12. Country Profile: 
Portugal
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12.1. Introduction

The information gathered in this profile is based on three different sources of information:

- Responses returned by the Ministry of Interior, in cooperation with the Ministry of Labour and Social Solidarity and the Portuguese Refugee Council, in May 2000 to a questionnaire prepared by PLS RAMBOLL Management
- Background documentation (mainly statistics)
- Information gathered during visits and interviews with key actors in the Portuguese asylum procedure.

The visit and interviews in Portugal were carried out 3rd and 4th of July 2000.

The following persons and institutions were visited:

**Ministry of Interior**
Mr Jorge Portas – Head of Refugees Division

**Ministry of Labour and Solidarity**
Mrs Maria João Curto  
Ms. Isabel Saldida

**Portuguese Refugee Council**
Mrs Maria Teresa Mendes  
Ms. Sales

**The Bobadela Reception Centre, Lisbon**
The director of the Centre in Bobadela

12.2. Background information on Portugal

12.2.1. Development in the number of applicants

Compared to many other European countries, the number of asylum seekers in Portugal is relatively low. In the period 1990-95, 4330 cases were filed, with a peak of 2090 persons in 1993.
From 1996 to 1999 the annual number of asylum applications was circa 300, with 365 applications for asylum in 1998 and 307 cases filed in 1999.

The number of cases granted asylum remains low, in 1999 it was a total of 66 cases, of which 50 were granted protection for humanitarian reasons.

In addition, Portugal has granted temporary protection to people from Guinea and ethnic Albanians from Kosovo.

The development in the number of asylum applicants from 1990-1999 in Portugal has been as follows from 1.1 below:

Table 12.1: Development in number of asylum applicants from 1990-1999

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of applicants</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990</td>
<td>75</td>
</tr>
<tr>
<td>1991</td>
<td>255</td>
</tr>
<tr>
<td>1992</td>
<td>686</td>
</tr>
<tr>
<td>1993</td>
<td>2,090</td>
</tr>
<tr>
<td>1994</td>
<td>767</td>
</tr>
<tr>
<td>1995</td>
<td>457</td>
</tr>
<tr>
<td>1996</td>
<td>270</td>
</tr>
<tr>
<td>1997</td>
<td>298</td>
</tr>
<tr>
<td>1998</td>
<td>365</td>
</tr>
<tr>
<td>1999</td>
<td>307</td>
</tr>
</tbody>
</table>

(Source: Danish Refugee Council, 2000)

12.2.2. Number of asylum statuses granted

Portugal admits persons seeking protection into the country based on three asylum statuses:

1) Refugees who fulfil the requirements of article 1 A of the 1951 Geneva Convention.

2) Residence status for humanitarian reasons (subsidiary form of protection). This status is granted if the person is considered in danger resulting from armed conflict or systematic violations of human rights in the country of origin. Status can also be granted to family members who would benefit from a family reunion. A residence permit is only granted according to the Aliens Law (Law regarding entry, stay, exit and expulsion of aliens from Portuguese territory,
article 56 and 57). According to the Portuguese law, foreigners can directly apply for this status and, in this case, the procedure is the same as for applicants relying on the criteria of article 1 A of the Geneva Convention.

3) Temporary protection. The Asylum Law establishes in article 9 that in the event of serious international armed conflicts which cause a largescale influx of displaced persons from a country, the Portuguese state may grant temporary protection to these persons for a period not exceeding two years. The criteria under which this temporary status is granted are defined in each situation by a Resolution of the Cabinet. So far, this status has been created for two situations: Guinea Bissau and Kosovo.

The trends in the number of statuses granted can be seen from the table below.

<table>
<thead>
<tr>
<th>Year</th>
<th>Convention statuses granted</th>
<th>Humanitarian statuses granted</th>
<th>Temporary statuses granted</th>
</tr>
</thead>
<tbody>
<tr>
<td>1991</td>
<td>260</td>
<td>30</td>
<td>0</td>
</tr>
<tr>
<td>1992</td>
<td>690</td>
<td>20</td>
<td>-</td>
</tr>
<tr>
<td>1993</td>
<td>2090</td>
<td>40</td>
<td>-</td>
</tr>
<tr>
<td>1994</td>
<td>770</td>
<td>8</td>
<td>38</td>
</tr>
<tr>
<td>1995</td>
<td>450</td>
<td>12</td>
<td>30</td>
</tr>
<tr>
<td>1996</td>
<td>270</td>
<td>5</td>
<td>23</td>
</tr>
<tr>
<td>1997</td>
<td>298</td>
<td>4</td>
<td>12</td>
</tr>
<tr>
<td>1998</td>
<td>365</td>
<td>4</td>
<td>28</td>
</tr>
<tr>
<td>1999</td>
<td>307</td>
<td>16</td>
<td>50</td>
</tr>
</tbody>
</table>

12.2.3. Main countries of origin

Most of the persons who are seeking asylum in Portugal are from Sierra Leone, Nigeria, Angola, Algeria, Ghana, Bosnia-Herzegovina and F.R. Yugoslavia.

