



ATTRACTING HIGHLY QUALIFIED AND  
QUALIFIED THIRD-COUNTRY  
NATIONALS:  
THE PORTUGUESE CASE

2013

## EMN FOCUSSED STUDY 2013

### Attracting Highly Qualified and Qualified Third-Country Nationals

#### Top-line “Factsheet” (National Contribution) Executive Summary (Synthesis Report)

##### National contribution (one page only)

*Overview of the National Contribution – introducing the study and drawing out key facts and figures from across all sections of the Focussed Study, with a particular emphasis on elements that will be of relevance to (national) policymakers.*

The focussed study “Attracting Highly Qualified and Qualified Third-Country Nationals: the Portuguese case” was held under the 2013 European Migration Network work program. Given that the strategy for attracting highly qualified staff appears to be one of the EU migration policies’ guidelines – as outlined in the EU Blue Card Directive (Council Directive 2009/50/EC, of May 25) – it is the purpose of this study to provide a categorization of the main policies, national measures and their evaluation, as well as existing challenges and barriers as regards the conditions of entry, stay and integration of highly qualified third-country nationals.

The small amount of foreigners residing in Portugal with highly-qualified status results from the nature of the migration flows, along with the labour market dynamics. However, Portugal has undertaken some measures for promoting this type of immigration, particularly as regards the legal framework, measures for integration and recognition of qualifications. In some sectors, in particular in the health sector, some agreements were concluded with the purpose of hiring foreign doctors and nurses. Also in the health sector, civil society developed some responses for combating the over-qualification of immigrants already residing in Portugal.

This study was carried out by the Portuguese Immigration and Borders Service [SEF – *Serviço de Estrangeiros e Fronteiras*] as EMN’s National Contact Point, and was prepared by Pedro Dias and Alexandra Bento, with the essential collaboration of António Carlos Patrício (SEF), Catarina Oliveira (ACIDI, IP), Cláudia Pina (INE), Leonor Santa Clara (DGES), Ana Bela Antunes (GEE), Carlos Malaca (DGEEC), Filipa Pereira (DGS), Ana Luísa Ribeiro (SEF). The translation from the Portuguese version to English was conducted by Rita Pinto Ferreira.

##### Synthesis Report (up three pages)

*Executive Summary of Synthesis Report: this will form the basis of an EMN Inform, which will have EU and National policymakers as its main target audience.*

#### Section 1 National Policies and Measures (Maximum 8 pages)

*This section reviews the national policies and measures that Member States employ in order to attract highly qualified and qualified third-country nationals. Reference is made to the International Standard Qualifications as regards education (ISCED) and occupation (ISCO-08) and/or the respective salary threshold when outlining the target group of these policies and measures (see examples above).*

## 1.1 Policies

***Q1. Are there national policies in place for the attraction of highly qualified and qualified third-country nationals?***

Yes.

***Q1.a. If Yes, please indicate the following:***

- ***National definition of highly qualified third-country nationals, including references to relevant international standards such as ISCED/ISCO and/or salary thresholds;***

The national definition of highly qualified third-country nationals stems from the «highly qualified activity» concept, established in the Immigration Act (Article 3 a) of Act 23/2007, of July 4, amended by Act 29/2012, of August 9). This law defines ‘highly qualified activity’ as “the one whose performance requires technical and specialized competences or competences of exceptional nature and thereby require adequate qualifications, such as university qualifications”. Another relevant concept included in this act is «higher professional qualifications» which is defined as “qualifications attested by evidence of higher education qualifications or at least five years of professional experience of a level comparable to higher education qualifications and which is relevant in the profession or sector specified in the work contract or binding job offer (Article 3 t)).

Thus, Portuguese legislation provides two schemes for highly qualified immigrants:

- Scientific research and highly qualified individuals’ Scheme, established in Articles 61 and 90 of the Immigration Act, enshrining the two above-mentioned definitions;
- European Union Blue Card Scheme, including the definition of “highly qualified activity” as regards employment relationship, in accordance with Articles 61-A and 121-A and following of the same act.

As regards the Scheme for Scientific research and highly qualified individuals, it is only regarded the requirement of holding higher education qualifications (at least level 5 of ISCED 2011). On the other hand, in order to carry out a highly qualified activity, the immigrant needs to provide evidence of the existence of his/her employment relationship (actual or promise).

As concerns the European Union Blue Card Scheme, there is an annual minimum wage threshold, and also the requirement of recognition of higher education and professional qualifications as in the case of regulated professions, or the requirement of recognition of the higher professional qualifications (in accordance with the afore-mentioned concept of higher professional qualifications).

The defined wage threshold comprises two distinct schemes:

- General scheme – wage corresponding to 1,5 times the average gross annual salary<sup>1</sup> (22.775,55€) or 3 times the indexing rate of social support (1.257,66€)<sup>2</sup>;
- Scheme for specific scarcity of professionals engaged in occupations that belong to the major groups 1 and 2 of the International Standard Classification of Occupations – ISCO, which are representatives of legislative power and executive bodies, chief executives, managing directors and senior officials, professionals (including teaching professionals) – the wages must match up to 1,2 times the average gross annual salary (18.220,44€) or 2 times the indexing rate of social support (838,44€).

Recognition of higher education qualifications can be made in accordance with two schemes: the registration of a degree obtained on a higher education institution abroad (Decree-Law 341/2007, of October 12): the procedure for equivalence or recognition of a foreign higher level qualification (Decree-Law 283/83, of June 21).

As regards the recognition of professional qualifications, the professional associations of regulated occupations validate competences in accordance with the relevant statutory rules. With concern to non-regulated professions, in case there are any doubts regarding the framework of the high qualified activity, a preliminary opinion issued by the Ministry for Education and Science is mandatory for temporary stay visas (Article 21, paragraph 3 of Regulatory Decree 84/2007, of November 5, amended by Regulatory Decree 2/2013, of March 18); for residence visas, residence permits and EU blue card, the preliminary opinion must be issued by the governmental bodies responsible for economy, employment, science, technology and higher education (Article 32, paragraph 3, Article 32-A, paragraph 3 and Article 56, paragraph 3, all in Regulatory Decree 84/2007, of November 5, amended by Regulatory Decree 2/2013, of March 18.)

In order to define - and adjust - policies for attracting and integrating highly qualified third-country nationals, it becomes necessary to identify and typify immigrant groups. In accordance with the type of migration flows and integration process, three categories of highly qualified immigrants are proposed as follows:

- **Highly qualified immigrants entering Portugal:** those whose entry in national territory was based on compliance with requirements established in the Immigration Act, in particular as regards performing a high qualified activity (Article 3 a)), or third-country researcher (Article 3g));
- **Immigrants recognized as highly qualified after being subject to the process of recognition of equivalences and/or qualifications, or after obtaining a degree in the Portuguese higher education system:** those whose entry in the primary labour market<sup>3</sup> is preceded by entry in the secondary labour market and by the process of recognition of qualifications. Also included in this group are the immigrants who concluded higher education in Portugal.
- **Potentially highly qualified immigrants:** those who do not make use of their

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<sup>1</sup> Indicative amount calculated on the basis of the average annual earnings stated in “Staff Lists 2011 – Publication” [*Quadros de Pessoal 2011 – Publicação*], published in 12/04/2013, and in “Staff Lists 2011 – Summary” [*Quadros de Pessoal 2011 – Síntese*], published in 27/03/2013. These documents are available at <http://www.gee.min-economia.pt/>. The average amount is €1084,55, which has been multiplied by 14 salaries (12 months plus Christmas and Holiday bonuses).

