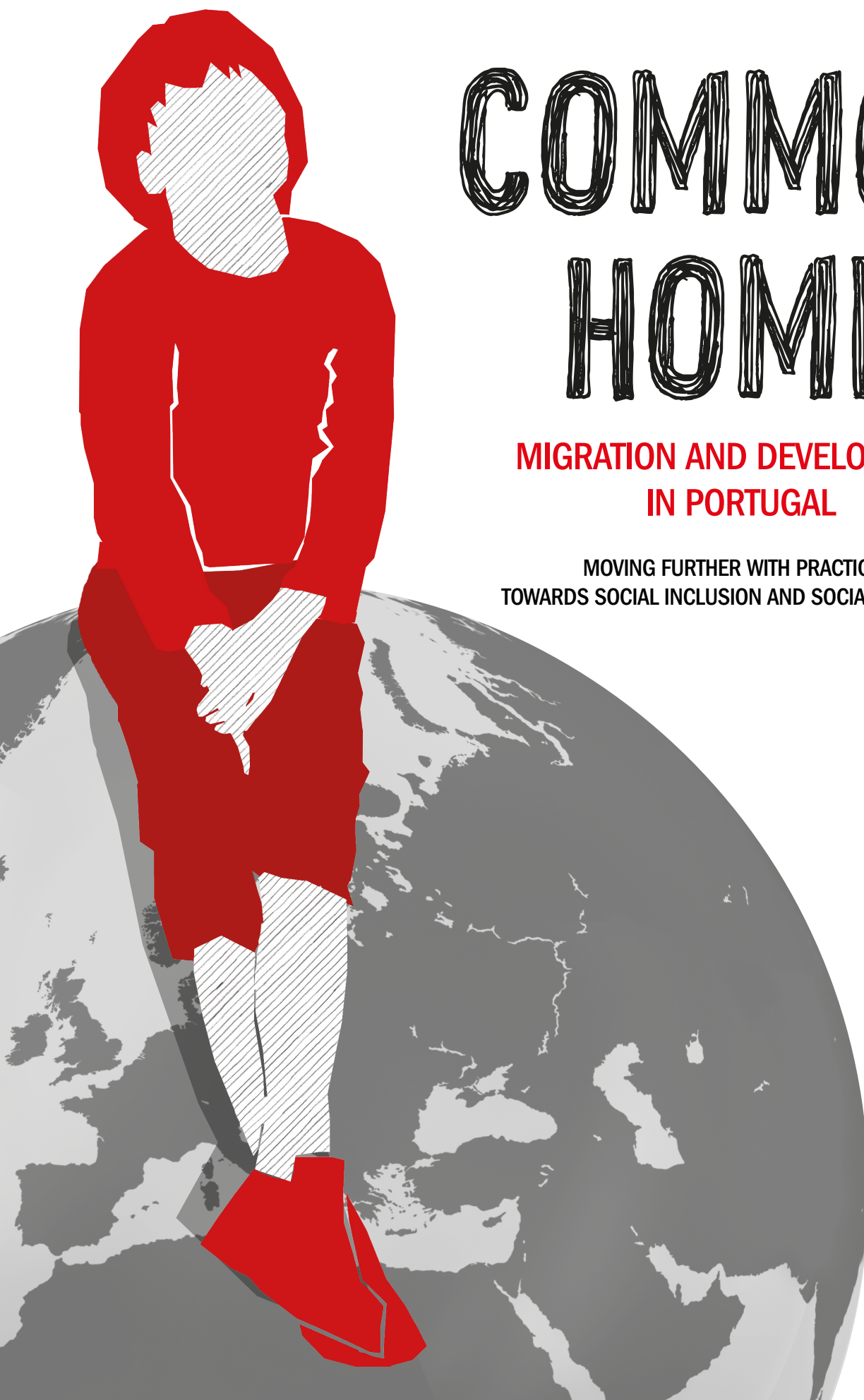


# COMMON HOME

## MIGRATION AND DEVELOPMENT IN PORTUGAL

MOVING FURTHER WITH PRACTICES:  
TOWARDS SOCIAL INCLUSION AND SOCIAL COHESION.





The MIND Project (Migration. Interconnectedness. Development) is a three-year knowledge-building, advocacy and campaigning project seeking to contribute to a European society that understands the complexities of migration; responds to the challenges with humanity and respect; and values the contribution of everyone working together to have a positive effect on our lives, community and place.

The MIND project partners include Caritas organisations in 11 EU member countries: Austria, Belgium, Bulgaria, Czech Republic, Germany, Italy, Netherlands, Portugal, Slovakia, Slovenia and Sweden as well as Caritas Europa.

Integral to the MIND project is the research and preparation of eleven national and one European publication. These publications will serve as advocacy tools for promoting the engagement of European actors and contain recommendations on migration and development at national and EU levels drawing on a solid knowledge and evidence base based on Christian and universal values



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## - CHAPTER 1 -

# FOREWORD

Migration has always existed. From the earliest times of mankind, mobility has been a characteristic of human beings. Migratory flows have had specific characteristics in every era, with varying levels of complexity. Nowadays, contrary to what one may think, the challenges that have arisen in the face of migratory flows are not necessarily greater than they were in the past. The reasons for migrating, with slight nuances, seem to be typically rooted in the same motivations or 'push factors'. Some are related to the new effects of climate change, others to conditions resulting from a more globalised world, a need or a desire to enjoy one's freedom of movement, to reach other places and to enjoy other ways of life. Another motivation for people to migrate has been linked to poor infrastructure or the limited opportunities for some people to reach their full potential while remaining in their own countries. This is a consequence of the great inequalities between and within countries, a reality that is not diminishing. What remains constant over time – independent of the particular era and regardless of the motivations for migrating, whether forced or chosen – is the underlying characteristic of being human as well as the enticement of new opportunities elsewhere.

These motivations have meanwhile been a source for exploitation, as seen in by the increase in smuggling and the sophistication of human trafficking networks, practices that are accelerated and enhanced as a result of the internet, air travel, and other new technologies. It thus seems that migration in general has indeed increased, but the flows vary greatly depending on the context. The number of people living in the Portuguese diaspora today or who are seeking safer and better living conditions is not the highest in migratory histories, at around 3%.

Although there is an organisation of the Catholic Church with a specific mission on Migration and Refugees – Catholic Portuguese Work of Migrations (OCPM) – due to its social and political interventions, Cáritas Portuguesa cannot dissociate itself from this aspect of life of a great number of people. This has been done in close cooperation with the OCPM. This area of intervention is inscribed in the Strategic

Plan of Caritas and takes concrete expression in each Annual Action Plan. In the latter, there are more initiatives, some with international expression, but always framed by indispensable and important advocacy work. Only with structural and comprehensive recommendations for the whole of Portuguese society is it possible to strengthen values as crucial as the respect for the dignity of each human being, allowing for true well-being, conscious that this will never be achieved without development. Without the respect for these values, amongst others, full human integral development will never be achieved, and tolerance, non-discrimination and the inclusion of all people will also not prevail in society.

This is one of the greatest challenges we face today, because there seems to be a civilisational turning point. Acknowledging this, marks this era, along with other dramatic situations, such as growing inequalities, which can lead not only to in-depth socio-cultural transformations, but also to geo-territorial changes generated by the displacement of entire populations. We are, therefore, witnessing major vulnerabilities that affect, above all, minority groups, areas with demographic imbalances, and varying forms of social organisation. In addition, we should include the great challenge that befalls the future of human labour, resulting from the accelerating technological and robotic revolutions.

One way to face these challenges was proposed by Pope Francis at the beginning of his pontificate: the *Culture of Encounter*. Caritas is trying to address this appeal, seeking the multisector inclusion of the most fragile social groups, with no exceptions. This means including migrants and refugees that have arrived or are longing to arrive, but not forgetting those of the second and third generation who have been 'shaped' by our predominant cultural model. Caritas must, therefore, be alert to the signs of the times – in the short and medium term – that are appearing and to try to understand these developments by using social and scientific instruments at our disposal, with particular emphasis on Catholic Social Teaching, to seek the most appropriate solutions and to put them into practice, while always respecting the principle of subsidiarity. This endeavour will not have the desired effect without work in

partnership, applied with due diligence. Making use of such partnerships can be diverse in methodology but requires all contributions to be valued equally; illustrating the fact that democratic participation is the best form for organising and bringing about change. Trusting this manner of intervention to address problems and to devise and promote good solutions, Cáritas Portuguesa is integrated in platforms, such as the Forum of Catholic Organisations for Immigration (FORCIM), the Refugee Support Platform (PAR) and the Portuguese Platform of NGOs for Development. One impetus behind these partnerships is the motivation to change the current narrative that links migration with the greater problems of the world, to show that migration should not just be associated with challenges, but to recognise that it presents opportunities as well – opportunities for development for the countries of origin, transit and destination. The Portuguese migratory experience of the past is clear evidence of this. It is this vital for Portuguese society to recognise the benefits of multicultural creativity as a stimulus to a more humane development model.

In addition to collaborating with other organisations, whether governmental or private, Caritas also counts on the encouragement of its international counterparts, for instance, with Caritas Internationalis having a prevalent role as the worldwide confederation and Caritas Europa having regional responsibility. But this also includes all the national Caritas in Europe, some of which are also part of the MIND project<sup>(1)</sup>. The combination of all these forces, with proven responsibility and credibility, has made it possible to promote more opportunities and provide conditions for migrants to

make themselves heard and respected like all other human beings. For Caritas, its motivation relies in the centrality of the human person, regardless of the person's legal status.

Caritas is encouraged by the existing official commitments to migration policies in Portugal and the confidence placed in strengthening multi-stakeholder alliances. For these reasons, Cáritas Portuguesa feels a strong desire to contribute and assume a specific role in engaging and promoting dialogues between different actors, whoever they may be, when they agree that it is easier to build bridges and knock down walls and barriers than to build them.

**Eugénio da Cruz Fonseca**  
*President of Cáritas Portuguesa*

<sup>1</sup> For more information, refer to: <https://www.caritas.eu/mind/>

## - CHAPTER 2 -

# EXECUTIVE SUMMARY

The main objective of this research is to examine contemporary migration, from and to Portugal, through the lens of Caritas' humanist vision, according to its conceptual definitions of migration and development, and consider the nexus between migration and development, as described in chapter III.

Portugal is one of the few European countries with a policy of welcoming and integrating migrants and for the moment it is still capable of reacting to the increase of radical, xenophobic and nationalist movements that reject human mobility as a fundamental right. It is therefore important to analyse the current situation and to assess what needs to be done in the near future in order to maintain Portugal's positive political discourse, public opinion and attitudes regarding migration and migrants.

It is also crucial to find ways to improve the social inclusion of migrants and refugees in Portuguese society. In this regard, fostering public understanding of the current reality can be helpful. Likewise, being honest and conscious of current and future challenges can be conducive to acting in solidarity, offering reception and integral inclusion. Throughout this publication, the analysis and argumentation follow the rationale that migrant integration and full inclusion are essential requirements for achieving the full potential of migrants. Moreover, the study provides evidence of the many contributions migrants make in welcoming countries and societies, as well as in their countries of origin.

In an integrated Europe, cities and regions are the main areas of inclusion, diversity, and reception. The main collective challenge for Portugal addressed in this publication is how to welcome a plurality of individuals who bring their own cultures, religions and identities, while also preserving social cohesion at regional and national levels. Social inclusion means ensuring equality of treatment between nationals and foreigners, equal access to social support services, and equal opportunities in accessing education, housing, health and essential resources. The social inclusion of immigrants or refugees does not mean assimilation of a minority in the majority, but integration based on solidarity. This process

implies the commitment, engagement, qualification and empowerment of the entire host society. At the same time, it is important to communicate the rights and duties of each actor in the process of fostering social integration. Integration will only become a reality if public officials, service users and the public are fully informed and engaged with the proposed process. A key task, therefore, is to clarify and communicate the challenges and the projects to be built together and demonstrate the benefits of an intercultural society.

There is no other way to promote development, and, at the same time, prevent the growth of xenophobic and racist phenomena, other than working with the whole community and knowing how to communicate the challenges of diversity, but also the benefits. However, old their roots may have been, no emerging national identities have survived in isolation without the benefits and challenges of new social, political, economic and cultural evolution, resulting from the movement of people from one place to another, their settlement, and diverse contributions as human beings in search of their own full integral development.

As described in chapter IV, the Portuguese migratory reality is complex and multifaceted. One of the Portuguese singularities is the simultaneous emigration and immigration flows that result in the entry and exit of individuals with similar characteristics: in age, schooling or professional qualifications. Also, in this chapter, the reality shows that the many contributions to development signify an intertwined process between emigration and immigration.

Many of the immigrants and emigrants work in the same professions, with varying salaries, career prospects, and professional development. This leads some to leave Portugal and others to migrate to the country. Along with migratory flows, social change emerges in a diverse set of socio-ethnic-cultural groups and identities of individuals. This leads to some challenges on how to maintain the respect for diversity and commitments to social cohesion in Portuguese society.

In Portugal, migrants and migration are being consensually considered as having a positive impact on the development of

countries of origin and destination. It is argued and shown in chapter V that migrants' competencies and skills, savings and remittances contribute to development. Moreover, they do so in a variety of fields, such as in the overall economy, the labour market, demography, or through cultural and social innovation, among others. As an example, according to recent research, migration flows to Portugal produce positive effects, mitigating the consequences of population ageing and decline, as the immigrant population tends to be younger than the Portuguese population, and reinforces the younger and working age structures. The fact that established foreign communities already exist in Portugal helps generate new migratory flows due to either family formation and/or family reunification. This further contributes to the country's economy and socio-cultural diversity and richness.

The recent increase in immigration has also filled a labour market gap, compensating for decreases in national labour. This has helped meet the labour market needs in sectors such as tourism, services and agriculture. The emergence of new migrant communities, such as the Moroccan, Nepalese or Thai communities in southern Portugal has contributed to filling gaps in workforce needs, thanks to an available migrant workforce.

In Portugal, immigrants tend to be more entrepreneurial than nationals, which further contributes to their full integration/inclusion. This trend also adds dynamism to the Portuguese economy, bringing innovation to the Portuguese corporate landscape (with new ideas, new technologies, and innovative projects), creating new jobs both for multiple generations of migrants as well as for native Portuguese. It also provides a preventative measure to avoid unemployment.

The contribution of immigrants to the development in their country of destination as well as their countries of origin can be valued socially and politically – in both geographic contexts – as is the case for Cape Verdean immigrants in Portugal. Countries of origin have long understood the importance of the contributions of diasporas in nurturing the development of their homeland. These countries have increasingly acknowledged that the development effects of migrants do not stem only from returns and remittances, but more broadly, from knowledge transfers, direct investments, and the capacity of emigrants and their descendants to 'market' their homeland abroad – thus contributing to the country's attractiveness for tourists and foreign investors, stimulating trade, or even channelling broader geopolitical benefits. Since the 1960s, Portuguese emigration has also consistently sent back financial flows essential for the support of families and for investment, especially locally.

Portugal's nationality law has also evolved, responding to inclusive ideologies, and has extended the number of citizens who are part of the national community. In Portugal,

foreigners and non-nationals (stateless persons) have exactly the same labour, social and civic rights as Portuguese citizens. Some exceptions include some political rights, the exercise of public functions (except those with a predominantly technical character), and the rights and duties expressly reserved by the Constitution and by the law to Portuguese citizens (for example, to be a candidate for the Presidency of the Republic). Despite these rights, the daily experience of foreigners in Portugal, however, shows a less virtuous reality. NGOs and other civil society associations regularly refer to the prevalence of discriminatory practices that negatively impact the resident foreign population in accessing public services.

For the last few years, several reports about exploitation or discrimination against immigrant workers from various origins, largely from African, Nepalese or Thai origins, and other ethnic minorities in Portugal have appeared in the media. This indicates that these immigrant groups could be exploited in various ways, not only by the national employers, but also and mainly by the different traffickers/smugglers or other members of the migration industry that organised their travel routes to Portugal or that controlled their jobs.

Immigrants in Portugal are still represented in less qualified professional categories, i.e. having less attractive jobs, lower or no qualifications, facing harder working conditions and high levels of insecurity. Migrants typically have jobs which are below their qualification levels, signifying a de-skilling process. Migrant women are often subjected to more vulnerable employment conditions (Egreja and Peixoto 2013), often receiving lower wages (Casaca and Peixoto 2010). They are also often involved in irregular forms of employment, especially in cleaning and care services in the underground economy. It is important to notice that exploitation assumes different forms, namely more unfavourable wage relations, longer working hours, harder working conditions, poor housing conditions, etc.

The number of victims of human trafficking in Portugal has more than doubled in the last few years with most of the Portuguese cases reported to be in the field of labour trafficking, with agricultural workers accounting for a majority of the victims. Many victims are trapped on farms and exploited with little or no pay. Most of them arrive in Portugal with the help of smuggling rings who advertise jobs through the internet. When they arrive in the country, the victims are usually stripped of their documents, put to work and forced to inhabit cramped and unhygienic communal living areas, sometimes for years at a time until they have paid back the 'debts' incurred with the smugglers for their journeys to Europe.

Despite the existing legal framework in favour of migrants' rights and needs, for instance, with regard to regularisation schemes, in practice there are still many obstacles in

implementing existing legislation. Factors impeding the effective implementation of Portuguese law (and international treaty obligations) have been documented across the country's services and institutions and are outlined in chapter VI. These include the lack of capacity in care and training, outdated procedures, unnecessary bureaucracy within and across the public services of migration governance, poor inter and intra-service communication, language barriers, the inefficient distribution of existing resources throughout the national territory or the shortage of financial resources dedicated to complex social problems. For example, the concentration in Lisbon, Porto, and Algarve of many of the services available through the High Commissioner for Migration (ACM) creates additional integration costs for immigrants living in other regions of the country. The shortage of funds dedicated to cutting-edge programmes effectively limits the scale of applying solutions to larger groups. Many of the programmes never go beyond the pilot phase. A wide range of programmes are not typically evaluated or monitored by independent entities, so they do not allow a true assessment based on merit.

The existing complex, segmented, multi-faceted constellation of government actors with different approaches to migration and migrants lacks organisation. Collaboration between the different entities is neither structured nor are there organised procedures and modes of operation that allow dialogue or a collaborative solution to challenges and problems. Sharing responsibility for managing integration programmes between different ministries and public institutions and dispersing areas of responsibility has been well documented, visible alone by the number of entities involved in the Strategic Plan for Migration. This amounts to ninety-six and yet, this still does not fully include private organisations or civil society in the calculation.

The lack of a systemic vision prevents the construction and implementation of public policies with a wide impact as well as solutions proposed by immigrants in Portugal with regard to existing problems. The lack of inter-institutional dialogue prevents problem solving and creates entropy in information and communication flows, contributing to inefficiencies. This was further confirmed when Cáritas Portuguesa met with several public entities that joined an institutional focus-group for the preparation of this publication. These technicians from different ministries and public institutes appreciated the opportunity of meeting each other in person, sharing experiences, and discussing similar challenges and concerns. Cáritas Portuguesa will continue to support similar kinds of opportunities recognising the strategic and operational advantage of convening multi-stakeholder meetings for much needed dialogues among different social and political, private and public actors. These dialogues address the main issues regarding migration and development and build on the mutual benefits of interconnectedness. Since 2015, Portugal has been open and willing to receive refugees. However, the relocation

programme in Portugal relies heavily on the management of civil society in the process of reception and integration, owing to the absence of a historic tradition of receiving refugees and the lack of state structures by which to do so. This limitation is a challenge for the future role that the country wants to play in the governance of global refugee flows. The growth in the number and origins of refugees or other individuals under international protection who are hosted in Portugal is a sign that this reality is also changing the landscape of migration to the country.

There are several opportunities that enhance the full contribution of migrants for the development of both countries of destination and origin that are further discussed in chapter VII. Considering the various obstacles described in the report, Caritas endeavours to provide a framework for action for turning these obstacles into opportunities.

Cooperation and (new) partnerships are key, and for the first time in history, with the adoption of the Global Compact on Safe, Orderly and Regular Migration, complemented by the Global Compact for Refugees, the international community has recognised that no country alone can respond to the challenges of global human mobility and brings together key actors to cooperate on migration, security, human rights and development. The Compact is rooted in Agenda 2030 for Sustainable Development and is based on the recognition that migration is a multidimensional reality of the greatest relevance to the sustainable development of countries of origin, transit and destination. As stated in the Compact itself, this “aims to leverage the potential of migration to achieve all the Sustainable Development Objectives.”

Development education is also shown as one of the many opportunities for enhancing the contributions of migration to development and is a powerful tool for deconstructing stereotypes and for combating and preventing all forms of discrimination. Development education is crucial for development policy and for the establishment of a basis of understanding and public support regarding development and international cooperation issues. It also provides common ground for building and sharing knowledge and capacities. This has the potential to lead to greater participation of all development actors, in all their diversity and complementarity that should be enabled to influence the development of each person's own country, while also making governments accountable for their promises and commitments on human rights and sustainable development.

This publication is part of the development education MIND project<sup>(2)</sup> that aims to improve public understanding of

<sup>2</sup> The MIND (Migration, Interconnectedness, Development.) project is financed by the European Commission, DG DEVCO under the Development education and awareness raising (DEAR) funding programme of the EU. For more information about EU DEAR funding, please refer to: [https://ec.europa.eu/europeaid/sectors/human-rights-and-governance/development-education-and-awareness-raising\\_en](https://ec.europa.eu/europeaid/sectors/human-rights-and-governance/development-education-and-awareness-raising_en)



the relation between sustainable development and migration, the roles of migration in the EU and its Member States, and the EU's contribution in development cooperation. It intends to enhance positive views and increase the engagement of European society, its actors and its institutions, including government authorities, civil society organisations (CSOs), the private sector, universities, grassroots organisations, migrants/refugee/diaspora, youth groups as well as individuals to address three 'pillars' of concern:

**1) Root causes:** identifying reasons that compel or induce people to migrate, contributing to an understanding of linkages between migration and human and sustainable development, and tackling causes of forced migration.

**2) Welcoming societies:** expanding safe and legal pathways of migration, promoting encounters and contributing to long-term solutions for building welcoming societies as well as changing anti-migration narratives and addressing racism and xenophobia.

**3) Migrants' contribution:** enhancing the recognition of migration as crucial to development and involving migrants as development actors in countries of destination and of origin.

Against this background, this publication aims to provide an understanding of the conditions and issues facing migrants – including refugees – and the challenges of development and migration in Portugal. It also provides an analysis of the factors enabling and limiting the potential of migration, and migrants more specifically, to contribute to development in Portugal and in their countries of origin, while also achieving their full human integral development.

Portugal is a country in movement, full of dynamic migratory experiences, and provides a portrait that allows us to foresee a future full of challenges – challenges relative to fostering integration and managing diversity. Cáritas Portuguesa wishes to contribute to addressing these foreseeable challenges by presenting the findings, conclusions and recommendations in this publication, as well as through engaging in further actions within and beyond the MIND project.

It is Caritas' mission to promote and care for the integral human development, integrity and dignity of all, and especially for those who are often left behind. Cáritas Portuguesa wishes to continue to do intervene to fulfil its mission together with its main partners and platforms, to which it belongs, that also share the same vision of a true welcoming context.

The publication develops knowledge, evidence and analysis to answer the following guiding question: *How, and under what conditions, can migrants contribute to integral human development, to their own development and to the development of*

*places and societies of origin, destination and transit?* At the same time, it will show that, in the Portuguese context, much can be achieved when *moving further with practices*. The publication supports enhancing the development potential of migration, ensuring policy coherence, and maximising the benefits of immigration for both migrants and society at large. The analysis is based on available academic literature, policy papers, statistical data, up-to-date journalistic/media articles as well as practical experience. Separate focus groups with experts on migration, social development, government and civil society representatives, migrant and diaspora organisations as well as migrants themselves were set up and interviews conducted. Representatives from different institutions related to migration governance and migrants' integration were invited to share opinions in informal meetings and to inform the present publication with practical inside information.

**Overall,** this publication provides a working tool for Caritas actors, constituents, partners, and beyond with basic context knowledge, factual data and analysis to do work on migration and development and to provide a guidance framework on goals, strategy, practical action for awareness raising, engagement and advocacy, so as to enable an active participation of migrants as development actors and encourage a positive environment for migration and development.



## - CHAPTER 3 -

# THE COMMON HOME VISION AND VALUES: MIGRATION DEVELOPMENT AND HUMAN RIGHTS

In the encyclical, *Laudato Si' – On care for our common home*, Pope Francis (2015) reminded us that the Earth is “our common home”, and that we need to address economic, social, political and environmental challenges together in an integrated manner (CAFOD et al. 2018). Exclusion and poverty, warfare, global inequalities, climate change, unsustainable consumption and growth – as well as forced displacement and migration – demand our utmost attention and engagement. The encyclical quickly became a reference document for Catholic social service as well as for development agencies worldwide, drawing attention both in and outside the Catholic Church. With the national and European “Common Home” publications, Caritas draws on this message to explore the complex *interconnectedness* between migration and development with its faith-based ethical framework respectful of human rights and dignity.

For Caritas, a human-centred, ethical and rights-based approach is fundamental to law, to every policy, and to all practice. Thus, an ethical interpretation of the relation between migration, development and the human person is essential to frame the vision and the objectives of the ‘Common Home publication’. Caritas’ vision, actions and views are rooted in legal and political instruments and sources and fundamentally in Christian and Roman Catholic Church values and teaching. These values and teachings have, in common with international legal instruments and policy frameworks, an affirmation of human dignity, equality of all, and inalienability of human rights as key moral principles to ensure the peaceful coexistence and basic well-being of all persons and peoples on this planet. Those include: the Universal Declaration of Human Rights (UDHR) and eight fundamental United Nations human rights covenants and conventions<sup>3</sup>; the 1951 Refugee Convention on the Status of

Refugees and its 1967 Protocol; and the International Labour Standards defining principles and rights for decent work. The United Nations 2030 Agenda for Sustainable Development and the New Urban Agenda are especially relevant global policy frameworks. Catholic Social Teaching (CST), the doctrine developed by the Catholic Church on matters of social and economic justice and fundamental Christian values are the foundations for Caritas views and action.

In *Laudato Si'*, Pope Francis (2015:12) has argued that “the urgent challenge to protect our common home includes a concern to bring the whole human family together to seek a sustainable and integral development.” Moreover, he has called for a dialogue including everyone about “how we are shaping the future of our planet” (2015:12), questioning the current model of development and the present condition of global society where injustices are numerous, and more and more people are deprived of fundamental human rights. This demands “prioritising the weakest members of society as a way of measuring progress” (CAFOD et al. 2018:16). Human rights can be defined as protections for individuals and groups, guaranteed under international law, against interference with fundamental freedoms and human dignity. Human rights are *inalienable* and cannot be denied to or relinquished by any human being, regardless of any reason including legal or immigration status. They are *universal* in that they apply to everyone, everywhere. Human rights encompass civil, cultural, economic, political and social rights, and are *indivisible*, meaning that the different sets of rights are all equally important for the full development of human beings and his/her well-being. Human rights instruments and customary international law generate three overarching obligations for States, namely: to respect, to protect, and to fulfil those rights.

<sup>3</sup> The International Convention on the Elimination of all Form of Racial Discrimination (1965), the International Covenant on Civil and Political Rights (1966), International Covenant on Economic, Social and Cultural Rights (1966), the Convention on the Elimination of all Forms of Discrimination against Women (1979), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), the Convention on the Rights of the Child (1989), the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990), the Convention on the Rights of Persons with Disabilities (2006).



Photo: Caritas Internationalis

## A – Migration

Migration is a major feature of today's globalised world. In broad terms, migration is the movement of people from one place of residence to another. While the term migration covers population movement internal to a country – rural to urban or from one locality to another in a different jurisdiction, the MIND project addresses international migration. International migration is a distinct legal, political and social category, as people move from a nation-state in which they are citizens with the rights and protections citizenship normally confers, to other countries where rights and protections of nationality, of access to social protection, and of common identity often do not apply and where social and cultural paradigms may be significantly different.

