immigration and Ethnic Minorities (Alto-Comissariado para a Imigração e Minorias Étnicas, or ACIME), under the supervision of the Prime Minister, was created. It is presided over by a High Commissioner who is chosen by the government and holds a three-year term of office (Decree-Law n° 251/2002). This structure, with its headquarters in Porto, relies upon a permanent representation in Lisbon, coordinated by an Adjunct to the High Commissioner. ACIME promotes exchange and dialogue between entities that are representative of immigrants and ethnic minorities in Portugal, as well as a thematic study on the social inclusion of immigrants and ethnic minorities, in collaboration with social partners, welfare institutions and other public or private entities that are involved in this domain. The High Commissariat, with its interdepartmental structure, functions as a reference for and offers support to the government in matters linked with immigrants and ethnic minorities.

The Ministry of Foreign Affairs, via Portuguese embassies and consulates, is in charge of the concession of different types of entry visas and visas for prolonged stays on Portuguese territory for non-European Community citizens. Furthermore, in conjunction with the Ministry of Social Security and Employment, it is responsible for the implementation of bilateral acts and accords between the Portuguese State and third countries, in order to promote the mechanisms necessary to satisfy the employment needs of workers from outside the European Union.

The Ministry of Social Security and Labour is involved, by way of the Institute for Employment and Professional Training (Instituto de Emprego e Formação Profissional, or IEFP) and the Inspector-General for Labour (Inspeção-Geral do Trabalho, or IGT), in deciding the maximum annual limit on entries into Portugal by foreign citizens from outside the European Community, according to the sector and the regional labour needs. In addition, the IGT plays an important role in monitoring the illegal employment of immigrants.

The levels of influence of the aforementioned institutions in the definition and the discussion of immigration policy are highly associated with the specific responsibilities of each institution. Thus, SEF has a great influence on the definition of the control mechanisms of migratory fluxes. The Ministry of Social Security and Labour is involved above all in the management of the fluxes, seeking to harmonise them with the needs of the

labour market, and combating illegal employment. Finally, ACIME has a significant role in the definition and implementation of the policies linked with the integration of immigrants and ethnic minorities in Portuguese society, and in the promotion of public debates about these policies.

In the legislative plan that the new government has recently introduced, i.e. the Decree-Law no. 34/2003 of 25 February 2003, profound alterations were made to the legal regime for entry, stay, departure and expulsion from the national territory established by the earlier Decree-Law n° 4/2001 of 10 January 2001. SEF played an important role in the definition of the new law, and saw its responsibilities reinforced regarding the application of fines and other restrictive measures against illegal acts related to clandestine immigration and the exploitation of undocumented foreign workers. Furthermore, SEF has actively participated in conferences and seminars promoted by a variety of organisations in order to discuss Portugal's immigration issues.

ACIME is, among the governmental institutions involved, the one which has been most active in the diffusion of information about immigration policy in Portugal and in the promotion of public participation in the discussions about these policies. As such, in its 2002-2003 agenda, it emphasises three primary lines of involvement :

The creation of a National Immigrant Information Network (Rede Nacional de Informação ao Migrante), which includes the publication of a monthly information bulletin, educational leaflets and brochures, as well as the creation of an information call centre (accessible in three languages) and the transmission of information via the internet ([www.acime.gov.pt](http://www.acime.gov.pt)) ;

The creation of a National Immigrant Assistance System (Sistema Nacional de Apoio ao Migrante), which involves the installation of help centres at national level (in Lisbon and Porto, both of which are already working), at regional level (in district capitals), and at local level (in a variety of location throughout the country) <sup>12</sup>. In these centres, immigrants can obtain the necessary information on legalisation, employment, healthcare, education, social assistance, and so on. These centres have come to be involved in partnerships with a variety of institutions, both public and private, including the following: the Immigration and Borders Service (SEF), the Institute for Employment and Professional Training (IEFP), Social Security, the Ministry of Education, the Ministry of Health, municipalities and non-governmental organisations ;

The creation of an Immigration Observatory (Observatório da Imigração), composed of a coordinator chosen by ACIME and an informal council comprised of university research centres. The Observatory

<sup>12</sup>. There are currently 15 local information centres.

promotes public discussion and the development of studies on immigration and ethnic minorities living in Portugal.

