Portugal:

Immigration, the labour market and policy in Portugal: trends and prospects

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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.

In the next sections, the main aspects of immigration in Portugal will be described. Due to the wider availability of statistics based on citizenship, most elements refer to foreign citizens in Portugal[1]. For the sake of clarity, "immigration" will mean, in the paragraphs to follow, the foreign population in Portugal, except when different definition of these concepts is provided.

The report is divided and organised according to the following sections: in section 1, the demographic and historical framework explaining the increase of immigration in Portugal will be considered, as well as information on the transition from emigration to immigration. In section 2, immigration stocks and flows since the 1980s will be presented, as well as some data on the demographic characteristics (sex and age) of immigrants. In section 3, the main elements of the insertion of immigrants into the labour market will be described, together with some observations about the informal economy, about irregular migration and trafficking. In section 4, the immigration policy in Portugal will be presented, taking into account the chronology of measures, the current admission policy and some elements of integration policies. Finally, some concluding remarks will be set forth.

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[1] There is a significant divergence between data based on citizenship and place of birth (foreign-born individuals). On the one hand, this is a result of the offspring of foreign immigrants. This discrepancy is not very high in Portugal since most immigration is recent, giving way to a relatively small "second generation" (individuals born in Portugal with a foreign background, either possessing foreign or Portuguese citizenship). The main exception, in this respect, is descendant from PALOP, whose integration patterns are often subject to constraints similar to those of their parents. 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.

1. General framework

1.1. Demographic and historical framework

Demographic as well as historical factors explain migration cycles in recent decades.

In 2007 Portugal had approximately 10 618 thousand habitants (5 139 thousand men and 5 479 thousand women) (Table 1.1). This number exhibited a slight increase compared to the total resident population in 2000, amounting to 10 257 thousand habitants. During 2007, the total population growth was low (+18 480 individuals), corresponding to a total growth rate of +0.17%. The components of demographic growth showed a contrasting pattern. The natural increase was negative for the first time in modern Portuguese demography (-1020 individuals), corresponding to a natural growth rate of -0.01%. Net migration was slightly positive (+19 500 individuals), which corresponded to a migration growth rate of +0.18%.

Table 1.1. Estimations of the resident population and demographic indicators, Portugal, 2006-2007

	2006	2007
Population (31 December)	10599095	10617575
Population (average)	10584344	10608335
Natural increase	3403	-1020
Net migration	26100	19500
Total population growth	29503	18480
Natural growth rate (%)	0,03	-0,01
Migration growth rate (%)	0,25	0,18
Total growth rate (%)	0,28	0,17

Source: INE

Like other EU countries, the total growth rate of the population has been decreasing in recent years, in parallel with a rapid ageing of the population. Low fertility rates and high life expectancy have contributed to this trend.

As regards age structure, the proportion of young people (less than 15 years old) in the population was 15.3% in 2007, compared to 16.0% in 2000. The proportion of the elderly (aged 65 and over) increased from 16.4% in 2000 to 17.4% in 2007. The proportion of the working age population (15-64 years) has lost preponderance, decreasing from 67.7% in 2000 to 67.2% in 2007. The ageing ratio (the number of elderly individuals per 100 youngsters) was 100 in 2000 and reached 110 in 2005. The ageing phenomenon is greater among women than men, and since 1995 the number of elderly women is greater than that of young women (INE, www.ine.pt).

Population projections indicate that, until 2010, the population is expected to increase until around 10 626 thousand individuals, but then the trend will reverse and from that year onward it will decrease to 9 302 thousand by 2050 (according to the base scenario). This decrease is mainly due to the decline of the working age population (15-64 years), which will amount to 55% in 2050. The ageing ratio will reach 243 elderly individuals to 100 young persons in 2050 (INE, www.ine.pt).

Total fertility rates constitute one of the main variables explaining this situation. This indicator has been consistently decreasing for decades: it amounted to 3 in 1960, 2.1 in 1980 [2] and 1.6 in 2000. It has remained at 1.4 children per woman since 2003 and attained its lowest value in 2007, with 1.3 children per woman. There has also been a downward trend in age-specific fertility rates in age groups below 30 years, as well as an increase in older age groups. More specifically, the highest age-specific fertility rate shifted recently from the 25-29 to the 30-34 age group. The mean age of women at first birth rose to 28.2 years in 2007 (26.5 in 2000) and the mean age at birth increased to 30 years in 2007 (28.6 in 2000) (INE, www.ine.pt).

Life expectancy is another relevant variable. In less than a century, the life expectancy at birth of the Portuguese population doubled. In 1920 the average life expectancy was 35.8 years for men and 40 years for women, while in 1999 it was 72.5 for men and 79.6 for women. Between 2000 and 2005 the Portuguese population gained one year and a half of life expectancy. In fact, in 2005, life expectancy at birth reached 74.9 years for men and 80.4 for women. Life expectancy at age 65 also increased, from 15.6 in 2001 to 16.2 years in 2005 for men, and from 19 in 2001 to 19.5 years in 2005 for women (INE, www.ine.pt).

The historical context of Portugal is also an important explanatory element behind the country's migration processes.

The end of the Second World War marked the beginning of a new era of international cooperation and economic development in Europe. However, for Portugal, the maintenance of its colonies isolated it from the broader international context and, in a time of economic expansion, Portugal did not follow this trend. In the European area, Portugal was one of the poorest countries. The colonial war (1961-1974) had contributed to the impoverishment of the country, having consumed most of its human and economic resources. For many Portuguese, emigration was the only possible solution for better living conditions. Between 1965 and 1974, as many as 1 218 000 Portuguese emigrated. Most of them went to France (770 000) and Germany (175 000) (Baganha and Góis, 1998/99: 236).

In 1974, the April revolution brought to an end the dictatorship and the colonial empire. Portugal had then to face different challenges. Economically, it had to reorganize an economy dependent on the colonies (based on raw materials), meaning many economic sectors did not survive and unemployment rose. After 1974 inflation increased to more than 29% and public spending nearly collapsed. The end of the colonies brought around half a million Portuguese back to Portugal, all of whom had to be reintegrated into the society, and, simultaneously, civil wars in the former colonies forced many Africans to leave their countries as refugees to Portugal. These population movements transformed Portugal into a more heterogeneous society, but also contributed to an increase in social problems at a time of economic crisis and unemployment. The state was used to dealing with the colonial empire and was not ready to endure such drastic democratic changes and expectations. The Portuguese state had, on the one hand, to consolidate democracy and, on the other, to improve all social indicators, including education, training, health, access to services, housing, etc. The welfare state was very weak in the mid-1970s (low social contributions and benefits).

Even with all these challenges, after ten years of democracy, Portugal had made considerable progress at the social and infrastructural level and, on 1 January 1986, the country became a

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[2] This is considered the minimum value to ensure generational substitution.

member of the European Economic Community (EEC) – currently European Union (EU). This was an important step for Portugal, which was experiencing a period of very high economic growth that required a workforce that was not available at the national level. The entry of Portugal into the EEC led to huge changes in the construction sector, among others, which resulted in an increase of emigration and immigration in Portugal. For example, after the fall of the Berlin Wall, many Portuguese construction companies received contracts in Germany and thousands of Portuguese emigrated, many under temporary arrangements, which contributed to the decrease of the workforce available in Portugal (Baganha, 2000). At the same time, public works expanded in Portugal and a growing foreign workforce was needed.

Despite a persistent emigration, at the end of the 1980s there was a migration turnaround, with an increase in immigrants coming from other European countries, Brazil and the former African colonies. Immigration increased and continued until recently. Until the 1990s Portugal had essentially been a destination country for Portuguese-speaking immigrants, but at the end of the decade a new immigration wave from Eastern European countries became a reality. This situation could not hide the fact that Portugal had endemic problems, such as the existence of many undeveloped, traditional economic sectors and a vast informal economy, which explains the presence of many irregular immigrants.

During this period, economic growth largely corresponded to a demand of labour in labour-intensive industries, such as construction, shop and market sales work, catering, cleaning and caring, and was reinforced by the diffusion of flexible and informal arrangements. The capacity of the domestic labour market to respond to economic growth has been severely affected by factors such as low fertility rates, increased ageing of the Portuguese population and continuing emigration, despite the high proportion of women in the workforce. Less stringent immigration policies in Portugal compared to other European countries may also have contributed to this increase in immigration flows.

The historical context of Portugal also sheds some light on the specific characteristics of immigration to Portugal. The African – mainly coming from the PALOP [3] – and Brazilian inflows are undoubtedly linked with colonial, historic and linguistic ties. Some of these movements may not fully correspond to the logic of international economic migration movements. Right after colonial independence, with the advent of civil wars and social conflicts, the African migration was not always the result of voluntary movements but, instead, a consequence of political, economic and social instability in the former colonies (Baganha and Góis, 1998/1999: 265).

In 1992, the EEC gave way to the European Union, which meant, among other European compromises, the adoption of a common currency and a common external policy. In 2002 Portugal replaced the national currency, the "escudo", with the euro, which led to considerable changes in the Portuguese economy. Between 1986 and 1998, the Portuguese GDP grew at 5% per year, but years later it fell to zero. Unemployment was at 5% in 1998 and rose to 8% in 2005 and 8.4% in 2007. The public debt was 55% of the GDP in 1998 and increased to 64% in 2005. In 1998, the per capita output was 71% of the European average, but the rate fell to 66% in 2005. In the first years of the new millennium, economic crisis was a reality, a fact which has led to a decrease in immigration flows since 2002, the return or re-

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[3] Portuguese Speaking African Countries.

emigration of some immigrants and continued emigration to other European nations (Fontes, 2007).

1.2. Immigration, emigration and net migration

Four main periods characterize the short history of immigration to Portugal. The first stage 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, Guinea-Bissau and Angola.

The second phase, which started in 1986 with the entry of Portugal into the European Economic Community 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 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.

Finally, a fourth phase, which began with the economic recession in Portugal, has continued until the present day. Currently, there has been a notable drop in Eastern European and African immigration, and only Brazilian immigration continues.

There is abundant evidence that Portugal has increasingly become a country of immigration, but emigration remains an important phenomenon of Portuguese society. It is common to read that Portugal is no longer a country of emigration, being instead one of immigration. However, this remains more a trait of an "imagined society" – or of an "imagination of centre" (Santos, 1993) [4] – than a factual situation. Varying evidence continues to show the persistence of outflows. The first indicator is the global number of migrants involved. For example, in the beginning of the 1990s the number of Portuguese living outside the country was four million, while only circa 110 thousand foreigners were living legally in Portugal (Baganha and Góis, 1998/99: 229-230). Today, the number of Portuguese emigrants is about five million, while 437 thousand foreigners are living legally in Portugal. The little official data on emigration available recently also demonstrates that outflows are significant: after the peak of emigration registered in the turn from the 1960s to the 1970s, a persistent number of emigrants, now mostly of a temporary nature, continues to arrive (Figure 1.1 and 1.2) (Peixoto, 2007). Furthermore, according to a list recently published by the World Bank, Portugal is ranked sixteenth (in a total of 20 remittance-receiving countries), in absolute numbers. In global terms, it can be said that remittances sent to Portugal are five times larger than the transfers made by immigrants in Portugal to their country of origin (Vitorino, 2007: 21).

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[4] Santos (1993) defined "imagination of centre" as the symbolic process through which the semi-peripheral Portuguese society projected itself as a central European one.

Figure 1.1. Permanent and temporary emigration 1976-2003
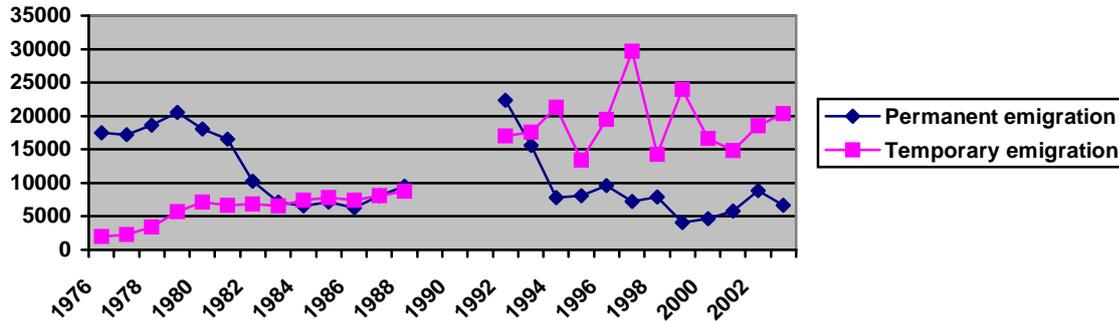
Note: The data gap between 1988 and 1992 is due to a change in the source used for counting emigrants. Until 1988, numbers were based on the counting of emigrants' passports. Portugal's entry into the EU caused INE to use a new method of indirect survey sampling.
Source: INE

Figure 1.2. Permanent and temporary emigration, 1976-2003 (%)
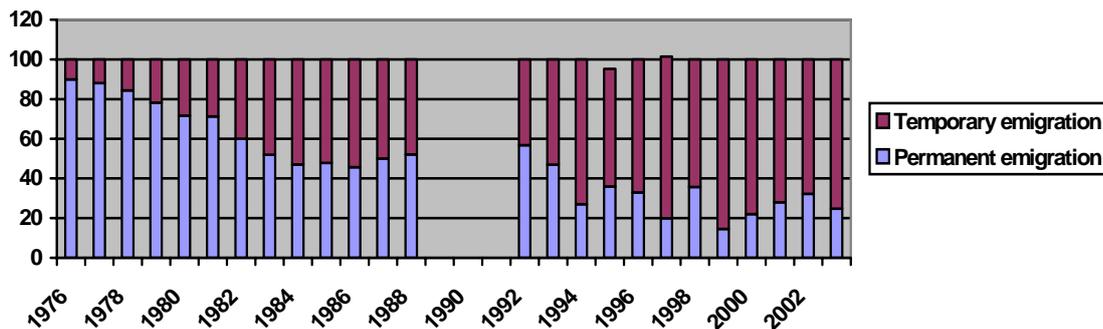
Source: INE

Data on net migration also constitute important indicators for understanding migration cycles in Portugal. They include not only foreign inflows and Portuguese outflows, but also other significant movements, such as Portuguese emigrants' return. As shown in Figure 1.3, high net emigration flows were registered during the 1960s and continued until the mid-70s. This has even caused a negative total population growth during part of that period, despite the high natural increase existing at the time. These trends changed from the mid-70s until the 80s, when net migration was positive. As already stated, this is firstly the result of the end of the colonial empire and the massive return from the former colonies, a movement that was than prolonged by other emigrants' return. In the mid-80s, net migration became negative again. This was mostly the result of a resumption of emigration, this time mostly to Switzerland and Germany. The 1990s and the beginning of 2000s were marked by an increase in immigration flows, which contributed to significant positive migration gains. However, since 2002 there was again a slow-down in migration growth.