While there is no international normative definition for migration, international conventions provide agreed definitions for *refugees* and for *migrant workers and members of their families*; the latter applicable to nearly all international migrants. The definition of a refugee in the 1951 Convention and 1967 Protocol on the Status of Refugees is: “someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion,

*nationality, membership of a particular social group, or political opinion*”<sup>(4)</sup>. All EU Member States have ratified both the 1951 refugee Convention and its 1967 Protocol.

The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW) states that: *the term “migrant worker” refers to a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national.*<sup>(5)</sup> That convention recognises *frontier worker, seasonal worker, seafarer, offshore worker, itinerant worker*, and other specific categories of migrant workers as covered under its provisions. The ICRMW iterates that all basic human rights cover family members present with and dependent on migrant workers. Data from the International Labour Organisation (ILO) shows that nearly all international migrants, whatever their reasons for migration or admission, end up economically active – employed, self-employed or otherwise engaged in remunerative activity.

<sup>4</sup> See UNHCR, What is a Refugee, at <http://www.unhcr.org/what-is-a-refugee.html>.

<sup>5</sup> See full text at <https://www.ohchr.org/en/professionalinterest/pages/cmw.aspx>.



Specific definitions and statistical standards to obtain reliable and comparable data on international migrants have been agreed under UN auspices and are used by most governments. For statistical purposes, an international migrant is defined as “a person who has resided in a country other than that of birth or citizenship for one year or more, irrespective of the causes or motivations for movement and of legal status in the country of residence”. There are an estimated 260 million foreign-born people residing today in countries other than where they were born or held original citizenship<sup>6</sup>. However, this figure does not include persons visiting a country for short periods such as tourists or commercial or transportation workers who have not changed their place of established residence. Many other persons in temporary, short-term or seasonal employment and/or residence situations are not counted in UN and other statistics on migrants when their sojourn is less than a year and/or if they retain formal residency in their home or another country – even though they may fit the definition of *migrant worker*. For an informed analysis of the interconnectedness of migration and development, Caritas uses a broad understanding of migration, inclusive of all those who are refugees and asylum seekers as well as migrant workers and members of their families.

## B – Development

The pledge to leave no one behind and to ensure human rights for all is a cornerstone of the Resolution by the UN General Assembly 70/1 “*Transforming our world: 2030 Agenda for Sustainable Development*” that contains the Declaration and the 17 Sustainable Development Goals (SDGs) with 169 sustainable development targets, adopted 25 September 2015. This document endorsed by all 193 UN Member States expresses their shared vision of and commitment to a “*world of universal respect for human rights and human dignity, the rule of law, justice, equality and non-discrimination; of respect for race, ethnicity and cultural diversity; and of equal opportunity permitting the full realisation of human potential and contributing to shared prosperity. A world which invests in its children and in which every child grows up free from violence and exploitation. A world in which every woman and girl enjoys full gender equality and all legal, social and economic barriers to their empowerment have been removed. A just, equitable, tolerant, open and socially inclusive world in which the needs of the most vulnerable are met.*”<sup>7</sup>

The 2030 Agenda has led to paradigm shifts in the perception of development: development and sustainable development

concerns all countries on the planet; environmental protection and tackling inequalities are considered among key development goals; peace and social justice are seen as integral components of the universal development agenda; and the need for the commitment and participation of all groups within all societies and states is emphasised in order to achieve development for all. The new worldwide consensus on development is grounded in the *Universal Declaration of Human Rights* and all human rights treaties; therefore, if states do not make progress on the actual realisation of human rights for all, the SDGs cannot be reached.

The term *development* encapsulates the elaboration of productive means, forces, capacities, organisation and output of goods, services, technology and knowledge to meet human needs for sustenance and well-being. It comprises building the means for: extraction and transformation of resources; production of goods, services and knowledge; constructing infrastructure for production, transportation and distribution; reproducing capital as well as skills and labour; and providing for human welfare/well-being in terms of housing, nutrition, healthcare, education, social protection and culture in its broad sense (Taran 2012).

Caritas uses the concept of **integral human development**, which places the human person at the centre of the development process. It may be defined as an all-embracing approach that takes into consideration the well-being of the person and of all people in seven different dimensions. First, the *social* dimension, which focuses on quality of life in terms of nutrition, health, education, employment, social protection and social participation as well as equality of treatment and non-discrimination on any grounds. Second, the *work* and economic activity dimension as the main means of self- and family sustenance, of socio-economic engagement and of direct contribution to development for most adults in all populations. Third, the *ecological* dimension, which refers to respect for the goods of creation and to ensuring quality of life of future generations without ignoring this generation’s cry for justice. Fourth, the *political* dimension, which includes issues such as: the existence of the rule of law; respect for civil, political, economic, social and cultural human rights; democracy, in particular as a representative and above all participatory tool. Fifth, the *economic* dimension, which relates to the level of GDP and distribution of income and wealth, sustainability of economic growth, structure of the economy and employment, degree of industrialisation, level of high-tech ICT, and State capacity to obtain revenue for human services and social protection, among other considerations. Sixth, the *cultural* dimension, which addresses identity and cultural expression of communities and peoples, as well as capacity for intercultural dialogue and respectful engagement among cultures and identifies. Seventh, the *spiritual* dimension. Taken together, these dimensions underpin an integral approach to development (Caritas Europa 2010). According

<sup>6</sup> Extrapolated from UNDESA (2017). As noted in UNDESA estimates, “The estimates are based on official statistics on the foreign-born or the foreign population, classified by sex, age and country of origin. Most of the statistics utilised to estimate the international migrant stock were obtained from population censuses. Additionally, population registers and nationally representative surveys provided information on the number and composition of international migrants.”

<sup>7</sup> The 2030 Agenda for Sustainable Development, paragraph 8.

to *Catholic Social Teaching (CST)*, social inequalities demand coordinated action of all the people/the whole of society and the whole of government in all countries for the sake of humanity based on two premises: 1) social questions are global, and 2) socio-economic inequalities are a danger for peace and social cohesion. In this sense, development of our own country and that of others must be the concern of us all – the human community.

## C – Migration and development

How development is linked to **migration** is a centuries old law, policy and practical question. Vast forced and voluntary population movements from the 17<sup>th</sup> century onwards provided the people to develop the Americas North and South, as well as emerging European Nation-States.

Since the end of World War II, migration and development has been the subject of intense discussions among policy-makers, academics, civil society and the public. Pope Pius XII dedicated an encyclical on “migrants, aliens and refugees of whatever kind who, whether compelled by fear of persecution or by want, is forced to leave his native land” (*Exsul Familia* 1952), reaffirming that migrants and refugees have a right to a life with dignity, and therefore a **right to migrate**.

Migration became a fundamental pillar of development across several regions under regional integration and development projects, notably after the formation of the European Economic Community now succeeded by the European Union. Since the 1970s, migration has been essential to development through regional free movement systems in Central, East and West Africa. From the 1920s, large population movements – some forced – in the (former) Soviet Union underpinned industrial and agricultural development across the twelve USSR republics.

Spurred by geopolitical events that greatly affected human mobility on a global scale, the relationship between migration and development has become central in contemporary political, economic, and social policy debates. The first global development framework to recognise the role of migration and its immense contribution to sustainable development worldwide was the Declaration and Programme of Action of the International Conference on Population and Development at Cairo in 1994.<sup>8</sup>

Currently, the overarching contemporary framework is the

above-mentioned 2030 Agenda for Sustainable Development with the Sustainable Development Goals. While explicit reference to migration and development is laid out in SDG Target 10.7 on “safe, regular and responsible migration and mobility”, more than 44 SDG Targets across 16 of the 17 SDGs apply to migrants, refugees, migration and/or migration-compelling situations (Taran et al. 2016). The New Urban Agenda adopted in Quito in October 2015 provides even more explicit attention to migrants, refugees and internally displaced persons in its global development and governance framework for cities – where most migrants and refugees reside.

In 2016, in the wake of severe and protracted conflicts in the Middle East and South Asia and the collapse of effective protection for refugees in neighbouring countries, UN Member States adopted the *New York Declaration for Refugees and Migrants*,<sup>9</sup> calling for improved global governance of migration and for the recognition of international migration as a driver for development in both countries of origin and of destination. The *Global Compact for Safe, Orderly and Regular Migration (GCM)*, adopted at an inter-governmental conference in Marrakesh, Morocco in November 2018, and the *Global Compact on Refugees (GCR)* elaborated on those principles and proposed ways of implementing them through political dialogue and non-binding commitments. Both Compacts were adopted by the UN General Assembly in December 2018.

Caritas recognises that a growing number of people are forced to leave their countries of origin not only because of conflicts and persecution but also because of other existential threats. These include poverty, hunger, unemployment and absence of decent work, lack of good governance, absence of access to education and healthcare, as much as the consequences of climate change. **Forced migration** for Caritas encompasses all migratory movements where an element of coercion exists. People fleeing conflicts and persecution naturally have a particular claim and right to international refugee protection. Caritas also recognises that the overwhelming proportion of migration in and to Europe reflects most EU Member Countries’ objective need for ‘foreign’ labour and skills to maintain viable work forces capable of sustaining their own development. *This demand* results from rapidly evolving technologies, changes in the organisation of work and where it takes place and declining native work forces reflecting population ageing and declining fertility.

In Caritas’ view, according to Catholic Social Teaching, both people who migrate and those who remain – whether in

<sup>8</sup> The ICPD was the biggest conference ever held on population, migration and development with 11,000 delegates from 179 countries and some 4,000 participants in the parallel NGO Forum. Two of the ten chapters of the Programme of Action were entirely about migration and development. Adopted by all 179 States/governments participating, the ICPD Declaration and 20-year Programme of Action (extended in 2010) continues to serve as a comprehensive guide to people-centred development progress. <https://www.unfpa.org/fr/node/9038>

<sup>9</sup> UN Resolution 71/1. New York Declaration for Refugees and Migrants. Adopted by the General Assembly on 19 September 2016. [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/71/1](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/71/1)

their country of origin or in country of residence – have the right to find wherever they call *home* the economic, political, environmental and social conditions to live in dignity and achieve a full life. Regardless of the legal status in a country, all migrants and refugees possess inherent human dignity and human rights that must be respected, protected and fulfilled by all States at all times. Caritas calls for a human response of solidarity and cooperation to assume responsibility for integral human development worldwide and for the protection and participation of people on the move – migrants and refugees. Migration contributes to the integral human development of migrants and of members of their countries of residence.

Such a vision implies the recognition that migration, regardless of its drivers, is an opportunity for our societies to build a more prosperous, global “*Common Home*”, where everyone can make a contribution and live in dignity. This publication, therefore, aims to showcase different examples and perspectives.

**Migrants and  
refugees have  
a right to a life  
with dignity, and  
therefore, a right  
to migrate**

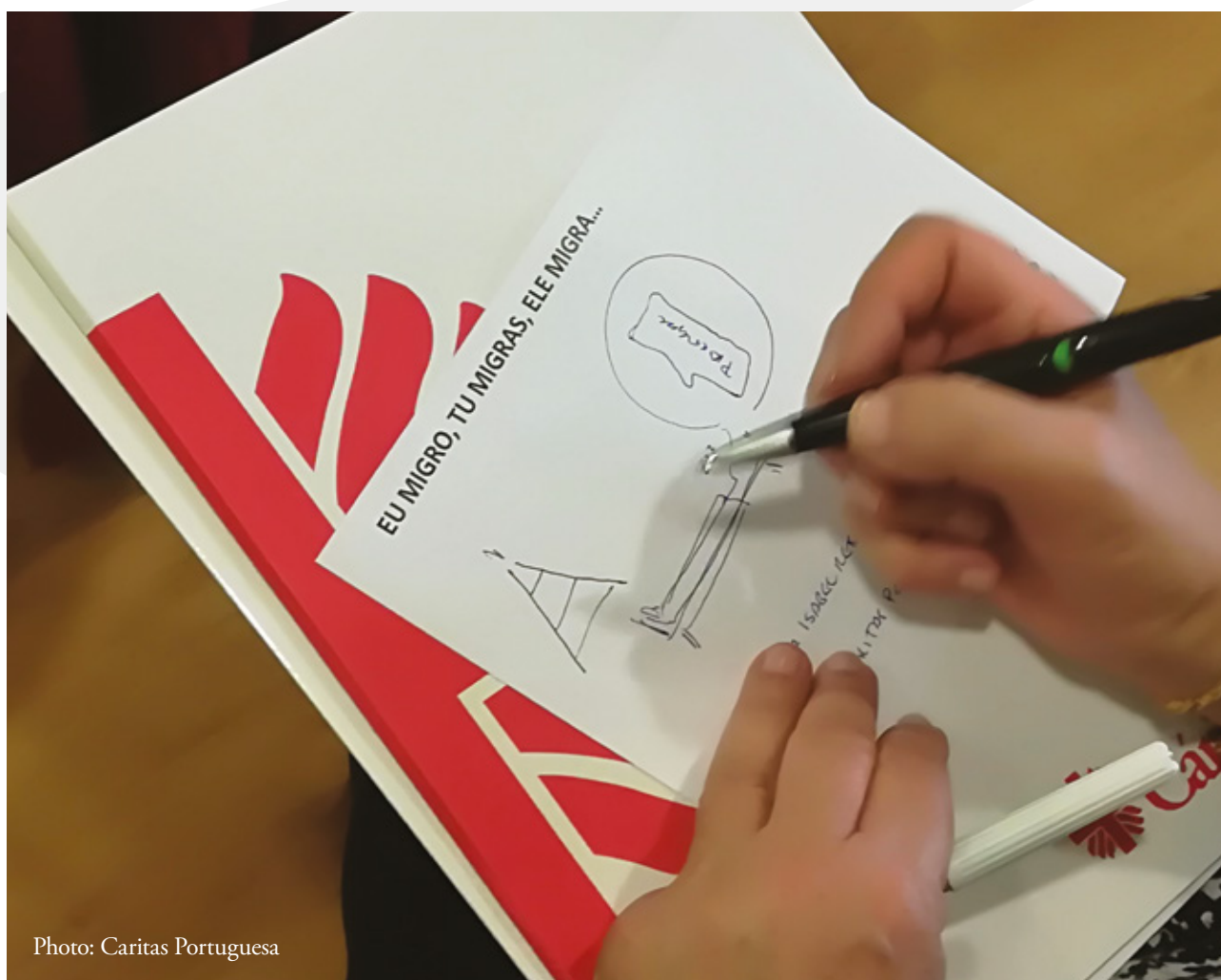


Photo: Caritas Portuguesa

## - CHAPTER 4 -

# THE NATIONAL MIGRATORY CONTEXT

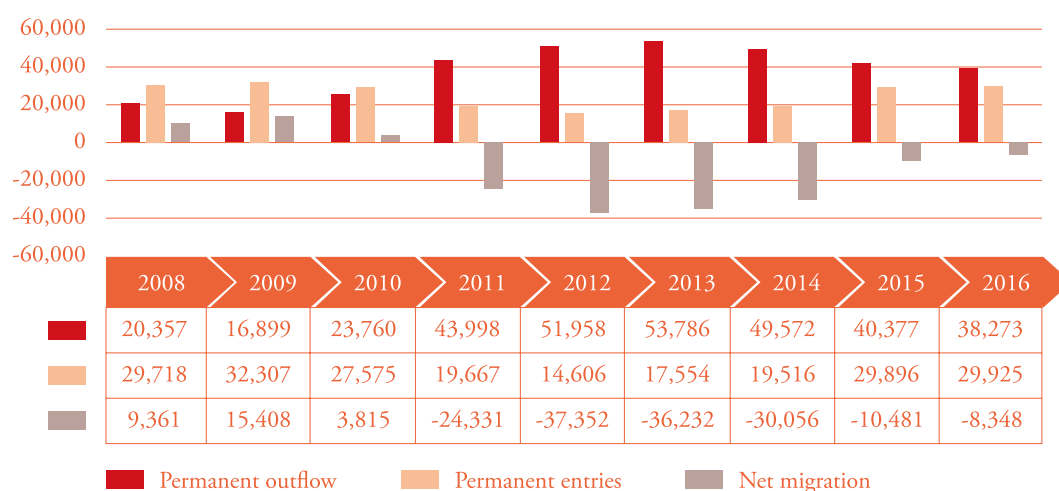
Portugal has been, over the last few centuries, a country of emigration, although in the last three decades it has also become a country of immigration. The entry of immigrants dominated the early years of the 21st century but outflows dominated migrant movements after the first half of the decade. The dynamics and diversity of the origins of migrants coming to Portugal, but also the multiple geographies of the destinations of Portuguese emigrants, are signs of a change in the position of the country in the global migratory context.

Nowadays, although with a still negative net migration (see Figure 1), immigration is again gaining volume, while emigration is progressively slowing down, although it still maintains an important volume especially when compared with other EU countries. The return of emigrants, however, is still not following the high rate of outflows. The distinction between immigration and emigration allows, within the scope of this publication, to make explicit the singularities of both migratory flows in the Portuguese case. Along with migratory

flows, social change emerges in a diverse set of socio-ethnic-cultural groups of individuals and presents challenges on how to maintain diversity and social cohesion in the Portuguese society.

The difficulty of approaching immigration without a reflection on emigration is visible in most of the migratory studies on Portugal. Whether immigration is complementary or if it replaces Portuguese emigration is an ongoing debate. There is no obvious answer without an approach to the segmentation of the labour market and the unequal distribution of wealth in the national territory. In some sectors, such as tourism, hotels and restaurants, urban transport or personal and domestic services, as was once the case in construction, immigration is the resource of the global labour market. It also affects wage competitiveness offered by the immigrant workforce. Workers are typically sought by employers due to their lower wage costs compared to native workers, since without other options they are usually willing to accept poor working conditions.

**Permanent migrant** is a person (national or foreign) who, in the reference period, and after having stayed in the country continuously for at least one year, left with the intention to reside in another country for a continuous period of one year or more.  
(Metadata - Nacional Statistics Institute -INE)



*Figure 1 - Estimates of Portuguese immigration, emigration and net migration, 2008-2017*

Source: Table of the Emigration Observatory, Eurostat data, database on population and social conditions, 2018.



This commonly leads to the Portuguese workforce to emigrate to Switzerland or Luxembourg, while Cape Verdeans, Nepalese and Brazilians look to Portugal as a popular migratory destination.

In the case of the largest foreign community in Portugal (Brazilian), economic cycles and changes in the structure of employment/unemployment tend to promote the acceleration of demand for workers and the interaction between emigration and immigration tends to be related to economic cycles in the relevant countries. For instance, when unemployment declines in Portugal and the economy grows, immigration from Brazil or other third countries increases. When economic cycles in Portugal reduce employment growth, Portuguese emigration increases. There was clear evidence of the latter following the 2008 financial crisis. Complementary emigration/immigration cycles extend economic cycles by promoting a migration of family reunification which effects are felt with a downturn in relation to business cycles. Emigration/immigration is thus not momentarily and directly linked with economic cycles with always a migration divergence in relation to economy.

## A – Emigration from Portugal

People have emigrated from Portugal for many decades, but the pace of emigration was shaped by different migratory cycles (Góis and Marques 2013). In the last century, Portuguese emigration responded both to internal economic conditions (push) as well as to attractive factors (pull) in countries of destination, although adapting to political and economic conditions.

### 1 – Migration cycles

We can best understand the history of Portuguese emigration by dividing it into four cycles:

**a)** The first one ran from the 19th century until the 1960s. During this cycle, more than two million people left Portugal for the new world – mainly to Brazil and, to a lesser extent, for the United States (Baganha 1990).

**b)** The second cycle began in the 1950s and began to fade in 1973/74. This cycle saw the same number of individuals emigrate and, as it happened over a much shorter period of time. It represents a much greater intensity of migration. This wave of departures mostly went to destinations in Europe – mainly to France and Germany – in search of temporary labour market contracts.

**c)** The third cycle began in 1985 and is still active, albeit with some changes due to political economy modifications, namely within the European Union. Europe remains the

preferred destination, but Luxembourg replaced Germany, and Switzerland received more Portuguese nationals than France.

**d)** After the mid-1990s, the fourth cycle saw a revival of the Portuguese outflow, characterised mainly by a transformation of the institutional context in which it occurred (within the European Union) and the **emergence of new forms of migration**, the development of new countries of destination, and simultaneously the return of flows to traditional destinations.

Since 2005, emigration from Portugal has intensified. The development of different forms of short-term migratory movements, as well as the **frequent interconnections between permanent (more than one year) and repeated temporary movements (up to 6 months)**, appear in this context as one of the most striking features of Portuguese emigration. Some of these migratory flows are substantially different from the traditional forms of Portuguese emigration, because Portuguese companies, which take advantage of free movement options within the EU, are **promoting the mobility of their workers and widening their operational markets**. A specific case of these temporary exits of Portuguese citizens is illustrated by posted workers who work in construction, maintenance, logistic, and agriculture as a result of Portugal's membership of the European Union. This type of migratory outflow is substantially different from traditional forms of Portuguese emigration since Portuguese companies acted as subcontractors for big European construction companies that used free movement within the European area to their advantage by promoting the mobility of Portuguese workers (Ramos and Diogo 2003). This allowed Portuguese construction companies to benefit from the differential in labour costs that existed between Portuguese and other European construction workers (Baganha and Cavalheiro 2001). Objective data on posted work is scarce in Portugal but data on the issuing of the Portable Document A1 (or the previous E101 certificate) show a continuous declining trend between 2010 and 2011 as a result of the economic crisis in some of the main destination countries of Portuguese posted workers, followed by a sharp increase in 2013 and a new decline until 2015.

Another novelty of the recent Portuguese emigration, when compared to past migratory movements, is the **progressively higher qualification of the labour force involved**. Portuguese emigration is traditionally labour-induced and able to adapt to the range of opportunities that exist in different countries (Marques 2008 and 2010). The global demand for more qualified work has led to a change in the patterns and destinations of the new Portuguese emigration.

**The intensification of the country's integration into the European migration system has produced new job mobility opportunities now available as short-term**

**migration opportunities (posted workers) or more permanent opportunities** for both low-skilled workers and highly-skilled workers (Góis and Marques 2006; Peixoto et al. 2016). In the last decade, simultaneous with the increasing number of posted workers, the numbers of Portuguese nurses in England reached 6,900 in June 2018 from only 210 in 2009 (Pereira et al. 2015; Baker 2018).

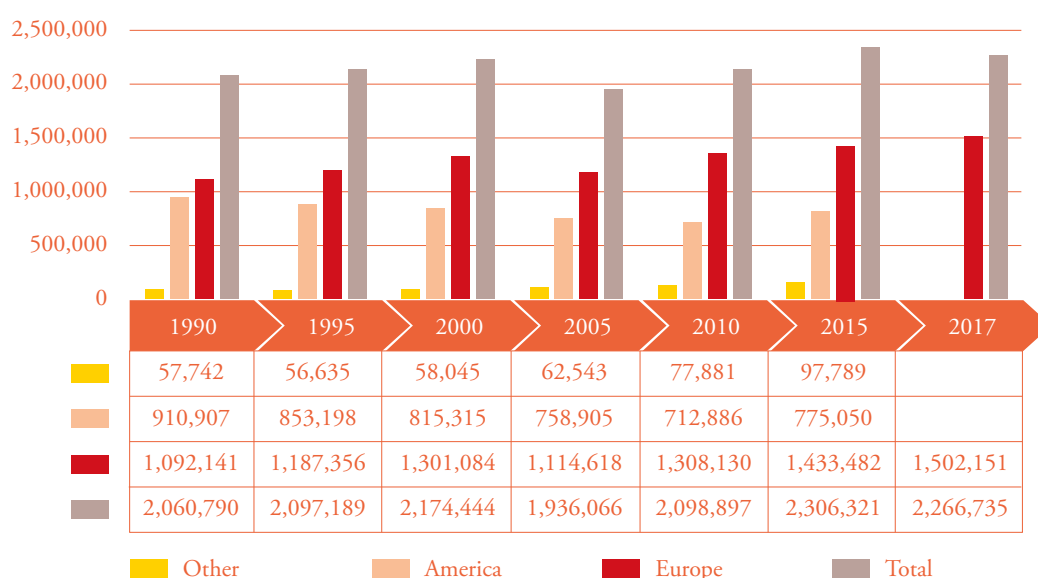
Unlike previous emigration cycles, Portuguese emigration of the 2000's is significantly more diversified in terms of destinations. New destinations in **Asia or, in a return to the past, in South America (Brazil) and Lusophone Africa** join traditional European destinations (Peixoto et al. 2016). More recently, emigration has grown due to the economic crisis. An increasing number of young graduates, often unemployed or in precarious employment, have left the country, with potentially negative consequences in terms of population ageing and the loss of human capital (OECD 2014; Góis, Peixoto et al. 2016). With increased life expectancy and below replacement level fertility occurring over the past 30 years, high flows of permanent emigration can become an important role in determining Portugal's population size and composition.

After the announced end of emigration in the early 90's we have seen that Portugal has undergone several cycles of emigration

and return, but throughout the cycles outflows have never ceased to have social and sociological consequences (Esteves 1991). Emigration is thus more structural than we thought.

## 2 – Countries of destination

**Portuguese emigrants of the 21st century continue to prefer to emigrate to European countries**, just as their predecessors did during the second half of the twentieth century (Marques and Góis 2017). The main reasons for this trend are explained by strong demand, the relative ease for Portuguese workers to access jobs as they are of working age, and family ties or active social networks with established Portuguese communities throughout Europe. Portuguese workers also benefit from a relative geographical proximity and ease of mobility in the region with free movement within the European Economic Area; an ease in recognition of academic qualifications obtained in Portugal in the European system; promises of higher salaries; and, last but not least, lower travel costs when compared with other more distant geographical regions.



**Figure 2 - UN estimates of the stock of Portuguese-born emigrants 2000-2017**

Source: United Nations, Department of Economic and Social Affairs. Population Division (2017). Trends in the total volume of international migrants: the review of 2017 (United Nations database, POP / DB / MIG / Stock / Rev. 2017).



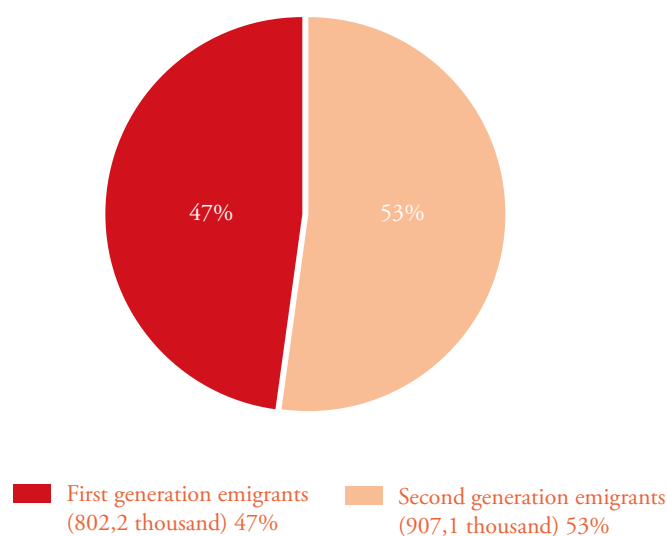
**The total number of Portuguese emigrants across Europe has grown in relative terms relative to total emigration.** The weight of the American continent (and especially of Brazil) as the destination of Portuguese emigrants has declined in recent decades with episodes of increase in the most intense years of the financial crisis after 2008. As of 2005, emigration to Central European countries and the north (responsible for about two-thirds of total outflows) was complemented by migratory flows to the southern hemisphere (Angola, Brazil, and Mozambique) in an unusual post-colonial migratory flow. **Belonging to the same Lusophone migration system,<sup>10</sup> reinforced by high-density political and economic relations, cross-migrations within the ‘Community of Portuguese-Speaking Countries’ (CPLP) constitute a unique feature of contemporary Portuguese emigration compared to other European countries (Góis and Marques 2011).**

In 2014, the estimated population with a Portuguese emigration background living in European countries was about 1.7 million people of which 907,100 (52.8%) were first generation emigrants and 812,200 (47.2%) second generation emigrants. Those with a history of Portuguese emigration resided in fifteen countries. The top five are France (62.6%), Switzerland (14.1%), Spain (9.3%), United Kingdom (7.6%) and Luxembourg (3.2%). More than a third of the population with a history of emigration (36.6%) were between 25 and 39 years old (30.2% in Portugal and 30.8% in Europe). **Family and employment were the main reasons for first generation emigrants to leave Portugal.**

### 3 – Socio-demographic characteristics of Portuguese emigrants

In terms of sociodemographic data, there is a **change in the characteristics of migrants, especially with an increasing participation of women** - who, although still representing less than 50% worldwide, increasingly migrate independently and are no longer ‘passive followers’ of male migrants (Peixoto et al. 2016) - or with the **widening of the age groups of migrants** who are currently leaving Portugal, who now range from the young to the sexagenarian who seek new labour or social experiences. At the social level, emigration from the past also reproduced the **dualism of Portuguese**

**society** because it mainly involved the most economically and culturally disadvantaged population groups or cultural and economic elites in search of diversity in their individual careers or paths. **Contemporary Portuguese emigration is highly segmented.** A part of this emigration consists of people more qualified than in previous migratory movements (having evolved together with the Portuguese society). A substantial part, however, is still composed of low-skilled migrants who are still a majority in the accumulated volume (Góis and Marques 2016).