<sup>2</sup> In 2013 the indexing rate of social support amounts to €419,22.

<sup>3</sup> Theory of labour market segmentation / Dual labour market

qualifications in the labour market, thus leading to workers' over-qualification and brain waste.

***Q1.b. If Yes, do the policies distinguish between highly qualified and qualified third-country nationals?***

No.

***Q1.c. If Yes, please indicate the rationale for their distinction.***

[Insert Response here]

***Q1.d. If Yes, what is the main rationale for these policies? What is the objective? Please consider whether this rationale is linked to circular, temporary or permanent migration.***

[Insert response here]

***Q1.e. If Yes, briefly outline the main features of the policies. Please consider whether the following exists:***

- *Points-based system (i.e. a system that admits third-country nationals who have a sufficient number of qualifications and experiences from a list that typically includes language skills, work experience, education and age<sup>4</sup>);*

[Yes/No plus brief description]

- *Employer-led system (i.e. a system that allows employers to select the workers they need, subject to, government regulations<sup>5</sup>);*

[Yes/No plus brief description]

- *Hybrid system (i.e. combination of points-based and employer-driven model<sup>6</sup>);*

[Yes/No plus brief description]

***Q.2. Are other groups of third-country nationals included in the national policies on attracting (highly) qualified third-country nationals?***

Yes.

***Q2.a. If Yes, please indicate what other groups are included (i.e. investors, entrepreneurs, international graduates, transferred workers etc.)?***

*Refer whenever possible to existing EMN studies covering relevant information on these groups.*

[Insert response here]

There are attraction policies targeted at other third-country nationals, more specifically investors, entrepreneurs, PhD students and researchers.

Policies targeted at investors and entrepreneurs are not guided by the goal of promoting the

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<sup>4</sup> Definition of: <http://www.migrationpolicy.org/pubs/rethinkingpointssystem.pdf>

<sup>5</sup> Ibid

<sup>6</sup> Ibid

attraction of highly qualified immigrants, but rather to the stimulation of economic activity. As concerns investors, in 2012 a residence permit was created for purposes of investment which tries to attract foreign investment in cases where a third country national – personally or by means of a society - for a minimum period of five years, transfers capital in an amount equal to or greater than EUR 1 million; creates at least 30 jobs; acquires immovable properties with a value of EUR 500 000 (Article 90-A of the Immigration Act). Entrepreneurs have a specific legal framework (Articles 60, paragraph 2, and 77 of the Immigration Act), and currently also benefit from the Project “Promoting Immigrant Entrepreneurship” that is being developed by the High Commissioner for Immigration and Intercultural Dialogue [ACIDI, I.P. - *Alto Comissariado para a Imigração e Diálogo Intercultural*] with a view to increase immigrant businesses by providing them the necessary tools to accomplish entrepreneur competences (training, partnerships and coordination with relevant actors).

Policies for attracting PhD students and researchers are targeted at promoting highly qualified immigration for purposes of scientific research activities (the interested parties must hold ISCED’s 2011 level 8 qualifications), and on a legislative point of view they are similar to policies geared towards highly qualified individuals (Articles 61 and 90 of the Immigration Act).

***Q.3. Do the policies in your Member State focus on specific areas of occupations?***

[Yes/No]

Policies for attracting highly qualified individuals to specific areas are promoted by means of programs or agreements established for that purpose.

As regards programs, one must outline those set out with the purpose of attracting highly qualified immigrants to the health sector.

Concerning agreements, most of them were related with bilateral co-operation between Portugal and other countries (e.g. Angola, Brazil, Cape Verde, Guinea Bissau, East Timor, Mozambique, Sao Tomé and Príncipe, Algeria, Jordan, Libya, Philippines, Tunisia) aimed particularly to the exchange of students, teachers, trainers, researchers or experts.

***If Yes, please briefly indicate the specific areas of occupations and their link with the policies.***

The development of measures for attracting highly qualified workers in the area of health care was incited by the lack of professionals in the health area, particularly by the asymmetric regional distribution of professionals (Baganha et al: 2002), together with the reform of the sector within the context of lack of financial resources, adoption of new management models (public business management and private management) and constraints to public recruitment of doctors and nurses (Baganha e Ribeiro: 2007).

In this respect, one should mention the Program «Professional Integration of Immigrant Doctors», promoted with the purpose of supporting the integration of 150 third-country nationals legally residing in national territory, who have graduated in medicine (ISCED level 5) in non-EU countries and with which Portugal does not have an agreement for automatic recognition of qualifications, and who are engaged in professional activities that are different from those in the area of their medical training (Ordinance 925/2008, of August 18). This program was developed in partnership with civil society (Calouste Gulbenkian Foundation and Jesuit Refugee Service) and governmental bodies (Central Administration of the National

Health System, and support of the Ministries of Foreign Affairs and Internal Affairs, as well as the Portuguese Faculties of Medicine); it was also included in the Program for Immigrants Integration 2007-2009 (Resolution of the Council of Ministers number 63-A/2007, of May 3) on measure 27 (Program for professional integration of immigrants with medical qualifications).

It should also be noted that, as regards higher education and following recognition of qualifications between countries, some actions have been undertaken with a view to internationalize Portuguese higher education (“Strategy for attracting international students”, implemented by the Council of Rectors of Portuguese Universities – CRUP). Moreover, some bilateral agreements were concluded with the purpose of speeding up the procedures of recognition, continuation and equivalence of degrees (e.g. between Portugal and Brazil), and systems for facilitation of procedures of entry and stay in national territory of international students and researchers (e.g. Protocol between SEF and CRUP regarding the issuing of visas and residence permits under the program “Erasmus mundus” and “Science without borders – *Ciência sem Fronteiras*”; System ISU: Interface between SEF – the Portuguese Immigration and Borders Service - and several Universities for the automatic and simplified recognition of legal documents of foreign students by the higher education institutions) were developed.

***Q.4. Has the transposition of EU Directives<sup>7</sup> led to more favourable legislation/measures/conditions for specific groups of (highly) qualified third-country nationals?***

Yes.

***Q4.a. If Yes, please indicate the relevant Directives and the more favourable legislation/measures/conditions which were created for these specific groups (i.e. EU Blue Card Directive and Researchers Directive).***

The Researchers Directive (Council Directive 2005/71/EC, of October 12) allowed facilitating the procedures for entry and granting of residence permit in national territory. Before Act 23/2007, of July 4, there was not a specific scheme for researchers or highly qualified professionals, wherefore the legal scheme applied was that of entry and stay in national territory. With the transposition of this Directive in the afore-mentioned Act, third-country nationals who meet the requirements for researchers or highly qualified professionals started to benefit from a specific scheme (Article 90). This scheme allows, for purposes of granting residence permit, residence visa exemption for those performing a research or other highly qualified activity, provided that legal formalities for entry and stay in legal territory are complied with (Article 90, paragraph 2). Act 29/2012, of August 9, kept most of this scheme, nevertheless it was improved as regards labour schemes relating to the highly qualified activity, so that they would not overlap the EU blue card scheme.