Figure 1.3. Components of population growth, Portugal, 1960-2007
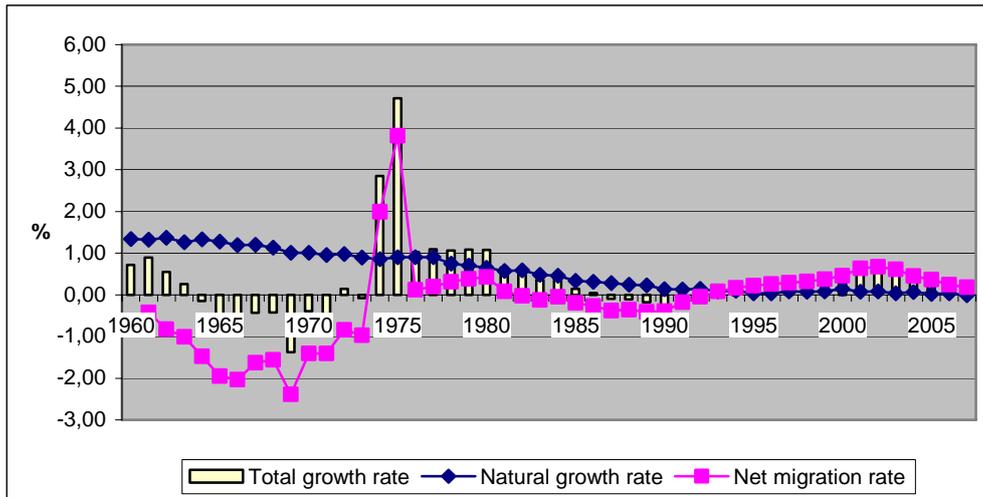
In sum, in recent decades Portugal has become simultaneously a country of origin and destination in terms of migration flows. It is certain that a migration turnaround existed, and Portugal changed from a predominantly emigration country to one of immigration. However, it may be argued that the "migration regime" in Portugal does not follow a linear evolution and that the transition from an emigration country to an immigration one is a long and, as yet, incomplete process (Peixoto, 2007). Demographic and historical factors have contributed to the increase of immigration in Portugal, but emigration is still a reality and an ongoing phenomenon. This "dual" nature is not always perceived by researchers, public opinion and politicians, but it is a feature that is important to understand and continue tracking.

2. Immigration: trends and profile

2.1. Immigration trends

Until the 1960s, the foreign population living in Portugal was small and did not show much variation in its size. According to the 10th Census of the General Population in 1960, 29,428 foreigners (0.3% of the total population) were living in Portugal, with a majority of Europeans (67%) and Brazilians (22%). In the first group they were predominantly Spanish (40%), followed by English (7%), French (6%) and German (5%). The presence of the Spanish was largely a factor of the Civil War in Spain, and most were refugees; the Brazilian presence was the direct result of a counter-current of former Portuguese emigration (Pires, 2003: 121).

From the second half of the 1960s, the country became slightly more open to internationalization and foreign investment, which was a result of industrialization and the country's accession to the European Free Trade Association (EFTA). It was during this period that the first immigration flows from African colonies started. Portuguese emigration, as well as the colonial wars, contributed to a shortage of labour in Portugal that needed to be addressed. Although there are no reliable data for those inflows, which were then considered part of the internal movements between Portugal and its colonies, these were made up of Africans, mainly from Cape Verde, who came to study and to work in sectors such as construction and public work (Oliveira *et al.*, 2005: 5).

The mid-1970s was a turning point for immigration in Portugal. After the revolution of April 1974 and with the democratisation and the decolonisation process, the number of foreign residents grew steadily, beginning in 1975. Between 1974 and 1975, around half a million Portuguese – called *retornados* – returned to their home country, which was the largest demographic 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) (Tables 2.1 and 2.2). 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. When observing African immigrants' characteristics, an important difference existed among nationalities: immigration for labour purposes was mainly represented by Cape Verdeans, which was in fact a continuation of former flows from the 1960s, while refugees predominated among Angolans and Mozambicans. As already stated, these migrations from the former Portuguese colonies were not, at the beginning, only the result of a voluntary international migration process. Instead, they were often linked to the political instability that followed the independence of these countries.

Table 2.1. Foreign population living legally in Portugal, 1980-2006

Nationality	1980 (a)		1990 (a)		2000 (a)		2006 (b)	
	Total	%	Total	%	Total	%	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

Table 2.2. Foreign population (main nationalities) with legal residence in Portugal, 1980-2006

1980 (a)			1990 (a)			2000 (a)			2006 (b)		
Nationality	Total	*%*		Total	*%*		Total	*%*		Total	*%*
Total	**50750**	*100*	**Total**	**107767**	*100*	**Total**	**207587**	*100*	**Total**	**437126**	*100*
Cape Verde	21022	*41.4*	Cape Verde	28796	*26.7*	Cape Verde	47093	*22.7*	Brazil	73975	*16,9*
Spain	6597	*13.0*	Brazil	11413	*10.6*	Brazil	22202	*10.7*	Cape Verde	68163	*15,6*
Brazil	3608	*7.1*	United Kingdom	9457	*7.8*	Angola	20416	*9.8*	Ukraine	42765	*9,8*
USA	3072	*6.1*	Spain	7462	*6.9*	Guinea Bissau	15941	*7.7*	Angola	33705	*7,7*
United Kingdom	2648	*5.2*	USA	6935	*6.4*	United Kingdom	14096	*6.8*	Guinea Bissau	24550	*5,6*
Germany	1959	*3.9*	Angola	5306	*4.9*	Spain	12229	*5.9*	United Kingdom	19761	*4,5*
Venezuela	1705	*3.4*	Germany	4845	*4.5*	Germany	10385	*5.0*	Spain	16611	*3,8*
Angola	1482	*2.9*	Guinea Bissau	3986	*3.7*	USA	8022	*3.9*	Germany	13870	*3,2*
Canada	754	*1.5*	Mozambique	3175	*2.9*	São Tomé Principe	5437	*2.6*	França	9733	*2,2*

Note: (a) Residence permits.

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

Source: INE and SEF

Between 1980 and 1990 the foreign population in Portugal grew from 50,750 to 107,767 (Tables 2.1 and 2.2). African immigrants still comprised the leading group (42%), but some diversification of nationalities was noticeable. Cape Verde gradually lost 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. The political stability in Portugal, the accession to the European Economic Community in 1986, and loose immigration policies (including the lack of strong barriers to immigration from third countries, compared to Northern and Central European countries) are some important factors. The new international framework of the country stimulated national and international investment, created new economic opportunities and led to an increase in 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% (Tables 2.1 and 2.2).

Three major immigrant streams marked these two decades (1980-2000): African labour immigrants, mostly from the former colonies; European professionals and retired citizens; and a direct immigration counter-flow resulting from Portuguese emigration, comprising mainly Brazilians, with many such immigrants being of Portuguese descent (Peixoto, 2002: 487).

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, this

situation resulted in two waves of regularisation processes, in 1992-1993 and also in 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 wave 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. EU structural funds (targeted to the construction of public infrastructures, such as highways) and events such as the Universal Exhibition (Expo 98) gave rise to a strong demand for labour for civil construction and public works. This demand, together with the informal character of many construction activities, based in large sub-contracting chains, coupled with the demand from other labour-intensive service sectors, contributed to the increase of irregular immigration in Portugal.

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, of irregular immigrants[5]. The amplitude of this new flow was difficult to assess, but estimations pointed to 50,000 Eastern Europeans in 2000. 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")[6]. At the end of the year 2001, it became clear that the Eastern European contingent was higher than estimations predicted: 45,233 Ukrainians, 8,984 Moldavians, 7,461 Romanians and 5,022 Russians had already regularised their status (Oliveira *et al.*, 2005: 7). The volume of these inflows was afterwards confirmed by the total number of immigrants that received "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 95 000 individuals from those nationalities benefited from the process, representing more than half the total (the proportions were 35% of Ukrainians, 6.9% of Moldavians, 5.9% of Romanians and 3.7% of Russians) (Table 2.3).

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[5] As uncovered 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).

[6] 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*). The "stay permits" were valid for one year and were to be renewed afterwards, for a maximum of five years. After this period, they could be transformed into "resident permits". Contrary to former legalisation processes, the 2001 process only applied to economically active immigrants that could prove their possession of labour contract and only granted the new temporary permits.

Table 2.3. Foreign population with stay permits issued (2001-2004) and extended stay permits (2005-2006), main nationalities

	Issued 2001-2004		Extended 2005		Extended 2006	
	n°	%	n°	%	n°	%
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

The 2001 regularisation also confirmed that irregular migration remained important for the traditional source countries and that the diversification of immigrant nationalities was more profound. The "stay permits" distributed 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 included the persistence of PALOP immigration (Cabo Verde, Angola, Guinea-Bissau and Sao Tome and Principe), 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 (Table 2.3).

In sum, the main changes at the turn of the century were the upsurge in immigration numbers and the diversification of foreign nationalities. Portuguese immigration history was, until the late 1990s, linked to countries with historical, linguistic and/or cultural ties with Portugal. That is no longer the case with Eastern European immigrants, whose arrival in Portugal is explained by other reasons. External and internal factors contributed to the increase and diversification of immigration flows. These included migratory pressure (push factors) in the countries of origin (PALOP, Brazil, Eastern Europe), as well as the consequences, in Portugal, that resulted from its accession to the EU (gaining attractiveness as a new EU member). The inclusion of Portugal into the Schengen space, with practical effects since 1995, also played a role, since Eastern European immigrants profited from an easy circulation within the area. Regarding the latter, it was not only the social, political and economic instability that followed the end of the Cold War, but also the fact that those countries had an emigration potential that had been artificially controlled by the political regimes in place. On an internal level, economic expansion and low stringent immigration rules explained the rise of immigration. These internal factors must be coupled with the segmented character of the labour market, explaining the increase in the number of precarious and badly paid, unskilled jobs that were not attractive for natives, and the shortage of the national workforce, due to low fertility rates, emigration, higher education and aspirations.

Eastern inflows also accounted for some changes in migrant social networks in Portugal. They revealed a transition from a situation in which the predominance of informal migratory networks, active at the origin and destination countries and based in social capital bonds, helped individual volunteer movements, to one in which formal smuggling and trafficking networks predominated, where migrants were sent from areas of origin to badly known destination countries. This shows a disruption of the traditional logic of migration within the

framework of an established system of relationships. References in the media about trafficking and smuggling were frequent in the beginning of the 2000s, associating them with Eastern European migration. Some studies on trafficking and smuggling have been carried out in Portugal recently, partially confirming this linkage (Peixoto *at el.*, 2005). However, smuggling and trafficking networks are also a reality in Brazilian and African immigration to Portugal, mainly in the case of trafficking for sexual exploitation involving Brazilian women.

In 2006 there were 437,126 foreigners living in Portugal with legal status, representing about 4% of the total population in Portugal. It is estimated that they represented around 5% of the labour force (not including irregular workers). The legal statuses for which data are available are resident permits, extended stay permits, extended long-term visas (including work, study and family reunification visas) and new long-term visas. In 2006, 332,137 foreigners had resident permits, 32,661 had stay permits, 16,937 had new long-term visas and 55,391 had extended long-term visas (Table 2.4). The growth registered since the mid-1990s is remarkable (Figure 2.1). Considering these legal conditions (except new long-term visas, for which data is less detailed), it seems that the hierarchy of immigrant national groups changed compared to those characteristic of the last two decades: Brazilians (16.9%) and Cape Verdeans (15.6%) were the largest groups, followed by Ukrainians (9.8%) (Table 2.1 and 2.2).