In 1998 Portugal evacuated 1131 persons from Guinea Bissau due to the civil war in the country. It is estimated that 4000 persons more arrived from Guinea Bissau spontaneously at the same time, but very few applied for asylum.

In 1999, temporary protection was granted to 1271 ethnic Albanians from Kosovo.
Table 12.3 below shows the development in country of origin of applicants. These figures do not include the temporary protection granted to Guineans in 1998 and to Kosovo Albanians in 1999.

**Table 12.3: Main national groups**

<table>
<thead>
<tr>
<th></th>
<th>Singles</th>
<th>Families</th>
<th>Total Number of cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sierra Leone</td>
<td>85</td>
<td>0</td>
<td>85</td>
</tr>
<tr>
<td>Angola</td>
<td>35</td>
<td>4</td>
<td>39</td>
</tr>
<tr>
<td>Bosnia-Herzegovina</td>
<td>11</td>
<td>17</td>
<td>28</td>
</tr>
<tr>
<td>Nigeria</td>
<td>15</td>
<td>0</td>
<td>15</td>
</tr>
<tr>
<td>Algeria</td>
<td>13</td>
<td>0</td>
<td>13</td>
</tr>
<tr>
<td>Federal Republic of Yugoslavia</td>
<td>12</td>
<td>1</td>
<td>13</td>
</tr>
</tbody>
</table>

(Source: Danish Refugee Council, 2000)

### 12.2.4. Costs

In 1998 the total cost of the provision of accommodation, pocket money, additional personal allowances, food and transportation was estimated to be Escudos 15,681,000.

In addition, Escudos 21,500,000 was allocated to the Portuguese Refugee Council to cover their costs. This money came out of the budgets of the Ministry of Interior and the Ministry of Labour and Social Solidarity.

It was reported that no separate calculation of the cost of health care to asylum seekers has been made, as they are numerically negligible.

**Table 12.4: Benefits and costs**

<table>
<thead>
<tr>
<th>BENEFITS</th>
<th>COSTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation</td>
<td>See total below</td>
</tr>
<tr>
<td>Means of subsistence</td>
<td>See total below</td>
</tr>
<tr>
<td>Education (includes asylum seekers and aliens with a temporary permit.)</td>
<td>Not included</td>
</tr>
<tr>
<td>Labour market related activities</td>
<td>Not included</td>
</tr>
<tr>
<td>Health care</td>
<td>Not included</td>
</tr>
<tr>
<td>Total cost</td>
<td>37,181,000 Escudos</td>
</tr>
<tr>
<td></td>
<td>App. 185,460 Euros</td>
</tr>
</tbody>
</table>
12.3. Organisation of the asylum procedure

12.3.1. Responsibilities for the Asylum procedure

The ‘Ministro da Administração Interna (MAI)’ (Ministry of Interior) bears political responsibility for alien policy, including the reception procedure. They are also responsible for deciding whether an asylum applicant will be granted status as a refugee or not.

Within the Ministry of Interior the ‘Serviço de Estrangeiros e Fronteiras – Divisão de Refugiados or Immigration Office (SEF)’ is responsible for:

- Receiving the asylum claims from the persons arrived and informing the Portuguese Refugee Council (PRC) about the application.
- Informing asylum seekers about their rights and obligations.
- Deciding whether the persons have the right to apply for asylum or not.
- Informing the UNHCR and PRC if the persons are not allowed to apply for asylum (The UNHCR Office in Portugal was closed in December 1998, and PRC in practice acts as liaison organisation).
- Making an analysis of each applicant’s situation when the latter is granted the right to apply for asylum.

The National Commissioner for Refugees (NCR) is responsible for:

- The appeals procedure for those denied the right to apply for asylum.
- Assisting the SEF, if necessary, in creating reports on applicants’ countries of origin.
- Writing a proposal on whether or not an applicant will receive asylum, and communicating this proposal to the PCR for comments.