The EU Blue Card Directive (Council Directive 2009/50/EC, of May 25) was transposed by Act 29/2012, of August 9, which amended Act 23/2007, of July 4. In addition to the EU Blue Card advantages, particularly in matters such as mobility and related rights (family reunification, equal treatment to foreigners and nationals), this scheme also establishes a set of conditions for entry and residence of third-country nationals. The Directive established

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<sup>7</sup> E.g. EU Blue Card Directive and Researchers Directive

arrangements for monitoring the system implementation, with the purpose of allowing further information for adapting and developing measures and instruments aimed at attracting highly qualified individuals.

It should be noted that the EU Blue Card scheme allows the labour market to recognise the highly qualified activity; if any doubt remain regarding its legal framework, the Ministries responsible for employment, education and science may deliver an opinion.

***Q.5. Are the national policies addressing the aspect of brain drain in the countries of origin?***

Generally speaking, the national policies promoted by the legal framework do not bestow a special attention to the brain drain of countries of origin as regards the attraction of highly qualified individuals. However, when defining the schemes for temporary legal stay – temporary stay visa (four months: Article 54, paragraphs 1 d) and 2 of the Immigration Act), temporary residence permit (one year: Articles 75 and 90 of the Immigration Act) and EU Blue Card (one year: Article 121-E of the Immigration Act) – the Immigration Act anticipates a legal immigration procedure with an average time period, which enables slowing down the brain drain of the countries of origin.

Nevertheless, the Immigration Act prevents brain drain of students that have come to Portugal in order to attend education programs under co-operation agreements, limiting the access to residence permit for purposes of engaging on a professional activity (Article 122, paragraph 1 p)). This was subject to intervention under the II Plan for the Integration of Immigrants (2010-2013) with the creation of a working group within the context of measure 72 targeted at coordinating the granting of bursaries with the needs of the country of origin, with the purpose of restraining brain drain.

On the other hand, with the purpose of fulfilling the need of doctors in the National Health Service, several bilateral and multilateral agreements were concluded, thus ensuring a limit to the number of professionals to be recruited and complying with the guiding principles of the World Health Organization provided in the *Global Code of Practice on the International Recruitment of Health Personnel*, more specifically transparency, fairness and promotion of sustainability of health systems in the countries of origin.

***Q.6. Are the national policies addressing the aspect of brain circulation with the countries of origin?***

Yes.

***Q6.a. If Yes (to either of these questions), please briefly indicate how the national policies address these aspects, supporting your answers with reference to research or any other sources of information.***

[Insert Response]

The agreements concluded with CPLP's [Community of Portuguese Language Speaking Countries] countries aimed at training and capacity building of staff, as well as the scheme of temporary stay visa for purpose of engaging on a research or highly qualified activity (Article 57 of the Immigration Act), provide for the possibility of staying in national territory for short

term periods and returning to the country of origin.

***Q.7. Have your national policies been the subject of public debate?***

Yes.

***Q7.a. If Yes, please briefly indicate the main features of the policies which were debated as well as the reasons for such debate and the level at which these occurred (e.g. Parliament, society, media). Please support your answer with reference to research or any other sources of information.***

The national procedure for drafting the Immigration Act and the Plan for the Integration of Immigrants follows a wide public consultation involving the participation of the most relevant actors in this matter (the Immigration Act collected a large parliamentary approval).

On the course of the public consultation procedure for drafting policies and legislative procedures, Portugal recognizes the potential of immigrants and ensures the country's effective participation and co-operation of the representative associations, social partners and Services of the State, promoting the efficiency of the policies of immigration, integration and those preventing exclusion and discrimination.

In this context, one should outline the development of a fundamental instrument for ensuring the participation of the communities on implementing integration and immigration policies, more specifically the Consultative Council for Immigration Affairs [COCAI - *Conselho Consultivo para os Assuntos da Imigração*]. Created in 1998, COCAI ensures consultation and dialogue between organizations representatives of immigrants; the council also has a say in the recognition and financial support of immigrant associations.

***Q7.b. If Yes, please briefly indicate possible impacts of the debate on the national policies.***

[Insert Response]

## **1.2 Measures**

*Refer to the legal framework in case relevant changes to labour migration legislation have occurred as compared to the information contained in the EMN Study on Satisfying Labour Demand through Migration.*

***Q.8. Does your Member State employ concrete measures in order to satisfy the policy goals?***

Yes.

***Q8.a. If Yes, please indicate the measures that contribute to the implementation of the national policies***

Portugal has been developing a set of programs aimed at reducing immigrant over-qualification, in particular in the health sector. These programs were fostered by civil society organizations with subsequent support of public administration.

For example, Program «Professional Integration of Immigrant Doctors» (Ordinance 925/2008, of August 18) provided the granting of a set of financial support [bursary for a maximum of 12 months, by an amount equivalent to two times the minimum wage; reimbursement of expenses incurred with translations of documents relating to the application to the program up to a maximum of €800; reimbursement of expenses relating to registration fees in Faculties of Medicine, issuance of certificates of equivalence and registration on the Portuguese Medical Association (*Ordem dos Médicos*)], training support (training actions for improvement of skills in Portuguese language, providing literature for preparation to the exam demanded by Medicine Faculties), logistics support (providing support on authentication of the necessary documents for participation in the program; executing the application for equivalence of qualifications) and social support (assisting on search for accommodation, employment for spouses and search for nursery/kindergarten for dependent children).

*The listings below can be used as examples. Please support your answers with reference to research or any other sources of information.*

- *Employer sponsorship and/or involvement in migration process;*
- *Free access to the labour market;*
- *Fast-tracking of procedures;*
- *Provision of information including information campaigns;*
- *Attendance of recruitment fairs abroad;*
- *Cooperation with institutions/organisations in third countries;*

**Q8.b. If Yes, are there any measures aimed at facilitating the integration of (highly) qualified third-country nationals?**

Measures aimed at facilitating the integration process relate to the identification of the needs and vulnerabilities of immigrants, and setting of answers to such difficulties. Regarding Portugal, and particularly as concerns highly qualified immigrants, one should outline the following policies aimed at facilitating the integration process:

- a) Immigration Policy stated in the Immigration Act:
  - Visa (Articles 57, 61 and 61-A) and residence permit schemes for highly-qualified individuals (Articles 90 and 121-A to 121-K);
- b) Integration Policy, by means of National Action Plans for the Integration of Immigrants [PII - *Planos de Ação Nacional para a Integração de Imigrantes*]:
  - The combination of three measures defined in the first Plan for the Integration of Immigrants (2007-2009)<sup>8</sup> allowed the conception of improved instruments for promoting the integration of highly-qualified individuals by means of Measure 1 – Consolidating National Immigration Support Centres, and also by facilitating the admission of students in the Portuguese higher education system, as well as Measures 6 – Simplifying the recognition of foreign degrees and 45 – Publication of a guide with useful information for higher education students. These measures enabled to meet the needs so far experienced as regards the encouragement of

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<sup>8</sup> Resolution of the Council of Ministers number 63-A/2007, of May 3