Table 2.4. 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

Figure 2.1. Foreigners living legally in Portugal (1995-2006)
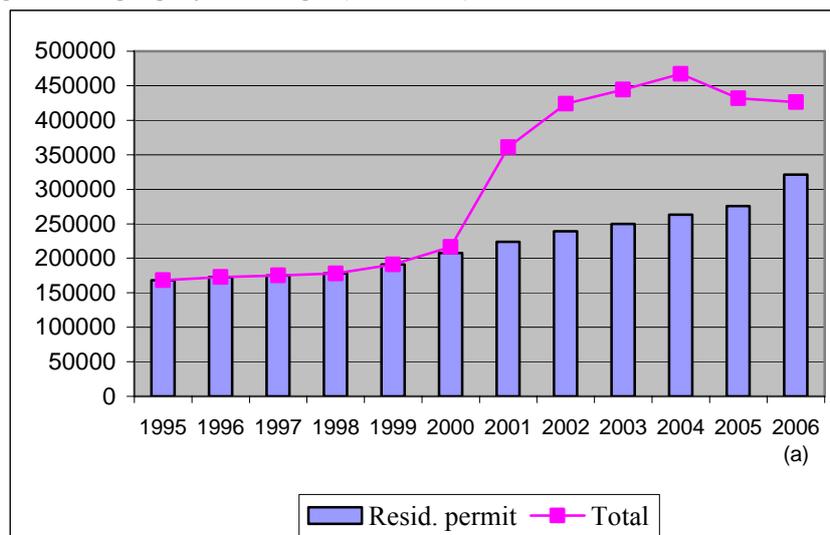
Source: INE and SEF

Since the first years of the 21st century, Portugal has been enduring an economic crisis that explains the fact that immigration flows have stabilized and even decreased. This is mainly true in the case of Eastern European immigration. The shortage of job opportunities has forced many immigrants to find other alternatives. A symptom of this situation is that nearly half of the stay permits issued in 2001-2004 have not been renewed in 2005 (the last year before many were transformed in residence permits): from a total of 183,833 issued, only 93,391 were still valid in 2005 (Table 2.3). As mentioned above, the holders of stay permits had to renew this status for five consecutive years, and were afterwards entitled to a resident permit. The small number of valid stay permits existing in 2005 and 2006 (32 661) may be explained by the transition to a more durable legal situation, the return to an irregular condition (the renewal of the stay permit required proof of a labour contract) and exit from the country. Indeed, the economic situation may have contributed to the return of many Ukrainians and other Eastern European immigrants to their countries of origin, or their remigration to other EU countries, most notably Spain. Within this trend, the main exception is Brazilian immigration, which seems to have kept its pace (Malheiros, 2007 and Pires, 2007).

Despite the economic difficulties, this period was also marked by two regularisation processes, albeit of a more limited nature. The first, in 2003, resulted from a special agreement between Portugal and Brazil that allowed the regularisation of irregular Brazilians working in Portugal, as well as irregular Portuguese in Brazil. The second regularisation, in 2004, focused on all non-EU foreigners, and opened the possibility of status regularisation to migrants that could prove that they were active in the Portuguese labour market before 12 March 2003 and had paid social contributions (Fonseca *et al*, 2005: 5). Both processes allowed the granting of a long-term work visa to successful applicants.

2.2. Immigrants' profile

As regards demographic characteristics, the number of immigrant men has consistently exceeded that of immigrant women. In 2006, considering all legal situations (except new long-term visas), men amounted to 55.5% and women 44.5% of all immigrants, representing a

male-to-female ratio of 124.6 (Table 2.5). In recent decades, male immigration has always been higher, although with an uneven evolution. The trend for a more balanced distribution has long been in existence, accompanying family reunification trends. However, the beginning of new labour cycles, such as the one started in the late 1990s, led again to a higher percentage of men. There is a perceptible inequality with regard to nationalities. Among the main immigrant groups in Portugal, the highest male-to-female ratios in 2006 are the ones from Ukraine (162.6) and Guinea-Bissau (194.1). While the former is the result of a recently begun immigration cycle, largely composed of male immigrants, the latter seems to be influenced by a traditionally predominant male migration. Among the main groups, only Brazil displays a higher immigration of women compared to men (Table 2.5 and Figure 2.2).

Table 2.5. Foreign population according to geographic areas and gender, 2006

Country	Gender	Total	RP	Ext. SP	Ext. LTV
Total	MF	420189	332137	32661	55391
	M	233096	181910	22704	28482
	F	187093	150227	9957	26909
	Masc. ratio	124,6	121,1	228,0	105,8
Cape Verde	MF	65515	57369	1882	6264
	M	35916	31849	1103	2964
	F	29599	25520	779	3300
	Masc. ratio	121,3	124,8	141,6	89,8
Brazil	MF	68013	42319	7719	17975
	M	33189	19880	4671	8638
	F	34824	22439	3048	9337
	Masc. ratio	95,3	88,6	153,2	92,5
Ukraine	MF	41530	22846	10426	8258
	M	25716	14352	7478	3886
	F	15814	8494	2948	4372
	Masc. ratio	162,6	169,0	253,7	88,9
Angola	MF	33353	28856	1554	2943
	M	17878	15497	878	1503
	F	15475	13359	676	1440
	Masc. ratio	115,5	116,0	129,9	104,4
Guinea-Bissau	MF	23816	21170	885	1761
	M	15719	13828	647	1244
	F	8097	7342	238	517
	Masc. ratio	194,1	188,3	271,8	240,6

Note: RP - Residence Permits; Ext. SP - Extended Stay Permits;
     Ext. LTV - Extended Long-term Visas
Source: SEF

Figure 2.2. Foreign population according to geographic areas and gender, 2006
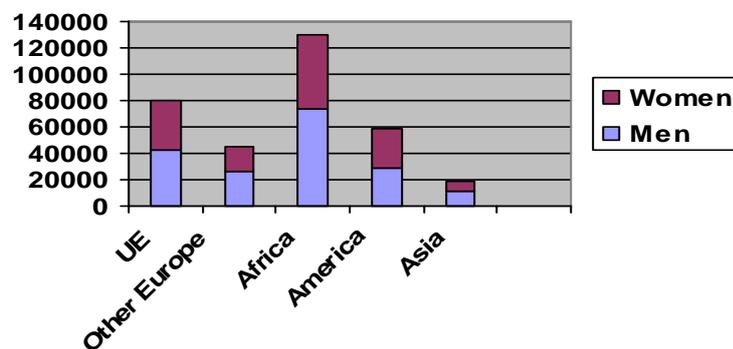
Source: SEF

As for age distribution, the proportion of the working age foreign population (15-64 years) is quite high, representing 79.3% in 2006. Foreigners between 0-14 years amount to 16% and with 65 years and more only 4.7% (data referring only to holders of residence permits) (Table 2.6 and Figure 2.3).

Table 2.6. Total population and foreign population with residence permits, according to nationality, gender and age 2006

|	Total	Gender (%)		Age (%)			
		M	F	0-14	15-39	40-64	65 and more
Total population	10599095	*48,4*	*51,6*	*15,5*	*34,9*	*32,4*	*17,3*
Foreigh population (b)	332137	*54,8*	*45,2*	*16,0*	*54,3*	*25,0*	*4,7*
Europe	124901	*55,1*	*44,9*	*13,9*	*45,5*	*33,4*	*7,2*
UE/25	79951	*52,5*	*47,5*	*13,3*	*41,1*	*34,6*	*11,0*
Germany	13870	*54,1*	*45,9*	*14,2*	*40,3*	*38,4*	*7,1*
Spain	16611	*49,3*	*50,7*	*10,9*	*47,9*	*26,8*	*14,3*
United Kingdom	19761	*53,1*	*46,9*	*12,2*	*25,6*	*46,1*	*16,2*
Other EU	29709	*53,1*	*46,9*	*14,9*	*48,0*	*29,6*	*7,5*
Other Europe	44950	*59,8*	*40,2*	*15,0*	*53,3*	*31,1*	*0,6*
Moldavia	7459	*62,0*	*38,0*	*3,1*	*52,9*	*28,2*	*0,1*
Romania	5446	*57,1*	*42,9*	*1,7*	*67,7*	*18,1*	*0,2*
Ukraine	22846	*62,8*	*37,2*	*6,4*	*52,0*	*35,2*	*0,1*
Other	9199	*52,0*	*48,0*	*3,8*	*48,2*	*31,0*	*2,3*
Africa	129806	*56,6*	*43,4*	*18,3*	*58,1*	*20,5*	*3,1*
PALOP	121423	*56,1*	*43,9*	*18,6*	*57,6*	*20,6*	*3,2*
Angola	28856	*53,7*	*46,3*	*21,2*	*64,3*	*12,2*	*2,3*
Cape Verde	57369	*55,5*	*44,5*	*16,2*	*52,1*	*27,3*	*4,4*
Guinea Bissau	21170	*65,3*	*34,7*	*21,1*	*62,7*	*15,1*	*1,1*
Mozambique	5154	*52,8*	*47,2*	*7,5*	*64,9*	*22,5*	*5,1*
São Tomé Principe	8874	*47,6*	*52,4*	*25,7*	*55,4*	*16,3*	*2,6*
Other Africa	8383	*63,2*	*36,8*	*13,9*	*65,2*	*18,9*	*2,0*
America	58708	*48,7*	*51,3*	*15,3*	*63,5*	*17,7*	*3,5*
North America	10122	*56,5*	*43,5*	*23,6*	*45,6*	*19,8*	*11,1*
Canada	1820	*60,1*	*39,9*	*28,6*	*51,5*	*14,8*	*5,1*
USA	8020	*56,3*	*43,7*	*22,9*	*43,6*	*20,7*	*12,7*
Other	282	*37,9*	*62,1*	*9,6*	*62,1*	*25,2*	*3,2*
Latin America	48586	*47,1*	*52,9*	*13,6*	*67,2*	*17,2*	*1,9*
Brazil	42319	*47,0*	*53,0*	*13,0*	*67,7*	*17,3*	*2,0*
Venezuela	3209	*53,1*	*46,9*	*23,2*	*67,3*	*9,4*	*0,1*
Outros	3058	*43,0*	*57,0*	*12,1*	*60,4*	*24,6*	*3,0*
Asia and Oceania	18433	*59,1*	*40,9*	*15,9*	*57,8*	*23,2*	*3,1*
China	8081	*56,3*	*43,7*	*21,7*	*59,0*	*17,7*	*1,6*
Other	289	*55,4*	*44,6*	*10,7*	*65,1*	*23,2*	*1,0*

Note: (a) Total population and foreign population
        are referring to the 31 December of each year.
     (b) Including only the holders of residence permits.
Source: calculation made by the authors, based on INE, Demographic Statistics and SEF

Figure 2.3. Age groups of the foreign population (residence permits), 2006 (%)
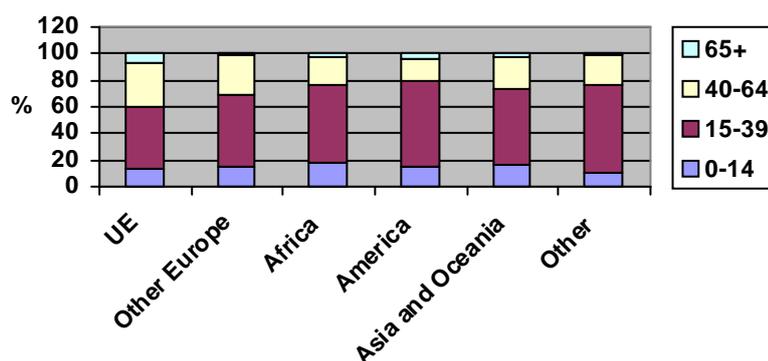
Source: INE and SEF

The age structure of immigrant populations also shows differences between nationalities, confirming that immigration is heterogeneous, including both active and retired foreigners. Many immigrants from other EU countries, aged 65 years or older, live in Portugal. This is mainly the case of UK (16.2% of elderly within the group), Spanish (14.3%) and German (7.1%) citizens. The presence of UK and German citizens is directly related to retirement: most of them live in the Algarve (south of Portugal), enjoying the sun and beach life. These inflows go in line with other movements of retired citizens observable in other contexts, such as Spain (King *et al.*, 2000). Spanish citizens are mainly long-term residents in the country. These inflows of retired EU citizens play an important role in stimulating the local economy of host regions, including the creation of jobs for other immigrants. Many of these EU immigrants own real estate agencies and restaurants, and usually live in large villas. In association with tourism, this is related to a vibrant construction industry and several kinds of services. The demand for immigrants in construction, catering and domestic work is indeed vast in this region of the country.

Geographically speaking, most of the foreign immigrants live in the urban region of Lisbon (Metropolitan Area of Lisbon), the Algarve (Faro) being the second most popular region of residence. However, there are some differences according to nationality. The PALOP citizens are more concentrated in the Lisbon area, which is the destination of the first inflows from these countries and where a large group of co-nationals (and Luso-Africans) is settled. Europeans may be found in Lisbon and the Algarve. The first wave of Brazilians was more heterogeneous and, like other flows from the Americas, could be found in regions that were the original sources of Portuguese emigration to the American continent. Brazilians most often lived in the North and, particularly, in the Oporto area. For the second wave, mostly detached from the Portuguese networks in Brazil, Lisbon is the main area of attraction. Eastern Europeans have a more diversified geographic distribution compared to other foreign communities: they show a smaller concentration in Lisbon and are distributed in relatively higher proportions all over the country, namely in the Alentejo and Algarve. Finally, the Portuguese capital is also the main destination for Chinese and Indian populations.

