

**European Migration Network  
EMN**

**Analysis Migration and Asylum  
Statistics**

**PORTUGAL**

**2004**



**Serviço de Estrangeiros e Fronteiras  
Portuguese National Contact Point**

# **Annual Report on Asylum and Migration for PORTUGAL 2004**

## **INTRODUCTION**

1. The present statistical report on immigration and asylum covers the evolution occurred in Portugal, in that field, in the course of 2004. Beyond the relevant statistical information and its analysis, this report considers the Portuguese evolution both political and legislative in the course of that year.

This report was produced by the Immigration and Borders Service, acting in the capacity of national contact for the European Migration Network, with the collaboration of the National Institute on Statistics, as a national contribution for the summary-report of the European Commission on Immigration and Asylum of 2004.

2. Portugal became, since the late 1970s and, most notably, the 1990s, a country of immigration. Foreign inflows were firstly dominated by immigrants coming from the ex-colonies in Africa, mainly Cape Verde, Angola, Guinea Bissau and Sao Tome and Principe. Also immigrants from Brazil became numerous in this phase. Since the 1990s, the overall increase in immigration was accompanied by a wide diversification of origins. In this latter phase, a large inflow coming from Eastern European countries, mainly Ukraine, Moldova and Romania was visible, as well as a gradual increase of immigration from Asian countries. Meanwhile, Portuguese emigration never ceased completely, and the return of Portuguese emigrants was always a significant fraction of total inflows.

## **A. MIGRATION ISSUES**

### **1) Analysis and interpretation of the migration statistics**

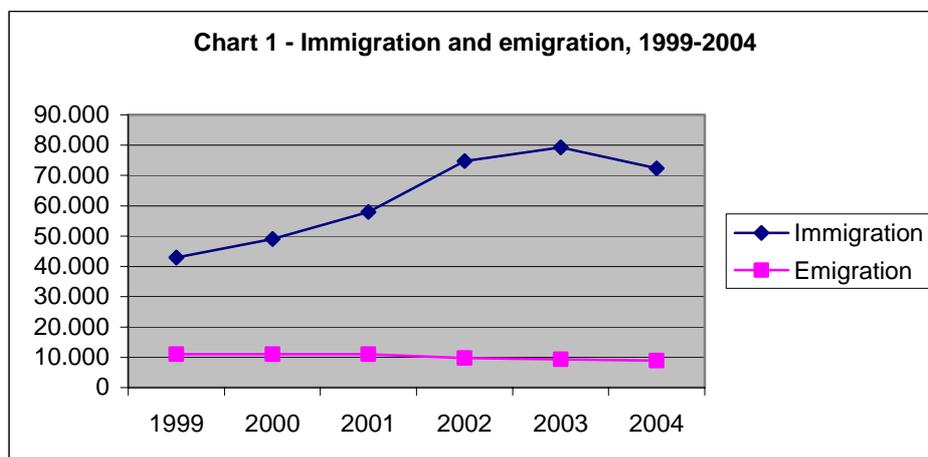
The measurement of migration in Portugal is complex, due to the diversity of statistical sources, the rapid change in migration trends, the importance of irregular inflows and the open internal borders resulting from the Schengen agreement. The absence of population registers explains some of the shortcomings in data. The most relevant sources are official registers respecting to the legal situation of foreign citizens, population census and surveys. Given the difficulty of observing all flows, estimates are often necessary in migration analysis.

#### **a) Migration Flows**

Trends in immigration and emigration in Portugal between 1999 and 2004 are pictured in Chart 1. These figures are based on estimates. The universe under analysis is broad, since immigration and emigration include both foreigners and national citizens. This means that immigration includes both the inflows of foreigners and the return of former Portuguese emigrants. Moreover, irregular inflows are included, albeit retrospectively, given the information obtained in regularization processes. Several statistical sources were used to produce these numbers, including, in the case of inflows, residence permits, stay permits, long-term visas and estimates on Portuguese return, and, in the case of outflows, estimates on Portuguese emigration.