The Administrative Courts are responsible for:

- The appeals procedure when the NCR does not grant a person the right to apply for asylum.
- The appeals procedure when the MAI does not grant an applicant asylum.
Figure 12.1. 1\textsuperscript{st} and 2\textsuperscript{nd} phases of the asylum procedure

1\textsuperscript{st} phase of the asylum procedure

- **Responsible for asylum policies**
- **SEF**
- **The National Commissioner for refugees (NCR)**
- **The Portuguese Refugee Council (PRC)**
- **UNHCR**
- **The Administrative Courts**

2\textsuperscript{nd} phase of asylum procedure

- **Ministry of Interior**
- **SEF**
- **Ministry of Labour And Social Solidarity**
- **Regional Centres of Social security**

Responsibility for physical handling of accommodation and welfare of asylum seekers

- Responsibility for providing social assistance including monthly allowance

In the 2\textsuperscript{nd} phase responsible for social support

- In the 2\textsuperscript{nd} phase responsible for social support

- In the 2\textsuperscript{nd} phase responsible for social support
12.3.2. Co-ordination of social response

Responsibilities for social support to applicants are divided between the Portuguese Refugee Council and the Ministry of Labour and Social Solidarity.

The Portuguese Refugee Council receives money from the Ministry of Interior to support the applicants during the first stage of the procedure (admissibility procedure).

During the second stage, once an application is admitted, the Ministry of Labour and Social Solidarity is responsible for social support. Support is given through the Ministry’s Regional Centres of Social Security. These are located in 5 districts of the country: North, Centre, Lisbon and Vale do Tejo, Alentejo and Algarve. The majority of cases are, however, concentrated in the metropolitan area of Lisbon. The regional centres of social security are responsible for providing social assistance by giving monthly cash allowances to satisfy basic needs such as lodgement, food, transport and personal expenses. Lodging is provided in special cases such as for women alone with children, unaccompanied minors, and elderly and disabled persons.

There is permanent coordination between the Regional Centres, the Ministry of Health, Ministry of Education, as well as with the Portuguese Refugee Council and the Santa Casa da Misericórdia. The regional and local authorities do not play a role in providing social support.

The role of the Portuguese Refugee Council (PRC) is directly referred to in the asylum law. The main responsibilities of PRC are:

- Providing juridical and social support to persons seeking the right to apply for asylum. This includes the distribution of food, clothing and pocket money in the first phase.
- Assisting the SEF, if necessary, in writing the reports on the applicants’ country of origin.

Other NGOs have a role in assisting asylum seekers, in particular minors vulnerable asylum seekers such as lone women with children, disabled people and the elderly. The support they provide is not governed by statute, but provides an important supplement to the basic social support rendered by the public authorities and the Portuguese Refugee Council.
12.4. Legal basis

The Asylum Law governing the Portuguese asylum procedure is law No. 15/98 of the 26th of March 1998. This law replaced law No. 70/93 and has not been amended since then.

12.4.1. Main changes

Law No 70/93 received heavy criticism because it had a number of flaws resulting in difficulties with its practical application. Various stakeholders, including the Ministry of Interior, The National Commissioner for Refugees, The Aliens and Borders Office, The High Commissioner for Ethnic Minorities, The Portuguese Refugee Council and the UNHCR, participated in the drafting of law No. 15/98.

The main effect of the new law has been to introduce a two-step procedure into the asylum process:

- A first phase during which the person seeking protection has the right to have his/her application of admissibility determined. The object of the first phase is to weed out applicants who do not meet basic criteria for the granting of asylum.
- A second phase called the ‘Concession Phase’ during which it is decided whether or not to grant asylum. In the second phase the applicants particular merits are examined.

In practice, the admissibility procedure is designed to achieve objectives similar to those of the accelerated procedure, but in a more coherent and integrated manner than under the previous law.

12.4.2. Legal aspects of particular importance for social conditions

An important aspect of the legal situation as far as social conditions are concerned, is the absence of secondary legislation or regulation.

A so-called “Portaria” to further define the social rights and conditions for asylum seekers is still not approved, but has been under discussion since the law was adopted. This obviously has consequences for implementation, inasmuch as public institutions currently apply the rules as they see fit and judge most correctly. Another consequence is that the amounts paid out in social assistance to asylum seekers have not been indexed since 1993.
The representative of the Ministry of Interior expressed the hope that this regulation would soon be adopted, but neither he nor the representative of the Ministry of Labour and Solidarity had any specific information on this point.

The same can be said concerning the role of NGOs, who operate within their available resources and with a limited number of guidelines.

12.5. **Arrangements immediately upon arrival**

According to article 11.1 in the asylum law: “The alien or stateless person who enters into national territory with the purpose of obtaining asylum shall submit his or her application to any police authority within eight days, either verbal or in writing.”