3. Labour market and irregular migration

The Portuguese labour market has for a long time received foreign workers; however, it is only since the mid-1970s that the number of foreign workers has increased significantly, gaining visibility and leading to several policy initiatives. As described above, the transformation that the Portuguese economy and society have experienced since then explains most of the immigration flows. Between 1975 and the early 1980s, immigration was not so much the result of national labour market pressure, which had high levels of unemployment at the time, but the consequence of the decolonisation process. The role of the Portuguese labour market in creating demand for a foreign workforce started mainly in the 1980s with the liberalization, increased internationalisation and modernisation of the economy, all reinforced with the country's entry into the EEC/EU in 1986.

During the 1980s, the growth rate of highly-skilled immigrants, most of them Europeans and Brazilians, was high and roughly comparable to that of non-qualified ones. This may be explained by the pressure exerted by 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 the public works and construction sectors, as well as the service and domestic sectors, resulted in a sharp increase of non-qualified migrants in the formal and informal labour market (Baganha *et al.*, 1999: 150-152). More recently, since the beginning of the 21st century, the economic downturn that Portugal is experiencing has resulted in an increase in the unemployment rate for immigrants.

3.1. Labour market incorporation

As regards participation rates, the labour market integration of the foreign population in Portugal sees favourable conditions, as compared to other European countries (OECD, 2007). According to 2001 census data, the employment rates of both foreign-born men and women are above those of the native-born, on the one hand, and there is a relatively high labour market participation rate among foreign women, on the other (Table 3.1). Immigrants from Eastern Europe exhibited higher employment rate, followed by Brazilians and PALOP, and then by citizens from the EU-15. The three main groups of labour immigrants in Portugal (Eastern Europeans, Brazilians and PALOP) showed higher employment rates than the native population, and only the EU-15 citizens had a lower rate than the nationals. Regarding unemployment, the PALOP immigrants (men and women) were among the most affected and, of all immigrant groups, women were disproportionately burdened. Male immigrants from Eastern Europe had, at the time, a low unemployment rate, less than half that of the native-born, and male Brazilians were also well-placed.

Table 3.1. Labour market indicators of natives and foreign-born foreigners in Portugal, by origin group and gender, 15-64, 2001

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

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. In Portugal, high employment rates of immigrants seem to be linked to the strong labour market orientation of immigration flows and their easy absorption by the labour market. Thus, the new immigration flows from Eastern Europe, as well as the "second wave" of immigrants from Brazil, which were at their highest levels at the end of the 1990s/beginning of the2000s, were largely driven by labour market opportunities. However, regarding unemployment, updated figures show a distinct reality, that resulted from the economic recession in Portugal in recent years, which led to a decrease in immigration flows and the return or reemigration of many immigrants (such as the Eastern Europeans) to other EU countries.

This trend is evident in Table 3.2, which displays figures about the registration of unemployed immigrants in official employment centres. The strong increase in the number of registrations for all nationalities since 2000 confirms that unemployment rates have been increasing and are mainly due to the economic recession. Although this affects all immigrant groups, the PALOP one is more represented in the employment centres than other nationalities.

Table 3.2. Foreigners registered in the employment centres by nationalities, 2001-2004

Country	2001	2002	2003	2004
Eastern Europe	21	765	3068	3897
Moldavia	0	11	399	488
Romania	4	80	253	329
Russia	8	162	402	494
Ukraine	1	458	1882	2395
Africa	3363	5034	8320	9019
Angola	1020	1555	2745	2790
Cape Verde	1084	1533	2466	2938
Guinea Bissau	766	1124	1771	1895
Mozambique	141	219	292	284
São Tomé Principe	294	491	867	940
America	513	1305	2513	3199
Brazil	423	1116	2280	2931
Total	5300	9055	16389	18735

Source: IEFP (Institute of Employment and Vocational Training)

As regards immigrants' formal educational qualifications, the foreign population that is economically active in Portugal is very heterogeneous. Looking at Table 3.3, which is derived from the Ministry of Labour statistics (*Quadros de Pessoal* [7]), the largest number of the foreign salaried workers in Portugal has completed the 1st cycle of elementary school (four years of education) (28.3%). They are followed by holders of a 3rd cycle (nine years) (22%) and a considerable number of holders of secondary education diplomas and even university degrees. As shown in Table 3.4 (referring only to foreign-born foreigners with between 25-54 years old), there are significant differences between the main immigrant groups. Immigrants from the PALOP show lower levels of education in comparison to other groups. This is particularly evident in what concerns Cape Verdeans, of whom 80% have attained only primary-level education levels or lower, and of which 15% are illiterate. On the contrary,

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[7] *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.

European Union, Eastern European and Brazilian immigrants display, in this order, considerable levels of education, higher than the native-born population.

Table 3.3. Foreign salaried workers, by educational level and sex, 2004 (a)

	Nº	%	Men	Women
Less than the 1st cycle of the elementary education	8760	*7,1*	5837	2923
1st cycle of the elementary education	34882	*28,3*	21060	13822
2nd cycle of the elementary education	20856	*16,9*	14172	6684
3rd cycle of the elementary education	27162	*22,0*	17548	9614
Secundary education and professional schools	23187	*18,8*	13786	9401
Bachelors and other university degree	8581	*7,0*	4851	3730
Total	123428	*100*	77254	46174

Note: (a) Elementary (compulsory) education is divided into three stages or cycles of four,
two and three years (total of nine years).
Source: MTSS/DGEEP, Quadros de Pessoal

Table 3.4. Distribution of educational levels of foreign-born foreigners, by origin group, 25-54 years, 2001

Country of birth	very low (ISCED 0-1)	of which illiterate	low (ISCED 2)	medium (ISCED 3-4)	high (ISCED>=5)
Cape Verde	80.0	14.8	11.6	6.4	2.1
Other PALOP	46.9	4.4	25.3	21.1	6.8
Brazil	30.8	0.7	18.6	30.1	20.6
Eastern Europe	22.9	2.2	17.4	30.5	29.2
EU-15	23.0	0.6	14.8	28.2	34.1
Native-born	60.1	2.3	14.5	14.5	11.0

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

The recognition of foreign qualifications was not considered a major issue until the late 1990s. Eastern European immigration brought about new challenges for national policy, as this group of immigrants is characterized by its high qualifications and is the most overqualified for the jobs its members do. Data from the *Quadros de Pessoal* show that many highly-qualified Eastern European immigrants work in low and medium-skilled occupations (Table 3.5). However, it must be noted that overqualification is also common among other immigrants and Portuguese nationals. The few numbers of immigrants seeking and getting formal recognition may often reflect a lack of employment opportunities in their professions.

Table 3.5. Per cent of highly-qualified working in low and medium skilled jobs in private enterprises in Portugal, 15-64 years, 2005

	low-skilled	medium-skilled
Foreigners	6	30
Cape Verde	7	47
Other PALOP	4	33
Brazil	4	34
Ukraine	25	65
Other Eastern Europe	20	59
Other	1	16
Portuguese	1	20

Source: OECD, 2007, based on MTSS/DGEEP, Quadros de Pessoal

The large majority of the foreign labour force is composed of salaried workers, which amount to 97% of the whole employed population, as listed in *Quadros de Pessoal* in 2004 (Table 3.6). As might be expected, this average value is augmented in the case of immigrant groups from Eastern Europe, PALOP and Brazil. Only EU/25 nationals and "other" nationalities, mainly Asian ones, display a significant number of employers: they amount to 13.9%, in the case of EU/25, and 6.6%, for other nationalities.

Table 3.6. Foreign employed population, by nationality and professional status, 2004

| Nationality | Total | | Professional status | | | | | |
| | | | Total | | | % | | |
	Nº	%	Employer	Salaried worker	Other	Employer	Salaried worker	Other
EU 25	11576	8,1	1606	9915	55	13,9	85,7	0,5
Ukraine	28252	19,8	43	28157	52	0,2	99,7	0,2
Other East. Eur. (a)	15999	11,2	83	15895	21	0,5	99,3	0,1
Cape Verde	13846	9,7	180	13658	8	1,3	98,6	0,1
Other PALOP	24043	16,9	319	23697	27	1,3	98,6	0,1
Brazil	28237	19,8	491	27712	34	1,7	98,1	0,1
Other	20621	14,5	1365	19218	38	6,6	93,2	0,2
Total	142574	100	4087	138252	235	2,9	97,0	0,2

Note: (a) Moldova, Romania e Russia.

Source: MTSS/DGEEP, Quadros de Pessoal

The occupations and economic sectors in which immigrants work are displayed below. The occupational profile of foreign salaried workers is very different from the average (Table 3.7). 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 distribution of foreigners and the average labour force indicates that the former are over-represented (i.e., they display values over the national average) among service 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 3.7. 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 3.8) indicate that foreigners are mainly concentrated in construction (24%), real estate activities, renting and services for companies (22%) and accomodation and food service activities (15%), sectors in which they are also more represented than the average. Their relative weight among the total number of salaried workers in each of the sectors mentioned is equal to or greater than 10% - a number that would significantly increase if temporary and undeclared workers were added. Data shown in Carvalho, L. X. (2007), for example, indicate that the proportion of immigrants without labour contracts 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 constitutes a major occupational insertion of immigrant women.

Table 3.8. Foreign and total salaried workers, by economic sector, 2004

	Foreign salaried workers		Total salaried workers		%
	N°	%	N°	%	foreign./ /total
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 high-skill jobs. This is mainly the case of 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, in cleaning, in shops and restaurants. Some other nationalities, mainly from Asia, settle 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 in some sectors and low-qualified occupations. In 2005, for example, nearly 40% of Eastern European immigrants worked in construction and 15% worked in hotels and restaurants (OECD, 2007: 31).

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 groups were represented in elementary occupations and there was also a concentration in craft and related works (particularly Cape Verdeans). Brazilian men seem to show a less pronounced occupational concentration (OECD, 2007: 32-33).

The low occupational profile and sectoral insertion of immigrants are linked with low wages. In 2004, the average total wage of Portuguese workers employed full-time was 880 Euros, and for the foreign population it was almost 20% lower (Table 3.9). This wage gap affects the three main immigrant groups similarly. However, it is the Cape Verdeans who have the lowest salaries (OECD, 2007: 34). Immigrant women also get lower wages than men (see Table 3.9 and Figure 3.1).

Table 3.9. Average base wage and average total wage (per month) of foreign salaried workers, by occupation, 2004

Occupation	Foreign salaried workers			Total labour force	% foreign./ /total
	Total	Men	Women		
	Average base wage (euros)				
1	2815,73	3176,17	1604,50	1952,72	1,44
2	1632,66	1889,60	1345,25	1555,92	1,05
3	1461,77	1751,73	972,90	1116,41	1,31
4	587,24	594,20	581,04	721,83	0,81
5	468,12	496,62	450,69	517,67	0,90
6	464,54	476,75	424,05	486,97	0,95
7	491,28	497,94	423,62	549,65	0,89
8	544,16	555,12	465,78	591,21	0,92
9	427,88	432,28	421,08	475,22	0,90
Other	443,28	439,31	449,16	518,50	0,85
Total	617,22	658,48	537,63	741,41	0,83
	Average total wage (euros)				
1	3061,85	3449,94	1757,68	2217,46	1,38
2	1840,16	2140,18	1503,86	1790,73	1,03
3	1639,81	1960,71	1098,78	1350,78	1,21
4	702,82	729,15	679,34	880,79	0,80
5	519,41	550,16	500,60	591,66	0,88
6	540,65	555,59	491,09	550,43	0,98
7	585,27	594,77	488,76	642,47	0,91
8	726,57	749,15	564,89	756,29	0,96
9	504,88	522,21	478,12	564,39	0,89
Other	498,69	502,19	493,49	575,12	0,87
Total	718,74	776,17	607,93	879,62	0,82

Source: MTSS/DGEEP, Quadros de Pessoal

Figure 3.1. Foreign population monthly median wage according to gender, 2002-2004 , (in euros)
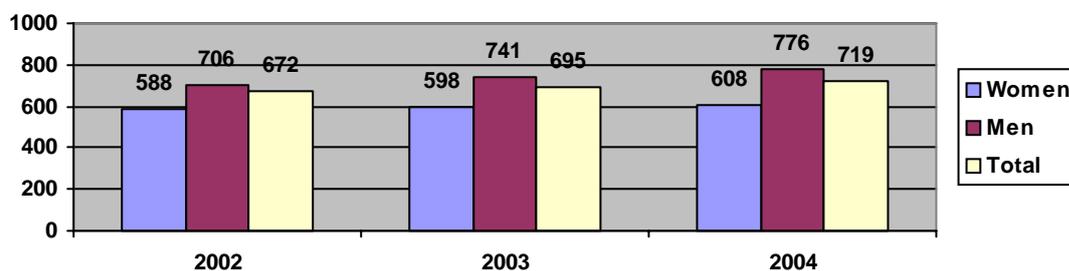
Source: MTSS/DGEEP, Quadros de Pessoal

Linked to the indicators mentioned above, the working conditions of most immigrants are poor. This applies to the formal economy, to which most of the above statistics apply, but also, and more acutely, to the informal economy. Regarding contractual arrangements, few immigrants have permanent contracts, while the majority of Portuguese nationals hold a permanent contract (OECD, 2007: 35). Regarding labour accidents, immigrants have been

disproportionably affected over the years, which seems to be linked to their concentration in the construction sector and, often, to the informal sector (see Table 3.10). Since 2001, a general trend towards the decline of lethal labour accidents (see Figure 3.2) seems to be correlated with a decline of construction activities all over the country.

