



SATISFYING LABOUR
DEMAND THROUGH
MIGRATION IN
PORTUGAL



Satisfying Labour Demand through Migration in Portugal

European Migration Network

2010



PORTUGAL
NATIONAL CONTACT POINT
EUROPEAN MIGRATION NETWORK



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Executive Summary

In the past twenty-five years Portugal has seen its role change in international migration circuits. Over the course of the 20th century the country was essentially an exporter of labour, a role that it has never ceased to play. However, particularly during the final decades of the 20th century, it has simultaneously been cast in the role of a nation that receives an influx of immigration.

In this context, the immigration policies implemented by the Portuguese state are relatively recent and represent, above all, a response to the economic and political changes that have made Portugal a nation that receives immigrants. It is important to note that almost every Executive from the XII Constitutional Government (1991) to date has presented its own immigration law. More than reflecting ideological divergences between the different governments, this fact reflects a dual need: to respond to the effective entry of working immigrants into Portugal and to transpose EU legal directives pertaining to immigration to national legislation.

At an initial stage it can be said that the immigration policies were partially subordinated to the priorities of Portuguese foreign policy, with immigrants coming from Portuguese speaking nations being given clear preference in terms of access to residence permits, a situation that the most recent immigration law has changed, by putting all third country citizens on an equal footing. The need to harmonise Portuguese legislation with EU directives has continued to be a priority for the national political authorities, from the Schengen agreement to the European Blue Card Directive.

Research carried out about the subject of this study – satisfying a demand for labour in the Portuguese economy by means of immigration – reveals that the question of labour was a fundamental issue in terms of defining Portuguese migration policies from the XII Constitutional Government onwards. This is very much in keeping with the nature of immigration to Portugal, which, as can be seen by means of statistics, is essentially of an economic or professional nature. It can be said that, in fact, this immigration has always satisfied the demand for labour in the Portuguese economy, especially in the sectors that require fewer qualifications and offer lower levels of remuneration, which are of less interest to Portuguese workers. Initially, immigrant workers essentially came from Portuguese Speaking African Nations (PALOP). They were followed by immigrants from Eastern Europe from the late 1990s onwards and, subsequently, by immigrants from Brazil. However, if these fluxes solved the need for labour in Portugal, these immigrants did not come here due to the initiative of the Portuguese state or national immigration

policies but instead came due to the initiative of the immigrants themselves, who perceived the increase in employment opportunities generated by large-scale public works projects. Many of them entered Portugal illegally and were undocumented and it was only later that the government created the necessary conditions to regularise their presence in the country. This *a posteriori* regularisation was linked, during its different stages, to the professional situation of the immigrants.

The present Immigration Law - Law No. 23/2007, of 4 July - consecrated the system of quotas, which has been an element of Portuguese legislation since 2003. The policy of establishing quotas, commonly known as the immigration quota policy, seeks to address dual aspects: the total number of third country nationals that Portugal can receive during a given period of time (generally one year) and the professional profile that immigrants who are to be admitted into the country should possess.

This entails subjecting the granting of work visas to engage in professional activities to the labour needs of the Portuguese economy that are not satisfied by national or EU citizens or citizens of other countries who are legally resident in Portugal. These needs are calculated by the Ministry for Labour and Social Solidarity (MTSS), according to the different sectors of the economy. The Cabinet is responsible for defining the quotas and establishes the maximum number of residence visas for subordinate work that can be granted in a year. In the past two years this quota has been fixed at around 3800 visas. The government has justified the reduction of the quota as compared to the entry of immigrants in previous years on the grounds of the economic crisis and the subsequent slowdown in the Portuguese economy's capacity to create jobs.

The Immigration Law also contains specific provisions for highly-skilled immigrant workers, in keeping with recent European legislation, namely the European Blue Card Directive, preceding the transposition of this directive to national legislation. Notwithstanding the scarcity of statistics in this regard, an analysis of this data indicates that these highly-skilled immigrants are still a relatively small percentage of the set of immigrants in Portugal and that some European Union (EU) nationalities have a significant presence in the context of in this highly-skilled immigration.

1 Introduction: Purpose and methodology used

The main purpose of this study is to understand the way in which, in recent decades and more particularly during the last two years, the Portuguese state has used immigration as a means of satisfying the labour needs of the national economy. Thus, it seeks to examine the strategies that have been adopted by successive governments to satisfy this demand by means of diverse immigration policies that were progressively implemented, while also analysing, to the extent possible, the efficacy of these policies to effectively satisfy the labour needs of the Portuguese economy that were not filled by Portuguese and EU workers.

This study also examines the influence that EU legislation has had in recent decades in terms of defining the Portuguese legislative framework that regulates immigrant labour. In this sense this study provides an overview of the evolution of migration policies with regard to the question of immigrant labour during the past two decades, while simultaneously making it possible to understand the evolution of the fluxes and stocks of immigrant labour between 2006 and today. This study likewise sought to identify the way in which the need for immigrant labour with different levels of qualifications was approached, i.e. the specific strategies that Portuguese legislation implemented to facilitate, on the one hand, the entry of highly-skilled labour and, on the other hand, allow the entry of workers for the less skilled sectors of the economy.

This study was produced by the [National Contact Point](#)¹ (NCP) of the [European Migration Network](#)² (EMN) created by [Council Decision 2008/31/EC, of 14 May 2008](#).³ The Portuguese NCP is the [Aliens and Borders Service](#)⁴ (SEF), which uses the research and advisory services of [Númena – Centre for Research in Social and Human Sciences](#)⁵ for activities related to social and human sciences to support compliance with the programme of tasks defined by the European Migration Network (EMN) for 2010. This study was prepared by Bruno Dias and Sílvia Lima of Númena. It was reviewed by Edite Rosário and Tiago Santos, of Númena, and by Ana Bela Antunes of the Strategic and Planning Office of the Ministry for Labour and Social Security (GEP-MTSS). At the level of the SEF, this study was coordinated by João Ataíde and Maria José Torres, with the

¹ See <http://rem.sef.pt>.

² See <http://emn.sarenet.es>.

³ See <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:131:0007:0012:PT:PDF>.

⁴ See <http://www.sef.pt>.

⁵ See <http://www.numena.org.pt/entrada.asp>.

collaboration of Alexandra Bento, Pedro Dias and Pedro Sousa. The preparation of this study was likewise facilitated by the contribution of two SEF experts, namely, Jorge Portas and Verónica Nogueira.

1.1 Methodology

This study has approached the strategies of satisfying labour needs by means of the entry of foreign workers at two levels: at the level of the policies and at the level of the effective reality of labour immigration to Portugal. It will examine the broad lines of the Portuguese state's policies with regard to immigrant labour during the past decade and will also profile the movements of foreign workers that have effectively occurred in Portugal.

The methodology adopted to understand the relationship between state policies and the effective realities of immigration was based on a documental analysis of two main types of sources: legislative documents and statistical documents. These sources were the main means of accessing the two aforesaid levels: that of the political guidelines enshrined in legislation and that of migratory fluxes. The legal diplomas contain the national political guidelines pertaining to immigration, namely the relationship between immigration and the labour market – for example, how obtaining a valid residence document is subordinated to engaging in a professional activity. However, this analysis cannot be limited to a mere analysis of legislation but must also include an appraisal of other documents, namely statistical sources, which make it possible to assess the scope and the results of legislative choices.

These statistics help characterise the migratory fluxes of labour to Portugal from 2004 onwards, highlighting the various nationalities and classifying these immigrants on the basis of professional categories, albeit with the limitations that will be duly indicated and developed in subsequent points.

This dichotomy between, on the one hand, the legislative policy and, on the other hand, real migratory fluxes (translated into numbers) should not conclude an enquiry into an absolute dualism between these two realities. It is also necessary to pay attention to the intermediate level between policies as defined by decision-makers and the records of the effective entries, i.e. the level of the implementation of policies.

This intermediate level includes the border controls carried out by the SEF, as well as all the mechanisms and devices by which to effectively acquire a legal residence document in Portugal. With regard to the question of satisfying labour needs by means of immigration it is necessary to keep in mind that the policy currently in effect only envisages the entry of a given number of foreigners to engage in subordinate professional activities. This limit is determined by means of an assessment by the bodies that have been designated by the law for this purpose of the demand for labour that is not satisfied by workers who are given preference under the terms stipulated by legislation. The process of establishing this quota – i.e. determining the number of foreign workers who are not included in the preferred groups – must hence also be analysed in this study and, as far as possible, described in detail, keeping in mind the demand for labour according to the type of qualifications of the work in question.

1.1.1 Methodology adopted to identify sources

The choice of the sources was based on the requirements of the information specifications stipulated by the EMN for this study. The existence of a National Migration Network articulated by the NCP made it possible to streamline the procedures for obtaining the necessary complementary information from the governmental bodies that are part of this network. In the case of sources providing qualitative information, namely the legal documents, official sources were given preference, such as the [SEF Internet portal](#). A consultation of reports regarding the demand for labour was relevant in order to understand the mechanisms used to identify and determine labour needs in each sector of activity and hence the operational devices used to establish the annual quotas of immigrants to be admitted to engage in professional activities.

In order to ascertain the quantitative information required by point 3 of the specifications this study initially used two main sources⁶ to prepare the tables referring to the stocks and flows of foreign nationals, classified according to their respective professional categories and nationalities. The criteria used to select the sources included their level of reliability and being up to date. However, in both cases and for different variables, some inconsistencies were evident in these sources, which justified the need to use a third source. In the context of point 3.2 the studies carried out in order to create the statistical tables revealed that it was necessary and relevant to develop the processing of

⁶ The Department for Strategy and Planning and the Aliens and Borders Service.

variables that currently are not part of the basic structure of the SEF database about foreigners in Portugal, i.e. the SEF Integrated Information System (SIISEF). It will thus be possible to achieve a significant improvement in the quality of information about legal residents in Portugal in general and their activities and professional occupations in particular.

Data from the Monthly Statistical Reports of the Institute for Employment and Professional Training (IEFP) was used to portray the phenomenon of unemployment amongst foreign workers. This database is up to date and is the only source available to examine unemployment among foreign nationals.

1.1.2 Types of information and types of sources

The main source used to analyse the policies regarding economic immigration defined by the Portuguese state was the legislation produced during the last decade. This made it possible to trace the evolution of the State's intervention and approach to the question of the entry of labour from third countries and the insertion of such workers in the labour market. Complementary secondary sources were also used, such as scientific research pertaining to migration policies in Portugal in recent years.

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The [Directorate-General for Social Security](#) (DGSS)⁷, an institutional interlocutor that is part of the National Migration Network, collaborated and, while jointly preparing this study with the SEF, contributed statistical information regarding the number of individuals with at least one declared source of remuneration and/or who have paid at least one contribution to the social security system, according to their nationality and sex, for the years 2004-2009. The information that was provided is presented on the basis of nationality and is arranged into groups of countries created according to geographic and political criteria, namely: EU nations, other European countries, PALOP countries, African nations, Asian nations, American nations and Oceania.

The main source used to profile the processes of determining labour needs to be filled by third country nationals was the reports regarding labour requirements pertaining to 2008 (which included the last quarter of 2007), 2009 and 2010, provided by the GEP-MTSS.

⁷ Accessible at: <http://www.mtss.gov.pt>.

The primary sources used for the quantitative analysis and assessment were the data supplied by the Department for Strategy and Planning ([GEP-MTSS](#))⁸, an institutional interlocutor of the National Migrations Network, and SEF data. The former provided insights about subordinate labour, both national and foreign, working for individual and collective entities and the central, regional and local administration and public institutes (workers with an individual work contract). The SEF data helped quantify the stocks and flows regarding the entry of foreign workers since 2004 and their respective professional profile.

1.1.3 Organisations that were contacted and which cooperated in this study

In order to compile and select relevant information the DGSS, SEF and the GEP-MTSS were contacted. The Social Security authorities also cooperated in terms of providing information, especially statistical data about social security contributions by third country nationals. Two experts from the SEF also provided know-how and clarified questions related to the EU and explained procedures regarding the policy of establishing quotas, as well as the implementation of the European Blue Card. As mentioned above, the GEP-MTSS contributed by providing the last four Labour Opportunities Reports, pertaining to the years between 2007-2010.

1.1.4 Difficulties faced

In terms of difficulties faced, it is important to note the processing of information from some of the statistical data and the efforts that were necessary – and had not been initially foreseen – during the creation of the statistical tables, which absorbed a very significant amount of time. This consisted of extracting data from the SIISEF, in conformance with the criteria stipulated by the specifications, followed by tests to combine the diverse sources.

However, notwithstanding the above, in light of the poor quality and reliability of the statistical data for the intended purposes, the authors finally decided (in consultation with the NCP) not to present this data.

⁸ Accessible at: <http://www.gep.mtss.gov.pt>.

1.1.5 Divergences from specifications

The main divergence from the specifications of the study has to do with the difficulty involved in filling the statistical tables required for Annexe 2. This difficulty was due to the limitations of the quantitative sources available in Portugal, especially with regard to the level of detail of the data. Since it was necessary to compare data pertaining to national workers and foreign workers, this study initially used two diverse sources, both of which proved to have different shortcomings and, when combined, made any comparisons impossible. The GEP-MTSS Employee Rolls, which contain information about all workers within the national territory (distinguishing between national and foreign workers), only refer to salaried workers who, in a given year, are employed by a company or establishment. Thus, these Rolls do not enable details cross-referenced by nationality and professional groups and hence the information for foreign workers was compiled from another source, in this case, from the SEF database, the SIISEF. After various approaches were developed to filter the information from the SIISEF to cross-reference variables such as “nationality”, “age”, “gender” and “professional occupation”, lacunae were detected in the way the fields were filled out with regard to the last variable. This was due to the fact that it was not obligatory to fill in the field for this said variable in the system itself and nor was it part of the area directly operated by the SEF.

Given the above, it is possible to highlight the following difficulties: on the one hand, the data about “groups of professions” in the Employee Rolls and the “occupation” field in the SIISEF, which did not conform to the same classification and are thus not comparable and nor do they dovetail with the categories of the specifications; and, on the other hand, considering the number of cases in which the variable “occupation” was left blank, the data derived from the diverse queries submitted to the SIISEF was deemed to be unviable and it was hence impossible to complete the tables of the statistical annexe.

In order to publish relevant statistical data, albeit outside the specifications, this study opted to include Table 5.1. This made it possible to cross-reference levels of qualifications according to sectors of activity, comparing national and foreign workers between 2004 and 2008. The data contained in the said table has been derived from the GEP-MTSS Employee Rolls.

Another table was also prepared containing the unemployment data for foreign nationals derived from the Monthly Statistical Reports of the IEFP (Table 6). However, this information has been requested in the specifications and is one of the variables cited in the reports regarding the establishment of

quotas as being an important factor in determining the said quotas. As far as possible this table has sought to maintain the structure of the tables deemed to be obligatory for this study.

1.1.6 Caveats

Table 5.1 should be interpreted keeping in mind that the data contained therein refers only to subordinate workers who have been declared by their employers. Thus, the universe of independent workers has not been contemplated in the source used – the GEP-MTSS Employee Rolls – and it is also essential to note the fact that this data does not include national or foreign workers in an irregular situation.

An analysis of the unemployment data pertaining to foreigners contained in the IEFM Monthly Statistical Reports, which have been compiled in Table 6 of this thematic study, is hindered by the fact that these reports only record the number of unemployed individuals who enrol in employment centres. Hence, this information does not include all those who, while effectively being unemployed, have not taken the initiative to enrol in an employment centre, owing either to a lack of information, mistrust of state mechanisms or a lack of faith in the benefits that such an enrolment could offer. It is also important to note that the data provided and the subsequent analysis focus on and reflect only a part of the unemployment situation in Portugal and hence it is advisable to use caution and rigour while interpreting this data.

1.2 Definitions

The key terms of this study have been harmonised, whenever possible, with the meaning that has been attributed to them in the specifications for this study and in conformance with the [EMN glossary](#). However, this equilibrium was not always possible, since there are some divergences between the concepts defined in the EMN glossary and those that have been adopted in Portuguese legislation and official instruments, which had to be adapted and correspond to the policies of the Portuguese State.

It is essential to keep these differences in mind when comparing the situation in different Member States, especially with regard to the diverse categories in which the migrant workers can be included.

Thus, in the Portuguese Immigration Law, [Law No. 23/2007, of 4 July](#), Article 3 (a), a “Highly-Skilled Activity” is defined as “an activity which requires specialised or exceptional technical skills

and, consequently, a suitable qualification to engage in such an activity, namely higher education”. With regard to qualifications, the aforesaid diploma only refers to highly-skilled activities. Hence, the concept of a Low Skilled Worker is used over the course of this study only in the sense defined in the EMN glossary. In its turn, the notion of “Researcher” as used in Portuguese legislation and in this study differs somewhat from the EMN definition. The latter includes individuals enrolled in Ph.D. programmes, selected by a research unit to implement a project.⁹ In the Immigration Law, a “Researcher” is “A third country national holding a suitable higher educational qualification, admitted by a research centre to carry out a research project that would normally require the said qualification”. In the Immigration Law, Ph.D. programmes are covered by Article 3 (i), which defines a “Student of Higher Education” as “A third country national who has been accepted by an establishment of higher education to attend, as a main activity, a full time study programme that will lead to a recognised academic degree or a higher education diploma and could include a preparatory course for such studies or the realisation of research to obtain an academic degree”.

The term “Labour Immigration” is envisaged in this study in the same sense as the expression *Economic Migration* as used in the EMN Glossary.¹⁰ Similarly, over the course of this study references to “Immigrant Worker” are made in the broad sense of the term, as established by the UN Convention to Protect the Rights of All Migrant Workers and Members of their Families.¹¹ The expression “Undocumented Immigrant” or “Irregular Immigrant” is used in accordance with the definition that can be found in the EMN Glossary.¹²

⁹ Asylum and Migration Glossary – A Tool for Better Comparability – produced by the European Migration Network, 2010, p. 143. Consulted on 30 May 2010 as a pdf downloaded from:

<http://rem.sef.pt/forms/content.aspx?MenuID=2&Publico=1>

¹⁰ Asylum and Migration Glossary – A Tool for Better Comparability – produced by the European Migration Network, 2010, p. 100. Consulted on 30 May 2010 as a pdf downloaded from:

<http://rem.sef.pt/forms/content.aspx?MenuID=2&Publico=1>

¹¹ Asylum and Migration Glossary – A Tool for Better Comparability – produced by the European Migration Network, 2010, p. 97. Consulted on 30 May 2010 as a pdf downloaded from:

<http://rem.sef.pt/forms/content.aspx?MenuID=2&Publico=1>

¹² Asylum and Migration Glossary – A Tool for Better Comparability – produced by the European Migration Network, 2010, p. 94. Consulted on 30 May 2010 as a pdf downloaded from:

<http://rem.sef.pt/forms/content.aspx?MenuID=2&Publico=1>

2 Portugal's approach to economic migration policies

2.1 Work in the context of migration policies

After considering the immigration policies that have been adopted by the Portuguese state during the past decade, it is clear that the issue of labour is a key element of the legislation that regulates the entry of foreign nationals into Portuguese territory. In fact, in the current “Immigration Law” – [Law No. 23/2007, of 4 July](#)¹³ – the granting of a residence permit to third country nationals is profoundly related to holding a job. It can be noted, however, that this is not the sole criterion governing the attribution of the status of resident to third country nationals in Portugal – family reunification is also an important aspect.

The fact that work is a core issue with regard to regulating migratory fluxes is not an innovative characteristic of the current law but is instead a tendency of state policies during the period encompassed by this study. It is necessary to keep in mind that the very regulation of immigration is a relatively recent question in the Portuguese political context.