- reception and integration of highly-qualified foreigners.
- Creation of a support service for recognition of foreign qualifications in these centres which work according to the one-stop-shop model in order to meet immigrants' needs regarding public administration in its many features. The assessment report reflected the positive impact of these measures, which were successfully implemented in coordination with the relevant public bodies.
  - The second Plan for the Integration of Immigrants (2010-2013)<sup>9</sup> included three measures directed at highly-qualified immigrants, more specifically the simplification of the procedure for recognition of qualifications (measure 17), the creation of an information system on highly qualified immigrants (measure 19) and strengthening of support provided to circular migration (measure 73). Given the significant improvement of the procedure for recognition of qualifications with Decree-Law 341/2007, of October 12, it becomes necessary to promote the simplification of the procedure for integration of highly qualified immigrants in the labour market. The justification for creating a data base on highly-qualified immigrants is mostly aimed at combatting over-qualification in the Portuguese labour market by means of identifying the qualifications and/or areas of expertise which are available and underused.
- c) Higher education and recognition of qualifications and academic title Policy:
- Equivalence and recognition of academic qualification (Decree-Law 283/83, of June 21);
  - Registration of academic level – recognition of higher education academic levels (Decree-Law 341/2007, of October 12);
  - Bologna Process Scheme (Decree-law 74/2006, of March 24), enabling the reduction of mobility-related obstacles;
  - Establishing, within the scope of development co-operation, a special scheme for admission of students from Portuguese language speaking African Countries [PALOP - *Países Africanos de Língua Portuguesa*] with bursaries granted by the Portuguese government, the Calouste Gulbenkian Foundation, or under EU Conventions, among other agreements. There is also a special scheme for students who are East-Timor nationals;
  - Conclusion of several agreements between the Portuguese state and various countries with a view to promote co-operation in higher education, and the recognition of academic qualifications and diplomas;
  - Supporting researchers' mobility through Euraxess network.
- d) Health Policy, more specifically the National Health Plan and recruitment of third-country professionals.
- The reduced availability of human resources in the health sector in Portugal - reflected in the 2011-2016 Plan - may be suppressed with the mobility of highly-qualified immigrants. However, one must bear in mind that this need shall not justify the recruitment of professionals from countries where they are needed (in accordance with the code of ethics of the World Health Organization). To that end, the recruitment of health professionals may be conducted with the conclusion of special co-operation agreements established between the Ministries of Health of Portugal and other countries, as well as by receiving professionals or trainees for technical or vocational training as a complement to their education.

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<sup>9</sup> Resolution of the Council of Ministers number 74/2010, of September 17

Policies targeted at promoting the integration of highly qualified individuals result essentially from general measures for the entire foreign population, and are unfolded into diverse, coordinated or complementary measures, always focused on tangible goals.

*The listings below can be used as examples. Please support your answers with reference to research or any other sources of information.*

➤ *Improvement of language proficiency;*

As regards Portuguese language learning, there is the Program *Português para Todos* [PPT – “Portuguese for All”] which has helped the development of the measures and setting up of several courses on Portuguese language aimed at the immigrant community residing in Portugal. These courses are structured in accordance with the Common European Framework of Reference for Languages (CEFR), with the duration of 150 hours, and are particularly designed for basic users (level A2) and independent users (B2). There are also several technical courses devoted to specific sectors, such as trade, hotel/catering, beauty care, construction and civil engineering.

➤ *Provision of information and civic orientation;*

Concerning the provision of information and civic orientation, one must outline the implementation of several instruments for supporting immigrants, which were created with a view to facilitate the integration process, particularly as regards the constraints to labour integration associated with the recognition of qualifications:

- ACIDI’s Support Service for Academic and Skills Recognition, integrated in the Lisbon’s National Immigrant Support Centre [CNAI - *Centro Nacional de Apoio ao Imigrante*];
- National Academic Recognition Information Centre (NARIC), which within the EU aims at facilitating an updated exchange of information on certificates, education institutions and systems. NARIC Portugal is managed by the Directorate-General of Higher Education, and produced a document with useful information for hosting foreigners: “Qualifications recognition: a guide for foreign students” (available in Portuguese at: <http://www.dges.mctes.pt/NR/rdonlyres/DEF331EC-2119-4F03-9B52-F322F3C42FBB/5397/Guia17versãofinal270410.pdf>), developed under the First Plan for the Integration of Immigrants (measure 45);
- EURAXESS Portugal Portal promoted by the European Commission and operated by the Science and Technology Foundation, which seeks to support the international mobility of researches to/from Portugal.

➤ *Social and legal guidance.*

Regarding social and legal advice, attention should be paid to the following services:

- National Immigrant Support Centres (CNAI) – service for supporting immigrants following the one-stop-shop model, thus allowing an integrated and efficient response to immigrants on integration-related issues. In addition to customer care services relating to immigration, social security, working conditions, civil registration, education and health matters, CNAI also have specialized bureaus for legal and social advice, employment, housing, qualification and family reunification.
- The Employment Support Office [*Gabinete de Apoio ao Emprego*] has recently

created two new strands: one for co-ordination of GIP Immigrant network [Office for Employability – *Gabinete de Inserção Profissional*] and another specialized in the area of entrepreneurship. With these two instruments, it became possible to provide a response to the increase of unemployment rate between immigrants and their particular fragility in the Portuguese labour market. This Office has been supporting an active job search, thus allowing adapting the profile of candidates to the available job offers (preparing curricula and scheduling job interviews with several companies and employers).

- Offices for Employability (GIP - *Gabinete de Inserção Profissional*) created with the purpose of facilitating the socio-labour integration of immigrant population, these offices were developed by the Portuguese Institute for Employment and Vocational Training [IEFP, I.P. – *Instituto do Emprego e Formação Profissional*] and ACIDI [ACIDI – *Alto Comissariado para a Imigração e Diálogo Intercultural*]. GIPs are structures for supporting employment that play an important role on reducing obstacles and on helping these citizens accessing the labour market. There is a network of 25 GIP nationwide, most of them located in geographical areas with large concentration of immigrant population, especially in Lisbon.

***Q.9. Do public policies exist in your Member State that specifically aim at positively influencing the immigration decision of (highly) qualified third-country nationals?***

Public policies promoted with the purpose of influencing highly qualified immigrants' decisions are mainly defined in terms of immigration legislative policy and integration measures, and then co-ordinated with the general schemes of the relevant sectoral policies.

The review of the Immigration Act<sup>10</sup> enabled the creation of legal mechanisms and instruments aimed at highly qualified immigrants, researchers (research career and academics), entrepreneurs and investors, particularly with the transposition of the EU Blue Card Directive. The co-ordination of the immigration act with the nationality act may also prove to be a relevant instrument on the immigration decision-making process.

On the other hand, the instruments created with the purpose of promoting academic qualifications recognition and equivalence of qualifications, the mobility of researchers and funding of research activity are also worth noting.

As regards the promotion of employability and immigrant entrepreneurship, the measures operated by ACIDI and by the Ministry of Economy and Employment may as well influence the decision-making, particularly the Offices for Employability and Qualification Support.

***Q9.a. If Yes, please also indicate such incentives.***

[Insert Response]

*The listings below can be used as example. Please support your answers with reference to research or any sources of information*

- *Family reunification rights*

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<sup>10</sup> Act 23/2007, of July 4, amended by Act 29/2021, of August 9

In accordance with the general scheme, highly qualified immigrants are entitled to family reunification. In addition, it should be outlined the adoption of standards for evaluating whether or not the subsistence means are suitable with the current economic situation, as well as CNAI's Office for Supporting Family Reunification and the Program "SEF goes to school" [*SEF vai à escola*] as ways of raising awareness and speeding up family migration.

➤ *Tax incentives*

As regards tax incentives, only the schemes of negotiation of specific investments and of high potential for national economy can be considered, as well as bilateral agreements avoiding double taxation.

➤ *Social security / other welfare benefits*

In the context of the social security system and other social protection structures, in Portugal the principle of equality among citizens prevails, taking into account the individual contributory path and the legal situation in national territory.