Applicants lodged beyond this time limit are, unless due justification is produced, rejected as inadmissible. The authorities generally apply the eight-days rule strictly, in particular if the applicant has arrived to the country through an airport.

An officer of the Aliens and Border Service interviews applicants. No legal aid is available at this stage.

The Aliens and Border Service must render its decision within 20 days of the application filing. The decision is communicated to the UNHCR office and the Portuguese Refugee Council and notified to asylum seeker with, in case of rejection, a period of ten days enabling him or her to voluntarily leave the country.

Within five days of notification, the applicant may lodge an appeal to the National Commissioner for Refugees. The decision on the appeal must be rendered within 48 hours but in practice it takes up to one or to weeks. In case the National Commission for Refugees reach a negative decision a further appeal may be filed with the Administrative court but without suspensive effect.

If the Aliens and Border Service have made no decision within a 20-day period, the applicant is admitted automatically under normal determination procedure.

12.5.1. **Reception of applicants for asylum**

All applicants for asylum go through the first stage of the procedure (the admissibility stage).
If the application is submitted within the Portuguese territory, the applicants are lodged in the reception centre run by the Portuguese Refugee Council. The PRC has signed a Protocol with “Instituto de Higiene e Medicina Tropical” that enables all asylum seekers to receive a medical check up.

If the application is submitted at an external border (asylum law provides a specific admissibility procedure for asylum applications submitted at border posts) by foreign nationals who do not have the necessary documentation to enter the territory, the asylum seekers remain in the international zone of the port or airport while they await the decision on the admissibility of the request. If the request is admitted the asylum seeker is allowed to enter and is lodged in the reception centre of the PRC.

12.5.2. Reception of persons seeking temporary protection

The criteria under which temporary status is provided are defined in each situation by a Resolution of the Cabinet. The following therefore refers to the specific arrangements made for the two groups of persons receiving temporary protection so far (i.e. from Guinea Bissau and Kosovo).

Upon their arrival in Lisbon, these persons had already been identified and registered on specific lists (with photos, by family unit) under a special reception programme, and they were then divided among various social facilities located all over Portugal (e.g. children’s holiday camps), where they received social counselling and medical care.

Both Resolutions of the Council of Ministers placed the people benefiting from temporary protection on an equal footing with aliens resident in Portugal under the general arrangements for aliens for the right of access to the labour market, housing, education, medical care and social security (without prejudice to the special material support provided for in the special reception programme).

12.5.3. Possible changes

The establishing of a reception centre in Lisbon airport is underway. It will have two sections (one for those whose cases have been deemed inadmissible and one for the newly arrived asylum seekers). It is planned to install facilities permitting people to stay for 5 to 14 days, depending on their situation.
12.5.4. The asylum application procedure

A decision on the admissibility (or non-admissibility) of a case is taken during a first phase for all applications. In article 13 the Law describes the grounds for the inadmissibility of a claim, such as:

- When a claim does not clearly meet any of the criteria set forth in article 1 A of the Geneva Convention, and the claim is considered as unfounded;
- When the applicant comes from a safe country or a safe third country;
- When the claim is clearly fraudulent or constitutes an abuse of the asylum process.

On the basis of a report drawn up by the Refugees Division, the Director of the Aliens and Borders Office decides to admit or to refuse the application. This decision must be given within 20 days of the submission of the application (5 days in cases lodged at the borders). If it is not, the application is deemed to have been tacitly admitted.

If the decision is not to admit the application, the asylum seekers have a period of 5 days (24 hours for cases lodged at the borders) to ask for a review, with suspensive effect, by the National Commissioner for Refugees (an administrative instance of appeal). The NCR is obliged to reach a decision within a period of 48 hours (24 hours for cases lodged at the borders).

If the National Commissioner for Refugees decides to refuse the application, the asylum seeker may lodge a non-suspensive appeal with the circuit court of administrative law (judicial appeal). The appeal deadline is 8 days; if asylum is refused again the applicant must leave Portugal within 48 hours.

If the decision is to admit the application, the asylum seeker is granted a provisional residence permit and his/her case progresses to the second stage, the so-called "concession phase". The provisional residence permit is valid for a period of 60 days from the date of submission and must be renewed every 30 days.

An assessment is made by the Aliens and Border Office (SEF) and sent to the National Commissioner for Refugees (NCR). Within ten days after receiving the applicant’s file the NCR makes a proposal as to whether the applicant shall be granted asylum or not. This proposal is distributed to the Portuguese Refugee Council and the
applicant, who can then both comment on the proposal within five days. If necessary these comments will be included in the proposal. The case is then submitted to the Minister for Internal Administration, who decides whether to grant or refuse asylum within 8 days.

