



**IMMIGRATION BY
INTERNATIONAL STUDENTS
TO THE EUROPEAN UNION:
THE PORTUGUESE CASE**

European Migration Network

Immigration of International Students
to the European Union:
The Portuguese Case

Portugal – National Contact Point
Immigration and Borders Service
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List of Abbreviations

- ACIDI – High Commission for Immigration and Intercultural Dialogue
CETs – Specialised Technology Courses
CPLP – Community of Portuguese Speaking Countries
CRUP – Council of Deans of Portuguese Universities
DGES – Directorate-General for Higher Education
DGIDC – Directorate-General for Innovation and Curricular Development
DRMCI – Division for Recognition, Mobility and International Cooperation
EMN – European Migration Network
EU – European Union
FCT – Foundation for Science and Technology (Portugal)
IHE – Institutions for Higher Education
INE – National Statistics Institute (Portugal)
IPAD – Portuguese Institute for Development Support
ISCED – International Standard Classification of Education
MAI – Home Ministry (Portugal)
MEC – Ministry for Education and Science (Portugal)
MNE – Ministry for Foreign Affairs (Portugal)
NARIC – National Academic Recognition Information Centres
NPC – National Contact Point
OECD – Organisation for Economic Cooperation and Development
PALOP – Portuguese Speaking African Nations
SEF – Immigration and Borders Service (Portugal)
UNESCO/CEPES – United Nations Educational, Scientific and Cultural Organisation/
European Centre for Higher Education

Executive Summary

As part of the set of studies regarding “Immigration of International Students to the European Union”, submitted by the diverse National Contact Points (NCP) of the European Migration Network (EMN), this study examines the Portuguese case.

The preparation of such a study pertaining to the project described herein is linked to a need to understand national policies and practices regarding the immigration of students attending institutions for higher education. This subject is an important point while debating Community policies and practices, as well as for analysing compliance with Directive No. 2004/114/EC. It is hoped that the set of studies prepared by each NCP for the EMN will enable legislators to strike a balance between measures to attract international students into the heart of the European Union (EU) and prevent such measures from being abused or used inappropriately.

In short, there are six main issues orienting this study, namely: i) understanding the structure of the Portuguese educational system in terms of higher education and the way this system functions; ii) observing national policies with regard to international students enrolled at this level of education; iii) describing the legal conditions and national practices regarding the admission and stay of such individuals; iv) providing an overview of the situation in Portugal in terms of the misuse of “student routes to migration” and measures to combat this phenomenon; v) an overview of the aspect of Portuguese international relations, in terms of bilateral, multilateral and other agreements pertaining to cooperation and mobility in the context of higher education, with an emphasis on the Erasmus Mundus programme, and vi) pondering the impact of this migratory flux on Portugal in academic, social, cultural and economic terms.

Higher education in Portugal is divided into three cycles and is organised in accordance with the Bologna principles. The admission of international students into Portuguese Institutions for Higher Education (IHE) is based on scholastic, academic or professional qualifications. In this regard, it is important to note that Portugal, as a member of the NARIC (National Academic Recognition Information Centres) network and as a signatory to the Lisbon Recognition Convention, offers

the necessary conditions to obtain recognition for foreign diplomas and degrees, or equivalence for academic years or curricular units.

With regard to higher education, it is likewise important to mention the existence of special systems for scholarship holders from Portuguese Speaking African Nations (PALOP) and East Timor, subject to compliance with a set of requirements. Portugal also provides merit and social action scholarships, which can be availed of by such students as well as by other international students.

In the context of national policies and practices, one can highlight the “II Immigrant Integration Plan”, implemented in 2010. This plan, approved by the Cabinet, envisages a set of measures in the field of education, which also extend to higher education. These include improving access to scholastic social action support and supporting the admission and integration of foreign students, amongst other measures. A broad set of ministries, the High Commission for Immigration and Intercultural Dialogue, I.P. (ACIDI), various immigrant associations and other actors have come together to promote efforts to implement the II Plan, which is scheduled to be in effect until 2013. The actions developed by the Immigration and Borders Service (SEF) and the Council of Deans of Portuguese Universities (CRUP) are also worthy of note, both by creating the ISU System – a SEF-University Interface which aims to facilitate regularising documentation for students at Portuguese IHEs, as well as by establishing agreements for the same purpose.

The processes of entering and staying in the national territory are governed by the rules established by Law No. 23/2007, which transposes the aforesaid Community Directive. In this sense, the rules for granting visas and residence documents for the purposes of pursuing higher education studies comply with the general and special conditions derived from the Directive, augmented by some national requirements. During the period of their stay in Portugal, international students are entitled to engage in a part-time subordinate professional activity, when duly authorised by the SEF to do so. They can also, in certain circumstances, avail of the right to family reunification.

Portugal has identified some cases of misuse of the “student route to migration”. The relatively more common instances consist of attempts by third country nationals to regularise their situation within the EU in Portugal, through study visas. There have also been cases of such nationals with lapsed documents, issued for the purpose of study, and engaging in other activities.

The bilateral and multilateral agreements established between the Portuguese government and other third country governments in the area of higher education benefit the migratory flux to Portugal. In this regard, Portugal participates, through its IHEs, in mobility programmes within and to the EU, such as the Erasmus Mundus, as well as in programmes outside the European context, such as the “Science without Borders” programme, established with Brazil, amongst others.

On the other hand, Portugal is a member of the Community of Portuguese Speaking Countries (CPLP), a situation which promotes the admission of students from Angola, Brazil, Cape Verde, Guinea-Bissau, Mozambique, São Tomé & Príncipe and East Timor.

Considering these circumstances, it can be seen that individuals from PALOP nations and Brazil comprise the largest groups of students in the national territory. It is equally important to highlight the fact that Portugal and these nations maintain historic diplomatic ties, with a strong cultural and social impact, wherein a shared language is a fundamental element.

1. Introduction

The main objective of this study is to provide an overview of national policies and practices with regard to immigration, focusing exclusively on international students enrolled in institutions for higher education.

On the one hand, this study will provide a broad understanding of the proportions and composition of the group of students from third countries in Portuguese higher education institutions, their importance for the national economy, labour market and development of the educational system.

On the other hand, it contains a set of working guidelines which will hopefully contribute towards political decision making processes in this area, especially in terms of Portugal's ability to attract international students and to prevent the misuse of this type of migratory route.

Given these objectives, this study is a useful tool for anyone examining the subject of the immigration of students, from political decision-makers to academics and students, amongst others. In the context of the EU it is also an important tool to compare migration and education policies, by providing clear and objective responses to the main questions inherent to this area.

It is hoped that this study will promote pertinent and enriching reflections in the context of national and international debates, considering the challenges of our modern-day knowledge-based society.

This study was prepared by the National Contact Point (NCP) of the European Migration Network (EMN), represented by the Immigration and Borders Service (SEF). It was written by Elisa Alves, a researcher, and revised by the SEF, namely by João Ataíde, Pedro Dias and Alexandra Bento.

In its capacity as a member of the EMN, the Portuguese NCP would like to express its thanks for the assistance of the Ministry for Education and Science (MEC), through the Directorate-General for Statistics for Education and Science, provided by Teresa Almeida, Carlos Malaca and Cláudia Roriz.

1.1. Methodology

A set of approaches was defined in order to prepare this study, with different as well as (in some contexts) complementary objectives.

Thus, in the first place, the study consulted official documentation, namely national and Community legislation. An analysis of this documentation resulted in a legal framework essential for understanding national policies and practices with regard to immigration by international students, and their compliance with Community directives. These documents were consulted, above all, through the web portal of the Directorate-General for Higher Education (DGES) and the SEF, as well as the EUR-Lex database.

Secondly, using the databases of the National Statistics Institute (INE), the MEC, SEFSTAT and Eurostat, this study sought to quantify movements in terms of the immigration of international students to Portugal, as well as to understand the representation and proportion of the various nationalities involved. The statistical tables presented herein tend to reflect a five year period, i.e. 2006-2011. In this regard it is important to note that although care has been taken to define this time period, some of the indicators are presented from 2008 onwards, after Regulation (EC) No. 862/2007¹. On the other hand, some limitations were found which made it impossible to comply with certain specifications. In such situations, whenever possible, complementary data has been included to reflect the situation being analysed. The main aspects requested have been examined notwithstanding the existence of these minor statistical limitations.

This study also conducted a survey of websites and portals (apart from those of the aforesaid entities) aimed at international students considering coming to Portugal to study. An analysis of the contents available online made it possible to verify the quantity and quality of the information provided, thus responding to part of the study's specifications.

This set of approaches developed fairly satisfactory information, since they responded to the overwhelming majority of questions raised. The MEC was consulted so as to complete the study and answer some remaining questions. This

¹ Regulation (EC) No. 862/2007 of the European Parliament and of the Council, of 11 July 2007, regarding Community statistics pertaining to migration and international protection.

consultation sought to understand particular aspects of the way in which higher education functions, since available sources, including legislation, did not cover all the required information.

It was considered to be equally pertinent to review existing literature about this theme, reinforcing the analysis of transnational cooperation and the impact international students have on Portuguese society.

It is important to mention that, although international students attending higher education were the central objective of this analysis, brief references have also been made to secondary education. These references pertain, above all, to students from Portuguese speaking African nations, encompassed by special provisions for entry into Portugal for the purposes of higher studies, as well as processes for recognising foreign qualifications.

Law No. 23/2007, of 4 July, governing the juridical regime for the entry, stay, exit and removal of foreigners from the national territory was altered² while this study was in the final phase. These changes did not have an impact on the subject in question and hence this study has maintained the references to the 2007 diploma.

1.2. Definitions

A set of concepts is used over the course of this study and it would be opportune to define and clarify them at the outset. It is equally important to keep in mind that the definitions cited herein are predominantly framed within the migratory context of the European Union (EU).

Keeping in mind the central object of this analysis, and as per the Migration and Asylum Glossary prepared by the EMN, international students attending higher education are understood to be:

(...) a third country national accepted by an establishment of higher education and admitted to the territory of a Member State to pursue as his/her main activity a full-time course of study leading to a higher education qualification recognised by the Member State, including diplomas, certificates or doctoral degrees in an establishment of higher

² Law No. 29/2012, of 9 August amended Law No. 23/2007, of 4 July.

education, which may cover a preparatory course prior to such education according to its national legislation. (EMN, 2011: 129)

In this context, a third country national corresponds to a citizen who is not a national of an EU Member-State. It is important to note that nationals of the European Economic Area and the Schengen Area – Norway, Iceland, Liechtenstein and Switzerland – are not EU nationals but are not considered to be third country nationals, since they are treated on par with EU nationals.

The definitions presented are in keeping with those established in Directive No. 2004/114/EC of the Council, regarding the conditions for the admission of third country nationals for the purposes of studies, student exchanges, unremunerated training or voluntary activities³.

National legislation pertaining to immigration likewise provides a definition for students pursuing higher education, adding that obtaining a degree or diploma can include conducting research⁴. Thus, whenever the entry and stay of third country nationals occurs with a view to obtaining a higher education degree or diploma – which can include preparatory courses and/or part time research activities – they are considered to be higher education students. For this reason third country nationals admitted for the purposes of doctoral studies are also considered to be students.

Third country nationals who enter and stay in the country by means of admission into an officially recognised research centre, such research being carried out as their main activity on a full time basis, even if this does not lead to obtaining a degree or diploma, are considered to be researchers. The status of researcher thus depends on the existence of a work contract, a contract to provide services or a scholarship for scientific research, as well as being enrolled in the national social security system⁵.

Thus, students who are third country nationals are granted visas and residence documents for the purposes of higher studies, as shall be seen shortly, and researchers are granted visas and residence documents to engage in research or highly skilled activities⁶.

³ Article 2(a) and (b) of Directive No. 2004/114/EC of the Council, of 13 December 2004.

⁴ Article 3(i) of Law No. 23/2007, of 4 July.

⁵ Article 3(n) and Article 90 of Law No. 23/2007, of 4 July.

⁶ A valid residence visa for the due purposes is necessary for obtaining a residence permit for engaging in research or a highly skilled activity. The same general conditions applicable for obtaining a visa for the purposes of pursuing

Higher education (tertiary education) is treated in accordance with the International Standard Classification of Education 1997, translated as *Classificação Internacional Tipo da Educação 1997* (UNESCO, 2006) and includes levels 5 and 6.

According to the International Standard Classification of Education 1997 (ISCED), level 5 corresponds to the first stage of higher education, in which it is necessary to have completed levels 3A, 3B or 4A in order to obtain admission. ISCED 5 encompasses courses with a duration of between two and six (or more) years, according to the objectives of the diverse courses. This level comprises two sub-levels: level 5A, with a longer duration and a strong emphasis on theory, preparing students to enter advanced research programmes or to engage in specialised professions; and level 5B, with a shorter duration and less theoretical content, with an emphasis on preparing practical skills to exercise certain professions. In general, ISCED 5 does not confer an advanced research qualification on students.

As for level 6, the second stage of higher education, conditions for admission include the conclusion of a level 5A course, since level 6 encompasses programmes for advanced research. These programmes thus aim to provide students the necessary skills to enable them to prepare original and scientifically relevant studies, based on research, culminating in a thesis or dissertation.

In Portugal, after the implementation of criteria pertaining to the Bologna Process, higher education can be classified into three cycles: the 1st cycle, corresponding to graduate programmes (*graduate degree*), the 2nd cycle, corresponding to Master's programmes (*master's degree*) and finally the 3rd cycle, pertaining to Ph.D. studies (*doctoral degree*). The 1st cycle is framed within ISCED 5 while the 2nd cycle corresponds to ISCED 6⁷.

Finally, it is important to mention that the Portuguese educational system also offers post-secondary education courses which are not classified as higher education, namely the Specialised Technology Courses (CET), which correspond to

higher studies are in effect for obtaining the aforesaid residence visa (Cf. point 3.1.). Moreover, in order to obtain the residence permit, applicants must fulfil the aforesaid requirements (contract or scholarship and enrolment in social security), as well as the other general conditions applicable to students pursuing higher education (Cf. point 3.2.).

⁷ Notwithstanding the use of this classification, it is important to note that it is not sufficiently clear with regard to the different study cycles in higher education, as is the case with the 3rd cycle, both in Portugal as well as in other countries. In this sense, it is relevant to note the fact that UNESCO has approved a review of the levels of education contemplated until now, giving rise to a new classification that will come into effect in 2014. According to this new classification (UNESCO, 2011), the 1st, 2nd and 3rd cycle will correspond to levels 6, 7 and 8 respectively.