Table 3.10. Fatal work accidents, total and construction sector, by nationalities, 2004-2007

	2004		2005		2006		2007	
	Total	Construction	Total	Construction	Total	Construction	Total	Construction
Brazil	3	2	1	1	1		4	3
PALOP								
of which Angola	1	1	1	1			1	1
Cape Verde			1	1				
Guinea			1				1	1
Eastern Europe								
of which Ukraine	3	2	4	3	5	1	2	2
Moldavia			1	1	2	2		
Bulgaria	1	1			2	1		
Romania	2	1					1	1
Other nationalities	4	3	3		8	2	2	2
Total foreigners	**14**	**10**	**12**	**7**	**18**	**6**	**11**	**10**
Total	**197**	**101**	**169**	**...**	**157**	**71**	**148**	**77**

Source: IGT (Labour General Inspection)

Figure 3.2. Fatal work accidents, total and foreigners, 2001-2007 (a)
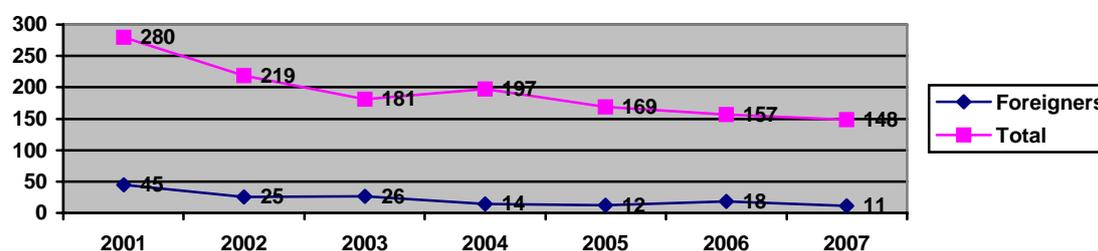
Note: (a) Until 30 November 2007.
Source: IGT

The information displayed above provides a general picture of the modes of labour market incorporation of the three main groups of immigrants in Portugal since the end of the 1990s. However, from an historic point of view, some specificities can be discerned within each group of immigrants, providing additional information.

African immigrants, mainly from PALOP, have been arriving in Portugal since the mid-1970s to work mainly in economic sectors that employ a less qualified workforce – civil construction and domestic work (following an initial wave in the late 1960s, and still in the framework of the colonial system, they targeted to the same sectors). By the end of the 1970s, immigration from the former colonies brought about qualitative changes for Portugal: until then, Europeans represented most of the total foreign population, but, in the early 1980s, Africans surpassed them in number. As regards socio-economic integration, this also meant a significant shift in the occupational structure of the foreign population. On the one hand, the

average age of the immigrant population became younger and its participation in the labour market increased, but, on the other, there was a significant decrease in foreigners working in more highly-qualified activities, leading to an increase in the construction, transport and industrial sector. During this phase of African immigration, two types of flows coexisted, which made for distinct profiles: labour migrants, mainly Cape Verdeans, who came within the framework of family immigration and possessed low levels of schooling and few professional qualifications, and refugees, essentially Angolans and Mozambicans, with a younger population and a high proportion of students. Immigrants from São Tomé and Principe and Guinea-Bissau were more heterogeneous, with both a more highly-qualified population of students and a less-qualified one, which came for labour purposes. Since the mid-1980s, it is the labour migration from PALOP that predominates, no matter the nationality or the country of origin (Pires, 2003: 125, 133). Since the onset of a predominance of African arrivals, the constitution of migratory chains between origin and destination countries also explains the continuation of these flows and their integration in specific sectors, leading to some degree of ethnicization of specific labour market segments.

Brazilians are the group of immigrants that, after EU-15 citizens, have historically reached higher occupational levels, been better remunerated and qualified. However, the Brazilian immigrant population displays differences in the level of qualifications when the first and second wave are compared. In the 1980s, Brazilians arrived in Portugal to work as highly qualified professionals, such as dentists, advertisement and marketing consultants. However, the second wave of Brazilian immigrants at the end of the 1990s was mainly made up of less qualified immigrants, who worked in the service sector – hotels, restaurants, retail trade and domestic cleaning (Malheiros, 2007). Even despite a concentration in tertiary activities, Brazilians were more evenly distributed throughout skilled and unskilled activities than other immigrant groups.

Eastern Europeans (Ukrainians, Moldavians, Romanians and Russians) usually have a higher educational and professional background, but the vast majority are integrated into less-qualified sectors of the economy. Compared to other immigrants, this group also shows a large dispersion across various economic sectors. A vast majority is employed in construction, but these immigrants are also present in services such as restaurants and domestic cleaning, as well as in other sectors where labour was exclusively Portuguese, such as manufactures and agriculture. This group seems to show higher professional mobility. In fact, according to surveys conducted by Baganha, Góis and Marques in 2002 (735 individuals interviewed) and in 2004 (937 individuals), these immigrants show some sectoral mobility between their first and second employment. In 2002, 42.8% of the first jobs were in the construction sector, whereas, in 2004, only 27.2% of the second jobs were in this sector (Baganha, Góis and Marques, 2004: 104). It is important to remember that the economic downturn in Portugal led to an increase in unemployment in this sector, which may explain the decrease in persons employed in the construction sector in 2004. However, this group of immigrants is characterized by higher qualifications and, after some time spent in Portugal learning Portuguese and deepening their networks, is usually keener about obtaining a better job. As regards Eastern Europeans, the mismatch between educational qualifications and labour market insertion represents a challenge for national politics, as pressure has been exerted by this group of immigrants and by diverse stakeholders for the recognition of their skills. For that express purpose, specific programmes have been created.

Apart from these three main groups of immigrants, citizens from the European Union have been arriving in Portugal since the 1960s with the aim of occupying jobs and investing in

particular sectors of the economy. The situation has not changed over time and the majority of these immigrants, specifically English, Spanish and German, are in high-qualified positions as, for example, teachers, consultants, engineers and managers (Wall *et al.*, 2006: 6). Other groups of EU-15 immigrants include affluent people not engaged in the labour market.

The Asian population, despite its relatively small size when compared to other immigrant communities in Portugal, shows an increase at the end of the 1990s. The two most numerous nationalities are Indians and Chinese, and most of the active population works in the commercial sector, such as restaurants and the food retail sector (ethnic businesses) and shop and sales markets (middlemen minorities) (Pires, 2003).

3.2. Informal economy, irregular migration and trafficking

An important vector of immigrants' labour incorporation is the informal economy. This reality has long existed and is widespread in the Portuguese territory. The most notable event in recent years has been the way in which immigrants were inserted into these grey areas of the economy. Some studies indicate that the contribution of the informal economy in Portugal may exceed 20% of GNP (Schneider and Klinglmair, 2004; MTSS/DGEEP, 2006; Abreu and Peixoto, 2008). Several areas are included within this segment, including activities that do not comply with existing regulations, such as labour contracts and fiscal obligations. Some economic sectors are particularly vulnerable, including construction and domestic services. It is without surprise that immigrants find themselves over-exposed to informality, being sometimes accountable for but, often, victims of labour exploitation.

In fact, many of the economic sectors in which foreign workers are integrated are characterized by a lack of regulation, which allows for the exploitation of workers and the widespread presence of irregular migration. The combination of a lack of alternatives and irregular status forces many immigrants, regular and irregular, to look for jobs in sectors where informal employment is common (the construction sector, retail sector, domestic sector and other personal services). Civil construction is key sector employing the immigrant workforce in Portugal, and the sector with the highest number of irregular migrants with low qualifications. According to employment statistics in 2005, there were 561,200 workers in this sector, 15% of which were immigrants. Estimates suggested that 15% to 37% of the work in this sector is not declared (Pereira and Vasconcelos, 2007).

The tradition of informality within the civil construction sector, the lack of regulation and the complex network of relations between the agents involved (big and small companies, subcontractors, job-placement companies) are important factors that help explain the links with immigration. The importance of the informal sector is, indeed, one more aspect of the wider vulnerability to which immigrants are subject. For many individuals, it is the result of illegal stay in Portugal, as well as the lack of their understanding of their rights and institutions.

According to a study on immigrants and the Portuguese labour market, five types of foreign illegal workers can be described (Baganha *et al.*, 1999, 167-169). The first category is the "overstayer", the person who comes to Portugal with a short-term visa and remains in the country. This is the most common situation and applies to the majority of nationals from the PALOP. Usually, this category comprises young men with a low level of education, working in civil construction and living in poor neighbourhoods of Lisbon. It also applies to most Brazilian and Eastern European immigrants, who entered legally in Portugal but found work

and overstayed. The second category is the "asylum seeker", who is not allowed to work while waiting for a final decision about his refugee status, but must work in order to survive. The fact that irregular immigrant work is widespread explains why recourse to asylum status is low, compared to other EU countries. The third type is the "self-taught survivalist" which includes legal migrants that work in the informal market. This may be the case for women who came to Portugal alone or with their husbands and found a job in the informal market (domestic work, childcare, etc.), or men in activities such as hawking, which is controlled by some ethnic groups (South Asians selling flowers or electronic gadgets or Moroccans selling carpets and rugs). A fourth group is the "ethnic workers", generally from China and India. Some of them are relatively highly-educated and came into Portugal with informal or even trafficking networks to set their own businesses. However, in the first year in Portugal, many have to develop informal activities in order to survive and pay debts resulting from travel expenses. Last but not the least, there is the "student-worker", foreign students from high school or university who, in order to supplement their scholarships, look for work in the informal labour market despite having a residence permit. The most common example of this category are students from PALOP (essentially from Angola and Guinea-Bissau) in great economic difficulties, because they lost the right to a scholarship, or because the government of their country of origin delayed the money transfers. Many end up in the construction sector and, after some time, quit their studies. Finally, the "unrooted/explorer" is also an *overstayer*, as he enters with a short-term visa but remains in Portugal after the visa expiration. However, this kind of group is different from the first one. Most of them are young men from Angola (Luanda), with relatively high level of qualifications, who left their country for political reasons and to escape the military service. Despite their qualifications, the illegal status and the stereotypes abounding about African individuals resign them to civil construction.

Irregular migration is often tied to labour market demand, but it may also result from other modalities of migration, including family reunification. Its endemic character is confirmed by the sheer numbers attained in regularisation procedures. As seen in previous sections, out of the 437 thousand foreigners living legally in Portugal in 2006, approximately more than half have benefited from regularisation procedures. Although some double counting may occur in successive regularisations (the same individual may have applied more than once) and some regularised foreigners may have left the country, around 250 thousand immigrants were regularised between 1992 and 2004 (see also the section on immigration policies).

The continuity of irregular immigration, despite regularisation procedures, is also be confirmed by data relating to inspection activities carried out by the Aliens and Borders Service (SEF), aimed at controlling the permanence and activities of foreign citizens in Portugal. According to official reports, in 2006 SEF autonomously conducted 1678 inspections and performed 2010 in cooperation with other public entities. The majority of these activities consisted of random controls in public places, controls in food and beverage establishments and in construction sites. Inspections resulted in the identification of 177,963 individuals. Most of these were Portuguese (86,017) and EU nationals (43,695). Third-country nationals numbered 48,251 individuals, of which 3,890 were found to be irregularly staying in the country. As may be seen in Table 3.11 below, Brazilian and Ukrainian nationals topped the group of foreigners that were the target of identification procedures by the SEF and the group of third-country nationals that were irregularly staying in the country (SEF, 2006: 32-34).

Table 3.11. Third country nationals - identified and in irregular situations

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

It must be noted that inspection activities by the SEF are sometimes concentrated in specific economic niches, such as establishments related to the sex industry and at construction sites. A systematic control of other economic sectors where irregular immigration is common, carried out by SEF and the Labour Inspections, would certainly increase the above figures.

The informal economy and irregular migration leaves immigrants more vulnerable to exploitation, trafficking and smuggling situations. In Portugal, trafficking in human beings and the smuggling of migrants gained visibility in the beginning of the 2000s. A distinction must be made between networks targeting immigrants for the general labour market and others devoted to sexual exploitation of women. In the case of the former, Eastern European immigrants have been much more involved than other immigrant groups. Besides the numbers, another relevant difference is the character of these networks: trafficking and smuggling from Eastern Europe is believed to be more structured and organized than from other sources. The Eastern European criminal networks are well-organized and are often based on strong hierarchical organisations. Other networks, such as those of Brazil and Africa, have a smaller dimension and are less organised than the Eastern European ones: the groups are loosely structured and usually consist of 3 or 4 persons who handle the necessary documentation and place immigrants in the labour market. Research on these issues has shown that trafficking is not really a problem in Portugal, smuggling being the most common practice (Peixoto *et al.*, 2005). Smugglers support illegal migration, carrying people across international borders to Portugal and placing them in the labour market. Immigrants pay for this service, but exploitation does not continue after arrival in Portugal. Smugglers have usually short-term contact with immigrants. Some cases of extortion (protection fees, for example) were observed in the case of Eastern European immigrants. This happened when smugglers continued to ask, on a regular basis, for a financial fee related to the immigrant's conditions. Regarding structure, smuggling networks appear to be loosely organized. However, like trafficking networks, smuggling networks are not static and are capable of adapting their structure and function to needs and/or law enforcement actions.

A different case is the one of trafficking in women for their sexual exploitation, which is still relatively frequent from Brazil. Research on this issue has demonstrated the close link between increasing demand, resulting from a growing sex industry, and trafficking networks. Again, this often seems to be loosely structured, based on informal contacts between the agents involved. These include owners of sex industry establishment, intermediaries in Brazil and Portugal. The women are often recruited from vulnerable strata in Brazil and are sometimes accountable in the process (Peixoto *et al.*, 2005; Ribeiro *et al.*, 2005).