The observation of international migration since 1999 reveals that immigration strongly increased in the turn of the century. Total inflows almost doubled, increasing from 43 thousand in 1999 to a maximum of 79.3 thousand in 2003. Afterwards, it decreased to 72.4 thousand. This trend reflects the large growth of foreign inflows since the late 1990s. Factors such as the strong expansion of the economy, the large demand for unskilled labour and the lifting of internal borders control resulting from the coming into force of the Schengen Agreement Application Convention in 1995, accounts for the upsurge and diversification of inflows. This period was characterised by a massive entry of immigrants with no previous presence in the country, most notably Eastern European immigrants. The effects of a large

regularisation process carried on in 2001 are also visible in this data. Numbers for the regularised immigrants, as well as legal inflows, are reflected in the estimates for the whole period. In 2004, the reduction of the pull factors for immigration is noticeable, reflected in the decrease of inflows.



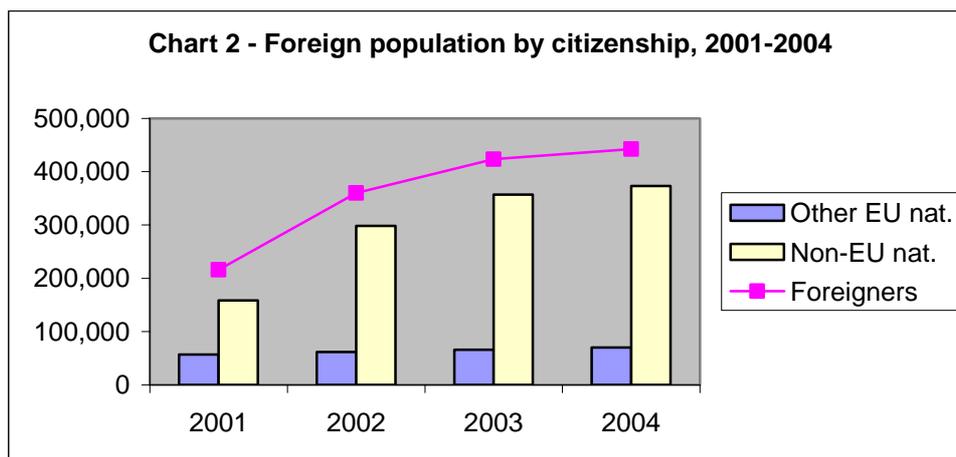
## b) Population by Citizenship

Total population in Portugal in 2004<sup>1</sup> amounted to circa 10.475 thousand individuals. As displayed in Table 1, this reflected a small increase, of 2.1 per cent, in relation to total population in the beginning of 2001. The evolution of the foreign population was much more impressive. In 2004 it amounted to 442.8 thousand individuals – a number than more than doubled the corresponding figure in 2001. In relative terms, foreigners represented 4.2 per cent of the total population in 2004. The proportion of EU nationals (other than Portuguese) was 15.8 per cent, against 84.2 per cent of non-EU nationals. The largest increase was, by far, the one of the latter group (see Chart 2 and Table 2).

**Table 1 - Population by main groups of citizenship, 2001-2004**

	2001 (1 Jan.)	2002 (1 Jan.)	2003 (1 Jan.)	2004 (1 Jan.)	2001-2004 %
<b>Total Population</b>	<b>10,256,658</b>	<b>10,329,340</b>	<b>10,407,456</b>	<b>10,474,685</b>	<b>2.1</b>
Nationals	10,041,023	9,969,057	9,984,178	10,031,859	-0.1
Foreigners	215,635	360,283	423,278	442,826	105.4
<i>Other EU-Nationals</i>	56,850	61,736	66,057	69,868	22.9
<i>Total Non-EU nationals</i>	158,785	298,547	357,221	372,958	134.9

<sup>1</sup> Data in this section refers to 1 January 2004.



Data in Table 2 correspond to population by main groups of citizenship in 2004. Regarding non-EU nationals, the wide diversification of national origins of immigration is clearly visible. Contrary to what was the case in 2001, when citizens from PALOP – the Portuguese-speaking African former colonies – and Brazil predominate, a diverse array of countries is visible. The largest foreign group in the country is from Ukraine, with 66.8 thousand individuals. Next, with numbers also over 60 thousand are Brazil and Cape Verde – two groups with a much longer presence in the country. The remaining top ten nationalities combine traditional (Portuguese-speaking) with recent newcomers, such as Moldovans, Romanians and Chinese.