If the asylum is refused, the asylum seeker has a period of 20 days to appeal to the Supreme Administrative Court, with suspending effect. In case of refusal, the asylum seeker is granted the right to stay in the country in a transition period of 30 days.
Figure 12.2: Procedure for Applications

1. SEF/Dept. Of Refugees undertake a summary fact finding mission
2. PRC/UNHCR is informed.
3. A decision by SEF is taken within 20 days and in the cases of arrival at border, within maximum 5 days

If claim not admitted

- Claimant to leave country within 10 days, or
- Request reappraisal within 5 days (24 hours at border)

New decision by National Commissioner for refugees within 48 and 24 hours, respectively.

If claim admitted

- Claimant to leave country within 10 days or,
- Appeal to the TAC Administration Court without suspensive effect

TAC – decision. Timelimits not defined

If claim admitted

- Claimant to leave country

1. Temporary residence permit granted
2. Factfinding by SEF; preparing report within 60 days
3. National Commissioner for Refugees makes proposal within 10 days
4. Ministry of Interior takes decision 8 days later, having consulted PRC/UNHCR.

If positive

- Claimant to leave country within 30 days or
- Appeal to Supreme Administration Court with suspensive effect

- If appeal positive
  - Refugee status granted
- Appeal result negative
  - Claimant to leave country

If negative
12.6. Accommodation

As previously mentioned, upon arriving in Portugal persons seeking protection are housed in the reception centre run by the Portuguese Refugee Council (Babadela in Lisbon). They can stay here for a month during the first phase of the asylum procedure. It is possible to extend this period by another month. The accommodation centre can house 21 persons. When more beds are needed, people are accommodated in boarding houses, hotels or shelters for homeless people. There are no reception centres run by government authorities.

However the State Management and Alienation of Housing Heritage institute (IGA-PHE) do hold unoccupied houses, which can be made accessible in an emergency situation.

When a person obtains the right to progress to the second phase of the procedure, he acquires the right to work along with his resident permit. He/she will also receive a monthly allowance to cover accommodation and other basic needs calculated on the basis of the minimum salary and the number of family members. This support is given for an initial period of 4 months, but can be prolonged under certain conditions, depending on the social and economic situation of the person or family.

The Regional Centre gives this allowance for Social Security – a government institution under the Ministry of Labour and Solidarity. The applicants can also choose to stay with family and friends if they wish to.

Lodging is provided in special cases such as for lone women with children, unaccompanied minors, elderly and disabled persons.

Those who have received a temporary residence permit (mainly persons from Bosnia and Guinea Bissau) are guaranteed accommodation in temporary accommodation centres by the government.

<table>
<thead>
<tr>
<th>Table 12.5: Number of reception centres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of reception centres</td>
</tr>
<tr>
<td>Capacity of reception centres</td>
</tr>
<tr>
<td>Total capacity of reception/accommodation centres</td>
</tr>
</tbody>
</table>
12.6.1. Names and addresses of reception and accommodation centres

<table>
<thead>
<tr>
<th>Reception / Accommodation centre</th>
<th>Name and Address</th>
<th>Authority managing</th>
<th>Authority financing</th>
<th>Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reception</td>
<td>Reception Centre of the Portuguese Refugee Council</td>
<td>Portuguese Refugee Council (NGO)</td>
<td>Ministry of Home Affairs</td>
<td>21</td>
</tr>
<tr>
<td></td>
<td>Bairro da Figueira Rue de São José, Lote 54, 1º Dto 2695 002 Bobadela</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

12.6.2. Special treatment

The Portuguese authorities judge on a case-to-case basis which individuals are vulnerable and need special care. In general they are the cases described below:

Unaccompanied children who apply to the SEF will normally be sent to a national children’s home organised by ‘Santa Casa da Misericórdia de Lisboa’. This is also home to Portuguese orphans.

Women with children are considered vulnerable cases too. They can receive psychological and social help in the Santa Casa da Misericórdia de Lisboa.

If a person-seeking asylum has been the victim of torture or organised violence he/she is considered in need of special treatment. The Regional Centre of Social Security provides help in this situation.

There are no special arrangements for families or religious or ethnic groups.

12.6.3. Standard and facilities of reception and accommodation centres

There is only one reception centre and no accommodation centres for asylum seekers in Portugal. The reception centre was opened on 22 March 1999. It is run by the Portuguese Refugee Council, which receives subsidies from the Ministry of the Interior (MAI).