ISCED 4⁸. These courses encompass components of general, scientific and technological training as well as work experience. They can be administered by public or private educational institutions, including IHEs, centres for professional training or technology schools. This training, in its current structure, is less prominent in the Portuguese educational panorama, with relatively few international students⁹. Hence, the entry and stay of international students at the level of ISCED 4 will not be analysed in this study.

Nevertheless, international students can attend such courses as long as they have concluded a secondary education course or a legally equivalent qualification, or hold a specialised technological diploma or a higher education degree or diploma and intend to update their professional qualifications. Their entry and stay in Portugal depends on a visa and residence permit being granted for the purposes of secondary education or higher education studies, as per their course and whether they are enrolled in a secondary school or in an IHE, respectively.

⁸ In Portugal, these courses confer a qualification equivalent to level 5 of the National Qualifications Framework, on a scale of 1 to 8, and about 60 to 90 ECTS.

Cf. <http://www.dges.mctes.pt/DGES/pt/OfertaFormativa/CET/CETS+no+Ensino+Superior.htm>

⁹ Cf. Annexes, Table 13.

2. The Portuguese Education System and International Students

2.1. Structure of the education system

At the level of higher education the Portuguese education system is overseen by the Directorate-General for Higher Education (DGES), a central service of the Ministry for Education and Science (MEC). Currently, it is organised in accordance with the principles of the Bologna Process and is characterised as being dual, or binary, offering education by means of universities and polytechnics¹⁰.

In this context, university education is oriented towards research and to create knowledge; it therefore aims to prepare students in scientific and cultural terms, develop their capacities for conceiving ideas, innovation and critical analysis, promoting their technical training for engaging in professional and cultural activities. In its turn, polytechnic education is oriented towards applied research and development, as well as towards understanding and solving concrete problems; it thus seeks to train students technically and culturally, from a theoretical and practical perspective, developing their capacity for innovation and critical analysis, with a view to engaging in professional activities¹¹.

The two types of education are available in both the public as well as the private sector¹². Fees are paid irrespective of the sector and are defined by the institutions for higher education (IHE) according to the type and quality of teaching they offer. With regard to public higher education, although the value of the fees is fixed by the institutions, they are conditioned by minimum and maximum values established by legislation¹³. The value of the fees defined by each public IHE is applied to national and international students in an identical manner.

In certain conditions students enrolled in Portuguese higher education institutions can benefit from state social support, both through direct assistance (scholarships

¹⁰ Article 3 of Law No. 62/2007, of 10 September.

¹¹ Article 11(3) and (4) of Law No. 49/2005, of 30 August, which amended Law No. 46/86, of 14 October.

¹² Article 4(1) of Law No. 62/2007, of 10 September.

¹³ Articles 16 and 17 of Law No. 37/2003, of 22 August, amended by Law No. 49/2005, of 30 August.

and emergency assistance) as well as indirect assistance (access to accommodation, meals, health care, culture, sports, amongst others); they can also benefit from merit scholarships or other scholarships granted by private entities (Cf. point 3.1. regarding scholarships for international students)¹⁴.

In order to promote access to higher education, in 2007 the Portuguese state agreed special conditions for funding higher education courses by means of personal loans, in partnership with a set of mutual guarantee companies and Portuguese banking institutions¹⁵. However, the diverse advantages and effects of this measure, such as for example in the context of international mobility, are only applicable to students who are Portuguese nationals.

In terms of academic degrees and the conditions in which they are conferred, Portuguese higher education is organised in the following manner¹⁶:

- * Graduate degrees can be awarded by polytechnics, after attending at least six semesters and the attribution of 180 credits¹⁷, as well as by universities, after attending at least six to eight semesters and the attribution of 180 or 240 credits;
- * Master's degrees are awarded by polytechnics and universities, it being necessary to attend three to four semesters, obtaining 90 or 120 credits. This degree can also be awarded as part of integrated study plans, known as integrated master's programmes. Integrated master's programmes conform to the requirements of various professional orders (within the scope of the EU), where students need to obtain 360 credits in order to work in the profession and gain admittance in the respective order. This number of credits is attributed by holding courses that combine graduate and master's degrees¹⁸; and

¹⁴ Article 20 of Law No. 62/2007, of 10 September.

¹⁵ According to the preamble of Decree-Law No. 309-A/2007, of 7 September, "(...) It is important to complement (...) direct State support for education with a system of credit guarantees for students attending higher education, a way of encouraging the expansion of the academic qualifications of Portuguese, as well as to facilitate advanced training for human resources in Portugal. (...) The institution of a system of credit guarantees for students attending higher education is a crucial tool (...)".

¹⁶ Article 13A of law No. 49/2005, of 30 August, which amended Law No. 46/86, of 14 October.

¹⁷ The credits are based on the ECTS System (European Credit Transfer and Accumulation System), framed within the Bologna Process.

¹⁸ The orders associated with medicine, pharmacology, psychology, architecture and some engineering disciplines require integrated study plans, habitually known as integrated master's programmes.

- * Ph.D. degrees are awarded exclusively by universities, after successfully concluding the curricular units of the course (when applicable) and a public examination to defend the thesis.

Higher education also offers courses leading to diplomas (without conferring an academic degree), such as post-graduate diplomas. The diplomas are obtained by concluding the course successfully or, in the case of courses leading to graduate or master's degrees that are organised in stages, after the conclusion of one or the first stage¹⁹.

There are different paths allowing access to graduate and master's degrees (in the case of enrolment in integrated master's programmes), namely:

- i) National examinations for access to public higher education²⁰;
- ii) Institutional examinations to access private higher education²¹;
- iii) Special systems to access public and private higher education²², in the case of:
 - * Portuguese officials working in Portuguese diplomatic missions abroad and their accompanying family members;
 - * Portuguese nationals who are scholarship holders or equivalent, working for the Portuguese government abroad, public servants on official missions abroad or Portuguese EU staff and their accompanying family members;
 - * Permanent officers of the Portuguese Armed Forces, while satisfying the specific training needs of the armed forces;
 - * Foreign staff of diplomatic missions accredited in Portugal and their family members resident here, under a reciprocal system;
 - * High level sportsmen and sportswomen;
 - * Students who are nationals of Portuguese speaking African nations with scholarships awarded by the Portuguese government, their respective governments, the Calouste Gulbenkian Foundation, scholarships within the scope of EU conventions or other scholarships;

¹⁹ Article 13B of Law No. 49/2005, of 30 August, which amended Law No. 46/86, of 14 October.

²⁰ Articles 27 and 28 of Decree-Law No. 296-A/98, of 5 September.

²¹ Articles 29 and 30 of Decree-Law No. 296-A/98, of 5 September.

²² Regulated by Decree-Law No. 393-A/99, of 2 October, amended by Decree-Law No. 272/2009, of 1 October, and Ordinance No. 854-B/99, of 4 October.

- Who have attended higher education;
 - Who have successfully concluded the 12th year of Portuguese secondary education schooling or equivalent;
 - Who have successfully obtained a concluding diploma for secondary education in their country of origin not equivalent to Portuguese secondary education;
 - * Individuals born in the territory of East Timor and their children.
- iv) Special examinations to access public or private higher education²³:
- * Special examinations for individuals aged over 23 years;
 - * Special examinations for individuals who have successfully concluded higher education courses, mid-level courses or a specialised technology diploma;
 - * Special examinations for access to courses in Medicine for graduates.
- v) Schemes for re-enrolment, transfers to other courses and transfers between public and private higher education.

In any circumstances, entry is subject to a *numerus clausus*, even though national legislation refers to this being progressively eliminated²⁴.

In general, entry to courses which confer a graduate degree requires students to comply with a set of prerequisites, namely²⁵: having successfully concluded a higher secondary education course²⁶, or a qualification deemed to be equivalent by prevailing legislation; sitting for entrance examinations for admission into the intended course, with a minimum classification of 95 points²⁷; and compliance with prerequisites defined by the universities or polytechnics themselves in certain courses.

The entrance examinations necessary for admission in the higher education courses are established by each IHE and are habitually held by means of national

²³ Regulated by Decree-Law No. 393-B/99, of 2 October, by Ordinance No. 854-A/99, of 4 October, by Decree-Law No. 64/2006, of 21 March and by Decree-Law No. 40/2007, of 20 February.

²⁴ Articles 3, 4 and 5 of Decree-Law No. 296-A/98, of 25 September, amended by Decree-Law No. 90/2008, of 30 May, and Article 12(4) of Law No. 49/2005, of 30 August.

²⁵ Articles 7, 16, 17 and 22 of Decree-Law No. 296-A/98, of 25 September, amended by Decree-Law No. 90/2008, of 30 May.

²⁶ In Portugal, grades for (Portuguese) secondary education courses use a scale of 20 marks, in which 0 is the lowest classification and 20 is the highest classification. Students pass a course if they have a grade equal to or higher than 10 marks.

²⁷ Assessments for the national examinations are conducted on a scale ranging from 0 to 200 points.

exams at the end of secondary education²⁸. The majority of IHEs establish that the entrance examinations consist of one or more national examinations within defined sets, with a minimum grade²⁹. Entrance criteria can also vary according to whether students have concluded a Portuguese secondary course or not. Thus, in the case of the former, access is by means of national examinations, whereas in the case of students who have concluded foreign courses that are legally equivalent to Portuguese secondary education, the entrance examinations can be substituted by the final examinations of the subjects of those courses.

Students must have concluded a graduate degree to be able to enter a master's programme and applications for the intended courses are submitted directly to the university or polytechnic institutions.

In their turn, so as to be able to enter a Ph.D. programme students must have successfully concluded a master's degree, or concluded a graduate degree with an average grade equal to or higher than 16 marks. Applications are submitted exclusively to institutions imparting university education.

Portuguese legislation does, however, envisage special conditions for admission in each of these cycles, described in greater detail later in this study (cf. point 3.1.).

2.2. National policies regarding international students

With a view to responding to the challenges of the modern-day information and knowledge-based society, in an increasingly globalised world, Portugal has implemented policies to promote mobility in the context of higher education. These policies translate, amongst various measures, into streamlining processes for international students to enter and stay in the national territory, signing agreements and protocols with a view to awarding scholarships and exchange programmes, amongst others.

Thus, in general terms, the following entities are active elements within the framework of national policies pertaining to international students, *viz.* the Home

²⁸ National examination results are valid for enrolment in the same year they are obtained, as well as in the next two years (Cf. Article 1(1) of Decision No. 1134/2006, of 25 August).

²⁹ Information regarding the entrance examinations and the minimum classifications necessary to apply to the different courses and institutions are available in the "Course Index";

Cf. <http://www.dges.mctes.pt/DGES/pt/Estudantes/Acesso/Genericos/IndicedeCursos/>

Ministry (MAI), through the Immigration and Borders Service (SEF), the MEC, through the DGES, the Foreign Ministry (MNE), through the Camões Institute, I.P. and the Portuguese Institute for Development Support, I.P. (IPAD), as well as the High Commission for Immigration and Intercultural Dialogue, I.P. (ACIDI), which is empowered by the Presidency of the Council of Ministers.

In concrete terms the MAI, more specifically by means of the SEF, is responsible for overseeing the entry, stay and exit of foreign nationals in Portugal. In this sense, with a view to contributing towards implementing the national strategy, the SEF has focused on developing and implementing mechanisms to facilitate documental processes for international students, in collaboration with Portuguese IHEs as well as other partners such as, for example, the Council of Deans of Portuguese Universities (CRUP). Examples of such measures include the ISU System – the SEF-University Interface, as well as a recent agreement signed with the CRUP, which will be described in further detail later in this study.

With regard to the entry of international students in Portuguese IHEs, this depends on their applying to the said institutions, according to the desired course(s) and complying with the requirements defined internally. In this process, the institutions themselves are responsible for replying to and approving the applications. In particular, admissions can occur by means of mobility programmes and the processes take place between the IHEs involved, or within the scope of special systems established by legislation.

The special systems which are relevant here are framed within a context of privileged relations between Portugal, PALOP nations and East Timor and are promoted by the MNE within the scope of diplomatic relations with the other countries in question. These regimes are applicable to scholarship holders from Portuguese speaking African nations, as well as individuals born in the territory of East Timor and their children; they offer some benefits in terms of the admission process for accessing Portuguese higher education for a graduate degree or a master's degree (at the time of applying for integrated master's programmes); and enable access to public and private IHEs. Once students are allocated, whenever possible, the desired course/institution pair, the DGES then decides about diverse placements in public IHEs, after contacting the institutions.

As has been seen, students who are nationals of Portuguese Speaking African Nations (PALOP)³⁰ can avail of three special systems: i) special system for students

³⁰ Angola, Cape Verde, Guinea Bissau, Mozambique and São Tomé & Príncipe.

already attending higher education; ii) special system for students holding a Portuguese higher secondary education diploma or equivalent and iii) special system for students holding a diploma for the highest level of secondary education in their country of origin which is not equivalent to Portuguese secondary education.

In order to be able to avail of any of these systems it is necessary to cumulatively satisfy a set of general requirements. A first requirement has to do with nationality. Such students cannot be Portuguese nationals³¹; in case they are, it is necessary for such students to have concluded a secondary education course in a Portuguese speaking African nation, after attending at least two academic years. It is likewise necessary for such students to have scholarships either from the Portuguese government, their respective governments, the Calouste Gulbenkian Foundation, scholarships obtained within the scope of agreements with the EU or other scholarships (other scholarship students can also be admitted within this system, as long as they satisfy these conditions and when the Portuguese IHEs have the necessary conditions to admit them). On the other hand, requests for admissions and enrolments need to be done through diplomatic channels, within the scope of cooperation agreements signed by Portugal, the applications being sent by the embassies of each country directly to the DGES.

More specifically, with regard to special systems for scholarship students from PALOP nations, it is also necessary to satisfy specific conditions, as below for the different cases:

i) **Special system for students who are already attending higher education:**

It is necessary to prove being enrolled in a foreign higher education course, having completed one academic year and successfully passing all the subjects, or two academic years and successfully passing at least half the subjects. Scholarship students can apply to Portuguese establishments and courses equivalent to those they attended previously or to different establishments and courses; in the latter case they need to prove that they have successfully concluded the subjects corresponding to the required entrance examinations; if the applicant has not successfully passed the said subjects, he or she must sit for the

³¹ In the case of dual nationality, if one of these nationalities is Portuguese, this is the relevant nationality in the eyes of the national juridical system.

respective entrance examinations, through national secondary education examinations.