**Table 2 - Population by main groups of citizenship  
(most important nationalities), 2004**

	2004	%
<b>Total Population</b>	<b>10.474.685</b>	-
Nationals	10.031.859	-
<i>Foreigners</i>	<i>442.826</i>	<i>100</i>
Other EU-Nationals	69.868	15,8
Total Non-EU nationals	372.958	84,2
<i>Most important third country nat</i>		
Ukraine	66.787	15,1
Brazil	66.132	14,9
Cape Verde	63.474	14,3
Angola	34.521	7,8
Guinea Bissau	24.655	5,6
Moldova	13.704	3,1
Romania	12.126	2,7
S. Tome Princip	10.166	2,3
China	9.084	2,1
USA	8.368	1,9
Others	63.941	14,4

### c) Residence Permits: annual total positive decisions

The legal statuses available for a long-term permanence in Portugal (one year or more) are residence permits, issued by the Aliens and Borders Service (SEF), and long-term consular visas, issued by the Foreigner Affairs Ministry and renewed by SEF. Both legal titles allow a distinction between the main categories for migration, particularly family formation and reunification, study and employment.

Table 3 displays the main data available in 2004 (due to methodological problems, it is not possible to compare these figures with similar ones in previous years). The total number of legal long-term permits – residence permits and long-term consular visas – issued was of 27.7 thousand. It included a majority of permits issued for working purposes (15.6 thousand, circa 57 per cent of the total), followed by permits issued for family reunification purposes (7.6 thousand, circa 27 per cent) and for study purposes (3.3 thousand, circa 12 per cent). The large fraction of permits linked to employment is partly due to the large number of working visas granted to Brazilian citizens in the framework of a special agreement for the regularization of Brazilian immigrants signed in 2003<sup>2</sup>.

**Table 3 - Annual total number of permits issued according the main categories for migration, 2004**

	2004	
	Pos. decisions	
	Total	%
<b>Total</b>	<b>27.674</b>	<b>100</b>
Family formation/reunification	7.584	27,4
Study	3.280	11,9
Employment	15.635	56,5
Other categories	1.175	4,2

<sup>2</sup> Portuguese Brazilian Agreement on nationals' mutual contracting, of July 2003 (Lula Agreement).

## 2) Contextual interpretations - legal, political and international factors

### a) Main trends and developments in the area of migration policy

The reference year was marked by the approval of the regulatory code of the Aliens Act and by the regularization of a significant number of foreigners. In view of its repercussions in the immigration field, it is worth mentioning the European Football Championship (Euro 2004), which was held in Portugal.

- Following the amendments to the legal framework for the entry, permanence and removal of foreigners<sup>3</sup> in the reference year, the respective Regulatory-Decree (Regulatory-Decree 6/2004 of 26 April), was approved. Among other alterations, it was created a more favourable framework for foreigners prorogation of permanence in Portugal, aimed at relatives of holders of study visas, temporary stay visas, work visas and holders of authorization of permanence (art.º 53 n.º 2 of Decree-Law 244/98), and when in presence of a major event (force majeure), for humanitarian reasons or convincing professional reasons (art.º 30º of the Regulatory - Decree 6/2004).

This legal instrument gave the possibility to those foreigners who had entered Portugal up to the date upon which the amendment to the Act on Foreigners came into force<sup>4</sup> (10th March 2003), without an adequate visa, of regularizing their permanence, provided they carried out a subordinated labour activity in this country. To that effect, it was necessary that all Social Security and Fiscal payments had been settled (art.º 71º of the Regulatory-Decree 6/2004).

- The European Football Championship (EURO 2004), held in Portugal, led to the adoption of special political and legislative measures, such as the reinstatement of documental control at the internal borders, between 26 May and 4 July<sup>5</sup>, the adoption of a special framework for removal of foreign citizens, which simplified the respective procedures<sup>6</sup>, and the setting up of six fostering centres with the facilities of temporary accommodation centres for implementing the removal measures, between 10 June and 19 July 2004<sup>7</sup>.