The centre can house up to 21 people. It includes in addition to rooms with 2-3 beds, a combined kitchen and living room, where the residents can prepare food and watch television.
The centre is under the supervision of a manager who has established a series of internal guidelines based on the experiences of the first year of the centre's operation, including rules of conduct which each new resident is asked to sign. The PRC receives support in kind for the residents of the centre from food producers, including bread and products from the Food Bank (Banque Alimentaire), and - at the time of our visit - a large number of oranges.

The centre is basic, but in good condition, and situated in a residential area in the outskirts of Lisbon.

While the current rules of the house permit people to cook, there are only a few other activities offered to the residents.

**12.6.4. Possible changes and developments**

As mentioned in the previous chapter, the Ministry of the Interior plans to establish a reception centre at Lisbon Airport during 2000/2001.

The PRC wishes to further develop the facilities of its reception centre, pending further grants.

The Act No. 34/94 of 14 September 1994 should provide temporary reception centres for aliens, including asylum seekers. However, the law has not yet been implemented since the necessary decree law has still not been passed. As a result, these reception centres do not exist and there is no other accommodation provided by the authorities then the PRC-run Bobadela reception centre.

**12.7. Means of subsistence**

Financial support received is dependent on the stage of the asylum procedure. It is given during the so-called admissibility phase and concession phase.

Significantly, however, the applicant is not entitled to financial support when appealing a decision in the admissibility phase (the first phase) not to admit him to the concession phase (the second phase). As the appeal stage is usually the longest-lasting of an asylum seeker's stay, (typically estimated to come close to two years), and since asylum seekers are not entitled to work, this period poses significant problems for an applicant. The Portuguese Refugee Council seeks as a matter of priority to help those
whose cases it judges have the greatest merit, plus those in the most precarious social circumstances.

In the first phase of the asylum procedure basic support is provided. The single adult person receives a weekly amount of 4000 escudos, which is approximately 20 Euros. A family receives 8-10,000 escudos per week (40-50 Euros). Usually each person receives some clothes, phone-cards and public transport cards. It is the PRC that is responsible for the social activities in the first phase, including the payment of these amounts.

In the second phase of the asylum procedure, it is the Ministry of Social Affairs that is responsible for the payment to asylum seekers. The amounts paid are expected to be revised during 2000. For the moment the amounts payable in 1993 still apply, as follows:

<table>
<thead>
<tr>
<th>Table 12.6: Payment of asylum seekers</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Cash in Euros (per month)</strong></td>
</tr>
<tr>
<td>Unaccompanied children</td>
</tr>
<tr>
<td>One person</td>
</tr>
<tr>
<td>2-3 persons</td>
</tr>
<tr>
<td>4-6 persons</td>
</tr>
<tr>
<td>7+ persons</td>
</tr>
</tbody>
</table>

In addition to these amounts, asylum seekers receive allowances for transport, accommodation and medical treatment.

The asylum law of 1998 does not make it clear how much each asylum seeker is entitled to with respect to the above-mentioned allowances. As the regulation specifying the exact amounts has failed to be passed, it is up to each caseworker in the Ministry of Labour and Social Solidarity to decide how large these additional allowances will be for each person.

Social support is paid for four months, with a possible extension of another two months.

If a family has income from working, the allowance will be reduced on a discretionary basis, based on the judgement of the social caseworker in the Regional office of the Ministry.
As mentioned, persons seeking protection are not entitled to any kind of allowance during appeal procedures. During this period they are dependent on NGO charities, and it is suspected that many resort to illegal jobs to make a living.

12.7.1. Possible changes

As mentioned there are plans to change the rules and practices regarding the means of subsistence during the second, so-called concession phase.

Similarly it is hoped that legislation regulating entitlements to supplementary allowances will soon be issued.

As far as the rules and practices regarding means of subsistence during the second, so-called concession phase are concerned, the draft legislation under consideration could extend social support to 12 months. It also proposes a new calculation formula which would bring it closer to the logic applying to the guaranteed minimum income, the RMI. Following the logic of Article 8 of the law on RMI, the new calculation formula would give a family of two adults 200% of the value of the social support for one adult and an additional 70% of the value for a third person. An additional 50% of the amount given to an adult would be paid out for each child in the family. For instance, a family of three adults and two children would receive 370% of the value of the social support given to one individual living alone. No information was available on the size of the social assistance envisaged in the new law, and it was made clear that it may not necessarily be the same as the 25,000 Escudos which is paid to an individual adult under the RMI.

It was noted that according to the law the changes in the rules for social assistance to asylum seekers should have been adopted no later than 60 days after the promulgation of the law.

