LEGAL MIGRATION AND MOBILITY

In October 2017, Eduardo Cabrita¹ became the new Internal Affairs Minister and Carlos Moreira² was appointed the new Director of Immigration and Borders Service.

PROMOTING LEGAL MIGRATION CHANNELS

A legislative amendment promoted students and researchers mobility by allowing, inter alia, higher education students and researchers holding a residence permit to exercise a professional activity.³ The amendment also granted them a one-year period of residence following the conclusion of their studies or research activities in which to find employment. The online Immigration Information Portal was updated in accordance with the legal changes to include new features to improve user interface, clarity and accessibility.

ECONOMIC MIGRATION

Admission policies specific to third-country nationals changed with the introduction of the legislative amendment mentioned above. They concerned the mobility of highly qualified workers, intra-corporate transferees, seasonal workers and migrant entrepreneurs.

Amendments to Law 23/2007 of 4 July concerning the entry, permanence, exit and removal of foreigners, led to a facilitation of the regularisation of the situation and contribute to the defence of the rights of foreigners working in Portugal.

¹ President’s Decree no. 91-C/2017.
² Decree no. 9081-D/2017.
³ Law no. 102/2017 of 28 August preceding the 5th change to Law no. 23/2007.
according to the provisions of the CETA (Comprehensive Economic and Trade Agreement).

Access to the labour market for third-country nationals was made easier through the adoption of several measures:

- Promissory work contracts were included in the conditions for the exemption of a visa;
- Reporting the concession of a residence permit to the national employment services was made more flexible;
- Seasonal work schemes are no longer based on specific short-term visas and third-country nationals can maintain their place of residence in the third country;
- Two new investment categories were introduced to the concession of a residence permit for investment;
- An exemption scheme was created for the concession of a residence permit for migrant entrepreneurs or for the exercise of an independent professional activity.

The Portuguese Authority for Working Conditions (ACT – Autoridade para as Condições de Trabalho) included in its 2017 Activity Plan projects aiming at fighting undeclared labour, intervening in private agencies dedicated to worker placement, promoting the rights of vulnerable workers and detecting signs of human trafficking for labour exploitation.


The incubator certification scheme established in November 2017⁴ allowed migrant entrepreneurs to come to Portugal to develop entrepreneurship and innovation projects⁵.

FAMILY REUNIFICATION

Relevant policies were inscribed in the Strategic Plan for Migration (2015-2020); it was applied as planned throughout 2017 by providing ongoing support to specified organisations and continuing to implement ongoing programmes like ‘SEF (the Immigration and Border Services) on the Move’, which established public and civil society partnerships and promoted documents regularisation.

MANAGING MIGRATION AND MOBILITY

The government continued promoting the installation of RAPID4ALL – and promoted the acquisition of 53 new last-generation e-gates at border crossings (airports, maritime ports). Several other systems were updated (PASSE, VIS and APIS) throughout the year. Overall, the system seemed to be well received by the passengers and the number of passengers using it increased by 50%.

INTERNATIONAL PROTECTION INCLUDING ASYLUM

In 2017, 741 applicants, mostly Syrians, were relocated from Greece to Portugal through the EU relocation mechanism. The Portuguese office of the International Organization for Migration (IOM) provided pre-departure information, health assessment and supported SEF liaison officers in charge of the selection.

There have been several challenges, including backlog, drop-outs, medical cases and unsustainable reception conditions. Pre-selection missions took place in Turkey under the EU-Turkey Agreement, which required increasing the capacity of national services. A network of partners was created to support the resettlement efforts; it monitored the reception and integration process and included medical and mental health follow-up.

UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

Measures to increase the protection of unaccompanied minors applying for asylum were adopted. These introduced procedural changes in the content of communication and coordination with the Public Prosecutor’s Office and the Ministry of Health to ensure that a legal representative was appointed promptly and to improve the monitoring and identification of best practices.

INTEGRATION

New legislation launched a convergence process for family allowance which would also benefit refugee children.⁶ As a result, the access to social benefits for children in the form of family allowance would be harmonised across Portuguese society. Changes to the allocation of Social Integration Income (RSI) scheme were introduced and enabled refugees to access benefits by removing the requirement of a minimum residence period.

The High Commission for Migration was attributed the second place in the European Commission’s European Enterprise Promotion Awards with the initiative ‘Youth Ideas Contest; MUNDAR: Muda o teu Mundo’, promoted by Programa Escolhas.⁷ Mundar is an "Ideas" contest that

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⁴ Ordinance no. 344/2017, of 13 November.
⁵ Ibidem, in compliance with Article 6D(2)(c) and Article 89(4) of Law no. 102/2017, of 28 August.