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<sup>3</sup> Decree-Law 244/98, of 8 August, amended by the Decree-Law 34/2003 of 25 February

<sup>4</sup> In the new version conferred by Decree-Law 34/2003, of 25 February

<sup>5</sup> Resolution of the Council of Ministers 65/2002, of 21 May

<sup>6</sup> Organic Law 2/2004, of 12 May

<sup>7</sup> Decree-Law 141/2004, of 11 June

- Regarding the regularization of foreigners initiated in 2001, by the end of 2004 a global total of 183.833 authorizations of permanence had been granted to foreign citizens who were in Portugal illegally. This legal framework covered foreigners who possessed a proposal for a work contract, validated by the Labour General-Inspectorate, as per the contents of article 55 of Decree-Law 7/2001, of 10 January<sup>8</sup>. The authorizations of permanence were valid for a one year period and could be prorogued for equal periods up to a limit of five years.

- In the reference year Brazilian citizens benefited from a special framework for the granting of labour Visas, under the Portuguese-Brazilian Agreement on mutual contracting (Lula Agreement)<sup>9</sup>

Without prejudice to the specific competences and to the cooperation with other national authorities, the Immigration and Borders Service was the entity which was responsible for the implementation of the legislative measures enunciated above.

## **b) Categories of admission or non-admission**

**Admission** – It is possible to quadrate the categories of admission of foreigners for long term stays in the different classes of Visas, i.e. Visa for taking up residence in Portugal, for work or family reunion; Work visa for engaging in a Professional activity up to one year (susceptible to prorogation); Study visa up to one year (susceptible to prorogation), and Visa for temporary stay, namely for medical treatment, accompanying relatives or for exceptional motives with a maximum duration period of one year (susceptible to prorogation).

**Non Admission** – The grounds for non admission in Portugal are the lack or forfeiture date of the travelling document; the use of false, forged or alien document; the absence, forfeiture or forgery of a visa; the absence of valid reasons that consubstantiate the entry; the absence of subsistence means; the existence of an alert in the Schengen Information System to purposes of non-admission and the existence of a restraint entry measure. The entry of foreign unaccompanied minors in Portugal may equally be refused, in accordance to the respective legal framework. The entry into the National Territory may equally be refused on the grounds

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<sup>8</sup> Legislative measure which amended Decree-Law 244/98.

<sup>9</sup> Portuguese Brazilian Agreement on nationals' mutual contracting, of 11 July 2003 (Lula Agreement).

of public policy or national security, as specified in line e) of paragraph 1, article 5 of the Schengen Agreement Application Convention.

**c) European and international factors**

By comparison to the year 2003 it does not seem that immigration in Portugal in the reference year has been conditioned by external factors of considerable significance.

With the accession of 10 new EU Member States, in May 2004, Portugal adopted a transitory framework for subordinated workers, with the exception of Malta and Cyprus. Such enlargement of the EU did not result in a noticeable increase of immigration into Portugal.

## **B. ASYLUM ISSUES**

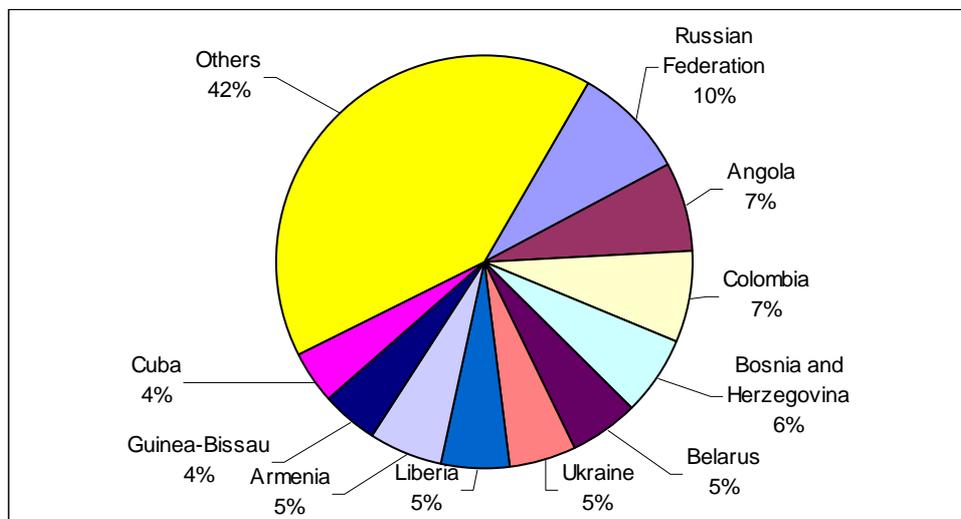
The present law of asylum and refugees is ruled by Act 15/98 of 26 March, which encompasses the legal framework on granting the status of refugee, in accordance to the Convention of Geneva of 1951, and with the New York Protocol of 1967. The competence for granting this status lies with the Minister of Internal Administration, following proceedings started by the Immigration and Borders Service.