Despite media coverage and some academic research, there is still a low visibility of trafficking in Portugal. This may be related to the law that was, until recently, in force. In fact, it was very hard to prove trafficking for the purposes of work exploitation, because the Portuguese law on trafficking was focused on prostitution and the sexual exploitation of women (on trafficking for labour exploitation see Pereira and Vasconcelos, 2007).

4. Immigration policies

4.1. A chronology of policy initiatives

The first immigration law in Portugal dates back to 1981 (Law-Decree nº264-B/81, September 3), then crafted under the rule of a right-wing government, led by the Social Democratic Party. During the 1980s, immigration policy was mainly centred on the regulation of flows, and was often overseen by the Aliens and Borders Service (SEF), a service belonging to the Ministry of Internal Administration that was created in 1976. Only in the early 1990s did immigration acquire more of a 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 against nationals and foreigners).

The development of immigration policies is intrinsically related to the evolution of migration flows. As mentioned in the previous sections, only recently did Portugal become an immigration country. Until the 1960s, there were small groups of European immigrants living in Portugal. In 1974-1975, the end of the colonial empire brought thousands of *retornados* and Africans from the former colonies for political and military reasons. From the mid-1980s onward, the number of immigrants increased considerably, as a result of work opportunities created with Portugal's entry into the EU. The immigration policy could be described, until then, relatively "benevolent", since the number of illegal immigrants was always on the rise. In fact, in order to enter legally in Portugal, most 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 in the Schengen Agreement, forced the right-wing government, in power between 1985-1995 and − 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 regularisation, in 1992-93 (Law-Decree nº212/92, October 12). The aim of the latter was to integrate tens of thousands of immigrants that were estimated to be living irregularly in Portugal since the mid-1980s. Within this framework, around 39,000 individuals legalised their statuses. Regarding the legal framework for the entry, stay and exit of foreigners into the national territory, the law of 1993 revised the 1981 one. Both laws presented the idea of immigration as a transitory situation, with no explicit references to family reunification[8]. According to Pires (2003: 158), the precarious and "non-definitive" notion of immigration is apparent in the three resident permits granted by the law: 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, and is also renewable for the same period; and the third one is a permanent visa for which twenty years of residence were required. The main differences between the two laws (1981 and 1993) are the number of visas (four in 1981 and nine in 1993), as well as the reinforcement of expulsions. 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.

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

In 1995, the election of a left-wing government, led by the Socialist Party, that would be in power during 1995-2002, brought about important progress on immigration issues. One of its first initiatives was launching a second wave of extraordinary regularisation. With the former law, in practice, there were no considerable changes concerning the issuance of short-term visas, and immigrants, mainly from PALOP, continued to enter and to settle illegally in the country. In 1996, a second regularisation process (Law nº17/96, May 24) targeted the immigrants who missed the first one, who lost their legal status or who entered the country afterwards. About 35,000 individuals obtained resident permits with this new process. As in the first regularisation campaign, there was positive discrimination vis-à-vis immigrants from Portuguese-speaking countries. The proportion of negative answers to 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 agenda. In 1995, for the first time, the Government Programme 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 issuance of a permanent resident visa. The process of family reunification is also, then, for the first time, referred to as a "right" (Pires, 2003: 165).

Regarding institutional aspects, the rising concern about improving immigrants' living conditions was evident with the creation, in 1996, of the High Commissioner for Immigration and Ethnic Minorities, the first governmental authority 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 the High Commissariat for Immigration and Intercultural Dialogue (ACIDI)[9]. Following the approval, in 1999, of a law punishing racial discrimination, the Commission for Equality and Against Racial Discrimination became a place where immigrants' associations and other organisations have a permanent seat. In 2000, a working group made of representatives from different ministries was established, and coordinated by ACIME. The aim of this working group was to evaluate the factors which made it difficult for immigrants to integrate in the Portuguese society. In the end of 2001, an Intercultural Secretariat was set up under the Ministry of Equality, with the aim of promoting inter-ministerial projects of tolerance, dialogue and solidarity within the educational system. In 2004, the Secretariat was integrated into the ACIME (Wall *et al.*, 2006: 9-10).

From an integration perspective, several measures were enacted since the mid-1990s. In 1996, foreigners coming from countries where Portuguese enjoyed the same rights were granted the right to vote in local elections, and immigrants gained access to new social policies based on residence and not on nationality, such as the "Guaranteed Minimum Income Scheme" [10] and

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[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 High Commissariat for Immigration and Intercultural Dialogue (ACIDI).

[10] Replaced in 2003 by the "social insertion income". This scheme allows people living in poverty to receive an allowance from the state in exchange for a commitment to participate in a social integration programme.

the PER – Special Re-housing Programme [11]. Later, 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 for a minimum proportion of national workers in each firm[12]. In 1999, the National Parliament unanimously approved a law punishing acts of racial discrimination. And, 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).

At the beginning of 2001, the left-wing government deemed the existing legal framework on entry, stay and exit of foreigners in Portugal 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 it 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 observed, mainly evidenced by 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). Until then, immigrants only had the possibility of applying for a resident permit, but, since the passage of this new legislation, they had also the possibility to ask for the new permit, which was, in effect, a temporary work stay visa granted in Portugal, based on the possession of a work contract. The stay permit was issued for one year and harboured the possibility of renewal for a maximum of five years. This permit allowed bringing temporarily family members (a long-term visa was conceded for this purpose) and, at the end of the five-year period, immigrants could apply for a resident permit.

In practice, the mechanism of this new law corresponded to a new regularisation process. As a result, between January and November 2001, there was another regularisation campaign, this time based on employment. Previous regularisations were not directly concerned with immigrants' participation in the labour market; but in 2001 the labour market participation was 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 184,000 foreign individuals regularised their status and obtained the so-called stay permits.

In addition to this mechanism, the new 2001 law presented other novelties, designed to regulate future immigration and avoid the need for further regularisations. For the first time, a system of quotas for immigrant recruitment based on 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 were to be defined by a report carried out annually by the Institute of Employment and Vocational

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[11] Financial support for construction, acquisition or renting of housing, for families who live in shantytowns or in similar conditions.

[12] This restrictive system was created in 1977 (Law 77/97, March 17). According to it, national and foreign employers with economic activity in Portugal should have at least 90% Portuguese employees in its personnel (in the case of firms with 5 employees or more). Although this law recognized the importance of foreign qualified labour, it also clearly favors national workforce labour over the foreign. At that time, Portugal was going through a more "protectionist" period. The end of the colonial empire and the economic recession that followed the April Revolution contributed to this trend of more nationalist measures. This trend was not only visible in the above 1977 law on foreign labour, but also in the nationality law of 1975 (Law-Decree nº308-A/75, June 24) and 1981 (Law-Decree 37/81, October 3) mentioned above.

Training (IEFP), a department of the Ministry of Labour. The first report was published in November 2001, marking the end of the issuance of stay permits. This procedure aimed at putting in place a mode of immigration regulation based on legal recruitment, and not on further regularisation processes.

Other measures directly targeted irregular immigration and the employment of irregular immigrants. A new provision of Law-Decree nº4/2001 regarded the fight against the support of irregular immigration, particularly immigrant smuggling. According to the law, whoever favoured or facilitated illegal migration, founded and led a group or organization and profited from 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 who transported foreign citizens to Portugal via a professional activity. Furthermore, employers of illegal labourers and self-employed illegal migrants were also punishable. The sanctions of 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 by having the proper residence permit was also punishable with a fine. The criminalisation of these different types of employers was considered crucial for the fight against illegal migration. 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.

In 2002, new national elections brought about a change in government. The Socialist Party was replaced by a right-wing coalition that included the Social Democratic Party – the coalition that would be in power until 2005 – and some changes were introduced within immigration policy. A new immigration law was adopted in 2003 (Law-Decree nº34/2003, February 25). With this law, stay permits were definitively abolished for new arrivals/requests (although, in practice, they were not issued since 2001), although conditions remained the same for those immigrants who already had a stay permit or were waiting for confirmation. The main control mechanism envisaged by the law was still a system of quotas based on a report on domestic skill shortage, similar to the one set in 2001. To work legally in Portugal, immigrants would have to apply for a work visa in their countries of origin.

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

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*) was carried out by the Institute of Employment and Vocational Training (IEFP), which 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 fulfilled 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 into Portugal. For that purpose, the following steps were to be taken. First, the employer had to show interest in recruiting a foreign citizen by filling out a specific form. Second, the IEFP had to certify this "demand" by issuing a specific declaration (ROT Declaration) that substantiated its compliance with the Report of Employment Opportunities. Third, the employer was to 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 which, in turn, received authorization from the IEFP, IGT and SEF. Sixth, after the approval of these three entities, the General Direction of Consular Affairs and Portuguese Communities informed the consulate, which then issued the work permit/visa.

According to researchers and many public officers, this was a very complex, bureaucratic and ineffective procedure. 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. In addition, some sectors were not considered by the mechanism: for example, quotas for domestic service were never created, since they were not identified by the employers' survey. Finally, the bureaucracy involved was too cumbersome to efficiently meet the needs of employers and immigrants. As a result, the number of immigrants who entered under this process has been low. For example, in 2004, the report set the total amount of quotas at 8,500, 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 was not used to recruit a new foreign workforce, but instead to regularise settled immigrants (Fonseca *et al*, 2005: 3-4). If only 10% of the immigrant workforce needs, in 2004, were filled with regular immigrants through this system, a considerable number of immigrants came to Portugal illegally.

During 2003 and 2004, two other regularisation opportunities were offered to immigrants. A special bilateral agreement was signed on the 11th of July 2003 between Portugal and Brazil, allowing for the regularisation of irregular Brazilian workers in Portugal as well as irregular Portuguese workers in Brazil. This process facilitated the granting of long-term work visas to circa 16,000 Brazilians that could prove they were in possession of a labour contract. In 2004, the Regulatory-Decree nº6/2004 of 26 April, article 71, permitted the regularisation of immigrants already active in the labour market that could prove that they effected the compulsory discounts for social security and tax administration for a minimum period of 90 days prior to the law. It is interesting to note that many migrants who had no work contract – but were also making voluntary payments for social security because they believed it was a compulsory duty – were able to legalise their statuses.

In 2005, a new left-wing socialist government was elected. Under its rule, a new immigration law (Law nº23/2007, July 4) was approved, and entered into full effect in November 2007 (Regulatory-Decree nº 84/2007, November 5). This new law introduced several changes, including further regularisation possibilities, which will be analyzed in the next section [13].

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[13] The regularisation mechanism existing in the new law is an ordinary one, resulting from the fulfillment, by the applicants, of specific conditions. According to recent political statements, in one year the law has already granted regularisation to circa 12,000 individuals, mainly Brazilians (ACIDI, "12.000 legalizações desde entrada em vigor da nova Lei da Imigração", www.acidi.gov.pt, accessed at 24 July 2008).

The main immigration policy measures taken in Portugal between 1981 and today are summarised in Table 4.1. 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 were instituted under a right-wing government, and the other half under a left-wing government. Extraordinary regularisations took place under both political orientations.

The regularisation processes, number of successful applicants and the legal titles issued are listed in Table 4.2. Since the 1990s and until 2007, there have been six regularisation processes. Compared to the first two regularisations, the next three waves of regularisations 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 on the labour market, and allowed for other types of situations.

Table 4.1. 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 regularisation process of immigrants in irregular situations.
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 regularisation process of immigrants in irregular situations.
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 of 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 regularisation process of immigrants in irregular situations (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 regularisation 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.
	Article 71 of the Regulatory-Decree nº6/2004 allowed the regularisation of immigrants having legally entered Portugal before 12th March 2003 who could prove that they made compulsory contributions to 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 4.2. Regularisation processes, 1992-2007

Year	1992-1993	1996	2001	2003	2004	2007
Successful applicants	39,166	35,082	183,833	16,173	N.A.	N.A.
Legal title	Resident Permits	Resident Permits	Stay Permits	Work Visas	Work Visas	Resident Permits

Source: SEF

4.2. Current admission policy

(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 are obliged to apply for one of the several types of visas in the Portuguese embassies and consulates. Apart from stopover visas, transit visas and short-term visas, which allow the stay of immigrants for periods of up to three months in Portugal (and possibly in other Schengen countries), the new law posits two types of medium- to long-term stay visas. These include 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 established in previous laws were replaced and are included in the new categories of residence visas above.

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

In specific cases, the law allows for the issuance 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 who are severely ill 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, an issue that will be examined below.

Regardless of its type, the residence permit might be thought of as a temporary residence permit or a permanent residence permit. Migrants whose residence applications are accepted, are initially granted a temporary residence permit, valid for an initial period of one year, and 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 record free of convictions or of imprisonment sentences higher than 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 as compared to former laws, since the number of legal titles was diminished and simplified[14].

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[14] Under the new law, migrants holding a work visa, stay permit, temporary stay visa for the purpose of dependent employment, extension 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.

(b) Labour needs and family reunification

The new immigration law introduced a new quota system, called a "global contingent", which reports total labour needs. The rationale for this new mechanism is as follows. The issuance of residence visas for the purpose of dependent employment   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" reflecting total labour needs and job opportunities existing in the country. For 2008, this contingent was already defined: based on 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 of 2008, 8,500 vacancies have been identified (Resolution of the Council of Ministers nº 28/208, of 15 February). Consequently, a total of 8,500 residence visas may be issued under the "global contingent" system.