Over the course of the 20th century Portugal was a nation that was more associated with exporting rather than importing labour. This tendency began to change during the 1980s and has not ceased to intensify ever since, reflected in the fact that the foreign population legally resident in Portugal has risen from 50,000 in 1980 to more than 450,000 in 2009.¹⁴ In response to this growth in the foreign population from third countries residing and working in Portugal, the issue of immigration has been a significant element of the agenda of successive constitutional governments, in an attempt to regulate migratory fluxes. From the first decade of the 21st century onwards this regulation has been legally linked to an assessment of the conditions of the labour market.

In the context of this analysis – the growth of immigration to Portugal in recent decades – the question of work is a fundamental issue. The choice of Portugal as a destination on the part of many tens of thousands of workers who have entered the country and have settled here from the 1980s onwards is related to the perception, on the part of these workers, of an increase in the demand for

¹³ Accessible at: <http://www.sef.pt/documentos/56/NOVA%20LEI%20ESTRANGEIROS.pdf>.

¹⁴ In 1980, 50,750 foreign citizens were legally resident in Portugal. In 2009 the number of foreign nationals legally resident in Portugal rose to 454,191. Information available in the Report on Immigration, Borders and Asylum 2008 prepared by the SEF. Accessible at: <http://www.sef.pt/documentos/59/RIFA2008ReVIII.pdf#1>.

unskilled labour. This effective increase was due to Portugal's entry into the European Economic Community (EEC) in 1986, the inflow of EU funds and the development of large-scale public works that were implemented from the 1990s onwards, such as road infrastructure, the Belém Cultural Centre, the Expo 98, stadiums for the Euro 2004 football championship and the Porto Metro system, amongst other projects.

The following paragraphs will provide a brief overview of the immigration laws of successive constitutional governments, from the 1990s to present times, highlighting the aspects in which control of migratory fluxes was related to the question of satisfying labour needs in Portugal. Understanding the purpose of the legislation in terms of its relation to the labour market implies keeping in mind the national and international socio-economic context in which these policies are framed and on which they have an impact, often being a direct response to the said context. It is important to remember that immigration theories are not limited to considering the process as an independent phenomenon, to which the state laws are responding. The political and institutional framework of a given state itself conditions the migratory fluxes that choose that country as a destination.¹⁵ It is also important to understand that this political and institutional framework is not limited to immigration laws, but also extends to other political instruments, perhaps derived from prevailing circumstances, such as extraordinary regularisations, bilateral agreements or even the legal framework pertaining to the acquisition of nationality.

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Portugal's entry into the EEC in 1986 had a dual impact on the country's immigration policies: institutionally and from a socio-economic point of view. With regard to the latter aspect, as has already been mentioned, Portugal's entry into the EEC resulted in an inflow of structural funds and a consequent increase in public investments. It also resulted in a greater internationalisation of the Portuguese economy, since it was a clear sign to the outside world that Portugal was politically stable.¹⁶ These factors together led to an increase in foreign investment in Portugal and, in its turn, to a need for highly-skilled workers, which was partially satisfied by European and Brazilian

¹⁵ CARVALHO, João, *A Política de Imigração do Estado Português entre 1991 e 2004*, Alto-Comissariado para a Imigração e Diálogo Intercultural (ACIDI), Lisbon, 2009, p. 20.

¹⁶ The previous decade had been rife with political turbulence, associated with a change in the political regime by means of the revolution that took place on 25 April 1974.

workers.¹⁷ In their turn, the inflow of structural funds and the consequent development of public works resulted in increased activities in the construction sector, which created a growing demand for unskilled labour for this sector, which was largely satisfied by immigrant labour. It is important to keep in mind that, throughout this entire period Portugal never ceased to be a nation of emigrants – which further underscored the added importance of the entry of foreign workers. The immigrants that came to Portugal at this time were mainly from PALOP nations and many of them entered Portugal illegally.

From an institutional point of view, Portugal's entry into the EEC and the fact that it joined the Schengen Agreement, in 1991, obliged Portugal to alter its legislation regarding the entry, stay, exit and removal of foreigners in the national territory, since it was necessary to harmonise Portuguese legislation with EU directives. In brief, these obligations resulted in a dual movement: the progressive reduction of barriers to circulation over common internal borders and reinforced vigilance and controls at the external borders of the Schengen space. In this context, the XII Constitutional Government¹⁸ tabled a request in Parliament for legislative authorisation to review [Decree-Law No. 264-B/81, of 3 September](#),¹⁹ the diploma that was regulating immigration at that time, with a view to harmonising Portuguese legislation in this area with EU directives. At the same time that it enshrined the right of EU nationals to enter, circulate and reside in Portuguese territory the same rights for third country nationals were subordinated to a set of conditions, resulting from the need to enforce the system of entry visas in accordance with Schengen rules. This parliamentary authorisation was enshrined in [Law No. 13/92, of 23 July](#),²⁰ which gave rise to: 1) [Decree-Law No. 60/93](#),²¹ which was applicable to nationals of EU Member States; 2) [Decree-Law No. 59/93](#),²²

¹⁷ During the 1980s, there was a wave of immigration by skilled workers from Brazil, who took up jobs in fields like dentistry, marketing, management, etc. A second wave of immigration from Brazil, especially after the dawn of the 21st century, has mainly consisted of immigrants with fewer qualifications, who have primarily come to work in the commercial and restaurant sectors.

¹⁸ The XII Constitutional Government took power on 31 October 1991, constituted by the Social Democrat Party, based on the results of the elections that had been held on 6 October 1991. It concluded its mandate on 28 October 1995, at the end of a normal legislative term. Information available online at: <http://www.portugal.gov.pt/pt/GC12/Pages/Inicio.aspx>.

¹⁹ Information available online at: <http://dre.pt/pdf1sdip/1981/09/20201/00110024.pdf>.

²⁰ Law No. 13/92 of 23 July, consulted on 21 May 2010 at the following website: http://www.igf.min-financas.pt/inflegal/bd_igf/bd_legis_geral/Leg_geral_docs/LEI_013_92.htm.

²¹ Decree-Law No. 60/93 of 3 March, consulted on 21 May 2010 at the following website: http://www.igf.min-financas.pt/inflegal/bd_igf/bd_legis_geral/Leg_geral_docs/DL_060_93.htm.

²² Decree-Law No. 59/93 of 3 March, consulted on 21 May 2010 at the following website: http://www.igf.min-financas.pt/inflegal/bd_igf/bd_legis_geral/Leg_geral_docs/DL_059_93.htm.

which was applicable to third country nationals; 3) [Decree-Law No. 212/92](#),²³ which opened a process of extraordinary regularisation, aimed at third country nationals who were living in Portugal in an irregular situation, although it favoured nationals of Portuguese speaking countries to the detriment of others. In order to obtain a residence permit undocumented immigrants had to satisfy the following conditions: 1) to have entered the country at least 180 days before the diploma came into effect; 2) to demonstrate a capacity for means of subsistence, proved by engaging in a professional activity. Apart from being able to access these same prerogatives, citizens of Portuguese speaking nations only needed to have entered Portugal before 1 June 1986 and to have resided in the national territory continuously ever since. The preamble of the diploma that regulated this extraordinary legalisation alluded mainly to ethical reasons to justify this regularisation, but, at a time when, as has been stated above, the Portuguese economy needed foreign labour in unskilled sectors, this regularisation was undoubtedly related to satisfying labour needs by means of immigration. In its turn, Decree-Law No. 59/93, aimed at third country nationals, made the granting of a work visa subject to approval by the Inspectorate-General for Labour, which was meant to reject the application in certain circumstances, such as a fraudulent offer of employment, non-compliance with fiscal obligations by the employing entity or the existence of unemployment in the professional sector. This latter aspect already presupposed a relationship between the attribution of a residence document and the needs of the labour market.

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Three years would pass before there was another extraordinary legalisation procedure, already under a new administration, the XIII Constitutional Government,²⁴ headed by António Guterres. The explicit purpose of this extraordinary regularisation process was to resolve the situation in which many undocumented immigrants from Portuguese speaking nations were living. This was why, as in the previous round of extraordinary regularisation, such individuals again benefited from this process, enjoying preferential conditions as compared to other foreign nationals.

²³ Decree-Law No. 212/92 of 12 October, consulted on 21 May 2010 at the following website: http://www.igf.min-financas.pt/inflegal/bd_igf/bd_legis_geral/Leg_geral_docs/DL_212_92.htm.

²⁴ The XIII Constitutional Government took power on 28 October 1995, constituted by the Socialist Party on the basis of the results of the elections that had been held on 1 October 1995. Its mandate concluded on 25 October 1999. Information available at: <http://www.portugal.gov.pt/pt/GC13/Pages/Inicio.aspx>.

The legislation proposed by the Socialist Party was subjected to a vote in Parliament, where it was unanimously approved, and resulted in [Law No. 17/96, of 24 May](#).²⁵ The law allowed citizens of Portuguese speaking nations to regularise their presence in Portuguese territory if they had entered the country before 31 December 1995 and had resided there continuously, while third country nationals from other countries had to have entered before 25 March 1995 and to have resided in Portugal continuously since then to be eligible for the programme. However, both citizens of Portuguese speaking nations as well as the other third country nationals had to satisfy a common requirement: proof of an economic capacity to ensure their subsistence, namely by means of engaging in a remunerated professional activity.²⁶

Once again, the link to the labour market was a condition for allowing foreigners to reside legally in Portugal. As has already been mentioned, this law was rooted in a pre-existing situation: the existence of a significant number of foreigners who were residing in Portugal and engaging in a professional activity without being in a regular situation. In this case the relationship between the policy and the state of the labour market was a reactive one, i.e. a response to a de facto situation – and not so much an active attempt to respond to a need for labour, which economically active Portuguese and EU citizens could not satisfy. However, it is important to note that just like in the case of the previous government this was a period of massive investments in the field of public works – the construction works for the Expo 98 and the Vasco da Gama bridge – with the corresponding need for labour.²⁷ In a certain way, this extraordinary legalisation drive responded to this need.

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Up to this period it could be said that the Portuguese state had a monopoly over issuing visas to enter Portuguese territory and this competence was an important state instrument to control and regulate migratory fluxes. This prerogative was lost when the Schengen convention came into effect in March 1995 – from which date onwards individuals who held a uniform entry visa could circulate freely within the Schengen space. This mechanism would have profound consequences for

²⁵ Law No. 17/96, of 24 May, consulted on 30 May 2010 at the following website:

http://www.igf.min-financas.pt/inflegal/bd_igf/bd_legis_geral/Leg_geral_docs/LEI_017_96.htm.

²⁶ Law No. 17/96, of 24 May, Article 2, consulted on 30 May 2010 at the following website:

http://www.igf.min-financas.pt/inflegal/bd_igf/bd_legis_geral/Leg_geral_docs/LEI_017_96.htm.

²⁷ CARVALHO, João, *op. cit.*, pp. 63-66.

immigration to Portugal, namely at the level of the composition of the fluxes of the entry and stay of foreign workers in national territory.

The need to incorporate developments in EU norms into the national legislative framework resulted in the approval of a new immigration law, by the XIII Constitutional Government, i.e. [Decree-Law No. 244/98, of 8 August](#).²⁸ This law introduced some important aspects in terms of the regulation of fluxes of labour immigration, especially the principle of labour subsidiarity that would govern the issuing of visas to engage in a professional activity – as can be seen in Article 41 of the said law, “Access by third country nationals to engage in salaried professional activities in Portuguese territory can be authorised, however, it must be kept in mind that employment offers should preferably be satisfied by EU workers, as well as by third country nationals who are legally resident in the country”.²⁹ The law safeguarded this principle of subsidiarity by means of two mechanisms: 1) the prior communication of offers of employment in Portugal to the IEFP; 2) the need for approval by the Institute for Development and Inspection of Working Conditions for granting a residence visa to engage in salaried activities.

If the acquisition of a valid document for engaging in professional activities was now subjected to additional restrictions, the mechanisms for accessing family reunification were broadened and the law introduced a mechanism of exception, consecrated in its Article 88, which allowed residence permits to be granted to third country nationals even if they did not fulfil the legal requirements, on humanitarian grounds or if their presence benefited national interests.³⁰

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The subsequent immigration law, framed by the XIV Constitutional Government,³¹ constituted by the Socialist Party and likewise headed by António Guterres, continued and even further deepened the subordination of the regulation of immigrant fluxes to the needs of the national labour market.

²⁸ Decree-Law No. 244/98, of 8 August, consulted on 30 May 2010 at the following website: http://www.cidadevirtual.pt/cpr/legis/244_98.html.

²⁹ Decree-Law No. 244/98, of 8 August, Article 41, consulted on 30 May 2010 at the following website: http://www.cidadevirtual.pt/cpr/legis/244_98.html.

³⁰ Decree-Law No. 244/98, of 8 August, Article 88, consulted on 30 May 2010, at the following website: http://www.cidadevirtual.pt/cpr/legis/244_98.html.

³¹ The XIV Constitutional Government took power on 25 October 1999, being constituted by the Socialist Party based on the results of the elections that were held on 10 October 1999. Its term ended on 6 April 2002, owing to the resignation of the prime minister. Accessible at: <http://www.portugal.gov.pt/pt/GC14/Pages/Inicio.aspx>.

[Decree-Law No. 4/2001, of 10 January](#)³² was a response to the evolution of the migratory situation in Portugal during the late 1990s and the early years of the new century.

This situation was characterised by a significant growth in the number of foreigners who were working illegally in Portugal since the 1996 extraordinary regularisation drive as well as by profound qualitative transformations in the composition of this immigrant population. The immigrants who were entering Portugal illegally in order to engage in a professional activity were no longer primarily from PALOP nations but were instead coming from Eastern Europe. They would enter Portugal under the rules for the free circulation of individuals envisaged by the Schengen agreement, most of them on short-term visas, as a result of networks for illegal immigration.

However, at the same time, these undocumented immigrant workers satisfied a real need of the Portuguese economy, especially in the construction and public works sector: a need for low-cost labour. Portugal's entry into the EU had the effect of promoting emigration by Portuguese workers to other Member States. This would have resulted in an increase in the remuneration for unskilled work had the entry of foreign workers not increased the supply of available labour.³³

The new immigration law, which comprised Decree-Law No. 4/2001, of 10 January, thus responded to a dual objective: to regularise the situation of thousands of foreigners who were working illegally in Portugal while simultaneously guaranteeing the existence of low-cost labour for the unskilled sectors of the economy. These objectives were fulfilled by means of the introduction of a new legal document: the "permit of stay", valid for one year and renewable during a period of five years. The attribution of a "permit of stay" was subject to the presentation of a valid work contract.

This immigration law introduced a new mechanism to regulate the fluxes of the entry of labour immigrants, which has been maintained ever since: the instrument of a non-binding employment opportunities report, which would determine the number of residence documents for the purpose of engaging in a professional activity to be attributed in each sector of the economy, after the respective assessment of labour needs that had not been satisfied by national or EU workers or third

³² Decree-Law No. 4/2001, of 10 January, consulted on 30 May 2010, at the following website:

<http://dre.pt/pdf1sdip/2001/01/008A00/00990127.pdf>.

³³ BAGANHA, Maria Ioannis *et al.*, *O Sector da Construção Civil e Obras Públicas em Portugal: 1990-2000*, Oficina do CES, Coimbra, consulted on 30 May 2010, at the following website:

<http://www.ces.uc.pt/publicacoes/oficina/173/173.pdf>.

country nationals who were already residing legally in Portugal. This is the system that is commonly known as quotas. The attribution of work visas was now subject to the presentation of a promise of a work contract signed by both parties, as well as to the prior communication of the offer of employment to the IEFPP and approval by the General Labour Inspectorate.

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With the change in government in 2002 and the transition to a coalition between the PSD and the CDS-PP, a new immigration law was soon adopted – [Decree-Law No. 34/2003, of 25 February](#).³⁴ This law, which discarded the legal instrument of the “permit of stay”, would definitively consecrate the system of quotas, by establishing a maximum annual limit for the number of such individuals who could enter Portugal. This limit was defined on the basis of a report regarding employment opportunities, prepared by the government, in which these opportunities were calculated not just for each sector of the economy but also for each district in the country.³⁵

The law also introduced a novel feature, that of a principle of selectivity, in accordance with individual skills, while attributing visas to foreign workers. For offers of employment for highly-skilled workers Article 41 envisaged an exception to the limits that had been established in the employment opportunities report.

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The regime for the entry, stay, exit and removal of foreign nationals from Portuguese territory is currently regulated by [Law No. 23/2007, of 4 July](#),³⁶ commonly known as the “Immigration Law” or “Foreigners’ Law”. This law is the main political-legislative instrument for the economic regulation of migratory fluxes and it contains the provisions regarding measures to deal with the

³⁴ Decree-Law No. 34/2003, of 25 February, consulted on 30 May 2010, at the following website: http://www.sef.pt/portal/v10/PT/asp/legislacao/legislacao_detalhe.aspx?id_linha=4198#0.

³⁵ Decree-Law No. 34/2003, Article 36, Paragraph 4), of 25 February, consulted on 30 May 2010, at the following website: http://www.sef.pt/portal/v10/PT/asp/legislacao/legislacao_detalhe.aspx?id_linha=4198#0.

³⁶ Law No. 23/2007, of 4 July. Consulted on 30 May 2010, at the following website: <http://www.sef.pt/documentos/56/NOVA%20LEI%20ESTRANGEIROS.pdf>.

scarcity of labour in Portugal, by means of immigration from third countries. This law was implemented by [Regulative Decree No. 84/2007, of 5 November](#).³⁷

2.2 Substitution migration in the context of employment policies

2.2.1 Current policies and legislation

2.2.1.1 *Legal framework for regulating and facilitating economic migration*

The principle enshrined in the Immigration Law regarding the admission of foreign labour to engage in subordinate professional activities – which is relevant for the purposes of this study – is that of foreign labour complementing national and EU workers and third country nationals who already reside legally in Portuguese territory. Thus, the granting of a residence document to engage in a subordinate professional activity depends on the existence of employment opportunities that have not been filled by means of the principle of EU preference. Determining the existence of such employment opportunities, or labour needs, is based on an information system maintained by the IEFP, regarding offers for temporary subordinate employment that have not been filled by nationals of EU Member States, nations of the European Economic Area (EEA) or third country nationals legally resident in Portuguese territory.³⁸ This information is made available to the public through the Internet and is published on the IEFP website, which serves to inform foreign nationals about offers of employment available in Portugal.³⁹

In this context an overall quota for workers who are third country nationals is fixed every year, based on the annual estimates of the needs of the labour market that cannot be filled by existing labour in Portugal. This quota is established by the Cabinet, after a prior report of the [Permanent Council for Social Coordination](#) (CPCS),⁴⁰ based on a report coordinated by the [MTSS](#)⁴¹ which defines an indicative overall quota of employment opportunities that will presumably not be filled by

³⁷ Regulative Decree No. 84/2007, of 5 November. Consulted on 30 May 2010, at the following website: http://www.sef.pt/documentos/35/DR84_2007.pdf.

³⁸ Law No. 23/2007, of 4 July, Article 56 (2), consulted at the following website: http://www.sef.pt/portal/v10/PT/asp/legislacao/legislacao_detalhe.aspx?id_linha=4751.

³⁹ Accessible at: <http://www.netemprego.imigrante.gov.pt/IEFP/estrangeiros/index.jsp?lang=PT>.

⁴⁰ Law No. 23/2007, of 4 July, Article 59, consulted on 26 April 2010 at the following website: http://www.sef.pt/portal/v10/PT/asp/legislacao/legislacao_detalhe.aspx?id_linha=4751.

The CPCS can be accessed at: <http://www.ces.pt/cms/60/>.

⁴¹ Accessible at: <http://www.mtss.gov.pt/>.