In 2002, the Immigration Observatory conducted three studies :

'Representations (Images) of Immigrants and Ethnic Minorities in the Media', coordinated by Francisco Rui Cádima, from the Observatory of Communication (Observatório da Comunicação) ;

'Preliminary Analysis of Two Surveys on Immigrants in Portugal : Portuguese Opinion and Immigrant Opinion', conducted by Mário Lages and Verónica Policarpo, from the Centre on Portuguese-Speaking Peoples and Cultures (Centro de Estudos dos Povos e Culturas de Expressão Portuguesa) and the Portuguese Catholic University Survey Centre (Centro de Sondagens da Universidade Católica Portuguesa) ;

Study on the Impact of Immigration in Portugal regarding the Accounts of the State, conducted by André Almeida, from the Portuguese Catholic University (Universidade Católica Portuguesa).

The reports of these studies are available on the ACIME website ([www.acime.gov.pt](http://www.acime.gov.pt)) and their results were presented and debated in a one-day series of open seminars, sponsored by ACIME in Lisbon and Porto, that received a good deal of media coverage. The format adopted by the Immigration Observatory for the debate on these studies comprised panels with a variety of invited commentators, such as academics, representatives from immigrant organisations and non-governmental organisations, journalists, members of parliament, union representatives, employers' association representatives, the Immigration and Borders Service (SEFP), and the Inspector-General for Labour (IGT). The conferences in which the first and third studies were presented also involved the participation of Spanish researchers who had carried out similar studies on the Spanish situation. In addition, some of these studies, as well as the observations made by the commentators invited, will be published as a book.

In order to stimulate the spread of values of tolerance and the defence of human rights, ACIME created the 'Immigration and Ethnic Minorities : Journalism for Tolerance' award, to be awarded annually by means of a public contest. The aim is to pay tribute to the journalistic works and academic research on journalism that have best contributed to the promotion of a culture which accepts differences and condemns all forms of discrimination. At the same time, the award honours editorial freedom, professional quality and journalistic ethics, as well as the quality and scientific rigour of academic research on these themes.

ACIME, by way of the Consultative Council for Immigration Issues (*Conselho Consultivo para os Assuntos da Imigração*, or COCAI)<sup>13</sup>, also has the function of evaluating, on behalf of the government, the opinions associations representing immigrants, social partners and welfare institutions about the legal projects related to the rights of immigrants, to social integration policies that promote the elimination of all forms of discrimination against immigrants, as well as the respect for their identity and culture. On 5 November 2002, COCAI met to discuss the project to alter the law on immigration. In addition to ACIME, representatives from a variety of immigrant associations (Guinea-Bissau, Cape Verde, São Tomé and Príncipe, and Brazil), welfare institutions (Centro Padre Alves Correia, SC Racismo, Serviço de Migrações e Apoio Social), and representatives of union federation (UGT) were attending the meeting. The discussion on the project for the new law was based on the issue of the legalisation of undocumented immigrants, with a focus on the risks of expulsion that threaten all illegal immigrants, as well as on immigration quotas. Such quotas are the result of the reported number of employment opportunities and of the inequalities introduced by the adoption of an extremely restricted concept of 'foreign resident', limited to foreigners who are in possession of a valid Portuguese residence permit. However, the government was not receptive to the criticisms that were made by numerous members of the Consultative Council about the aforementioned points. Instead, the project was approved, proclaimed and became a law on 12 March 2003.