⁷ [www.escolhas.pt](http://www.escolhas.pt)
materialised life projects, improved youth communities or created solutions to social problems.

Escolhas is a national government program created in 2001, promoted by the Presidency of the Council of Ministers and integrated in the High Commission for Migration (ACM, IP), whose mission is to promote social inclusion of vulnerable children and young people.

A new anti-discrimination law established a framework for the prevention, prohibition and combat of discrimination based on racial and ethnic origin, colour, nationality, descent and place of origin. It widened the scope and competence of the Commission for Equality and Against Racial Discrimination (CICDR) and reinforced intra-ministerial cooperation. Another new law facilitated the nationality acquisition procedure.

IOM Portugal implemented the project ‘Fostering Integration by Addressing Health Equity’, which aimed at improving healthcare for migrant communities.

**IRREGULAR MIGRATION**

Many measures were taken to improve border control. The most notable development was the adoption of the National Integrated Border Management Strategy, which aimed at investigating and identifying illegal migration flows and cross-border crime through a heightened intra-European cooperation. SEF participated in several activities under Frontex; it increased its staff and it continued to monitor the impact of the visa facilitation agreements with other States.

Portugal adopted new identity document models in 2017 both for nationals and foreign citizens and subsequently acquired new equipment and trained police and border guards to detect fraudulent documents. The authorities prepared research on new routes and participated in EMPACT (European Multidisciplinary Platform Against Criminal Threat).

**RETURN**

In 2017, 261 individuals (mainly Brazilians) returned to their country of origin. There have been slightly more assisted voluntary returns of minors (75 minors in total, all going back to Brazil, except two, one to Sao Tomé and the other to Colombia).

The ARVoRe VI Project, first implemented in 1997 in cooperation with IOM Portugal, provided direct assistance for voluntary return of migrants who were unwilling or unable to stay. IOM provided reintegration assistance under this same programme, including supporting NGOs to further assist returnees in their reintegration process and devising a methodology survey with the University of Coimbra to better assess the sustainability of reintegration projects. Along with Belgium and Ireland, IOM applied on behalf of Portugal to a Specific Action for reintegration in Brazil where there will be a mapping and strengthening of the key local actors. Access to information on the Assisted Return Programme for agents was simplified through a direct link to the IOM Portugal website.

A project on alternatives to detention entitled ‘Upholding Human Rights Standards of Irregular Migrants in Administrative Detention’ was implemented by the Portuguese authorities, IOM Portugal and the Jesuit Refugee Service.

**ACTIONS AGAINST TRAFFICKING IN HUMAN BEINGS**

The preparation for the 4th National Plan for Preventing and Fighting Trafficking in Human Beings (2018-2021) began in 2017. It will mostly focus on increasing the cooperation, monitoring and training to identify and support victims of Trafficking in Human Beings (THB).

The government implemented the ‘Local Security Agreement’ (LSA) between the Ministry of Interior and the Municipality of Serpa which took measures such as raising awareness on THB, increasing the monitoring efforts, reinforcing the referral of victims to formal support structures and implementing a ‘health axis’. Several conferences took place between key stakeholders in the municipality to discuss future projects.

Several legal initiatives were taken by the Parliament to prevent and combat human trafficking. Cooperation agreements were concluded between the EU and Kazakhstan, Canada and Central America. Moreover, a new law established the criminal policy objectives, priorities and guidelines for the 2017-2019 biennium.

The III National Plan against Trafficking in Human Beings (III PNPCTSH) in force from 2014 came to an end. It will be evaluated in 2018 and recommendations will be considered for the next national plan.

Within the framework of LSA, the government, in conjunction with other actors, issued leaflets containing relevant information in four different languages, to support and protect workers from exploitative practices. Training and awareness-raising actions were discussed and set to be implemented in 2018.

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8 Law n. 93/2017 was published on 23 August 2017 and entered into force on the 1 September 2017.
9 Law 71/2017 introduced further alterations to the Regulation of Portuguese Nationality (Law 8/2015 and Law 9/2015).
10 Council of Ministers Resolution no. 104/2017.
11 Resolution no. 28/2017 with Kazakhstan, Resolution no. 249/2017 with Canada and Resolution no. 23A/2017 with Central America.
Regarding the identification of victims, the LUMINA Project was implemented to improve the identification of THB victims and enhance their protection and assistance by using new technologies, which will include geo-referencing places with the highest incidence of situations of human trafficking.