➤ *Equal treatment / anti-discrimination measures*

Portugal has pursued inclusive policies in which immigrants have, in general, the same rights as national citizens.

### **1.3 Relations with third countries and labour migration agreements**

#### ***Q.10. Do the policies in your Member State focus on specific third countries?***

Public policies for attracting highly qualified immigrants do not prioritize specific countries of origin.

#### ***Q10.a. If Yes, please list these third countries, providing a brief indication of the reasons for focusing on specific third countries?***

Some bilateral agreements were concluded in the health sector.

#### ***Q.11. Has your Member State entered into labour migration agreements relating to attracting qualified and/or highly qualified third-country nationals to the national territory?***

There are no labour migration agreements relating to attracting highly qualified immigrants. However, there are special agreements, more specifically the friendship and co-operation agreements with Portuguese-speaking African countries and with Brazil, as well as with Latin American countries, which may set up mechanisms for the attraction of highly qualified individuals. Hence, for illustrative purposes, one shall indicate two instruments of bilateral cooperation: The Friendship, Co-operation and Consultation Treaty between the Portuguese Republic and the Federative Republic of Brazil, and the Memorandum of Understanding between the Ministries of Health of the Portuguese Republic and the Oriental Republic of Uruguay.

***Q11.a. If Yes, what role do these labour migration agreements play in executing your Member State's policies?***

[Insert response here]

***Q11.b. If Yes, please fill out the following:***

***- Agreement No.1***

***Third country:*** Federative Republic of Brazil

***Date of agreement:*** 22<sup>nd</sup> April 2000

***Purpose of agreement:*** The Treaty for Friendship, Co-operation and Consultation between the Portuguese Republic and the Federative Republic of Brazil<sup>11</sup> establishes a set of general and reciprocal rules relating to entry and stay, status of equality between Portuguese and Brazilian citizens, cultural, scientific and technologic co-operation (bursaries, Portuguese language, teaching and research, recognition of academic levels and titles, access and pursuit of professions, copyright and related rights), economic and financial co-operation (investments, training, exchange of information, access to economic actors, trading, finances and taxation, industrial property and unfair competition) as well as other areas (environment and spatial planning, social security, health).

***Number of third-country nationals who have benefited from this measure:*** Not determinable.

***Was the agreement adopted in the framework of Mobility Partnerships?***

No

***- Agreement No.2:***

***Third country:*** Oriental Republic of Uruguay

***Date of agreement:*** 20<sup>th</sup> September 2007

***Purpose of agreement:*** The Memorandum of Understanding between the Ministries of Health of the Portuguese Republic and the Oriental Republic of Uruguay aims at strengthening mutual co-operation on health-related matters, particularly as regards the promotion, protection, recovery and rehabilitation of health, exchange of technologic information and knowledge, professional development and temporary employability in both national health systems.

***Number of third-country nationals who have benefited from this measure:***

Not determinable, although the report on foreign human resources in the Ministry of Health indicates that in 2010 there were 18 Uruguayan health professionals

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<sup>11</sup> Resolution 83/2000 of the Portuguese Assembly of the Republic number 83/2000, approving for ratification the Treaty of Friendship, Co-operation and Consultation between the Portuguese Republic and the Federative Republic of Brazil, signed in Porto Seguro, in April 22<sup>nd</sup> 2000.

performing their duties.

***Was the agreement adopted in the framework of Mobility Partnerships?***

No.

***Q.12. Has your Member State adopted legislations facilitating labour migration from specific third countries ('country-specific legislation')?***

No.

***Q12.a. If yes, please elaborate concisely.***

[Insert response here]

***Q.13. Has your Member State entered into other more favourable arrangements with non-EU/EEA countries and/or regions relating to attracting qualified and/or highly qualified third-country nationals to the national territory?***

No.

***Q13.a. If yes, please elaborate concisely.***

[Insert response here]

## Section 2

### Evaluation and Effectiveness of Measures

*(Maximum 4 pages)*

*This section reflects on the effectiveness of national measures as described in Section 1 and the methods used for evaluation. This analysis shall help to identify good practices and lessons learnt in Section 4.*

#### **2.1 Evidence of effectiveness based on statistics**

*A template table for statistics will be provided.*

Please provide statistics that reflect the scale and scope of highly qualified and qualified labour immigration of third-country nationals using statistics provided by Eurostat and other relevant national statistics that are available<sup>12</sup>. Please present the following:

- The number of third-country nationals employed and self-employed in the respective Member State in the relevant ISCO groups (i.e. those related to qualified and highly qualified employment according to national definitions) over the last 5 years aggregated by sex and age group.
- The number of third-country nationals employed and self-employed in the respective Member State over the last 5 years aggregated by relevant ISCED level of education (i.e. those associated with qualified and highly qualified employment according to national definitions), sex and age group.
- The number of first residence permits issued for relevant reasons (e.g. highly skilled workers, EU Blue Card) over the past 5 years aggregated by sex and age group.

<sup>12</sup> Please take into account the comments made under section V. Available Statistics.

***Q.14. Is there any evidence (quantitative and/or qualitative) of a link existing between the measures outlined in Section 1 and the immigration of highly qualified and qualified third-country nationals?***

There is no evidence of a link between the measures developed in Section 1 and the number of highly qualified immigrants. This stems from the fact that the number of highly qualified individuals is not large. However, one should note the continuance of the quantity of this type of migrants in time, which contrasts with the reduction of migration for non-specified economic activities.

***Q14.a. If yes, please elaborate concisely.***

[Insert response here]

*The listings below can be used as examples. Please support your answers with reference to statistics or any other sources of information.*

- *Increase in the number of residence permits for the purpose of highly qualified employment since implementation of the measure(s);*
- *Faster filling of job vacancies corresponding to the domestic demand according to employer response survey;*
- *Qualification and occupation match (over/under-qualification).*

***Q.15. Is there a quota for highly qualified and qualified third-country nationals?***

No.

***Q15.a. If Yes, is the quota exhausted?***

[Insert response here]

***Q.16. Is there any evidence (quantitative and/or qualitative) of a link existing between the labour migration agreements (also in the framework of Mobility Partnerships) outlined in Section 1 and the immigration of highly qualified and qualified third-country nationals?***

No.

***Q16.a. If yes, please elaborate concisely.***

[Insert response here]

***If (statistical) evidence as requested above regarding concrete measures and labour migration agreements is not available, please outline and analyse any other statistics which may provide indications of the effectiveness of the national policies and measures.***

In order to fill this gap, the Plan for the Integration of Immigrants 2010-2012 included a measure aiming at creating an information system on highly-qualified immigrants (Measure 19), encompassing the work in partnership of public administration bodies with responsibilities in the areas of immigration, integration, recognition of qualifications and employment, as well as the network of Local Centres for Supporting Immigrant Integration [CLAII - *Centros Locais de Apoio à Integração de Imigrantes*] and the Offices for Employability [*Gabinetes de Inserção Profissional*], with a view to create a database

regarding the high level qualifications of immigrants. This instrument is currently under development and will provide a better knowledge of the qualifications available and/or underused in the labour market.