Portuguese citizens,⁴² workers who are nationals of EU and EEA nations and third countries with which the European Community has signed agreements for the free circulation of individuals as well as by workers who are third country nationals and legally reside in Portugal. It is important to note that sectors of economic activity in which there is no need for labour can be excluded from the quota that is defined annually. The quotas are hence sensitive to the circumstances of the labour market.⁴³

The most recent indicative quota was fixed by means of [Cabinet Resolution No. 21/2010](#),⁴⁴ which established that 3,800 residence visas could be granted to foreign workers to engage in a subordinate professional activity, from the date on which the resolution was published, 26 March, to 31 December 2010, including a limit of 40 for the Autonomous Region of the Azores and 10 for the Autonomous Region of Madeira. The fact that the indicative quota was fixed at the same level as that of 2009⁴⁵ – with a reduction in the numbers stipulated for the autonomous regions –, was, according to the text of the former diploma, due to four elements: the implementation of the quotas for the two previous years; forecasts for the evolution of employment; the definition of the need for immigrant labour on the basis of macro-economic variables that have a decisive influence on the behaviour of the labour market, and the information made available by the Autonomous Regions of the Azores and Madeira.

Since the scenario of the economic crisis has continued, along with the corresponding impact on the labour market – the justification cited by the government, in 2009, for a reduction of the quota as compared to that of 2008⁴⁶ – the 2010 diploma, without explicitly mentioning it, ends up by reaffirming the continued existence of the conditions that determined a reduction in the quota for foreign workers in that year.

It is important to highlight the role of the Internet in the process of communication, which helps balance supply and demand in this specific segment of the labour market. Each offer of employment submitted to the IEFP by an employing entity for the indicative overall quota for employment

⁴² Regulative Decree No. 84/2007, of 5 November, Article 25, consulted on 26 April 2010 at:

http://www.sef.pt/portal/v10/PT/asp/legislacao/legislacao_detalhe.aspx?id_linha=4849

⁴³ Law No. 23/2007, of 4 July, Article 59 (2) consulted on 26 April 2010, at the following website:

http://www.sef.pt/portal/v10/PT/asp/legislacao/legislacao_detalhe.aspx?id_linha=4751.

⁴⁴ Consulted on 7 June 2010, at the following website: <http://dre.pt/pdf1sdip/2010/03/06000/0095300953.pdf>.

⁴⁵ A limit of 3,800 residence visas was stipulated in 2009, as per Cabinet Resolution No. 50/2009. Consulted on 26 April 2010, at the following website: <http://dre.pt/pdf1sdip/2009/06/11400/0366903670.pdf>.

⁴⁶ Cabinet Resolution No. 28/2008 established a limit of 8,500 residence visas to be granted to foreign citizens in order to engage in subordinate professional activities. The text of the resolution can be found at: <http://dre.pt/pdf1sdip/2008/02/03300/0103201033.pdf>.

opportunities to be filled by third country nationals is published on the IEFPP website and is thus accessible to everyone, Portuguese and foreign citizens alike, who has access to the Internet. Portuguese embassies and consular posts also publicise employment offers at their respective sites and disseminate this information to the competent services of the respective third country, which can be important insofar as the information is thus also made available in other languages.

It would also be opportune to mention that Portuguese law envisages the granting of Residence Permits without a residence visa for subordinate employment, under the terms of Art. 88 of the Foreigners' Law. To this end, the third country nationals must have a work contract signed according to the terms of prevailing legislation, have legally entered and remained in the national territory and have complied with social security obligations. Such permits are granted by means of a proposal by the director-general of the SEF or on the initiative of the Minister for the Internal Administration.

2.2.1.2 Distinguishing between cyclical and structural labour needs

The regime currently in effect regulating the entry, exit, stay and removal of foreign citizens from the national territory does not visibly distinguish between cyclical labour needs and structural labour needs. In truth, none of the Portuguese immigration laws explicitly established such a distinction. However, the mechanism of the “permit of stay”, introduced by Decree-Law No. 4/2001, of 10 January, valid for only a year and which served to regularise many immigrants who were working illegally in Portugal, presupposed that their presence in the country was only transitory, since it was not accompanied by provisions that envisaged accessing residence permits with a longer validity with ease. Referring to these “permits of stay”, Maria Ioannis Baganha wrote, in 2001, that they validated “*a posteriori* the functioning of the market, with legislators apparently taking it for granted that the labour needs of the said market were cyclical and not structural and that hence the legalisation did not need to be seen as a first step in a process of integration, but only as a temporary means of satisfying the existing labour shortfall. Thus, only “permits of stay” valid for one year were granted, which could be renewed for a maximum of five years”.⁴⁷

However, with regard to granting visas to engage in a subordinate professional activity, the current Immigration Law – complying with the aforesaid indicative overall quota, ascertained by means of

⁴⁷ BAGANHA, Maria Ioannis, “Política de Imigração: A Regulação dos Fluxos”, in *Revista Crítica de Ciências Sociais* 73, p. 35, Coimbra, 2005. Consulted at the following website: http://www.ces.uc.pt/rccs/index.php?id=904&id_lingua=1.

an information system that cross-references demand and supply of labour – distinguishes between two types of admission into the national territory to hold a job. On the one hand, it allows for entry with a temporary stay visa to engage in a subordinate activity, with a duration that is identical to that of the work contract and not longer than six months,⁴⁸ or, on the other hand, a residence visa to engage in a subordinate activity which is aimed at applying for a residence permit⁴⁹ and which allows the individual to stay in the national territory for four months while the said document is issued.⁵⁰ Hence, in a certain way, the Immigration Law differentiates between the short-term and medium to long-term need for foreign labour. For the former it allows the possibility of entering with a temporary visa and for the latter entry with a residence visa, whereby, once the residence permit has been granted, individuals can stay from two to five years and/or an indeterminate period of time (of course once the formalities and conditions stipulated by the law have been complied with).

It must be noted that the offers of employment published on the IEFP website – aimed at foreign workers – are divided, immediately on the homepage,⁵¹ into “offers of employment for temporary or seasonal activities” and “offers of employment for permanent activities”, thus apparently corresponding to the said differentiation contained in the law. Offers of permanent employment can, for example, have an expected duration of 12 months, as in the case of an advertisement that was consulted for a “family helper”, in which a fixed-term contract was offered for that period, or do not define the duration of employment, such as the advertisement that was consulted for a “neurologist”, which only offered a permanent work contract. In the case of offers of employment for temporary or seasonal activities, the period of the contract offered habitually did not exceed six months. In the case of two advertisements that were consulted, one for a “tourism animator” and another for an “agricultural worker”, the duration of the fixed-term contract was two and six months, respectively.⁵²

⁴⁸ Article 54 (1) (c) of Law No. 23/2007, of 4 July.

⁴⁹ There are two types of residence permits, which are autonomous and sequential in terms of time: the temporary residence permit and the permanent residence permit. The temporary residence permit is valid for a year and is renewable for successive periods of two years; the permanent residence permit is attributed to individuals who have held a temporary residence permit for the past five years, it does not have any validity period and is renewed every five years (articles 75, 76 and 80 of Law No. 23/2007, of 4 July).

⁵⁰ Article 58 (1) and (2) of Law No. 23/2007, of 4 July.

⁵¹ Consulted on 7 June 2010, at the following website:

<http://www.netemprego.imigrante.gov.pt/IEFP/estrangeiros/index.jsp?lang=PT>.

⁵² The offers of employment for permanent activities were consulted on 7 June 2010 at the following website: <http://www.netemprego.imigrante.gov.pt/IEFP/pesquisas/pesqOfertasInt.do?estrangeiros=true&toe=N&lang=PT> and offers for temporary employment were consulted at the following website:

<http://www.netemprego.imigrante.gov.pt/IEFP/pesquisas/pesqOfertasInt.do?estrangeiros=true&toe=S&lang=PT>.

2.2.1.3 Regime for the admission of highly-skilled and independent professionals

The current Immigration Law envisages specific regimes for the admission of independent workers or entrepreneurs and highly-skilled immigrants. With regard to the former, the law does not envisage granting a temporary stay visa (apart from engaging in subordinate activities, as mentioned above, this document is applicable to the transfer of workers who are nationals of WTO nations in the context of providing services and professional training), but contemplates granting a residence visa to attract foreign citizens to Portugal who have specific technical skills or who intend to invest in the country.

Thus, in order to engage in independent professional activities, the Immigration Law has provisions for granting a residence visa to individuals who have a contract or a written proposal for a contract to provide services as an independent professional and are qualified to engage in the independent activity; for immigrant entrepreneurs this type of visa is granted as long as they have engaged in investment operations or “can prove having financial means available in Portugal, including those derived from finance obtained from financial institutions in Portugal, and demonstrate, by any means, the intention to proceed to engage in an investment operation in Portuguese territory”.⁵³ The residence application submitted under these terms will be evaluated keeping in mind the economic, social, scientific, technological or cultural relevance of the investment.⁵⁴

With regard to the admission of highly-skilled workers, the legislation established a less complex admission process, as compared to the procedure that was previously in effect. Thus, the immigration law has provisions for entry on a temporary stay visa or a residence visa for research activities or highly-skilled activities, as long as the third country nationals have been admitted to collaborate in a research centre that is recognised by the Ministry for Science, Technology and Higher Education (MCTES), namely by means of an offer of a work contract or a work contract, a proposal for or a contract for providing services or a scholarship for scientific research or who have an offer of or a work contract or a written proposal or a contract to provide services to engage in teaching activities in an establishment of higher education or a highly-skilled activity within the national territory.⁵⁵

⁵³ Article 60 of Law No. 23/2007, of 4 July.

⁵⁴ Article 31 (3), of Regulative Decree No. 84/2007, of 5 November.

⁵⁵ Articles 57 and 61 of Law No. 23/2007, of 4 July.

The simplification introduced by the new law entails a reinforced articulation between the ministries and other entities involved and allows for the possibility of highly-skilled workers being able to benefit from a regime of being exempt from a residence visa in order to access the status of resident, in case they meet the necessary legal requirements.⁵⁶ Similarly, for the processes of granting visas and granting residence permits, the law reinforces the articulation between the ministries involved (MCTES, Ministry of Foreign Affairs and the Ministry for the Internal Administration) and research centres, institutes for higher education and other entities, namely companies that engage in highly-skilled activities.⁵⁷

An inter-ministerial group was also constituted, with representatives from the aforesaid ministries, in order to simplify the process of hiring teachers, researchers and other highly-skilled foreign nationals. This group prepared the administrative rules to simplify the admission process and created a network of contacts for rapid coordination between the involved entities.

2.2.1.4 Family reunification

With regard to family reunification, the legislation currently in effect allows this right to family members of a foreign national who holds a valid temporary or permanent residence permit, who are outside the national territory or who have entered the country legally.⁵⁸ For the purposes of the application of the legal provisions, a “family member” is deemed to be a spouse, minor or dependant children and adopted minors, as well as unmarried adult children who are dependants of the couple or of one of the spouses, who are studying in an educational establishment in Portugal, direct and first degree ascendants of the resident or the spouse (who are dependant on them) and minor siblings (who are under the tutelage of the resident).

Family reunification can also be allowed in favour of a partner who is in a de facto relationship, within the national territory or outside it, with the resident foreign national and unmarried minor or dependant children, including adopted children, of the de facto partner, as long as they have legal guardianship of the said children.

⁵⁶ Article 90 (2), of Law No. 23/2007, of 4 July.

⁵⁷ Articles 21 (2), 32 (2) and 56 (2), of Regulative Decree No. 84/2007, of 5 November.

⁵⁸ Article 98 onwards of Law No. 23/2007, of 4 July.

Portuguese legislation⁵⁹ also contemplates a set of rights that further safeguard the family unit and family ties of third country nationals, especially minors. Examples of this include, namely, the possibility of granting residence permits without the requirement of a visa for minors born in the national territory, the offspring of resident foreigners; minors born in and who are attending school in the national territory; the adult offspring of residents, who have habitually resided in the national territory since the age of 10 years; adults born in the national territory who have lived in Portugal from before the age of 10 years; foreign citizens with minor children resident in Portugal or who have Portuguese nationality over whom they effectively exercise parental authority and are responsible for their sustenance and education and first degree ascendants of minor foreign citizens who were born and live in the national territory and who are attending school, who effectively exercise parental authority over them.

After accessing an autonomous residence permit, under the terms of Art. 107 (3), (4) and (5) of the Immigration Law, the family members of the person entitled to the family reunification have free access to the labour market. In the context of family reunification the right to work is only curtailed in the case of the ascendants of the resident or of the resident's spouse.

2.2.1.5 Measures for the return of migrants

The national legislation pertaining to immigration contemplates the return of migrants in Article 139, which states:

1 – The state can support the voluntary return of foreign citizens to their countries of origin who fulfil the necessary conditions, within the scope of cooperation programmes established with international organisations, namely the International Organization for Migration, or Non-Governmental Organisations.

Contemplated thus in prevailing legislation, the [Voluntary Return Programme](#)⁶⁰ was created by the Portuguese state in 1997 and has been developed in collaboration with the International Organization for Migration (IOM) since 2001. It is the main mechanism through which the assisted return of third country nationals has been supported, especially asylum seekers whose applications

⁵⁹ Article 122 of Law No. 23/2007, of 4 July.

⁶⁰ Consulted on 11 June 2010, at the following website:
<http://www.oi.acidi.gov.pt/docs/rm/Brochuras/retornovoluntario.pdf>.

are pending a final decision or have been refused; refugees or beneficiaries of temporary protection who wish to return to their country of origin; foreigners who are in an irregular situation in terms of documents; and other foreigners resident in Portugal, without prejudice to other agreements or international commitments in this area that have been ratified by Portugal. Support for voluntary return is divided into three phases: pre-return, transport and post-return, apart from providing information.

In 2009 the Programme for Support for Voluntary Return and Reintegration, founded by means of a partnership between the SEF and the IOM, focused on an informed and sustainable return and on the efficiency and diversification of services to assist individuals who requested support from the programme, reinforcing and enhancing the flexibility of the services that support reintegration in the country of origin.

Improved by means of the project named “SuRRIA – Sustainable Return: Constituting a Network for Information and Counselling”⁶¹ –, developed by the SEF in partnership with the IOM and co-financed by the EU Return Fund – Preparatory Actions 2005 – the Voluntary Return Programme (VRP) has been decentralised and disseminated throughout the national territory by means of a vast network providing support and counselling for voluntary return, involving diverse entities. This network is the key element for promoting and managing the national programme for voluntary return.

Although the Voluntary Return Programme does not specifically focus on immigrants who have terminated their employment or have lost their job, its implementation did in large measure facilitate a sustained and effective return of immigrant workers. Moreover, one of the main reasons for the gradual increase in the demand for support within the scope of the Voluntary Return Programme in Portugal in recent years has been “a decrease in the rates of economic growth and the consequent increase in unemployment”.⁶²

⁶¹ For more detailed information see: <http://tv.sef.pt/index.php?s=si2c&conceptid=128&letter=r> or consult: http://www.acidi.gov.pt/modules.php?name=FAQ&myfaq=yes&id_cat=2&categories=Retorno+Volunt%E1rio.

⁶²International Organization for Migration Mission in Portugal (2009) *Relatório Anual de Execução e Avaliação do Programa de Retorno Voluntário, 2008*. Lisbon: OIM, p. 6.

2.2.2 Public debate and the participation of privileged actors while formulating policies

2.2.2.1 Overview of the public debate

Ever since the system of establishing a quota for the admission of foreign workers was introduced, with a view to resolving labour needs that were not satisfied by national and EU workers, commonly known as the quota system, it has been harshly criticised. This criticism can be divided into two main groups:

1. Those who criticise the system of quotas on the grounds that it is not effective in terms of regulating fluxes of labour and whether the executive body has the capacity to effectively implement what has been established by the Cabinet: the quota is not filled but more foreign workers enter Portugal than those stipulated by the quota limits. This criticism is heard across the political spectrum, both from the left as well as the right.
2. Those who criticise the system of establishing a quota from the ethical and political point of view and oppose the subordination of immigration policies to the economic need for labour. This criticism is mainly voiced by leftist movements and parties, as well as immigrant associations.

As can be seen in the parliamentary debates when each new immigration law is discussed, this is an issue that generates profound ideological differences. These differences have centred, from 2001 onwards, on the articulation between the regulation of migratory fluxes and the labour needs of the national economy. In this debate, the left parties in parliament such as the PCP, the PEV and the BE tend to focus on regularising undocumented immigrants who are working in Portugal, while the right, namely the CDS-PP, tends to defend linking the entry of foreigners to economic needs. However, this division between the left and the right is not always watertight, with the PSD, for example, in 2001, criticising the legislative proposal that would result in Decree-Law No. 4/2001 for focusing excessively on economic concerns.

However, in 2003, the PSD, in a coalition with the CDS-PP, adopted a system of quotas, defining a maximum annual limit for entries, based on the preparation of a report indicating the need for labour. Once again, the presentation of this law generated a heated political debate, with the PSP, the PEV and the BE rejecting quotas as the main guiding factor for immigration policies.

In 2004 the limit for issuing work visas abroad was fixed at 6,500 and was later revised to 8,500. In 2005, the director of the SEF acknowledged the relative lack of success of these policies, since only about one hundred individuals availed of the quota in 2004.⁶³

The debate regarding the establishment of the quota of foreigners to be admitted to engage in a subordinate professional activity intensified in 2009, since this quota was smaller than in the previous year. The reasons the government cited for this decision were severely criticised but the measure also received some support from outside the government. Through the then Minister for Labour and Social Solidarity, Vieira da Silva, the government justified the measure to reduce the indicative quota on the grounds of the prevailing global economic and financial crisis and the corresponding slowdown in economic activity.

The CDS-PP, the most right party of the political spectrum, applauded the government's decision to reduce the quota for legal immigration. At the level of parliamentary debates, at diverse moments the CDS-PP urged the government to reduce the quota for legal immigration and then congratulated itself for its efforts when steps were effectively taken in this direction. The president of the CDS-PP, Paulo Portas, justified his support for reducing the indicative quota for immigration, seconding the reasons cited by the government and arguing that during a period of economic recession, when few new jobs are created, fewer immigrants should be admitted. In his opinion, it was not a question of adopting xenophobic or security measures but rather one of concentrating efforts on immigrants who can effectively be integrated and to not delude immigrants whom the Portuguese state did not have the capacity to integrate.⁶⁴

The left parties reacted negatively, with trade unions, immigrant associations and associations dedicated to defending human rights, political parties and even some members of the ruling Socialist Party voicing their opposition to the government's decision. The main criticism was based on two presuppositions: that it would promote hostility against immigrants and the fact that these feelings would be used to obtain electoral gains. By linking the need to reduce the quota to the economic crisis and to the slowdown in terms of the creation of jobs the government was reinforcing the nexus between immigration and unemployment levels amongst national citizens.

⁶³ BAGANHA, M. I., 2005, *op. cit.* p. 36.

⁶⁴ "Portas satisfeito com o anúncio de redução da quota de entrada de imigrantes no país", in the *Público* newspaper (07.05.2009).

The idea that immigration jeopardises employment and the material conditions of Portuguese citizens is one of the core aspects of contemporary xenophobic discourses. This was, for example, the criticism voiced by the [SOS Racismo](#) association,⁶⁵ which stated that reducing the indicative quota for immigration was a way of making immigrants the “scapegoats” of the economic crisis, by establishing, even if implicitly, a causal relationship between immigration and unemployment and could contribute towards an increase in xenophobic feelings amongst the Portuguese population. The government was also accused of engaging in vote-catching manoeuvres and of using the issue of managing migratory fluxes to promote its image amongst a section of the electorate for whom restricting the entry of more foreigners corresponded to defending the interests of national citizens. This was the criticism voiced by André Jorge,⁶⁶ the director of the [Jesuit Refugee Service](#),⁶⁷ as well as, once again, by the SOS Racismo association. According to the latter, this was an electoral gimmick that has the serious consequence of stigmatising immigrants, who are thus double victims of the recession: on the one hand, they are the first to be affected by the loss of jobs and on the other hand they become easy targets for xenophobic sentiments.⁶⁸

2.2.2.2 Participation of privileged actors

Before the current immigration law was approved (Law No. 23/2007, of 4 July), the text for the proposed legal diploma was made available for public consultation during the month of June 2006 on the website of the Ministry for the Internal Administration. In addition to publicising the preliminary project for the new law, the then Minister for the Internal Administration, António Costa,⁶⁹ as well as Rui Marques, the then High Commissioner for Immigration and Ethnic Minorities (ACIDI),⁷⁰ urged immigrant associations, NGOs, trade unions, employers and other social actors to contribute their opinions, so as to hone the text of the document that would be submitted to parliament.