Alternatively, students can prove that they were enrolled in a Portuguese higher education course and institution and continue their studies in the same or an equivalent course, even if in another institution, after having ceased to attend the said course for a period of at least one academic year.

ii) **Special system for students holding a Portuguese higher secondary education diploma or equivalent:**

It is necessary for students to prove that they have successfully passed the secondary education subjects corresponding to the entrance examinations for the intended course and institution. Just like system i) above, when applicants have not successfully passed the subjects corresponding to the entrance examinations, they must do so by sitting for the national secondary education examinations.

iii) **Special system for students holding a final secondary education diploma in their country of origin not equivalent to Portuguese secondary education:**

Students are allowed to enrol in Portuguese secondary education in order to conclude a study programme followed in the country of origin, which is duly suitable for the intended institution and higher course. The application to enrol in Portuguese secondary education within the scope of this system must be presented by the requesting State, through diplomatic channels, via the MNE. Such students are entitled to social support, by accessing student canteens, and complementary pedagogical support, so as to overcome any learning difficulties in important subjects for accessing higher education as well as the Portuguese language.

The application is subsequently sent to the DGES by IPAD.

After concluding Portuguese secondary education such scholarship students are subject to the same conditions as system ii) above.

With regard to the special system for students born in or the children of individuals born in the territory of East Timor (up to the age of 25 years, as on 31 December of the year when they apply for enrolment), such students must have concluded a Portuguese secondary course or equivalent and prove they have

successfully passed the subjects corresponding to the necessary entrance examinations. If they have not passed in these subjects then they must sit for the national examinations. The application dossiers are submitted in person at the Access to Higher Education Office of the DGES.

These four special systems have some restrictions. Thus, for one academic year, students can only be enrolled within the scope of one of these systems; when they are placed within the scope of one of the systems and do not proceed to enrol within the stipulated periods they are barred, in the following academic year, from enrolling in Portuguese public higher education and availing of the said systems (except in duly justified cases). On the other hand, in order to avail of any of these systems, students must not have concluded a Portuguese or foreign higher course, except if they hold a bachelor's degree and wish to enrol in a graduate degree in the same area.

In terms of seats available for such students, they cannot exceed 10% of the seats approved for the national or local entrance exams, or for institutional entrance exams, in each academic year.

The national strategy reflects a keen interest in the continued expansion of higher education, considering that it encourages the production of knowledge, science and technology, promoting economic growth and having a significant impact on the social and cultural development of current generations, as well as future generations. On the other hand, Portugal believes that it is essential to maintain and multiply its network of partners, both at a national as well as at an international level, keeping in mind the importance of sharing experiences and ideas and benefiting from the growing mobility of human resources. This is the general framework that serves as the backdrop for understanding the national strategy with regard to international students.

Thus, internationalisation and competitiveness are an integral part of the strategic objectives pertaining to Higher Education, by attracting international students and maintaining mobility programmes. The Portuguese government has sought to achieve the objectives by revising and improving prevailing legislation, simplifying bureaucratic procedures in institutions and promoting the specialisation of IHEs in terms of available courses and research³².

³² Programme of the XIX Constitutional Government, Presidency of the Council of Ministers.

On the other hand, a core concern is to ensure the social integration of third country nationals, especially in terms of citizenship rights and duties in the field of education. In order to implement policies aimed at ensuring the inclusion of immigrants, the present government has continued the “II Immigrant Integration Plan”³³.

In keeping with the I Plan, the “II Immigrant Integration Plan” has maintained the hosting and integration of immigrants as one of the priorities in terms of political intervention by recent governments. The Plan, established for the period between 2010 and 2013, entails the participation of various ministries and has called for the participation of public and private partners, including civil society by means of non-governmental organisations and immigrant associations³⁴. To a large extent the Plan is coordinated by ACIDI, an institute entrusted with the task of cooperating to conceive, implement and assess transversal and sectorial public policies which are relevant for the integration of immigrants and ethnic minorities, as well as to promote a dialogue between diverse cultures, ethnicities and religions³⁵.

Particularly in the area of education, the Plan seemingly focuses on the offspring of immigrants living in Portugal for professional reasons, paying less attention to youths who choose Portugal for academic reasons. Nevertheless, it would be pertinent to note some measures which have been framed in this regard. Thus, the Plan seeks to reinforce training for intercultural aspects, especially ongoing training for teachers; to improve systematic statistical data about cultural diversity in schools; to promote access by foreign students to academic social support facilities at all levels of education; to disseminate best practices to host, support and integrate foreign students and descendants of immigrants in Portugal, to facilitate procedures to regularise the documents of minor immigrants attending public educational institutions and granting scholarships³⁶. The awarding of these scholarships depends on the professional needs identified in the countries of origin, since the objective is to overcome these shortcomings

³³ Cabinet Resolution No. 74/2010, of 17 September.

³⁴ The II Plan established 90 measures, based on 17 areas of intervention, namely: hosting; culture and language; employment, professional training and entrepreneurial support; education; solidarity and social security; health; housing; justice; racism and discrimination; access to citizenship and civic participation; immigrant associations; descendants of immigrants; elderly immigrants; relations with countries of origin; promoting diversity and interculturality; gender issues; and human trafficking.

³⁵ Art. 3(1) of Decree-Law No. 167/2007, of 3 May.

³⁶ Measures 23, 25, 28, 30, 31, 32 and 72 respectively.

and avoid a “brain drain”, considered to be detrimental to the development of these nations.

Although some of these measures do not contain specific provisions pertaining to higher education, it is believed that they represent significant social and cultural advancement, contributing, in the medium and long term, to improvements with regard to the integration of international students at this level of education. On the other hand, although the measures are not directly aimed at students attending higher education, they can be applied to university professors and the information systems used by the IHEs.

A further analysis of the Plan in other areas, such as receiving immigrants, employment, professional training and entrepreneurial support, justice, racism and discrimination, and trafficking in human beings, reveals other important measures capable of contributing towards receiving and integrating international students. As an example, it is possible to cite some measures pertaining to these areas: reinforcing the national network for providing information to immigrants, through the ACIDI website; reinforcing the SEF’s public services; reinforcing information/training for immigrant workers regarding their labour rights and duties; streamlining the process for recognising qualifications; creating an information system regarding highly qualified immigrants; consolidation of the cooperation between the MAI/SEF and the Ministry of Justice, especially with regard to foreign youths at risk; ensuring juridical support for immigrants who are victims of human trafficking and other crimes; legislative amendments regarding administrative offences for discriminatory acts based on nationality and/ or ethnicity; and developing measures to combat the trafficking of human beings³⁷.

Responding to national strategic objectives and contributing towards achieving measures contained in the “II Immigrant Integration Plan”, it is important to highlight the question of mechanisms to facilitate regular documentation and joint actions by the SEF and Portuguese IHEs, through the ISU System – SEF-Universities Interface. The development and the application of this IT system seeks to facilitate documental regularisation procedures for international students attending higher education, i.e. it enables a simplified certification of third country nationals while accessing higher education. The system functions by allowing the competent services of Portuguese IHEs to consult SEF online, when the students present their passport at the time of enrolment. In this manner,

³⁷ Measures 3, 6, 16, 17, 19, 46, 50, 54 and 87, respectively.

students do not need to make additional visits to the SEF to obtain the documentation which will allow them to stay in the country (SEF, 2010). The ISU System – SEF-Universities Interface has been operational since 2010 and has been functioning in various universities and polytechnics which are part of the Portuguese higher education system (SEF, 2011; SEF, 2012).

On the other hand, with a view to improving and simplifying conditions for international students, the CRUP recently expressed its desire to submit a proposal to the Portuguese government to create Statutes for International Students³⁸. Amongst the various objectives considered in the proposal, it aims to contribute towards orienting a strategy to attract international students, especially at the master's and doctoral level, as well as to promote and facilitate exchanges and mobility for such students within the EU.

The SEF and CRUP recently signed an agreement, which aims to streamline the processes for the entry and stay of international students, by means of cooperation mechanisms to promote communication and articulation between the two entities (SEF/CRUP, 2012)³⁹. Essentially, rules have been established to facilitate the issuing of residence visas and permits for students enrolled in the Erasmus Mundus programme (and in the Science without Borders programme) and the agreement seeks to ensure that IHEs, through their international relations departments, send information about such applicants/students to SEF departments. This agreement is an important tool in terms of streamlining the procedures for the entry and stay of international students, contributing towards implementing the national strategy⁴⁰.

In terms of the debate regarding international students in Portugal, promoted by institutions and non-governmental organisations, amongst other actors from civil society, often framed within broader issues, one can mention that a debate was recently organised by the Institute for Strategic and International Studies (IEEI), in partnership with the Centre for African Studies at the ISCTE-IUL. Examining the challenges of Portuguese development cooperation, the session had a diverse panel of speakers, promoting reflections about the role played by various actors – government bodies, universities, companies, town halls and NGOs – in the

³⁸ Cf. <http://www.crup.pt/pt/imprensa-e-comunicacao/recortes-de-imprensa/2172-conselho-de-reitores-propoe-criacao-do-estatuto-do-estudante-internacional>

³⁹ Agreement between the SEF and the CRUP, signed in Lisbon, on 25 June 2012.

⁴⁰ Owing to the specifications for this study, the agreement signed between the SEF and CRUP is analysed in Point 4. So as to be succinct, the considerations mentioned here are complemented in the said point.

context of Portuguese cooperation, as compared to the national and international scenario⁴¹.

It is likewise possible to highlight the II International Conference on “Cooperation and Education: Africa and the World”, organised by the Centre for African Studies of the ISCTE-IUL. Among the various panels presented, the panel on “Training of Senior African Personnel in the West: Individual Trajectories, Cooperation Policies and Development Processes”⁴² was particularly worthy of note.

⁴¹ Cf. <http://aulp.org/noticias/actividades-e-eventos>

⁴² Cf. <http://www.coopedu.cea.iscte.pt/>

3. Legal and practical conditions at a national level that apply to international students

3.1. Admission

Portugal recognises the importance of attracting international students to the national higher education system. In this sense, various ministries and other entities implement measures and provide an array of information and mechanisms to streamline processes to receive such students and enable them to stay in the national territory.

Firstly, despite efforts to attract students from all third countries, owing to reasons derived from a shared historical and cultural past, Portugal cooperates especially closely with Portuguese speaking African nations (PALOP), Brazil and East Timor⁴³. This privileged cooperation is reflected in the procedures for the entry of students from these nations to attend the Portuguese higher education system. Procedures are hence facilitated and promoted in light of special systems, various bilateral and multilateral agreements signed between Portugal and these countries, a noteworthy agreement being the convention which established the Community of Portuguese Speaking Countries (CPLP).

One of the purposes of the CPLP consists of cooperation between its members in various areas, such as science and technology, education and culture, as well as the dissemination and promotion of the Portuguese language⁴⁴. This results in closer and more intense ties between Portugal and students from other CPLP member states, which encompasses access to Portuguese higher education⁴⁵.

⁴³ One can note Article 7(4) of the Constitution of the Portuguese Republic and the Constitutional Tribunal Law, with regard to international relations, which mentions that "Portugal maintains privileged ties of friendship and cooperation with Portuguese speaking nations" (Canotilho & Moreira, 2005).

⁴⁴ Cf. <http://www.cplp.org/>

⁴⁵ Promoting lifelong learning and the development of competences in other CPLP nations, Portugal, through the National Administration Institute (INA), created the Higher International Course in Public Administration. The course was proposed and approved at the XIII Meeting of CPLP Cooperation Focal Points, in July 2006, and its first course was held in 2007 (CPLP, 2006). The XXV Meeting of CPLP Cooperation Focal Points, in July 2012, described the 6th course (CPLP, 2012 b). With a view to training senior and intermediate personnel and graduates in Public Administration in PALOP nations and East Timor, Portugal provides six scholarships for such individuals, even though the course also includes participants from Ibero-American countries.

Thus, along with the existence of special systems for students from PALOP nations and East Timor to apply for scholarships, as part of the CPLP and in this same context Portugal recently agreed to create a Strategic Cooperation Plan to promote activities in the areas of science, technology and higher education (CPLP, 2012 a). It is also important to note the Portuguese government's commitment, in 2008, to strive to develop distance learning for higher education, by means of a CPLP virtual university, with a view to reinforcing the teaching of Portuguese and education in Portuguese (CPLP, 2008).

In terms of the support and reception provided to international students it is important to mention the presence of the international organisation AISEC (*Association Internationale des Etudiants en Sciences Economiques et Commerciales*) in Portugal. Promoting exchange programmes and international internships helps attract young students to the country, developing activities in the area of economics and management.

The admission of international students into the Portuguese higher education system is conditioned by the scholastic or academic qualifications such students possess. In general terms, it is possible to contemplate situations in which i) a student has concluded a secondary education course legally equivalent to a similar Portuguese course and intends to enrol in a course granting a graduate or master's degree (integrated master's); ii) a student attends a foreign course conferring a higher education degree in a specific area and aims to continue the same course, or a similar course, in Portugal; and iii) a student holds an academic degree and intends to apply for a course which will confer a higher degree than the degree already obtained.

In the first situation it is necessary for the student to prove the equivalency of the foreign secondary education course. This equivalency is attributed by the Directorate-General for Innovation and Curricular Development (DGIDC) of the Ministry for Education and Science (MEC), after receiving an application from the student, submitted at a secondary school with pedagogical autonomy (accompanied by the necessary documents)⁴⁶. Since it is also necessary to sit for entrance examinations to be able to access higher education, in the case of international students these exams can be substituted by the final examinations of subjects from their secondary courses; to this end, the final examinations of the foreign secondary education course need to be deemed equivalent to the

⁴⁶ Decree-Law No. 227/2005, of 28 December.

entrance examination. This equivalency is proposed by the institutions for higher education (IHE) and approved by the National Commission for Access to Higher Education⁴⁷. Finally, the applicant must fulfil the pre-requisites for applications to specific courses, when so required and defined by the IHEs.

With regard to the second situation, the student can request the necessary transfer and to this end must contact the higher education institution in which admission is sought. In this context, students can request equivalence for the curricular units they have successfully concluded, submitting an application to the director of the institution's scientific committee in which admission is sought, accompanied by the necessary documentation⁴⁸.