## **2.2 National methods of evaluation**

***Q.17. Does primary research (using any methods) exist in your Member State evaluating the national policies, related practical measures and labour migration agreements (also in the framework of Mobility Partnerships) implemented to attract highly qualified and qualified third-country nationals?***

Direct evaluation of policies has not been subject to research. However, specific programs are subject to evaluation of their implementation and impacts; furthermore there is a wide range of research on qualified migration, such as:

- Oliveira, C. Fonseca, V (2012) “Integration of high skilled third country nationals in Europe: a new proposal for circular talent management”, Portuguese national report for the Project HOME/2010/EIFX/CA/1832 – co-funded by the European Fund for Integration 2010
- Marques, J., Góis, P. (2008), “Imigrantes altamente qualificados em Portugal: uma tipologia”, in Peixoto, João (org.), Revista Migrações - Número Temático Imigração e Mercado de Trabalho, April 2008, n.º 2, Lisbon: ACIDI, pp. 73-94
- Valle, Luísa, Farmhouse, Rosário e Marques, Vera (2008), “Reconhecimento de habilitações académicas de médicos e de enfermeiros imigrantes”, in Peixoto, João (org.), Revista Migrações - Número Temático Imigração e Mercado de Trabalho, April 2008, n.º 2, Lisbon: ACIDI, pp. 171-176
- Góis P., Marques J. (2007), Estudo Prospectivo sobre Imigrantes Qualificados em Portugal, Estudos OI; n.º 24
- Baganha, M., Ribeiro, J. (2007), “Imigração qualificada no sector da saúde – as oportunidades do mercado laboral português”, in Dias, Sónia (org.), Revista Migrações - Número Temático Imigração e Saúde, September 2007, n.º 1, Lisbon: ACIDI, pp. 53-78
- Peixoto, J. (2004), “Highly Skilled Migration in Portugal – an overview”, Socius Working Papers, n.º 3, Lisbon: ISEG, pp. 1-28.

***Q17.a. If Yes, which methods have been used?***

Alongside with theoretical conceptualisation, the afore-mentioned researches also examine official statistical data, and collect and process empirical evidence, such as interviews and focus groups with qualified immigrants. These researches, however, do not directly evaluate targeted policies.

***Q17.b. If Yes, what is the outcome regarding the effectiveness of these measures and labour migration agreements?***

[Insert response here]

## **2.3 Policy makers' or other stakeholders' (i.e. academics, non-governmental or private sector representatives) experience**

***Q.18. If evidence (see 2.1 and 2.2) is not available, what is then the national policies makers' or other stakeholders' experience and assessment regarding the (perceived) effectiveness of measures (see also questions under 2.2)?***

Please see previous response.

## Section 3 Challenges and Barriers (Maximum 4 pages)

*This section reflects on possible challenges and barriers that may affect the attractiveness of a Member State for highly qualified and qualified third-country nationals' immigration.*

### **3.1 Possible challenges and barriers**

***Q.19. Have challenges and barriers in your country been identified based on previous research which affect the attractiveness of your Member State for (highly) qualified third-country nationals?***

The contribution of research on social and economic sciences has enabled the identification and analysis of migration flows and their features, allowing – among other aspects - a definition on the different types of highly qualified immigrants in Portugal. However, the analysis of migration flows of highly qualified individuals on a point of view of labour integration and professional mobility is still neglected.

As regards migration flows, Portugal has an economic migration based on large infrastructures investments, in line with the historical relationships with Portuguese language-speaking countries, and with transformations on a political and economic level in the countries of origin (whether Portuguese-speaking or other countries, particularly from Eastern Europe). In terms of highly qualified immigration it is important to note the following (Marques, Góis; 2008):

- Reduced quantitative significance of flows compared with the remaining migration;
- Occurrence of migration “waves” in the 80’s with integration in the primary labour market (Brazilian – marketeers and dentists; Spanish – staff for responding to the merging of Iberian Peninsula markets), and in the 90’s (teachers and researchers from Eastern Europe, thus coping with the growth of the Portuguese higher education system);
- Increasing internationalization of Portuguese economy;
- Expansion of the qualified human resources internal market;
- Saturation of certain sectors, leading to professional disqualification.

The immigration and integration policies undertaken are intended to meet the trends and constraints of this reality, particularly as regards the development of a common policy on immigration at a European level and on providing a current response in economic and social terms. In the existing economic, political and social context, co-ordinating the many features

of political action with a view to promote the attraction of highly qualified immigrants to Portugal becomes a complex task.

Hence, the main challenges lie in the ability of promoting the suitable mechanisms to cope with the economical, demographic, social and cultural subtleties and impacts of highly qualified immigration in Portugal, and on the other hand on characterizing this type of population in Portugal. Furthermore, Portugal has a 'mixed migration regime', and its current economic situation has been increasing the difficulties in maintaining and attracting highly qualified individuals (nationals and foreigners). Therefore, in order to succeed on attracting - and subsequently integrate - highly qualified immigrants, Portugal needs to improve its economic and social conditions, as well as implement policies and instruments in the different aspects of public intervention.

***Q19.a. If Yes, please indicate these factors.***

[Insert response here]

*The listing below can be used as an example. Please support your answers with reference to statistics, research or any other sources of information (e.g. media debates, case-law, policy documents, practitioners' views, private sector and other stakeholders):*

From a legal point of view, the immigration Act in Portugal adopts EU-harmonised concepts as regards the transposition of directives relating to the conditions of entry and stay of highly qualified immigrants and admission of researchers. Thus, the scheme for admission and stay of this type of foreign residents is different from general labour migration schemes, yet without compromising the right to equal treatment and rights in terms of employment, health, education, social security and integration.

***Salaries/Wages;***

One of the emerging challenges as regards the attraction of highly-qualified individuals stems from wages practices in Portugal, particularly when there is a gap between the wages earned by national and foreign citizens: immigrant wages tend to converge with the development of skills (Cabral, Duarte; 2012). This divergence may be in part explained by the work sectors, with prominence to cases of over-qualification of immigrants in relation to the activity developed.

On the other hand, the fact that wages in Portugal are lower than the EU average act as a barrier when coping with the competition of other Member-States.

***Economic crisis;***

The economic contraction in Portugal since 2008 has been reducing job opportunities across the labour market, especially on a sectorial level: construction, real estate, trade, accommodation, catering and similar industries. There has been a considerable increase of unemployment in Portugal, and the unemployment rate for immigrants has a larger increase than the that for national citizens in periods of economic recession (Cabral, Duarte; 2011). Political guidance for economic and financial matters in Portugal, in compliance with the support provided by the European Commission, European Central Bank and International Monetary Fund, has prioritized the control of public expenses and the balance of payments,

leading to a reduction in economic growth and to an increase in the unemployment rate. Thereby, on a short-term a reversal of the decreasing trend is not expected, which limits the policies for attracting highly-qualified individuals.

#### *Language;*

The command of Portuguese language is not an obstacle for the attraction of highly-qualified immigrants; in fact it is an opportunity. On the one hand, Portuguese is one of the most spoken languages in the world. On the other hand, in Portugal the population is quite adapted to foreign languages (English, Spanish and French) and there are significant foreign communities that master Portuguese language, particularly communities from countries where Portuguese is the official language (Angola, Brazil, Cape Verde, Guinea-Bissau, São Tomé and Príncipe and Mozambique), and others from Eastern Europe who were able to easily acquire language skills (Ukraine, Romania, Moldova and Russia).

Moreover, there is an extensive offer of training actions in “Portuguese for foreigners”, both by means of the program “Portuguese for All” [*Português para todos*] as well as by open training actions promoted by universities and language centres.