*Figure 3 - Population aged 15-64, by type of emigration history*

Source: Eurostat, ad hoc module of the 2014 Labour Force Survey “Labour market situation of migrants and their

**First generation migrants:** people who were born in Portugal, but lived in another country.

**Descendants of emigrants or second-generation emigrants:** People born in a country other than Portugal, but whose father or mother or both were born in Portugal.

<sup>10</sup> Different authors refer to all Portuguese-speaking countries as a migratory system, which means that Portugal, Portuguese-speaking African countries (PALOPs) and Brazil constitute an autonomous migratory system with links to other major migratory systems in the world (Góis and Marques 2006). Although the migration system is not new, the features that model it have changed from the traditional explanations. Traditionally Brazilian migration to Portugal, Portuguese emigration to Brazil or Angolan migratory movements are explained by economic factors and old cultural ties that go back to the colonial proximity of the fifteenth century and the shared history of the three countries. Recently, several authors have shown that this system is much more complex, with links in economics, rules of common law and interactions in the diplomatic fields.

<sup>11</sup> Definitions and metadata can be found at [https://ec.europa.eu/eurostat/cache/metadata/fr/lfsa\\_14\\_esms.htm](https://ec.europa.eu/eurostat/cache/metadata/fr/lfsa_14_esms.htm) (accessed 10.11.2018).

<sup>12</sup> The *ad hoc* module covers persons with a history of emigration who were born in Portugal but resided in another European country, or persons who were born in a country other than Portugal, but whose father or mother or both were born in Portugal. These groups correspond to the first- and second-generation emigrants, respectively. The first generation of emigrants is considered to be a person born in Portugal but resident in another country. Second generation of emigrants are considered people who were born in a country other than Portugal, but whose father or mother or both were born in Portugal. (See [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=First\\_and\\_second-generation\\_immigrants\\_-\\_statistics\\_on\\_main\\_characteristics&cid=388079](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=First_and_second-generation_immigrants_-_statistics_on_main_characteristics&cid=388079))



Photo: Caritas Internationalis

## B – Immigration to Portugal

Until 40 years ago, Portugal was a country of emigration that had some immigrants. Today it is also a country of immigration. Between the return or repatriation of many Portuguese nationals and the reception of hundreds of thousands of foreign nationals the national population gained diversity and complexity. **Without immigration the population of Portugal would be smaller, poorer and older.**

### 1 – Migration flows

It is not possible to discuss immigration in Portugal based on a simple analysis of its causes, origins or characteristics. The sophistication of immigration is well expressed in its dynamics and diversity. **In most cases, immigration in Portugal is the result of multiple historical, economic and social processes.** Immigration in Portugal is, in this sense, **a complex and multidimensional reality.** It is characterised by: seasonal immigration in agriculture or tourism; temporary (although medium-term) immigration that characterises the growing student migration; and long-term immigration typical of labour migration, which includes family reunification. On the one hand, the global (especially European) movement of national workers, families and students has social, cultural and demographic consequences for Portugal but on the other hand, the simultaneous reception of diverse groups of foreign nationals constitutes a challenge for social inclusion since each foreign nationals offers a specific contribution to the host country.

**Since the middle of the last decade, and especially after**

**the economic crisis of 2008, Portugal saw a change in the number and profile of immigrants and foreign residents.** Before 2008, the main reasons for emigrating to Portugal were work-induced. Between 2008 and 2015, labour inflows declined sharply and migration to Portugal became associated with students (higher education) (SEF 2012) and family reunification (Marques et al. 2014). Recent signs suggest a new cycle of migrant workers entering the country, often into subordinate professional activities for services and tourism (encouraged by an acceleration of the economy).

In addition, new categories of migrants have been attracted by a new tax structure, which entered into force in 2009, for non-habitually residing residents (and the effects of which became particularly visible after 2013)<sup>13</sup>. Such categories of migrants, often defined in public discourse as ‘expats’, already constitute about 0.5-0.7% of the total resident population in Portugal, that is 15% to 20% of the total number of foreign residents in the country. A substantial proportion of these foreigners are nationals of another European Union country. The most recent data available confirms this evolution from a traditional labour-induced migration profile to a **combination of labour migration and migration of inactive people (retirees and students).**

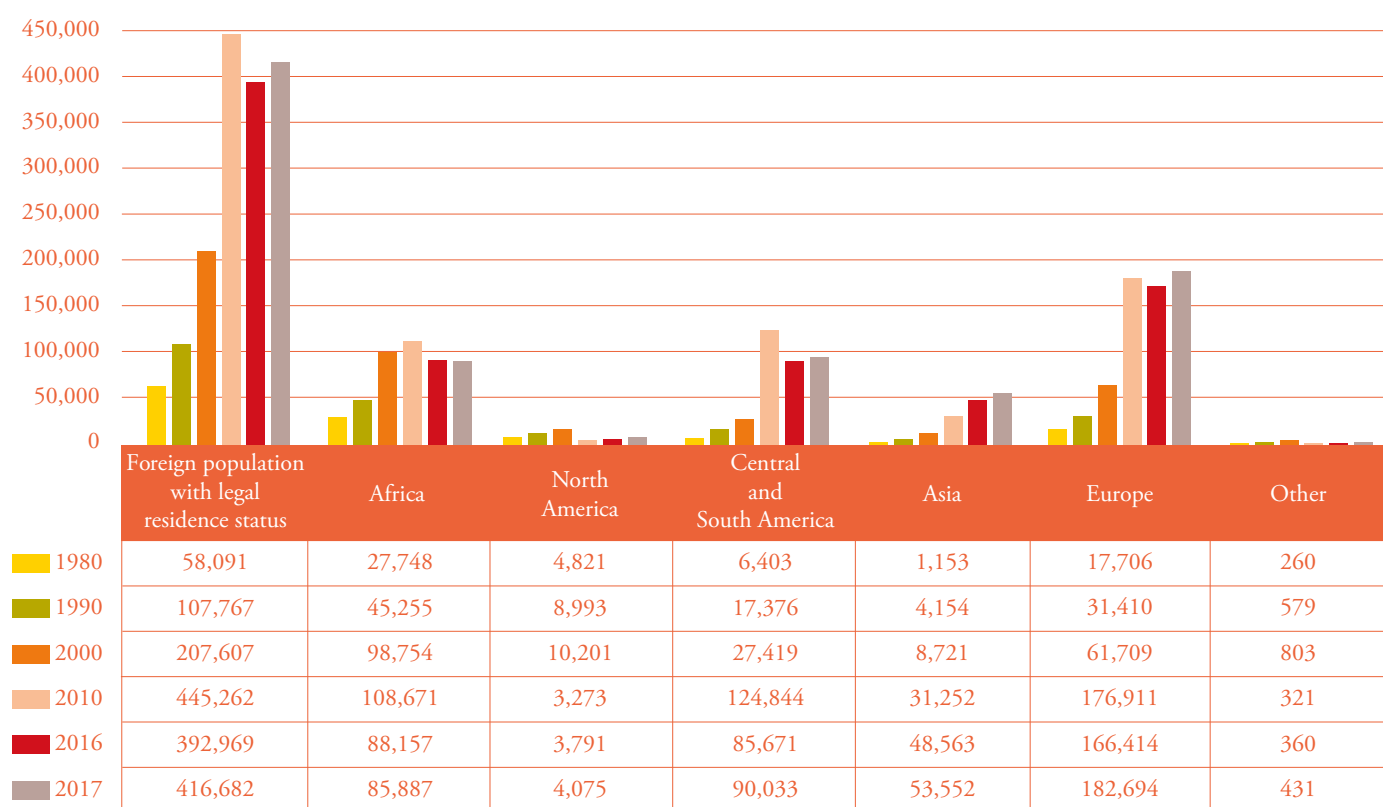
<sup>13</sup> The programme was created in 2009 and updated in 2013. The scheme is focused on two groups of people, retirees receiving pensions from abroad and professionals who are employed or self-employed, some of the professions accepted are: directors or managers of companies, doctors, architects, engineers, artists, university managers and other professions of similar magnitude. To qualify for the scheme, you must not have resided in Portugal for the past 5 years. Once accepted in the programme, you will qualify for all tax benefits and conditions for 10 years, with pensions outside of Portugal becoming tax free, workers in high value-added professions will pay a fee of 20 % on earnings in Portugal and a significantly reduced rate on any income earned abroad.

## 2 – Legislation

Under Portuguese citizenship laws children born abroad to Portuguese parents (one or both) are entitled to Portuguese nationality. The legislation, which has now undergone its eighth legislative reform since being introduced in 1981, also states that foreigners who have lived in Portugal for five years can also apply for Portuguese nationality. According to the new regime, all persons born in Portuguese territory acquire ex lege Portuguese nationality provided that at the time of birth one of the parents had been legally resident for at least two years. The number of ‘new’ Portuguese citizens is thus growing internally (in Portugal) and abroad to the ‘new born’ Portuguese citizens (Oliveira, Gomes and Santos 2017).



Photo: Caritas Internationalis



Other – Australia, Oceania and stateless

**Figure 4 - Foreign population in Portugal by Continent of origin, 1980-2017 (selected years)**

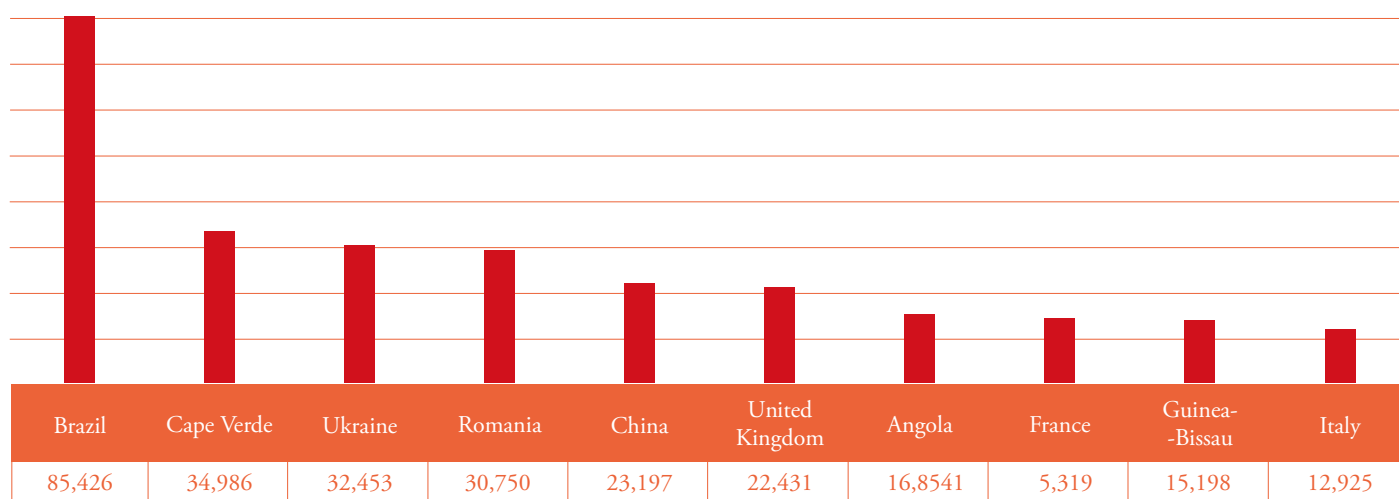
Source: 1980-1995: INE (National Statistical Institute), Demographic Statistics and SEF (Foreigners and Borders Service); 1996-2001: INE, Demographic Statistics, 2000; 2010 SEF, Statistics [<http://sefstat.sef.pt/relatorios.aspx>]; 2016 Aliens and Borders Service; 2017 INE Foreign population with legal residence status, Statistics Portugal.

### 3 – Socio-demographic characteristics of the immigrant population in Portugal

The 2017 Immigration, Borders and Asylum Report (RIFA) shows that the number of foreigners residing in Portugal increased by 6% in 2017 compared to 2016, totalling 421,711 individuals. This document highlights that the structure of the ten most representative nationalities changed in 2017 with the entry of Italy, whose community increased by more than 50% compared to 2016, and the departure of Spain, despite an increase of 12.5% in 2017.



According to the RIFA 2017, more than two thirds (68.6%) of the foreign population live in the districts of Lisbon (9.4%) 182,105), Faro (69,026) and Setúbal (35,907), corresponding to the Lisbon Metropolitan Area and the Algarve Region (SEF 2017). Information on the socio-demographic characteristics of the immigrant population in Portugal is limited by the lack of data produced and/or made available by the data-producing entities (Foreigners and Border Service (SEF), National Statistical Institute (INE) and different ministries) and, until only recently, data from some of these entities were almost always released without retrospective comparability (Oliveira and Gomes 2014; Oliveira and Gomes 2017). **This statistical deficit has obvious implications for research and public policies related to migration in Portugal but is now beginning to be overcome.** The exception to this statistical shortcoming comes from the decennial censuses (the last of which was in 2011) that allow a structural characterisation of these populations. However, the census data clearly suffers from the lack of reliability as it is already several years old and the fact that it does not incorporate the recent economic cycles.



**Figure 5 - Ten most representative nationalities in Portugal 2017**

Source: Portuguese Immigration, Borders and Asylum (RIFA) Report for the year 2017, office of foreigners and borders (SEF), 2018.





## Postcolonial heritage versus new flows from other origins (2012)

African immigration took the first step immediately following the independence of the former colonies between 1974 and 1975. The migrations of Guineans and Angolans integrated many war refugees.

The entry of several thousand people over the decade 1980-1990 increased the diversity of the foreign population that sought Portugal as a destination country. Post-colonial migration integrates five migration cycles of diverse origin that were established on different dates in our country, whose entries are characterised by an uninterrupted sequence that continues until today. Its arrival intensified due to the dynamism of growth of the public works and civil construction, related to Expo 98 and Euro 2004.

The Cape Verdean labour force, a substitute for the Portuguese man and woman who had emigrated abroad in the 1960s and 1970s, especially to Europe, is the first flow of recent African immigration into Portugal. These initial social networks have facilitated the first reception of those who arrived, both in terms of residence and in the search of the first professional activity. Progressively, others have arrived, the most numerous between the year of 2000 and 2006.

In the last decade a community of Angolan origin has begun to grow, increasing the number of Portuguese-speaking African residents. The regularity of the entries, initially in small numbers, has caused it to gain increasing prominence. Among the specificities that characterise it is the fact that it is a very young community, mainly male and under 40 years. Residents are predominantly in the district of Lisbon (65%).

Nationals of São Tomé e Príncipe (Santomentenses), which for many years constituted a residual group in quantitative terms, were already around 12,000 in 2008 and recorded the largest increase in the current decade. The number of Mozambican residents continues to be a small percentage.

An indicator of the settlement in Portugal of these Portuguese-speaking African immigrants is their acquisition rate of Portuguese nationality, the largest among them if we refer to the resident foreign population.

While Portugal has always maintained a link with the countries of its old colonies, the same has not happened in relation to the different countries from Eastern Europe. One of the characteristics that distances them from previous migrants is the importance they give to their own work and the attitudes they take towards nationals and other immigrants. The criticism refers to the low productivity of all other workers, their lack of punctuality and non-compliance with working hours.

Although in many cases they carry out professional activities that do not correspond to their academic and academic preparation, the immigrants from the East continue to fight for professional promotion and manifest a certain intellectual and cultural differentiation. Ukrainians constituted the most significant group in number, followed by Moldovans and Romanians. The economic crisis, which still continues today, coinciding with the decrease in the volume of their presence, as well as the return or re-migration to other countries of the European Union.

Flows from other origins ensure a visible Asian presence in Portugal at the beginning of the 21st century. Among them, the number of Chinese who live here is significant (13,384/2008); Indians (5,595); Pakistani (2,736) and Bangladeshis (1,578). In addition to a similar geographic origin, their professional activity is characterised by the implantation of family micro-enterprises and activities for their own account, in the area of catering, commerce and services. The Chinese have expanded throughout the national territory (mainland and autonomous regions) and the rest are more concentrated in the Lisbon Region and the Tagus Valley.

*Source: Maria Beatriz Rocha-Trindade e Eugénia Costa Quaresma, A Igreja Face ao Fenómeno Migratório – 50 anos da Obra Católica Portuguesa das Migrações, 2012 (pages 83-87)*

## C – Refugees and asylum seekers in Portugal

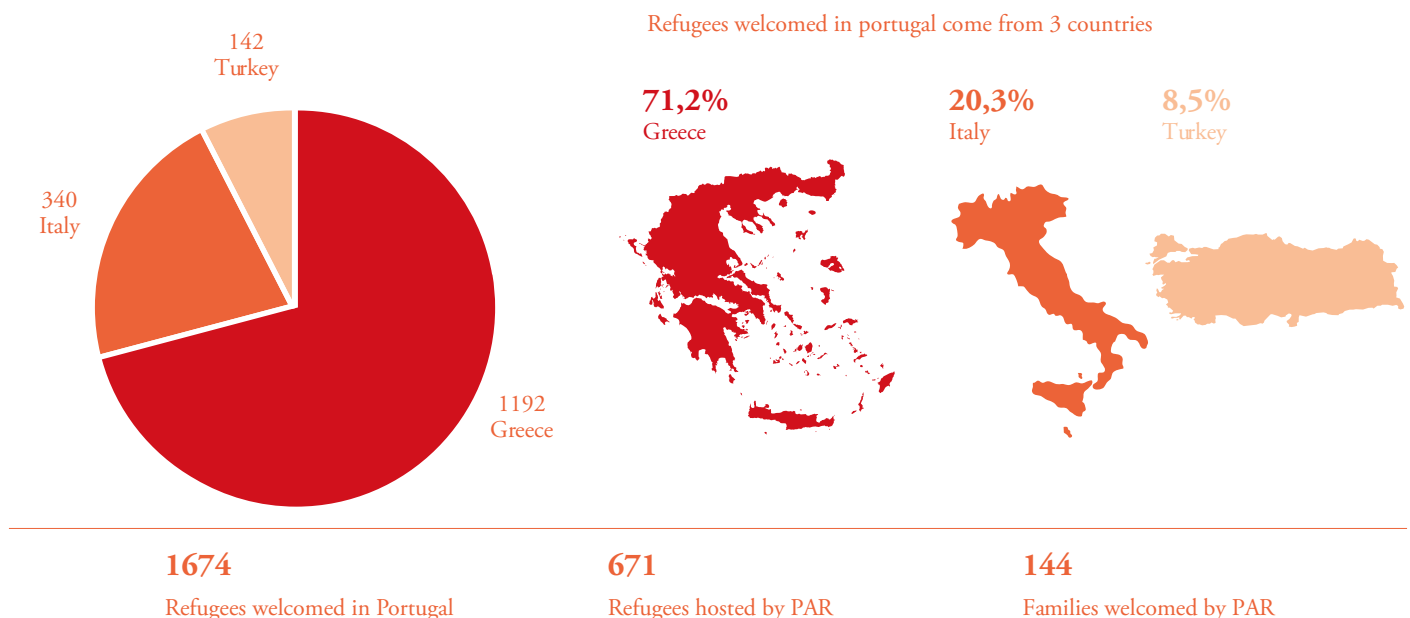
Portugal is a unique case study in the context of southern Europe. Due to its peripheral position on migration routes and the choice of the destination of migrants, it was the EU country with the lowest number of asylum applications before the so-called ‘solidarity crisis’.<sup>14</sup> 1,397 applications for asylum were received in 2016 in Portugal and 1,750 in 2017 – according to the Portuguese Immigration, Borders and Asylum (RIFA) report for the year 2017, office of foreigners and borders (SEF, 2018). Most asylum seekers came from Syria, Eritrea and Ukraine. A total of 164 decisions were taken in initial applications in a demonstration of the lag between the date of the asylum application and the final decision-making. Badly affected by war, asylum seekers from Syria remain at the top of the list, with numbers also high in other conflict regions such as Afghanistan and Iraq.

Candidates from Syria had a 94% chance of being welcomed in Portugal, while, in contrast, citizens of the Democratic Republic of Congo saw 97% of their applications rejected. The

high number of rejections can be explained as the result of two important contributory factors: the strict enforcement of the law by SEF immigration officials in dealing with asylum seekers at the borders of the country, together with a large number of people who cannot prove that their status is not merely that of an economic migrant.

From the end of 2015 until February 2018, Portugal received 1,674 refugees within the relocation programme of the EU: 1,192 people from Greece and 340 people from Italy arrived. Under the Turkish Resettlement Programme,<sup>15</sup> another 142 refugees were accommodated by Portugal. Between the summer of 2015 and February 2018, the civil society Platform for Refugee Support (PAR), comprising more than 350 Portuguese organisations, welcomed 671 people out of the total of 1,674 refugees resettled and reinstated in Portugal, while the Host Institutions, registered with PAR, welcomed 144 families.

### General data on the reception of refugees in Portugal <sup>16</sup>



*Figure 6 - General data about the reception of refugees in Portugal*

<sup>14</sup> While conscious that most people refer to this as the so-called “refugee crisis”, Caritas advocates a change in narrative by referring to this as the crisis in EU solidarity. It refers to the arrivals of thousands of people arriving to Europe in search of international protection starting in the summer of 2015.

<sup>15</sup> Platform for Refugee Support (PAR) website: [www.refugiados.pt](http://www.refugiados.pt) (accessed 6/03/2019).

<sup>16</sup> <http://www.refugiados.pt/refugiadosemp Portugal/> (25.03.2019)

## - CHAPTER 5 -

# HOW MIGRANTS AND MIGRATION CONTRIBUTE TO DEVELOPMENT

In Portugal, there is a consensus that both migrants and migration have a positive impact on the development of countries of origin and destination. Migrants' competencies and skills, savings and remittances, contribute to development, and they do so in a variety of fields, namely in the overall economy, labour market, demographic change or through cultural and social innovation. The presence of migrants in Portugal denotes a (simultaneous) substitution and complementarity between emigration and immigration in Portugal and is a challenge for Portuguese society. On the one hand, the global (especially European) movement of national workers, families and students has social, cultural and demographic consequences for Portugal. On the other hand, the simultaneous reception of diverse groups of foreigners constitutes a challenge for social inclusion. **Contribution to development is thus an intertwined process between emigration and immigration.** Sometimes immigration and emigration flows overlap as Portugal presents a high proportion of re-emigration of past immigrants in the country (for example, Ukrainians, Cape Verdeans, Brazilian and Angolans migrating to other EU countries after obtaining a permanent permit or Portuguese citizenship) (Esteves, Fonseca and Malheiros 2017).

"There are a lot of things that we can learn from different people of the world. We have new ideas when we discuss with different people. If a country or organisation is unable to solve a problem other people from another country can solve it with their ideas. So people who go to another country can contribute to development by giving their ideas and implementing them in their daily lives. Sometimes they can also directly participate in government development programmes. Alone one can't change the world, you need others no matter where they are from in order to change and create a better world."

Interview of a Bangladesh national living in Portugal  
(November 2018)

## A – Contribution of migration to the destination country – Portugal

The current reasons behind migration flows to Portugal are mainly, and in this order, work, family reunification, and education. Labour immigration represents an obvious contribution to the economy, directly, through the added value of work, of tax rebates or for social security and, indirectly, by increasing the productivity of the economy. The presence of foreigners in Portugal has had a positive effect on Portuguese state finances (D'Almeida 2003; Oliveira and Gomes 2018).

There are a number of positive contributions from immigration that must be underlined, namely to the labour market (due to the human resource potential which migrants' populations represent), education (due to the growth in the number of young people of school age who are the children of foreign immigrants and the migration of students) or to the social security (due to the greater balance regarding active contributors – elderly beneficiaries) (Oliveira and Gomes 2018).

"The Portuguese feel the benefits of immigration, not only economically but also in the expansion of diversity, qualifications, the environment of tolerance, to the world and greater cosmopolitanism. The new context demanded from Portuguese society the development of a more consistent policy for the reception and integration of immigrants. The implementation of measures for the recognition of cultural and religious diversity, with a view to enriching the whole society and the capitalisation of creativity and innovation, as well as the prevention of poles of tension based on ignorance and mutual prejudice. The big investment made in the last two decades has had laudable results internationally recognised as good practice."

Strategic Plan for Migration (2015-2020), Government of Portugal.

A distinctive feature of the recent history of migration to Portugal lies in the fact that **long-term migration strategies prevailed in relation to immigrants**. Within a generous and humanistic framework, a considerable part of Portuguese legislation has been oriented towards **integrating immigrants within a long-term and permanent strategy**. Except for the first years of the millennium, when a short-term strategy for guest workers was implemented (between 2001 and 2003), the Portuguese integration approach focuses on the long-term inclusion of migrants in Portuguese society. The triple system is based on **attracting migrant workers when needed; family reunification as a step towards integration; the use of an attractive tax system for retired wealthy professionals, investors and/or immigrants (PEM 2015-2020)**.

The main assumptions on the important contributions of migrants to Portugal are based on the permanent regularisation approach. Regularisation processes, developed mainly in the first years of the 21st century, focused on the centrality of work and allowed immigrants already involved in the Portuguese labour market to become legal. **This approach to labour inclusion leading to subsequent regularisation remains the main mechanism to include migrants in the Portuguese economy, as this publication will show**. Based on this approach a permanent case-by-case regularisation process has been in place since 2004 leading to a first inclusion step for migrants and a win-win situation for the country. Once an alien enters legally in Portugal (for example, as a tourist or student), finds a job and pays taxes, he or she is authorised to become a regular immigrant after an administrative procedure. Regularisation is an opportunity for social integration and, above all, a necessity for escaping from social exclusion and from clandestinely living and working. **Regularisation is also seen as the first step in fully contributing to Portuguese society. Once the regularisation process is complete, migrants are on the road to Portuguese citizenship**.

## 1 – Political and cultural contributions

The presence of immigrants in the artistic, cultural and sporting areas in Portugal has not received the attention it merits. However, there is no doubt that its contribution to Portuguese society has been quite positive, and that it begins to be visible and transformative. At the sporting level, there are many examples of naturalised foreign citizens who have represented national sports clubs and national teams in various modalities (for example, football or athletics).

In the arts, it is said that there are no frontiers. The contributions of resident foreigners to literature, music, theatre, dance or the plastic arts are quite high and are demonstrated in the emergence of a new culture, which is intercultural in the strictest sense of the term, in which mergers, interactions, and

new languages are affirmed as expressive languages best suited to dealing with multi-culturalism. The encounter between people of different origins, cultures, and religions gives rise to new cultural developments that are expressed in new literature, music, dance, or in new gastronomy, simultaneously globally and locally. Indeed, it is often at the city level where integration and inter-culturalism is most visible as in the examples of Lisbon, Porto and the Algarve.