### **1. Analysis and interpretation of the asylum statistics**

#### **a) First-time asylum applications**

In the reference year 113 applications for asylum<sup>10</sup> were delivered in Portugal (see chart below), with particular emphasis on citizens from Russia (10 applications), Angola and Colombia (8 applications each), Bosnia Herzegovina (7 applications) and Armenia, Belarus, Liberia and Ukraine (6 applications each). By comparison with the year of 2003 no significant changes were registered, both in what concerns the number of applicants (116 applications), and in what concerns their nationalities. During 2004 there were no significant legal or administrative alterations in terms of asylum issues.

**Chart 3 - First asylum applications by main countries of citizenship, 2004**



<sup>10</sup> It covers the applicant and his family members.

Table 4 - First asylum applications by main countries of citizenship, 2004	Total
<b>TOTAL</b>	<b>113</b>
Russian Federation	10
Angola	8
Colombia	8
Bosnia and Herzegovina	7
Belarus	6
Ukraine	6
Liberia	6
Armenia	6
Guinea-Bissau	5
Cuba	5
Others	46

### b) Final positive decisions

In the reference year, 9 applications were granted, of which 2 under the terms of the Geneva Convention and 7 for humanitarian reasons (see chart below). Furthermore, there were no significant alterations in relation to 2003, period during which 8 applications were granted (2 under the terms of the Geneva Convention and 6 for humanitarian reasons), as there was no relevant variability on the nationalities of the applicants.

Chart 4 – Total Number of Positive Decisions, 2004

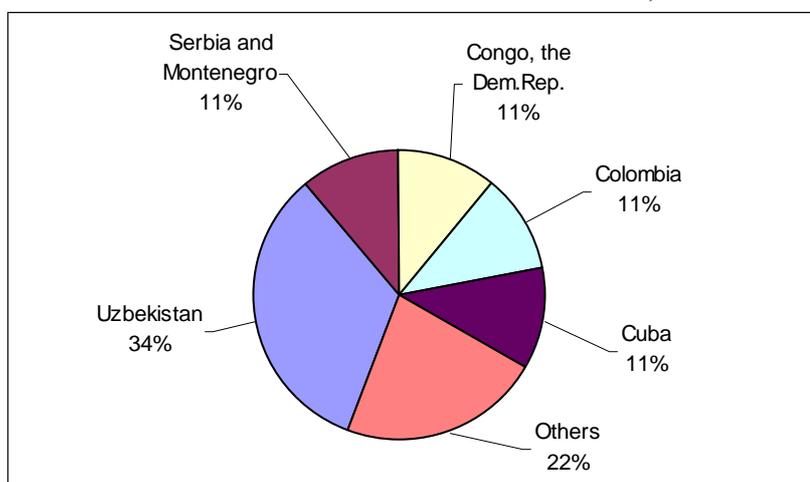


Table 5 – Total Number of Positive Decisions 2004	Total	Geneva Conv. Stat. Granted	Humanitarian Status and all other types of subs. protect.
<b>TOTAL</b>	<b>9</b>	<b>2</b>	<b>7</b>
Uzbekistan	3	0	3
Serbia and Montenegro	1	0	1
Congo, the Democratic Republic of the	1	0	1
Colombia	1	0	1
Cuba	1	1	0
Others	2	1	1

**c) Changes in the statuses regularly granted**

There were no alterations worth registering in the course 2004.

**2) Contextual interpretations - legal, political and international factors**

**a) New or amended laws**

In the reference year no asylum legislative measures were approved, no amendments were made to the existing law, and there were no relevant judicial decisions or with any particular meaning outside the case they decided upon.

**b) Procedural changes**

During the reference year there were no pertinent alterations either procedural or administrative.

**c) European and international factors**

Although asylum applicants in Portugal cover a relatively diversified range of nationalities, in the more recent years those nationalities have remained more or less the same, and it does not seem clear what external factors support or condition this phenomenon. However, it is perceived that the nationalities of the respective beneficiaries, does not have a direct connection with the main migrating flows or with the main foreign communities residing in Portugal.