⁶⁵ Accessible at: <http://www.sosracismo.pt/>.

⁶⁶ “Cortar na entrada de imigrantes é uma medida eleitoralista, acusam associações”, in the *Público* newspaper (07.05.2009).

⁶⁷ Accessible at: <http://www.jrsportugal.pt/>.

⁶⁸ “SOS Racismo acusa governo de “instrumentalizar” imigração com fins eleitoralistas”, in the *Público* newspaper (15.05.2009).

⁶⁹ News item published on the Immigrants’ Portal, accessible at: <http://www.imigrante.pt/noticias/3.pdf> (consulted on 10 June 2010).

⁷⁰ News item published on the Immigrants’ Portal, accessible at: <http://www.imigrante.pt/noticias/6.pdf> (consulted on 10 June 2010).

Thus, the public debate about the new law was broadened to include all privileged actors, resulting in a vast discussion about legal options, which was approved by Parliament on 10 May 2007 with the PS and PSD voting in favour, the CDS-PP and the BE voting against it and the PCP and the PEV abstaining from the vote.⁷¹

According to the new law, in much the same manner as preceding legislation, the establishment of the overall indicative quota of employment opportunities for foreign workers implied a dialogue with social partners and other privileged entities. As has been mentioned before, the Cabinet Resolutions that approve the annual quota of immigrants to be admitted require a prior opinion by the CPCS⁷² – a body of the Economic and Social Council that holds independent discussions. The CPCS is presided over by the prime minister and comprises four representatives drawn from the government, employer confederations and trade union confederations. In the context of their role in terms of a dialogue and social coordination, the social partners intervene by preparing opinions about diverse matters pertaining to economic and social policies, including employment, and in this case, annual employment opportunities for foreigners. This intervention also takes place while the MTSS prepares its report regarding the said employment opportunities.

The study that supported the MTSS reports, prepared in January 2009 by a team of researchers from the [Centre for Studies Regarding Portuguese Speaking Peoples and Cultures of the Portuguese Catholic University](#) (CEPCEP-UCP), in collaboration with GEP-MTSS,⁷³ came to the conclusion that with regard to the system of quotas the opinions of the diverse actors that play a prominent role in economic immigration in Portugal were heard, according to the research methodologies guaranteed by the said research centre.

Alongside the quantitative methodological approach the study included a qualitative component, namely, by means of case studies and listening to the views of actors by means of interviews, for the purpose of “examining the question of immigrant labour and everything associated with it, such as its characteristics, motivations, personal and professional trajectories, forms of recruitment and contracting policies, impact on the Portuguese labour market as well as forecasts regarding the need

⁷¹ The legislative process that culminated in the approval of Law No. 23/2007, of 4 July, can be consulted at: <http://www.parlamento.pt/ActividadeParlamentar/Paginas/DetalleIniciativa.aspx?BID=33257>.

⁷² Accessible at: <http://www.ces.pt/cms/60/>.

⁷³ A note about the study can be consulted on the CEPCEP-UCP website: <http://www.ucp.pt/site/custom/template/ucptplminisite.asp?SSPAGEID=1948&lang=1&articleID=6952>.

for and recruitment of immigrant labour in the next 2 years”.⁷⁴ Thus, the study selected interlocutors on the side of demand (companies) and supply (immigrant workers), from diverse areas of the country, covering a set of key-sectors such as hotels/tourism, retail commerce and distribution, agriculture/viticulture, construction and public works and specialised services for companies and families. The research team also interviewed immigrant associations, namely associations that represent the Cape Verde, Brazilian and Ukrainian communities in Portugal.⁷⁵

2.2.3 Forecast regarding the role of economic migration in Portugal

As in the case of other key issues that are important for Portuguese society, the views of political actors about the future role of economic migration are currently voiced against the backdrop of the economic and financial crisis, the slowdown of economic activity and unemployment.

It is therefore no surprise that one of the most recent legal changes in terms of immigration, adopted in 2009, pertained to the reduction of the means of subsistence⁷⁶ necessary to extend stay documents and renew residence permits or documents, by means of [Ordinance No. 760/2009, of 16 July](#).⁷⁷ This ordinance established exceptional conditions with regard to the means of subsistence that foreign nationals needed to have in order to be able to enter and stay in Portuguese national territory, an exception that also extended to the applicant’s family and in situations in which family reunification had taken place. It was thus felt that the prevailing circumstances of the economic crisis would not have such a direct impact on the continued stay of affected workers and their families in the national territory, especially those who were in a situation of involuntary unemployment.

In addition to this measure, and likewise with the scenario of this economic crisis as the dominant note, the present Deputy Secretary of State and of the Internal Administration, José Conde Rodrigues, affirmed, while participating in the Ministerial Conference on “Building Partnerships for

⁷⁴ CARNEIRO, Roberto *et al.*, *Necessidades de mão-de-obra imigrante em Portugal: Evolução a curto prazo, 2009-2010*, Lisbon: CEPCEP-UC, 2009, p. 14. Consulted on 7 June 2010 at the following website:

http://issuu.com/maitv/docs/necessidades_de_m_o-de-obra_imigrante_em_portugal.

⁷⁵ CARNEIRO, Roberto *et al.*, 2009, *op. cit.*, pp. 14-16.

⁷⁶ The means of subsistence that foreign nationals must possess to enter and remain in Portuguese territory were established by Ordinance No. 1563/2007, of 11 September, Accessible at: <http://dre.pt/pdf1sdip/2007/12/23800/0886608868.pdf>.

⁷⁷ Accessible at: <http://www.dre.pt/pdf1s/2009/07/13600/0450904509.pdf>.

Migration” in Prague, on 28 April 2009, that, “Even in the context of the current crisis, capital, companies and people will continue to be characterised by mobility, but the nature of migration is changing. We do not know what the precise impact of the crisis will be on migratory fluxes, but we can be sure that, whatever happens, it will raise new challenges for immigration services, whose systems will have to deal with the new reality.” He also mentioned the need to “make the most of the potential of immigrants as a powerful resource for developing, modernising and innovating in our societies” and, given the context of the crisis, “to promote regular immigration, namely by means of policies that promote the circular and temporary migration of workers” and to not use the situation as “a pretext to annul efforts to rapidly implement procedures to grant residence visas/permits for professional purposes”.⁷⁸

In a sign that likewise reflected the guidelines for the current perspective with regard to economic migration and its role in the future growth and development of the country, the Minister for the Internal Administration, Rui Pereira, during a parliamentary debate about the National Budget for 2010, justified the increase in the SEF’s operational budget by 20.7% in the following terms: “Because the immigration policy and border control are a priority for the government”.⁷⁹

2.2.4 Relevance of EU legislation

As mentioned above, the Portuguese Immigration Law that is currently in effect simplified and simultaneously harmonised the legal framework that regulates immigration in Portugal with European legislation. In terms of EU harmonisation, the law transposed a set of EU directives⁸⁰ to the national juridical order and consolidated the transposition of many other EU acts to national

⁷⁸ The text of this intervention was consulted on 7 June 2010 at the following website:

http://www.portugal.gov.pt/pt/GC17/Governo/Ministerios/MAI/Intervencoes/Pages/20090428_MAI_Int_SEAAI_Migracao.aspx.

⁷⁹ The text of this intervention was consulted on 7 June 2010, at the following website:

http://www.portugal.gov.pt/pt/GC18/Governo/Ministerios/MAI/Intervencoes/Pages/20100218_MAI_Int_OE_AR.aspx.

⁸⁰ The law transposed Directive No. 2003/86/EC, of the Council, of 22 September, regarding the right to family reunification; Directive No. 2003/110/EC, of the Council, of 25 November, regarding support in case of transit for the purposes of removal by air transport; Directive No. 2003/109/EC, of 25 November, regarding the statute of third country nationals who are long term residents; Directive No. 2004/81/EC, of the Council, of 29 April, regarding the residence document granted to third country nationals who are victims of human trafficking or the subject of actions to abet illegal immigration who co-operate with the competent authorities; Directive No. 2004/82/EC, of the Council, of 29 April, regarding the obligation of transport companies to communicate passenger data; Directive No. 2004/114/EC, of the Council, of 13 December, regarding the conditions for admitting third country nationals for the purposes of studies, student exchanges, unpaid training or voluntary activities; and Directive No. 2005/71/EC, of the Council, of 12 October, regarding a specific procedure for admitting third country nationals for the purposes of scientific research.

legislation.⁸¹ Law No. 23/2007, of 4 July, introduced, amongst other novel features, the instrument of a residence visa to engage in different types of activity, including regular subordinate professional activities by means of the mechanism of quotas; a new regime for temporary visas; higher fines for employers who hire illegal immigrants and greater penalties in cases of the abetment of illegal immigration.

Although the new law has already created a series of measures that seek to facilitate and streamline the admission of highly-skilled workers from third countries, as has already been mentioned in a previous point, additional developments are expected in this specific regime with the transposition of [Directive No. 2009/50/EC, of the Council](#), of 25 May 2009, regarding the conditions for the entry and residence of third country nationals for the purposes of highly-skilled employment – the so-called “European Blue Card” directive,⁸² which should take place in the near future. In any case, it is important to emphasise that the new law already anticipates some of the solutions of that Directive. Apart from consecrating a specific legal framework for the entry and residence of such workers, this regime is more favourable than the general regime, allowing the granting of permits for residence in the national territory without the need for a visa. On the other hand, it adopts qualification criteria for this statute similar to those of the Directive, more specifically with regard to graduate degrees or professional experience that are suitable for the respective professional activities.

⁸¹ This was the case with the Framework Decision, of the Council, of 28 November 2002, regarding the reinforcement of the penal framework to prevent the abetment of irregular entry, transit and residence; Directive No. 2001/40/EC, of the Council, of 28 May, regarding the mutual recognition of decisions to remove third country nationals; of Directive No. 2001/51/EC, of the Council, of 28 June, which completes the provisions of Article 26 of the Convention Implementing the Schengen Agreement, of 14 June 1985; and Directive No. 2002/90/EC, of the Council, of 28 November, regarding the definition of the abetment of irregular entry, transit and residence.

⁸² Accessible at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:155:0017:0029:PT:PDF>.

3 Implementation of legislation and policies

3.1 Implementation of legislation and policies pertaining to economic migration

3.1.1 Mechanisms to identify and determine labour shortages

The national legislation that regulates the entry, stay, exit and removal of foreign citizens from national territory – namely Law No. 23/2007, of 4 July, and Regulative Decree No. 84/2007, of 5 November – links the granting of a temporary stay visa and residence visa to engage in a subordinate professional activity to the existence of employment opportunities that are not satisfied by the principle of national and EU preference. To this end, it establishes that an annual indicative overall quota of employment opportunities for third country nationals is to be fixed, which can exclude sectors or activities if justified by prevailing market conditions.⁸³

Although requiring approval by means of a Cabinet Resolution, with a prior report of the CPCS and proposals presented by the autonomous regions, the MTSS is entirely responsible for determining the procedures and identifying the necessary elements for defining an indicative overall quota.⁸⁴ Although they do not list the procedures adopted, the resolutions provide a general overview of the factors that were considered in a given year and which justify, in an ultimate analysis, fixing a given quantity for the quota.

In 2008, for example, Cabinet Resolution No. 28/2008⁸⁵ alluded to the existing forecasts regarding the evolution of employment during the period until the end of that year, the expected dynamics in the evolution of offers of employment and placements during the period, namely an estimate of offers which were not expected to be satisfied, and the expected evolution of the volume of employers who could be interested in hiring foreign workers, based on an assessment of the volume of new jobs that would be created during this period and for which the internal supply of workers would not be sufficient.

⁸³ Article 59 (2) of Law No. 23/2007, of 4 July.

⁸⁴ Article 26 of Regulative Decree No. 84/2007, of 5 November.

⁸⁵ Accessible at: <http://dre.pt/pdf1sdip/2008/02/03300/0103201033.pdf>.

In effect, the quota report prepared in 2007 by the MTSS, entitled *Elements to determine the Indicative Overall Quota for Employment Opportunities in Mainland Portugal for Immigrant Workers up to 2008*, presents the fundamental elements used to define an indicative quota of employment opportunities for immigrant workers. The CPCS issues its prior opinion and the government approves the quota on the basis of this report.⁸⁶ According to the said report, these elements are: “A concise profile of the point of departure in terms of the labour market and especially with regard to the main characteristics and dynamics of immigration to Portugal in recent years, as compared to the evolution of employment opportunities during this same period”. The objective of this operation is, “To present an estimate of the offers of employment recorded in employment centres that will presumably not be filled by national and foreign workers legally resident in the country, or by EU workers, or even by workers from third countries with which Portugal has signed agreements for the free circulation of labour”.⁸⁷

The point of departure adopted by the authors of the report to estimate the need for immigrant labour for the period covered by the report – the last quarter of 2007 and the year 2008 – is an analysis of the processes of adjustment and de-adjustment between demand and supply for employment recorded in the public employment service.⁸⁸ To this end, the report prepared a scenario predicting the evolution of jobs that would be hard to satisfy by means of national labour due, namely, to a professional shortfall and a lack of suitable candidates.⁸⁹ This scenario was created after analysing the divergences between offers of employment that reach the employment centres of the IEFPP and the demand for employment, for the years between 2000 and 2006, for the two aforesaid reasons.⁹⁰ This analysis is completed by an estimate of the volume of employment, based on an assessment of the evolution of macro-economic variables such as the GDP and the Employed Population.⁹¹

⁸⁶ MTSS (2007). *Elementos para a Determinação do Contingente Global Indicativo de Oportunidades de Emprego no Continente para Trabalhadores Imigrantes até 2008*. Lisbon: MTSS. p. 4.

⁸⁷ *Op. cit.*, p. 4.

⁸⁸ *Op. cit.*, p. 21.

⁸⁹ The report presented a typology of reasons for which an employment opportunity that reached the IEFPP was not filled. The two reasons indicated herein were the ones chosen to serve as the basis for calculating the quota not because they were the most representative reasons but because “they are the ones that best illustrate the difficulties of adjustment that cannot be imputed to the intervention of the Centres, and which leave unfilled available opportunities that could be most directly filled with immigrant labour.” *Op. cit.*, p. 33. For the typology, *op. cit.*, pp. 32-33.

⁹⁰ *Op. cit.*, pp. 33-41.

⁹¹ *Op. cit.*, p. 22-24.

In the next two years, [Cabinet Resolutions Nos. 50/2009](#)⁹² and [21/2010](#),⁹³ both of which were framed by the context of the economic crisis, mentioned that the factors that were considered while establishing the annual quotas included forecasts about the evolution of employment for the respective periods; a definition of the need for immigrant labour based on the main macro-economic variables that influence the behaviour of the labour market; a qualitative appraisal of contracting trends and the implementation of prior quotas.

The Autonomous Regions of the Azores and Madeira are subject to separate quotas, according to the specific characteristics and needs of these regions,⁹⁴ and since 2008 there has been a substantial decline in the opportunities for each region – even between 2009 and 2010, a period when the quota remained unaltered for the rest of the country.

The following pages contain a concise overview of the methodologies followed while creating the scenarios to estimate the need for immigrant workers during this period, based on the research project that was entrusted to the CEPCEP-UCP, in collaboration with the GEP-MTSS, to assess the need for immigrant labour for 2009 and 2010.⁹⁵

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The study carried out by the research team of the CEPCEP-UCP estimated, for 2009 and 2010, the employment opportunities for immigrant labour on the basis of quantitative and qualitative methodological approaches. In the quantitative approach,⁹⁶ macro-economic factors were analysed and pondered – such as the growth in GDP, employment and productivity – based on Portuguese and European statistical and documental information, with a retrospective analysis and estimates for the period in question. Along with these basic aspects of growth, the study also considered population fluxes between the three conditions with regard to labour – employment, unemployment and inactivity –, according to large sectors of activity. In this context the data compiled by the [National Statistics Institute](#) (INE)⁹⁷ through the Employment Surveys, which are recorded in terms of employment demand, supply and placements by the IEFPP, proved to be of fundamental importance. By reconciling

⁹² Accessible at: <http://dre.pt/pdf1sdip/2009/06/11400/0366903670.pdf>.

⁹³ Accessible at: <http://dre.pt/pdf1sdip/2010/03/06000/0095300953.pdf>.

⁹⁴ Article 59 (3) to (5) of Law No. 23/2007, of 4 July.

⁹⁵ CARNEIRO, Roberto *et al.*, *Necessidades de mão-de-obra imigrante em Portugal: Evolução a curto prazo, 2009-2010*, Lisbon: CEPCEP-UC, 2009, p. 14. Consulted on 7 June 2010 at the following website:

http://issuu.com/maitv/docs/necessidades_de_m_o-de-obra_imigrante_em_portugal.

⁹⁶ CARNEIRO, Roberto *et al.*, 2009, *op. cit.*, pp. 3-13.

⁹⁷ Accessible at: <http://www.ine.pt>.

this data through a calculation algorithm, according to a model described in the study,⁹⁸ the researchers were able to arrive at quantitative conclusions about the availability of jobs for immigrant labour. Subsequently, owing to insufficient data, the results were segmented according to spatial units (Mainland Portugal and the Autonomous Regions) in conformance with rules of proportionality.

The qualitative approach⁹⁹ compiled information, by means of semi-directed interviews, from companies in key sectors of activity for the phenomenon of immigration in Portugal: hotels/tourism, retail commerce and distribution, agriculture/viticulture, construction and public works, specialised services for companies and families. A case study was prepared for each sector, complemented by interviews of workers and immigrant associations representing three nationalities: Brazil, Cape Verde and Ukraine. The selection of individuals and entities was based on “their presence at a national level, economic relevance or perspective keeping in mind the phenomena in question”.¹⁰⁰ At the same time, the study proceeded to confirm/disprove the trends recorded in the quantitative component of the study, in a set of interviews aimed at a wider group of companies from the same sectors as the case studies, with a different size and from different areas of the country.

Thus, based on the quantitative approach, it was possible to create three alternative scenarios that contemplate an estimate of jobs to be held by immigrant workers in three areas of activity – which the study affirmed were the areas that traditionally generate the most jobs for immigrants and would continue to do so in the future: agriculture, construction and commerce and services. At the extreme ends, the scenarios contemplate optimistic (the “rainbow” scenario) and pessimistic (the “fortress” scenario) estimates. Midway between the two, the study formulated an “emerging” scenario, which was more “balanced” and characterised by “realistic” criteria, in which it was estimated that 3,300 job opportunities would be created, in 2009, for immigrants (mainly in the area of commerce and services, while no new jobs were expected to be created in the sector of agriculture) and a set of 4,050 job opportunities would be created for immigrants in 2010 (whose growth was due, above all, to the creation of employment in the area of commerce and services and an estimated 350 new jobs in the agriculture sector).¹⁰¹

⁹⁸ *Idem*, p. 13.

⁹⁹ *Idem*, p. 14-16.

¹⁰⁰ *Idem*, p. 15.

¹⁰¹ *Idem*, pp. 57-58.