As for the third situation, the habitual procedure indicates that applicants for master's programmes need to have concluded a graduate degree and, in their turn, applications for doctoral studies imply the conclusion of a master's degree. In this manner, international students who are in any of these situations and intend to apply to an institution of higher education in Portugal need to have the degrees they hold recognised in Portugal. This recognition is decided and conferred by the Commission for the Recognition of Foreign Degrees, supported by the Directorate-General for Higher Education (DGES)⁴⁹.

A student with a graduate degree can also apply directly to a Ph.D. course if they can prove an academic, scientific or professional curriculum attesting their capacity to pursue this study cycle. This capacity must be recognised by the statutorily competent scientific body of the university in which admission is sought (PT NARIC, undated).

When a foreign academic degree has not been generically recognised by the system for recognising foreign academic degrees⁵⁰ the respective student holding such a degree can apply for equivalence or specific recognition in accordance with the regulations pertaining to equivalencies and recognition for foreign higher studies qualifications⁵¹.

Foreign students can benefit from some public and private forms of funding for their studies and their living expenses. In terms of direct action by the Portuguese

⁴⁷ Decision No. 1193/2011, of 27 May.

⁴⁸ Articles 19, 20 and 21 of Decree-Law No. 283/83, of 21 June.

⁴⁹ Articles 4, 8 and 9 of Decree-Law No. 341/2007, of 12 October.

⁵⁰ Decree-Law No. 341/2007, of 12 October.

⁵¹ Decree-Law No. 283/83, of 21 June.

state, they can avail of scholarships when they fulfil one of the following requirements: i) holders of permanent residence permits; ii) beneficiaries of the status of long term residents; iii) students from nations with which Portugal has signed cooperation agreements envisaging the application of such benefits and iv) students from states whose laws, in similar circumstances, grant equal treatment to Portuguese students⁵². Such students can also avail of merit scholarships, keeping in mind the fact that these are attributed to the different IHEs, who then confer them on students who have had outstanding results in the previous academic year⁵³.

International students admitted into Portuguese IHEs can apply for scholarships funded by the Foundation for Science and Technology (FCT), such as Ph.D. scholarships and doctoral studies while working with companies⁵⁴.

Along with Portuguese scholarships, these students can also access a set of European scholarships, such as the Marie Curie Research Scholarships, EU-Canada scholarships, EU-Japan scholarships, EU-New Zealand scholarships and EU-USA scholarships (Atlantis)⁵⁵.

Students who are citizens of and resident in PALOP nations and in East Timor who do not also have Portuguese citizenship and wish to attend higher education courses in Portugal can also avail of scholarships offered by the Portuguese Institute for Development Support (IPAD)⁵⁶.

They can also apply for scholarships and subsidies from the following foundations and institutions present in Portugal (PT NARIC, undated):

⁵² Article 3(1) of Decree-Law No. 204/2009, of 31 August. Within the scope of the said article, students who are stateless or benefit from the status of political refugee can also avail of social action scholarships.

⁵³ Article 9 of Order No. 13531/2009, of 9 June.

⁵⁴ Regulation No. 234/2012, of 25 June.

⁵⁵ Cf. http://ec.europa.eu/education/study-in-europe/application_guide_pt_pt.html

⁵⁶ Cf.

<http://www.ipad.mne.gov.pt/Bolseiros/FormacaoPortugal/Ensino%20Universit%C3%A1rio%20e%20Polit%C3%A9cnico/Paginas/default.aspx>

BCP – Banco Comercial Português Foundation	www.millenniumbcp.pt
Calouste Gulbenkian Foundation	www.gulbenkian.pt
Oriente Foundation	www.foriente.pt
Luso-American Foundation	www.flad.pt
Camões Institute	www.instituto-camoes.pt
Santander Totta	www.santandertotta.pt

At an international level there are also scholarships for studies in Portugal, such as, for example, “The Archaeology of Portugal Fellowship” awarded by the American Archaeological Institute, the “AXA Research Fund – PhD Fellowship”, awarded by the AXA Research Fund, “Post-Graduate and Post-Doctoral Scholarships”, awarded by the Brazilian Ministry of Education, among other scholarships which students can apply for in their country of origin.

With a view to improving procedures for entering Portugal, Portuguese legislation stipulates that the issuing of residence visas for international students who participate in EU programmes to promote mobility to the EU or for the Community of Portuguese Speaking Countries (CPLP) must be facilitated⁵⁷. In this sense, after the visa application process is begun at a Portuguese consular post or consular section, for the aforesaid purposes, the Immigration and Borders Service (SEF) issues a preliminary opinion within a period of 15 days and a decision must be made regarding the application within a period of 30 days⁵⁸. This represents facilitation for granting residence visas, insofar as, in general, the SEF has 20 days to issue a preliminary opinion and is allowed a period of 60 days for decisions⁵⁹.

Within the scope of mobility for students attending higher education, in the case of international students enrolled in higher education in an EU member-state who apply to a Portuguese IHE, the respective visas are granted within a period which does not hinder the continued progress of their studies, within a maximum period of 60 days⁶⁰.

⁵⁷ Article 62(3) of Law No. 23/2007, of 4 July.

⁵⁸ Article 3(2) and Article 5 of Ordinance No. 208/2008, of 27 February.

⁵⁹ Article 53(6) and Article 58(4) of Law No. 23/2007, of 4 July.

⁶⁰ Article 63(1) of Law No. 23/2007, of 4 July.

Within the scope of special systems, access to higher education in Portugal is facilitated for scholarship students who are nationals of PALOP countries, insofar as the applications are processed through diplomatic channels.

Decisions by international students to choose Portugal as a destination country in which to pursue higher education studies must be duly supported by a set of legal, procedural and practical information available, above all, via the Internet.

In general, in the sphere of public services, the MEC is the entity which provides the most information, through the DGES website. Students can also access information made available by EU bodies and networks, such as the European Commission and NARIC (National Academic Recognition Information Centres), through the websites of universities and polytechnics, as well as search engines pertaining to higher education in Portugal.

The DGES web portal is available in Portuguese and English⁶¹. In the Portuguese version, the website offers a wide array of information about access to higher education (public and private), support provided to students (through study and merit scholarships, or offers of employment and voluntary activities) and available courses, degrees, institutions and available seats; it also has a section dedicated to recognition of qualifications, mobility and international cooperation, providing information about the procedures for obtaining recognition for foreign degrees and diplomas, about the NARIC network and about the EU; for the majority of subjects it also provides the respective legislation, links to the websites of other institutions and has a section with FAQs. It is also important to note that students can request additional information and clarifications by post, e-mail or telephone, since these contacts are provided for the entities involved in the process of being admitted to higher education courses. However, the English version only contains a small part of this broad array of information, the most noteworthy sections being the organisation of the Portuguese higher education system and part of the most pertinent legislation.

There are also other websites and portals, as well as foreign search engines which provide some of the information available through the DGES web portal. These engines provide such information in a more succinct manner and in English, even

⁶¹ Cf. Annexes, Figures 1 and 2.

though they very often link to the DGES web portal. The following can be cited merely as examples:

- EU http://ec.europa.eu/education/study-in-europe/application_guide_pt_en.html
- ENIC/NARIC⁶² <http://www.enic-naric.net/index.aspx?c=Portugal>
- Others <http://www.studyineurope.eu/study-in-portugal>
http://www.educations.com/Study_in_Portugal_d2129.html
<http://www.topuniversities.com/country-guides/portugal>
<http://www.braintrack.com/linknav.htm?level=3&pprevid=42>

Hence, it can be seen that the information is not concentrated on the DGES web portal, although it contains the most comprehensive and broad information as compared to other websites. Nevertheless, the DGES web portal still contains relatively little information in English, which could cause international students to look for other websites and portals, such as those associated with the EU, or ENIC/NARIC.

The entry of international students into Portuguese national territory for the purposes of studies requires, in the first place, a residence visa to be issued. This is a long duration national visa, since short stay visas are not issued for the purposes of studies. Students subsequently apply for a residence permit. Based on the legislation in effect the following paragraphs provide an overview of the necessary requirements, procedures and some exceptions applied in Portugal, with regard to visas and residence permits.

It must be noted, however, that the application for a residence visa and the application for a residence permit are different processes since they serve different purposes: the first document serves to regulate the entry of foreigners into the country, while the second document enables foreigners to stay and engage in an activity in the national territory. In this context it is important to also consider the role of the historic traditions of the Portuguese legal framework.

⁶² This website is a joint initiative of the European Commission, the Council of Europe and UNESCO/CEPES. Hence, it encompasses the ENIC network and the member-states of the Council of Europe and NARIC, by the European Commission.

Notwithstanding the presence of a historic tradition in the Portuguese legal framework it is important to note the fact that Law No. 23/2007, of 4 July, the legislation which approved the juridical regime for the entry, stay, exit and removal of foreign nationals from Portuguese territory, transposes Directive No. 2004/114/EC, of the European Council, of 13 December. Hence, in the context of the processes for the entry and stay of international students it is necessary to comply with the general and specific conditions contained in the Directive⁶³, along with other national conditions. A lack of compliance with any of the conditions established in the Directive and in the national legislation is cause to refuse the application for granting a residence visa or residence permit. Hence, it would be opportune to examine this aspect in further detail.

In order to issue a residence visa for the purposes of pursuing higher studies, in compliance with the provisions of the said Directive, it is necessary to present a travel document valid for at least the envisaged duration of the stay and in cases of individuals who are minors as per the terms of national legislation, the stay must be authorised by whoever exercises parental authority over the applicant⁶⁴. The student must also fulfil the conditions for admission into a higher education institution, and hence the application must be accompanied by a document issued by the educational institution confirming that the applicant satisfies the admission criteria or has been admitted into a course⁶⁵; the student must also provide proof of having means of subsistence (defined on the basis of the minimum national wage, contained in the Portuguese Labour Code⁶⁶) and provide a copy of a return ticket⁶⁷. Moreover, the individual must not be considered to be a threat to public order, safety or health⁶⁸.

Likewise in compliance with the said Directive, as has already been mentioned, the processing of residence visas for third country nationals benefiting from EU programmes to promote mobility to the EU or for CPLP nations must be facilitated, the terms of such facilitation being defined by an ordinance issued by the Home Ministry (MAI) and the Foreign Ministry (MNE)⁶⁹.

⁶³ Articles 6 and 7 of Directive No. 2004/114/EC, of the European Council, dated 13 December.

⁶⁴ Article 62(2) of Law No. 23/2007, of 4 July.

⁶⁵ Article 62(4) of Law No. 23/2007, of 4 July and Article 33(2) of Regulative Decree No. 84/2007, of 5 November.

⁶⁶ Ordinance No. 1563/ 2007, of 11 December and Ordinance No. 760/2009, of 16 July.

⁶⁷ Article 52(1)(d) and (2) of Law No. 23/2007, of 4 July and Article 12(1)(f) and (g) of Regulative Decree No. 84/2007, of 5 November.

⁶⁸ Article 52(4) of Law No. 23/2007, of 4 July.

⁶⁹ Article 62(3) of Law No. 23/2007, of 4 July, pertaining to Ordinance No. 208/2008, of 27 February.

In addition to the conditions stipulated by the said Directive, within the scope of national conditions, applicants must not have been subject to an order for removal from Portugal, not be indicated as not being eligible for entry in the Schengen Information System, nor in the SEF integrated information system and must not have been convicted for a crime which in Portugal is punishable with certain types of sentences⁷⁰. It is also necessary for applicants to submit a police certificate issued by the competent authorities in the applicant's country of nationality, as well as authorise SEF to verify their antecedents in the Portuguese criminal database; finally, applicants must submit two identical colour passport size photographs, which are suitable to enable identification⁷¹.

Third country nationals living as students enrolled in higher education in an EU member-state who apply to attend higher education in Portugal are granted residence visas, as long as they fulfil the aforesaid conditions and prove that they are participating in an EU or bilateral exchange programme; alternatively, they can also be granted visas when such applicants have been admitted as students in an EU member-state for a period equal to or more than two years⁷².

Third country nationals who intend to enrol in the Portuguese higher education system with IPAD scholarships are not required to submit documentation proving admission into an institution along with their visa application, since the entity in question duly provides this information to Portuguese consular posts or consular sections for the necessary purposes⁷³.

Applications for residence visas for students attending higher education must be submitted in the country of origin and at a consular post or consular section, using the appropriate forms, signed by the applicant appearing in person and accompanied by all the obligatory documentation⁷⁴. So as to ensure that the process is quicker and more streamlined, the application can be begun online, through the Portuguese Communities Portal; after this online application a date is scheduled when the applicant must go in person to the consular post in their area of residence to provide the required documentation, as well as to provide their signature⁷⁵.

⁷⁰ Article 52(1)(a)(b) and (c) and (3) of Law No. 23/2007, of 4 July.

⁷¹ Article 12(1)(a)(c) and (d) of Regulative Decree No. 84/2007, of 5 November.

⁷² Article 63(1) of Law No. 23/2007, of 4 July.

⁷³ Article 33(3) of Regulative Decree No. 84/2007, of 5 November.

⁷⁴ Article 10(1) and (2) of Regulative Decree No. 84/2007, of 5 November.

⁷⁵ Cf. <http://www.secomunidades.pt/vistos/index.php/pt/formularios.html>

These visas require an obligatory preliminary opinion by the SEF, issued within a period of 20 days from the date when the application is received (without prejudice to shorter periods envisaged in legislation, as has been mentioned); once this period is over and if no response has been given it is automatically considered to have been approved⁷⁶.

The decision regarding whether to grant a residence visa will consider the purpose of the visa, especially in the case of students in EU programmes to promote mobility to the EU or for the CPLP. Generally, decisions are issued within a period of 60 days, except in the case of CPLP students, for which the maximum stipulated period is 30 days⁷⁷. When granted, the residence visa is valid for two entries into the national territory, for a period of four months⁷⁸.

International students eligible within the scope of specific programmes are subject to the general rules of the system governing the entry and stay in the country according to their nationality (EU citizens and third country nationals). Hence, there are no processes to facilitate residence visas and residence permits being issued in terms of compliance with the legal requirements stipulated in the said rules. There are, however, mechanisms to streamline procedures, deriving from specific agreements and protocols, as in the case of the agreement signed between the SEF and the CRUP this year (SEF/CRUP, 2012). This agreement establishes a shorter period for decisions regarding residence permits granted to students studying under the Erasmus Mundus programme, along with other mechanisms to facilitate communications between IHEs and the SEF.

Since the visas issued for the purposes of studies are long duration visas, the rules of the EU Visa Code are not directly applicable to them.

Let us now turn to the process for applying for and granting residence permits for students enrolled in higher education, once within the national territory.