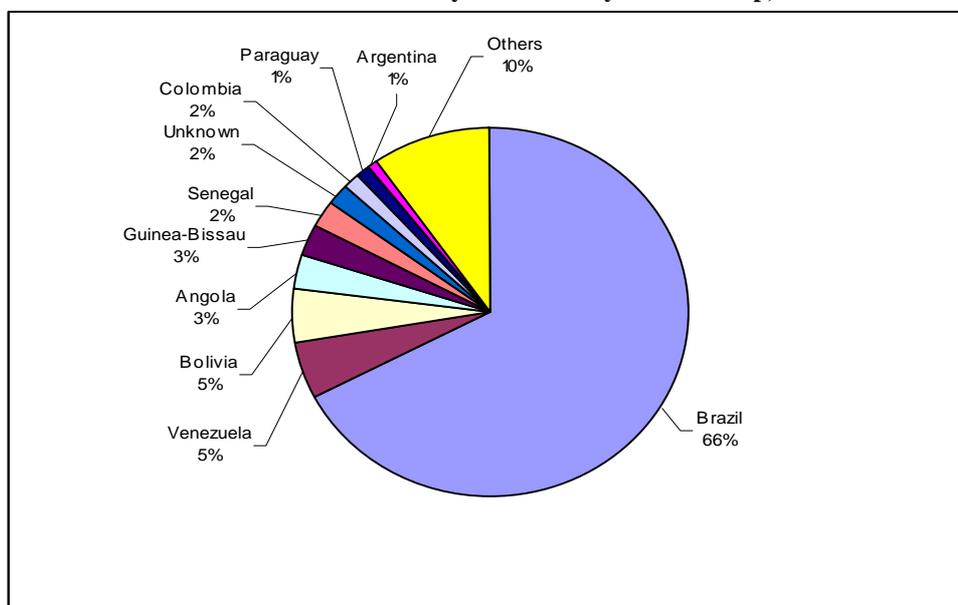
## C. ILLEGAL ENTRY

### 1) Analysis and interpretation of statistics

#### a) Developments and trends - refused aliens

In the reference year, a total 4 335 third-country nationals were refused entry in Portugal (see chart below), with particular emphasis on citizens from Brazil (2 910), Venezuela (216), Bolivia (214), Angola (128) and Guinea-Bissau (115). All occurrences relate to air borders, and there were no major hindrances to the respective removal.

**Chart 5 - Refused aliens by main country of citizenship, 2004**



**Table 6 - Refused aliens by main country of citizenship, 2004**

	Total
<b>TOTAL</b>	<b>4.335</b>
Brazil	2.910
Venezuela	216
Bolivia	214
Angola	128
Guinea-Bissau	115
Senegal	99
Unknown	82
Colombia	69
Paraguay	42
Argentina	38
Others	422

In 2003, there were 3700 refusals of entry, being the more representative nationalities Brazil (2 339), Angola (254), Senegal (127) Bolivia (121) e Guinea-Bissau (107). In short, in the reference year the refusals of entry in Portugal increased by 16.8% in relation to 2003. The reasons for that accretion might be linked to the Euro 2004 in Portugal, the connected suppression of free movement of persons, and, in general terms, the reinforcement of borders control.

Although Brazil stands out in the first position in the rank of refused entries, during the analyzed period, in 2004 a significant increase of migrating pressure from Latin America was perceived, specifically from Venezuelan and Bolivian citizens. In fact, during 2004 these two countries were in the second and third positions in the rank of nationalities whose entries were refused, thus surpassing African countries, including Portuguese speaking African countries (Angola and Guinea-Bissau). In what concerns Angola, it is equally perceived a significant decrease, in absolute terms, possibly deriving from the political and economical changes in this Country.