#### Other significant actors

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

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

Political parties, especially those represented in Parliament, play a significant role in the discussion on immigration policy, not only in parliamentary

<sup>13</sup> As mentioned in the first chapter, the new government altered the structure of COCAI, integrating it into the High Commissioner for Immigration and Ethnic Minorities (ACIME), and consequently turning it into a more governmental organisation.

debates and within the party structures, but also through the contacts that they maintain with authoritative bodies, local power (municipalities and parishes), immigrant associations, unions, employers' associations, non-governmental organisations, etc., as well as by way of their participation in discussion forums sponsored by other actors interested in this subject. In 2002, the discussion was focused on the alterations proposed by the government to the Law on Entry, Stay and Expulsion of Foreigners on national territory, commonly known as 'Immigration Law'; these proposals met strong resistance from opposition parties.

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

The increase and diversification of migratory fluxes towards Portugal, as observed in the last five years, have been reflected in the strengthening of the various associative movements of immigrants, and has brought on a growing interest in the defence of the rights of non-European citizens and in the possibility to offer different forms of assistance for their integration in the host society - especially for those most in need - by a host of non-governmental organisations as well as welfare and religious institutions, namely those related to the Catholic Church. Due to the nature of the activities that they develop, these institutions have sought to influence policies by focusing their energy on combating all forms of discrimination and exploitation to which immigrants may be subject, as well as on the development of social policy that seeks to facilitate their integration in Portugal. They have used their influence in the government's consultative organs in which they are represented, publicised their opinions by means of the

media, and forged unified stances with other relevant institutions and actors. The disclosure of its stance by the Coordinating Secretariat Immigrant Associations (Secretariado Coordenador de Associações de Imigrantes, or SCALI), a group comprising 15 associations, about the alterations proposed by the government to the legal regime of entry, stay and expulsion of foreigners from the national territory (DL 244/98 of 8 August 1998, with alterations introduced by the law 97/99 of 26 July 1999 and the Decree-Law 4/2001 of 10 January 2001) constitutes a good example of the combined efforts by immigrants to increase their influence and political power.

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

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

## European legislative proposals

### Admission for economic purposes

*Background issues : elements on the press of foreigners on the Portuguese Labour Market*

At the end of 2001, there was a total of 232,000 registered foreign workers on the Portuguese labour market (around 4.5% of the labour force approximately 127,000 with "temporary"-stay (*permanence*) permits a 105,000 with residence permits. As in other EU countries, the relative weight of foreigners in the labour force is higher than their percentage of the total population (less than 3.5%).

The significant growth in the number of registered foreigners present in the Portuguese labour market between 1999 and 2001 reveals the incapacity of the internal offer to fully satisfy the labour demand, particularly in sectors that require low-skilled and demanding work, e.g. constructic

industrial and domestic cleaning, shops and, more recently, agriculture, *boreca*<sup>14</sup> and some branches of labour intensive industry. Although traditionally polarised between highly qualified occupations (managers, directors, professionals) and unskilled or low-skilled jobs (especially in construction and industrial and domestic cleaning), the structure of participation of foreigners on the Portuguese labour market has changed in the last years, with an increase in the proportion of the second category.

Taking apart the inflow of (mainly EU) Europeans who applied for residence permits, which is dominated by highly skilled professionals, all the other groups display patterns of labour market insertion that privilege sectors (Construction, cleaning, retail selling, restaurants) requiring a high level of unskilled work. It is important to note that the construction sector is very relevant to both the dominant groups of the first immigration wave (the PALOP citizens) and to the main groups of the last immigration wave (the Eastern Europeans). However, whereas the PALOP workers disclose a second concentration in the low-skilled service sector, Eastern Europeans show an over-representation in manufacturing, a sector of activity where the recruitment of foreigners has only recently become significant. Brazilian immigrants reveal higher levels of sector dispersion, despite a tendency to concentrate in tertiary activities, both skilled and unskilled. Finally, the Chinese display a pattern found in several other countries, being highly involved in ethnic businesses, in particular in retail trade and restaurants.

In conclusion, the current shortages that the Portuguese labour market cannot solve internally are mostly concentrated in the low-skilled segments of construction, *boreca*, retail trade, cleaning, agriculture and, eventually, intensive industry. The need for skilled professionals to fill qualified jobs is clearly more limited, despite the shortage of nurses (mostly supplied by Spanish professionals).