Residence permits are granted by the SEF, valid for a period of one year and renewable for similar periods (or whenever the individual's identification information changes). When the study cycle is of a duration of less than one year,

⁷⁶ Article 53(1) and (6) of Law No. 23/2007, of 4 July, and Article 14(1) of Regulative Decree No. 84/2007, of 5 November.

⁷⁷ Article 58(4) of Law No. 23/2007, of 4 July; Article 5 of Ordinance No. 208/2008, of 27 February. Cf. Also see: http://www.portaldocidadao.pt/PORTAL/entidades/MNE/DGACCP/pt/SER_visto+de+residencia+para+estudante+do+ensino+superior.htm?flist=s

⁷⁸ Article 58(2) of Law No. 23/2007, of 4 July.

the respective permit is valid for the period equal to the length of the course⁷⁹. The application for a residence permit must be submitted in person to the SEF or at national immigrant support centres (in the presence of SEF staff) by the applicant or the applicant's legal representative, using the appropriate forms, signed by the applicant⁸⁰. The SEF must decide within a period of 60 days whether or not to grant the permit⁸¹. The decision must be made and communicated to the applicant within a period which does not hinder the continuity of studies⁸².

In order to obtain a residence permit, students must hold a residence visa issued for the purpose of studies, continue to fulfil the conditions required at the time of the visa application, provide proof of enrolment and the payment of fees and be enrolled in the National Health Service or have health insurance.

Even though a residence visa is necessary, Portuguese legislation does envisage exceptional situations where residence permits can be issued to students who do not hold this document when the student has entered and is staying in the country legally and fulfils the rest of the aforesaid conditions; in such situations the granting of the permit also depends on an analysis of the reasons for this situation (force majeure and justifiable personal reasons)⁸³.

Students who have been awarded IPAD scholarships do not need to prove compliance with these conditions, insofar as IPAD provides the necessary information to the SEF⁸⁴.

Applications for residence permits are refused when the applicants do not comply with the aforesaid conditions, as well as in other situations in which residence visas would be rejected.

In general, information regarding the procedures for entering and staying in Portugal are easily available on the internet. It is possible to highlight the SEF web portal and an ACIDI document at the national level, along with other European and non-European websites, likewise providing information in English:

⁷⁹ Article 91(2) and (4) of Law No. 23/2007, of 4 July.

⁸⁰ Article 51(1) and (2) of Regulative Decree No. 84/2007, of 5 November.

⁸¹ Article 82(1) of Law No. 23/2007, of 4 July.

⁸² Article 96(1) of Law No. 23/2007, of 4 July.

⁸³ Article 91(3) of Law No. 23/2007, of 4 July; Article 57(3) and Article 61 of Regulative Decree No. 84/2007, of 5 November.

⁸⁴ Article 57(2) of Regulative Decree No. 84/2007 of 5 November.

SEF http://www.sef.pt/portal/V10/EN/asp/legislacao/index.aspx?id_linha=4191&menu_position=4133#0

ACIDI http://www.acidi.gov.pt/_cfn/4d0530c98fdd5/live/GuiaIngles_web.pdf

Others <http://www.euraxess.pt/incoming/visas/#other>

http://europa.eu/youreurope/citizens/travel/entry-exit/non-eu-family/index_en.htm

<http://www.studyineurope.eu/study-in-portugal/applications/residence-permit>

<http://www.studyabroaduniversities.com/Student-Visa-Requirements-for-Study-in-Portugal.aspx>

International students who aim to begin preparatory courses for higher education, such as Portuguese language courses, are granted residence permits for the purpose of studies. In case the preparatory courses have a duration of less than one year, the permit is issued with a validity equal to the respective time period⁸⁵.

Owing to some statistical limitations, it is not possible to precisely ascertain the main reasons why applications for residence visas or residence permits for the purposes of pursuing higher education studies are rejected. However, it can be noted that only a relatively small number of applications for residence visas for the purposes of studies are refused, being negligible at a national level.

With regard to the payment of fees, in effect in all IHEs in Portugal, no national data was available which would enable an estimate of the average sum paid annually by national or international students. Given this limitation, it would be relevant to present OECD (Organization for Economic Cooperation and Development) data, which indicates that, on average, national full time students pay more than 980 EUR in fees annually (OECD, 2011: 259)⁸⁶; the same source reveals that fees in Portugal have been increasing over the course of recent years (idem: 260). Owing to the limited data it is hard to discern the impact of such increases with regard to the entry of international students.

⁸⁵ Article 91(3)(i) and (4) of Law No. 23/2007, of 4 July.

⁸⁶ Original amount in USD, converted to EUR according to the exchange rate indicated by the Bank of Portugal on 30/07/2012.

3.2. Stay

3.2.1. International students

The duration for which international students can stay in Portuguese territory essentially depends on their residence permit. In general, the residence permit is valid for periods of one year and can be renewed for similar periods; in case the study plan is for a period of less than one year the residence permit is issued for that period⁸⁷.

The application to renew the permit is submitted in the same way as the initial application – in person, at the SEF or national immigrant support centres, using the appropriate forms signed by applicants and compliance with the other requirements.

It is necessary to apply for a renewal of a residence permit 30 days before its validity lapses and students must continue to prove the conditions required at the time of the first authorisation; it is necessary to submit not only proof of enrolment but also proof of academic activities; and when authorised to work, the application must be accompanied by a labour contract or a statement by the employer confirming the labour relationship, as well as compliance with tax and social security obligations⁸⁸.

It is important to note that academic activity is decisive for the renewal of the document insofar as negative factors (e.g. voluntary dropping out of any subject) and positive factors (passing to the next year of the course) are considered; in other words, the absence of academic progress without due justification is a cause for cancelling or not renewing the residence permit⁸⁹.

It is thus evident that applications to renew residence permits for the purposes of studies can be refused when the student: does not fulfil the aforesaid conditions; is subject to convictions and sentences with exceed one year in prison

⁸⁷ Article 91(2) and (4) of Law No. 23/2007, of 4 July.

⁸⁸ Article 63(5) of Regulative Decree No. 84/2007, of 5 November.

⁸⁹ Article 63(7) of Regulative Decree No. 84/2007, of 5 November; and Article 95 of Law No. 23/2007, of 4 July.

cumulatively; and in situations when they are declared to be in contempt of court and cannot disprove this declaration⁹⁰.

In much the same manner as granting the initial permit, the SEF is also responsible for renewals and must decide upon the application within a period of 30 days⁹¹.

Portuguese legislation allows international students who have residence permits for the purposes of studies to engage in a subordinate professional activity as long as it is not the main activity. Thus, students can engage in a professional activity as long as this activity occurs outside the periods stipulated for the study programme and on a part-time basis; to this end it is necessary to obtain permission beforehand from the SEF, have a work contract and be enrolled in social security⁹². It is important to note that these students are not allowed to engage in independent professional activities.

In case students intend to abandon their studies (as their main activity) and remain in the country to engage in a full time subordinate or independent professional activity or research, they can benefit from the new residence permit which dispenses with the need for a visa for the effect; to this end, it is necessary for such students to have a work contract, a research scholarship or due proof of the existence of a labour relationship; to have entered and remained legally in the country and be enrolled in social security, with contributions up to date (for individuals seeking to engage in independent professional activities they are only subject to the condition of entering and staying legally in the country)⁹³; international students who have entered within the scope of cooperation agreements cannot avail of this possibility⁹⁴. These applications for residence permits, derived from a change in justification reasons, are of an exceptional nature and must be submitted in person by the applicant to the SEF⁹⁵. The absence of statistical information in this area hinders information regarding the work sectors, required qualifications or the average duration of contracts established with students.

⁹⁰ Article 78 of Law No. 23/2007, of 4 July.

⁹¹ Article 82(2) of Law No. 23/2007, of 4 July.

⁹² Article 97(2) and Article 88(1) of Law No. 23/2007, of 4 July.

⁹³ Articles 88(2), 89(2) and 90(2) of Law No. 23/2007, of 4 July.

⁹⁴ Article 122(1)(p) of Law No. 23/2007, of 4 July.

⁹⁵ Articles 54(2) and 55(2) of Regulative Decree No. 84/2007, of 5 November.

Within the limits in which they can engage in subordinate professional activities, international students enjoy the same labour rights as national citizens in terms of social security, tax benefits, trade union membership and the recognition of diplomas, certificates and other professional qualifications⁹⁶.

In general, international students (as well as all other individuals holding a residence permit) are also entitled to access health care, justice and courts; these rights are conferred without prejudice to other rights conferred by means of international agreements⁹⁷.

3.2.2. Family members of international students

The family members of international students can enter and remain in the country within the scope of the right to family reunification. The Portuguese juridical system does not have residence permits for the specific purpose of accompanying immigrants, irrespective of the purpose of their stay in the country.

The right to family reunification is attributed to applicants who hold a residence permit and is aimed at family members abroad who are dependants of the applicant. In the case of international students, family members are limited to the spouse, minor or disabled children in the care of one of the members of the couple, as well as adopted minors, for whom the legislation of the country of origin has recognised their rights and duties akin to biological offspring, duly recognised in Portugal⁹⁸.

The student must submit the application for family reunification to the SEF or, alternatively, it must be submitted by one of the aforesaid family members at the time of entering the national territory, by submitting a set of documents required by law⁹⁹. The SEF is responsible for issuing a decision regarding the application, usually within a period of three months and a maximum period of 6 months¹⁰⁰; the applicant is notified of the decision within eight days after the decision and, if the application is approved, the family members have a period of 90 days to process the residence visa¹⁰¹.

⁹⁶ Article 83(2) of Law No. 23/2007, of 4 July.

⁹⁷ Article 83(1) of Law No. 23/2007, of 4 July.

⁹⁸ Article 81(4), Article 98(1) and Article 99(3) of Law No. 23/2007, of 4 July.

⁹⁹ Articles 66 and 67 of Regulative Decree No. 84/2007 of 5 November.

¹⁰⁰ Article 102 and Article 105(1) and (2) of Law No. 23/2007, of 4 July.

¹⁰¹ Article 68(2) of Regulative Decree No. 84/2007, of 5 November.

The residence permit for the purposes of family reunification granted to family members of international students has an identical validity as the residence permit issued to the said student; if, two years after being granted the first permit, they still maintain family ties with the student they can then avail of an independent residence permit¹⁰².

Family members with a residence permit are entitled to access education and teaching, to engage in a subordinate or independent professional activity, to professional guidance, training and upgrading of skills, access to health care, justice and the courts; they are also guaranteed, in identical conditions as Portuguese nationals, access to social security, tax benefits, trade union membership, recognition of diplomas and other professional qualifications; as has been mentioned above with regard to international students, their family members also enjoy special rights, in conformance with international agreements which Portugal has ratified¹⁰³.

Finally, even though the Portuguese juridical system does not stipulate that international students have the right to family reunification and no data exists in this regard, there is no reason to believe that this right has an impact on the actual number of international students in Portugal.

3.3. Period following the conclusion of studies for international students

As has been mentioned, Portuguese legislation has an exceptional system which makes it possible to issue residence permits to engage in a subordinate or independent professional activity or research activities waiving the need for a visa for the purpose, i.e. without students having to leave the country and then process an application for the said visa. This possibility is also applicable in situations where students have completed their study programmes and wish to remain in the country to enter the labour market, requiring compliance with the same conditions. The permit to engage in professional activities is temporary,

¹⁰² Article 107(1) and (3) of Law No. 23/2007, of 4 July.

¹⁰³ Article 83 of Law No. 23/2007, of 4 July.

valid for a period of one year and renewable for successive periods of two years¹⁰⁴.

After concluding their studies and as holders of a residence permit in Portugal, foreign nationals can enrol in the Employment Centre in their area of residence. The Employment Centres are part of the Institute for Employment and Professional Training, a public entity whose mission is to “promote the creation and quality of employment and combat unemployment, by implementing active policies for employment, especially professional training”¹⁰⁵.

Foreign nationals who are enrolled in the employment centres can apply for jobs, enjoying the following rights: the right to efficient and personalised service; right to information, especially with regard to training facilities and job offers, socio-economic means, professions and labour and employment conditions, social benefits, employment market and social employment market; technical support to prepare their own project for social and professional insertion or reinsertion; immediate assistance at no cost to look for employment which suits their needs; the right to professional guidance with a view to enhancing employable skills; technical support for actively looking for employment; the right to support for professional and geographical mobility; and protection during unemployment as per the terms of prevailing legislation. They can also avail of technical services within the scope of professional guidance and access other employment and training measures and programmes. In order to access these measures they need to fulfil the requirements for access and to hold a residence permit for the purposes of engaging in a professional activity¹⁰⁶.

In case international students have remained in Portugal for a period equal to or more than five years, holding a temporary residence permit, they can then apply for a permanent permit. To this end they must, cumulatively, have means of subsistence and accommodation, prove that they have basic knowledge of the Portuguese language and to not have been sentenced to prison terms that, cumulatively, equal one year in prison¹⁰⁷. Although this permit does not have any limit in terms of validity, it must be renewed every five years or whenever there are changes in the individual’s identification details¹⁰⁸.

¹⁰⁴ Article 75 of Law No. 23/2007 of 4 July.

¹⁰⁵ Article 3(1) of Decree-Law No. 213/2007, of 29 May, amended by Decree-Law No. 157/2009, of 10 July.

¹⁰⁶ Cf. <http://www.iefp.pt/FAQ/Paginas/Home.aspx#Imigrantes>

¹⁰⁷ Article 80 of Law No. 23/2007, of 4 July.

¹⁰⁸ Article 76(1) and (2) of Law No. 23/2007, of 4 July.

Third country nationals who have entered and remained in the national territory with a permit for the purposes of studies cannot, however, avail of the status of long term residents¹⁰⁹.

3.4. Misuse of the “student route” to migration

Notwithstanding the dearth of consolidated data in this area it does not appear that Portugal can be considered a target country for the misuse of the “student route” to migration. However, some aspects are worthy of note regarding the abusive use of the status of international student, gleaned from SEF activities.

In this manner, in 2010, there was a rise in detected cases of nationals from Bangladesh and Nepal, holding British study visas which allowed the holders to engage in remunerated professional activities in very particular conditions. In addition, during the same period, there was likewise an increase in the number of applications for short term visas by these nationals at the Portuguese services in Manchester. The two situations enabled the detection of attempts to regularise their status in Portugal, within the scope of the exceptional system envisaged in Portuguese legislation. As has been mentioned, this system stipulated that, in certain circumstances, residence permits may be issued for engaging in subordinate professional activities, waiving the need for a residence visa¹¹⁰.