In Portugal, there is no shortage of examples of good practices concerning migrants' contributions to culture. Examples include the project 'RefugiActo: the voice and echo of refugees through theatre', which emerged in 2004 within the context of Portuguese language classes run by the Portuguese Council for Refugees and its PARTIS programme – *Artistic Practices for Social Inclusion*. This is an amateur theatre group where they share emotions, knowledge and experiences and involving people from all over the world. Among other examples are the TODOS Festival – Paths of Cultures, that has worked to develop intercultural exchanges in Lisbon through recourse to the arts, valuing contemporary and community-based approaches, and the work of the Renewing Mouraria Association, involved in the international project for the *Encyclopaedia of Migrants: the intimate and individual side to stories of migration*. Festival ImigrArte, a series of various initiatives, international gastronomy, debates, conferences and workshops, seeks to highlight the social and the cultural potential of immigrants by promoting dialogues between the various foreign communities as well as between Portuguese citizens and foreign citizens.

## 2 – Demography

There is a widespread agreement on the need for societies to adapt to changing demographic trends. Therefore, it is important to consider the pace at which these transformations operate and the factors that can contribute to a smooth transition. As argued in the recent publication 'Migration and Demographic Sustainability', migration is one such factor and is particularly relevant among countries where the process of an ageing populations has been continuing for many decades, such as in European countries (Peixoto et al. 2017). In the long term, important economic, social, political and even family implications are foreseen as a consequence of this ageing. According to the above-mentioned research publication, **if Portugal were to close the doors to immigration, if it counted only on its fertility and mortality rates and did nothing to control the pace of emigration, it would shrink from its current population of 10.4 million to 7.8 million by 2060**. According to recent research, migration flows to Portugal produce positive effects, mitigating the consequences of population ageing and decline. Furthermore, regarding future developments of the retirement pensions system, it is clear that certain financial indicators in percentage terms



of the country's Gross Value Added are less negative when the migration effects are considered than when they are disregarded (Quintino 2018).

Despite the contribution of migrations to the demographic balance, migration should not be considered independently from other factors. It must take due account of the need to review policies and programmes for the integration of the immigrant population alongside revisions of labour-related social policies, programmes and reforms to accompany the ongoing demographic changes (UN 2000). The adjustment of contemporary societies to the expected demographic evolution seems to depend on the development of a multidimensional policy (Abreu and Peixoto 2009). The most recent studies suggest a combination of measures to address the problem, including actions to promote birth rates, increase labour participation, integrate immigrants according to the needs of the labour market, and review the social protection systems.

The immigrant population in Portugal tends to be younger than the native Portuguese population, reinforcing the younger and working age structures (Oliveira and Gomes 2017). The number of live births of mothers of foreign nationality has been increasing steadily since 1995 (which is the year from which systematic information on the nationality of the parents began to exist). In 1995, live births of mothers of foreign nationality accounted for 2.2% of the total number of live births of mothers residing in Portugal, increased to 9.6%

in 2007 (growing more than four times in only 12 years) and, in 2009, increased to 10.4%.

The percentage of live births in which at least one parent (father or mother) was of foreign nationality increased from 3.2% to 11.8% between 1995 and 2007 (almost quadrupling); this figure included the 6.5% where both parents were of foreign nationality, figures that reflect a growing influence of citizens of foreign nationality in the birth rate in Portugal. In a context where the number of live births has been declining since 2000, there has been a steady increase in the number of live births of mothers of foreign nationality which almost doubled between 2000 and 2007.

Thus, immigrants contribute directly to attenuating the ageing of the Portuguese population, as they are a predominantly young population, and indirectly towards its rejuvenation, through the increase of the birth rate (Oliveira and Gomes 2014). The observation of the number of births in Portugal in which the mother or father had foreign nationality reinforces the importance of immigrants in Portuguese demography (Peixoto 2009). In 2017, women of foreign nationality were responsible, on average, for 9.7% of births that occurred in Portugal, a number that becomes more significant as women of foreign nationality accounted for only about 2% of the total population resident in Portugal. This finding strengthens the tendency that has been observed in recent decades: the population of foreign nationality has a higher fertility than the



Photo: Caritas Internationalis

native Portuguese population (Quintino 2018).

In Portugal, since 2001 there has been a decrease in the number of marriages. Thus, marriages with or among foreign nationals are even more important, tripling between 2001 and 2007. The proportion of 'mixed' marriages, where only one spouse was a foreign national, increased from 2,3% in 1995 to 12,3% in 2007 and 11,5% in 2009.

The distribution by the main nationalities of the mothers also indicates a change of the nationality profile of foreigners residing in Portugal. In 1995, the Cape Verde nationality (27.9% of mothers of foreign nationality) was the most representative of foreign mothers. Angolan nationality was the second most representative of foreign mothers followed by Cape Verde (27.9% of mothers of foreign nationality); in terms of the relative importance of Brazil, Guinea-Bissau and Sao Tome and Principe. In 2007, the most representative nationality of foreign mothers was Brazilian (33.9% of mothers of foreign nationality), followed in relative terms by the nationalities of Cape Verde, Angola, Ukraine and Romania. The fact that there are already established foreign communities in Portugal ends up generating new migratory flows due to either family formations and/or due to family reunification (Coleman 2004).

### 3 – Welfare system

**Foreigners living in Portugal are at greater risk of poverty than Portuguese residents. But according to official data, they contribute more to Social Security than they receive in social benefits** thus contradicting the stereotype of being considered a population dependent on social security. Following the trend of the last decade in Portugal, the ratio between the contributions of foreigners and the social benefits they receive continues to translate a very positive financial balance, reaching a further €355.2 million in 2015, and a further €418.5 million in 2016.

Like any other Portuguese worker in the formal private and public sectors, **immigrants may receive cash benefits** (for example, unemployment benefits) for which they have previously contributed, linked to both the previous salary and the work history, if they seek work and comply with the rules (Simões and Lopes 2010). Immigrants who are ineligible for unemployment insurance may also benefit from non-contributory assistance programmes (for example, unemployment benefit, social integration allowance, family allowance) (Social Security Act 4/2007, Articles 37 and 40). They can also be **covered by other support mechanisms** (schools for their children, social housing, emergency care) provided by municipalities or civil society organisations, regardless of their legal and employment status in the country. Otherwise, if they are not legally working or living in Portugal

and choose not to make contributions to the social security system, they may find themselves in a vulnerable economic and social condition, as is often the case for the self-employed (liberal) and domestic workers.

At the same time, policies to promote family reunification have become more inclusive in the last decades (Marques et al. 2014). Initiatives to extend immigrants' access to fundamental social rights (for example, education and health care) have been implemented, contributing to the consolidation of the Portuguese integration policy since the 1990s as a long-term process linked to a continuation of labour activity. One of its distinctive elements is the relationship with the social security system. **Immigrants in regular employment situations and with valid residence permits have access to social security programmes under the same conditions as native workers, both in the contributory and non-contributory systems** (Peixoto, Marçalo et al. 2011). Thus, for immigrants in the system there is no evidence of welfare chauvinism. regarding regular immigrants in Portugal.

The fact that immigration is recent and the types of immigrants (labour, family reunification and students) shows the necessity of preparing for the future. The first groups of immigrants, from Cape Verde or other African Portuguese Speaking Countries (PALOP), already have a relatively elderly population that is very vulnerable to social exclusion. Young immigrants today will also age over time. Their social security contributions have been (are) heavily reliant on low wages in an omnipresent informal economy, often with an obligation to send money to their countries of origin in the form of remittances. In times of employment crises, young immigrants are the ones who are at the forefront of precariousness and risk social exclusion, so it is urgent to create structures that allow preventative measures to soften these stages of their migratory path.

### 4 – Economy

Migrations can affect economic growth in several ways: first, in the Portuguese case, **the increase in population**, and especially of the **working-age** population. In Portugal, immigrants **solve labour market imbalances in different sectors** (e.g. in construction or tourism) or between regions (Algarve and Lisbon) (Reis 2016). As regards population settlement imbalances, immigrants in Portugal have contributed towards reinforcing these imbalances, given that they have chosen to reside in specific regions. More than two-thirds of foreigners are living in the area of Lisbon, the Setúbal Peninsula or the Algarve (Oliveira and Gomes 2018). Secondly, migrants arrive with **transferable skills and abilities that they bring to the Portuguese economy**. Innovative sectors such as software development industries and traditional sectors such as tourism or cultural industries are good examples of where these transferable skills have added value.





In Portugal, migrants have a clearly positive contribution to the economy. The less positive impact, observed in countries where there is a long-standing migrant population and relatively little recent labour migration, is therefore delayed in Portugal compared to other EU countries. This situation is mainly attributed to the fact that since the average age of the Portuguese native is higher than that of immigrants, the latter are therefore under-represented at the ages where dependence on social support systems tend to take place. In the case of immigrants living in Portugal, the cost of the state benefits they receive has been largely covered by the taxes they have paid over the last decades (D' Almeida 2004; D' Almeida and Silva 2007).

According to data provided by the Migration Observatory from the High Commissioner for Migration (ACM), 19% of regular immigrant residents in Portugal are included in the primary sector; 25% in the secondary and 56% in the tertiary sector (Oliveira and Gomes 2018). Another dimension can be seen through the relation between employment and unemployment, the most important determinant of the fiscal impact of immigrants in a country like Portugal. As a country of recent immigration, Portugal benefits from the positive impact of an immigrant population (overwhelmingly in an active age range) recently arrived on the Portuguese labour market. In terms of age structure, whilst contributing to the increase in the number of people of a working age who are in employment (particularly young people), immigrants have reduced the average levels of age of the population. The number of individuals in the 15-34 years age category would have reduced without the presence of foreigners in Portugal for

the last two decades (Oliveira and Gomes 2018).

The integration of immigrants in Portugal into the labour market in recent decades is characterised by very favourable results compared to other countries. Taking as a reference the activity rate of non-EU citizens in 2017, Portugal is in second place (with 76.6%), just after Romania (78.8%) among the EU28 countries (Oliveira and Gomes 2018). **Employment rates for immigrants are higher than for natives**, for both sexes representing an essential production factor for the Portuguese productive model based on the intensive use of labour (Reis et al. 2010; Oliveira and Gomes 2016). **Employment and participation in the labour market of immigrant women is greater in Portugal than in any other European country of the OECD** (Oliveira and Gomes 2018).

Another contribution to the overall economy can be found in the salary structure in Portugal. Immigrant labour, without leading to any salary restructuring within companies, forms a major added value and competitiveness for these companies. The existing statistics do not lend themselves to the easy separation of the effects of work due to their origin vis-à-vis productivity differentials. The recent increase in immigration has compensated for the decrease in the availability of national labour and where the non-existence of immigrant labour would have led to the underutilisation of the productive capacity in the tourism or services sectors. The case of the agricultural sector is also paradigmatic: a sector which has been assailed by the departure of so many national workers, with an identified dependence on immigrant labour namely in the innovative production of olive oil, red fruit or wine. The emergence of

new migrant communities, such as Moroccans, Nepalese or Thai in southern Portugal, is the result of the match between workforce needs and availability of a migrant workforce (Bok 2015). The necessary renewal of the immigrant labour pool in Portugal represents a latent worry for companies especially due to the positive evolution of the current economic cycle and the possible non-existence of labour in certain sectors of the economy namely in construction, agriculture and tourism.

## 5 – Foreign Investment and Entrepreneurism

In Portugal, entrepreneurial initiatives among the immigrant population improve their integration/inclusion, add dynamism to the Portuguese economy, bring innovation to the Portuguese corporate economy (new ideas, new technologies, innovative projects), create new jobs, both for foreign nationals and for natives, and represent a solution to unemployment (Coutinho 2008).

In October 2012, in the turmoil of its financial crisis, Portugal created a new programme of residence permits in order to attract investment from third country nationals: the Golden Visa Programme, which assigns residence visas and, in the long run, allows Portuguese citizenship for investors. By the end of January 2018, 5,717 total global investors had participated in the Golden Visa Programme and 9,559 family members had been approved. The Portuguese Immigration Service recently released statistics that indicated that the **complete total investment brought along by the Golden Visa Programme has now reached over €3.51 billion.**

Immigrant entrepreneurs in Portugal have spread out throughout the country and developed new forms of economic integration, revitalising commerce with new products, marketing techniques and business relations. During the last thirty years immigrant entrepreneurs have developed new strategies concerning economic insertion: revitalising commercial quarters with new products, creating new marketing techniques and opening commercial links with other ethnic entrepreneurs, sometimes residing in other host societies (Oliveira 2004). In Portugal, immigrants tend to be more entrepreneurial than native Portuguese. However, as in other countries of the European Union, some immigrant groups have a greater predisposition to become entrepreneurs than others. Amongst the foreign nationality populations with residence visas in Portugal, the North Americans and Europeans have the highest rates of entrepreneurship, and Africans have the lowest percentage of entrepreneurs in proportion to their active population. These contrasts among immigrant groups are a consequence of a heterogeneous access to opportunities and resources that are necessary for entrepreneurial activity, namely qualifications and capital.

Business strategies developed in Portugal by immigrants are distinct due to their reliance on personal resources, family resources and or other cultural opportunities (Oliveira 2004).

During the last decades in Portugal, as in other host societies, resident foreigners have always shown a high degree of entrepreneurship by total assets than national citizens (Oliveira 2014). On the other hand, the **business initiatives of foreigners in Portugal have been increasing** (Oliveira and Gomes 2018). According to census data, between 1981 and 2011, the proportion of employers in total foreign assets increased from 5.1% to 12.1%. The relative importance of **foreign employers in the total number of Portuguese employers has increased in the last decades, from 1.4% in 1981 to 4.2% in 2001 and 5.2% in 2011.** Understanding this trend is essential to characterise the contributions of foreigners to the Portuguese economy, namely as generators of employment. The available data associate entrepreneurship mainly to males. In recent years, men have represented around 64% of all foreign employers (Oliveira and Gomes 2018).

The entrepreneurship of foreigners residing in Portugal has been dominated by small and medium-sized companies. The business activity of foreign residents in Portugal is concentrated in a limited number of economic activities. In recent years, a third of the foreign employers registered have been engaged in the wholesale and retail trade (31.2% in 2016), about one fifth have been linked to accommodation, catering and similar activities (19.2% in 2016) and, thirdly, construction (8.2% in 2016). According to the latest available data, the relative importance of foreign employers in human health and social support activities has increased (from 5.1% in 2008 to 6.5% in 2015 and 6.1% in 2016, and 8.9% between 2011 and 2016) and consulting, scientific and technical activities (from 5% in 2008 to 5.7% in 2015 and 5.4% in 2016, and 10% between 2011 and 2016) (Oliveira and Gomes 2018).

The over-representation of foreign employers in certain economic activities is differentiated according to nationalities. Chinese employers are concentrated in mainly two economic activities: 73.5% of these employers engaged in wholesale and retail activities, and 20.9% engaged in catering and similar activities. While 18% of Brazilian employers were engaged in housing, catering and similar activities; this figure rose to 24.7% for United Kingdom nationals. In the case of Spanish, French, German and Angolan employers the most important economic activity is trade with 26.1%, 24.7%, 22.7%, and 32.5%, respectively; while Ukrainian employers are more represented in construction activities (27.4%) and transport and warehousing (19%).

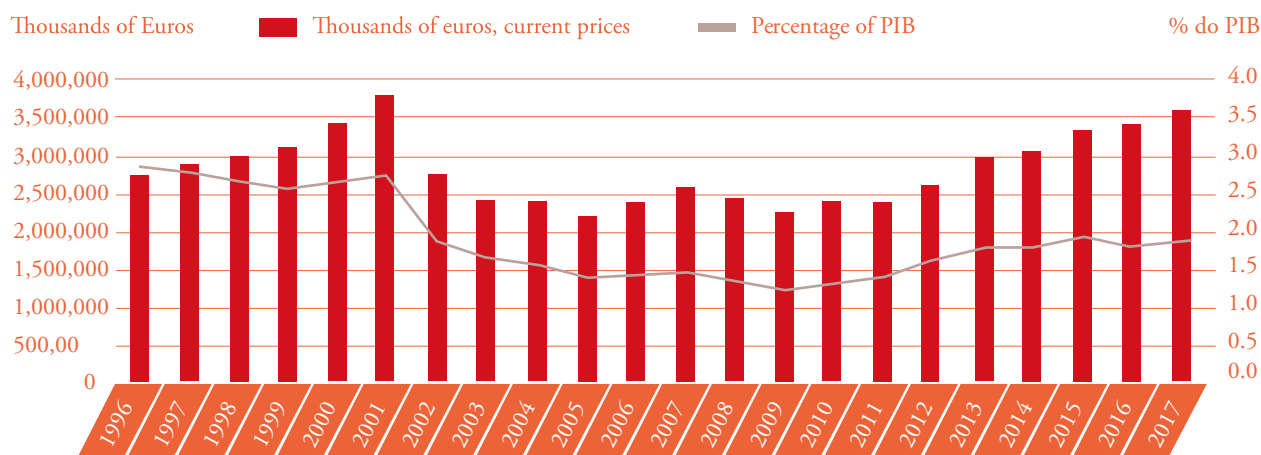
## B – Contribution of migrants towards the country of origin

### 1 – Portuguese migrants' diaspora

Remittances from Portuguese migrants have played an important role in the formation of capital in the country. Since the 1960s, Portuguese migrants have consistently sent financial flows essential for the capitalisation of families and for investment, especially at the local level. Varying over time, in volume and percentage of GDP, remittances reached their maximum volume in 2001, coincidentally coinciding with the time of the largest influx of immigrants to Portugal. Part of this financial flow served to capitalise the banking sector and was invested in real estate, contributing directly and indirectly to the growth of the Portuguese economy. **In 2017, the value of emigrants' remittances received in Portugal was around €3.5 billion, representing about 1.8% of GDP,** according to data from the Bank of Portugal. Remittances from Portuguese emigrants increased by 3.65% in 2018 to €3.68 billion, while funds sent abroad by foreign people working in Portugal increased by 2.63% to €531.8 million according to a press release by the Bank of Portugal.<sup>17</sup>

**In 2017,  
remittances  
received in  
Portugal  
amounted to  
1.8% of GDP**

Between 2001 and 2009 there was a trend towards reducing the economic weight of remittances when measured as a percentage of GDP, falling from 2.8% to 1.3%. However, in Portugal between 2010-2013 there was a strong upward trend and then stagnation from 2013 to around 1.8%. Migrant remittances into Portugal still matter but much less than in the late 1970's when they were the main source of foreign capital to the country representing around 10% of the GDP in 1979.



*Figure 7 - Remittances received in Portugal 1996-2017 by GDP proportion*

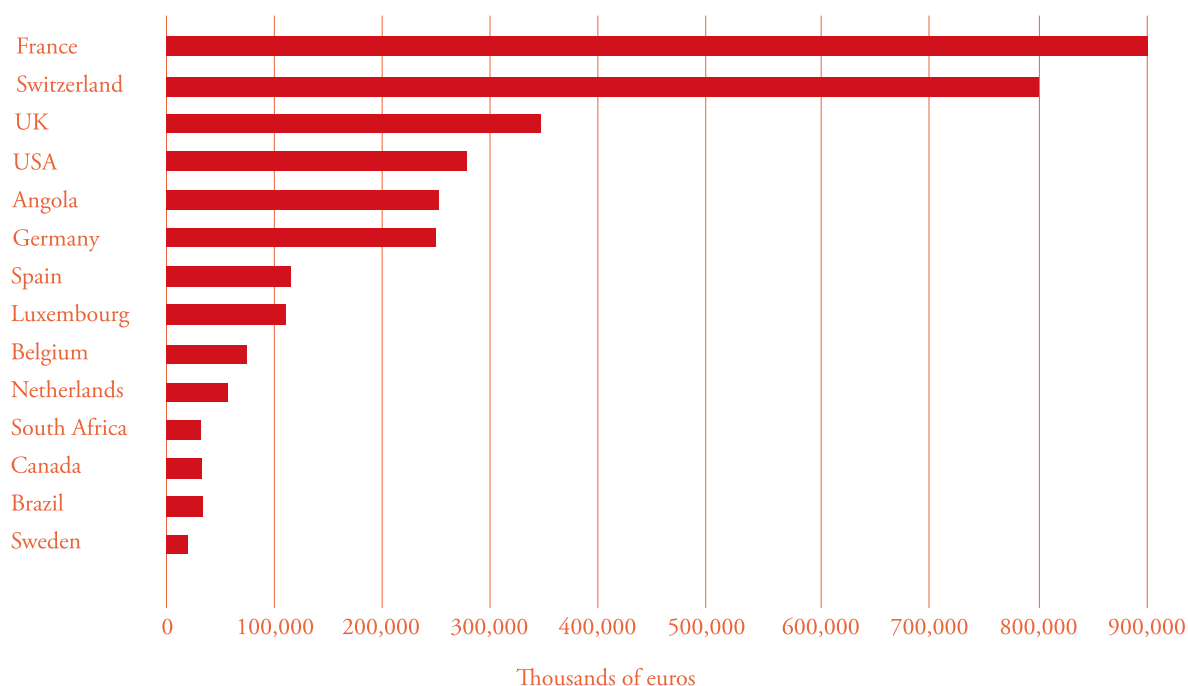
Source: Bank of Portugal and Observatory for Migration 2018.

<sup>17</sup> Source: BP – Estatísticas de Balança de Pagamentos (BOP) (various months)



Traditional countries with less qualified emigration, such as France and Switzerland, were the countries of origin of more than half of the remittances received in Portugal in 2017 (32% and 22%, respectively). The United Kingdom, now the main emigration destination in Europe, ranked third, accounting for 10% of the remittances received. The fourth country was the United States of America, from where 7% of the remittances

received came, followed by Angola in 5th place. Germany moved from fourth to sixth place from 2016 to 2017. Spain, Luxembourg, Belgium, Holland, South Africa, Canada, Brazil and Sweden with lower remittances bring up the rear. Together, these 14 countries were responsible for 98% of the total value of remittances received in Portugal in 2017.



**Figure 8 - Remittances by main countries of origin, received in Portugal in 2017.**  
Source: Bank of Portugal and Observatory for Migration 2018.



Photo: Caritas Portuguesa

## 2 – Migrants' diasporas in Portugal

In the communities historically present in Portugal there are **very diverse forms of organisation and contributions for development to the origin countries with variable intensity**. The Cape Verdean community presents a 'rhizomatic' organisation.<sup>18</sup> It aggregates around specific professions (physicians, technical staff or students), origins (of the islands of origin) or areas of residence in Portugal (e.g. Cape Verdeans of Amadora). The interaction between the Cape Verdean community in Portugal and the country of origin is visible, both in development aid projects and in several other dimensions (economy, health, education, politics and culture). The contribution of Cape Verdean immigrants in Portugal to the development of their country of origin and to Portugal is valued socially and politically in both geographies. In the case of the Cape Verdean diaspora in Portugal, the construction of strong networks such as the Cape Verdean Federation of NGO's constitutes a strong pressure group in favour of the integration of their community in the host country. Also, this Federation of NGO's tries to facilitate the development of new cooperation strategies with the home country by promoting workshops and conferences between Portugal and Cape Verde (North-South Centre 2006).

The Cape Verdean, Guinea Bissau but also the Senegal diaspora living in Portugal perceive social capital as a resource to collective action for economic wellbeing. However, the routes through which this social capital is channelled substantially

varies from context to context. Guinea Bissau, for example, benefits from its diaspora supportive initiatives in rural areas while the federation of Cape Verdean organisations in Portugal works more for the promotion of Cape Verde entrepreneurial development and the enhancement of human capital. The Brazilian community, the most numerous in Portugal, does not have as dense associative structure as the Cape Verdean's and its impact in the country of origin is of much smaller scope given the differentiated scale of the two territories. The Ukrainian community, with a multiple and diverse associative organisation, does not have much influence in the country of origin.

## 3 – Financial remittances

Empirical research shows that a significant portion of Cape Verde's remittances are very small, but more or less regular amounts to recipient families, that go directly into household consumption of basic necessities. A survey in Angola revealed that 16% of households rely entirely on remittances as income (Alvarez Tinajero 2010). It is a paradox that the economic behaviour of recipient households usually tends to increase the prices of goods and services in the local domestic market, potentially affecting the entire community, including non-recipient households. Therefore, remittances do not necessarily imply a financial benefit for all the poorest people. This was the case in Cape Verde, where remittances contributed to the increase of local prices.

	Total	Angola	Brazil	Cape Verde	China	Russian Federation
2000	188,96	14,76	33,79	4,80	0,37	3,67
2005	559,99	13,73	267,59	17,29	4,34	7,13
2010	567,34	13,47	306,35	12,88	21,72	4,60
2015	522,61	19,54	231,38	16,95	70,77	4,53
2017	518,24	11,73	221,72	17,61	61,68	5,05

	Guine Bissau	India	Romania	Ukraine	Others
2000	0,84	0,03	3,87	2,13	56,10
2005	2,63	1,59	18,36	63,34	87,86
2010	4,84	5,32	20,46	50,20	71,03
2015	3,11	4,86	19,77	15,17	78,19
2017	3,44	5,50	21,11	16,04	83,34

**Figure 9 - Remittances from immigrants in Portugal: total and by selected countries of destination. (in Euros €)**

Data Sources: BP - Balance of Payments' Statistics.

Source: PORDATA. Last updated: 2018-02-21

<sup>18</sup> As metaphor, Gilles Deleuze and Felix Guattari used rhizome to refer to a non-hierarchical form of organization (Deleuze and Guattari 1983).

### *The case of Moldavians in Portugal*

Migrants from Portugal prefer formal transfers rather than informal in contrast with Moldavian migrants, as the distance between Portugal and Moldova is fairly great. Other determinants which influence the choice of the transfer channel among Moldavian migrants are speed and security of transfer, well-connected infrastructure and a rational choice instructing that informal transfer includes the risk of the possible loss of money when crossing the border in cases where money is not declared.

Migrant remittances from Portugal have great importance also in Guinea-Bissau. For many individuals and households in Guinea-Bissau or Cape Verde, they constitute a key source of income (Abreu 2012). The largest source country for remittances to Cape Verde or to Guinea-Bissau is Portugal. In per capita terms, Cape Verde is in the top ten country-recipients of monetary remittances from Portugal, even though only formal remittances are considering. Statistics on remittances from Portugal are not reliable and different studies suggest that migrant remittances to Guinea-Bissau or to Cape Verde constitute a gross underestimation of the actual significance of these capital flows. Official statistics only consider the money transferred through official channels in a context where both informal money transfer mechanisms built into transnational trade networks and in-hand remittances by visiting migrants, friends and relatives are very widespread (Abreu 2012; Tolentino et al. 2008). The Cape Verde central bank reports the high costs of remittance transfers, perhaps explaining in part the fact that remittances from the Cape Verde diaspora is off-grid or sent through informal channels.

## **4 – Social remittances**

Social remittances can be defined as being the ideas, behaviours, identities, and social capital that migrants export to their home communities (Levitt and Sørensen 2004), hence extending beyond the economic dimension. The inclusion of social remittances into the migration-development nexus is one way to position social remittances in a wider frame.

There are no aggregate data on social remittances from Portugal. However, we can assume development projects can be considered as transmission channels and spaces of negotiation when it comes to social remittances. The monetary flow, the project proposal, the project contract and the actual building or goods that are part of the project include and/or generate social remittances. In Portugal the most traditional migrant communities are good examples of social remittances as part of a commitment to the development of their countries of origin. Therefore, it is confirmed, that a higher degree of

integration to the host society can increase the probability for social remittances to be transmitted.