Finally, Portugal participated in several events with Angola and Brazil, focusing on training and capacity-building activities.\textsuperscript{13}

**MAXIMISING DEVELOPMENT IMPACT OF MIGRATION AND MOBILITY**

No developments in 2017.

**STATISTICAL ANNEX**

The Statistical Annex provides an overview of the latest available statistics for Portugal on aspects of migration and international protection (2014-2017), including residence, asylum, unaccompanied minors, irregular migration, return and visas. Where statistics are not yet available, this is indicated in the Annex as “N/A.

\textsuperscript{13} Coordination of Training for Trainers Courses in Combating Trafficking in Human Beings for Professionals of the Criminal Justice System in Angola, Luanda, Angola, 19 to 23 June; Fourth meeting of the Working Committee on Combating Trafficking in Human Beings (THB), created by the Conference of Ministers of Justice of the Portuguese Speaking Countries (CMJPLP); held in Brasilia, on 29 June 2017 and International Seminar on Combating Human Trafficking and Smuggling of Migrants, held on 19 and 20 of September 2017, in Rio de Janeiro, Brazil. Portugal participated as speaker and presented an overview the Portuguese legal/penal system, the legislative initiatives and shared best practices.
1. INTERNATIONAL PROTECTION AND ASYLUM

Figure 1: Asylum applications as a share of the total population in Portugal, EU average and EU high and low (2014-2017)

Source: Eurostat migration statistics [migr_asylappctra], data extracted 30.03.18

Figure 2: Number of asylum applications and as a share of the total number of applications in the EU (2014-2017)

Source: Eurostat migration statistics [migr_asylappctra], data extracted 30.03.18

Table 1: Asylum applications: Top five third-country nationalities (2014–2017)

<table>
<thead>
<tr>
<th>Nationality</th>
<th>2014</th>
<th>% of total</th>
<th>Nationality</th>
<th>2016</th>
<th>% of total</th>
<th>Nationality</th>
<th>2017</th>
<th>% of total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ukraine</td>
<td>155</td>
<td>35%</td>
<td>Ukraine</td>
<td>365</td>
<td>41%</td>
<td>Syria</td>
<td>425</td>
<td>29%</td>
</tr>
<tr>
<td>Morocco, Sierra Leone, Pakistan</td>
<td>25</td>
<td>6%</td>
<td>Mali</td>
<td>80</td>
<td>9%</td>
<td>Eritrea</td>
<td>245</td>
<td>17%</td>
</tr>
<tr>
<td>Mali, Syria</td>
<td>20</td>
<td>5%</td>
<td>China (including Hong Kong)</td>
<td>75</td>
<td>8%</td>
<td>Ukraine</td>
<td>140</td>
<td>10%</td>
</tr>
<tr>
<td>Angola, Cote d'Ivoire, Sri Lanka</td>
<td>15</td>
<td>3%</td>
<td>Pakistan</td>
<td>65</td>
<td>7%</td>
<td>Iraq</td>
<td>115</td>
<td>8%</td>
</tr>
<tr>
<td>Congo, Guinea, Iran</td>
<td>10</td>
<td>2%</td>
<td>Guinea</td>
<td>35</td>
<td>4%</td>
<td>Congo</td>
<td>50</td>
<td>3%</td>
</tr>
</tbody>
</table>

Source: Eurostat migration statistics [migr_asylappctra], data extracted 30.03.18
Figure 3: Asylum applications: Top five third-country nationalities as a share of EU total per given nationality (2017)

Source: Eurostat migration statistics (migr_asydcfstta), data extracted 30.03.18
Note: the figure reads as: Portugal received 425 asylum applications from Syria or 0.40% of all asylum applications launched by Syria in EU in 2017.

Table 2: Asylum applications – First instance decisions by outcome (2014–2017)

<table>
<thead>
<tr>
<th></th>
<th>Total decisions</th>
<th>Positive decisions</th>
<th>Of which:</th>
<th>Negative decisions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Refugee status</td>
<td>Subsidiary protection</td>
</tr>
<tr>
<td>2014</td>
<td>230</td>
<td>110</td>
<td>20</td>
<td>90</td>
</tr>
<tr>
<td>2015</td>
<td>370</td>
<td>195</td>
<td>35</td>
<td>160</td>
</tr>
<tr>
<td>2016</td>
<td>590</td>
<td>320</td>
<td>105</td>
<td>215</td>
</tr>
<tr>
<td>2017</td>
<td>955</td>
<td>500</td>
<td>120</td>
<td>380</td>
</tr>
</tbody>
</table>

Source: Eurostat migration statistics (migr_asydcfstta), data extracted 30.03.18

Figure 4: Asylum applications – First instance decisions by outcome (2014–2017)