There are also instances involving nationals of PALOP nations where holders of visas and residence permits for the purposes of study were in an irregular situation. These cases revealed lapsed documents, with their holders remaining in the national territory and engaging in activities different from those stipulated in their visas or residence permits.

In accordance with available statistical data, it can be seen that first residence permits are issued to third country nationals, above all, for professional purposes, educational purposes having a comparatively less prominent role; on the other hand, the number of foreign nationals who are in the country for the purposes of

¹⁰⁹ Article 125(2)(a) of Law No. 23/2007, of 4 July.

¹¹⁰ Article 88(2) of Law No. 23/2007, of 4 July.

studies and who apply for a change in their residence document is relatively small and negligible in the total number of amended permits¹¹¹.

For these reasons it is believed that Portugal is not in the frontline of nations facing the fraudulent or abusive use of the “student route” to migration.

In terms of identifying the abusive use of the “student route” to migration in the country, Portugal has implemented a set of preventive measures which can be examined from the perspective of entry and stay in the country, and that of the procedures for applying to and enrolling in IHEs.

From the point of view of entry and stay in the national territory, there are a set of requirements and procedures to be complied with which contribute towards monitoring the abusive use of this type of “migratory route”. Starting with the procedure for processing and issuing a residence visa it is possible to highlight the verification of the authenticity and validity of documents and other elements submitted, as well as to have sufficient means of subsistence and accommodation; in this regard too it is important to note, for situations considered to be insufficient or dubious, that applicants can be required to submit elements to clarify information contained in the application, such as medical-legal proof of claimed kinship ties, and applicants can be required to report personally to the consular post during any stage of the application¹¹².

Individuals are also checked at the time of entering the country, especially with regard to entry by air and by sea: their travel documents and residence visa are checked, and, in case deemed necessary to prove the purpose and conditions of their stay, the border authorities can request that due proof be shown¹¹³.

Finally, at the time of applying for a temporary residence permit, applicants must once again comply with a set of requirements, many of which were already required during the visa application process. Additionally, they must submit proof of enrolment and the payment of fees.

With regard to the procedures for applying to and enrolling in IHEs, it is important to emphasise that, on the one hand, and in general these require the applicant to be present in person; on the other hand, they require compliance with a set of

¹¹¹ Cf. Statistics, Tables 9 and 10.

¹¹² Article 13(1) and (3) of Regulative Decree No. 84/2007, of 5 November.

¹¹³ Article 13 of Law No. 23/2007, of 4 July.

prerequisites, such as the recognition of diplomas and equivalence for courses, attributed by official entities, such as the DGIDC.

This set of measures established by law contributes towards preventing the fraudulent use of the status of students, encompassing the actions of various entities and enabling monitoring at diverse moments, from departure, to arrival and the stay of third country nationals in Portuguese territory.

4. Transnational cooperation in the area of international students

4.1. Bilateral and multilateral agreements, including mobility programmes

The entry of international students into the country is, to a great extent, promoted by various international agreements established between Portugal and diverse third countries. In this area, the Directorate-General for Higher Education (DGES) is responsible for overseeing the preparation of proposals pertaining to bilateral agreements, multilateral agreements and cooperation programmes in the field of higher education, by means of actions developed by the Foreign Ministry (MNE)¹¹⁴.

Within the DGES, the Division for Recognition, Mobility and International Cooperation (DRMCI) plays a fundamental role, since its competences include proposing measures for academic mobility, providing information with regard to academic and professional mobility, and promoting bilateral and multilateral cooperation with international organisations and institutions and with other nations, by proposing agreements and projects¹¹⁵. In the field of bilateral cooperation, in articulation with the Foreign Ministry (MNE) through the Camões Institute, the DRMCI is also responsible for monitoring and promoting actions for cooperation in the area of higher education; the DRMCI also contributes towards defining policies and strategies for development cooperation, especially with Portuguese speaking African nations (PALOP) and the Community of Portuguese Speaking Countries (CPLP)¹¹⁶.

At the level of bilateral agreements in the area of education and culture, which includes higher education, Portugal has established more than seventy agreements with third countries, namely: Algeria, Angola, Argentina, Armenia, Austria, Belgium, Benin, Brazil, Bulgaria, Cape Verde, China, Congo (DR), Congo (PR), Croatia, Cuba, Cyprus, Czech Republic, Denmark, East Timor, Egypt, Estonia,

¹¹⁴ Article 2(2)(g) and (h) of Regulative Decree No. 20/2012, of 7 February.

¹¹⁵ No. 2(b) and (d) of Order No. 8353/2012, of 21 June.

¹¹⁶ Cf. <http://www.dges.mctes.pt/DGES/pt/Reconhecimento/Coopera%C3%A7%C3%A3o+Internacional/>

Finland, France, Gabon, Germany, Greece, Guinea-Bissau, Holland, Hungary, India, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Kuwait, Latvia, Libya, Luxembourg, Malaysia, Malta, Mauritania, Mexico, Morocco, Mozambique, Nigeria, Norway, Oman, Pakistan, Paraguay, Peru, Philippines, Poland, Romania, Russia, São Tomé & Príncipe, Senegal, Seychelles, Slovakia, Slovenia, South Korea, Spain, Sri Lanka, Swaziland, Sweden, Thailand, Tunisia, Turkey, Ukraine, United Kingdom, United States of America, Uruguay, Venezuela and Zambia¹¹⁷.

More specifically, with regard to higher education, the agreements aim to foment exchanges of experiences and practices, teachers, students and researchers, as well as establish scholarships, defined in executive and cooperation programmes. Currently, such programmes are in effect with Croatia, Czech Republic, Egypt, Finland, Greece, Holland, India, Ireland, Norway, Poland, Slovenia, Thailand, Tunisia and Venezuela¹¹⁸.

In light of a report by the Portuguese Institute for Development Support (IPAD), it would be relevant to cite the following results/ practices:

- i) [MEC] has been attributing research scholarships for individuals holding graduate, master's and Ph.D. degrees, nationals of PALOP nations or East Timor, who wish to pursue master's, doctoral or post-doctoral studies in Portuguese universities or scientific institutions in diverse areas. However, the most visible part of this ministry's cooperation efforts occurs through the Joint Committees established between the Directorate-General for Higher Education and the different Ministries of Education, within the scope of which the number of seats is defined that enables PALOP students to enrol in higher education in the same manner as Portuguese citizens, under a "special system". (IPAD, 2011: 87)
- ii) University cooperation is governed by Scientific and Technical Cooperation Agreements, Conventions and Memorandums signed between Portuguese universities and their counterparts as well as by agreements regarding specific programmes/projects. (Idem: 102)
- iii) Agreed projects are part of areas identified as being a priority for training national technical personnel within the scope of PICs¹¹⁹ and include fields such as: Medicine, Law, Juridical-Political Sciences, Portuguese Language, Agronomy and Natural Resources, Mathematics, Electronics,

¹¹⁷ Cf. <http://www.instituto-camoes.pt/cultura/acao-cultural-externa/acordos-culturais>

¹¹⁸ Idem.

¹¹⁹ Indicative Cooperation Programmes (PIC).

Telecommunications, Engineering, Environment, Hydraulics and Water Resources and Tourism. These projects involve direct teaching and, mainly, qualifications and/or training for local teachers, evaluating and monitoring students, support for preparing curricula and textbooks, support for processes to revise curricula in keeping with international standards, certification procedures, as well as capacity building /institutional reinforcement by developing pedagogical skills and managing institutional partners. (Ibidem: 102-103)

- iv) (...) [Scholarships] are awarded by various institutions in Portugal, IPAD playing an important role not just on account of the number of scholarships it provides as well as the quality it has sought to establish. In recent years scholarships have focused on master's, doctoral and post-doctoral studies. Support at the level of graduate degrees is provided by attributing domestic scholarships, students only going to Portugal for areas of training which do not exist locally. (IPAD, 2011: 104)

With regard to the conditions for entry and stay, the duration of the stay, the choice of and applications to institutions of higher education (IHEs) and courses, subsequent access to the labour market and family reunification the same conditions described previously in the context of special systems are likewise applicable here.

Since the universities and polytechnics themselves play such an important role in terms of cooperation in higher education, it would be opportune to highlight some international agreements. Thus, examples of agreements with Latin America, North America, PALOP nations, Europe and other regions include the Science without Borders Programme, the Santander Luso-Brazilian University Scholarships (both with regard to relations with Brazil), the IAESTE, the Santander Ibero-American University Scholarships, the CRUP/FUP Programme for cooperation with East Timor, the SMILE Programme, established with higher education institutions in Latin America and the Caribbean, the ATHENS network and the Fulbright Luso-American scholarships, among other agreements for international cooperation.

Portugal has likewise ratified a vast set of multilateral agreements, including the ALCUE (EU, Latin America and Caribbean Cooperation), ASEM (Asia-Europe Meeting), AULP (Portuguese Medium Universities Association), COE (Council of Europe), Ibero-American Cooperation (Organization of Ibero-American States for Education, Science and Culture), EUA (European Universities Association),

EUROMED (Euro-Mediterranean Partnership), the European Institute in Florence, OECD (Organisation for Economic Cooperation and Development) and UNESCO (United Nations Educational, Scientific and Cultural Organisation)¹²⁰.

4.2. Cooperation with EU (and EU financed mobility programmes) or international organisations

With regard to the mobility of third country nationals within the scope of EU programmes, Portugal has transposed to the national legislation Article 6(2) and Article 8 of Directive 2004/114/EC.

Thus, in accordance with national legislation in effect, residence visas are facilitated for international students participating in EU programmes promoting mobility to the EU (as well as for CPLP nations or in their interest)¹²¹. This facilitation consists of i) the possibility of dispensing with the need to submit a valid travel insurance policy and proof of admission in an educational institution, when there is a document issued by the government departments responsible for developing the programme in which the student will be enrolled attesting to these elements, ii) priority in terms of analysing and processing the application, iii) issuing the obligatory preliminary report within a period of 15 days, iv) speedy communication of information between government departments responsible for the programme and v) a decision regarding the application being issued within a period of 30 days¹²².

More specifically, visas issued for the purpose of enabling mobility for higher education students are aimed at third country nationals who¹²³:

- * Reside as students attending higher education in an EU member-state;
- * Apply to pursue higher education studies in Portugal (to continue or complement a study programme which has already been begun);

¹²⁰ Cf.

<http://www.dges.mctes.pt/DGES/pt/Reconhecimento/Coopera%C3%A7%C3%A3o+Internacional/Coopera%C3%A7%C3%A3o+Multilateral/>

¹²¹ Article 62(3) of Law No. 23/2007, of 4 July.

¹²² Ordinance No. 208/2008, of 27 February.

¹²³ Article 63(1) of Law No. 23/2007, of 4 July.

- * Have a valid travel document, at least for the period of their stay in Portugal – in the case of minors, they need to be duly authorised by their legal guardians;
- * Fulfil the conditions for admission into a Portuguese higher education institution;
- * Participate in an EU exchange programme or a bilateral programme or have been admitted as a student in another member-state for a period equal to or greater than two years.

The visas are granted within a maximum period of 60 days, considering the period of studies and so as not to hinder the continuation of the said studies¹²⁴.

In the context of mobility within the EU, students enrolled in the Erasmus Mundus programme can enter and stay in Portugal if they fulfil the necessary conditions. This means that they must apply for a residence visa for the purposes of study (long duration) to be able to enter the country and, after entering, they must apply for the residence permit for the same purposes (cf. point 3.).

The Portuguese experience with the Erasmus Mundus programme indicates that, in 2011, more than three hundred international students entered the country within the scope of this programme. This influx of participants is expected to increase with the implementation of the agreement signed between the SEF and the CRUP during 2012 (SEF/CRUP, 2012).

Erasmus Mundus students resident in another EU member-state can, for the purposes of the programme and from the said other member-state, submit their application to Portuguese IHEs participating in the said programme. This situation has to do with the functioning of the Erasmus Mundus programme itself, in conformance with the Action in which the student is inserted and, hence, depends on relatively different organisational objectives and logics.

The existence of specific administrative offices at the various IHEs participating in the programme providing support to this set of students is worthy of note. These offices provide all kinds of information necessary for participating in the programme and provide assistance to students during the application process and the procedures for entering and staying in the destination country. Hence, these offices are expected to communicate with each other, administering and

¹²⁴ Idem.

validating the application procedures and transmitting necessary information concerning the students to each other and to the SEF.

On the other hand, as the national structure for the Erasmus Mundus programme, the DGES is responsible for making information about the programme available to the public and for offering assistance and counselling for potential candidates and participants; the DGES is also responsible for providing useful information regarding the specific features of the national education system, requirements in the context of visas, credit transfers and other tools; finally, within the scope of this programme, the DGES is also consulted with regard to the recognition of diplomas, eligibility criteria of institutions and other qualitative elements related to the programme.

Portugal allows international students participating in the Erasmus Mundus programme who have a long duration visa or residence permit issued by another EU member-state to be admitted and stay in Portugal for a period of 90 days, within the scope of the general rules for the free circulation of third country nationals in the EU.

With regard to entries and stays for periods of more than 90 days, the general system for entry into Portugal stipulates that international students must apply for a residence visa to be issued in their country of habitual residence or in the consular jurisdiction of the state of their residence; however, in exceptional situations, duly justified and verified, applications for this visa can be submitted in a different country¹²⁵.

The exceptional system also stipulates that residence permits can be issued for the purpose of studies without the need for a visa, as long as such students have entered and stayed legally in the country, show proof of enrolment and the payment of fees in the institution in which they have been admitted, have sufficient means of subsistence and health insurance¹²⁶.

In situations in which international students coming from other EU member states enter Portugal through a border that is not subject to border checks, they have three working days to register their entry at the SEF¹²⁷.

¹²⁵ Article 10(2) and Article 13(1)(h) of Regulative Decree No. 84/2007, of 5 November.

¹²⁶ Article 91(3) of Law No. 23/2007, of 4 July.

¹²⁷ Article 14(1) and (2) of Law No. 23/2007, of 4 July.