As part of a bigger diaspora, Cape Verdeans in Portugal participate in the development of their country of origin and have traditionally built social networks within the diaspora making Lisbon another part of the Cape Verdean Archipelago. The social networks of migrants are regarded as the transnational sphere in which social remittances emerge or are enhanced and transmitted.

The traditional transnational entrepreneurs that circulate between the several emigrated *communities*, the country of origin, and third countries are a good example of social remittances. The ‘rebidantes’,<sup>19</sup> Cape Verdean women that circulate in a transnational level, moving essentially in an informal transnational market, “taking with them traditional Cape Verdean products to be sold to Cape Verdeans living abroad, and bringing to Cape Verde mass consumption products, goods that include a large spectrum of articles (clothes, shoes, domestic electrical appliances, but also jewellery and its imitation, or food and tobacco), and which, otherwise, would be inaccessible to most of the local lower-income social classes” (Marques et al., 2000:7) are other examples of channelling social remittances through social practices. The Cape Verdean musicians involved in transnational practices are another example that should be stressed because music is a strong link and expression of the transnationality of the Cape Verdean culture (Esteves and Caldeira 2000). There are other less obvious examples, which Meintel (2002) calls new *transmigrants*, such as the Cape Verdean transnational politicians who, occasionally, get involved in the politics of the home country, but who reside with their families in host countries for most of the time.

Under the EU-Cape Verde partnership it worth mentioning one of the more important projects for the *Development of Cape Verde (DIAS De Cabo Verde)* which ran from 2008 to 2010. It was created and administered by IOM, with funding from the EU and Portuguese development cooperation.

The project aimed to mobilise the skills of the Cape Verdean diaspora. Within the framework of the project, 28 Cape Verdeans living abroad returned to Cape Verde to provide a training course to an institution (either private or public). This project promoted and reinforced the ties between members of the diaspora and the public and private sectors both in Cape Verde and Europe, while contributing to the strengthening of transnational linkages of the Cape Verdean diasporas in Portugal, Italy and the Netherlands. This was done through the matching of professional needs in priority sectors in the origin country with available competences and skills in countries

<sup>19</sup> This term has been coined in Creole and means literally ‘the ‘maker of a new life’, the person who is able to overcome obstacles and create a new life” (Marques et al. 2000:1).



of the diaspora. Additionally, Dias de Cabo Verde promoted migrant entrepreneurship in the origin country, particularly in the setting up of entrepreneurial partnerships and the creation of business projects. The project also contributed to tightening the transnational linkages of the diaspora and reinforcing the communication network between diaspora members and institutional entities in Cape Verde. This gave diaspora members concrete possibilities to actively engage in the development of their country of origin by transferring their skills and competences to professionals in Cape Verde and by developing entrepreneurial projects with Cape Verdean and host countries' communities and partners.

## 5 – Political remittances

The diaspora is increasingly recognised as an important potential actor in the development of countries of origin. Traditional immigrant communities in Portugal such as the Cape Verdean, Guinean or Brazilian diasporas in Portugal play an important role in the development process of countries of origin although sometimes in an invisible way. For example, Batista and Vincente (2011) document that households in Cape Verde with a migrant abroad have a higher demand for political accountability. In a voting experiment in Cape Verde, in which respondents were asked to mail a pre-stamped postcard if they wanted the results of a survey of corruption in public services to be made public, international emigration (measured as the ratio of migrants to residents in a locality) positively affected the demand for improved political accountability, and that this effect is stronger for return migrants than for current migrants; and among those that migrated to countries with better governance. Educated immigrants are actively involved in contributing to the reform of political institutions and in advancing the democratisation process in their respective home countries.

Empirical estimates of brain gain for Cape Verde suggest that an increase in the “probability of own future migration” increases the “probability of completing intermediate secondary schooling” for individuals who do not migrate before the age of 16 (Batista et al. 2012). It was also found using the data from a household survey carried out in Cape Verde to research the impact of remittances in school attendance in Cape Verde, found that there is a positive and statistically significant relationship between remittances and education and that this relation gets stronger as the level of education increases (Santos 2013). This result suggests that remittances play an important role in the decision-making relating to educational attendance. In this instance, poor Cape Verdean institutions appear to be a constraint for families to benefit fully from the high potential of remittances (Santos 2013).

Furthermore, employing migrants frequently employing domestic workers, possibly financed by pensions or savings

from abroad. This provides many unskilled women with employment. In São Vicente, Cape Verde, 20% of unskilled men work in construction, and a staggering 47% of unskilled women are domestic maids. While both groups suffer from low wages and job insecurity, this does constitute a direct channelling of remittance income to the poorest members of the community, many of whom do not have relatives abroad themselves (Akersson 2004, 2010; Carling 2002, 2004).

Origin countries have widened their understanding of the diaspora's contribution to development in the homeland (Desiderio and Weiner 2014:6). These countries have increasingly acknowledged that the development effects of migration do not stem only from returns and remittances, but more broadly, from knowledge transfers, direct investments, and the capacity of emigrants and their descendants to ‘market’ their homeland abroad – thus contributing to the country's attractiveness for tourists and foreign investors, stimulating trade, or even channelling broader geopolitical benefits. These advocacy processes still operate on the margins of the Portuguese society because of the often weak social, economic and political position in which immigrants find themselves in Portugal. They transfer their knowledge, experience, expertise and networks through long-distance activities, exchanges of visits between them and the political and influential figures from the homelands or through the mediation of the embassies in Portugal (North-South Centre 2006).

## - CHAPTER 6 -

# OBSTACLES THAT IMPEDE MIGRANTS' FULL CONTRIBUTIONS TO DEVELOPMENT

## A – Obstacles in Portugal

Regarding the main obstacles to the inclusion of immigrants in Portugal, it is important to distinguish two levels: integration policies; and inclusion practices. Also, it is important to distinguish between the policies and practices of inclusion of refugees and asylum seekers and the inclusion policies and practices of immigrants. These two groups face distinct inclusion challenges although they sometimes share difficulties in inclusion and, above all, difficulties in accessing existing social inclusion systems. The aim of this section is not to highlight barriers to migrants' inclusion per se but to highlight barriers that impede migrants' contribution to development in Portugal. There is, nevertheless, a need for an assessment of the barriers to the inclusion processes migrants face in Portugal in order to offer new evidence on ways in which migrants can positively contribute and enhance sustainable development in both the host and the origin countries. Barriers to inclusion are challenges that need to be overcome in Portuguese society in order to enhance the capacity of migrants to contribute to development.



Photo: Caritas Internationalis

## 1 – Reception and integration of refugees

Regarding the reception and integration of refugees, the reasons for the low number of refugees in Portugal and the difficulties of promoting the integration of refugees in the context of a low-intensity social state should be emphasised. Portugal is a unique case study in the context of southern Europe. Due to its peripheral position on migration routes and the choice of the destination of migrants, **it was the EU country with the lowest number of asylum applications before the so-called 'solidarity crisis'**<sup>20</sup> (Santinho 2013). Portugal was (and is) a country with a restrictive and passive reception policy and a limited reception structure, unable to respond to the needs of the global refugee movements. Over the last few decades, Portugal has provided a limited amount of temporary refugee accommodation which, coupled with the difficulty of access to housing, has affected the inclusion of those migrants. In addition, it should be noted that in recent decades, through a partnership with a small number of non-governmental organisations, the Portuguese State has delegated responsibility for the reception and integration of asylum seekers and refugees to the Jesuit Refugee Service (JRS) and the Portuguese Council for Refugees (CPR). These two entities were the only ones prepared (technically and financially) to meet in its multiple dimensions the needs of social inclusion of refugees and asylum seekers. **The low number of asylum or refugee applications received, guided the inclusion practices and the available supply was kept minimalist and scarce.**

Since 2015, **Portugal is an example of government openness and willingness to receive refugees.** While countries such as Hungary and Slovakia tried to limit their refugee quotas set by the European Commission (EC) in 2015, Portugal offered to accept 10,000 people, more than triple the number set by the EC (Costa and Sousa 2017). This government offer has been mirrored by the positive feedback from the mass media to the momentum of reception and the mobilisation of civil society. This culminated in the creation of a network of different actors

<sup>20</sup> This refers to the arrival of thousands of refugees in the summer of 2015.



Photo: Caritas Internationalis

(from religious organisations to NGOs) working together with municipalities to mobilise resources for the reception of refugees (PAR – Refugee Support Platform). **The relocation programme in Portugal relies heavily on the management of civil society in the process of reception and integration, owing to the absence of a historic tradition of receiving refugees and the lack of state structures. This limitation is a challenge for the future role that the country wants to play in the governance of global refugee flows.**

The growth in the number and origins of refugees or other individuals under international protection hosted in Portugal is a sign that there is a changing landscape of migration to the country (Matias 2017). The small number of people receiving refugees also allows face-to-face interaction between authorities, host institutions and refugees, which in other

countries no longer exists (Vieira et al. 2017). It is important at this stage to prevent potential future growth and to ensure that the legislative structure and the host structures can scale up small projects that have been built throughout the territory. At present, when there is a greater demand for services (when arriving at airports or looking for temporary accommodation), Portugal does not seem to be able to keep up with the increase in requests. SEF itself does not have a structure capable of responding to the increase in requests blocking the entire integration system. **The integration of refugees into already proven structures for the reception and integration of migrants seems to be a safe strategy. An increase in the number of refugees or asylum seekers requires a certification of these entities within the field of integration, which has not yet happened.**



## Irregular foreign nationals or asylum seekers

Following the institutional focus group meeting in preparation for this publication, officers from the Ombudsman's Office shared the Visitation Report of the National Prevention Mechanism "*Treatment of irregular foreign nationals or asylum seekers in temporary or similar facilities*" (2017)<sup>21</sup>, as a result of visits made in October 2016 to the Temporary Installation Centres (detention spaces) at Lisbon, Faro and Porto airports and the Santo António Housing Unit (UHSA-Porto)<sup>22</sup> to verify the situation of foreign nationals detained because their admission to the national territory has been refused, or they await a return flight, or expulsion orders or the decision on their asylum application.

During the visits, it was found that the staff providing security services at the aforementioned sites "did not receive specific training for the execution of their duties", as well as "lack of preparation of security teams when to the domain of foreign languages indispensable for communication with the citizens who remain there", at the level of the basic capacities of conversation (p.21). It was also found that the mixed composition of the teams is not uniformly guaranteed, which makes it difficult to respect the intimacy of each individual

and the specific needs of each gender.

As far as families are concerned, it is difficult to stay together,<sup>23</sup> at least during the night, and only in the UHSA is there an accommodation space exclusively for families. The report concludes that facilities are generally "inept to accommodate families, either by the absence of family rooms that safeguard the privacy and joint residence of the various family members, or by the lack of equipment for children." (p.26)

"The permanence of foreign citizens, as a rule, respected legal limits, with the exception of 13 people who exceeded 60 days in UHDA (eight in 2015 and five in 2016)," can also be read in the conclusions.

The conditions and respect for the human rights of those detained in the Temporary Installation Centres were recently targeted by the media,<sup>24</sup> which led to a request for an inquiry by the Ministry of Internal Affairs into the operation of the Lisbon ITC and an urgent report on the implementation of the recommendations of the Ombudsman.



Photo: Caritas Internationalis

<sup>21</sup> The role of the NPM was attributed to the Ombudsman through Resolution of the Council of Ministers nº32 / 2013, May 20. This competence determines the regular and unannounced visits to places of detention to ascertain, under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, whether that the private or limited persons of their Freedom are (or are not) dignified and therefore respectful of their fundamental rights; and the subsequent issuance of recommendations to the competent authorities.

<sup>22</sup> There are other Temporary Installation Centres, in Faro, Funchal and Ponta Delgada that are not dealt with in this publication.

<sup>23</sup> Undermining the right to family unity as provided for in the UN Convention on the Rights of the Child.

<sup>24</sup> Following a denunciation by the newspaper "Público" in July 2018 of the case of a three-year-old who had been sleeping for a month and a half on a mattress on the floor next to his mother's bed at Lisbon's Airport Temporary Installation Centre, in a shared space that could accommodate up to 16 other people.



## 2 – Legal framework versus practice: public services constraints

Portugal has a very positive and progressive legal framework, as we have shown in the previous pages, especially when compared with recent developments in other European countries. However, **in practice, there are still many obstacles to the implementation of a social inclusion policy for migrants and refugees.**

The existing complex, segmented, multi-faceted constellation of government actors with different approaches to migration and migrants is not well organised. Collaboration between the different entities is neither structured nor are there organised procedures and modes of operation that allow dialogue or collaborative solutions to challenges and problems. The shared responsibility for the management of integration programmes between different ministries and public institutes and the dispersion of areas of responsibility is clearly visible in the number of entities involved in the Strategic Plan for Migration. Although there are nearly ninety-six organisations involved, this figure does not include private organisations or civil society. The result is a complex but unknown, dynamic but uncontrolled, nebulous constellation of actors. The complexity of the overall organisation leads to the well-documented problem of silos and the problem with silos is that they promote insularity with a focus on the specific mission contained within the agency with a loss of focus on the human dimensions of integration. Combining agencies and departments is not always necessary if a structure is created to allow agencies to communicate and collaborate in achieving their goals.

The lack of a systemic vision prevents the construction and implementation of public policies with wide impact and the hinders finding solutions to the challenges posed by immigrants' social integration in Portugal. The lack of inter-institutional dialogue prevents problem solving and creates entropy in information and communication flows that eventually lead to inefficiencies and blockages.

There is an obvious difference between theory versus practice, i.e. in written law in books versus law in practice. In Portugal, there are constraints on services and institutions, including a lack of capacity in service provision, a lack of specific training, outdated procedures, unnecessary bureaucracy and poor communication between service providers and available intra-service, in addition to language barriers. An inefficient distribution of existing resources throughout the national territory is also a problem. Among the Portuguese institutions that serve as an interface between the State and the immigrants or refugees, some stand out: the SEF; Social Security; the finances; the High Commissioner for Migration

(ACM); the Institute of Employment and Training; the Authority for Working Conditions (ACT); the Public Security Police (PSP) and the National Republican Guard (GNR); the Attorney General's Office; the Ministry of Health through Health Centres and Hospitals; Portuguese consulates and embassies abroad; and the municipal councils. **In almost all of these, there is a notorious scarcity of financial and human resources dedicated to complex social problems, such as those affecting migrants and refugees in Portugal.**

The constraints linked to the access to State services, which are essential for the individual regularisation of immigrants or for their social inclusion, such as access to Social Security, Finance Services or the Foreigners and Borders Service, are numerous. Indicators of delay, inefficient attendance, or lack of access to services are not accounted for in official statistics, but information from NGOs and immigrant associations shows that these constraints are getting worse. One typical example is booking an appointment for the SEF service, which replied nine months late from the date of request in 2017. Delays result in a violation of the Code of Administrative Procedure but without resulting consequences for these entities and furthermore gives rise to discretion in the analysis of individual cases. This demonstrates a lack of uniformity and universality of administrative procedures which needs to be corrected.

## 3 – Geographical distances and a centralisation culture

The concentration in Lisbon, Porto and the Algarve of many of the services available through the ACM via National Support Centres for the Integration of Immigrants (CNAIM) creates additional integration costs for immigrants living in other regions of the country. The need for a more geographical network of services throughout the country was acknowledged by the High Commissioner for Migration in recent years with the publication of a strategy to develop Municipal Plans for the Integration of Migrants. Peaks in access to services, such as those recently reported after the return of Luso-descendants from Venezuela, have created insurmountable difficulties in regions such as Madeira or municipalities such as Estarreja (in the centre of Portugal). Recent agricultural mass migrants in Alentejo increase the importance of having a decentralisation of the migration policies and practice. **Migration is no longer a problem only for the attention of national governments or policy makers; it is a topic that directly concerns local regions and communities.** Decentralisation to municipalities or to the level of inter-municipal communities of various measures and programmes for the integration of immigrants should be taken as a measure of national cohesion, facilitating the inclusion and with possible positive externalities for the demography and re-territorialisation of less densely populated regions.

## 4 – Funding and human resources

**Another important obstacle is the funding structure of social inclusion programmes for immigrants and refugees.** On the one hand, the support structure, based on applications for limited duration projects, in an area where the long term is the only secret of success, prevents a professionalisation of technicians and of support structures. On the other hand, the scarcity of funds dedicated to cutting-edge programmes—which are announced as innovative inclusion practices in Portugal—limits the scale of these solutions. Many of the programmes never go beyond the pilot phase with a very limited number of users. **A wide range of programmes supported by public funds are neither evaluated nor monitored by independent entities and therefore lack an objective evaluation.** Their impact assessment is generally very poor. There is no repository where existing projects or programmes which have either generated good practice or those that should be avoided can be identified. Also, in this context, the conditions of employment of the technicians involved in these projects should merit the attention of the financing authorities. When a project ends, in the absence of similar new financing, the technicians become unemployed, losing their expertise in this field. The process often continues with new projects and new technicians who need to relearn the entire project cycle and all the specificities of migration.

## 5 – Inequalities and discriminations

“It is necessary to recognise inequalities and discrimination as human rights violations that impede the full realisation of human dignity by promoting their elimination as a condition for progress and sustainable development.”

**National Report on the Implementation of Agenda 2030 for Sustainable Development, on the occasion of the Voluntary National Report at the United Nations High Level Political Forum on Sustainable Development, July 2017, New York.**

### a) Access to rights and services

In Portugal, foreigners and non-nationals (stateless persons) who are in or reside in Portugal have the same labour, social and civic rights as Portuguese citizens. The exceptions are some political rights, the exercise of public functions (except those with a predominantly technical character) and the rights and duties expressly reserved by the Constitution and by the law for Portuguese citizens (for example, to be candidate for the Presidency of the Republic). In addition, there are categories of foreign citizens who can be granted, on a reciprocity basis, rights normally reserved to the Portuguese. For example, citizens of Portuguese-speaking States permanently resident in Portugal

enjoy, in principle, all rights, except for access to the positions of President of the Republic, President of the Assembly of the Republic, Prime Minister, presidents of higher courts and functions in the Armed Forces and in the diplomatic service. **Reciprocity means, in this context, that the Portuguese State cannot confer rights which the State of origin of the foreign citizen does not grant to the Portuguese citizens.** This clause of reciprocity has obvious consequences for civil and social rights originating in countries with which Portugal does not have a dense network of diplomatic relations or that do not possess a minimally developed social status. **This condition outside the control of the individual should not constitute an obstacle to his/her inclusion.**

We can take access to the National Health Service (NHS) as an example. In the set of health services provided by the State there is no discriminatory access. There is, however, a differentiated access depending on the status and citizenship of origin. The legislation in force provides for access to the health system by foreign nationals in accordance with the following conditions and premises:

- Citizens of the Member States of the European Union (EU), European Economic Area (EEA) and Switzerland are covered by the EU regulations on coordination of social security schemes.
- Nationals of third countries accede to the NHS through and under the conditions established by a bilateral agreement between Portugal and the third country concerned.
- Nationals of third countries who are refugees or have asylum in Portugal in the exact same conditions as nationals.
- Third-country nationals not covered by a bilateral agreement concluded by Portugal accede to the NHS depending on their residence status (regular or irregular) and their inclusion in the social security tax system.

### (b) Labour market and employment

As regards the labour market, the law is also anti-discriminatory. A foreign worker who is authorised to carry out work in a subordinate manner in Portugal is entitled to equal treatment in relation to Portuguese workers, who enjoy the same rights and have the same duties as the worker with Portuguese nationality. Foreign workers, like citizens of Portuguese nationality, have the right to enjoy the general social security system, whether they work in a dependent or independent manner.

As it is inferred from what has been said, due to the legislation we cannot assume special needs or discriminations regarding

foreigners or people without nationality (stateless) who are in or reside in Portugal. The daily experience of foreigners in Portugal, however, shows a not so virtuous reality. NGOs and other civil society associations regularly refer to discriminatory practices in public services vis-à-vis the resident foreign population. For example, access to the NHS depends on the possession of a user identification number, which in practice is subject to regulations that prevent universal and rapid access. The discretion adopted by the services in the assignment of this user card effectively discriminates against the anti-discrimination present in the law. Without a user card, foreigners who do not have a residence permit (irregular aliens or those waiting for the results of their process) are unable to access the NHS or, upon accession, they are charged the actual costs of the treatments denying the principle of non-chargeable health care prevailing in the NHS.

The measurement of labour market discrimination is a very complex and difficult task, which, in Portugal, is even more complicated due to a statistical system that is not suited to deliver data on some of the features of the immigrant population. Therefore, quantitative studies on the discrimination against immigrants in the labour market are almost inexistent and reduced to the analysis of the labour market integration of immigrants, their presence in low or high positions and comparison with samples of national workers. The forms of discrimination against immigrants in the labour market are, however, much more diverse than the analysis of the different aspects might suggest. They can assume the form of recruitment discrimination, salary discrimination, promotion discrimination, discrimination in the assignment of tasks, discrimination concerning the valorisation of work, adverse working conditions, and access to professional training, etc. (Góis, Marques, Valadas 2018).

For the last few years, several reports regarding exploitation or discrimination against immigrant workers from various origins, namely from African, Nepalese or Thai origins, as well as ethnic minorities in Portugal, have appeared in the media. These news items indicate that the immigrants could be exploited in various ways, not only by the national employers, but also, and mainly, by the smugglers or other members of the migration industry that organised their migration to Portugal or that controlled their jobs in this country. It is important to notice that this exploitation assumes different forms, namely a more unfavourable wage structure, more working hours, working under harsher conditions, poor housing conditions, etc. Many migrants who work in the agricultural sector, especially away from large urban centres, do not have a work contract, are subject to labour exploitation, have poor housing conditions and may even experience human trafficking for labour exploitation.

For the last couple of years, the unions, the immigrant associations, International Amnesty, and the media have given

voice to a set of problems related to immigrants who work in the building and construction sector, in the agricultural sector, in the tourism, restaurants and hotels sector, and in domestic and personal services. Since these are the main sectors of work for immigrants in Portugal and also the sectors from which more situations of differential treatment of immigrants are reported, it is vital to stress the importance of having more data on this issue. For the moment officially reported cases of discrimination are very few as documented by the CIDR's Report on Equality and Racial Discrimination in Portugal.

### **(c) Public opinion and attitudes**

There are no political parties in Portugal with openly racist platforms. Furthermore, migrant integration policies in Portugal are widely regarded as being amongst the most progressive and human rights friendly in Europe according to rankings such as MIPEX. However, although the Constitution contains an extensive catalogue of rights, freedoms and guarantees, several sources have reported violations of those rights and violence against minorities. Unfortunately, the information about cases brought under the anti-discrimination legal provisions is very limited. The concern subsists regarding reports of violence against minorities and about institutional racism deriving from the colonial past which determined the treatment of people of African descent; along with migrants and Roma, who are marginalised and considered outsiders by Portuguese society.

Portuguese law establishes the principle of equality with a view to eradicating discrimination. The Constitutional Law no. 1/2005, of August 12, in Article 13, stipulates that no person may be discriminated against in view of their visible characteristics such as sex and race, and / or non-visible characteristics such as language, religion or political ideology. Citing the same article, "no one can be privileged, benefited, prejudiced, deprived of any right or exempt from any duty due to ancestry, sex, race, language, territory of origin, religion, political or ideological convictions, social status or sexual orientation" (point 2 of article 13 of Constitutional Law no. 1/2005, of 12 August). In addition, Article 15 of the Constitutional Law establishes that "foreigners and stateless persons who are or reside in Portugal enjoy the rights and are subject to the duties of the Portuguese citizen" (point 1, article 15 of the Constitutional Law 1/2005, of 12 August).

Administrative complaints of racial discrimination can be made by anyone against any public authority, service or individual person to the Commission for Equality and Against Racial Discrimination (CICDR), created in 1999 under the High Commissioner for Migration, with the mission of preventing, prohibiting and sanctioning discriminatory practices based on belonging to a certain racial or ethnic origin, colour, nationality, ancestry or territory of origin, in

accordance with Law no. 93/2017 of 23rd August.

According to CICDR's Report on Equality and Racial Discrimination in Portugal (26 September 2018), in 2017 the number of complaints received reached the highest number since the CICDR existed, with a significant increase in the last four years. These complaints are received mainly through electronic mail (52%), mainly submitted by the victims themselves (more than 50%), either directly to the CICDR or to other associations/NGOs (such as SOS Racismo or APAV- the Portuguese Association for Victim Support) or public entities, with cases occurring mainly in the districts of Lisbon, Setúbal and Porto.

Complaints related to the nationality of victims rank third (17.5%), preceded by colour (26.8%) and racial and ethnic origin (38%), with a rise of situations where victims suffer from multiple discriminations. From the 208 complaints received in 2008, only 15% were converted into civil proceedings.

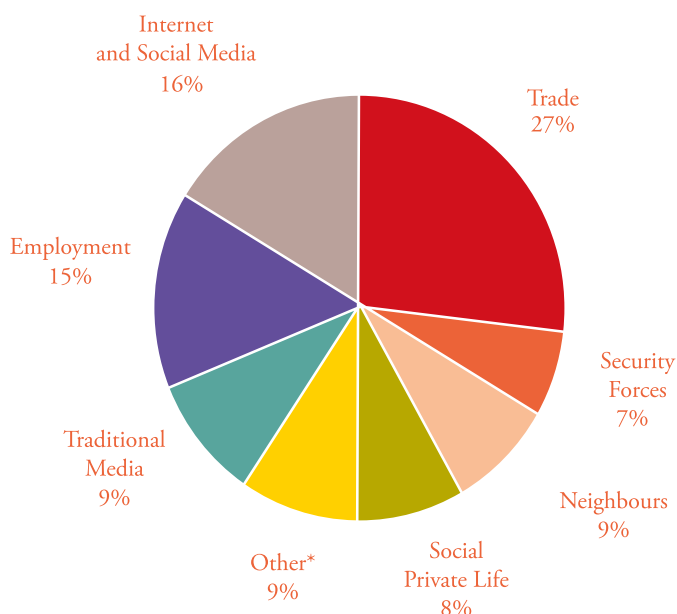


Photo: Caritas Internationalis

In its contribution to the 91st Session of the Committee on the Elimination of Racial Discrimination, the Portuguese Ombudsman also shared its deep concern “with the rise of racist and xenophobic behaviour, frequently expressed through violence and intolerance acts perpetrated by organised groups, as a result of the refugee crisis in Europe”.

Also, while acknowledging that the number of complaints received by the Ombudsman on the ground of race or ethnic discrimination is low, “this could be attributed to the circumstance that some ethnic communities, such as the Roma community, do not trust the intervention of State organs facing discrimination issues”. However, it must be noted that racial and ethnic discrimination is not the same as discrimination towards migrants, although sometimes these grounds for discrimination match. These are added to by other social and cultural perceptions about the ‘other’ or ‘non-native’ that are translated into racist and xenophobic attitudes and behaviours towards immigrants. These attitudes and behaviours are frequently extrapolated to second and third generations of already Portuguese citizens with a migrant

## Main areas of discrimination



\* Other areas include: Transports (3.9%), Town Councils/Halls (3.9%), Health (2.8%), Education (2.8%), Justice (2.8%), Housing (1.7%) Others – banks, sports and private Services (2.8%), Non-determinable (6.1%).

**Figure 10 – Main areas of discrimination**

Sources: CIDR's Report on Equality and Racial Discrimination in Portugal (26 September 2018), High Commissioner for Migration (ACM).Source: PORDATA. Last updated: 2018-02-21

background, merely on the grounds of their ethnicity and cultural identity, practices and heritage.

African immigrants, in particular, but those of other origins as well, seek to preserve their own cultures that are perceived both by them and the citizens of the host countries as quite different (Rebelo 2000). For this reason, amongst others, African immigrants generally concentrate in communities, leading to the affirmation of their own cultures, living in a kind of world apart, built in the image of their lands of origin (Rebelo 2000). This trend of concentration is reflected in the existing urban neighbourhoods, sometimes perceived by the general public, and even by the police force, as dangerous and problematic ‘ghettos’ with a high concentration of immigrants (such as Bairro 6 de Maio or Bairro da Jamaica, both in Lisbon), and illustrating specific problems related to situations of tension and conflict, including between residents and police forces, or of situations of social exclusion or precarious living conditions of their residents.