As mentioned in the initial chapter, the current situation of the Portuguese economy, characterised by stagnation and unemployment growth, reduces the capacity of absorption of the national labour market, even in its unskilled segments.

#### *The Portuguese legislation on foreigners' work and the Directive contents*

Since the publication of the Decree-Law no. 244/98 of 8 August, the principle present in Portuguese legislation is that the recruitment of foreigners for paid employment must be made outside the Portuguese territory. If the changes introduced by the Decree-Law n° 4/2001 of 10 January created the "temporary"-stay (*permanence*) permit, allowing for the regularisation of

the situation of foreign workers overstaying in the country without a visa, the very recent Decree-Law no. 34/2003 of 25 February terminated the "temporary"-stay (*permanence*) permits system and emphasised the principle of recruitment of foreign workers outside the national territory.

Taking into consideration the procedures present in the aforementioned n° 34/2003, immigration to Portugal for the exercise of legal work is regulated as follows :

People who want to work temporarily in Portugal must apply for a work visa, valid for a maximum of one year, in a Portuguese Consulate (article 36). According to article 37, there are four sub-types of work visas: the first one for sports and leisure professionals, the second one for highly skilled researchers and technical professionals, the third one for independent workers, and the fourth one for the remaining types of workers.

People arriving in Portugal with the purpose of working on a long-term basis (*long term migrants*) must apply for a Residence Visa justified work reasons. This residence visa allows the holder to obtain a residence permit in Portugal, first on a temporary basis (for a period of 0 years possibly renewed for additional three year periods) and after 5 years in Portugal, on a permanent basis. Foreigners holding a work visa continuously for three years are also allowed to apply for a residence permit.

However, the possibility of obtaining either a work visa or a residence visa for work reasons is subject to a set of conditions, i.e. :

1) Since the changes introduced by the DL no. 4/2001 of 10 January, the Government has been responsible for the preparation of a report that forecasts the labour opportunities which cannot be filled by the internal EU offer, in each branch of activity. Initially, the report was drafted year and presented estimates of the needs for the following year. With the n° 34/2003, the report has become bi-annual and is supposed to distinguish general labour market needs from seasonal labour market needs. In addition, it is also supposed to adjust the regional labour market estimates with the reception capacities of each region. This last goal not only seems highly unrealistic, but also has an implicit idea of potentially controlling the internal mobility of foreigners, which seems to go against the Portuguese Constitution. According to this new law, if a foreign worker comes with a contract to work for a determined employer, s/he will have, in principle, settle down in the area of his/her work. Whenever there is a change of professional activity, the holder of the work visa must inform the Employment and Training Institute in order to check its conformity with the previously mentioned report.

<sup>14</sup> It stands for hotels, restaurants and cafes.

The first two reports (2001 and 2002), elaborated under the DL no. 4/2001 dispositions, despite mentioning that a certain number of foreign workers were needed that year (the implicit quota principle), ended up acting more as a flexible guideline. Even if the present government has revealed its intention of setting a maximum number of foreign workers allowed to enter every year, the recent empirical experience shows the limits of such rigid *a priori* estimates.

2) In addition to the adjustment of the new entries of workers to the needs supposedly identified in the bi-annual reports, article 41 of the DL no. 34/2003 states that labour needs are primarily covered by EU nationals and third country nationals already settled in Portugal.

3) When asking for a residence visa, even for work reasons, foreigners must give proof of means of subsistence and accommodation (general principle). These means of subsistence must be sufficient to support the travel and the stay of the foreigner in Portugal. The amount will be defined in a specific legal document.

Despite these general conditions, some groups of foreigners may benefit from special prerogatives. Article 41 of DL n° 34/2003 states that the admission of highly qualified foreigners or people developing relevant activities in the artistic and social fields is not dependent on the aforementioned report estimates. Although the majority of non-EU foreigners arriving in Portugal display a labour market distribution concentrated in unskilled activities, this measure shows that the Portuguese authorities are concerned about the potential lack of highly skilled professionals, which is for the moment limited to a few activities, such as healthcare.