12.8. Access to education

Once an asylum seeker has passed the first phase in the asylum procedure and been issued with a temporary residence permit, he/she has the right to attend to public institutions of compulsory education under the same conditions as national citizens, regardless of whether he/she is seeking permanent or temporary protection.

For school age children this means that there is no access to education during the first phase of the procedure but that they should be integrated into the national school sys-
tem after this stage. Obviously not all asylum seekers speak Portuguese. Therefore the Ministry of Education is planning to establish Portuguese language classes for the asylum seekers within the national school system. There is no language tuition for children in their mother tongue.

Adult asylum seekers have the same right to education as Portuguese citizens. They can request recognition of their qualifications or academic degrees from their country of origin.

Table 12.7 shows asylum seekers access to education in Portugal.

Table 12.7: Access to education

<table>
<thead>
<tr>
<th></th>
<th>Children</th>
<th>Adults</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mother tongue tuition</td>
<td>Do not exist</td>
<td>Do not exist</td>
</tr>
<tr>
<td>Language tuition</td>
<td>Planning language classes and furthermore the asylum seekers shall receive special pedagogical support focusing on eliminating difficulties, namely focusing on the Portuguese language.</td>
<td>Is not provide publicly</td>
</tr>
<tr>
<td>Access to primary school</td>
<td>After the first stage in the asylum procedure children have access to primary schools</td>
<td>-</td>
</tr>
<tr>
<td>Access to secondary school</td>
<td>With sufficient level of education asylum seekers have access to secondary school</td>
<td>With sufficient level of education asylum seekers have access to secondary school</td>
</tr>
<tr>
<td>Access to vocational training</td>
<td>-</td>
<td>In the private sector there are different day and night courses</td>
</tr>
<tr>
<td>Access to further education</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

12.8.1. Possible changes

There is no current plan to initiate changes in access to education for asylum seekers.

12.9. Access to the labour market

Asylum seekers are not allowed to work during the first phase of the asylum process.

A person who has passed the first stage of the asylum procedure will receive a temporary residence permit. This gives him the same right to work in Portugal as a foreign person with resident status. In practice this means that persons with a temporary residence permit have the same rights and obligations as a Portuguese citizen.
In spite of the fact that no official estimates exist concerning the extent of clandestine work undertaken by asylum seekers, it is guessed that most asylum applicants are already at work during the first phase of the procedure.

12.9.1. Possible changes
No changes are reported to be under consideration.

12.10. Access to health care
When persons seeking protection in Portugal arrive in the country they will receive a medical screening at the reception centre Bobadela, for which the PRC is responsible. It has an agreement with the ‘Instituto de Higiene e Medicina Tropical’ to carry out the medical check-up.

Asylum seekers detained in the airport area can in some cases be granted acute medical treatment upon arrival.

In the first phase of the asylum procedure persons seeking protection are entitled to medical care, but have to contribute to the cost (a ‘moderation fee’).

During the period of the appeals process, an asylum seeker is not entitled to any medical care. The PRC writes to individual hospitals to try to convince them to accept asylum seekers who fall seriously ill, but this is not always successful.

In the second phase of the asylum procedure asylum seekers have the right to the same medical care as Portuguese citizens. This includes treatment for acute and chronic diseases. The asylum seekers will either be taken to a local doctor or a hospital to get treatment. The Ministry of Health and the Ministry of Labour and Social Security covers the cost of treatment.

There is no special treatment for victims of torture and organised violence and furthermore there is no special mental health care provided for mentally ill and persons suffering from post-traumatic stress.

Pregnant women and minors do not get special or additional health care provision.

Table 12.8 below sums up access to health care for asylum seekers in Portugal.
Table 12.8: Access to health care

<table>
<thead>
<tr>
<th>In general</th>
<th>Children</th>
<th>Pregnant women</th>
<th>Adults</th>
<th>Victims of torture or rape</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health screening on arrival</td>
<td>All asylum seekers are required to be subject to a health screening</td>
<td></td>
<td></td>
<td>No special treatment for persons who have been victims of violence</td>
</tr>
<tr>
<td>Psychological assistance</td>
<td>No treatment for asylum seekers who are mentally ill or suffering from post-traumatic stress.</td>
<td></td>
<td></td>
<td>No treatment for asylum seekers who are victims of torture and other organised violence.</td>
</tr>
<tr>
<td>Enrolment in healthcare programmes</td>
<td>In the second phase the asylum seeker receive the same treatment as Portuguese citizens</td>
<td>Provided with normal health care</td>
<td>Receive normal medical attention</td>
<td></td>
</tr>
</tbody>
</table>

12.10.1. Possible changes

There are no plans to initiate changes in the access to health care for asylum seekers.