In their turn, the evolutionary tendencies that resulted from the qualitative approach made it possible to conclude, on the side of supply, that there would be a reduction in demand for new immigrants in Portugal, an increased departure of those who are already in the country, the return of Portuguese emigrants and a relative increase in competition to fill the so-called *bad jobs*; on the side of demand it was concluded that despite the tendencies in terms of supply, it is expected that levels of recruitment of immigrant labour will remain unchanged in the sectors of activity of commerce and services, construction and agriculture, and in unskilled professions or operator jobs, for which immigrants continue to be comparatively more “available”.¹⁰²

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Considering the above, in the context of the research conducted to estimate employment opportunities for immigrants for 2009 and 2010, apart from considering macro-economic factors, the testimonies of privileged actors in the field of economic migration (companies, workers and immigrant associations) were also heard and integrated into the estimates. The methodological aspects and the results of this study have also been used in the reports entitled *Quota for Employment Opportunities in Portugal for Immigrant Workers, for 2009* and *Quota for Employment Opportunities in Portugal for Immigrant Workers, for 2010*, prepared by the MTSS. These reports are the result of a joint task developed by a group, which included the Regional Directorate for Labour and Professional Qualifications of the Autonomous Region of the Azores, the IEFP, the Regional Institute for Employment of the Autonomous Region of Madeira, the SEF and the GEP-MTSS, which coordinated the project.¹⁰³

It is also important to keep in mind that legislation makes it compulsory to obtain a prior opinion from the CPCS, which, apart from the government, includes representatives from employer confederations – the [Portuguese Industrial Confederation](#) (CIP),¹⁰⁴ the [Portuguese Commerce and Services Confederation](#) (CCP),¹⁰⁵ the [Confederation of Portuguese Farmers](#) (CAP),¹⁰⁶ and the

¹⁰² *Idem*, pp. 69-74.

¹⁰³ MTSS (2009). *Contingente de Oportunidades de Emprego no País para Trabalhadores Imigrantes, para 2009*. Lisbon: MTSS. pp. 4-5; MTSS (2010). *Contingente de Oportunidades de Emprego no País para Trabalhadores Imigrantes, para 2010*. Lisbon: MTSS. p. 1.

¹⁰⁴ Accessible at: <http://www.cip.org.pt/>.

¹⁰⁵ Accessible at: <http://www.ccp.pt/>.

¹⁰⁶ Accessible at: <http://www.cap.pt/>.

[Portuguese Tourism Confederation](#) (CTP)¹⁰⁷ – as well as trade union confederations – [General Confederation of Portuguese Workers – National Inter-Trade Union](#) (CGTP-IN)¹⁰⁸ and the [General Workers' Union](#) (UGT).¹⁰⁹ Thanks to this condition that is required by the law, social partners directly intervene in defining the quota of work opportunities for immigrants.

With regard to the 2009 quota, the UGT,¹¹⁰ for example, voiced its position in order to determine the quota, reiterating the opinion it had issued at the time when the preliminary project for the current immigration law was discussed, affirming that, “Labour needs should not depend on a single report but should instead be managed on the basis of forecasts” and that it was necessary to create, “Mechanisms to monitor the evolution of the labour market and its needs”. It also questioned the methodology followed by the MTSS while calculating opportunities – since trade unions had not been consulted in the course of the CEPCEP-UCP study –, namely with regard to the component of the EURES network and the availability of workers from the recently enlarged EU.

3.1.2 Ascertaining whether the migrants have a suitable profile for the offers of employment

In the context of offers of temporary and permanent subordinate employment for foreign nationals presented by employers through the IEFP and subject to its appraisal – which are later publicised through the IEFP website and embassies and consular posts abroad – the employing entity that is recruiting the foreign worker is responsible for assessing the candidate’s profile and ascertaining whether their skills are suitable for the vacancy.¹¹¹ The application that the potential migrant submits to the IEFP electronically, or by other means, is immediately sent to the recruiting company, which, in its turn, decides whether the candidate’s profile is suitable, directly communicating their decisions to the candidate and providing them with the documentation that is necessary to be able to apply for a visa.¹¹²

¹⁰⁷ Accessible at: <http://www.confederacaoturismoportugues.pt/>.

¹⁰⁸ Accessible at: <http://www.cgtp.pt/>.

¹⁰⁹ Accessible at: <http://www.ugt.pt/>.

¹¹⁰ Consulted on 7 June 2010 at the following website: http://www.ugt.pt/parecer_13_05_2009.pdf. The CGTP-IN also published its position with regard to the quota for 2009, accessible at:

http://cgtp.pt/index.php?option=com_content&task=view&id=1336&Itemid=137.

¹¹¹ Article 59 (6), of Law No. 23/2007, of 4 July.

¹¹² Article 20 (6), and Article 28 of Regulative Decree No. 84/2007, of 5 November.

In situations in which the candidate does not have an offer or a work contract the potential migrant must prove they possess suitable skills or competences for the said activity in order to apply for a residence visa to engage in a subordinate activity.¹¹³ Likewise, in cases in which the profession of the third country national is subject in Portugal to “special qualifications”, a declaration must be issued by the competent entity authorised to verify the requirements for engaging in the said profession in order to apply for a temporary stay visa or residence visa to engage in a subordinate activity.¹¹⁴

With regard to engaging in research, teaching in institutes of higher education or other highly-skilled activities, in order to ascertain whether the profile of the migrant worker is suitable for the job they will fill – especially in the case of an activity with regard to which there are doubts as to whether it can be defined as being a highly-skilled activity¹¹⁵ – the said migrant’s qualifications must be recognised by the competent national entity. In such cases, in order to ensure that the migrant’s qualification or skills are suitable for the activity to be performed, the granting of a temporary visa or a residence visa to engage in a highly-skilled activity is subject to a compulsory prior opinion by the [MCTES](#).¹¹⁶

3.1.3 Recognising and validating skills¹¹⁷

The previous point mentioned the existence of situations in which it is necessary by law to validate skills before admitting a third country national into Portuguese territory, namely in very specific situations in which the immigrant applies for a job in a profession for which Portugal requires special qualifications or when engaging in an activity in which it is not certain whether it can be defined as a “highly-skilled activity”. Even in cases where an individual applies for a residence visa

¹¹³ Article 59 (5), of Law No. 23/2007, of 4 July.

¹¹⁴ Article 20 (1) (c) and Article 30 (1) (c) of Regulative Decree No. 84/2007, of 5 November.

¹¹⁵ According to the definition provided in line a) of Article 3 of Law No. 23/2007, of 4 July, a highly- skilled activity is considered to be, “An activity that requires exceptional or specialised technical skills and, consequently, a suitable qualification to be able to engage in the respective activity, namely a higher education qualification”.

¹¹⁶ Article 21 (3) and Article 32 (3) of Regulative Decree No. 84/2007, of 5 November.

¹¹⁷ The information available about this subject can be consulted on the website of the National Qualifications Reference Point (PNRQ), coordinated by the MTSS through the IEFP’s training department, accessible at: http://portal.iefp.pt/portal/page?_pageid=177.1&_dad=gov_portal_iefp&_schema=GOV_PORTAL_IEFP.

Similarly, the Portuguese NARIC (National Academic Recognition Centres), which is part of the Directorate-General for Higher Education, provides information about this subject on its website (<http://www.dges.mctes.pt/dges/pt/reconhecimento/naricenic/>) and has also published a Guide for Foreign Nationals about the recognition of qualifications (Accessible at: http://www.dges.mctes.pt/NR/rdonlyres/DEF331EC-2119-4F03-9B52-F322F3C42FBB/4274/Reconhecimento_Qualificacoes_Guia_Estrangeiros.pdf).

to engage in a subordinate professional activity without an offer or work contract, but only an individual manifestation of interest on the part of the employing entity, the migrant must prove that they possess “recognised and suitable qualifications, competences or skills” in order to engage in the activity for which they are applying.¹¹⁸

Hence, this is not a general criterion that is applicable to the admission of immigrants into the national territory, to such an extent that the immigration law does not stipulate, in this regard, specific mechanisms to validate qualifications and competences.

However, once they are residing and working in Portugal the immigrants can, if they wish, apply to have the foreign higher education qualifications recognised, through mechanisms stipulated in [Decree-Law No. 283/83, of 21 June](#)¹¹⁹ and in [Decree-Law No. 341/2007, of 12 October](#),¹²⁰ which govern, respectively, equivalency/ recognition¹²¹ based on a scientific reassessment of the work realised in order to obtain a foreign degree and the recognition of foreign academic degrees of an identical level, objectives and nature to the degrees of graduate, Master’s and Ph.D. qualifications attributed by Portuguese institutions of higher learning.

While Decree-Law No. 341/2007, of 12 October, makes it possible to recognise higher foreign academic degrees whose level, nature and objectives are identical to the graduate, Master’s and Ph.D. degrees conferred in Portugal, granting their holders all the rights inherent to those titles – thus being based on a principle of mutual confidence that substitutes, whenever applicable, the process of scientific reassessment under the terms of Decree-Law No. 283/83, of 21 June –, this latter diploma, in its turn, stipulates that irrespective of where the applicant submits the request, public institutions of higher learning and the Portuguese Catholic University are exclusively responsible for the decision as to whether the said equivalence/ recognition should be granted or denied.¹²²

¹¹⁸ Article 59 (5) (c) of Law No. 23/2007, of 4 July.

¹¹⁹ Accessible at:

http://www.dges.mctes.pt/NR/ronlyres/AEDEC7DF-764D-44B6-95D6-2B420957AE9A/3054/DL_283_85.pdf.

¹²⁰ Accessible at: <http://dre.pt/pdf/isdip/2007/10/19700/0737507379.pdf>.

¹²¹ Academic equivalence is attributed when identical degrees or diplomas exist in the Portuguese system of higher education, in the same area, in which case the foreign degrees and diplomas can be declared to be equivalent to the national qualifications; academic recognition, on the other hand, is granted when the course that conferred the foreign degree or diploma does not exist in the Portuguese system of higher education, in the same area, and which will imply, in case recognition is granted, indicating the effects produced by the recognised title (ROSÁRIO, Edite; SANTOS, Tiago (2008), *Quanto custa ser imigrante?*, Estudos do Observatório de Imigração, 26, Lisbon: ACIDI, p. 59).

¹²² ROSÁRIO, E; SANTOS, T, *op. cit*, pp. 59-60.

Within the scope of Decree-Law No. 341/2007, of 12 October, it is the responsibility of a commission, presided over by the Director-General for Higher Education and comprising an executive coordinator and a representative of each of the entities representing institutions of higher learning,¹²³ to decide on the list of foreign degrees encompassed by this regime.

Amongst other measures, this legal instrument is aimed at, “Guaranteeing effective mobility and simplifying the national and international bureaucracy involved for students and diploma holders” so as to “attract and retain qualified Portuguese or foreign human resources in Portugal”. In any case, as mentioned in the preamble of the diploma, “It is later the task of public or private employers, in each concrete situation, to proceed to specifically evaluate whether the training is suitable for the respective purposes and to adopt the most suitable selection criteria”.

It can be noted that between 2002 and 2006, some 5,835 applications for equivalence/ recognition of foreign degrees/ diplomas were submitted under the terms of Decree-Law No. 283/83, of 21 June, most of them for graduate degrees and by third country nationals such as individuals from Brazil, Venezuela, Ukraine or Cuba.¹²⁴

The recognition of technical or professional skills is regulated by Decree-Law No. 396/2007, of 31 December,¹²⁵ which establishes the legal regime for the National Qualifications System (SNQ), defines the structures that ensure its functioning and stipulates the different ways of obtaining qualifications, such as the training that is part of the [National Qualifications Catalogue](#) (CNQ),¹²⁶ the processes of [Recognition, Validation and Certification of Competences](#) (RVCC),¹²⁷ part of the [New Opportunities Initiatives](#),¹²⁸ and the recognition of diplomas obtained in other countries.

Thus, immigrant workers can have their professional skills recognised and certified in accordance with the criteria and mechanisms established by the legislation in effect – by means of RVCC or certification processes, for example –, applicable to any citizen resident in Portugal. With regard to

¹²³ Article 8 of Decree-Law No. 341/2007, of 12 October.

¹²⁴ Data obtained from:

http://www.dges.mctes.pt/NR/rdonlyres/23A30E72-8B30-4952-996A-43FC51963868/1205/Equivalencias_Pa%C3%ADs2006.pdf

For further details about the type of degree, the country of origin of the diploma, the country of origin of the application and the type of correspondence requested, consult the page with NARIC statistics at the following website:

<http://www.dges.mctes.pt/DGES/pt/Reconhecimento/NARICENIC/Dados+Estat%C3%ADsticos/>.

¹²⁵ Accessible at: <http://dre.pt/pdf1sdip/2007/12/25100/0916509173.pdf>.

¹²⁶ Accessible at: <http://www.catalogo.anq.gov.pt/Paginas/Inicio.aspx>.

¹²⁷ Accessible at: <http://www.iefp.pt/formacao/RVCC/Paginas/RVCC.aspx>.

¹²⁸ Accessible at: <http://www.novasoportunidades.gov.pt/>.

certification, namely to engage in regulated professions for which it is compulsory to possess professional titles, the IEFP¹²⁹ makes available relevant information within the scope of the National System for Professional Certification (SNCP), while simultaneously identifying the certifying entities that are empowered to issue Professional Aptitude Certificates for the different professions.

3.1.4 Measures to promote integration

While admitting migrant workers, the legislation does not envisage compulsory measures for integration, such as fluency in Portuguese or attending integration courses or vocational guidance courses. In order to be admitted into the national territory the immigrant only has to present the necessary documents along with his or her visa application in accordance with the applicable legislation and comply with the validity periods of the visa, returning at the end of the said period or applying for an extension (which also does not require integration measures in order to be granted).

However, these integration measures, namely the linguistic requirements, are applicable to processes for attributing permanent residence permits, the status of long term resident and the acquisition of nationality.

The granting of a permanent residence permit is subject, amongst other elements, to presenting proof of a basic knowledge of the Portuguese language.¹³⁰ Article 64, Paragraph 1 (e) of Regulative Decree No. 84/2007, of 5 November, stipulates that the application to grant a permanent residence permit must be accompanied, amongst other documents, by a “certificate of skills issued by an official Portuguese teaching establishment or a legally recognised private or cooperative teaching establishment, a certificate of having successfully concluded a course in basic Portuguese issued by the IEFP or by an official Portuguese teaching establishment or a legally recognised private or cooperative teaching establishment or a certificate corroborating knowledge of basic Portuguese obtained by means of a test at an evaluation centre for Portuguese as a foreign language, recognised by the Ministry of Education”. In case the applicant has already attended an educational institution

¹²⁹ Consulted on 9 June 2010 at the following website:

<http://www.iefp.pt/formacao/certificacao/Paginas/CertificacaoProfissional.aspx>.

¹³⁰ Article 80 (1) (e) of Law No. 23/2007, of 4 July.

in a Portuguese speaking country – relevant for immigrants from Brazil and PALOP nations – this knowledge of Portuguese can be proved by means of a certificate of skills issued by the said entity.

In order to obtain the status of long term resident, apart from proving that they have resided legally in Portugal for the previous five years, applicants must have stable and regular resources, health insurance and accommodation and must also demonstrate fluency in basic Portuguese.¹³¹

Both in the case of granting a permanent residence permit as well as the status of long term resident, if the applicant does not have a certificate proving basic fluency in the language or has a certificate from an entity that is not duly recognised, he or she can submit a written request, which must be filled in and signed by the applicant in person, requesting that this requirement be waived. In such cases, a SEF official can attest to basic fluency in the Portuguese language after a dialogue with the applicant in Portuguese.

Similarly, it is necessary to have a basic fluency in Portuguese in order to be able to acquire Portuguese nationality, namely by presenting a certificate of proficiency at the required level.¹³²

In this context, courses in Portuguese as a foreign language (for adults) were created, by means of [Ordinance No. 1262/2009, of 15 October](#),¹³³ based on the reference “[Portuguese for Speakers of Other Languages – The Basic User in the Host Nation](#)”,¹³⁴ whose level of proficiency at the end of the course corresponds to the A2 level, which proves knowledge of the Portuguese language at the level required by the aforesaid diplomas. These training courses are offered free of cost and are promoted by the schools of the Ministry of Education and by the Professional Training Centres of the IEFP. They are framed within the National System of Qualifications, namely by being inserted in the National Qualifications Catalogue and by adopting the certification of skills model.

Framed within the “[Portuguese for All](#)”¹³⁵ programme – a joint initiative by the Presidency of the Council of Ministers, the MTSS and the [Ministry of Education](#) (ME),¹³⁶ managed by the ACIDI –,

¹³¹ Article 126 (1) (e) and Article 74 (1) (g) of Regulative Decree No. 84/2007, of 5 November.

¹³² Article 25 of Decree-Law No. 237-A/2006, of 14 December, accessible at:

<http://dre.pt/pdf1sdip/2006/12/23901/00020016.pdf>.

¹³³ Consulted on 9 June 2010 at the following website: <http://dre.pt/pdf1sdip/2009/10/20000/0779707799.pdf>.

¹³⁴ Consulted on 10 June 2010 at the following website: <http://sitio.dgide.min-edu.pt/recursos/Lists/Repositrio%20Recursos2/Attachments/776/Portugu%C3%AAAsparaFalantesdeOutrasLingua.pdf>.

¹³⁵ Further details about the programme can be viewed on the ACIDI website:

<http://www.acidi.gov.pt/modules.php?name=Content&pa=showpage&pid=1065>, or the IEFP website:

<http://www.iefp.pt/formacao/ModalidadesFormacao/ProgramaPortugalAcolhe/Paginas/ProgramaPortuguesparaTodos.aspx>.

¹³⁶ Accessible at: <http://www.min-edu.pt/>.

these courses make it possible to obtain training in technical Portuguese (apart from the certified training in Portuguese language skills that are necessary for the said legal purposes), adapted to a set of professional areas so as to further promote the integration of immigrants into the labour market.

However, it must be emphasised that attending these courses is voluntary and is part of a set of measures that have been adopted in order to promote the social and professional integration of immigrants. Although they have a “functional” motivation, insofar as they allow access to a permanent residence permit, the status of long term resident or nationality, the courses in Portuguese for foreigners are not a compulsory measure that is an essential requirement for admission into the national territory.

In short, these courses are one amongst many measures conceived to promote the integration of immigrants who reside and work in Portugal and are part of the Plan for the Integration of Immigrants (PII), which was created by means of [Cabinet Resolution No. 63-A/2007, of 3 May](#)¹³⁷ and which constitutes a global, integrated and broad-based response that brings together and organises the state’s objectives and commitments while hosting and integrating immigrants resident in Portugal.

3.2 Statistics, trends and future developments

3.2.1 Statistical data about the labour market and migration

The first thing that must be noted with regard to the statistics available about the insertion of immigrants in the Portuguese labour market are the difficulties that were encountered while ascertaining data, especially with the level of detail that was required for this study, as mentioned in the point 1.1, pertaining the methodology, section 1.1.4.

The obstacles encountered – the variety and nature of the statistical sources available,¹³⁸ on the one hand, and the significant immigrant participation in the informal economy, on the other hand, contributed towards ensuring that it was impossible to precisely portray the scenario of immigrant

¹³⁷ Accessible at: <http://dre.pt/pdf1sdip/2007/05/08501/00020023.pdf>.

¹³⁸ ROSÁRIO, Edite; SANTOS, Tiago (2008). “Indicadores e sua análise” in *Medir a Integração: O caso de Portugal. Indicadores regionais de inserção socioeconómica dos nacionais de países terceiros*. Lisbon: IOM, p. 43.

labour in Portugal with the desired level of detail and accuracy, despite efforts to ascertain data to create and analyse the statistical tables.