As far as self-employed foreigners are concerned, their settlement in Portugal depends on the issuance of a work visa (type III), or of a residence visa if they want to settle on a more permanent basis.

When comparing the recently modified Portuguese Law with the Council Directive COM(2001)386, it appears that the basic national principles and goals are in accordance with the EU ones.

The establishment of the first principles of immigration policy in Portugal took place in the early 1990s, when the first extraordinary regularisation of immigrants took place (1992/1993) and immigration and asylum laws became more restrictive. In spite of the discourses about immigration control and the promulgation of a more restrictive legislation, the mismatches on the Portuguese labour market, particularly in low skilled segments of sectors like construction, domestic and industrial cleaning, shops, and more recently agriculture and some branches of manufacturing, have justified a continuous increase in the presence of foreign workers, which accelerated between 1998 and 2001.

Due to the inefficiency of the regulatory mechanisms, the number of undocumented immigrants started to increase immediately after the first regularisation period (1992/1993), when approximately 39,000 people were regularised. Due to this, and also to the lack of adequate information associated to the first regularisation process, the Socialist government elected in 1995 opened a new regularisation process in 1996. The second regularisation process lasted for six months (between June and December 1996) and followed a pattern similar to the first one. The communication of information was improved compared to the first regularisation process, and NGOs played a more active role. However, some delays and communicative problems were identified, and a differentiation was made<sup>15</sup> between Portuguese-speaking foreigners and other non-EU foreigners - the first one could apply for regularisation if they had entered the country before 3 December 1995, whereas the second ones could only apply if they had arrived in Portugal before 25 March 1995. Finally, approximately 35,000 applications were made.

Curiously, after the second regularisation, particularly after 1997/1998, the issue of foreign work went up in the policy agenda. Around 2000, the growing pressure of employers associated to the changing characteristics of immigrants (more numerous, coming from other countries, more qualified...) and to a noticeable presence of non-documented workers (mentioned in the Cabinet resolution 14/2001 of 14 February) frequent brought into the country by trafficking networks, led the government at that time to act on the matter of immigration, following three basic policy guidelines :

1. An effort to control the flows and to regularise the situation of undocumented immigrants already present in the country (this justified the creation of the "temporary"-stay (*permanence*) permit, attributed to undocumented foreigners working in Portugal who could present valid work contracts) ;
2. The decision of implementing a more realistic immigration policy linked to the country's labour market needs ;
3. The decision to further develop the policy of foreigner's insertion that experienced relevant advances in the second half of the 1990s.

The creation of the "temporary"-stay (*permanence*) permit by the DL n° 4/2001 of 10 January played, in fact, the role of a third extraordinary regularisation, aiming at the ex-post regulation of a *de facto* situation. However, the "temporary"-stay (*permanence*) permits scheme showed some differences compared to previous regularisations. Firstly, it clearly associated, for

<sup>15</sup> SOS Racismo (2002) - *A imigração em Portugal*. Lisboa, p.162-164.

the first time, the possibility of regularisation to the condition of having work in Portugal (i.e. a valid work contract). Secondly, it created a new immigrant status - confirmed by the DL n° 34/2003, because people in possession of a "temporary"-stay (*permanence*) permit are not considered residents in Portugal (not even temporary/short-term ones) and, therefore, have reduced civic rights - it is important to remember that almost 170,000 foreigners working in Portugal have obtained such status.

Despite the intentions of the government to control labour migration and adjust new entries to the Portuguese labour market needs, the previous experience of Portugal in extraordinary regularisations seems to show the limits of the proposed policy. Firstly, most Portuguese employers do not recruit abroad and most of them will probably not start this practice in the next years. However, they employ foreigners who are already in the country, which means that they will probably arrive without the appropriate visas and contracts (i.e. as undocumented immigrants). Secondly, despite the reinforcement of SEF competences, the current situation of Portuguese public finances makes it difficult to implement large operations of expulsion which also have social costs. Therefore, in addition to the people arriving in Portugal with work or residence visas, the experience would advise to allow a certain number of entries with the purpose of job seeking.