As has been mentioned, SEF has recently signed an agreement with the Council of Deans of Portuguese Universities (CRUP) with a view to promoting the Erasmus Mundus programme, mobility for students enrolled in higher education and to adopt procedures to speed up the issuing of visas and residence permits (SEF/CRUP, 2012). Thus, within the scope of this agreement, when there is compliance with the required conditions, SEF can issue residence permits to international students participating in this programme which ensures them the right to mobility within the EU space. A decision is issued within a maximum period of 15 days, thus ensuring that studies are not interrupted. In its turn, the CRUP is responsible for ensuring that universities send the necessary information regarding candidates and students admitted through mobility programmes to the SEF and for informing international students accepted through mobility programmes of their rights and duties with regard to entry, stay and exit from the national territory before such students come to Portugal.

It is also important to note that when Portugal is the first country in which such students are admitted, the SEF is responsible for providing the necessary information to other member-states to which these students wish to transfer¹²⁸.

In terms of the Portuguese experience with international students and mobility and participants in the Erasmus Mundus programme, there have been no instances where such students have sought to continue or complement their studies in another member-state (for example through exchange programmes) and have faced difficulties.

Particularly in the context of the Erasmus Mundus programme, Portugal has established conditions to ensure that the study programmes of such students continue smoothly without interruptions. To a large extent these conditions are the result of creating a set of channels for communications between the international relations offices of the IHEs and the SEF. This has made it possible to facilitate and streamline processing and procedures regarding the admission and stay of international students.

In this sense, and in conformance with what has been stated before, the agreement established between the SEF and the CRUP has proved to be an invaluable tool (SEF/CRUP, 2012). Firstly, because it specifically aims to promote the Erasmus Mundus programme, reinforcing the quality of higher education by means of cooperation with third countries. Secondly, because it promotes

¹²⁸ Article 63(2) of Law No. 23/2007, of 4 July.

mobility for students pursuing higher education, by adopting streamlined procedures for issuing visas and residence permits. Finally, it formalises and consolidates mechanisms for communications and cooperation between the IHEs and the SEF. As a result of these mechanisms for communication, the agreement also entailed the creation of a central contact point (SEF National Directorate), along with various decentralised contact points (SEF Regional Directorates, Departments and Delegations).

The entry and stay of international students in Portugal and their admittance into Portuguese IHEs has generally been successful. There are no known situations in which such students have been accepted by IHEs and have been prevented from continuing their studies owing to a lack of conditions for entry and/or stay in the country.

The practices derived from the Visa Code are not applicable to international students participating in Erasmus Mundus or in other EU mobility programmes. In the case of students who are EU nationals involved in mobility programmes the juridical system establishing the right to free circulation and permanent residence in the national territory for EU citizens and their family members is applicable¹²⁹.

Without prejudice to bilateral agreements established between Portugal and other EU member-states, as well as agreements between institutes for higher education themselves, the aforesaid conditions remain in effect for any international students resident in other EU member-states, who wish to continue or complement their studies in a Portuguese higher education institution outside the scope of an EU programme.

Finally, there are no known situations in which international students have extended their studies by entering mobility programmes, with a view to remaining in another member-state for a period of time greater than initially envisaged.

¹²⁹ Law No. 37/2006, of 9 August, which transposes Directive No. 2004/38/EC, of the European Parliament and of the Council, of 29 April.

4.3. Other forms of (non-legislative) cooperation with countries

While, as has been mentioned, the admission of international students is facilitated by bilateral and multilateral agreements, as well as EU programmes, Portugal also engages in other forms of cooperation relevant to higher education and international students which are worthy of note.

Portugal has implemented significant efforts in terms of the recognition of foreign academic qualifications. On the one hand, contacts with other EU member-states and third countries (countries which are members of the Council of Europe and UNESCO) are established through the PT NARIC network, part of the DGES, promoting an exchange of pertinent and updated information regarding diplomas, institutions and the functioning of various educational systems. These contacts allow Portuguese institutions to recognise foreign diplomas, certificates and qualifications more easily and more accurately. Hence, PT NARIC is responsible for providing information to the various IHEs, students, the individuals who hold the qualifications and professionals, as well as to national and international organisations; it provides clarifications regarding processes for equivalency or the academic recognition of foreign higher qualifications, regarding continuing studies in Portugal and abroad and regarding the relevant national and EU legislation applicable in this regard, amongst other elements.

On the other hand, Portugal is a signatory to the Convention on the Recognition of Qualifications concerning Higher Education in the European Region, commonly known as the Lisbon Recognition Convention, agreed between the member-states of the Council of Europe and UNESCO. This convention compiles and updates into a single document a generalised understanding between the members, considering the various existing legal texts regarding this area and providing a single general framework for the recognition of qualifications at a European level.

In the context of third countries, it is important to note the establishment of various Portuguese universities in countries such as Angola, Brazil, Cape Verde, Guinea-Bissau, Mozambique and São Tomé & Príncipe. Examples of this presence include the Lusófona University, the Lusíada University, the New University of Lisbon and the Piaget Institute. Another set of Portuguese universities has established partnerships with universities in these nations, as is the case with the University of Lisbon, the Lisbon Technical University, the Catholic University and the University of Porto.

5. Impacts of international students in Portugal

The immigration of international students to attend institutions of higher education (IHE) is a phenomenon that has an impact on academic, social, cultural and economic life in Portugal. However, this phenomenon also has a similar impact on the students themselves, subject to a process of integration both in terms of higher education as well as other dimensions of society. This section of the report will hence focus on illustrating some of the effects of this migratory flow on Portuguese society, likewise reflecting on some of the effects on the students.

In Portugal, between 2006 and 2011, international students (extra EU-27 nationals) represented about 4% of the total number of students enrolled in higher education; in absolute terms, it can be seen that this number has been increasing, there being approximately 15 000 international students in 2006 and over 17 000 in 2011¹³⁰. For the same period, students who are nationals of EU-27 nations rarely exceeded 1% of all enrolled students, even though their numbers have almost doubled over the course of the period in question.

Data reveals that, in the context of international students, the community of young students from Africa, particularly from Portuguese Speaking African Nations (PALOP), is the most prominent in terms of accessing and attending Portuguese IHEs¹³¹. As has been mentioned, this situation is largely due to the strong ties of friendship and cooperation between Portugal and PALOP nations, reflected in the establishment of special systems and the granting of diverse scholarships.

Some studies have sought to better understand the social and academic integration of students from PALOP nations, using both quantitative as well as qualitative methodologies. This type of integration has an impact at the level of personal development, academic success and expectations with regard to the future experienced by such students. Aspects associated with a *personal*

¹³⁰ Cf. Statistics, Table 2.

¹³¹ Cf. Statistics, Tables 3 and 4. In the context of scientific researchers/employees in Portugal, there is some evidence which indicates that the proportion of Portuguese emigrants is relatively similar to that of international immigrants. This is why it is possible to speak of a “brain circulation” as compared to a “brain drain” (Reis *et al*, 2007).

dimension, such as physical and psychological wellbeing, family support, familiarity with the language and financial support; an *interpersonal/social dimension*, encompassing relations with teachers, staff and colleagues, intercultural tolerance, extracurricular activities, among others; and the *academic/institutional dimension*, including variables such as previous academic preparation and current performance and reception and support provided by the institution, all condition a successful social and academic integration (Pondja, 2009; Silva *et al*, 2009). According to Pondja, “Portuguese institutions for higher education have proved to be effective in terms of creating conditions for building sociability ties” (2009: 87).

If, by any chance, the Portuguese state is the subject of any criticism, considering the benefits granted to students from PALOP nations and the consequent risk of “brain drain”, it is important to keep in mind the fact that just a small number of this group of students concludes their qualifications in Portugal¹³². As has been mentioned, there have been some instances where these third country nationals have let their visas or residence permits lapse, remaining in the national territory in an irregular situation and engaging in activities other than higher studies. However, this situation is relatively rare, with a limited impact in general terms. These facts would appear to demonstrate that, if there is a “brain drain”, it is in a very small proportion, and there could be some misuse of the status of international student.

It can be said with regard to the set of international students enrolled in Portuguese IHEs that they foster multicultural social and academic environments, promoting tolerance and respect for different ethnicities, religions and traditions. On the other hand, they contribute and undergo diverse linguistic experiences, both by learning and/or perfecting the Portuguese language, sharing their maternal language or developing communications in English.

In economic terms, the entry of such students into Portugal can be felt in the real estate sector, more specifically at the level of rentals, especially benefiting cities which have larger student populations; and in the service sector in general.

Considering the economic impact on IHEs it is necessary to distinguish public sector and private sector IHEs. As has been mentioned in the description of the educational system, the fees at public IHEs are regulated by law, in conformance

¹³² Cf. Statistics, Table 8.

with minimum and maximum criteria; even though these IHEs can establish a value within those limits for each of the courses they offer, the same fees are applicable to national and international students alike. Although public funding for these IHEs depends on the national budget, their endowments are closely related to the number of students, without considering their nationality. Hence, the influx of international students in public IHEs results in higher income, given the natural rise in the number of enrolled students. With regard to private IHEs, they have complete liberty to set the value of their fees, which can vary according to the nationality of students, among other criteria.

At another level, it is important to consider the fact that Portugal is a nation which attracts innumerable tourists, with a pleasant climate, historical heritage, stunning natural landscapes and a hospitable people. These characteristics combine with good communications and transport networks, including the necessary conditions for access by low cost airlines. It is thus believed that welcoming international students will promote the tourism sector, directly through them and indirectly through their families and friends.

It is important to highlight the role of the media, which, on the one hand, has reported on the growth in the number of international students in Portugal and, on the other hand, underscored their importance in the context of national higher education. In social and cultural terms these news reports have a relative impact, since they raise awareness in the community about this phenomenon.

The growth in the number of international students over the years has contributed towards constant improvements in academic and legal procedures. Examples of such improvements include the implementation of the ISU System – SEF-Universities Interface and the establishment of the agreement between the SEF and the CRUP in 2012, along with other measures implemented independently by IHEs, such as the preparation of guides for foreign students or the creation of administrative departments to assist such students.

This migratory phenomenon also promotes the development of increasingly wider networks of contacts, in terms of spaces and resources, transforming academic society into a multicultural and transnational milieu. At the same time, civil society recognises this transformation, increasingly becoming an integral part of the process.

Considering all these social, cultural, academic and economic effects it can be said that the “student migration route” which brings international students to Portugal every year is an asset for Portugal’s position in an increasingly global world, marked by an emphasis on knowledge and technology.

6. Conclusions

The preparation of this study has established that, with regard to the immigration of international students, Portugal is aligned with Directive No. 2004/114/EC of the Council, transposing its provisions to the national legislation.

Portugal has the necessary conditions that facilitate the reception, stay and mobility of international students. On the one hand, by means of agreements, information systems and special procedural rules that streamline the processing of documental procedures and reduce time frames for issuing decisions and granting visas and residence permits. On the other hand, by applying the general principle of the free circulation of third country nationals within the EU, i.e. allowing such students, who hold long duration visas or residence permits issued by other EU member-states, to be admitted and stay in the national territory for a period of 90 days.

In addition to these legal and political mechanisms it is also important to note the Portuguese state's capacity to award diverse scholarships, attributed through public institutes such as the Foundation for Science and Technology (FCT), the Portuguese Institute for Development Support (IPAD) and the Camões Institute (IC), as well as through public universities and polytechnics.

In its turn, bilateral and multilateral cooperation established with diverse third countries, international organisations and institutions, by means of agreements and conventions, also plays a decisive role in terms of improving the conditions for the entry and stay of such students in the national territory.

Over the course of recent years there has been an increase in the number of international students choosing Portugal as a destination to begin, complement or conclude the cycles of higher studies¹³³. Among the vast set of nationalities represented, it can be said that in statistical terms, between 2006 and 2008, the largest contingent of such students was from Angola, followed by Cape Verde. After this students from Brazil have been the most numerous and in 2011 they constituted almost a third of the total number of international students in Portugal. In broad terms and considering the period 2006-2011, it is evident that

¹³³ With the exception of the 2008/2009 academic year.

the majority effectively come from Portuguese speaking countries. Nevertheless, another group is also worthy of note, namely students from Eastern European countries, such as Moldavia, Russia and Ukraine, whose numbers have increased significantly in recent years; students from China have also evolved similarly in numerical terms.

The high number of students from Portuguese speaking African nations and Brazil is due, in large measure, to the historical and cultural ties maintained with these nations for many centuries. The continuous development of these relations is reflected in agreements signed in the areas of education, higher studies, scientific research, youth and culture, translating into the creation and maintenance of special schemes for accessing Portuguese higher education, the establishment of agreements and the awarding of diverse scholarships. It must be kept in mind that one of the main reasons for the good relations between Portugal and all these countries is essentially derived from a common language. In fact, the Community of Portuguese Speaking Countries (CPLP) is an example of this understanding, likewise resulting in closer and more beneficial partnerships for students pursuing higher studies.

The relatively high numbers of nationals from some Eurasian countries is likewise due to agreements for bilateral cooperation established in the aforesaid areas, with an emphasis on higher education. This phenomenon, to a certain extent, also depends on the growing openness of these countries to the west, resulting in better conditions for their nationals to travel abroad.

It is important to emphasise that the results of immigration by students represent the joint efforts of all social and political actors involved in the process of the internationalisation of Portuguese higher education. International cooperation and networking, in the area of higher education and research, are thus fundamental means for expanding a knowledge based society. In this sense, the activities developed by universities and polytechnics, diverse ministries, their directorates, departments and services, by public institutes, private entities and civil society have contributed towards implementing the national strategy, bringing Portugal closer to Community objectives and enabling inclusion in an increasingly globalised space.

Although the immigration of international students in Portugal is a phenomenon that is growing steadily, stimulated by the creation of better procedural and legal conditions, among others, it is evident that Portugal has relatively few risks in

terms of possible misuse of these mechanisms for the purposes of illegal immigration.

Finally, it can be noted that the Portuguese legal and institutional framework does not have consolidated measures with regard to “brain drain”. On the one hand, considering the importance of scholarships for the countries of origin, it can be seen that applicable rules for these scholarships tend not to contain clauses that minimise the risk of brain drain. Scholarships, primarily attributed within the scope of international cooperation, must respond to the development needs of these nations and hence must contemplate mechanisms for return. The absence of these mechanisms prevents both Portugal as well as the countries of origin from accurately understanding the effectiveness and efficiency of this type of assistance. On the other hand, the absence of these mechanisms does not necessarily or clearly translate into a measure for retaining or settling international students. For these reasons, it would be opportune to achieve a strategic consolidation with regard to investments in cooperation, particularly with regard to the rules for awarding scholarships, keeping in mind the social and economic effects of students with international qualifications in Portuguese society and in the countries of origin.