12.11. Rules on detention and other restrictions in free movement

If a person arrives illegally in Portugal he/she will not be expelled from the territory provided he/she submits an asylum application within 48 hours after arrival. Under Portuguese asylum law an asylum application suspends any administrative procedure or criminal proceedings against the applicant resulting from illegal entry. Some courts consider that this suspension also covers detention and allows the person seeking protection to remain at liberty during the first phase of the asylum procedure. Other courts take the opposite point of view and decide to detain the applicant. It is always a judge who decides whether a person seeking protection is to remain in detention during the first phase of the asylum procedure.

Persons seeking protection who arrive legally in the country will not be detained at any point of the two stages in the asylum procedure. The only exception is when a person is awaiting expulsion. Then he/she can be detained for a maximum period of sixty days.
Asylum seekers in the reception centre are allowed to move freely in and out of the centre and furthermore there are no geographical limitations in relation to the provision of social and economic benefits.

The only detention-like situations are; under the border procedure, where applicants can be held in the airport transit zone for a maximum period of five days, and when rejected asylum seekers have not left the country voluntarily within the required time limit.

However asylum seekers must always present themselves to the authorities whenever asked for and inform them as to their whereabouts.

**12.12. Differences in treatment according to the stage of the asylum procedure and the type of status sought.**

There are no differences in the reception procedure according to type of status sought.

As shown in the previous chapters there is quite a large difference in the social support that a person seeking protection can obtain, depending on which stage in the asylum procedure he/she is in.

The most significant difference is between the waiting period prior to the first decision in the first and second phases on the one hand, and during the appeals procedure on the other hand, where the applicant has no entitlement to social assistance or health care.

There are also differences in the means and levels of social support given during the admissibility phase and the concession phase.

In the second stage of the asylum procedure the different ministries, most notably the Ministry of Social Affairs, have the responsibility for supplying essential support to the asylum seekers.
### Table 12.9: Differences in treatment

<table>
<thead>
<tr>
<th>Differences in treatment according to:</th>
<th>Stage of asylum procedure</th>
<th>Type of status sought</th>
<th>Vulnerable groups</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation</td>
<td>During the first phase of the procedure asylum seekers can stay between one or two months in a reception centre. Then they receive allowances to cover their accommodation expenses.</td>
<td>No</td>
<td>Unaccompanied children are normally sent to a home organised by the “Santa Casa da Misericórdia de Lisboa. Women with children may also receive psychological and social help here. Victims of torture may be housed in special accommodation in the Regional Centre of Social Security.</td>
</tr>
<tr>
<td>Means of subsistence</td>
<td>Financial support is given during the first phase increases under the second phase. This right is suppressed during appeal stage</td>
<td>No</td>
<td>No.</td>
</tr>
<tr>
<td>Education</td>
<td>Asylum seekers of any age have no access to education during the first phase.</td>
<td>No</td>
<td>No.</td>
</tr>
<tr>
<td>Labour Market related activities</td>
<td>No access during the first phase. Applicants will then be issued a temporary residence permit, which allows them to work.</td>
<td>No</td>
<td>No.</td>
</tr>
<tr>
<td>Health care</td>
<td>During the first phase, applicants are to contribute to the cost. Applicants in the second phase have the right to the same medical care as Portuguese citizens. During appeal process an asylum seekers is not entitled to any medical care.</td>
<td>No</td>
<td>No special health care for victims of torture and organised violence, the mentally ill or persons suffering from post-traumatic stress. No additional health care provision for pregnant women or minors.</td>
</tr>
</tbody>
</table>

### 12.13. Political atmosphere around refugees and immigrants

#### 12.13.1. The public debate

Discussion concerning refugees is generally limited to the discussion of individual cases, and it tends to be overshadowed by the debate about immigrants, who are numerically much greater than the refugees and asylum seekers.

A process of extraordinary regularisation of illegal immigrants took place between late 1996 and spring 1999 with some 30,000 immigrants being granted legal papers.
A new initiative is now underway, in which illegal immigrants who currently work and live in Portugal, and whose number is estimated to be in the area of 35,000, are invited to regularise their situation. They are promised a one-year renewable permission to stay (permit de permanence), which can be renewed for 5 years.

At Parliamentary level there is some debate about asylum issues, but it is limited because of the low number of asylum seekers. Burden sharing has been mentioned, but neither this theme nor events such as the Conference held on the 16-17th of June 2000 provoked much public discussion.

12.13.2. International co-operation

Portugal is active in the working group on asylum seekers, CAHAR (Council of Europe), in which the Refugee Division of the Ministry of the Interior participates.

12.14. Other Information

None.