To finish this section, three final comments need to be made :

- a) The present law (DL no. 34/2003 of 25 February) emphasises excessively the labour dimension of immigration, somehow at the expenses of the human and social dimensions ;
- b) The suppression of the "temporary"-stay (*permanence*) residence permits scheme and the fact that people in possession of such titles are considered as non-residents has created inequality among the categories of foreigners living in the country ;
- c) Despite the positive intentions of controlling immigration flows, doubts remain on the effectiveness of the proposed measures. Naturally, immigration flows, both regular and irregular, will tend to reduce in the coming years due to the present economic situation of Portugal.

In the 2002 National Action Plan for Employment, Portugal set the promotion of the articulation with the Foreign Service (SEF) and Labour Inspectorate as a priority in order to combat illegal immigration and immigrant workforce exploitation.

#### Family reunification

Family reunification is, after economic reasons, the primary motive for immigration into Portugal. Between 1999 and 2001, family reunification was

mentioned by 23.9 % of the foreigners applying for residence permit. However, this percentage seems to underestimate the real importance of family reunification, given that the majority of reasons presented have been classified as 'other motives' (43.4 % of the total) and many of them are certainly also associated with cases of family reunification, especially concerning women. Furthermore, there are also numerous cases in which although the motive indicated for migration may be of an economic nature (when both spouses come to work), the decision was based on a reason that involved the family.

The weight of family reunification in migratory processes in most European countries justifies the growing attention that the European Union and the governments of the member states have come to give to regulation, and the attempt to unify family reunification policies. The objectives of this policy seek, without putting into question the right of family protection established in the Universal Declaration of Human Rights, to reinforce the mechanisms to control it, in particular via more restrictive definitions of the concepts of family and family reunification that they adopt.

The concept of family applied is a restrictive concept, in that a family defined as a nuclear family, which is a characteristic of western societies, has led to problems for many immigrants, especially for those of African origin. In fact, according to the terms of family reunification in the majority of E.U. countries, relatives and other family members are not considered eligible, with some special exceptions.

Portuguese legislation regarding the right to family reunification, which is similar to that of other E.U. countries, suffered recent alterations that were introduced by the new law regulating the conditions of entry, residence and expulsion of foreigners from the national territory (Decree-Law no. 34/2003 of 25 February 2003). Community resolutions have been adopted, requiring "a real connection between the applicant and the country, namely a legal period of residence during a specific period of time, for humanitarian reasons, for the shortest period of time fixed by the Community Directive (one year).

Portuguese law considers the following family members entitled to reunification (Art. 57) :

1. a) The spouse ;
- b) Minor or handicapped children who are the responsibility of one of both of members of the couple ;
- c) Minors adopted by the applicant or by his/her spouse if they are married, as a result of a decision made by the competent authority of

country of origin, provided that the law of that country recognises the rights and responsibilities of adopted children as being identical to those of natural children and that the decision is recognised by Portugal ;

d) First degree relatives in the direct ascending line of the applicant or his/her spouse, provided they are the responsibility of the applicant and his/her spouse ;

e) Minor siblings, provided they are the responsibility of the resident, in accordance with a decision made by the competent authority of the country of origin that is recognised by Portugal.

In case the minor or disabled child is the child of one of the spouses, family reunification will only take place if the applicant or the spouse has legal custody".

Portuguese law is incomplete when it comes to the potential for violation of the clauses that have to do with family reunification referred to in Art. 4 of the Community Directive, especially the clause dealing with polygamous marriages (paragraphe 4). Therefore, the decision is made by the Immigration and Borders Service (SEF), according to the clause in Art. 56 (3) of the abovementioned Decree-Law n° 34/2003 of 25 February 2003 : "the Immigration and Borders Service (SEF) is responsible for the reception of family reunification applications and the decision made on them".

Portuguese law guarantees access to education and professional training for the family of immigrants who are legally resident in Portugal. However, it does not recognise (with some exceptions) the right to employment for holders of temporary residence permits (Art. 38 of the Decree-Law no. 34/2003). This limitation is extremely restrictive in the case of family reunification and increases the risk of poverty and social exclusion for many immigrant families, as the average salary that immigrants earn makes it very difficult for families to survive on only one income.