The Bairro da Cova da Moura, located in the municipality of Amadora, is one of the largest and oldest enclaves of the migrant population in the metropolitan area of Lisbon, mostly populated by Cape Verdeans but where there is a combination of other origins, such as migrants from Angola, Mozambique, Guinee-Bissau, or nationals returning from former Portuguese Colonies in Africa. It is well known as a





Photo: Caritas Internationalis

problem neighbourhood, but at the same time it is also the stage for rich cultural and artistic performances, initiatives and associative life. The transformation from problematic to ethnic-touristic was a strategy to rehabilitate this territory and overcome some of the existing social problems.

The countries of origin largely mark the way in which individuals are accepted: “In this case, the facets of conflict related to the manifestation of xenophobic attitudes, among other complex issues raised by the encounter with an ‘other’ perceived as very different and visible” (Santos, 2008:131). In fact, the way in which immigrants are received in the territory of arrival is not characterised by being linear: “The migration process is characterised by an initial decline in socio-professional status, followed by a progressive increase, as a result of the greater involvement of immigrants in the destination society” (Egreja and Peixoto 2011:44).

The different relational dynamics promoted by globalisation illustrate the social inequalities<sup>25</sup> between autochthones and immigrants and between immigrants from developing regions and those from the ‘western world’, the ‘developed world’ (Costa 2012). To a large extent, this asymmetry is the result

of the migratory tradition from south to north – citizens from developing countries move to developed countries, although this linearity is now beginning to vanish (Machado 1997).

Although traditionally immigrant communities are perceived as a problem to be solved (Rocha-Trindade 2001), the intensification of the globalisation process and the new motivations for migration are changing the way migrants are seen. This encourages a new dynamic of valorisation of the cosmopolitanism associated with the migratory processes of people who, on the social scale, are well positioned (Machado 1997). Therefore, the stereotype of the immigrant with poor qualifications and poor living conditions in the country of origin alternates today with the presence of successful immigrants both socially and professionally. However, this is a reality for only some socio-professional groups, since the descendants of immigrants are most often ‘kidnapped’ in less favoured professional occupations and social conditions and status, as mentioned above. This phenomenon may be an impediment to the development of upward paths in the professional sphere and also reveal an integration problem (Egreja and Peixoto 2011).

<sup>25</sup> Positive discrimination is considered an important element in equality between individuals and, according to Baganha and Marques (2001), this “is considered an important instrument to ensure equal access to social, economic and cultural rights by members of disadvantaged groups such as immigrants and ethnic minorities “. According to these authors, positive discrimination is carried out through public measures of social

inclusion. These public measures are constituted by social, labour and educational policies, to be developed by various institutions, mainly by central and local authorities, non-governmental organizations (NGOs) and other private partners, and include initiatives aimed at eradicating the main causes of social exclusion: employment, housing, health, education, and problems with minimum income (Baganha and Marques 2001:47)

## (d) Media

It is worth noting the high number of discrimination complaints received by the CICDR related to the situations conveyed by the media and the internet, which are common to the whole country. The rise of ‘cyber racism’ has already been stated by the Ombudsman as a serious concern, as “the level of anonymity offered by the internet favours the dissemination of extreme views and comments, inciting to racism, religious intolerance, xenophobia, hate speech, among others” (Portuguese Ombudsman 2016). It is widely recognised and emphasised by many, including Cáritas Portuguesa, that education and awareness raising public campaigns have a crucial role to play, and need to be supported and strengthened, in order to address practices of racism, xenophobia and discrimination, in their many new and old forms, ways and channels of expression.

The media has a critical role to play so as not to create and promote misleading and unfair stereotypes regarding migrant communities. For instance, Brazilian soap operas in Portugal, articles published in newspapers and magazines, as well as other past programmes, particularly on television, have created about some stereotypes regarding Brazilians which have not always had a positive impact (see Brazilian Immigration in Portugal, Jorge Malheiros 2007), especially regarding Brazilian women. This situation has been criticised by many sectors of Portuguese society and by the immigrants of this nationality<sup>26</sup> who live in Portugal (Maria Beatriz Rocha-Trindade and Eugénia Costa Quaresma)<sup>27</sup>.

## (e) Migrant women

**Employment and participation of immigrant women in the labour market is greater in Portugal than in any other European country of the OECD.** Some social groups, however, are subject to an increased risk hidden in their presence in the labour market. This is the fact that the contribution to the social security system by migrant women is generally lower because they are significantly more involved in irregular forms of work, especially in cleaning and care services, in domestic work, in the underground economy.

The Brazilian migrant, increasingly women,<sup>28</sup> seems to limit Brazilian women access to jobs, which offer some insertion

in areas related to the stereotype of ‘Brazilianness’, namely in cleaning, caring for children and the elderly, in commerce, in the public service (Peixoto, Padilla, Marques and Góis 2015) and sometimes in the sex industry<sup>29</sup> (Meihy 2012; SOS Racismo 2008). Less qualified Brazilian women workers are limited to jobs with long hours, low pay, little or no stability, and sometimes without a signed contract (which makes their legalisation infeasible), in jobs that are often available in the areas already mentioned.<sup>30</sup>

## 6 – Inclusion in the labour market and employment

In the labour market, immigrants in Portugal are still represented in less-qualified professional groups. In 2016, the last year with data available, the proportion of foreign workers in the less-qualified groups was 50%. This relative importance is quite significant compared to the Portuguese who represented 38.9% in this group. Therefore, foreigners make up more than 12% of workers in these less-qualified groups. By contrast, in the top professional groups, foreign workers are under-represented. In 2016 only 7.1% of foreign workers were in the most qualified professional groups (leaders and experts in scientific activities). The segmentation of the Portuguese labour market as a function of nationality remains evident in statistics. Foreign workers continue to be represented in the less attractive jobs of the Portuguese labour market, with lower or no qualifications with harsher working conditions and high levels of insecurity (Oliveira and Gomes 2018).

The inclusion of foreign workers in the different professional groups and economic activities of the Portuguese labour market does not necessarily reflect the qualifications and professional experience of these workers. In Portugal there have been some situations of over qualification of foreign workers in relation to their activities in the national labour market, where some foreigners are performing functions below the level of their qualifications (Peixoto 2008; Oliveira and Fonseca 2013; Góis and Marques 2014). The concentration of foreign workers in the lower-status professions with lower qualification requirements leads to much less-qualified work than their qualifications match or the migrant might look

<sup>26</sup> Considering the references to specific nationalities as grounds for discrimination, the Brazilian nationality stands out (10.1% of complaints of this nature in 2017, 12.6% in 2018), followed by Cape Verdeans and Ukrainians (ACM/CIDR Report on Equality and Discrimination in Portugal 2018.)

<sup>27</sup> Casa do Brasil de Lisboa is a migrant association that promotes weekly meetings with Brazilian migrants (Project “Grupo Acolhida”), and is open to other nationalities, to share experiences related to their integration and participation, including group support to deal with situations of discrimination. It also promotes public discussions and awareness raising campaigns to fight stereotypes, specifically concerning Brazilian women, as well as to promote a positive view of the contribution of Brazilian migrants in the host country and communities.

<sup>28</sup> The feminisation of migration between the Brazilian community in Portugal has been perceived since 2003 – a small difference in the index of femininity: 13,070 men and 13,491 women (SEFSTAT, 2003) – the first time that the number of women is higher than men, a trend that has increased year after year.

<sup>29</sup> There are no numbers that translate the number of Brazilians in the sex industry, although the characteristic of hypersexuality, a component of the Brazilian stereotype, favours that in the Portuguese social imagination. Brazilians are perceived as a group where the majority of women work in prostitution.

<sup>30</sup> Camila Costa Campos e Queiroz “Do stereotypes also age? A decolonial analysis of the intersections between racism, sexism and idadismo, from the experiences of Brazilian migrants in Portugal”, University of Minho – Institute for Social Sciences, PhD thesis (April 2018).

forward to. The labour market insertion of the migrants tends to occur below the qualifications of the migrants and therefore contributes to a de-skilling process.

Immigrants in Portugal have been disproportionately affected by the less favourable labour market. During the so-called 'great recession', the country experienced unprecedented new levels of unemployment and the social situation deteriorated, with increasing poverty among the working-age population (Arnold and Rodrigues 2015). Unlike other southern European countries, immigrant unemployment began to increase well before native employment losses reached very high levels and remained well above that of the native population during the most intense recession period. In 2013, when national unemployment reached a peak of almost 17% for the native population, 30.6% of third-country nationals were unemployed. This process of social exclusion was linked to the pre-crisis social protection regime and its inability to prevent the most vulnerable populations from becoming even more socially excluded. Low salaries and ethnicisation of selected professions (e.g. domestic servants or construction workers) lead to a higher vulnerability in terms of unemployment and social exclusion. Contrary to the trend observed in other EU countries (Reyneri and Fullin 2011), the difference between foreign workers and native-born unemployment levels increased considerably during the recession, which was atypical for new receiving societies, (Valadas, Góis et al. 2014). Unemployment affected male migrants more intensely, since they were concentrated mainly in vulnerable sectors such as construction.

Unemployed immigrants were concentrated mainly in the regions of Lisbon and the Algarve, where there were the greatest employment opportunities. A breakdown by gender shows that the number of women registered as unemployed increased steadily from 7,610 in 2003 to 20,386 in 2013, while the number of men increased from 8,779 in 2003 to 11,503 in 2006, decreased in 2008 and then rose again to 22,941 in 2013. Until 2011, the proportion of unemployed women was lower than that of men, confirming that the sectors most affected by the crisis were construction, industry and services, in which men were highly represented (Peixoto 2013). Otherwise, the lower level of representation of women in registered unemployment may simply reflect more vulnerable employment conditions (Egreja and Peixoto 2013), since they receive lower wages (Casaca and Peixoto 2010), and are normally **involved in irregular forms of employment**, especially in cleaning and care services in the underground economy, **and their contribution to the social security system is generally weaker.**

Between 2008 and 2009, the proportion of unemployed registered immigrants increased more than the native population, corresponding to 50% and 26%, respectively. Since 2009, the proportion of unemployed immigrants

enrolled in Employment Centres has begun to decline due to a reduction in the number of foreign residents in Portugal and a sharp decline in newcomers. By 2014, the total foreign population was fewer than 400,000 (Oliveira and Gomes 2017) and the decline in the number of unemployed immigrants was perceptible, predominantly for men (11,887). **In response to unemployment, some immigrants chose to re-emigrate or return to their country of origin, since they could not remain unemployed for long periods of time** (Reyneri 2010; Reyneri and Fullin 2011). In some other cases, they were 'statistically transferred' to a different job category, either because they were looking for work, but were not immediately available, or available to work, but not actively job seeking. It is also possible that they have been administratively excluded from registered unemployment when their unemployment benefits have ended. Particularly since 2014/2015 there has been a general reduction in the unemployment rate, reflecting a gradual improvement in the labour market situation, even if this has been achieved more by the number of jobs than by the quality of employment, i.e. more precarious jobs (Piasna 2017). In 2016, the unemployment rate for foreigners from non-EU countries was 18.8%, with the unemployment rate for the total population being 11.1%. **In 2017, according to Eurostat, Portugal was the third Member State with the highest employment rate among migrants.**

## 7 – Labour market and employment

Portugal has become “a new route into the Schengen area for Sub-Saharan African criminal networks trafficking women and children both for forced labour and sexual exploitation,” states a US Department Report. The European Commission Data collection on trafficking in human beings (2018), shows that between 2015-2016, Portugal had a higher proportion of labour trafficking victims per one million of the population than any other European State, except for Malta. In fact, the Commission found that an estimated 73% percent of human trafficking victims (2015-2016) in Portugal fall victim to labour exploitation, followed by sexual exploitation (15%) and other examples (12%).

The number of victims of human trafficking in Portugal has more than doubled in the last few years. However, the 2017 National Report on Human Trafficking, released by the Observatory of Human Trafficking (OTSH) in April 2018,<sup>31</sup> revealed a slight decrease in the number of suspected victims compared to 2016, accounting for a total of 175 cases. According to the same report, from these suspected victims, only 3 cases were confirmed and the remaining reported cases were classified as following: pending/under investigation (74), 69 in Portugal and 5 abroad; non confirmed (48), 30 in Portugal and 18 abroad; reported by NGOs/other entities (37),

<sup>31</sup> See [https://www.otsh.mai.gov.pt/wp-content/uploads/REC-OTSH\\_Relatorio\\_Anual\\_TSH\\_2017\\_2018.pdf](https://www.otsh.mai.gov.pt/wp-content/uploads/REC-OTSH_Relatorio_Anual_TSH_2017_2018.pdf)



36 in Portugal; non considered by NGOs/other entities (12) in Portugal. The Portuguese authorities estimate, however, that these numbers are just the tip of the iceberg with many more people passing unnoticed in the country, where the paths of the criminal networks are intertwined with the regular migratory flows.

The main challenges with reporting and convicting human trafficking are difficulties in the initial reporting of situations and establishing evidence where the purpose of the exploitation is unclear or where the exploitation has not yet occurred (although the attempt is punishable). In particular, the risk of escape or disappearance especially in cases where the modus operandi passes through the application for asylum creates added problems.

The OSTH 2017 report also reveals that Portugal has remained primarily as a “country of destination” of (presumed) foreign victims for labour exploitation. The number of source countries is high (twelve in Africa; three in South America), but with less (presumed) victims. The nationality versus fewer nationalities origin EU Member States are only four, but with a larger number of (presumed) victims.

Europe (4 Countries) 61 presumed victims	South America (3 Countries) 7 presumed victims	Africa (12 Countries) 41 presumed victims	Asia *
Romania (30)	Brazil (5)	DR Congo (8)	
Portugal (17)	Other Countries *	Nigeria (7)	
Moldavia (13)		Gambia (6)	
Other Country non-EU *		Mali (5)	
		Angola (4)	
		Guinea-Bissau (3)	
		Guinea (3)	
		Other Countries * (5)	

**Figure 11- Nationalities of victims reported as confirmed, pending / under investigation, flagged by NGOs and other entities.**

Source: OTSH Report 2017 \*data under secrecy

Most of the Portuguese cases are in the field of labour trafficking, with agricultural workers accounting for many of the victims.<sup>32</sup> As agricultural exports in Portugal have boomed and linked to a declining population with more and more young people leaving rural areas to find work in the cities and abroad, the potential for exploitation has increased.

In the area of human trafficking for labour exploitation and forced labour, the Labour Conditions Authority (ACT), which participated in the institutional focus group that Cáritas Portuguesa brought together to prepare this publication, has developed self-initiative measures and in collaboration with

the criminal police agencies and the local police (GNR and PSP). This was done specifically for the detection of situations in economic sectors that potentially harbour trafficked labour, both by the type of activity and by the characteristics of the workplace. Thus, in 2017, ACT once again favoured intervention in the agricultural sector, with 44 inspections to check the working conditions of 256 workers (86 women and 170 men). An example of this is the participation of ACT in May 2017, in collaboration with SEF and GNR, in an inspection action carried out on large farms in the municipalities of Alcácer do Sal and Grândola (Alentejo).

The reinforcement of information and awareness among vulnerable groups of workers led the ACT to collaborate directly with municipalities and their local communities in order to raise awareness of the working conditions in force in Portugal (Rights and Duties of Workers / such as labour, health and safety at work). The ACT focused on the prevention of labour exploitation and forced labour, especially in the context of human trafficking, with a view to promoting decent work.

The SEF have also stepped up their raids in recent years particularly in agricultural businesses in rural areas which have a high turnover of seasonal workers. Many victims were found trapped on farms and exploited with little or no pay. Most of them had arrived in Portugal with the help of smuggling rings who had advertised jobs through the internet.

When they arrive in the country, the victims are usually stripped of their documents, put to work and forced to inhabit cramped and unhygienic communal living areas; sometimes for years at a time until they have paid back the ‘debts’ incurred to the smugglers for their journeys to Europe. Isolated in rural areas with little or no Portuguese, it can be difficult for many to seek help (Wallis 2019).<sup>33</sup> Both SEF and ACT officers shared with Cáritas Portuguesa that these smuggling rings are a huge and very sensitive problem and in many cases the victims face even greater risks and danger when reporting their situation.

Currently, there are four shelters for victims of human trafficking in Portugal, set up by NGOs and the Portuguese state, one of them specially created to receive children, in which there are about 20 people. Once discovered, the Portuguese authorities offer victims 30-60 days in a reception centre where they can decide if they want to collaborate with the authorities to denounce the trafficking ring. If they do decide to cooperate, they are offered a residence permit in Portugal, on a case by case basis, which is valid for up to one year and renewable thereafter.

<sup>32</sup> The second largest group of trafficking victims are subject to sexual trafficking which accounts for 28 percent of known victims.

<sup>33</sup> <https://www.infomigrants.net/en/post/15188/human-trafficking-on-the-rise-in-portugal>





Photo: Caritas Internationalis

### **The fight against human trafficking**

Portugal has been working with other European countries, including Austria and Bulgaria, Ireland, the UK and Romania to create a common European monitoring model of human trafficking and crack down on suspected trafficking rings. The government has also set up close bilateral partnerships with many former Portuguese colonies such as Brazil, Sao Tome and Principe and Guinea Bissau to try and stop trafficking at its source.

In 2013, Portugal published a third action plan against human trafficking and the next national plan will consider the 2030 Agenda Sustainable Development Goals as a reference, namely: SDG 5) Achieve gender equality and empower all women and girls; 5.2) Eliminate all forms of violence against all women and girls in public and private spheres, including trafficking and sexual and other forms of exploitation; SDG 8) Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all; 8.7) Take immediate and effective measures to eradicate forced labour, end modern slavery and trafficking in persons, and ensure the prohibition and elimination of the worst forms of child labour, including the recruitment and use of child soldiers, and by 2025 to end child labour in all its forms; SDG 16) Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels and 16.2) End abuse, exploitation, trafficking and all forms of violence and torture against children.

## 8 – Migrants' Associations Capacity and Participation

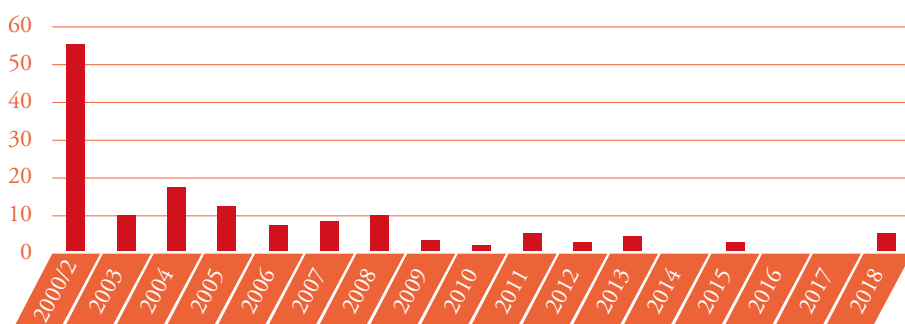
Organisations established by the Cape Verdean, Guinean, Ukrainian or the Brazilian diaspora in Portugal still suffer from severe capacity constraints. Firstly, they lack the capacity to make their activities more visible to the wider public. Secondly, their social organisations are still weak and remain normally informal. Thirdly, Cape Verdean, Guinean, Ukrainian or Brazilian diaspora organisations in Portugal lack the channels to gain access to useful information and networks. Cape Verdean, Guinean, Ukrainian or Brazilian diaspora organisations in Portugal still lack project writing skills, the capacity to organise activities and management expertise. These capacities have not been sufficiently developed regardless of two decades of financial support from the Portuguese High Commissioner for Migration. Compounded with the capacity constraint, is the fact that most Cape Verdean, Guinean, Ukrainian or Brazilian diaspora run their respective organisations purely on a voluntary basis alongside their daily work.

According to the Office of Technical Support to Immigrant Associations (GATAI), under the High Commissioner for Migration (ACM), there are currently 274 non-recognised migrants' associations known, of which 56 have already presented a request to ACM for official recognition and a total

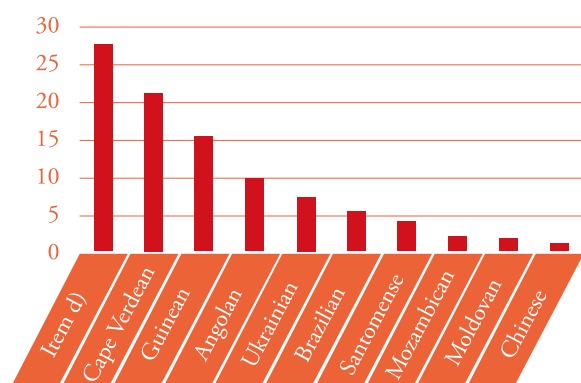
of 140 recognised migrants' associations, of which 44 are led by women, 52 by men, 96 are active and 44 inactive.

Some of the major challenges that were shared with *Cáritas Portuguesa* during a three-day training session on "Migration and Development"<sup>34</sup> with 40 immigrant associations (January 2018) include the following interconnected constraints: reduced financial means and a lack of long-term financing, limited human resources and a lack of proper spaces for associations. It was also mentioned, at the capacity level, the difficulties of measuring results and the need for training in some specific subjects and for a more targeted response to the specificities of different communities.

Despite the above-mentioned challenges, migrants' associations play a crucial role in promoting the integration and development opportunities for immigrants from various communities living in Portugal (some associations are more focused in a particular community or communities of their country, others have a broader focus). They provide legal advice and procedures for regularisation purposes, information about rights, mental health support or other kinds of close assistance that are not always made available in a timely manner by consular or official entities and services, as they are not their responsibility, as in the case of much needed psychological support.



**Figure 12 - Number of Associations Recognised by Year**  
Sources: GATAI-ACM (Office of Technical Support to Immigrant Associations/ High Commissioner for Migration)



**Figure 13 - Number of Associations recognised by Community**  
GATAI-ACM (Office of Technical Support to Immigrant Associations/ High Commissioner for Migration)

<sup>34</sup> The three-day training session took place between 11th-13th January 2018, in Lisbon, within the MIND project, and the final report can be consulted here: [https://caritas.pt/wp-content/uploads/2019/01/RELATÓRIO\\_Encontro-de-Formação-Migrações-e-Desenvolvimento\\_ComunicarInfluenciarTransformar\\_FINAL.pdf](https://caritas.pt/wp-content/uploads/2019/01/RELATÓRIO_Encontro-de-Formação-Migrações-e-Desenvolvimento_ComunicarInfluenciarTransformar_FINAL.pdf).



Photo: Caritas Internationalis

## B – Obstacles to the contribution of migrants to countries of origin

### 1 – Remittances' cost

According to goal 10.c of the Sustainable Development Goals (SDGs), the transaction costs of migrant remittances should be less than 3%, and remittance channels with costs higher than 5% should be eliminated by 2030 (United Nations 2015). In addition to the high transaction costs, bringing money to one's country of origin can also be increasingly complicated when there are restrictions and rules on the amounts of money that one can bring into another country.

Lowering remittance costs is important for competitiveness within formal remitting channels. In an era of technological progress, new technologies such as mobile phones are used as alternatives for transferring money in the case of diasporas in Portugal, namely from Nepal, Guinea-Bissau, Brazil, Cape Verde or Moldova.

## 2 – Development aid purpose and efficiency

As pointed out by the CONCORD Aid Watch report (2018),<sup>35</sup> the share of in-donor-country refugee costs has rapidly become one of the main features of European development aid, with only three <sup>36</sup> of the 28 EU donors not 'inflating' their reported ODA with in-donor-country refugees costs in 2016. This means that aid is being diverted from fighting poverty into strengthening donor countries' capacity for refugee reception, contrary to article 208 from the Treaty of Lisbon which expresses that the European Union's main objective in the field of development cooperation is to "reduce and eventually eradicate poverty". Article 208 also draws attention to policy coherence: "In the implementation of the susceptible policies affecting developing countries, the Union takes into account the objectives of development cooperation". However, "one EU response to the increased migration in Europe has been to use aid as an instrument, redirected towards the migratory countries, to stem the flow of people" it is argued in CONCORD's report, for example, by allocating aid to "containing migration places conditions on partner countries, which are expected, in return, to implement measures to prevent migration and control borders".<sup>37</sup> Overall, EU

<sup>35</sup> Concord Aidwatch 2018 EU Aid: A Broken Ladder?, available at <https://concordeurope.org/blog/2018/10/17/aidwatch-report-2018/>

<sup>36</sup> Luxembourg, Cyprus and Croatia.



migration management is at cross-purposes with development assistance.

According to early figures for 2017, the volume of European ODA decreased for the first time since 2012, with a drop of almost 3% from 2016. This decrease is mostly due to a decline in in-donor refugee costs and debt relief operations, two modalities of ODA which do not necessarily contribute to genuine development in countries most in need. However, contrary to this EU ODA drop, Portuguese ODA increased in 2016 (by 9.46%), reaching €310 million (0.17% ODA/GNI), mainly due to a greater contribution to the EU's development cooperation budget. This is still far from reaching the 0.35% of Portugal's GNI to ODA by 2020, towards achieving the 0.7% international goal in the long term. Nevertheless, it should be noted that in 2016, more than half (52.4%) of Portugal's aid was allocated to least developed countries (LDCs), well above the DAC average of 22% and that the share of untied bilateral ODA (excluding administrative costs and in-donor refugee costs) was 59.1%, up from 30% in 2013.<sup>38</sup>

The European Council Conclusions (22 May 2018) noted with concern that the EU is far from meeting its collective target to provide 0.15-0.20% of GNI to LDCs, that continue to rely heavily on ODA in order to achieve sustainable development, and contrary to the new European Consensus on Development orientation, which re-commits to placing LDCs as key recipients of ODA.

While Camões IP has a mandate to act as the core entity for Portugal's development co-operation, it is responsible for only 7.9% of Portugal's ODA budget (2016 data) and still does not exercise oversight over half of Portugal's ODA extended by the Ministry Finance despite Camões IP mandate. This makes it very hard for the public, including NGOs, to understand and to analyse Portuguese ODA in a more robust way.

### 3 – Development programming ownership

Following Busan's principles,<sup>39</sup> the full ownership, from the national governments of partner countries as well as their citizens, of development programming is crucial for its efficiency, as is the participation of all development actors, in all their diversity and complementarity who should be enabled to influence the development of their own country. This also means promoting active participation by civil society organisations, including migrant associations and diasporas, in all development processes and dialogues.

For instance, CSOs in migrants' countries of origin can contribute to steering the focus of development aid more to the needs of the recipient society and communities. NGOs and civil society organisations are working increasingly together, also transnationally, in order to push for more efficient and locally-owned development programming and implementation, from sharing ideas and knowledge to advocacy initiatives.

Contrary to the one of the main recommendations of the 2015 DAC/OECD's peer review to Portugal, is that in most cases, CSOs are not consulted or given a real opportunity to influence processes or decisions, despite the existing dialogue mechanisms such as the Development Cooperation Forum, meeting once a year with NGOs, that has revealed itself ineffective to this end. More strategic-level engagement with civil society as a development partner remains critical.<sup>40</sup>

<sup>37</sup> For the full report please check [https://concordeurope.org/wp-content/uploads/2018/01/CONCORD\\_EUTrustFundReport\\_2018\\_online.pdf](https://concordeurope.org/wp-content/uploads/2018/01/CONCORD_EUTrustFundReport_2018_online.pdf) (25.03.2019)

<sup>38</sup> See DAC/OECD Mid-term review 2018 [https://www.instituto-camoes.pt/images/cooperacao2/examecad\\_mid2018.pdf](https://www.instituto-camoes.pt/images/cooperacao2/examecad_mid2018.pdf) (6/03/2019).