7. Statistics

7.1. Admission (point 3.1.)

Table 1 Number of foreign students in Portugal (ISCED 5 and 6), by gender, 2006-2011¹

Gender	2006/2007 ²	2007/2008	2008/2009 ³	2009/2010	2010/2011
Male	9,349	9,524	8,663	9,050	10,211
Female	8,601	9,060	9,237	10,173	11,613
Total	17,950	18,584	17,900	19,223	21,824

Notes:

- 1) Enrolled in higher education (excluding CETs)
- 2) The Bologna Process starts
- 3) RAIDES starts

Source: Survey of Records of Students Enrolled in and Qualified from Portuguese Higher Education, MEC (consulted on-line in August 2012).

Table 2 Students enrolled in higher education in Portugal (ISCED 5 and 6), by nationality, 2006-2011¹

Nationality	2006/2007²	2007/2008	2008/2009³	2009/2010	2010/2011
Portuguese	348,779	358,333	355,102	364,404	374,444
Foreign	17,950	18,584	17,900	19,223	21,824
Extra EU-27	15,328	15,848	15,095	15,570	17,125
Intra EU-27	2,622	2,736	2,805	3,653	4,699
Total	366,729	376,917	373,002	383,627	396,268
Proportion of students of extra EU-27 nationality in total enrolments (%)	4.18	4.20	4.05	4.06	4.32
Proportion of students of intra EU-27 nationality in total enrolments (%) (%)	0.71	0.73	0.75	0.95	1.19

Notes:

- 1) Enrolled in higher education (excluding CETs)
- 2) The Bologna Process starts
- 3) RAIDES starts

Source: Survey of Records of Students Enrolled in and Qualified from Portuguese Higher Education, MEC (consulted on-line in August 2012).

Table 3 Number of foreign students in Portugal (ISCED 5 and 6), by region of origin, 2006-2011¹

Region of origin	No.				
	2006/2007 ²	2007/2008	2008/2009 ³	2009/2010	2010/2011
Africa	11,624	10,990	9,405	8,834	8,790
North America	222	267	245	269	320
Asia	304	388	491	670	983
Caribbean, Central and South America	2,814	3,644	4,246	4,862	5,851
Europe	2,966	3,275	3,486	4,555	5,848
EU-27	2,622	2,736	2,805	3,653	4,699
Europe other than EU-27 ⁴	344	539	681	902	1,149
Oceania	20	20	27	33	32
Others	-	-	-	-	2
World	17,950	18,584	17,900	19,223	21,826
World other than EU-27 ²	15,328	15,848	15,095	15,570	17,127

Notes:

- 1) Enrolled in higher education (excluding CETs)
- 2) The Bologna Process starts
- 3) RAIDES starts
- 4) The calculations have been presented on the basis of the other figures.

Source: Survey of Records of Students Enrolled in and Qualified from Portuguese Higher Education, MEC (consulted on-line in August 2012).

Table 4 Number of foreign students in Portugal (ISCED 5 and 6), by region /country of origin, 2006-2011

Region/Country of origin	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011
Africa					
South Africa	168	193	100	84	95
Angola	4,794	4,648	3,587	3,238	3,129
Algeria	4	3	4	6	15
Cape Verde	4,342	3,844	3,544	3,464	3,359
Egypt	5	3	4	8	12
Ethiopia	1	11	10	9	18
Guinea	159	236	111	99	95
Guinea-Bissau	426	318	391	401	413
Morocco	11	10	10	8	11
Mozambique	1,006	983	876	746	707
Nigeria	0	5	7	10	13
São Tomé & Príncipe	644	644	673	676	829
Zimbabwe	10	13	6	10	10
North America					
Canada	86	108	91	119	136
United States	136	158	153	147	180
Asia					
Bangladesh	1	2	7	13	22
Byelorussia	5	10	18	26	29
China	76	102	127	152	221
India	33	48	53	76	99
Indonesia	5	6	5	7	12
Iran	8	15	47	79	174
Japan	11	8	8	15	11

Immigration of International Students to the EU

Region/Country of origin	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011
Macao	21	28	22	23	32
Nepal	1	4	9	5	10
Pakistan	3	10	11	17	24
Thailand	13	14	9	12	16
East Timor	74	79	64	125	132
Vietnam	0	4	4	4	23
Caribbean, Central and South America					
Argentina	30	19	23	25	37
Brazil	2,204	2,912	3,813	4,421	5,335
Chile	9	11	20	34	27
Colombia	19	22	31	40	54
Cuba	23	25	32	30	34
Mexico	19	20	28	35	56
Panama	2	5	5	4	10
Peru	20	25	30	31	34
Venezuela	452	525	226	191	213
Europe					
Germany	303	310	274	357	420
Austria	23	20	27	34	37
Belgium	80	80	121	137	171
Bulgaria	47	43	54	56	87
Croatia	6	8	9	17	27
Denmark	6	8	9	8	10
Slovakia	16	16	23	30	32
Slovenia	20	8	21	24	31
Spain	648	613	679	1,083	1,566
Finland	16	12	16	17	27

European Migration Network

Region/Country of origin	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011
France	653	823	584	557	596
Greece	31	28	34	27	42
Holland	60	55	73	105	118
Hungary	20	16	21	22	41
Ireland	13	10	11	13	16
Italy	240	215	334	487	616
Latvia	4	5	10	12	18
Lithuania	9	8	10	21	40
Luxembourg	30	42	20	29	29
Moldavia	36	68	143	196	247
Poland	170	160	188	256	322
United Kingdom	90	99	101	130	161
Czech Republic	28	34	36	53	77
Romania	86	114	129	160	200
Russia	85	96	134	171	187
Serbia	0	0	0	21	30
Sweden	26	14	22	21	34
Switzerland	87	171	107	118	165
Turkey	29	29	66	79	123
Ukraine	84	127	215	319	425
Oceania					
Australia	20	20	23	23	20
Other countries					
All countries with less than ten students enrolled in 2010/2011	163	261	247	250	282
Total	17,950	18,584	17,900	19,223	21,824

Source: Survey of Records of Students Enrolled in and Qualified from Portuguese Higher Education, MEC (consulted on-line in July 2012).

Table 5 Number of residence permits issued for the first time, for study purposes, according to duration of validity, 2008-2010

Validity	2008	2009	2010	2011
Between 6 and 11 months	1,543	1,421	2,004	2,311
12 months or more	2,801	2,881	3,410	4,167
Total	4,344	4,302	5,414	6,478

Source: EUROSTAT [indicator: migr_resedu] (consulted online in July 2012).

Table 6 Number of third country nationals refused entry at Portuguese borders, 2008-2011

Reason	Total refusals				Refusals at air borders			
	2008	2009	2010	2011	2008	2009	2010	2011
Without valid travel documents	175	120	110	85	160	115	105	80
False travel documents	285	260	170	180	285	260	170	180
Without valid visa or residence permit	955	725	610	540	940	725	610	540
False visa or residence permit	0	5	0	10	0	5	0	10
Purpose and conditions of stay not justified	1,500	915	735	710	1,495	915	730	710
Without sufficient means of subsistence	495	340	200	115	495	340	200	115
Alert issued	190	200	240	155	185	200	235	155
Total	3,600	2,565	2,065	1,795	3,560	2,560	2,050	1,790

Source: Eurostat, [indicator: migr_eirfs] (consulted on-line in July 2012).

7.2. Stay (point 3.2.)

Table 7 Number of foreign students obtaining qualifications in Portugal (ISCED 5 and 6), by gender, 2006-2010¹

Gender	2006/2007 ²	2007/2008 ³	2008/2009	2009/2010
Men	1,205	1,087	1,251	1,438
Women	1,448	1,344	1,534	1,867
Total	2,653	2,431	2,785	3,305

Notes:

- 1) Higher education qualifications (excluding CETs)
- 2) Bologna Process starts
- 3) RAIDES starts

Source: Survey of Records of Students Enrolled in and Qualified from Portuguese Higher Education, MEC (consulted on-line in July 2012).

Table 8 Number of foreign students obtaining qualifications in Portugal (ISCED 5 and 6), by region /country of origin, 2006-2010

Region/Country of origin	2006/2007	2007/2008	2008/2009	2009/2010
Africa				
South Africa	41	22	17	19
Angola	470	398	411	479
Cape Verde	502	570	553	541
Ethiopia	0	5	7	5
Guinea	25	8	11	9
Guinea-Bissau	43	74	61	52
Mozambique	165	136	135	169
São Tomé & Príncipe	80	87	85	107

Immigration of International Students to the EU

Region/Country of origin	2006/2007	2007/2008	2008/2009	2009/2010
North America				
Canada	22	18	13	18
United States	33	24	35	31
Asia				
Byelorussia	2	1	2	4
China	26	18	29	29
India	4	16	10	15
Iran	3	2	3	5
Macao	2	2	2	8
East Timor	22	19	12	18
Caribbean, Central and South America				
Argentina	7	2	4	4
Brazil	454	438	689	983
Chile	2	2	3	4
Colombia	4	2	8	9
Cuba	7	4	4	8
Mexico	3	6	3	7
Peru	4	5	3	7
Venezuela	82	55	36	50
Europe				
Germany	55	50	51	59
Austria	3	4	4	6
Belgium	15	17	24	16
Bulgaria	12	13	7	7
Spain	144	97	163	126
France	185	112	121	143
Italy	38	26	48	55

Region/Country of origin	2006/2007	2007/2008	2008/2009	2009/2010
Luxembourg	18	6	4	5
Moldavia	8	6	15	24
Holland	13	15	9	16
Poland	10	11	12	12
United Kingdom	25	23	18	21
Romania	14	12	20	22
Russia	12	12	22	21
Serbia	0	0	7	4
Switzerland	19	18	21	25
Turkey	0	2	3	8
Ukraine	11	14	20	46
Oceania				
Australia	7	2	6	5
Other countries				
Countries with three students or less obtaining qualifications in 2009/2010	61	77	74	103
Total	2.653	2.431	2.785	3.305

Source: Survey of Records of Students Enrolled in and Qualified from Portuguese Higher Education, MEC (consulted on-line in July 2012).

Table 9 Number of residence permits issued to foreign students for the purpose of work, in Portugal, 2008-2011

Gender	2008	2009	2010	2011
Men	25	12	9	6
Women	16	5	9	9
Total	41	17	18	15

Source: SEFSTAT, SEF/MAI.

7.3. Misuse of the “student route” to migration (point 3.4.)

Table 10 Changes in residence permits issued in Portugal, for study purposes and total, 2008-2010

Reason	2008	2009	2010
No. of changes when the initial reason was education	251	382	388
% of changes when the initial reason was education	0.50	0.74	1.00
Total changes	50,526	51,357	38,755

Source: Eurostat, [indicator: migr_reschange] (consulted on-line in July 2012).

Table 11 First residence permits issued in Portugal, according to reason and country of origin, 2008-2010

Reason	Country of origin	2008	2009	2010	2011
Family	Total	27,270	19,964	17,478	18,229
	Not known	1	2	0	1
Professional	Total	25,286	18,275	10,869	7,276
	Not known	1	0	0	0
Studies	Total	4,344	4,302	5,414	6,478
	Not known	0	0	0	0
Other	Total	6,815	3,783	3,249	3,189
	Not known	1,635	2	1	0
Total	Total	63,715	46,324	37,010	35,172
	Not known	1,637	4	1	1

Source: Eurostat, [indicator: migr_resfirst] (consulted on-line in July 2012).

7.4. Cooperation with EU (and EU-financed mobility programmes) or international organisations (point 4.2.)

Table 12 Mobility of foreign students in higher education in Portugal (ISCED 5 and 6), by region of origin, numbers and percentages, 2008-2009

Region of origin	No.		%	
	2008	2009	2008	2009
Africa	4,141	4,270	1.10	1.14
North America	111	132	0.03	0.04
Asia	224	330	0.06	0.09
Caribbean, Central and South America	1,916	2,514	0.51	0.67
Europe	1,638	1,865	0.43	0.50
EU-27	1,433	1,608	0.38	0.43
Europe other than EU-27 ¹	205	257	0.05	0.07
Oceania	9	24	0.00	0.01
Not known	63	n.a.	0.02	n.a.
World	8,102	9,135	2.15	2.45
World other than EU-27 ²	6,669	7,527	1.77	2.02

Note:

1) The calculations are based on the other values.

Source: UIS/OECD/EUROSTAT (UOE) [indicator: educ_momo_orig] (consulted online in June 2012).

8. Annexes

Table 13 Foreign students enrolled in CETs in Portugal, in numbers and percentages, 2006-2011

	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011
Total enrolments of foreign nationals, including CET	18,006	18,682	18,049	19,425	22,109
Total enrolments of foreign nationals, excluding CET	17,950	18,584	17,900	19,223	21,824
Total enrolments of foreign nationals in CET	56	98	149	202	285
Proportion of foreign students enrolled in CET (%)	0.31	0.52	0.83	1.04	1.29

Source: Survey of Records of Students Enrolled in and Qualified from Portuguese Higher Education, MEC (consulted on-line in August 2012).

Figure 1 DGES website, Portuguese version

www.dges.mctes.pt/DGES/pt

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ESTUDANTES	INSTITUIÇÕES	OFERTA FORMATIVA	RECONHECIMENTO, MOBILIDADE E COOPERAÇÃO INTERNACIONAL	ASSUNTOS DIVERSOS
<ul style="list-style-type: none"> CANDIDATURA A BOLSA ACESSO AO ENSINO SUPERIOR APOIO AO ESTUDANTE REDE DO ENSINO SUPERIOR 	<ul style="list-style-type: none"> INSTRUÇÃO DE PROCESSOS: CICLOS DE ESTUDOS CET FIXAÇÃO DE VAGAS INSTITUIÇÕES DOCENTES E NÃO DOCENTES 	<ul style="list-style-type: none"> CET - CURSOS DE ESPECIALIZAÇÃO TECNOLÓGICA LICENCIATURAS, MESTRADOS DOUTORAMENTOS OUTROS CURSOS 	<ul style="list-style-type: none"> RECONHECIMENTO DE GRAUS E DIPLOMAS UNIAO EUROPEIA COOPERAÇÃO INTERNACIONAL MOBILIDADE 	<ul style="list-style-type: none"> INSTITUIÇÕES ENCERRADAS ESTUDOS E ESTATÍSTICAS PERGUNTAS FREQUENTES QUADRO NACIONAL DE QUALIFICAÇÕES PARA O ENSINO SUPERIOR

English version

Figure 2 DGES website, English version

www.dges.mec.pt/en/

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