#### Long-term residence right

Concerning Portugal, the basic principle is that of equality of rights between nationals and foreigners (with the exception of some political rights and a few state functions), as expressed in article 15, paragraph 1 of the Portuguese Constitution. It is noteworthy that the same article mentions, in its paragraph 3, that foreigners coming from Portuguese-speaking countries may be granted advantages in the process related to the attainment of certain social and political rights. An element of differential treatment that privileges people coming from the former Portuguese colonies is taken into account in the fundamental law of the country and will influence more specific legal regulations.

Following this basic principle of equality of rights, the action of Portuguese authorities has focused in the removal of barriers that foreigners face in the access to economic (e.g. labour market), social (educational, housing, welfare) and even political (the right to vote in local elections under conditions of reciprocity) issues. If the ethnic categorisations that be found in the countries which follow more explicitly the multicultural model are absent in Portuguese policy documents, an effort has been made to recognise immigrants' associations as political partners (as consultative bodies), both at national and local levels. The equality of rights between nationals and foreigners being the basic principle, this means that the granting of individual citizenship rights to immigrants is a key factor. However it is assumed that some problems faced by immigrants are not individual but common to a whole group of persons who may share the same ethnic background and the same geographic origins (in the case of big ethnic associations representing the different groups of immigrants).

Since the first half of the 1990s, we have progressively witnessed an extension of the civic rights of the foreigners present in the country. The Coordinating Secretariat of the Projects of Multicultural Education / *Entreculturas*, which developed its activity (promotion of equal opportunities and development of multicultural education at the basic education level) within the Ministry of Education, was created in 1991. This measure was a first step in the development of initiatives aimed at improving the situation of ethnic minorities in Portuguese society. After this first measure, other important steps were taken in the fields of labour, social security and housing. In the field of employment, a common resolution of the State Secretariat of Employment and Social Affairs came out in April 1993 and mentioned explicitly the development of measures aimed at the social and professional integration of immigrants <sup>16</sup>.

Following social movements supported by opposition parties, NGOs immigrants' associations, and the establishment of the National Program Against Poverty in 1991, the government reacted and launched a major programme (PER - Special Relocation Programme) aimed at re-housing people living in shanty towns in the municipalities of the Metropolitan Area of Lisbon and Porto (Decree-Law no. 163/93 of 7 May 1993). The final goal of this programme is the total eradication of the shanty towns by 2004 in the municipalities of the two metropolitan areas. The programme is based on a contract signed between the central administration and the municipalities according to which the first part would pay 50 % of the total costs (infrastructure and construction) and the municipalities the remaining 50 %.

<sup>16</sup>. See Rocha-Trindade *et al.* (1995) - *Sociologia das Migrações*, Universidade Aberta, pp 209, 317.

while being also responsible for the development of the projects (planning and construction). Although this programme was not conceived especially for foreigners, its impact among unprivileged groups of immigrants and ethnic minorities was quite significant. First, the demographic, social and housing surveys that supported the intervention clarified the social and statistical dimension of ethnic minorities in shanty neighbourhoods. The result was an increasing visibility of this problem, leading public authorities to the conclusion that re-housing was necessary for both foreigners and nationals, and to the removal of previous restrictions that limited the access of foreigners to public housing. Finally, the preparation process and the execution of re-housing operations required the co-operation of the local populations, which re-enforced the role and recognition of local associations as privileged actors.

The institutionalisation of the Guaranteed Minimum Income (Law no. 19A/96), a policy instrument aimed at combating poverty and social exclusion, is another example of the inclusive perspective of the national social policy developed in the second half of the 1990s, as poor documented foreigners were among the beneficiaries of this measure. This instrument included both the granting of financial benefits (the minimum income) and the request for participation in social programmes aiming at the improvement of the social resources possessed by the beneficiaries (professional training, literacy classes, registration in employment centres, self-employment support, programmes for alcoholics and drug addicts). Law no. 20/98 of 12 May on foreigners' work was also a positive step in the direction of equality of rights, as it removed some restrictions to the activities that could be developed by foreigners, and also to the limits imposed on firms which use aliens' work (a limit of 10% foreigners was imposed on Portuguese firms with more than five employees by the previous 1977 Law).