It should be noted that the integration process may be facilitated, as recommended by Góis and Marques (2007), aimed at certifying language skills by creating a standardized test of Portuguese (TOEFL - Test of English as a foreign language - type). This test may be taken by every foreign citizen who wish to pursue a highly qualified occupation where communication in Portuguese is essential, thus endowing them with a certificate in Portuguese language. The agreement between all different organizations, particularly the several State bodies, Universities and Polytechnic institutes, is fundamental in order to implement this measure.

#### *Lack of information;*

With the purpose of reducing immigrants’ lack of information - particularly as regards highly qualified immigrants - there are several services available:

- Web portals:
  - Immigration: [www.sef.pt](http://www.sef.pt) and [www.imigrante.pt](http://www.imigrante.pt);
  - Integration: [www.acidi.gov.pt](http://www.acidi.gov.pt)
  - Recognition and/or equivalence of qualifications and education:
    - DGES/NARIC: <http://www.dges.mctes.pt/dges/pt/reconhecimento/naricenic>;
    - Portuguese Institute for Employment and Vocational Training [*IEFP- Instituto do Emprego e Formação Profissional*]: <http://www.iefp.pt/perfil/Paginas/imigrante.aspx>;
- Contact centres for further information:
  - High Commissioner for Immigration and Intercultural Dialogue [ACIDI, IP. - *Alto Comissariado para a Imigração e Diálogo Intercultural*] – specialized in integration matters;
  - The Portuguese Immigration and Borders Service [SEF – *Serviço de Estrangeiros e Fronteiras*] – for matters regarding the regularisation of legal documents;
- National Immigrant Support Centre [CNAI - *Centro Nacional de Apoio ao Imigrante*]

and Local Centres for Supporting Immigrant Integration [CLAII - *Centros Locais de Apoio à Integração de Imigrantes*], which provide information related to the reception of migrants.

With a view to tackle the lack of information of the key actors in integration process, ACIDI ensured the participation in the European Project ‘Integration of highly skilled third country nationals in Europe: a new proposal for circular talent management’. This project aims to identify and define policies as regards immigration of highly-qualified third-country citizens to the European Union, taking into consideration the Member States’ social-economic needs, and the requirement to provide conditions for the integration of migrants, as well as regards the mobility and circular migration of highly-qualified individuals. The study carried out under this project (Oliveira, Fonseca; 2012) describes the schemes and practices relating to highly qualified individuals and identifies types of profiles with the purpose of meeting the needs on integration:

- Type A – Highly qualified immigrants integrated in the Portuguese labour market, performing duties formally recognized and adequate to their qualifications;
- Type B – Highly qualified immigrants integrated in the Portuguese labour market, performing duties that are not formally recognized, yet are adequate to their qualifications;
- Type C – Highly qualified immigrants who are under the process of official recognition of qualifications or equivalences, and who do not perform duties in the labour market in accordance with their competences.
- Type D – Highly qualified immigrants integrated in the labour market whose qualifications are not used or officially recognized. This is the most vulnerable group.

A and B types have better integration levels, yet it is important to safeguard brain drain of the main countries of origin (e.g. recruiting highly qualified professionals in health sector, by means of bilateral agreements with Latin American countries).

As regards C and D types, the main vulnerabilities concern the over-qualification, the process of recognition (academic and professional) and the limitations on recruitment and professional mobility. Hence, the policies and measures to be developed must seek to enhance the available human capital (e.g. National Plans for the Integration of Immigrants and special programs for integration of foreign doctors and nurses).

With the purpose of improving policy-makers information, Góis and Marques (2007) recommend the conduction of a “comprehensive survey regarding higher education qualifications held by immigrants residing in national territory” and also the development of measures for complementing, adapting and updating migrants’ qualifications. On the other hand these authors also suggest the adoption of a global strategy for assessing the need of highly qualified professionals, and structuring and disclosing information systems on the procedures for recognition and/or equivalence of certificates, and on monitoring immigrants who wish to engage in the process of recognition of their diploma/certificate.

In order to meet these needs, the second Plan for the Integration of Immigrants advocates the creation of an information system on highly qualified migrants (Measure 19), in close cooperation with public administration bodies, the network of Local Centres for Supporting

Immigrant Integration [CLAII - *Centros Locais de Apoio à Integração de Imigrantes*] and the Offices for Employability [GIP - *Gabinete de Inserção Profissional*] with a view to develop a database on high level qualifications of immigrants. Hence, an instrument will be created for enhancing knowledge in the training areas available or underused in the labour market. The same Plan promoted the streamlining of the process for recognition of qualifications (Measure 17).

*Formal/Informal discrimination;*

In Portugal, recognition of qualifications (formal and informal), as well as wage differences (between immigrants and national citizens) are the main elements that may be considered as discriminatory practices. However, there is no evidence that may firmly establish the existence of discriminatory factors in both these aspects; on the contrary, difficulties can be found in the qualification processes (e.g. recognition of qualifications or verification of the conditions of access to professions) which provide constraints to the inclusion in the labour market (Góis, Marques; 2008).

*Public discourse / debate;*

Migration matters are not a priority theme in public debate. Political discourse and public debate do not impart positions rather extreme or radicalized. As an example, one may outline the fact that in the past few years, parliamentary approval of legislation on migration matters has been obtaining large majorities.

*Working conditions;*

Barriers to the attraction of highly qualified immigrants as regards the working conditions are mostly related with the formal recognition of academic and Professional qualifications, particularly as regards regulated professions. The migratory flows of highly qualified immigrants after obtaining/ having their qualifications recognised and potentially highly qualified immigrants are the ones that find more difficulties regarding integration and mobility in the labour market.

It should be outlined that there is a higher risk of work accidents for highly qualified immigrants when they are integrated in the secondary labour market – revealing a noticeable over-qualification - in sectors such as construction (Oliveira, Pires; 2010), which can be justified by their inexperience and by the lack of safety rules.

On the other hand, it is important to develop rapid mechanisms for recruiting highly qualified individuals, directed to small and medium-sized enterprises (Góis, Marques, 2007). However, this aspect faces a high barrier associated with the impact of the economic crises on unemployment.

*Living conditions;*

Portugal living conditions, particularly the well-being and security conditions provided to the population, as well as the good weather (temperate Mediterranean climate) are important elements to be considered when debating the attraction of highly qualified immigrants.

***Q.20. If such evidence is not available, what is then the national policies makers' or other stakeholders' experience and assessment regarding the challenges and barriers which affect the attractiveness of your Member State for (highly) qualified third-country nationals?***

**Section 4**  
**Conclusions**  
(Maximum 2 pages)

***The Synthesis Report will outline the main findings of the Study and present conclusions relevant for policymakers at national and EU level.***

***Q.21. What conclusions would you draw from your findings that are relevant to the aims of this Focussed Study? Can you identify good practices and lessons learnt with regard to attracting highly qualified and qualified third-country nationals? What is the relevance of your findings to (national and/or EU level) policymakers?***

*[Insert response here]*

The reality of immigration of highly qualified individuals to Portugal reveals a small quantitative significance of migration flows regarding the remaining migration, and is related with migration waves with integration in the primary labour market (1980 and 1990) and disqualification (waves in the transition of the century), and with the growing internationalisation of Portuguese economy and its ensuing increase of the qualified human resources internal market (Marques, Góis; 2008). These aspects determine the definition of types of highly qualified individuals, as proposed by Oliveira and Fonseca (2012), assembled in three different categories: highly qualified immigrants entering Portugal; those who have their qualifications recognised after the equivalence/qualification recognition process or after achieving a degree in the Portuguese higher education system; and those who are potentiality highly qualified.