At the same time, the Institute of Employment and Professional Training (IEFP) identifies 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-country nationals). Finally, the foreign worker should ask for a visa in the Portuguese consulate of the country where he/she is staying.[15]

This new framework represents an attempt to improve and make more 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 direct contact between potential candidates and recruiters. The early stages of this process make it difficult to know whether its efficacy will be superior to the one based on 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 EU directives on the issue. 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 on the immigrant or his/her spouse who is studying in Portugal, first degree descendants 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, dependant or adopted children.

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

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

(c) Regularisation mechanisms

Although the Portuguese government reaffirms that it does not intend to launch new extraordinary regularisation 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 for the legalisation of formerly irregular situations – which may be described as "soft" regularisation. This is mainly the case of article 88, nº 2, which allows for certain irregular immigrants to regularise their statuses. Requirements for benefiting from this procedure include: having an employment contract or proof of being 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 stayed legally in Portugal; and being registered with the Social Security system. Those who fulfil these requirements may benefit, "exceptionally", from 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 SEF. [16]

Although this specific article is not explicitly an extraordinary regularisation 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 regularisation, that is, including an 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 an "appeal effect". According to the newspapers, in August 2007, after the publication of the new law, the SEF was faced with hundreds of thousands of demands for 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 establishes other forms of specific "regularisations" that allow specific groups of irregular foreigners to regularise their statuses. This is the case of victims of trafficking, which is a procedure in line with the EU directive on the issue. According to article 109, a residence permit, without prior residence visas, may be issued to a foreign national victim of trafficking or smuggling, the latter understood as support for irregular immigration [17].

Other regularisation possibilities are envisaged by the law. Under article 122, no visa for the issuance of a residence permit is necessary in the cases of third-country minors born in Portugal to holders of residence permits; third-country minors born in Portugal who attend pre-school or educational institutions for basic, secondary or professional education; third-country minors, from holders of residence permits, who have attained legal adulthood and

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[16] It must be noted that, although the law stipulates 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 under those conditions.

[17] New legislation (Law-Decree nº 368/2007 of November 5) elaborates the provisions of article 109 (residence permit for victims of trafficking or smuggling) and article 111 (reflection period) of Law nº 23/2007 of July 4. According to this legislation, a residence permit may be issued after the reflection period, despite the first two conditions listed 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 applying to the victim or her family, for health or vulnerability reasons. The residence permit may also be issued before the end of that period if the victim is clearly willing to cooperate with law enforcement authorities.

have stayed in Portugal since they were 10 years old; adults born in Portugal, who have stayed in the country since they were younger than 10; minors who are under guardianship in accordance with the Civil Code; third-country nationals with an illness 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 already included some similar and exceptional mechanisms of this kind. In other words, regularisation mechanisms are not exclusive of the new 2007 immigration law.

4.3. Citizenship and integration policies

Portuguese authorities are increasingly concerned with dealing with issues related with the integration of settled immigrant communities, including possibilities for acquiring national citizenship.

(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 the High Commission for Immigration and Ethnic minorities (ACIME), the Portuguese public institute responsible for implementing immigrants' integration policies and promoting intercultural dialogue. During this period, integration policies have included, among others, access to health care, housing, combating poverty, linguistic competencies, support for the immigrants' descendants' education, recognition of diplomas and public representations. In 2007, an ambitious and coherent integration plan for immigrants was approved, encompassing several policy areas (on these topics, see ACIDI, 2007 and 2007/2008).

As regards access to health care, according to the 2001 law establishing a framework on health (Decree-Law 25360/2001, December 12), any foreign citizen living legally in Portugal has access to health care and the services provided by the National Health Service (NHS), like all nationals. They are entitled to a NHS Card after proving their legal statuses. Those staying irregularly may have access to the NHS by presenting a residence certificate (which can be obtained in the local councils) at the health service located in their area of residence, that proves that the immigrant has been in Portugal for at least 90 days. For irregular migrants, expenses related to health care may be charged, except in the case of health problems that may put public health at risk. Although the law grants the right of access to the health system to any citizen, in practice this is not so simple. Most 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 particularly easy to obtain because of bureaucratic procedures and, even, because of the outright refusal to issue one by local authorities.

Even if the Portuguese Constitution states that everyone has a right to housing, in reality not everyone has access to this right. There are no specific programmes for immigrants. 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 Programme (*Programa Especial de Realojamento* – PER) provides

financial support for housing construction, acquisition or renting for families who live in shantytowns or similar conditions. In 2004, a new programme, *Prohabita*, was created to replace the PER. The main objectives were to improve and expand the re-housing process. SOLARH is another programme of the National Institute of Habitation (INH) that builds and restores houses of people with financial difficulties. Temporary centres run by NGOs and by the ACIDI support national citizens as well as immigrants with temporary shelters.

An issue linked with poor housing conditions is poverty, which affects many immigrants. In order to tackle poverty and social exclusion, the Portuguese government created, in 1996, the "minimum guaranteed income" (*rendimento mínimo garantido*) (Law n.º 19-A/96, June 29), later replaced, in 2003, by the "social insertion income" (*rendimento social de inserção*) (Law n.º 13/2003, May 21). Under this measure, people living in poverty receive an allowance from the state in exchange for a commitment to participate in a social integration programme. This measure was applied, from the beginning, to immigrants holding a residence permit. Since 2006 (Article 3 of Law-Decree n.º 42/2006, February 23) and up until the approval of the new immigration law in 2007 (Law n.º 23/2007, 4 July), it was extended to all immigrants legally staying in the country, therefore including not only holders of residence permits, as had been the case up to then, but also holders of stay permits and long-term work visas. After the introduction of Law n.º 23/2007 and the replacement of stay permits and long-term visas by temporary residence permits, the legal entitlement of legal immigrants to the "social insertion income" measure was no longer a matter of concern. Even so, the participation of immigrants has traditionally been very low (less than 2% of applicants in 2006 were foreigners) (OECD, 2007: 42).

Linguistic competencies are particularly important in the social integration process. Until the late 1990s, most immigrants to Portugal did not have linguistic problems, as they came from Portuguese-speaking countries, such as PALOP and Brazil. Eastern European inflows brought new challenges, and since then several courses of Portuguese language have been developed. 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 for integration into the Portuguese society, namely training in Portuguese language and citizenship. A range of free Portuguese classes is also offered in public schools, organized by the Ministry of Education, and in non-profit associations.

The integration of the children of immigrants into the Portuguese education system is an important issue. According to the law, any minor child, independent of the legal status of his or her parents, has the right to attend school in Portugal. The compulsory school is of nine years (from the age of six to the age of 15) and divided into three cycles, of four, two and three years. Most of the research available on this issue has been focused on the children of immigrants from the PALOP. Data shows that their educational achievement corresponds to that of the Portuguese with similar social conditions, i.e., whenever control variables are introduced. However, one should keep in mind that this occurs within very low educational strata of the Portuguese population in general. As regards recent arrivals from Eastern Europe, the language is often an obstacle, at least in the first stages, to the improved integration of children in schools, but no significant problems seem to exist. Although there is no national programme aimed at promoting the Portuguese language for the children of immigrants, many schools have developed their own Portuguese classes to help foreign students.

Two national programmes of educational support have been created recently for students from disadvantaged backgrounds. The Programme "Choices" (*Escolhas*) was developed in 2001 and provides education and training to individuals residing in poor suburbs. It is aimed at children, from kindergarten age to young adults, and has the objective of integrating them and encouraging them to continue their schooling. The Programme "*Escolhas*" is funded by the Ministry of Labour and Social Solidarity and coordinated by ACIDI. The other project, the "Intervention Programme for Priority Education Areas" (*Territórios Educativos de Intervenção Prioritária* – TEIPs), has been in place since 2006. The Ministry of Education funds and runs the programme, aimed at financially supporting projects of educational institutions, for students from disadvantaged backgrounds (OECD, 2007: 42-45).

In terms of recognition of qualifications, no major public policies were developed targeting immigrants. The considerable autonomy enjoyed by the educational system and professional authorities is one of the reasons for this limited involvement. However, some initiatives were developed by non-governmental organisations, which have enjoyed growing support from the government, and include some of the "best practices" known in this field. This is mainly the case in the health sector. For example, the perception that many Eastern European immigrants were medical doctors in their countries of origin and went on to work in low-skilled occupations in Portugal, coupled with the fact that Portugal has a shortage of medical doctors, led the Gulbenkian Foundation and the Jesuit Refugee Service in Portugal to develop, beginning in 2002, a programme aimed at recognizing the qualifications and work experience of immigrant doctors. Although the project was open to all immigrants, the majority of the participants came from Eastern Europe. The average cost per participant was 7,000 Euros, including a 9-month scholarship of 500 Euros per month. At the end of the programme, 106 of the 120 participants were employed in their professional fields. A similar project has been carried out with immigrant nurses. The state has supported these initiatives by granting special visas during the period of scholarships and stating the intention of funding new programmes in the area (OECD, 2007 and Valle *et al.*, 2008).

The host society and public opinion play an important role in immigrants' integration. Stereotypes about and negative opinions towards immigration are obstacles to integration policies. As part of its integration policy, ACIDI has been conducting several initiatives to foster and strengthen a positive image of immigration: awareness-raising campaigns about tolerance and diversity, encompassing different sectors of the Portuguese population; media sensitisation, to encourage them to contribute to the fight against the stigmatisation of immigrants and ethnic minorities - namely by promoting the annual *Journalism for Tolerance* prize; and support of academic research on migration, by means of the Immigration Observatory, which has the objective of increasing scientific knowledge about migration in Portugal, fighting stereotypes and myths about immigrants.

Such actions implemented by ACIDI are believed to be effective as immigrants are generally positively viewed in Portugal (Lajes *et al.*, 2006), despite the economic crisis that has affected the country since 2001. The Portuguese history of emigration and the historical, linguistic and cultural ties with Portuguese-speaking immigrants may have also contributed to this tolerant environment.

With the objective of supporting immigrants in several policy domains, the ACIDI set up, in 2004, two National Support Centres for Immigrants (*Centro Nacional de Apoio ao Imigrante* - 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 regular or irregular immigrants. CNAIs centralise relevant institutions – such as SEF, Social Security, Authority for the Conditions of Work, Ministry of Health, etc. – to facilitate the provision of public services to immigrants. The presence of socio-cultural mediators and representatives from immigration communities in those centres should be noted, as they play an important role in liaising with public services and helping with intercultural communication.

Finally, a clear example of the importance that Portugal has been ascribing, since the mid-1990s, to immigrants' integration, the Presidency of Council of Ministers, through ACIDI, published in 2007 a Plan for Immigrants' Integration (Resolution of the Council of Ministers nº 63-A/2007, of 3 May). The 123 measures put forth in this proposal span various areas and aim to "mobilise the national community" to improve the reception and integration of immigrants. The government also launched the First National Plan against Human Trafficking 2007-2010. The main areas of action include providing information on the phenomenon, prevention and victims' protection. Both plans have been open to public debate and have benefited from civil society contributions.

Within the framework of integration policies in Portugal, it is important to stress that many measures are not only dealing with regular immigrants but also with irregular ones. This is the case of health care, education for any minor child and services available in CNAIs and CLAIs. Moreover, as described above in section 4.2, the participation of immigrants' children in the Portuguese education system allows for the regularisation of immigrant parents staying irregularly in Portugal [18].

The Portuguese efforts to facilitate integration have been recognised as examples of good practice by the European Commission in 2004. Aiming at a more successful integration in the EU, the Directorate-General for Justice, Freedom and Security of the European Commission published a Handbook on Integration for Policy Makers and Practitioners (2004). The object of the Handbook was to facilitate and share information, to promote policy integration initiatives and to support member states with concrete examples of integration practices. Regarding the reception of newly arrived immigrants in a host country, the Handbook considers the National Support Centres for Immigrants (CNAIs) in Portugal (Lisbon and Porto) mentioned above, in addition to their respective Local Support Centres for Immigrants (CLAIs), as successful examples of governmental initiatives (European Commission, 2004). Portugal also scored very well in the "migrant integration policy index", published by a group of international scholars in 2007, ranking second after Sweden (Niessen *et al.*, 2007).

(b) National citizenship

As regards national citizenship policies, there was also progress made towards more inclusiveness. However, the process was not linear. Until 1974 (Law-Decree 2098, July 29 of 1959), children born on Portuguese territory – including Portugal and its colonies – were Portuguese citizens. The end of the Portuguese colonial empire raised the issue of whether Portuguese nationality would be lost or kept by those people born or living in the former colonies. As a result, a new nationality law entered in force in 1975 (Law-Decree nº308-A/75,

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[18] Under article 122 (Law n.º 23/2007, 4 July), a residence permit is granted to first degree guardians of third-country minors born in Portugal attending pre-school education or basic, secondary or professional education, who exercise parenthood powers. Renewal of residence permits issued under this new mechanism might be refused, should the minor abandon the education system.

June 24). The law denied the right of Portuguese nationality to thousands of Portuguese who were African descendents. Only people born in Portugal (understood as being contained by its European borders, plus the islands of Madeira and Azores) or of Portuguese descent had the right to keep the Portuguese nationality. However, article 2 of the law allowed for the retention of Portuguese nationality by individuals born in former colonies (including spouses and underage children) who were living for more than five years in mainland Portugal or in its islands (Madeira and Azores). Even so, many PALOP citizens living in Portugal did not request Portuguese nationality according to this article, as they believed that they had automatically acquired Portuguese nationality. As a result, many of them became "foreigners" without even knowing it. This law retroactively created a foreign community (Africans who lost the Portuguese nationality) that progressively grew due to family reunification (Baganha and Marques, 2001: 29).