<sup>39</sup> For an understanding of the Busan Initiative please see <http://www.oecd.org/development/effectiveness/busanpartnership.htm> (25.03.2019)

<sup>40</sup> Can also be read in DAC/OECD Mid-term review 2018.



## - CHAPTER 7 -

# OPPORTUNITIES FOR FACILITATING AND ENHANCING MIGRANTS' OWN DEVELOPMENT CONTRIBUTIONS OF MIGRATION TO DEVELOPMENT IN COUNTRIES OF DESTINATION AND OF ORIGIN

## A – Opportunities in the destination country – Portugal

### 1 – Legal framework

The most distinguishing opportunity for the social inclusion of immigrants in Portugal results from the current Portuguese nationality law. The entry into force of the fourth amendment to the Law of Portuguese Citizenship (Law no. 37/81, dated October 3, consolidated version, amended by Organic Law No. 2/2006, April 17), as well as Decree -Law no. 237 / A / 2006, December 14,

significantly altered the national legal framework for the acquisition of Portuguese nationality by foreigners. In fact, this set of amendments, along with others that occurred later, led to a considerable **increase in the number of citizenship acquisitions from a few thousand a year to over twenty thousand as of 2008.**

	Total			Place of residence					
				Portugal			Abroad		
	Total	M	F	Total	M	F	Total	M	F
2008	24 556	13 051	11 505	22 408	12 494	9 914	2 142	557	1 591
2009	26 862	14 606	12 286	24 182	13 677	10 505	2 710	929	1 781
2010	23 615	11 930	11 685	21 750	11 436	10 314	1 865	494	1 371
2011	25 016	11 935	13 081	23 238	11 409	11 829	1 778	526	1 252
2012	23 722	11 201	12 521	21 819	10 592	11 227	1 903	609	1 294
2013	26 430	12 431	13 999	24 476	11 727	12 749	1 954	704	1 250
2014	23 305	10 593	12 712	21 124	9 828	11 296	2 181	765	1 416
2015	22 541	10 583	11 958	20 396	9 770	10 626	2 145	813	1 332
2016	29 351	13 564	15 787	25 104	11 814	13 290	4 247	1 750	2 497
2008 a 2016	225 428	109 894	115 534	204497	102747	101750	20931	7147	13784

**Figure 14 - Foreign population that acquired Portuguese citizenship (number) by place of residence and gender, 2008-2016**

Sources: INE-Directorate General for Juridical Policy/Ministry of Justice - Acquisition and Attribution of Portuguese Nationality

Between 2008 and 2016, the total number of acquisitions of Portuguese nationality numbered 225,428, representing an annual average of approximately 25,000. The highest annual value was registered in 2016, with 29,351 acquisitions of Portuguese citizenship, 30% higher than in 2015 (see the table above). Regarding gender, the number of foreign women who acquired Portuguese nationality (115,534) was higher than the number of men (109,894), which corresponded to 95 men for every 100 women between 2008-2016. For foreign residents, the gender ratio was about 52 men to women. For foreign residents in Portugal, this indicator pointed to a general gender balance (101 men for every 100 women) in the period under review.

Brazilians (60,335) and Cape Verdeans (37,417), the two main nationalities of resident foreigners, accounted for most acquisitions of Portuguese nationality, in the period 2008-2016, with a relative total weight of 43%. The volume of citizenship acquisitions by Portuguese-speaking African nationals (Angola, Guinea-Bissau, São Tomé and Príncipe, and Mozambique) was also notable, accounting for 20% of total acquisitions. Ukraine, Moldova and Russia together accounted for 19% of total acquisitions. Citizens of Romania, the only EU citizenship ranked among the top ten citizenships, accounted for 4,350 nationality acquisitions. The average age of foreign citizens who acquired Portuguese nationality is different depending on the place of residence: residents in Portugal have an average age of 33 years, while for residents abroad this average is higher (48 years). Naturalisation was the main type of acquisition of Portuguese nationality, representing 41% of cases for residents abroad and 73% for residents in Portugal. Also noteworthy was the increase in the number of acquisitions by foreigners residing abroad, which almost doubled in 2016 (4,247) in relation to 2015 (2,145). This growth can be explained by the recent legislative changes that have increased the possibility of citizenship acquisition by foreign descendants of Portuguese nationals and descendants of Portuguese Sephardic Jews.

## 2 – Opportunities for regularisation

**Another opportunity worth highlighting is the opportunity for regularisation, with multiple forms,** resulting from the current foreign law (Law no. 102/2017 August 28). In October 2018 the new Regulatory Decree of the Legal Regime of entry, stay, departure and removal of foreign citizens of the national territory was promulgated and published in the Portuguese Official Journal (Diário da República). The new regulations speed up processes and reduce bureaucracy and make visa and residence permit procedures more flexible. A more simplified regime increases opportunities for regularisation for students wishing to attend professional education courses in Portugal

and highly qualified entrepreneurial immigrants making new business models related to entrepreneurship, technology and innovation, and responds to the difficulties experienced by companies in this field (Startup Visa). It streamlines and simplifies the granting of residence permits for those who intend to study in higher education (with a more favourable treatment for students coming from the Portuguese-Speaking Countries states), for employees and self-employed workers. It also introduces a new residence scheme for seasonal workers and a new scheme for workers transferred from other Member States, if they are integrated into the company frameworks. It should also be noted that Article 123 of the Aliens Act exempts, in exceptional situations, the need to prove legal entry into the country. This legislative change is in practice a regularisation of cases that the previous Law was unable to deal with. Those who do not have proof of legal entry into the country but fulfil all the other requirements established in the Law and have been working in Portugal for over a year, with payments for Social Security, can benefit from the exceptional regime for humanitarian reasons for the concession of a residence permit.

In Portugal, from the beginning of 2017, through the fourth amendment to Law no. 23/2007 <sup>41</sup>, there has been a comparatively more generous regime than equivalent other European countries. Through this Law it is possible for foreigners who have legally entered the country and remain engaged in a paid activity to legalise their situation in the country. This legislative amendment facilitated the procedure of expressing an individual interest of regularisation by removing the exceptional character and the consequent discretion of the Foreigners and Borders Service (SEF) which until then had prevented access to legalisation procedures. A foreign worker can apply for a residence permit in Portugal directly, without having to previously apply for a visa at a Portuguese consulate abroad. Currently, for a foreign worker to remain legally in our country, it is sufficient to have a contract of employment or to be enrolled in the social security system, which translates into a facilitated way of access. There are also some 30,000 irregular migrants (according to NGOs and immigrant associations) that correspond to individuals who cannot prove their regular entry into Portuguese territory. **For these cases, the government has recently opened the possibility of regularisation by incorporating these cases into the so-called “humanitarian grounds”** (an exceptional regime defined in the Asylum Law and concerns those persecuted for political, racial and religious reasons). Through this mechanism, even in cases where proof of legal entry into Portugal is not possible, a residence permit for humanitarian reasons may be granted when there is evidence of integration into the Portuguese society. **The extension of humanitarian causes to other types of migrants other than asylum seekers or refugees seems to us to be a progressive and highly praiseworthy practice. The inclusion of economic**

<sup>41</sup> See [https://www.sef.pt/en/Documents/Lei29\\_2012\)EN.pdf](https://www.sef.pt/en/Documents/Lei29_2012)EN.pdf)

immigrants in this possibility of regularisation for “humanitarian reasons” is a step in the right direction. Considering economic vulnerabilities, economic hardship or economic exclusion in the country of origin as a reason for emigration and for regularisation in the destination country will be a humane way of recognising the existing interdependencies at the global level.

### 3 – Labour market

The regularisation processes, developed mainly in the first years of the 21st century, focused on the centrality of work and allowed immigrants already involved in the Portuguese labour market to become legal. **This approach to labour inclusion leading to subsequent regularisation remains the main mechanism to include migrants in the Portuguese economy.** Once an alien enters legally on Portuguese borders (for example, as a tourist or student), finds a job and pays taxes, he/she is authorised to become a regular immigrant after an administrative procedure. Regularisation is an opportunity for social integration and, above all, a necessity in order to escape from social exclusion and from living and working clandestinely. Regularisation is also the first step for a full contribution to Portuguese society.

**At the labour market level, existing opportunities reveal the present duality in the labour market.** Employment opportunities in Portugal are mostly for less-qualified occupations, such as for transport, services, safety, catering and tourism, receptionist work, cleaning assistant or kitchen assistant. There are also opportunities for more skilled workers in the areas of information and communication technologies and in emerging areas related to the relocation of companies through designated nearshore or outsourcing, including call-centres, customer support services, etc. Several multinational companies have also opted to install centres of information technology skills in Portugal. They provide shared services within groups, do research and development, outsource processes, or technologies. In these areas the employment of skilled immigrants has been growing, reconciling the lower salaries paid in Portugal compared to other European countries and the existence of an attractive environment for young or well-qualified immigrants.

### 4 – Entrepreneurship

**The opportunities of immigrant entrepreneurship in Portugal are well described in the existing literature (Oliveira 2004).** Business initiatives vary according to the nationalities of immigrants, the volume of the communities existing in the country and the history of social integration. They also vary depending on location geographies and the individual characteristics of the entrepreneurial immigrants.

In some immigrant groups business activity is intense, revealing high propensities for entrepreneurship, and in other groups where these initiatives are smaller. Most activities are small scale, mainly linked to the resources or specificities of immigrant communities in what is termed ethnic business. The reasons for the different propensities for entrepreneurship, as well as the variety in business, are complex and depend on the different resources to which immigrants have access (Oliveira 2004). In turn, the obstacles and constraints to the business activity of immigrants or foreigners are similar to those of any national entrepreneur. There are no legal or institutional barriers arising from the legal immigration statutes, and in most cases access to bank credit or European funds for entrepreneurship does not exist. These business initiatives allow migrants to develop economically and improves the process of social inclusion. Macro-level advantages include job creation (the entrepreneur’s job position from the start and, in many cases, work posts); innovation (immigrants bring with them new ideas, products, services, projects or technologies); and the revitalisation of urban areas and the beginning of gentrification processes.

A good example of the entrepreneurial opportunities is a **project promoting immigrant entrepreneurship – PEI**.<sup>42</sup> This project aims to encourage entrepreneurship in immigrant communities, especially those who live in the most vulnerable neighbourhoods. PEI help immigrants develop personal, social and business management skills essential for business creation, promote self-sufficiency and sustainability and facilitate connections with the already existing entrepreneurship support programmes organised by several entities. PEI provide business training, consulting, tailored individual business support sessions, workshops, meetings, and events in order to develop entrepreneurial skills. An adaptation of the PEI methodology was recently used by the High Commissioner for Migration to promote an initiative to train refugees in project development in order to help them create their own employment in Portugal.

In relation to recent refugee flows to Portugal, we can underline some exemplary initiatives captured by the Pandpas project (Pre and post-arrival schemes to facilitate inclusion and prevent xenophobia and radicalisation).<sup>43</sup>

‘Make Food Not War’ started in October 2016 as a social project to help refugees, based on gastronomy from the Middle East. The associations Crescer/Grow and the Cozinha Popular da Mouraria/the Popular Kitchen Mouraria joined the initiative and the food started cooking. The mentor of the initiative organised a kind of ‘Arabic Master Chef’ with people from Iraq, Palestine, Syria and Eritrea. Among them, groups of

<sup>42</sup> For more information please check <https://www.acm.gov.pt/-/programa-de-empreendedorismo-imigrante-pe-1> (25.03.2019)

<sup>43</sup> For more information please check <http://www.pandpasproject.eu> (25.03.2019)

five people were created, and after some castings, the first five people started to cook in the Cozinha Popular da Mouraria (the place where the restaurant has its premises); this was the first group called 'Make Food Not War', a name given by the person in charge of the Cozinha Popular da Mouraria. Most of these refugees have Portuguese classes and are enrolled in internships in firms. The start of the Mezza restaurant was motivated by the desire for bread, the flat bread that one of the mentors, a Syrian student living in Portugal since 2014, used to eat back home. The association where Mezza is based is called Pão a Pão/Bread to Bread. Initially thinking of making a bakery, soon after the mentors decided to develop a food project.

The mentors of the association Pão a Pão (a Syrian student, a journalist and two members of a company linked to social projects) wanted to do something to address the refugee crisis. Therefore, they designed the project to focus on the inclusion of women and on the dissemination of a culture that is relatively distant from the day-to-day life of the Portuguese people. The idea was that Syrian refugees would showcase their food at private dinners during the festive season. Six refugee women re-located in Portugal had vocational training and started to cook meals and serve them. Initially they opened for groups of more than 20 people, but never had less than 100, even 130. According to the founder of the project, it was not only because people were curious about Middle Eastern food, it was because people wanted to help and did not know how. Due to the huge success, the founders decided to open a permanent restaurant at the Arroios market. They launched a crowd funding campaign to raise funds for the renovation and, within a month, they reached €15,000. Mezza opened in May 2018 with 15 refugees.<sup>44</sup>

## 5 – Political discourse and practices

Portugal has been a country where a political consensus on the benefits of immigration has existed since at least the 1990s. With the first regularisation of immigrants (in 1992), a government programme of government of public policies of immigration began in the national territory that from the XII constitutional government until the present XXI has already gone through several phases of expansion and recession of immigration to Portugal.

Since the beginning of the millennium, two complementary systems have been part of this government programme: a first system for the management of migratory flows (centred on the Foreigners and Borders Service under the Ministry of Internal Administration as the main actor) and a programme

for the social integration of immigrants under the High Commissioner for Migration who is under the direct command of the Prime Minister. In addition to these two initiatives, under the central government, several other public entities, decentralised services of the State, municipalities and multiple civil society institutions are part of the Portuguese integration of immigrants' ecosystem in the country. In addition, there is a plethora of state services that, although not directly related to immigration, have among their public immigrants and citizens of foreign origin functioning as satellites of this Portuguese ecosystem and interacting with them.

## 6 – Local level

Municipalities across Portugal have been preparing municipal plans for the integration of immigrants in order to bring local power closer to the insertion spaces of immigrant communities. More than two dozen municipalities already have an immigrant integration plan adapted to the location and the specificities of the immigrants they host, and several others are in the process of building their own plans. However, there is still no inter-municipal policy for the management of immigrant integration, which, in our view, will be an immediate need for metropolitan areas and, in the short term, for several other regions of the country. It is not possible to parcel out the integration of immigrants in terms of municipal territories, but it is necessary that the municipalities understand the new dynamics of migration in Portugal and adapt rapidly.

## 7 – Participation of civil society and migrant associations

Civil society concerned with migration is constituted by diverse organisations, including NGOs, Public Institutions for Social Solidarity (IPSSs), Immigrant Associations either informal, semi-formal, or formal organisations. Among immigrant associations there are some that have a very limited representation and others that are pluralistic, some representing some nationalities and others that are generalist. Also, between NGOs and IPSSs there is an internal diversity between those that are dedicated exclusively to migrants and refugees and those that, being more generic, include these groups among their wider potential audiences.

The Council for Migration is the organ of consultation, support and participation in defining the general lines of action of the ACM, and in the decision-making of the Directing Council. It ensures the participation and collaboration of public and private entities in the definition and implementation of migration policies, and includes in its composition a representative of each of the immigrant communities of the Portuguese-speaking countries; a representative of each of the three larger

<sup>44</sup> For more information see [http://www.pandapasproject.eu/wp-content/uploads/2018/10/Good\\_Practices.pdf](http://www.pandapasproject.eu/wp-content/uploads/2018/10/Good_Practices.pdf)





Photo: Caritas Internationalis

immigrant communities, a representative of associations not affiliated to the communities referred in the previous points – all designated by the respective associations;<sup>45</sup> – and three representatives of the institutions with actions or interests in the area of migration, designated by the High Commissioner.<sup>46</sup>

In terms of development policies, there is a Development Cooperation Forum that meets once every year and allows for reflection and dialogue between the State, Local Administration and civil society, in order to stimulate the emergence of joint projects, partnerships, proposals and opinions on development cooperation. As a matter of fact,

the Strategic Concept for Portuguese Cooperation 2014-2020 defines as a main priority to “Affirm the advisory nature of this body in the design, formulation and follow-up of development cooperation, development education and humanitarian aid policy” (p.37), also highlighting that it is important to develop “inclusive and comprehensive partnerships that value the gains of State and non-State actors, the public and the non-profit” (p.47). This guiding document makes specific reference to NGOs, foundations, business associations and companies and also expresses the need to explore “synergies with other actors and agents that may contribute to increasing the effectiveness of Portuguese cooperation intervention

<sup>45</sup> Provided the associations are recognized under ACM guidelines.

<sup>46</sup> Together with the High Commissioner; a representative of the Directorate-General for the Arts; a representative of the Directorate-General for Consular Affairs and Portuguese Communities; of the Directorate-General for Foreign Policy; of the Aliens and Borders Service; of the security forces; of the Commission for Citizenship and Gender Equality; of the General Directorate of Economic Activities; of the Portuguese Tourism Institute; of the Directorate-General for Health; of the Directorate-General for Education;

of the Directorate-General for Higher Education; of the Institute for Employment and Vocational Training; of the Authority for Working Conditions; of the Institute of Social Security; of the Regional Government of the Azores; of the Regional Government of Madeira; two representatives of employers' associations and two representatives of trade union federations with seats in the Economic and Social Council; of the National Association of Portuguese Municipalities; of the Council of Portuguese Communities; two citizens of recognized merit, national or foreign, appointed by the High Commissioner.

in priority countries.” and that it is crucial to “create a new dynamic and increase the level of representation and decision-making of the existing coordination instruments, in particular the Inter-ministerial Commission for Cooperation<sup>47</sup> and the Development Cooperation Forum. However, the contribution of Migrants’ Associations to these dialogues and participative processes are not duly accounted for and that their inclusion and participation in the Development Cooperation Forum should be seriously regarded as an opportunity for joint action, including co-development initiatives when and where appropriate.

## 8 – Human rights instruments

Portugal is signatory to and or has ratified the main international human rights instruments that envisage direct or indirect protection of migrants’ rights, as well as existing procedures for individual complaints that are also into force (see annexes).

Portugal has ratified and largely domesticated three of the main international conventions specific to migration governance: the ILO Convention 97 on migration for employment, the ILO Convention 143 on migrant workers. In 2015 it was among the first twenty countries to ratify the ILO Convention 189 on Decent Work for Domestic Workers.

An exception is the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, to which Portugal is not party to, although a study by ACIME found no legal obstacles for Portugal not to do so. Its legislation is already largely in conformity, albeit with some important lacuna that the *domestication* of this instrument would resolve.

In its Periodic Report (2015) to the UN Committee on the Elimination of Racial Discrimination, Portugal underlines that “the fact that Portugal is not party to this Convention does not mean that the rights of migrant workers are not protected in Portugal. These rights are also covered by other international treaties and by the European Convention of Human Rights that Portugal is a party to and that apply to all migrant workers without exception. The realisation of the rights of migrants and their families is, indeed, a priority for Portugal and their rights are also protected by European and national laws”, and it goes further, stating that “Portuguese legislation offers a strengthened protection for undocumented children or children whose parents are undocumented,

which goes beyond the protection conferred by the UN Convention on the Rights of Migrant Workers and Members of their Families. It foresees the existence of a firewall between immigration enforcement and public services such as health care and education institutions. This means that the database (managed by the High Commissioner for Migration) with the identification of undocumented children who attend education or healthcare institutions is confidential and cannot be transmitted to immigration enforcement authorities. This avoids cases of non-enrolment of undocumented children at school due to fear of being denounced to the immigration authorities. This system is recognised as a good practice, namely by the UN Special Rapporteur on the Human Rights of Migrants, because it represents a significant step in ensuring the protection and the enjoyment of all civil, cultural, economic, political and social human rights of migrants.”

The decision not to ratify this international human rights instrument has been taken at the European Union level by all its Member States. None of the EU Member States is party to this Convention. Any decision regarding the ratification of this Convention could only be taken in coordination within and with the European Union and its Member States. The European Union as such has competence regarding most of the issues covered by the Convention on the Rights of Migrant Workers and their Families.

## 9 – International Fora

The importance of migration on the international agenda was reflected in the first global meeting of Heads of State and Government at the United Nations on 19 September 2016 to discuss specifically issues related to migration and refugees that resulted with the adoption of the New York Declaration on Refugees and Migrants.<sup>48</sup>

The consequent negotiation and adoption of a Global Migration Compact<sup>49</sup> presupposes that the progress made in its implementation, while not being a legally binding document at local, national, regional and global levels will be reviewed through a state-led approach and with the participation of all relevant stakeholders. This reinforces and creates new opportunities for the participation of migrants in the definition, monitoring and revision of national plans that are to be voluntarily adopted by UN Member States for the implementation of the principles and the 23 objectives and related actions enshrined in the Compact.

Portugal has participated in the main international for a

<sup>48</sup> Adopted by 193 states, the New York Declaration emerges as a response to the challenges of migration and underpins the launch of two separate processes for the adoption of a Global Compact on Refugees and a Global Compact for Safe, Orderly and Regular Migration, by the end of 2018.

<sup>49</sup> The UN Global Compact for Safe, Orderly and Regular Migration was adopted on December 10, 2018, by about 130 countries, including Portugal, during the Marrakesh Summit in Morocco

<sup>47</sup> The Inter-ministerial Commission for Cooperation is a sectoral support body for the Government in the field of development cooperation policy, composed of the members of the government of the sectoral ministries with activities in the area of development cooperation, as well as representative public entities, namely, in the areas of cooperation, higher education and polytechnic, foreign trade, development financing, the local power and the central bank.

where migration and development issues are discussed and negotiated, such as in the European Union and OECD, and in the United Nations, and particularly in the definition of Agenda 2030 for Sustainable Development. It should be noted that Portugal has supported the inclusion of migration in the Agenda and in the Sustainable Development Goals (SDGs), specifically stating that the protection of the human rights of migrants is a cross-cutting political priority and that all means must be put in place to combat all forms of trafficking in human beings, as well as all kinds of labour exploitation.<sup>50</sup>

At the United Nations, Portugal was the only country in the European Union to sign UNGA Resolution 69/167 of February 2015, which reiterates the importance of respect for the human rights of all migrants, regardless of their migratory status. In the implementation of SDGs at the national level, Portugal has defined its priorities, including ODS 10, on reducing inequalities, in which an internationally defined specific target on migration management is framed.

## 10 – Development education

As stated in the Strategic Concept for Portuguese Cooperation 2014-2020, development education is crucial for development policy and for the creation of a basis of understanding and public support regarding development and cooperation issues. The new National Strategy for Development Education (2018-2022) aims at contributing to Goal 4.7 of SDG No. 4 - Education: “By 2030, ensure that all students acquire the knowledge and skills necessary to promote sustainable development, including, inter alia, through education for sustainable development and sustainable lifestyles, human rights, gender equality, promoting a culture of peace and non-violence, global citizenship and enhancement of cultural diversity and the contribution of culture to sustainable development.”

“Education for Development is a powerful tool for deconstructing stereotypes and for combating and preventing all forms of discrimination based on sex, racial or ethnic origin, national origin, age, disability, religion, sexual orientation, identity and gender, and sexual characteristics, among others. It thus helps to reinforce principles and commitments that counteract the spread of fear and xenophobia, as well as to recognise and combat structural dynamics of exclusion, normalisation of violence and inequalities and environmental degradation, creating conditions for a more inclusive, peaceful, just and sustainable world.” **National Strategy for Development Education (2018-2022), Introduction.**

The XXI Constitutional Government recommended in its Programme the “reinforcement of the theme of education for citizenship in school curricula” and approved in 2017 the National Strategy for Education for Citizenship, to be implemented by all schools from the academic year 2018/2019. As acknowledged by the Ministry of Education, development education is one of the thematic areas of education for citizenship.

Only the full understanding of the multidimensionality of development and of what the 2030 Agenda for Sustainable Development means as a political commitment and global agenda for fighting poverty, reducing inequalities, promoting full access and profit of human rights (such as health, education, water and sanitation, among others), and reaching for equality and equity; of what Official Development Assistance (ODA) is and what it is for; will allow citizens a critical reflection on the challenges facing development, as well as on the opportunities and the role that each citizen can potentially play as an actor for development (their own, their communities and countries and the world as a whole).

## B – Opportunities in the countries of origin

### 1 – Migration and development cooperation

The links between migration and development cooperation by Portugal have been studied over the last decades (Abreu 2012; Carreiro 2011; Có 2004; Góis and Marques 2016). At the level of the direct relationship between cooperation and migration, it is possible to analyse two realities that have developed independently when analysing the Portuguese actors and institutions. The first relates to **cooperation on the regulation of migration flows** and the second to the **migration framework in a cooperation strategy geared towards the development of migrants’ places of origin**. In relation to the first, it is possible to point out the traditional international cooperation of the Portuguese State with some of the main regions of origin of the immigrants residing in the country and mainly directed to the **management of migratory flows and to the prevention of irregular immigration**.

#### (a) Cooperation on the regulation of migrant flows

Portugal is a particularly important partner for Cape Verdean cooperation on migration. Already in 1976, a general agreement on migration was signed with Portugal. A bilateral labour migration agreement with Portugal has also been in place since 1997, allowing Cape Verdeans to work in Portugal for

<sup>50</sup> See Patrícia Magalhães Ferreira, Migration and Development Report (2017), for the project [www.coerencia.pt](http://www.coerencia.pt)



up to three years, subject to having an employment contract. In order to facilitate regular migration Portugal under the EU-Cape Verde Mobility Partnership (for Cape Verdean citizens) set up an EU common visa centre in Praia. This visa centre has been operational since May 2010 and was proposed by Portugal under the heading of 'Mobility and short-stay visas'. The visa centre is run jointly by Portugal, Belgium and Luxembourg. It issues short-term Schengen visas for Austria, Belgium, the Czech Republic, Finland and Luxembourg.

## **(b) Cooperation strategy geared towards the development of migrants' places of origin**

The Portuguese State has been more limited in its actions, with existing initiatives originating from mainly NGOs, from an individual, collective action of immigrants or groups of particular immigrants. The most visible aspect of cooperation initiatives (individual and/or collective) is the **sending of**

## **remittances from migrants to their countries of origin and their link to the development of these countries.**

The unanswered question is whether migrants' remittances are channelled to developmental goals (individual, family or human development) or whether the effect of remittances is a development penalty because of the dependency effects it generates (see more about financial remittances in chapter V, 5.2.3).

## **2 – Community of Portuguese Speaking Countries**

Portugal has always maintained a close link with its former colonies as illustrated by the Community of Portuguese Speaking Countries (CPLP) that continues to promote the historical, social and cultural relations. It also supports cooperation between the constituent countries which brings more opportunities for development of both the Portuguese emigrants to those countries and the immigrants in Portugal from them.



Photo: Caritas Internationalis



## - CHAPTER 8 -

# CONCLUSIONS AND RECOMMENDATIONS

## A - Conclusions

**Migrants living in Portugal are at greater risk of exclusion, discrimination and poverty than Portuguese residents. The social risks faced by immigrants are not due to the absence of work, but, above all, to the working and contractual conditions to which they are subject.** They continue to be in the worst jobs, receiving the worst wages and the maximum precarity. Two major concerns are manifest: the existence of considerable discrimination in employment; and a widespread non-respect of decent labour standards and occupational health and safety (OSH) protections particularly in the case of migrant workers. While discrimination testing has not been conducted in Portugal, evidence indicates that discrimination in employment based on race, nationality and/or presumed national origin is a widespread problem. **The application and enforcement of anti-discrimination and decent labour standards need reinforcing. Labour inspections should be provided with resources, training and capacity to reach workplaces where migrants are employed throughout the country.**

It is necessary to encourage the regularisation of employment contracts for sectors that are less controlled, such as household cleaning and care services, agriculture or for sectors of social invisibility. **Regular monitoring and increased social surveillance require the involvement of social partners who allow social proximity to compensate for the day-to-day absence of State structures. Regardless of whether the State can intervene everywhere, the social partners – employers and trade unions – have responsibility to ensure that decent work and living conditions are a reality for all migrant workers and their families.**

Unemployed immigrants are mainly concentrated in the Lisbon and the Algarve regions, where there are also the greatest employment opportunities. This seemingly contradictory fact related to the difficult balance between economic and immigrant expectations. A higher demand for labour attracts more immigrant newcomers. In turn, new

and multiple arrivals change the demand-supply structures and create worse working conditions for all by increasing their social vulnerability. Migrants are attracted to the same trap as nationals, this is, the overconcentration in coastal areas and, mostly in metropolitan areas. The networking of existing organisations, such as the Institute for Employment and Professional Training (IEFP) or civil society organisations such as Caritas, should be strengthened, seeking linkages between supply and demand and contributing to a better and faster balance of the system.