In Portugal, measures for attracting highly qualified third-country nationals have a generic nature, and are essentially associated with the primary labour market and with the harmonisation of EU immigration policies, particularly with the transposition of the Researchers Directive (Directive 2005/71/EC, of October 12) and Highly-Qualified Directive (Directive 2009/50/EC, of May 25). However, there is evidence of the use of some measures focused on meeting the needs of certain sectors of the labour market, particularly as regards health (doctors and nurses), in terms of hiring (bilateral agreements) and on combating over-qualification (the Program «Professional integration of immigrant doctors»).

Hence, in Portugal the measures for attracting highly qualified third-country nationals were developed under the scope of immigration, integration, recognition of qualifications and health policies.

Also important to highlight are the instruments that have been developed with the purpose of reducing information limitations, and those that promote the expediting of the recognition of qualifications process. It should be also noted that the measures undertaken have the participation of public bodies and civil society partners.

Nevertheless, it must be stated that in the current economic crisis context - with a recession of the production capacity and increase of the unemployment rate, along with a trend of mobility

of highly qualified Portuguese nationals – the promotion of measures for attracting highly qualified third-country nationals is a counter-cycle course of action, thus limiting a proper evaluation of policies, measures and impacts.

## Bibliography

- Abreu, A., Peixoto, J. (2009), “Demografia, mercado de trabalho e imigração de substituição: tendências, políticas e prospectiva no caso português”, in: *Análise Social*, Vol. XLVIV (193), pp. 719-746
- Baganha, M. I., Pires, S., Ribeiro, J.S. (2002), “O Sector da Saúde em Portugal – Funcionamento do Sistema e Caracterização Sócio-Profissional”, *Oficina do CES*, 182  
(<http://www.ces.uc.pt/publicacoes/oficina/index.php?id=2652>)
- Baganha, M.I., Ribeiro, J.S. (2007), “Imigração qualificada no sector da saúde – as oportunidades do mercado laboral português”, in Dias, Sónia (org.), *Revista Migrações - Número Temático Imigração e Saúde*, September 2007, no. 1, Lisbon: ACIDI, pp. 53-78
- Cabral, S., Duarte, C. (2011), *Os imigrantes no mercado de trabalho português*, Banco de Portugal, Boletim Económico, Spring
- Cabral, S., Duarte, C. (2012), *O diferencial de salários dos imigrantes no mercado de trabalho português*, Banco de Portugal, Boletim Económico, Winter
- Comissão Europeia (2012) *Glossário de Migração e Asilo, uma ferramenta para a melhoria a comparabilidade*, Rede Europeia das Migrações, Luxembourg
- Góis P., Marques J. (2007), *Estudo Prospectivo sobre Imigrantes Qualificados em Portugal*, Estudos OI; no. 24
- Oliveira, C.R., Pires, C. (2010), *Imigração e sinistralidade laboral*, ACIDI, I.P. OI, 41
- Oliveira, C.R., Fonseca, V (2012) “Integration of high skilled third country nationals in Europe: a new proposal for circular talent management”, Portuguese national report for the Project HOME/2010/EIFX/CA/1832 – co-funded by the European Fund for Integration 2010  
([http://www.oi.acidi.gov.pt/docs/pdf/hsm/pt\\_acidi\\_final\\_version\\_hsm.pdf](http://www.oi.acidi.gov.pt/docs/pdf/hsm/pt_acidi_final_version_hsm.pdf))
- Marques, J., Góis, P. (2008), “Imigrantes altamente qualificados em Portugal: uma tipologia”, in Peixoto, João (org.), *Revista Migrações - Número Temático Imigração e Mercado de Trabalho*, April 2008, no. 2, Lisbon: ACIDI, pp. 73-94
- SEF (2011) *A Satisfação das Necessidades de Mão-de-Obra através da Imigração*, Rede Europeia das Migrações, Serviço de Estrangeiros e Fronteiras, Lisbon
- PEIXOTO, João. 2004. *As Teorias Explicativas das Migrações: Teorias Micro e Macro-Sociológicas*, SOCIUS Working Papers, SOCIUS – Centro de Investigação em Sociologia Económica e das Organizações, ISEG, Lisbon
- Peixoto, J. (2004), “Highly Skilled Migration in Portugal – an overview”, *Socius Working Papers*, no. 3, Lisbon: ISEG, pp. 1-28.
- Peixoto, J. (2007), “Dinâmicas e regimes migratórios: o caso das migrações internacionais em Portugal”, in: *Análise Social*, vol. XLII (183), 2007, 445-469
- Peixoto, J., Iorio, J. (2011), *Crise, Imigração e Mercado de trabalho em Portugal: retorno, regulação ou resistência?*, Princípiã, Cascais
- Reis, J.; Pereira, T.S.; Tolda, J.; Serra, N. (2010), *Imigrantes em Portugal. Economia, pessoas, qualificações e territórios*, Edições Almedina, Coimbra

- Valle, L., Farmhouse, R., Marques, V. (2008), “Reconhecimento de habilitações académicas de médicos e de enfermeiros imigrantes”, in Peixoto, João (org.), Revista Migrações - Número Temático Imigração e Mercado de Trabalho, Abril 2008, no. 2, Lisbon: ACIDI, pp. 171-176

Other resources:

- “Quadros de Pessoal 2011 – Publicação”, publicado em 12/04/2013, e em “Quadros de Pessoal 2011 – Síntese”, published in 27/03/2013 (<http://www.gee.min-economia.pt/>).
- <http://www.acidi.gov.pt/es-imigrante/informacao/promocao-do-empendedorismo-imigrante>
- Regulatory Decree no. 2/2013, of March 18 (amends Regulatory Decree no. 84/2007, of November 5) – regulates the Scheme for Entry, stay, exit and removal of foreign citizens from national territory
- Decree-Law no. 341/2007, of October 12 – recognition of academic qualifications
- Decree-Law no. 283/83, of June 21 – procedure for providing a foreign academic qualification
- Council Directive no. 2009/50/EC, of May 25 – regarding the conditions for entry and residence of third-country nationals for purposes of engaging on a highly-qualified occupation (Highly qualified individuals Directive)
- Directive no. 2005/71/EC, of October 12 – on a specific procedure for admitting third-country nationals for the purposes of scientific research (Researchers Directive)
- Act 29/2012, of August 9 (amends Act 23/2007, of July 4) Scheme for Entry, stay, exit and removal of foreign citizens from national territory
- Ordinance 432-A/2012, of December 31 – Updating the amounts of social support schemes
- Ordinance 674/2010, of August 11 – Extending the length of the Program «Professional integration of immigrant doctors» [PIPMI - *Programa Integração profissional de médicos imigrantes*]
- Ordinance 925/2008, of August 18 – Program «Professional integration of immigrant doctors» [PIPMI - *Programa Integração profissional de médicos imigrantes*]
- Resolution of the Council of Ministers no. 74/2010, of September 17 – Integration of Immigrants Program 2010-2012
- Resolution of the Council of Ministers no. 63-A/2007, of May 3 – Integration of Immigrants Program 2007-2009
- Resolution of the Portuguese Assembly of the Republic no. 83/2000 – approving for ratification the Treaty of Friendship, Cooperation and Consultation between the Portuguese Republic and the Federal Republic of Brazil, signed in Porto Seguro on April 22<sup>nd</sup> 2000