Source: Eurostat migration statistics (migr_asydcfstta), data extracted 30.03.18

Figure 5: Negative decision rate for the top five nationalities of applicants at the first instance in comparison with EU for the same given nationality (2017)

Source: Eurostat migration statistics (migr_asydcfstta), data extracted 30.03.18
2. UNACCOMPANIED MINORS

3. LEGAL MIGRATION AND MOBILITY

Table 4: First residence permits: Top five third-country nationalities (2014–2017)

Source: Eurostat migration statistics (migr_resfirst), data extracted 25.07.18. Data for 2017 not available at time of publication.
4. IRREGULAR MIGRATION AND RETURN

Table 5: Number of third-country nationals refused entry at external borders (2014–2017)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Refused entry at external borders</td>
<td>955</td>
<td>1 280</td>
<td>1 655</td>
<td>2 140</td>
</tr>
<tr>
<td>Found to be illegally present</td>
<td>4 530</td>
<td>5 145</td>
<td>6 500</td>
<td>6 005</td>
</tr>
<tr>
<td>Ordered to leave</td>
<td>3 845</td>
<td>5 080</td>
<td>6 200</td>
<td>5 760</td>
</tr>
<tr>
<td>Returned following an order to leave</td>
<td>820</td>
<td>610</td>
<td>405</td>
<td>295</td>
</tr>
</tbody>
</table>

Source: Eurostat migration statistics (migr_pop1ctg), data extracted 30.03.18.

Table 6: Third-country nationals returned (2014–2017)

<table>
<thead>
<tr>
<th>Year</th>
<th>Returned as part of forced return measure</th>
<th>Returned voluntarily</th>
<th>Returned through an Assisted Voluntary Return Programme</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>372</td>
<td>449</td>
<td>408</td>
</tr>
<tr>
<td>2015</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>2016</td>
<td>386</td>
<td>63</td>
<td>63</td>
</tr>
<tr>
<td>2017</td>
<td>314</td>
<td>4</td>
<td>4</td>
</tr>
</tbody>
</table>

Source: EMN NCPs

5. SECURING EUROPE’S EXTERNAL BORDERS

Table 7: Number of Schengen visas applications (2014–2017)

<table>
<thead>
<tr>
<th>Year</th>
<th>Uniform visas (short-stay visas)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>183 216</td>
</tr>
<tr>
<td>2015</td>
<td>192 220</td>
</tr>
<tr>
<td>2016</td>
<td>204 596</td>
</tr>
<tr>
<td>2017</td>
<td>263 502</td>
</tr>
</tbody>
</table>

Source: DG Migration and Home Affairs – Complete statistics on short-stay visas issued by the Schengen States.
Figure 10: Uniform visa applications received in Portugal as a share of the total number of uniform visa applications in all Schengen states consulates (2014-2017)

Source: DG Migration and Home Affairs – Complete statistics on short-stay visas issued by the Schengen States.

Table 8: Top five countries in which the highest number of visa applications for Portugal was lodged (2014-2017)

<table>
<thead>
<tr>
<th></th>
<th>2014</th>
<th></th>
<th>2015</th>
<th></th>
<th>2016</th>
<th></th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Country</td>
<td>Number</td>
<td>Country</td>
<td>Number</td>
<td>Country</td>
<td>Number</td>
<td>Country</td>
<td>Number</td>
</tr>
<tr>
<td>Angola</td>
<td>61 240</td>
<td>Angola</td>
<td>62 554</td>
<td>Angola</td>
<td>84 521</td>
<td>Angola</td>
<td>97 509</td>
</tr>
<tr>
<td>Russia</td>
<td>32 210</td>
<td>Russian Federation</td>
<td>20 962</td>
<td>Russian Federation</td>
<td>18 233</td>
<td>China</td>
<td>29 128</td>
</tr>
<tr>
<td>China</td>
<td>14 241</td>
<td>China</td>
<td>16 045</td>
<td>China</td>
<td>25 227</td>
<td>Russian Federation</td>
<td>25 342</td>
</tr>
<tr>
<td>Cape Verde</td>
<td>13 360</td>
<td>Cape Verde</td>
<td>15 760</td>
<td>Cape Verde</td>
<td>15 888</td>
<td>Cape Verde</td>
<td>17 310</td>
</tr>
<tr>
<td>Mozambique</td>
<td>8 461</td>
<td>Mozambique</td>
<td>9 252</td>
<td>Mozambique</td>
<td>15 910</td>
<td>Mozambique</td>
<td>9 896</td>
</tr>
</tbody>
</table>

Source: DG Migration and Home Affairs.