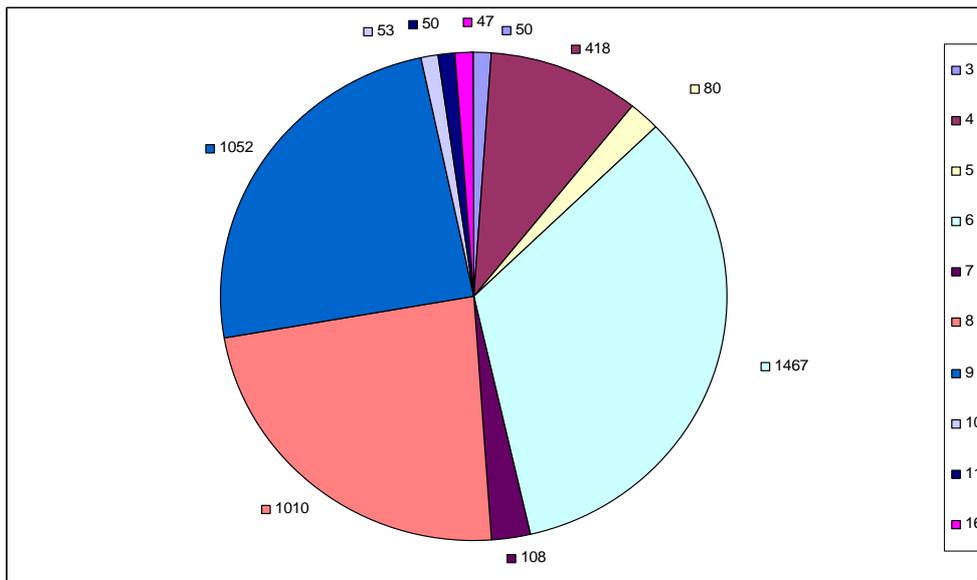
The most representative nationalities in terms of refusal of entry, reveal, to an extent, the historical and cultural affinities with Portugal, as well as the national geographical position which is marked by the absence of land external borders and by the absence of regular maritime passenger routes with third-countries. On the other hand, we perceive a direct connection between the most representative nationalities, whose entry is refused, and some of the main air routes between Portugal and third-countries, particularly with Portuguese speaking countries and other countries from Latin America.

The main reasons for refusing the entry were, following this order: lack of visa, unjustified motives for the entry, and lack of subsistence means.

Table 7 – Refusals of entry by grounds, 2004

<b><u>GROUND</u>S</b>	<b>TOTAL</b>
Be without Travelling document or holding a forfeit Document. (03)	50
False or forged (04)	418
Use of alien Document (05)	80
Lack of visa or forfeit visa (06)	1467
False or forged visa (07)	108
Absence of motives which justify the entry (08)	1010
Lack of subsistence means (09)	1052
Being the object of an alert for the purpose of refusing the entry in the Schengen Territory (10)	53
Unaccompanied foreign minors (11)	50
Others (16)	47
<b>TOTAL</b>	<b>4335</b>

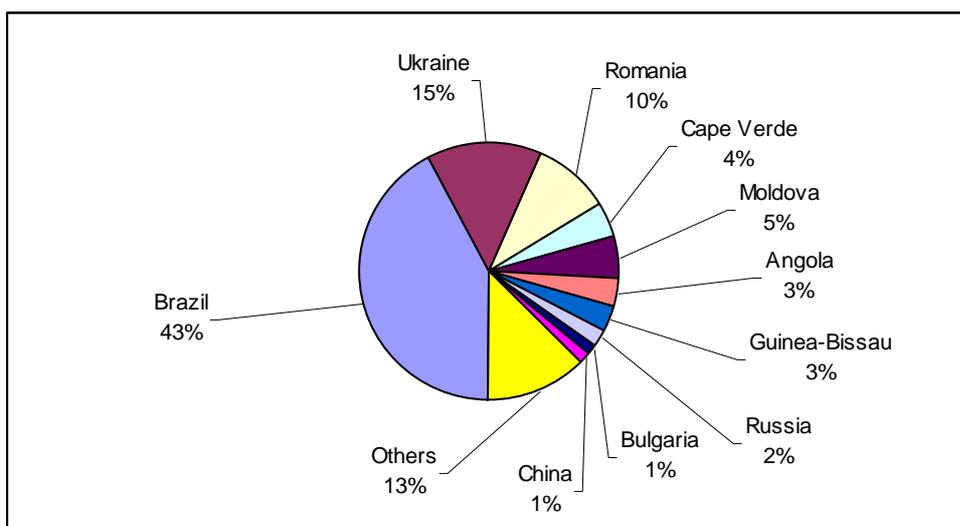
Chart 6 - Refusals of entry by grounds in the year 2004



**b) Developments and trends pertaining to the number of apprehended aliens**

In the reference year, there were a total of 16 025 apprehensions <sup>11</sup> of third-country nationals in illegal situation (see chart below) with particular emphasis on Brazil (6 757), Ukraine (2 318), Romania (1 584), Moldova (846) and Cape Verde (710).