In 1981 (Law-Decree 37/81, October 3) a new nationality law in Portugal confirmed the decline of the *jus soli* principle in favour of the *jus sanguini* one. This change resulted in more difficulties for nationality acquisition by those born in Portugal to parents who were not Portuguese. This was particularly problematic for the descendants of immigrants from the PALOP. 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 for at least six years and ii) declared the will to be Portuguese.

In 1994, another nationality law (Law-Decree 253/94, October 20) introduced measures more favourable 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 Lusophone (i.e., PALOP (Africans) and Brazil) parents and ten years for other foreigners (Pires, 2003: 129).

Recently, Portugal changed its nationality law again (Law-Decree nº2/2006, April 17), this time clearly broadening the criteria for acquisition. Although the change is very recent, one can already anticipate the significant impact that the new citizenship law is likely to have on the lives of immigrants. The new 2006 law allows immediate nationality acquisition for "third generation immigrants" – individuals that were born in Portugal to parents that are also born in Portuguese territory. It is also easier for "second-generation" immigrants to obtain Portuguese nationality, as now only one of the parents has to reside legally in Portugal for five years. The length of mandatory residence in Portugal for foreign residents applying for nationality was 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 demonstrate 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 an official Portuguese school are required to be successful in Portuguese language tests organised by the Ministry of Education nationwide every two months.

Table 4.5 summarises the policies on nationality above.

Table 4.5. Chronology of nationality laws in Portugal

YEAR	Nationality laws
1959	Law-Decree 2098 of July 29
1975	Law-Decree nº308-A/75 of June 24
1981	Law-Decree 37/81 of October 3
1994	Law-Decree 253/94 of October 20
2006	Law-Decree nº2/2006 of April 17

Source: own elaboration.

5. Conclusion: perspectives for the future and recommendations

When considered against the framework of contemporary international migration, immigration in Portugal is very new. Only after the mid-1970s, with the political change and the decolonisation process, did it became significant. It increased in volume after Portugal's accession to the European Union in 1986 and strongly accelerated after the late 1990s. Having started out 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, coming mainly from Cape Verde and Brazil, but other national groups have become numerous as well, as demonstrated by Eastern European immigrants, particularly from Ukraine.

Most immigrant inflows have been linked to the labour market, which explains the high activity rates found among immigrants. Many inflows can be viewed as a direct response to labour demand, which justifies many of its dynamics and modalities. Immigration cycles have closely followed economic cycles, using informal networks or the flourishing migration industry, although successive waves of family reunification smoothed out the process. In addition, many immigrants coming for familial motives also entered the labour market, thus explaining the high activity rates of this population.

The occupational integration of immigrants in Portugal is "dual" or socially polarized. The successive waves of immigration have not fulfilled the same labour needs. Immigrants targeting the primary market were more common until the mid-1990s, balancing the skill profile, while immigrants looking for unskilled positions have clearly predominated since the late 1990s. When considering the nationalities of immigrants, one can see the sectors and occupations in which they work. Managers, free professionals and other groups with more qualifications, mainly EU/15 citizens and Brazilians, are in the primary market. In the secondary market, we find workers in the building sector, in cleaning and domestic services, and in shops and restaurants − these are mainly from Africa and Eastern Europe, as well as from Brazil. Some other nationalities, mainly from Asia, are found in some ethnic niches and act as middlemen in the labour market.

It is not surprising that the informal economy has been a common route for immigrants' incorporation. The fact that the informal economy has a long tradition and is widespread in the Portuguese territory largely explains this situation, although the overexposure of immigrants to informal arrangements clearly results from their higher vulnerability to exploitative schemes. Irregular immigration is also common. Although data is hard to find on this question, a large part of immigrants – maybe more than half – have entered the country irregularly or overstayed, only attaining a legal status through one of the various regularisation processes.

Immigration policy has a brief history but is also diversified (for further developments, see Sabino *et al.*, forthcoming). 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 for six regularisation processes – already counting the one just initiated by the most recent law, in 2007. The tentative character of immigration control policies in Portugal may be linked to the fact that immigration is a fairly recent phenomenon and labour market dynamics are strong and difficult to regulate. The successive attempts of creating legal immigration channels, such as the creation of a

quota mechanism in 2001, proved to be relative failures, which only paved the way for regularisations.

With some delay as compared to the establishment of regulation mechanisms, policies devoted to immigrants' integration were also issued. These were mostly visible since the mid-1990s. The creation of the High Commissioner for Immigration and Ethnic Minorities, which gave place to the current High Commissariat for Immigration and Intercultural Dialogue (ACIDI), was a landmark in this domain. Progressively, the granting of rights to foreign immigrants was expanded. The recent modification of the nationality law, in 2006, which allowed for more opportunities for the acquisition of Portuguese citizenship, is an example of this process.

The making of immigration policies in Portugal has been complex. First, the process faced a recent and complex immigration experience. Inflows have not always been stable and their characteristics have varied. Second, international migration now occurs in a different context than it has before. Globalisation has created a large international labour market, the migration industry – including trafficking and smuggling – has expanded its activities and EU membership has constrained some of the classical regulation mechanisms. The opening of EU internal borders facilitated by the Schengen Agreement is one example of the latter novelty, which is also reflected in the growing number of EU directives on the issue. Third, immigration has been linked to some structural traits of the Portuguese society, including the diffusion of the informal economy and the weakness of the welfare state, some consequences of which are difficult to regulate. The informal economy in particular was responsible for a significant part of immigrant labour recruitment, which challenged the capabilities of the state to take control.

The coexistence of immigration and emigration may also be considered a crucial aspect of Portuguese migration dynamic. When looking at migration cycles it is important to analyse immigration and emigration trends. Until the early 1970s, the predominance of emigration was massive. It decreased substantially after that period but, since the 1980s, inflows and outflows have coexisted. Although net migration became, most of the time, a positive trend, the cycles of immigration and emigration were complex to unravel and no clear trend is visible for the future. For example, a simultaneous increase in inflows and outflows, as occurred in the mid-1980s, was discernable and was linked to labour demand in loosely-regulated sectors in Portugal, associated with low wages and bad working conditions, and influenced by better economic conditions abroad.

The coexistence, and sometimes close linkage, of inflows and outflows means that the Portuguese transition from an emigration country to an immigration one is neither a linear nor a complete process. The fact that Portugal is currently still facing a significant outward-migration, given the recent economic crisis, more often to other EU countries (such as Spain and the UK) and Switzerland, shows that it is both an emigration and immigration country. The dual nature of the Portuguese case is not singular. Other EU countries, such as the Netherlands and the UK, are also examples of the continued coexistence of immigration and emigration, although the emigrants' profiles may vary significantly.

Also in the policy field, the Portuguese experience of being an emigration country may have resulted in a somewhat more tolerant attitude towards immigration. Links between immigration policy and Portuguese identity, including universalism and Lusophone connections, have already been discussed in literature. Since immigration to Portugal was,

until the mid-1990s, mostly composed of Portuguese-speaking immigrants, a relatively benevolent attitude may have also been constructed, given the historical, linguistic and cultural similarities (Sabino *et al.*, forthcoming).

Future perspectives regarding immigration trends are not easy to draw. Despite the existence of similar factors, such as demographic trends, economic modernisation and closer integration (including labour circulation), influencing migration cycles in the EU, each country has its own historical factors that also determine the character of the migration experience. Migration prospects will have to take into account each country's specificities and needs, which may vary substantially.

In the near future, the prospects are unclear. Since the beginning of the 21st century, Portugal has been enduring an economic crisis that has contributed to the return of many immigrants to their countries of origin, or their remigration to other EU countries, most notably Spain. This mainly occurred with Eastern European immigrants. The main exception to this trend is Brazilian immigration, which continues to grow. At the same time, emigration of Portuguese citizens has increased. In the future, one possible scenario would be the result of economic recovery and specific public investments – some of which have already been announced, such as the new Lisbon airport and the high-speed train system. This will likely lead to the resurgence of immigration flows. Alternatively, continued economic depression and rising unemployment will lead to less immigration and higher emigration, thus making Portugal an ever more fragile periphery in the EU landscape.

As for recommendations, some points can be highlighted. It is often admitted in political discourse that a balanced policy of immigration must combine a comprehensive control policy and a humane policy of integration. It is well known that, at the economic level, migration inflows are largely determined by the existing types of economic demand, rates of economic growth and the extent of the informal economy. The promotion of more effective channels for legal immigration should be taken into consideration in order to tackle these factors.

In Portugal, there are reasons to suspect that the quest for effective mechanisms to facilitate legal immigration will continue. Recent immigration laws have tried to put in place an effective mechanism of matching labour demand and supply. This firstly involved the definition of labour quotas, per economic sector, and the subsequent granting of work visas. This mechanism has been substituted by the definition of a "global contingent" of labour needs, the announcement of job vacancies abroad and the subsequent issuance of visas. The former system was proven to be inefficient. Although the recent law was just approved in 2007, the current mechanism also seems to be somewhat cumbersome.

Other modes of promoting legal and continued immigration shall be sought, either for economic purposes, family reunification or other motives. This may include more rapid solutions for visa issuance, the creation of job-seeking visas (a solution that was envisaged, but later dropped, in 2007), bilateral agreements for temporary labour recruitment and, maybe, a points system.

As occurred more than once until now, regularisation mechanisms should be eased for migrants who could provide proof of some kind of entry into the country and the sustained performance of a professional activity. However, systematic regularisations are hardly an effective way of immigration regulation. Besides the tensions they can create at the external border, the strains caused within public opinion must always be monitored. The current 2007

immigration law has an interesting mechanism of "ordinary" regularisation, aimed at promoting a smooth integration process. It is arguable whether this mechanism will survive in a period of economic expansion and massive inflows – often channelled by effectively organized smuggling networks – and not in a time of crisis, such as today.

In the field of immigrants' integration, many policy actions were developed in the last few years. The outcomes seem to be remarkable, at least when viewed at a comparative level. The successful – or at least partial – accomplishment of the Plan for Immigrants' Integration, launched in 2007, may still improve the situation. However, further initiatives may be defended.

European countries tend to promote policies aimed at attracting highly-skilled migrants. However, bearing in mind the problem of the over-qualification of immigrants, mostly visible in the case of Eastern European immigrants in Portugal, more attention should be given to the development of policies and programmes that facilitate the recognition of their academic and professional qualifications. On the one hand, legislation on the recognition of academic qualifications must be prepared in order to provide effective answers to potential candidates, and professional associations must refrain from adopting protectionist policies. On the other hand, special programmes for recognition may be launched. In recent years, Portuguese non-governmental organisations launched projects for the recognition of immigrants' qualifications (for doctors and nurses) in the health sector, where skill shortages are acute. These practices may be endorsed, at least partially, by the government, and may also be exchanged between EU countries. The human capital potential already available within host countries should be maximized in order to respond to the skilled and semi-skilled shortages in the labour market.

Integration policies that address issues such as access to health care, education and migrants' support centres must encompass regular migrants as well as irregular ones. Irregular migrants are even more vulnerable than other migrants and cannot be discriminated against with regard to basic needs. Attention to vulnerable groups must be constant, even when dealing with immigrants with a regularised status. Situations of social exclusion may lead to serious problems at the social level, either related to health, education or social integration. Particular measures should be renewed in order to promote inclusion of these groups, with particular attention paid to the case of youngsters.

Although limited action can be taken by public authorities in some domains, situations of discrimination should be avoided. In this case, although the Portuguese legislation can hardly be improved to enhance social equality, much remains to be done at the practical level. As often occurs in Portuguese society, the law in books may be quite generous, but the law in reality may display contrasting results. For example, discrimination at the workplace must be monitored and prevented. The launching of the ILO testing programmes may improve the understanding of such mechanisms in Portuguese society. Discrimination at the social level, including access to housing, must also be monitored and prevented.

In this latter aspect, the host society is an essential player in immigrants' integration and the media play an important role in influencing public opinion. As such, renewed initiatives should be promoted to increase national citizens' ability to deal with diversity. Stereotypes about migrants are often an obstacle to the implementation and success of immigration policies and integration programmes. Ever-closer cooperation between policy makers and the media – a point that has been well handled, until now, by the Portuguese authorities – should

be emphasized, as well as awareness-raising campaigns for the media on migration issues. Furthermore, a deeper knowledge of migration should be encouraged in order to avoid false and negative images about migrants from propagating – again something that has been addressed by Portuguese officials.

The involvement of civil society in the definition of policies targeting immigrants should also be strengthened, in order to increase cooperation between the public administration and civil society, and hence to better serve migrants' needs. Again, much has been done in this field, but new forms of cooperation between the government, immigrants' associations, human rights associations, private foundations, trade unions, employers' associations and the educational system, among others, can easily be envisaged.

Efforts to better manage immigration and combat illegal migration may also result from a closer connection with other EU member states and immigrants' sending countries. The creation of programmes in partnership with the countries of origin should be promoted. Solutions must be found in the countries of origin, by giving people proper conditions and transparent information before they leave their countries. Recent initiatives of the Portuguese government included closer cooperation with source countries, including the opening of a "Support Centre for Migrants in the Sending Country" in Cape Verde. These initiatives may be replicated and expanded, aiming to create a supranational regulation of migration flows – certainly the best way to control movements and enhance their positive outcomes in a globalized world.

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