In light of the need to compare the situation of national and foreign labour and the lack of a single source in Portugal that contains the necessary information to prepare such a comparative scenario, this study used different available sources. Firstly, the GEP-MTSS Employee Rolls, which must compulsorily be submitted each year by all individual or collective entities that employ staff and by the central, regional and local administrative services and public institutions, with regard to workers with an individual work contract.¹³⁹

Apart from providing data about declared employees, these Employee Rolls enable a profile of workers on the basis of variables such as gender, age, level of qualifications, training, profession or years of working at a company, which was the reason why they were used for this study. However, in addition to the fact that this data only pertains to a part of workers in Portugal – salaried workers – thus overlooking the entire set of independent workers, it is important to note that this data does not provide details in terms of nationality (although it does distinguish between foreign and national workers), a fact which made it difficult to prepare the tables for this study. Another aspect that made it difficult to exclusively use the Employee Rolls for preparing the tables, more specifically Table 5, had to do with the level of detail in terms of professional classifications and their cross-referencing with the other variables.

Given these shortcomings, this study then resorted to a second source of information, namely the SIISEF, the SEF database. This database comprises information about foreigners who are legally resident in Portugal. In the course of this exercise, it was clear that the SIISEF data regarding flows and stocks of immigrant labour were not classified with the level of detail required by the specifications, more specifically with regard to professional qualifications, for which it was only possible to combine two categories: AD (highly-skilled workers and researchers) and BC (skilled and unskilled workers). These two categories were the closest possible solution between the required level of detail and the Portuguese legal typologies, which conditions the compilation and classification of information. The category of “seasonal worker” does not exist, since it has not yet been typified in Portuguese legislation.

¹³⁹ Accessed on 30 May 2010 at the following website: <http://www.gep.mtss.gov.pt/destaques/oa2010qp.php>.

Keeping in mind these divergences from the specifications, this study then proceeded to filter the SIISEF data according to the aforesaid criteria. However, two constraints were identified, namely, on the one hand, the visible reduction in data when the filter regarding the level of qualifications of foreigners was applied – which could not be compared or validated with any other source of information – and, on the other hand, incompatibility in terms of what the SIISEF classified as foreigners with a “qualification” and what the Employee Rolls classified as “salaried workers”. With values that fell far short of the real figures and unable to compare two sets of population delimited according to different criteria, a second attempt was then made to ascertain data.

It was decided to attempt to create scenarios of estimates based on a combination of information available in three sources, namely: the Eurostat *Labour Force Survey* (LFS) and the aforesaid Employee Rolls and SEF database.

Two different approaches were conceived, the first of which focused on 2006 and set out from the relevant marginal totals that exist in the information published by the LFS, suppressing the omissions with regard to the distribution of workers according to the variables cross-referenced in the tables of this study. We then resorted to the information in the Employee Rolls (whose potential and shortcomings have already been mentioned) and, whenever this was not available, to SEF data. The second test, carried out on 2009 data was based on the total number of foreign workers according to the LFS, whenever possible using SEF data, to distribute the cases according to each of the situations. When this latter data did not exist, the study resorted to the Employee Rolls.

In the meanwhile, given the shortcomings in terms of the quality and reliability of the information obtained by means of these tests, in which the results indicated a lack of data about the number of self-employed workers in the information available in the Employee Rolls, and considering the large number of cases in which SEF data did not specify the “qualification” of foreign nationals, the NCP decided not to publish this information in this study.

Despite the divergences owing to the difficulties faced by the authors and coordinators of this study, which have been duly justified, it is important to note that these efforts and the resources allocated and invested for the theoretical and practical formulation presented herein were not in vain, since they made it possible to identify the potential added value of the SIISEF database, while likewise identifying its shortcomings.

The NCP is convinced that such investments could contribute towards improving the tools or mechanisms available for processing such data and consequently increase the reliability and quality of the statistical information. In the future this would make it possible to provide a more accurate profile of migration in and to Portugal.

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The study also used some research works that, based on a combination of different methodological approaches, have identified some trends, which, as far as possible, will be presented here.

Within the period in question, a recent research project estimated that the proportion of foreign citizens in the active Portuguese population was approximately between 5% and 6%.¹⁴⁰ In 2010, the report entitled *Quota for Employment Opportunities in Portugal for Immigrant Workers, for 2010*, based on the estimates of the Employment Survey held in the 3rd quarter of 2009, indicated that about 4.5% of the economically active population in Portugal comprised foreign nationals, who represented 4.2% of the total volume of employment. The rate of activity for the foreign population was 65.3%, 13 percentage points above the rate recorded for Portuguese citizens.¹⁴¹

Based on the data provided by the DGSS it is also clear that, with regard to the social security contributions made by individuals, the contribution of workers who are third country nationals, amongst the set of foreigners, has been situated, from 2004 to 2009, between 82% and 84%.¹⁴² From amongst all the foreign nationals, individuals from the Americas have stood out, with social security contributions that have risen over the course of the said period (from 26% in 2004 to 36% in 2009). They were followed by contributions from nationals of PALOP nations, who represent an average of 22% to 23% of foreign contributions, nationals of non-EU nations, whose representation has diminished from 2006 onwards, drawing closer to the percentage of the next group, that of

¹⁴⁰ PEIXOTO, João (2008). “Imigração e mercado de trabalho em Portugal: investigação e tendências recentes” in PEIXOTO, João (org.), *Revista Migrações, Imigração e Mercado de Trabalho*, 2. Lisbon: ACIDI, p. 27.

¹⁴¹ MTSS (2010). *Contingente de Oportunidades de Emprego no País para Trabalhadores Imigrantes, para 2010*. Lisbon: MTSS, p. 12. In 2009, the MTSS report mentioned that the foreign population represented 4.6% of the total economically active population, rates of activity that were higher than the rates for Portuguese citizens and 4.4% of the total employed population in the country. *Contingente de Oportunidades de Emprego no País para Trabalhadores Imigrantes, para 2009*. Lisbon: MTSS, pp. 12-13.

¹⁴² The data did not include the number of national taxpayers that would permit a comparison with the entire national panorama.

citizens from EU nations, which, since 2008, have represented 16% of foreign citizens making social security contributions.

With regard to recorded unemployment,¹⁴³ according to the data contained in the IEFP's monthly statistical reports, which calculate unemployed individuals registered at national employment centres,¹⁴⁴ it is possible to conclude that workers who are third country nationals represent a growing percentage of the total number of unemployed registered during the last month of each year, between 2004 and 2010 (Table 6). In fact, in 2004 unemployed individuals from this group of countries represented 3.8% of the national total, a proportion that had risen to 5.2% in 2008 and has been estimated to be 6% in 2010. This growth accompanied, on the one hand, the "positive and sustained evolution" that characterises the stock of foreigners resident in Portugal,¹⁴⁵ and, on the other hand, the growth in the number of unemployed recorded in the country – with the exception of the period between 2006 and 2007, in which there was a decline in unemployment recorded at a national level. It must be kept in mind, however, that this data, both at the level of Portuguese and well as foreign workers, only refers to unemployed individuals who have enrolled at employment centres and have registered their professional condition. Thus, the individuals who, for various reasons, have not "officialised" their situation in this manner have not been represented here although they are, in fact, unemployed workers.

It can be noted that the percentage of unemployed who are EU nationals remained stable up to 2007 (0.5%) but increased thereafter and achieved its maximum value (0.9%) in 2009. In terms of the national groups that stand out in the context of recorded unemployment, Brazilian citizens had the highest levels of recorded unemployment during the period in question, followed by Ukrainians¹⁴⁶ (except in 2009, when this nationality was ranked in third place) and citizens of Cape Verde. In

¹⁴³ Based on the estimates of the Employment Surveys, the reports of the MTSS quotas indicated, for the 3rd quarter of 2009 and for the average of the first three quarters of 2008, respectively, an unemployment rate for foreign nationals of 16% and 10.4%, double that recorded for Portuguese citizens, in the former period, and 3 percentage points above them, in the latter period. MTSS (2010), *op. cit.*, p. 12 and MTSS (2009), *op. cit.*, pp. 12-13.

¹⁴⁴ The IEFP defines "unemployed" as an "applicant enrolled in an Employment Centre, who does not have work, is seeking a job as a salaried worker, is immediately available and has the capacity to work" (accessible at: http://www.iefp.pt/estatisticas/Documents/GLOSSARIO_VERSAOFINAL.pdf). The foreign unemployed individuals who are enrolled at the IEFP are EU nationals or third country nationals resident in Portugal, who must have a valid residence or stay permit, or any legal residence or stay document that would enable them to engage in professional activities (accessible at: <http://www.iefp.pt/FAQ/Paginas/Home.aspx#Imigrantes>).

¹⁴⁵ SEF (2009). *Relatório de Imigração, Fronteiras e Asilo 2008*. Lisbon: SEF/DPF-NP, p. 22. Accessible at: <http://www.sef.pt/documentos/59/RIFA2008ReVIII.pdf#1>.

¹⁴⁶ The number of recorded unemployed Ukrainians in 2004 was 2,959 and was 3,488, 3,506, 3,002, 3,804, 3,813 and 5,521 in subsequent years.

regional terms, the group of PALOP nationals recorded the highest number of unemployed individuals. This geographical distribution of recorded unemployment reflects both the numbers of foreigners in Portugal as well as the evolution of employment in the market segments that they occupy (such as construction, for example, a significant activity for the three national groups mentioned above, especially for the Ukrainians¹⁴⁷).

One can also emphasise that, unlike in the case of overall figures for Portuguese nationals, women do not always represent the majority in recorded unemployment amongst the group of third country nationals: a greater proportion of female unemployment was only recorded in 2006, 2007 and 2008. It is a trend that could once again be related to the behaviour of the labour market in the sectors of activity that traditionally employ female immigrant labour.

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While analysing the situation of migrants and their direct descendants in the national labour market, the *ad hoc* module published during the Employment Survey of the 4th quarter of 2009 provided some perspectives that complement the aforesaid statistics.¹⁴⁸ This module was a study that was carried out in the second quarter of 2008 based on estimates derived from a survey that was based on sampling¹⁴⁹ amongst a target-group that was resident in Portugal, with individuals aged between 15 and 74 years. By applying a set of variables the study was able to distinguish three sub-groups of individuals: those without a migratory background, those with a migratory background who had been born in Portugal (at least one of whose parents was a foreign national) and those with a migratory background having been born outside the country.

The results obtained indicated that about 9.5% of individuals resident in Portugal between 15 and 74 years had a migratory background, either on account of having been born outside Portugal

¹⁴⁷ ROSÁRIO, Edite; SANTOS, Tiago, *op. cit.*, pp. 69-74.

¹⁴⁸ MAGALHÃES, Graça (2010). “Situação dos migrantes e seus descendentes directos no mercado de trabalho – Módulo *ad hoc* do Inquérito ao Emprego de 2008” in INE (2010). *Estatísticas do Mercado de Trabalho: 4.º Trimestre de 2009*. Lisbon: INE, pp. 53-59.

¹⁴⁹ As the study itself mentions, the estimates resulting from the survey based on sampling obtained, in some cases, associated sampling errors of more than 20%. Hence, they should be read and interpreted with caution. Moreover, since they are based on a sample which was not conceived keeping in mind the representation of the foreign population or migratory movements, the Employment Surveys are not a reliable source for this kind of analysis. In a document dating from 2006 regarding Statistics pertaining to Migratory Movements, the Statistics Council stated that the Employment Surveys evidence difficulties “in ensuring a representative sample with regard to the foreign population since the survey was designed with other objectives in mind”. Statistics Council (2006). *Estatísticas dos Movimentos Migratórios*. Lisbon: CSE/DSFA, p.58.

(7.9%) or being descendants of immigrants (1.6%). This population included comparatively young individuals, especially in the latter segment.¹⁵⁰ In the total population of the target-group, individuals with foreign citizenship represented 4% of the total and 41.4% of the sub-group with a migratory background.¹⁵¹ On the other hand, the percentage of employed individuals with a migratory background (68.8%) was greater than that of individuals without a migratory background (62.4%), while the greatest number of unemployed was also to be found in the same sub-group (7.2% as compared to 4.8%).¹⁵² With regard to their professions, individuals with a migratory background had higher percentage values in professions such as “Services and sales staff” (19.6% as compared to 14.9%), “Unskilled workers” (16.4% as compared to 12.9%) and, to a lesser degree, “Specialists from intellectual and scientific professions” (12.9% as compared to 8.6%); they simultaneously had comparatively lower values in the profession of “Farmers and skilled workers in agriculture and fisheries” (1.7% to 10.4%).¹⁵³

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Table 5.1, which was constructed on the basis of the MTSS Employee Rolls and follows, whenever possible, the favoured criteria for the statistical tables of the study, indicates some trends, namely with regard to the distribution of foreign nationals according to sectors of activity and according to levels of qualifications.

Thus, the data published in the Employee Rolls makes it possible to conclude that foreign workers represented, between 2004 and 2008, about 5% of the economically active population¹⁵⁴ in Portugal. The majority are males – who corresponded to between 63% of the total, in 2004, and 59.6%, in 2008 –; from European countries, especially from Eastern European nations, followed by the set of PALOP nations and Brazil – in 2008 Brazilian workers represented 28.2% of the total and the set of PALOP nations represented 25.6% of the total. The overwhelming majority, over 95%, work for employers as salaried workers and most of them have qualifications at the level of basic education.

¹⁵⁰ *Idem*, p. 54.

¹⁵¹ *Idem*, p. 55.

¹⁵² *Idem*, p. 55-56.

¹⁵³ *Idem*, p. 56.

¹⁵⁴ “Personnel in Service”, as per the General Instructions for filling in Employee Rolls, include, for a given company, all salaried workers, unpaid family workers and the employers themselves as long as they perform functions there.

Although they do not permit an analysis on the basis of occupations with the necessary detail equivalent to the ISCO-88 categories and by nationality, the Employee Rolls indicate the number of foreigners who are salaried workers, according to their level of qualification and their distribution over the different sectors of economic activity (CAE – Portuguese Classification of Economic Activities). As can be seen in Table 5.1, in 2004 the number of foreign salaried workers (SW) corresponded to 5.4% of the total number of SWs, increasing to 5.8% in the following year. After a decrease of one percentage point in the next two years, this percentage was 6% in 2008.

While the vast majority of Portuguese SWs correspond to skilled professionals – the percentage of these workers has, however, been reducing between 2004 and 2008, from 76% to 63% –, along with a percentage of highly-skilled workers that was around 13% -14% during this period, foreign SWs are mainly distributed in the categories of skilled professionals (an average of 52%) and unskilled professionals (with an average of around 34%). Along with this greater proportion of foreign SWs in the less skilled groupings – and despite the gradual reduction of unskilled workers in favour of skilled workers – it must be noted that the average percentages of highly-skilled SWs is about 5.2%, a figure that is significantly below the national average.

On the other hand, it can be seen that most Portuguese SWs were employed in the “manufacturing industry” – in 2004, about 29% of Portuguese SWs were employed in this sector though this percentage dropped to 23% in 2008 – followed by “wholesale and retail commerce; repair of automobile vehicles and motorcycles” – about 19.4% over the course of this period –, “construction” and “real estate activities, rentals and services provided to companies” – about 11.5%, on average, in these four years. With regard to foreign SWs, there is a greater concentration in the sectors of “construction” and “real estate activities, rentals and services provided to companies” and/or “administrative activities and auxiliary services”,¹⁵⁵ which, together, encompassed about 46% of foreign SWs throughout this period. They were followed by the sectors of “accommodation, restaurants and similar activities” and the “manufacturing industry”, which together account for about 27% of these workers.

¹⁵⁵ According to the report for the quota of employment opportunities for 2010, which uses the 2007 Employee Rolls for such data, the concentration of the group of third country nationals in administrative activities and auxiliary services is due to companies that select and place staff – with 47% of the immigrant workers in this sector –, namely, companies that subcontract staff, normally on a temporary basis, and industrial cleaning companies – with 39% of non-EU immigrant workers in this sector. MTSS (2010), *op. cit.*, p. 18.

This greater concentration of foreign workers in some sectors of activity, particularly in construction, is due to the fact that immigration in Portugal has been largely based on a demand for labour in this sector of activity, owing to the reasons indicated at the beginning of this study, which absorbed a very significant portion of non-EU European immigrants and immigrants from third countries. The sectorial concentration of immigrants, both in the case of women as well as men, when compared to national workers, appears to be greater in Portugal than in any other OECD country.¹⁵⁶

In conclusion, it can be noted that in the main sectors in which Portuguese SWs are employed, the skilled professionals are always represented in greater number and with considerable margins of difference as compared to unskilled salaried workers. In the manufacturing sector, for example, skilled professionals constituted about 73% of national SWs, over the course of this period, as compared to 14.8% of unskilled professionals; a very similar tendency can be seen in the “construction” sector and in the sector of “wholesale and retail commerce”; repair of automobile vehicles and motorcycles”. Closer figures between some professionals and others can be seen, for example, in the sector of “real estate activities, rentals and services provided to companies”: in 2004 skilled workers represented 59% and unskilled workers were 8.6% of national SWs while in 2006 the former represented 37% of the sector and unskilled workers accounted for 29%. In the following two years, for “administrative activities and auxiliary services”, unskilled professionals exceeded skilled workers by 11 and 8 percentage points, respectively.

In the case of foreign SWs, here too skilled professionals dominated in the main sectors of activity in which these workers were active. However, the difference in the percentage of skilled workers and unskilled workers is relatively smaller. This can be seen, for example, in the construction sector, in which the former represent, on average, about 61.6%, as compared to 35.3% during the period in question (the percentage of skilled workers increased steadily as compared to unskilled workers, which decreased during the said period). An identical trend can be seen in the sectors of “accommodation, restaurants and similar activities” and the “manufacturing industry”. A greater comparative percentage of unskilled foreign SWs can be seen, for example, in the sectors of “real estate activities, rentals and services provided to companies” and/or “administrative activities and

¹⁵⁶ OECD (2008). *Jobs for Immigrants. Labour Market Integration in Belgium, France, The Netherlands and Portugal*. Vol. 2. Paris: OECD, pp. 297-298.

auxiliary services”; here, unskilled professionals have, on average, a presence of 52%, as compared to 22% of foreign SWs in the sector. Highly skilled foreign SWs have a greater representation in the sectors of “education”, “financial activities and insurance”, “communications and information technologies” and “electricity, gas, steam, hot and cold water”; however, it must also be noted that these are sectors in which foreign SWs have a more limited presence.

As for an analysis based on professions, according to a study carried out by the OECD in 2008, which was likewise based on the data compiled in the Employee Rolls, the presence of immigrants in professions requiring fewer skills is a pronounced trait of Portuguese immigration. Female workers are most concentrated in such professions, especially in the case of women from Cape Verde, with an emphasis on domestic services and the restaurant sector, in which female workers from Brazil predominated. There is a similar scenario of being concentrated into certain professions in the case of male workers and there is a strong presence of immigrants who are craftsmen, labourers or similar professionals and there is likewise a more evident concentration in the case of workers from Cape Verde.¹⁵⁷

3.2.2 Recent trends and developments

Despite the shortcomings of the statistical data, which has been bolstered by research developed in this regard, the trends listed here indicate that immigration by third country nationals to Portugal is markedly “economic”, in the sense that it is a movement of the entry of labour to fill jobs in sectors of activity that are of little interest to Portuguese or EU citizens: construction, real estate activities, rentals and services provided to companies, accommodation and restaurant activities.¹⁵⁸ Over the course of recent years the available data demonstrates that immigrants from third countries continue to find employment in the same sectors of activity, recording a low “occupational diversity” and even a constant pattern in terms of the “nationality-type of occupation” distribution.

This is a situation that can be seen throughout Portugal and which will in all likelihood continue, insofar as unskilled activities comprise the sector that offers the greatest number of jobs in the national labour market and jobs that can be filled immediately by immigrants – considering the

¹⁵⁷ OECD (2008). *Jobs for Immigrants. Labour Market Integration in Belgium, France, The Netherlands and Portugal*. Vol. 2. Paris: OECD, pp. 299. The conclusions mentioned here pertain to 2005.