Other examples of progress are related to political rights. Law no. 50 of 3 November 1996 introduced the necessary legal changes and allowed for the participation in local elections of EU citizens and other foreign residents in Portugal. The participation of the latter is subject to two basic conditions: length of residence in Portugal (two years for nationals of Portuguese-speaking countries, three years for the others) and a reciprocity principle (the right of vote is given if the Portuguese living in the country of origin are also given the right of vote in local elections there).

The question of xenophobia and discrimination was addressed in a specific anti-discrimination law (Law n° 134/99 of 28 August) that expressly prohibits discriminatory practices based on race, colour, nationality and ethnic origin. The text deals with particular issues, such as economic activities and labour market, as well as access to public services like education or health.

The dispositions of this law included the creation of the Advisory Committee for Equality and Against Racial Discrimination.

As can be seen from the progress in Portuguese legislation over the last 10 years, resident foreigners settled in Portugal benefit from a set of rights that is identical to the set of rights of national citizens, in most domains.

### Conclusion, other points to debate

Most relevant policy issues regarding the management of migration flows and the integration of immigrants were discussed in the previous chapters. To conclude, we would like to address two additional topics and, finally, to identify a certain number of policy issues that need a reform or, at least, a deeper debate.

As far as co-operation issues are concerned, Portuguese legislation is relatively poor. Despite some advantages given to nationals from Portuguese-speaking countries, Portuguese immigration policy, especially concerning the management of flows, seems to be dominated by security issues and is basically directed towards the satisfaction of labour market needs. The co-operation with countries of origin, not mentioned in the new law, is envisaged in the policy discourse as a means of preventing further immigration. The support of voluntary return in co-operation with IOM is mentioned in article 126-A of the DL n°34/2003. However, this voluntary return leads to the loss of long-term residence status and prevents foreigners who benefited from this help to come to Portugal for a period of 5 years. This last disposition seems to be too strict and contrary to the spirit of co-operation between home and host countries that may benefit from the experience of immigrants, ex-immigrants and transmigrants.

In addition to this last issue, and taking into consideration what has been discussed in this report, a revision of Portuguese immigration policy should follow a path envisaging a certain number of changes, in particular:

Opening the concept of resident foreigner in order to grant the same rights to all foreigners settled in Portugal, including those who got "temporary"-stay (*permanence*) permits under Law n°4/2001 of 10 January. Additionally, foreigners coming from non Portuguese-speaking countries should also be allowed to obtain long-term residence status after five years, and not eight.

As far as labour migrants are concerned, the present policy should be combined with the concession of a certain number of visas for job seeking in Portugal, valid for a certain period of time. Taking into consideration the Portuguese experience and also the experience of other southern countries of the EU, this could be an additional contribution to the fight against illegal immigration.

Changing the nationality law, and facilitating the access of children of immigrants to Portuguese citizenship.

Moving one step forward in the extension of political rights, giving the right to vote in local elections to all foreigners settled in the country after a certain number of years, and eliminating the reciprocity *clausula*.

Changing the Portuguese network of embassies and consulates in order to adjust it to the reality of a country of emigration and *immigration*, and also to deal with the different origin of the most recent waves of immigrants.

Nevertheless, all these issues must be set in the context of the ongoing national debate on immigration issues. Despite the increasing number of sessions, discussions and media presentations about the presence of immigrants in Portuguese society and Portuguese immigration policy, new topics and new participants must be called into the process. For example, the relationship between demography and immigration needs to be debated further, as well as questions of transnational belonging and co-operation between countries of origin and host countries (and the Portuguese emigration experience may be a relevant element to incorporate in this process). In addition, there is still a deficit, not just in the incorporation of private companies in the national debate on immigration, but also in the promotion and diffusion of good practices in this domain.