A considerable part of the Portuguese legislation has been oriented towards the **integration of immigrants within a long term and permanent strategy.** The labour inclusion approach leading to subsequent regularisation remains the main mechanism for including migrants in the Portuguese economy, allowing them to contribute more fully to the development of both the country of destination and their countries of origin. **At a time when mixed migrations (of refugees, migrant workers, family reunification and student migration) are a reality in Portugal, it is important to have legislation that adapts to these diverse flows and is capable of projecting, in the long term, the existence of a temporary, circular and a permanent migration.** Adapting legislation to new migration as a way of adapting new types of immigrants and refugees involves rethinking existing institutions and support structures (including the High Commissioner for Migration, designed and built for a different context).

Among emigrants and immigrants there are multiple realities in common that must be reconciled in a homogeneous migration policy. At the moment, in the Portuguese case, migration issues are dealt with politically in distinct silos (for example, in the Ministry of Foreign Affairs, in the Ministry of Internal Administration or in the Presidency of the Council of Ministers, while other key ministries are barely involved such as ministries addressing Employment, Social Protection,

Industrial Development, Education, etc). **The structures and institutions that focus on emigration do not effectively communicate with the structures and institutions that deal with immigration. The structuring of social responses that encompass both groups of migrants is a necessity to leverage available resources and to promote the migration of good practices from the area of emigration to that of immigration and vice versa.**

A debate that is lacking in Portuguese society is the reason why the success of integration policies in Portugal, measured by international comparison models such as MIPEX, does not translate into 'inclusion'. In other words, it is important to understand why the success of a social integration programme does not mean the absence of flaws in social inclusion programmes. One possibility, enunciated in this publication, is the **existence of a mismatch between policies and practices. Good policies that solve only a few cases, but which are not of universal application, are indicators of failure in a perspective of integral social inclusion.** Although in individual cases, individual stories create a sense of success, it is the stories of lesser success that enable change capable of promoting the social inclusion in Portugal. Creating bottom-up and top-down evaluation models would be one way to overcome these constraints and build realistic policies and practices.

'Integration' does not always translate into 'inclusion' or, in other words, the success of a social integration programme does not mean that there are no failures in social inclusion programmes. **A short-term integration strategy must lead to a long-term strategy of social inclusion.**

**Building a National Plan for Inclusion capable of responding to the specific characteristics of the new immigration and refugees in Portugal is necessary in this new phase of migration.** The Strategic Plan for Migration, built amid the country's economic and financial crisis, is now out of date given the new context. It is necessary to develop a National Plan, capable of responding to the social inclusion of refugees after the first 18 months of support following arrival. It is also important to respond to the new territoriality of immigration in Portugal by constructing new National Support Centres for Immigrants (CNAI) in regions attracting immigrants. An Administrative and Legislative Simplification Programme (Simplex) is needed for the regularisation of immigrants, in the certification of competences and academic degrees obtained outside the country and in the simplification of the procedures for granting and renewing residence visas. Investment and promotion of an inter-cultural education that contributes to the domestication of global multiculturalism is also required. Building a communication strategy for the benefits of intercultural diversity should be a common path to follow. In the current circumstances there is a National

Plan that has been outdated very quickly and that needs to be re-built on new bases. **The Participation and involvement of immigrants, refugees, NGOs and IPSSs working with them, including the academic sector and state institutions working with (or for) immigrants and refugees should be a strategic priority.**

**The process of constructing a new infrastructure to support the integration of immigrants should be framed by reinforcing public resources capable of ensuring the quality of the services provided and the equity between regions receiving immigrants. Decentralisation to municipalities or to the level of inter-municipal communities of several measures and programmes for the integration of immigrants should be taken as a measure of national cohesion. This will facilitate inclusion and enhance potential positive externalities for the demography and re-territorialisation of populations in less densely populated territories.**

Contemporary immigration is still concentrated mainly in the metropolitan area of Lisbon. The metropolitan area of Porto, the Algarve region, Madeira, the Alentejo region or the Central region are increasingly being transformed from regions of emigration to regions of immigration. The country itself is transforming into a host country and gradually new areas of migration are emerging within traditional structures or new vocational institutions are appearing for these populations.

**The increase of immigrants and foreigners and their increasing dispersion throughout the national territory, but also the increase of the national and cultural origins of these individuals, will mean that local communities are prepared to receive and include new people, cultures and religions.** Until recently most migration shared a common cultural past (from former colonies or neighbouring European countries), but today there is a much greater diversification of origins which can strain the traditional Portuguese tolerance. The preparation of local communities for the reception and inclusion of migrants (immigrants and refugees) should be part of the strategy of social cohesion.

## B – Recommendations

Based on the research behind this publication and the shared experience from within the Caritas network of working with migrants and refugees, the following set of recommendations aims at steering Cáritas Portuguesa and its partners to serve as leading actors in sustaining a constructive dialogue. Cáritas Portuguesa and its partners should support subsequent actions and measures aimed at promoting, protecting and ensuring the rights and dignity of all migrants and refugees, promoting their inclusion in Portuguese society, and enhancing migrants' own integral human development as well as their role as agents of development in Portugal and their countries of origin. The following general recommendations similarly concern the Government of Portugal as well as regional/local authorities, NGOs/CSOs, civil society actors, migrants and migrant organisations, and the people of Portugal, in the perspective of whole-government and whole-society approaches working in close cooperation in their multiple dimensions and capacities.

### **I – Non-discrimination and equality of treatment and integral human development opportunities for all migrants in Portugal**

- Ensure full application of anti-discrimination laws and strengthen enforcement mechanisms, including strengthening the enforcement of national legislation implementing Portugal's commitments under CERD and Treaty Body recommendations, particularly regarding nationality, national origin, and xenophobia as a form of racism.
- Strengthen the training of staff working in public services on human rights and multiculturalism.
- Ensure full application to all migrants of gender equality legislation.
- Continue and reinforce policy and procedures facilitating the regularisation of the status of immigrants.
- Review the existing legislative framework and formulate legislation to address gaps in protection and inclusion for refugees and asylum seekers and migrant workers, including seasonal, temporary, intra-company transfer, highly-qualified, and other employment situations such as family reunification and family member protection; and migration for research, studies, training and education.

### **II – Decent work conditions for all migrants**

- Advocate that employers accept full responsibility to ensure decent work conditions for all employees, as well as acting against human trafficking and any form of exploitation.
- Strengthen the capacity, training and mandate of labour inspections to reach all workplaces in Portugal where migrant workers are concentrated/employed.
- Urge trade unions to expand efforts to organise, support and defend all migrant workers in Portugal.
- Urge rapid incorporation of provisions of the ILO Convention 189 on decent work for domestic workers in national and local legislation and their full implementation.
- Campaign for EU Member States' ratification of the IMRWC.

### **III – Migration governance in Portugal**

- Articulate and establish a new vision and an integrated long-term national plan for inclusion to build on short-term integration strategies.
- Ensure it addresses specific characteristics of new immigration and refugees in Portugal.
- Include a component supporting re-territorialisation of populations in less densely populated territories.
- Engage and involve immigrants, refugees, NGOs and IPSSs, academic and scientific entities as well as the concerned national and local government institutions in the design and elaboration of a national plan for inclusion.
- Identify and address the full agenda of immigration and integration concerns, including national development, employment, health, education and training, social protection, social services, infrastructure, urbanisation and urban planning, rural revitalisation, etc. In the context of a new national plan for inclusion and integration, formulate a systemic vision of organisational engagement and cooperative institutional roles of the whole of government and society.

- Organise an implementation agenda for the national inclusion plan which will identify institutional mandates, respective roles, responsibilities and actions to be conducted along with timelines, and mapping the organisational links, interdependencies and relations among all relevant stakeholders.
- Establish an on-going inter-institutional mechanism for informal dialogue and problem solving among the governmental bodies concerned with the participation of social partner and civil society organisations working with migrants and refugees.
- The decentralisation to municipalities and inter-municipal communities of relevant responsibilities for facilitating inclusion and integration, with the allocation of adequate resources (including from central budgets given, in many cases, the inadequate resourcing at local level).

#### **IV – Support decentralisation and enhance engagement of local actors in integration**

- Encourage and assist local communities to receive and include new people, cultures and religions.
- Ensure ‘whole city’ local governance engagement in immigrant inclusion and integration, including local multi-stakeholder mechanisms for consultation and coordination among local authorities and with local social partners, civil society and migrant and refugee associations.
- Strengthening the roles and actions of local governments in promoting and facilitating migrants’ inclusion and integration. Ensure local governments address all resident and arriving migrants, regardless of status, as both target groups and co-drafters of policy and practice which should include by migrant participation in the governance and administration of the communities where they reside.
- Include diaspora organisations, churches, associations and trade unions in local integration policies to provide migrants with initial support and contribute to mutual understanding between migrants and Portuguese society.
- Promote the importance and availability of immediate language classes, integration courses and work permits for arriving migrants and refugees.

#### **V – Support migrant associations and diasporas’ role as development actors**

- Support the capacity building of migrant associations and diaspora organisations to help them to respond to funding opportunities and implement activities.
- Design projects in which local, regional, or national government(s) collaborate with migrants and authorities and/or CSOs in their country of origin while safeguarding against the counterproductive interference of home country authorities in their development activities.
- Reduce the transfer cost of remittances.
- Enable opportunities for the participation of diaspora and migrant organisations in the process of designing, implementing, monitoring and evaluating public policies affecting both migration and development.
- Enable and promote the consultation and participation of migrant associations in the definition of development cooperation policy and programmes, for example, creating a migration and development platform in order to stimulate joint efforts and cooperation between migrant organisations and development NGOs.

#### **VI – Do not compromise on budgets for migration and development**

- Respect commitments by continuing to increase ODA, in a transparent and predictable way, with the view of reaching 0.3% of Gross National Income to Official Development Aid (ODA) until 2020, and the international target of 0.7% GNI/ODA in the long term.
- Do not count the reception costs of asylum seekers and refugees as ODA.
- Ensure that all (Portuguese and EU) ODA follows a strict objective of supporting sustainable development as enumerated in the UN 2030 Agenda for Sustainable Development. The ODA should never fund border or migratory/mobility control actions.
- Take a stand against any attempts of the Portuguese or EU ODA to be linked to the management of migratory flows. The budget for migration and development can be linked only if they both aim at the sustainable development agenda and humanitarian assistance.



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# Annexes

## **ANNEX 1** **LIST OF ABBREVIATIONS**

**ACM** – Alto Comissariado para as Migrações (High Commissioner for Migration)  
**ACT** – Authority for Working Conditions  
**CICDR** – Commission for Equality and Against Racial Discrimination)  
**CNAI** – National Support Centre for Immigrants  
**CNAIM** – National Support Centre for the Integration of Migrants  
**CPLP** – Community of Portuguese-Speaking Countries  
**CPR** – Portuguese Council for Refugees  
**CST** – Catholic Social Teaching  
**DEAR** – Development Education and Awareness Raising  
**DESA** – Department of Economic and Social Affairs  
**DG DEVCO** – Directorate General Development and Cooperation  
**EC** – European Commission  
**EEA** – European Economic Area  
**EU** – European Union  
**FORCIM** – Forum of Catholic Organisations for Immigration  
**GCM** – Global Compact for Safe, Orderly and Regular Migration  
**GCR** – Global Compact on Refugees  
**GDP** – Gross Domestic Product  
**GNI** – Gross National Income  
**GNR** – National Republican Guard  
**ICPD** – International Conference on Population and Development  
**ICRMW** – International Covenant on the Rights of Migrant Workers  
**ICT** – Information and Communication Technologies  
**ILO** – International Labour Organisation  
**INE** – National Statistical Institute  
**JRS** – Jesuit Refugee Service  
**LDC** – Least Developed Countries  
**MIND** (project) – Migration, Interconnectedness, Development  
**MIPEX** – Migration Integration Policy Index  
**NGDO** – Non-governmental development organisation  
**NGO** – Non-governmental organization  
**NHS** – National Health Service (also SNS)  
**ODA** – Official Development Assistance  
**OECD** – Organisation for Economic Cooperation and Development  
**OCPM** – Catholic Portuguese Work of Migrations (OCPM)  
**PSP** – Public Security Forces  
**RIFA** – Immigration, Borders and Asylum Report  
**SDGs** – Sustainable Development Goals  
**SEF** – Foreigners and Borders Service  
**UDHR** – Universal Declaration on Human Rights

**UN** – United Nations

**UNHCR** – United Nations High Commissioner for Refugees



## RELEVANT LEGISLATION AND POLICIES

### MAIN IMMIGRATION POLICY MEASURES

Year	Acts
1981	Decree-law nº 264-C /1981 of 3 September first law of immigration in Portugal on entry, stay and exit of foreigners.
1992	Decree-law nº212 /1992 of 12 October: first process of regularisation of immigrants.
1993	Decree-Law No. 59/1993 of 3 March: new regime for entry, stay and exit of foreigners.
1996	Law nº 17/96 of 24 May: second extraordinary regularisation of the situation of illegal immigrants..
1998	Decree-Law nº244 /1998 of 8 August: new regime of entry, stay and exit of foreigners.
2001	Decree-law nº 4/2001 of 10 January: new regime of entry, stay and exit of foreigners. New elements have been introduced in immigration policy, such as residence permits and the quota system. In practice, this mechanism for residence permits corresponds to a third process of extraordinary regularisation of immigrants (based on employment).
2003	Decree-law nº 34/2003 of 25 February: new regime of entry, stay and exit of foreigners. Permanently abolished residence permits for immigrants arriving after entry into force. Bilateral agreement signed on 11 June between Portugal and Brazil to regularise irregular Brazilian workers in Portugal and Portuguese irregular workers in Brazil.
2004	Decree-Regulatory nº 6/2004 of 26 April: regulates the new immigration regime of 2003. Article 71 allowed for the regularisation of immigrants already active in the labour market who proved that they had made compulsory deductions for social security and tax administration for at least 90 days before the entry into force of the law.
2006	Law no. 37/2006, of 9 August. Regulates the exercise of the right of free movement and residence of the citizens of the European Union and of the members of their families in the national territory and transposes Directive 2004/38/EC of the European Parliament and of the Council of 29 April.
2007 Law on Foreigners	<u>Law nº23 / 2007 of July 4: new regime of entry, stay and exit of foreigners.</u> <u>Amended by: Law no. 29/2012, of 9 August ; Law no. 56/2015 of June 23 (amends articles 52, 70 and 151) Law 63/2015 of 30 June (amends articles 3, 61 82, 99 and 122 and repealing Article 90a (3); Law no. 59/2017, of July 31 (changes articles 88, 89 and 135) and Law no. 102/2017, of August 28</u>
2007	Decree-regulation no. 84/2007 of 5 November regulates the new immigration regime of the law of 2007. Amended by Regulatory Decree No. 2/2013, of March 18; by Decree-Law no. 31/2014 of February 27 and by the Regulatory Decree No. 15-A/2015 of 2 September.
2008 Asylum Law	Law no. 27/2008, of 30 June which establishes the conditions and procedures for the granting of asylum or subsidiary protection and the statutes of asylum, refugee and subsidiary protection, transposing into national law the 2004 Directives 83/EC of the Council of 29 April and Council Directive 2005/85/EC of 1 December, as amended by Law No 26/2014 of 5 May

## MAIN LEGISLATIVE ACTS ON ASYLUM PROCEDURES, RECEPTION CONDITIONS, DETENTION AND CONTENT OF INTERNATIONAL PROTECTION

Title (EN)	Original Title (PT)	Abbreviation	Web Link
Act n. 27/2008 of 30 June 2008 establishing the conditions for granting asylum or subsidiary protection, transposing Directives 2004/83/EC and 2005/85/EC	Lei n.º 27/2008 de 30 de junho que estabelece as condições e procedimentos de concessão de asilo ou protecção subsidiária e os estatutos de requerente de asilo, de refugiado e de protecção subsidiária, transpondo para a ordem jurídica interna as Directivas n.os 2004/83/CE, do Conselho, de 29 de Abril, e 2005/85/CE, do Conselho, de 1 de Dezembro	Asylum Act	<a href="http://bit.ly/2npMl5T">http://bit.ly/2npMl5T</a> (PT)
<i>Amended by:</i> Act n. 26/2014 of 5 May 2014 amending Act n. 27/2008, transposing Directives 2011/95, 2013/32/EU and 2013/33/EU	Lei n.º 26/2014 de 5 de maio que procede à primeira alteração à Lei n.º 27/2008, de 30 de junho, que estabelece as condições e procedimentos de concessão de asilo ou protecção subsidiária e os estatutos de requerente de asilo, de refugiado e de protecção subsidiária, transpondo as Directivas n.os 2011/95/UE, do Parlamento Europeu e do Conselho, de 13 de dezembro, 2013/32/UE, do Parlamento Europeu e do Conselho, de 26 de junho, e 2013/33/UE, do Parlamento Europeu e do Conselho, de 26 de junho		<a href="http://bit.ly/1jd3hcG">http://bit.ly/1jd3hcG</a> (PT) <a href="http://bit.ly/2Afj7sS">http://bit.ly/2Afj7sS</a> (EN)
Act n. 23/2007 of 4 July 2007 on the legal status of entry, residence, departure and removal of foreigners from the national territory	Lei n.º 23/2007, de 4 de julho, que aprova o regime jurídico de entrada, permanência, saída e afastamento de estrangeiros do território nacional	Aliens Act	<a href="https://goo.gl/9KBsS1">https://goo.gl/9KBsS1</a> (PT)
Act n. 15/2002 of 22 February 2002 approving the Code of Procedure before the Administrative Tribunals	Lei n.º 15/2002 de 22 de fevereiro que aprova o Código de Processo nos Tribunais Administrativos	Administrative Court Procedure Code	<a href="http://bit.ly/2yekj3x">http://bit.ly/2yekj3x</a> (PT)
Act n. 13/2003 of 21 May 2003 establishing the Social Insertion Revenue	Lei n.º 13/2003, de 21 de maio que cria o rendimento social de inserção	RSI Act	<a href="http://bit.ly/2zyQuOc">http://bit.ly/2zyQuOc</a> (PT)
Act n. 220/2006 of 3 November 2006 establishing the legal framework for the social protection in case of unemployment of persons working for an employer	Lei n.º 220/2006, de 3 de Novembro, Regime jurídico de protecção social da eventualidade de desemprego dos trabalhadores por conta de outrem		<a href="https://bit.ly/2JzdoHt">https://bit.ly/2JzdoHt</a> (PT)
Decree-Law 176/2003 of 2 August 2003 establishing the family allowance to children and youth and defining protection in case of family expenses in the context of the family protection subsystem	Decreto-Lei n.º 176/2003, de 2 de Agosto, que Institui o abono de família para crianças e jovens e define a protecção na eventualidade de encargos familiares no âmbito do subsistema de protecção familiar		<a href="https://bit.ly/2IDrmGX">https://bit.ly/2IDrmGX</a> (PT)
Act n. 35/2014 of 20 June 2014 governing employment in public functions	Lei n.º 35/2014 de 20 de junho que aprova a Lei Geral do Trabalho em Funções Públicas		<a href="http://bit.ly/2B27JEC">http://bit.ly/2B27JEC</a> (PT)
Act n. 7/2009 of 12 February 2009 approving the Labour Code	Lei n.º 7/2009 de 12 de fevereiro que aprova a revisão do Código do Trabalho	Labour Code	<a href="http://goo.gl/8gcMW6">http://goo.gl/8gcMW6</a> (PT)

<b>Title (EN)</b>	<b>Original Title (PT)</b>	<b>Abbreviation</b>	<b>Web Link</b>
Act n. 37/81 of 3 October 1981 approving the Act on Nationality	Lei n.º 37/81 de 3 de outubro de 1981 que aprova a Lei da Nacionalidade	Nationality Act	<a href="http://bit.ly/2jukiBm(PT)">http://bit.ly/2jukiBm(PT)</a>
Act n. 81/2014 of 19 December 2014 <i>Amended by:</i> Act n. 32/2016 of 24 August 2016	Lei n.º 81/2014 de 19 de dezembro alterada pela Lei n.º 32/2016 de 24 de Agosto que estabelece o novo regime do arrendamento apoiado para habitação Lei n.º 32/2016 de 24 de agosto	Public Leasing Act	<a href="http://bit.ly/2ndGox8(PT)">http://bit.ly/2ndGox8(PT)</a>

## **RATIFICATION STATUS OF MAIN HUMAN RIGHTS INTERNATIONAL LEGISLATION**

<b>Treaty</b>	<b>Date of signature</b>	<b>Ratification</b>
CAT - Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment	4 Feb 1985	9 Feb 1989
CCPR - International Covenant on Civil and Political Rights	4 Feb 1985	15 Jun 1978
CED - Convention for the Protection of All Persons from Enforced Disappearance	6 Feb 2007	27 Jan 2014
CEDAW - Convention on the Elimination of All Forms of Discrimination against Women	24 Apr 1980	30 Jul 1980
CERD - International Convention on the Elimination of All Forms of Racial Discrimination		24 Aug 1982 (a) Accession
CESCR - International Covenant on Economic, Social and Cultural Rights	7 Oct 1976	31 Jul 1978
CMW - International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	-	-
CRC - Convention on the Rights of the Child	26 Jan 1990	21 Sep 1990
CRPD - Convention on the Rights of Persons with Disabilities	30 Mar 2007	23 Sep 2009
ILO Convention n° 105 on Abolition of Forced Labour, 1957		23 Nov 1959
Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery	7 Sep 1956	10 Aug 1959
ILO Convention n° 29 on Forced and Compulsory Labour		26 Jun 1956
Slavery Convention	25 Sep 1926	4 Oct 1927
Convention relating to the Status of Refugees		22 Dec 1960
Protocol relating to the Status of Refugees		13 Jul 1976
Convention relating to the Status of Stateless Persons		1 Oct 2012
Convention on the Reduction of Statelessness		1 Oct 2012

*Source: United Nations and GDDC (Portuguese Office of Documentation and Comparative Law)*

## ACCEPTANCE OF INDIVIDUAL COMPLAINTS PROCEDURES FOR PORTUGAL

CAT, Art.22 - Individual complaints procedure under the Convention against Torture	9 Feb 1989
CCPR-OP1 - Optional Protocol to the International Covenant on Civil and Political Rights and Political Rights	3 May 1983
CEDAW-OP - Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women	26 Apr 2002
CERD, Art.14 - Individual complaints procedure under the International Convention on the Elimination of All Forms of Racial Discrimination	2 Mar 2000
CESCR-OP - Optional Protocol to the International Covenant on Economic, Social and Cultural Rights	28 Jan 2013
CMW, Art.77 - Individual complaints procedure under the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	
CRC-OP-IC - Optional Protocol to the Convention on the Rights of the Child	24 Sep 2013
CRPD-OP - Optional Protocol to the Convention on the Rights of Persons with Disabilities	23 Sep 2009

Source: United Nations.

## LIST OF STAKEHOLDERS INTERVIEWED

Obra Católica Portuguesa para as Migrações (OCPM)	Director	Focus-group meeting 6 June 2018
Cáritas Diocesana de Lisboa	Specialised technician (Migration/Inclusion)	
Cáritas Diocesana de Bragança	Specialised technician (Migration/Integration)	
Cáritas Diocesana de Beja	Specialised technician (Migration/Inclusion)	
Fundação Fé e Cooperação (FEC)	Specialised technician (Migration/Development/Development Education and Advocacy)	
Jesuit Refugee Service - Portugal	Specialised technician (Migration/Refugees/Advocacy)	
Fundação Aga Khan	Specialised technicians (2) (Migration/ Integration/ Development)	Meeting 6 June 2018
Platform for Refugee Support (PAR)	Specialised technician (Migration/ Refugees)	Meeting 6 June 2018
Portuguese Centre for Refugees (CPR)	Specialised technician (Migration/Refugees)	
Santa Casa da Misericórdia de Lisboa	Specialised technicians/Social workers (2)	Focus group meeting 8 June 2018
Authority for the Conditions of Work (ACT)	Inspector	
Directorate General of Economic Activities	Specialised technician	
Ministry of Foreign Affairs - Directorate General of the Portuguese Communities	Specialised technicians (2) (Emigration)	
Office of the Ombudsman	Specialised technicians (2)	



General Directorate of Education	Specialised technician	
General Directorate of Health	Specialised technicians (2)	
Institute for Employment and Vocational Training	Specialised technician	
General Secretariat of the Ministry of Internal Administration	Specialised technician (EU Funding for Asylum, Migration and Integration)	
Foreigners and Borders Service	Inspector	
Researcher	University of Coimbra Migration/Development	Meeting 8 June 2018
Researcher	CESIS Migration/Development	
International students and foreign citizens	(5 interviews conducted)	October/November 2018
Associação de Beneficência LusoAlemã (ABLA)	Non-governmental organisation	Training meeting 11-13 January 2019
Associação de Intervenção Comunitária, Desenvolvimento Social e de Saúde (AJPAS)	Non-governmental organisation	
Associação dos Antigos Alunos do Ensino Secundário de Cabo Verde	Migrant Students' Association	
Associação dos Imigrantes nos Açores	Migrants' Association	
Cáritas Paroquial da Caranguejeira	Hosting organisation for refugee families	
Casa do Brasil de Lisboa	Migrants' Association	
Comissão de Apoio às Vítimas de Tráfico de Pessoas (CAVITP)	Non-governmental organization (Migration/Human Trafficking)	
Centro Social e Cultural Luso-Ucraniano	Migrants' Association	
CEPAC - Centro Padre Alves Correia	Non-governmental organization	
Chance + - Associação	Migrants' Association	
CulturFACE-Associação Cultural Para o Desenvolvimento	Migrants' Association	
DOINA Associação de Imigrantes Romenos e Moldavos do Algarve	Migrants' Association	
Faculdade de Arquitetura - Universidade de Lisboa	Researcher	
FCSH-UNL - Faculdade de Ciências Sociais e Humanas - Universidade Nova de Lisboa	Researcher (Migration/Integration)	
FDUNL / JUROSNOVA / CEDIS	Researcher (Migration/Development)	
Fundação Gonçalo da Silveira	Non-governmental organisation for development (NGDO)	
Fundação Nos Tchada	Migrants' Association	
Klaus Luchtenberg	Independent Legal Adviser (Migration/Regularisation/Integration)	
Make Food not War	Association	
Instituto Marquês de Valle Flôr	Non-governmental organisation for development	
GATAI/ACM	High Commissioner for Migration' Office for Technical Support to Immigrants' Associations	

### **SOME OF THE POINTS RAISED AND ADDRESSED WITH THE FOCUS GROUPS:**

- Situation of migrants/refugees in Portugal; vehicles/obstacles to reception and integration; main challenges and opportunities.
- Access to fundamental rights and living conditions.
- Impact of official policies that directly or indirectly affect migrants/refugees.
- Contribution of migrants/refugees to development (in Portugal and/or countries of origin): main challenges and opportunities.
- Factors that contribute to/hinder the human development of the migrants/refugees themselves.
- Identified gaps and needs to better promote the integral human development of migrants/ refugees; and the development of host/integration societies (political, social, economic, cultural).
- Attitudes and public opinion regarding migrants/refugees: main challenges and opportunities.
- Best practices.
- Impact of projects and initiatives carried out on the lives of migrants/refugees/community.







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