¹⁵⁸ PEIXOTO, João, *op. cit.*, pp. 29-30.

qualifications of third country nationals, their availability, the fewer “formalities” of access and the less attractive conditions offered.¹⁵⁹

At the same time, as has been highlighted in diverse studies, foreigners are often over-qualified, especially in the case of some nationalities (such as Brazilians and Ukrainians), which translates into such foreign workers being employed in professions in which the level of skills required is below the academic qualifications of these foreign workers.¹⁶⁰

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Although the trends that have been noted here have remained stable over the course of time, changes are expected to occur, especially as a result of the current economic and financial crisis. The Portuguese media has regularly showcased the existence of a phenomenon whereby immigrants were leaving the national territory.¹⁶¹ The outflow of these immigrants is essentially due to higher levels of unemployment as compared to unemployment rates recorded for Portuguese workers and as compared to previous years. In May 2009, in fact, the number of foreigners enrolled at the IEFP represented an increase as compared to a similar period in 2008. However, it affected, above all, workers from EU nations.¹⁶²

Nevertheless, the stock of the foreign population in 2009 recorded a 3% increase as compared to the figures for the previous year, continuing the positive and sustained evolution that has characterised this population in Portugal in recent years. However, there was a 15% drop in 2009 at the level of issuing first residence documents, as compared to the previous year.

Since it is not possible to accurately ascertain the extent of unemployment amongst foreign workers or the impact that the economic recession will have on the migratory projects of workers who are already in Portugal or those who plan to enter, it is hence impossible to envisage future scenarios, especially in the short-term. Many other variables must be considered while calculating and preparing forecasts with regard to economic migration. These variables include one very important factor: the political and legal framework governing migration in Portugal and in the EU.

¹⁵⁹ ABREU, Alexandre; PEIXOTO, João. (2008), “Demography, Labour Force and Migration: Trends, Prospects and Policy Implications in Portugal”. SOCIUS Working Papers, 9/2008, Lisbon: SOCIUS-ISEG/UTL, pp 20-21.

¹⁶⁰ ROSÁRIO, Edite; SANTOS, Tiago. (2008), *op. cit.*, p. 54; PEIXOTO, João, *op. cit.*, p. 31.

¹⁶¹ For example, see a 2008 article accessible at:

<http://diario.iol.pt/sociedade/imigrantes-crise-migracao-brasil-brasileiros-tvi24/1051694-4071.html>.

¹⁶² Accessible at: <http://observatorio-das-desigualdades.cies.iscte.pt/index.jsp?page=indicators&id=70>.

4 Cooperation with third countries

In the spirit of the [Global Approach to Migration](#),¹⁶³ adopted by the European Council in December 2005 and subsequently complemented by its conclusions about the development of a Broad European Policy with regard to Migration,¹⁶⁴ and the [Stockholm Programme](#),¹⁶⁵ adopted in December 2009, whose [Action Plan 2010-2014](#)¹⁶⁶ will be adopted shortly, Portugal has promoted bilateral agreements and projects¹⁶⁷ in cooperation with some of the nations that have a greater representation in terms of immigration to Portugal, such as Cape Verde, Ukraine and Brazil. Working closely with these partners, these initiatives seek to facilitate legal migration and balance the supply of qualifications and skills in the countries of origin with employment opportunities available in the Portuguese labour market.

Having been inaugurated in January 2008, the [CAMPO – Support Centre for Immigrants in the Country of Origin](#)¹⁶⁸ project was created within the scope of the Joint Committee between Portugal and Cape Verde for immigration matters. Its objective is to support and provide information to potential migrants in Cape Verde, seeking, by means of personalised services, to provide useful and up to date information to individuals, ensuring means for legal immigration and establishing the necessary articulation to streamline admission into Portugal. In an ultimate analysis, the CAMPO project aims to function as a bridge between the country of origin and the host nation, contributing in a direct and practical manner towards the integration of immigrants in Portugal. Amongst the diverse services provided within the scope of this project one can highlight the dissemination of information about employment opportunities in Portugal and in Cape Verde and support to establish contacts with employing entities and while obtaining the documents that are necessary for family reunification and nationality for Cape Verde citizens who already reside in Portugal.

¹⁶³ Consulted on 9 June 2010, at: <http://register.consilium.eu.int/pdf/en/05/st15/st15744.en05.pdf>.

¹⁶⁴ Also see the Commission Communiqué “A abordagem global da migração um ano depois: rumo a uma política europeia global em matéria de migração”, accessible at:

<http://www.dgai.mai.gov.pt/cms/files/conteudos/Comun%20AGM%201ano%20depois%20JOCE.pdf>.

¹⁶⁵ Consulted on 9 June 2010, at the following website:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:115:0001:0038:PT:PDF>.

¹⁶⁶ Consulted on 9 June 2010, at the following website:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0171:FIN:PT:PDF>.

¹⁶⁷ A list of bilateral agreements that have been signed with regard to migration can be found at:

<http://www.gddc.pt/siii/pesquisa-resultados.asp?capitulotema-im-pesq=42,&natureza=IB&go=Pesquisar&orig=temas>.

For multilateral agreements see:

<http://www.gddc.pt/siii/pesquisa-resultados.asp?capitulotema-im-pesq=42,&natureza=IM&go=Pesquisar&orig=temas>.

¹⁶⁸ Consulted on 27 November 2009, at the following website: <http://www.aipaglobal.com/objectivos.php>.

On the other hand, the CAMPO project alerts immigrant associations and the network of Local Centres to Support the Integration of Immigrants (CLAII) that a Cape Verde citizen is going to arrive at a given site in the country, thus promoting a prior preparation to assist the said immigrant. Partners of the Campo Project include the [Portuguese Institute for Development Support](#) (IPAD),¹⁶⁹ the ACIDI¹⁷⁰ and the [Association of Immigrants in the Azores](#) (AIPA).¹⁷¹

With regard to the pilot project between Portugal and the Ukraine pertaining to “temporary and circular migration”, approved within the scope of the bilateral agreement about the temporary migration of Ukrainian citizens to work in the Portuguese Republic, approved on 14 February 2005,¹⁷² it envisages the recruitment of Ukrainian immigrants to engage in a temporary professional activity in Portugal, namely in the economic sectors of Agriculture, Hotels & Restaurants and Construction. According to the agreement that was signed between the two nations, the IEFP and the Ukrainian State Centre for Employment and Professional Training of the Ministry for Labour and Social Policies will interact directly, exchanging information about employment opportunities, the sectors of activity in which such opportunities exist and the availability of labour and the professional profile of available workers.¹⁷³ In this manner, a migrant worker is selected while still in their country of origin, even before being admitted into Portugal, based on criteria that, above all, assess whether their profile and skills are suitable, thus ensuring a legal entry into Portuguese territory with a work contract established beforehand with the employing entity.

Within the scope of this agreement once Ukrainian citizens have been admitted into Portuguese territory they are subject to the Immigration Law in effect and its provisions,¹⁷⁴ namely if an application is made to extend their stay, and they enjoy the same working conditions and

¹⁶⁹ The IPAD, which is part of the Portuguese Ministry for Foreign Affairs (MNE), is dedicated to the objective of public development assistance with a view to strengthening Portugal’s foreign relations and to promoting the economic, social and cultural development of the beneficiary nations, especially Portuguese speaking countries. It funds the CAMPO project. Consulted on 10 June 2010, at the following website: <http://www.ipad.mne.gov.pt/>.

¹⁷⁰ Within the scope of the CAMPO project the ACIDI is responsible for ensuring the initial and continuous training of technical staff, the availability of information and assistance to establish contacts with the Local Support Centres for Integrating Immigrants.

¹⁷¹ Amongst other things, the AIPA aims to contribute towards social integration and combat exclusion and discrimination against migrants, promoting dignity and equal opportunities, rights and obligations for foreign nationals, on par with Portuguese citizens. It is responsible for implementing the CAMPO project and for its functioning. Consulted on 10 June 2010, at the following website: <http://www.aipa-azores.com/>.

¹⁷² Consulted on 10 June 2010 at the following website: <http://dre.pt/pdf1sdip/2005/02/031A00/10141017.pdf>.

¹⁷³ Articles 2 and 3 of Decree No. 3/2005, of 14 February, which approved and published the Bilateral Agreement, accessible at the link mentioned in the previous footnote.

¹⁷⁴ Article 6 of Decree No. 3/2005, of 14 February.

remuneration in effect for Portuguese workers, collective labour instruments, habits and customs as well as the social security benefits established by Portuguese legislation, and, likewise, the same rights and the same protection in terms of hygiene and safety in the workplace.¹⁷⁵

After their stay workers return to the Ukraine to implement projects and create self-employed or salaried employment opportunities and can expect preference in terms of a second recruitment and facilitated admission procedures, after an assessment of their migratory experience. In this process of return and circular migration the project benefits from the operational support of the IOM and the World Bank.

Concluded in 2003,¹⁷⁶ the Agreement signed between Portugal and Brazil about the reciprocal hiring of their citizens – popularly known as the “Lula Agreement” –, stipulated that citizens from both countries – with the possibility of being able to take their family members with them – would be covered by the provisions of this agreement as long as they moved to the territory of one state to engage in a salaried professional activity there, for limited periods of time and by means of contracts validated by the competent bodies of the host nation.¹⁷⁷ All professions were included in the Agreement as long as the host state did not temporarily or permanently impose conditions on foreigners engaged in such a profession. It was also agreed that obtaining any type of visa should not take more than 60 days and that “the competent entities would exchange available information with each other about employment opportunities and the sectors of activity in which the said opportunities existed, as well as about the availability of labour.”¹⁷⁸ The agreement established a principle of equal labour rights and obligations and protection in terms of hygiene and safety in the workplace. Similarly, it also affirmed that citizens contracted under the aegis of this agreement could “transfer to their original state, in a freely convertible currency, the remuneration earned in the territory of the host nation, according to the legislation in effect in the said host nation”.¹⁷⁹ A joint committee was created presided over by members of the government of each of the contracting states in order to ensure that the agreement was implemented.

¹⁷⁵ Article 7 of Decree No. 3/2005, of 14 February.

¹⁷⁶ The Agreement was approved by Decree No. 40/2003, of 19 September, and can be viewed at: <http://dre.pt/pdf1sdip/2003/09/217A00/60846086.pdf>.

¹⁷⁷ Article 1 of Decree No. 40/2003, of 19 September.

¹⁷⁸ Article 5 of Decree No. 40/2003, of 19 September.

¹⁷⁹ Article 9 of Decree No. 40/2003, of 19 September.

5 Interpretation and conclusions

Any approach to the issue of satisfying the demand for labour in any national economy – in this case the Portuguese economy – must perforce include an analysis of the type of role that the state plays in managing migratory fluxes. An analysis of the evolution of Portugal's immigration policies during the past two decades reveals that, more than moulding migratory fluxes, legislation was more often than not a response to these very fluxes, constituting *a posteriori* solutions to situations in which the foreign population living illegally in the national territory had accumulated.

It can be said that over the course of the 1990s and the early years of this century labour immigration was an essential factor for the functioning of the labour market, in a context of a growing need for low-cost labour for the unskilled sectors of the economy, in which Portuguese workers, owing to emigration facilitated by the free circulation of workers within the EU space, had begun to demand better salaries and better working conditions. However, this immigration was often carried out by means of illegal entries or stays by foreigners in Portugal. Legislation later regularised the fluxes of immigrants that had come to Portugal in the past, processes that, in fact, served to overcome labour shortages in the national economy, which were thus satisfied by immigrant workers.

However, it is necessary to keep two important conditioning factors in mind: on the one hand, the Portuguese state sought to adapt to a situation that was in a certain manner a novel phenomenon in its contemporary history – a mass entry of foreign workers into Portugal to engage in a professional activity; on the other hand, Portugal also sought to adapt its legislative framework to EU directives pertaining to immigration and, more generally, to circulation over borders.

In 2003, in a context of a crisis and a slowdown of economic activity, Portugal adopted a system of immigration quotas for the first time. From then on this system would be the guiding principle for Portuguese policies concerning the entry of foreigners in order to engage in a professional activity. The system indexes the number of foreign citizens who would be allowed to enter Portugal in order to engage in economic activities to the labour needs of the Portuguese economy, calculated on the basis of aggregating the needs of each sector, determined by government bodies. The problem was the proven ineffectiveness of the quota system, which was evident in the very first year of its implementation, during which the overwhelming majority of the vacancies of the quota that had been established were not filled while it was simultaneously suspected that many more irregular immigrants had entered the country.

The reason for the lack of effectiveness of this legislation was the complex set of operational procedures necessary to fill a vacancy, identified by an employer, which entails acquiring a visa in the country of origin. Given the complicated nature of the process of acquiring a document to be able to work legally in Portugal many immigrants opt to work and reside in the national territory without documents that legally authorise their presence. Adopting mechanisms that streamline this process would be a step in the right direction for the state to play a more active role in resolving labour shortages by means of immigration.

Annexes

Annexe 1 – Bibliography and sources

ABREU, Alexandre; PEIXOTO, João. (2008). “Demography, labour force and migration: trends, prospects and policy implications in Portugal”. *SOCIUS Working Papers*, 9/2008, Lisbon: SOCIUS-ISEG/UTL. Accessible at:

<http://www.repository.utl.pt/bitstream/10400.5/1916/1/WP.9.2008.pdf>.

BAGANHA, Maria Ioannis (2005). “Política de Imigração: A Regulação dos Fluxos”, in *Revista Crítica de Ciências Sociais*, 7. Coimbra: CES. Accessible at:

http://www.ces.uc.pt/rccs/index.php?id=904&id_lingua=1.

BAGANHA, Maria Ioannis *et al.*, (2002). *O Sector da Construção Civil e Obras Públicas em Portugal: 1990-2000*, Oficina do CES, 173. Coimbra: CES. Accessible at:

<http://www.ces.uc.pt/publicacoes/oficina/173/173.pdf>.

CARNEIRO, Roberto *et al.* (2009). *Necessidades de mão-de-obra imigrante em Portugal: Evolução a curto prazo, 2009-2010*. Lisbon: CEPCEP-UC. Accessible at:

http://issuu.com/maitv/docs/necessidades_de_m_o-de-obra_imigrante_em_portugal.

CARVALHO, João (2009). *A Política de Imigração do Estado Português entre 1991 e 2004*. Lisbon: ACIDI.

Conselho Superior de Estatística (2006). *Estatísticas dos Movimentos Migratórios*. Lisbon: CSE/DSFA.

IEFP (2010). *Estatísticas Mensais: Maio 2010*. Lisbon: IEFP. Accessible at:

<http://www.iefp.pt/estatisticas/MercadoEmprego/EstatisticasMensais/Documents/2010/Estat%C3%ADstica-Mensal-Maio10.pdf>.

IEFP (2010). *Estatísticas Mensais: Dezembro 2009*. Lisbon: IEFP. Accessible at:

<http://www.iefp.pt/estatisticas/MercadoEmprego/EstatisticasMensais/Documents/2009/Estat%C3%ADstica-Mensal-Dezembro.pdf>.

IEFP (2009). *Estatísticas Mensais: Dezembro 2008*. Lisbon: IEFP. Accessible at:

http://www.iefp.pt/estatisticas/MercadoEmprego/EstatisticasMensais/Documents/2008/Estat%C3%ADstica%20Mensal_Dezembro2008.pdf.

IEFP (2008). *Estatísticas Mensais: Dezembro 2007*. Lisbon: IEFP. Accessible at:

<http://www.iefp.pt/estatisticas/MercadoEmprego/EstatisticasMensais/Documents/2007/ESTATISTICA-MENSAL-DEZEMBRO.pdf>.

IEFP (2007). *Estatísticas Mensais: Dezembro 2006*. Lisbon: IEFP. Accessible at:

<http://www.iefp.pt/estatisticas/MercadoEmprego/EstatisticasMensais/Documents/2006/ESTATISTICA-MENSAL-DEZEMBRO.pdf>.

IEFP (2006). *Estatísticas Mensais: Dezembro 2005*. Lisbon: IEFP. Accessible at:

<http://www.iefp.pt/estatisticas/MercadoEmprego/EstatisticasMensais/Documents/2005/ESTATISTICA-MENSAL-DEZEMBRO.pdf>.

IEFP (2005). *Estatísticas Mensais: Dezembro 2004*. Lisbon: IEFP. Accessible at:

http://www.iefp.pt/estatisticas/MercadoEmprego/EstatisticasMensais/Documents/2004/ESTMENSAL-DEZEMBRO2004_0.pdf.

MAGALHÃES, Graça (2010). “Situação dos migrantes e seus descendentes directos no mercado de trabalho – Módulo *ad hoc* do Inquérito ao Emprego de 2008”, in INE (2010). *Estatísticas do Mercado de Trabalho: 4.º Trimestre de 2009*. Lisbon: INE, pp. 53-59. Accessible at:

http://www.ine.pt/xportal/xmain?xpid=INE&xpgid=ine_publicacoes&PUBLICACOESpub_boui=73246767&PUBLICACOESstema=55574&PUBLICACOESmodo=2.

MTSS (2010). *Quadros de Pessoal 2008*. Lisbon: MTSS/GEP. Accessible at:

<http://www.gep.mtss.gov.pt/estatistica/gerais/qp2008pub.pdf>.

MTSS (2010). *Contingente de Oportunidades de Emprego no País para Trabalhadores Imigrantes, para 2010. Relatório de Suporte*. Lisbon: MTSS.

MTSS (2009). *Quadros de Pessoal 2007*. Lisbon: MTSS/GEP. Accessible at:

<http://www.gep.mtss.gov.pt/estatistica/gerais/bs2007pub.pdf>.

MTSS (2009). *Contingente de Oportunidades de Emprego no País para Trabalhadores Imigrantes, para 2009*. Lisbon: MTSS.

MTSS (2008). *Quadros de Pessoal 2006*. Lisbon: MTSS/GEP.

MTSS (2007). *Elementos para a Determinação do Contingente Global Indicativo de Oportunidades de Emprego no Continente para Trabalhadores Imigrantes até 2008*. Lisbon: MTSS.

MTSS (2003). *Quadros de Pessoal 2005*. Lisbon: MTSS/GEP.

MTSS (2002). *Quadros de Pessoal 2004*. Lisbon: MTSS/DGEEP.

OECD (2008). *Jobs for Immigrants. Labour Market Integration in Belgium, France, The Netherlands and Portugal*. Vol. 2. Paris: OECD.

PEIXOTO, João (2008). “Imigração e mercado de trabalho em Portugal: investigação e tendências recentes”, in PEIXOTO, João (org.), *Revista Migrações, Imigração e Mercado de Trabalho*, 2. Lisbon: ACIDI.

ROSÁRIO, Edite; SANTOS, Tiago (2008). *Quanto custa ser imigrante?*. Estudos do Observatório de Imigração, 26, Lisbon: ACIDI.

ROSÁRIO, Edite; SANTOS, Tiago (2008). “Indicadores e sua análise”, in *Medir a Integração: O caso de Portugal. Indicadores regionais de inserção socioeconómica dos nacionais de Third Countries*. Lisbon: IOM.

SEF (2010). *Relatório Anual de Política, 2009 – Portugal*. Lisbon: SEF.

SEF (2009). *Relatório de Imigração, Fronteiras e Asilo 2008*. Lisbon: SEF/DPF-NP. Accessible at: <http://www.sef.pt/documentos/59/RIFA2008ReVIII.pdf#1>.

SEF (2008). *Relatório de Actividades 2007. Imigração, Fronteiras e Asilo*. Lisbon: SEF/DPF-NP. Accessible at: http://www.sef.pt/documentos/56/RA%202007_.pdf#1.

SEF (2007). *Relatório de Actividades 2006. Imigração, Fronteiras e Asilo*. Lisbon: SEF/DPF-NP. Accessible at: http://www.sef.pt/documentos/56/RelatorioActividSEF_2006_DIGITAL.pdf#1.

Annexe 2 – Statistics

Note: As has been mentioned in point 1.1.4 and in point 3.2 of this study, it was not possible to ascertain data with the necessary level of detail and reliability to fill in the tables of this Annexe.

5.1) Number of salaried workers according to type of economic activity and level of qualifications, from 2004 to 2008¹

YEAR: 2004

Activities (CAE-REV. 2.1)	1. Portuguese citizens					2. Foreign citizens ²				
	Total	A. Highly-Skilled D. Researchers ³	B. Skilled ⁴	C. Unskilled ⁵	Unknown level	Total	A. Highly-Skilled D. Researchers ³	B. Skilled ⁴	D. Unskilled ⁵	Unknown level
Agriculture, livestock, hunting and forestry	40,031	1,536	27,935	9,538	1,022	3,535	37	1,077	2,337	84
Fishing	3,926	522	3,171	156	77	156	7	120	13	16
Extraction industries	11,649	818	9,271	947	613	567	18	309	193	47
Manufacturing	703,793	59,936	575,761	51,294	16,802	19,656	1,234	10,998	6,632	792
Production and distribution of electricity, gas and water	11,392	4,347	6,219	85	741	116	18	56	12	30
Construction	279,772	22,728	205,562	47,352	4,130	32,990	451	18,579	13,603	357
Wholesale and retail commerce; auto and motorcycle vehicle repairs and personal and domestic goods	484,679	52,619	392,297	30,451	9,312	15,363	868	9,430	4,573	492
Accommodation and restaurants (restaurants and similar activities)	149,314	15,119	128,256	2,909	3,030	20,430	1,000	12,947	6,120	363
Transport, storage and communications	136,763	30,091	100,231	3,430	3,011	4,803	343	4,033	322	105
Financial activities	77,757	24,481	52,070	802	404	609	245	326	33	5
Real estate activities, rentals and services provided to companies	273,675	45,833	162,467	23,704	41,671	30,876	1,039	6,083	15,802	7,952
Public administration, defence and obligatory social security	13,264	4,548	6,209	489	2,018	140	29	48	10	53
Education	43,284	15,263	26,352	582	1,087	1,185	544	422	193	26
Health and social services	125,404	19,564	101,563	1,453	2,824	3,880	652	2,348	732	148
Other service, collective, social and personal activities	80,734	14,336	54,934	3,473	7,991	3,940	359	2,044	1,041	496
International organisations and foreign institutions	30	6	14	8	2	6	2	1	3	0
TOTAL	2,435,467	311,747	1,852,312	176,673	94,735	138,252	6,846	68,821	51,619	10,966

European Migration Network

Year: 2005

Activities (CAE-REV. 2.1)	1. Portuguese citizens					2. Foreign citizens				
	Total	A. Highly-Skilled D. Researchers ³	B. Skilled ⁴	C. Unskilled ⁵	Unknown level	Total	A. Highly-Skilled D. Researchers ³	B. Skilled ⁴	D. Unskilled ⁵	Unknown level
Agriculture, livestock, hunting and forestry	49,467	1,383	17,072	29,470	1,542	3,934	31	1,244	2,554	105
Fishing	6,933	310	5,863	621	139	190	6	150	14	20
Extraction industries	12,048	729	9,343	1,200	776	551	18	325	169	39
Manufacturing	704,613	62,537	516,679	102,487	22,910	18,690	1,206	11,124	5,678	682
Production and distribution of electricity, gas and water	11,730	4,723	5,877	88	1,042	151	30	84	3	34
Construction	294,849	22,864	212,798	52,258	6,929	34,606	454	20,895	12,876	381
Wholesale and retail commerce; auto and motorcycle vehicle repairs and personal and domestic goods	503,972	58,048	351,829	80,553	13,542	16,414	938	10,195	4,639	642
Accommodation and restaurants (restaurants and similar activities)	156,592	13,443	109,437	29,333	4,379	22,017	937	14,099	6,390	591
Transport, storage and communications	140,195	31,999	97,392	5,926	4,878	5,493	404	4,587	355	147
Financial activities	79,219	25,533	50,952	2,162	572	804	265	496	33	10
Real estate activities, rentals and services provided to companies	302,166	49,274	112,879	89,177	50,836	35,589	1,051	7,524	17,217	9,797
Public administration, defence and obligatory social security	28,455	5,955	12,582	4,743	5,175	327	36	129	63	99
Education	58,793	18,902	26,944	9,434	3,513	1,431	606	566	216	43
Health and social services	153,045	24,472	97,207	26,165	5,201	4,777	847	2,856	925	149
Other service, collective, social and personal activities	87,559	16,100	46,898	15,985	8,576	4,093	406	2,177	931	579
International organisations and foreign institutions	36	8	10	16	2	0	0	0	0	0
TOTAL	2,589,672	336,280	1,673,762	449,618	130,012	149,067	7,235	76,451	52,063	13,318

Satisfying Labour Demand through Migration in Portugal

YEAR: 2006

Activities (CAE-REV. 2.1)	1. Portuguese citizens					2. Foreign citizens ²				
	Total	A. Highly-Skilled D. Researchers ³	B. Skilled ⁴	C. Unskilled ⁵	Unknown level	Total	A. Highly-Skilled D. Researchers ³	B. Skilled ⁴	D. Unskilled ⁵	Unknown level
Agriculture, livestock, hunting and forestry	48,188	1,232	18,256	26,494	2,206	3,757	29	1,323	2,223	182
Fishing	7,260	318	6,478	275	189	182	8	150	7	17
Extraction industries.	11,485	716	8,849	1,153	767	498	20	292	144	42
Manufacturing	682,715	61,931	491,679	98,769	30,336	17,304	1,186	10,149	4,971	998
Production and distribution of electricity, gas and water	12,245	4,870	5,891	262	1,222	169	27	98	10	34
Construction	298,433	25,094	215,573	50,670	7,096	34,525	484	22,265	11,244	532
Wholesale and retail commerce; auto and motorcycle vehicle repairs and personal and domestic goods	508,632	60,670	353,931	80,177	13,854	16,498	1,003	10,241	4,620	634
Accommodation and restaurants (restaurants and similar activities)	159,465	14,148	110,501	30,257	4,559	22,208	959	14,085	6,601	563
Transports, storage and communications	140,081	31,990	97,481	5,523	5,087	5,489	362	4,691	300	136
Financial activities	78,179	25,941	49,401	1,849	988	1,236	441	753	29	13
Real estate activities, rentals and services provided to companies	321,342	54,151	118,820	92,504	55,867	35,200	1,204	7,345	17,745	8,906
Public administration, defence and obligatory social security	27,906	6,121	11,957	4,231	5,597	296	42	130	64	60
Education	65,686	19,127	33,439	9,235	3,885	1,422	594	564	220	44
Health and social services	163,244	26,180	104,566	26,835	5,663	4,635	776	2,827	869	163
Other service, collective, social and personal activities	92,735	17,345	49,261	16,863	9,266	4,518	463	2,339	1,147	569
International organisations and foreign institutions	35	7	14	12	2	8	3	2	3	0
TOTAL	2,617,631	349,841	1,676,097	445,109	146,584	147,945	7,601	77,254	50,197	12,893

European Migration Network

YEAR: 2007

Activities (CAE-REV. 3)	1. Portuguese citizens					2. Foreign citizens ²				
	Total	A. Highly-Skilled D. Researchers ³	B. Skilled ⁴	C. Unskilled ⁵	Unknown level	Total	A. Highly-Skilled D. Researchers ³	B. Skilled ⁴	D. Unskilled ⁵	Unknown level
Agriculture, livestock, hunting and forestry	55,433	1,618	27,065	24,507	2,243	3,627	45	1,516	1,915	151
Extraction industries	11,642	747	9,151	1,184	560	453	21	279	117	36
Manufacturing	674,064	58,432	435,746	156,267	23,619	16,729	1,129	10,071	4,585	944
Electricity, gas, steam, hot and cold water	9,729	4,179	5,089	135	326	37	18	16	0	3
Collection, treatment and distribution of water; Sanitation, waste management and de-pollution	15,281	2,175	6,135	2,695	4,276	1,049	29	523	308	189
Construction	333,692	28,440	237,749	58,559	8,944	37,388	567	24,109	11,961	751
Wholesale and retail commerce; auto and motorcycle vehicle repairs	548,515	65,205	377,593	90,924	14,793	17,263	1,059	10,680	4,795	729
Transport and storage	139,394	24,700	102,971	6,244	5,479	5,950	285	5,112	312	241
Accommodation, restaurant and similar activities	183,235	17,079	125,445	35,313	5,398	24,536	1,209	15,787	6,933	607
Information and communications activities	57,613	28,380	23,691	1,644	3,898	998	506	355	61	76
Financial and insurance activities	86,866	30,674	52,809	2,147	1,236	1,458	553	846	40	19
Real estate activities	20,557	5,484	9,806	3,920	1,347	1,384	217	599	475	93
Scientific, technical and similar consultancy activities	93,028	29,839	49,020	7,037	7,132	2,374	569	1,209	388	208
Administrative activities and auxiliary services	223,612	15,992	67,497	91,723	48,400	33,642	413	6,857	18,101	8,271
Public administration, defence and obligatory social security	34,927	7,192	16,619	4,550	6,566	390	63	193	49	85
Education	73,369	29,020	32,649	7,002	4,698	1,698	976	448	224	50
Human health and social support activities	173,144	29,283	111,275	27,400	5,186	4,830	840	2,941	914	135
Artistic, show business, sports and recreational activities	19,708	3,963	11,398	2,457	1,890	1,445	211	821	224	189
Other service activities	64,133	11,919	35,601	12,407	4,206	2,750	297	1,652	556	245
International organisations and foreign institutions	40	13	24	3	0	9	0	6	3	0
TOTAL	2,817,982	394,334	1,737,333	536,118	150,197	158,010	9,007	84,020	51,961	13,022

Satisfying Labour Demand through Migration in Portugal

YEAR: 2008

Activities (CAE-REV. 3)	1. Portuguese citizens					2. Foreign citizens ²				
	Total	A. Highly-Skilled D. Researchers ³	B. Skilled ⁴	C. Unskilled ⁵	Unknown level	Total	A. Highly-Skilled D. Researchers ³	B. Skilled ⁴	D. Unskilled ⁵	Unknown level
Agriculture, livestock, hunting and forestry	55,565	1,958	34,058	17,490	2,059	4,733	64	3,240	1,311	118
Extraction industries	11,641	784	8,975	1,141	741	466	23	284	99	60
Manufacturing	660,496	61,705	481,593	95,489	21,709	17,466	120	11,884	4,451	1,011
Electricity, gas, steam, hot and cold water	9,295	4,052	4,777	139	327	43	23	18	0	2
Collection, treatment and distribution of water; Sanitation, waste management and de-pollution	16,930	2,379	7,008	2,765	4,778	1,173	30	577	327	239
Construction	326,252	28,776	232,374	55,623	9,479	37,769	739	23,479	12,605	946
Wholesale and retail commerce; auto and motorcycle vehicle repairs	550,087	67,240	375,508	92,412	14,927	19,781	1,148	11,815	6,036	782
Transport and storage	136,776	25,546	100,211	4,972	6,047	6,432	347	5,474	289	322
Accommodation, restaurant and similar activities	185,692	17,646	126,876	35,447	5,723	28,619	1,361	18,410	8,203	645
Information and communications activities	60,338	30,584	24,268	1,686	3,800	1,318	675	461	85	97
Financial and insurance activities	89,287	32,287	53,441	2,302	1,257	1,080	433	575	51	21
Real estate activities	20,940	5,680	10,024	3,767	1,469	1,619	216	677	614	112
Scientific, technical and similar consultancy activities	98,569	33,844	50,716	7,113	6,896	2,842	676	1,395	513	258
Administrative activities and auxiliary services	238,465	20,470	73,195	93,738	51,062	34,079	629	7,263	18,611	7,576
Public administration, defence and obligatory social security	37,627	7,998	17,660	3,660	8,309	416	85	173	52	106
Education	73,414	30,798	32,305	5,723	4,588	1,771	1,050	485	175	61
Human health and social support activities	187,692	32,445	120,527	28,108	6,612	5,323	863	3,273	1,003	184
Artistic, show business, sports and recreational activities	20,833	4,368	11,915	2,439	2,111	1,581	229	929	222	201
Other service activities	68,370	12,619	38,089	13,130	4,532	3,565	307	1,947	906	405
International organisations and foreign institutions	40	13	18	8	1	10	5	5	0	0
TOTAL	2,848,309	421,192	1,803,538	467,152	156,427	170,086	9,023	92,364	55,553	13,146

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¹ This table was prepared on the basis of the MTSS Employee Rolls (from 2004 to 2008). The data pertains to the month of October each year, refers to salaried employees, includes men and women (the separation on the basis of gender has only been done for the national totals) and pertains to mainland Portugal up to 2006, and to all of Portugal from 2007 onwards. Since it was not possible to classify the data on the basis of professions, as requested for Table 5, especially for foreign workers, this study opted to create a new table that included the economic activity (CAE - REV. 2.1 and 3) and the levels of qualifications that could be extracted from the Employee Rolls.

² For this type of information – economic activities and qualifications – the data pertaining to foreign workers that is listed in the Employee Rolls does not specify nationalities.

³ Based on the classifications of the MTSS Employee Rolls, namely by Level of Qualification, this category includes senior staff and highly skilled professionals.

⁴ Based on the classifications of the MTSS Employee Rolls, namely by Level of Qualification, this category includes middle level staff, heads, team leaders, skilled professionals and semi-skilled professionals.

⁵ Based on the classifications of the MTSS Employee Rolls, namely by Level of Qualification, this category includes unskilled professionals and interns, individuals acquiring practical experience and apprentices.

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 6) Recorded unemployed workers according to nationality (situation at the end of the month of December each year)¹

Country of Nationality	2004			Country of Nationality	2005			Country of Nationality	2006			Country of Nationality	2007		
	M	F	Total												
Portuguese citizens	194,172	254,644	448,816	Portuguese citizens	195,099	262,704	457,803	Portuguese citizens	181,346	249,632	430,978	Portuguese citizens	148,853	221,916	370,769
EU-15	658	853	1,511	EU-15	606	762	1,368	EU-15	530	743	1,273	EU-15	504	665	1,169
EU-10	12	23	35	EU-10	19	41	60	EU-10	21	69	90	EU-10	20	80	100
EU-2	331	235	566	EU-2	374	295	669	EU-2	450	399	849	EU-2	335	383	718
Sub-Total EU	1,001	1,111	2,112	Sub-Total EU	999	1,098	2,097	Sub-Total EU	1,001	1,211	2,212	Sub-Total EU	859	1,128	1,987
Third Countries ²				Third Countries ²				Third Countries ²				Third Countries ²			
Brazil	1,665	2,102	3,767	Brazil	2,027	2,605	4,632	Brazil	2,035	2,917	4,952	Brazil	1,572	3,125	4,697
Cape Verde	1,490	1,365	2,855	Cape Verde	1,482	1,379	2,861	Cape Verde	1,445	1,330	2,775	Ukraine	1,373	1,629	3,002
Angola	1,393	1,310	2,703	Angola	1,419	1,364	2,783	Angola	1,219	1,277	2,496	Cape Verde	1,182	1,260	2,442
Guinea-Bissau	1,027	773	1,800	Guinea-Bissau	875	787	1,662	Guinea-Bissau	833	752	1,585	Angola	1,052	1,318	2,370
São Tomé & Príncipe	463	443	906	São Tomé & Príncipe	460	419	879	São Tomé & Príncipe	428	403	831	Guinea-Bissau	613	681	1,294
Mozambique	106	173	279	Mozambique	105	164	269	Mozambique	96	164	260	Moldavia	409	468	877
Venezuela	69	91	160	Venezuela	59	83	142	Venezuela	42	64	106	São Tomé & Príncipe	376	397	773
USA	NA	NA	NA	USA	NA	NA	NA	USA	NA	NA	NA	Mozambique	92	170	262
China	NA	NA	NA												
South Africa	NA	NA	NA	South Africa	NA	NA	NA	South Africa	NA	NA	NA	USA	NA	NA	NA
Other European Nations	2,466	1,694	4,160	Other European Nations	2,769	2,172	4,941	Other European Nations	2,687	2,400	5,087	Other European Nations	226	391	617
Other African Nations	108	48	156	Other African Nations	281	112	393	Other African Nations	324	139	463	Other African Nations	241	164	405
Other American Nations	36	55	91	Other American Nations	71	93	164	Other American Nations	85	145	230	Other American Nations	93	180	273
Other Nations	717	330	1,047	Other Nations	552	195	747	Other Nations	501	175	676	Other Nations	331	181	512
Sub-Total	9,540	8,384	17,924	Sub-Total	10,100	9,373	19,473	Sub-Total	9,695	9,766	19,461	Sub-Total	7,560	9,964	17,524
TOTAL	204,713	264,139	468,852	TOTAL	206,198	273,175	479,373	TOTAL	192,042	260,609	452,651	TOTAL	157,272	233,008	390,280

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Country of Nationality	2008			2009			2010		
	M	F	Total	M	F	Total	M	F	Total
Portuguese citizens	169,046	222,756	391,802	228,840	259,392	488,232	241,699	280,254	521,953
EU-15	545	716	1,261	768	962	1,730	725	972	1,697
EU-10	34	99	133	58	151	209	59	157	216
EU-2	508	494	1,002	1,476	1,270	2,746	1,829	1,403	3,232
Sub-Total UE	1,087	1,309	2,396	2,302	2,383	4,685	2,613	2,532	5,145
Third Countries ²									
Brazil	2,699	4,210	6,909	4,455	5,940	10,395	4,974	6,732	11,706
Ukraine	2,004	1,800	3,804	2,383	1,430	3,813	3,336	2,185	5,521
Cape Verde	1,464	1,273	2,737	3,156	2,305	5,461	2,557	1,535	4,092
Angola	1,348	1,238	2,586	1,986	1,534	3,520	2,006	1,526	3,532
Guinea-Bissau	705	684	1,389	1,358	803	2,161	1,506	852	2,358
Moldavia	563	505	1,068	926	684	1,610	831	624	1,455
São Tomé & Príncipe	455	399	854	625	436	1,061	659	472	1,131
Russia	238	336	574	341	425	766	332	402	734
India	NA								
China	NA								
Other European Nations	40	60	100	50	87	137	48	99	147
Other African Nations	458	365	823	851	480	1,331	884	507	1,391
Other American Nations	99	186	285	145	251	396	152	272	424
Other Nations	455	223	678	819	287	1,106	854	308	1,162
Sub-Total	10,528	11,279	21,807	17,095	14,662	31,757	18,139	15,514	33,653
TOTAL	180,661	235,344	416,005	248,237	276,437	524,674	262,451	298,300	560,751

Year	Third Countries	EU nations
	% of the total registered unemployed individuals	
2004	3.8	0.5
2005	4.1	0.4
2006	4.3	0.5
2007	4.5	0.5
2008	5.2	0.6
2009	6.1	0.9
2010	6.0	0.9

¹ The data contained in this table has been obtained from the IEFP's Monthly Statistical Reports and pertains to the situation recorded at the end of the month of December of the respective year. In 2010 the data corresponds to the month of May, the latest period for which data was available at the time this study was prepared. In the context of these reports, "unemployed" refers to applicants enrolled at an Employment Centre, who do not have a job, are looking for a salaried job, are immediately available and have the capacity to work. The foreign unemployed individuals registered with the IEFP are EU nationals or third country nationals resident in Portugal, with a valid residence or stay permit, or any kind of legal residence or stay document that allows them to engage in professional activities. The IEFP reports do not provide data about professional groups, economic activity and/or levels of education in the case of foreign individuals.

² As in previous tables, the 10 most representative national groups in a given year have been listed, based on data published by the SEF in its Annual Statistical Reports. For 2009 and 2010 the 2008 rankings have been maintained, the most recent year for which data is available.