**Chart 5 - Apprehended aliens illegally present by main countries of citizenship, 2004**



<b>Table 8 - Apprehended aliens illegally present by main countries of citizenship, 2004</b>	
	<b>Total</b>
<b>TOTAL</b>	<b>16.025</b>
Brazil	6.757
Ukraine	2.318
Romania	1.584
Moldova	846
Cape Verde	710
Angola	524
Guinea-Bissau	507
Russia	338
Bulgaria	230
China	217
Others	1.994

<sup>11</sup> It includes notifications for voluntary abandonment, infraction proceedings for exceeding the permanence time limit, and administrative expulsion proceedings.

In 2003 there were 17 886 apprehensions with particular emphasis on Brazil (5 961), Ukraine (3 457), Romania (1 457), Cape Verde (1 115) and Moldova (1 096). It is perceived a substantial decrease to the apprehensions in 2004 (approximately 9%), which is possibly due to legal changes that permitted the regularization of certain foreigners in some specific situations, as mentioned.

**c) Developments and trends pertaining to the number of aliens removed**

In the reference year there was a total of 3 505 removals<sup>12</sup> of third-country nationals (with an increase of 25,2% in relation to the former year), with particular emphasis on Brazilian citizens (1 163), Romanian (642), Ukraine (468) and Cape Verde (140) (see chart below).

**Chart 8 - Total removed aliens by main countries of citizenship, 2004**

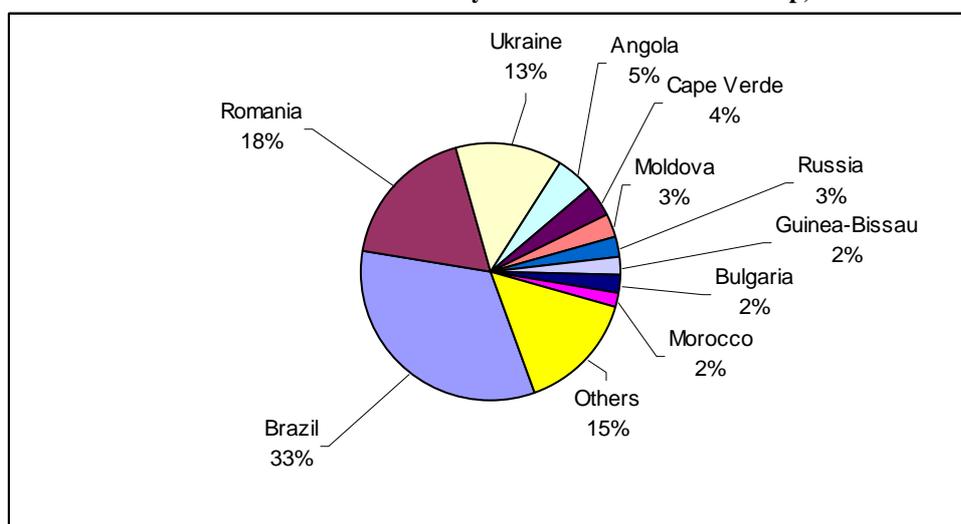


Table 9- Total removed aliens by main countries of citizenship, 2004		Total
<b>TOTAL</b>		<b>3.505</b>
Brazil		1.163
Romania		642
Ukraine		468
Angola		158
Cape Verde		140
Moldova		106
Russia		89
Guinea-Bissau		75
Bulgaria		76
Morocco		61
Others		527

<sup>12</sup> It includes the executed removals and the notifications of voluntary abandonment.

In 2003 there were a total of 2 798 removals, with particular emphasis on Ukrainian citizens, Brazilians (517), Romanians (376), Angolans (216) and Russians (154).

It is thus noticed that in 2004 Brazil reached the top of the rank, demonstrating the increase of pressure of Brazilian migration. In every other aspect, there is a substantial increase to the number of removals, albeit without an alteration to the main nationalities.

#### **d) Refused, apprehended, and removed aliens**

As a characteristic which is common to the three categories of data (refusals of entry, apprehensions and removals), outstands the fact that Brazil is clearly in the first position in all of those categories, thus showing the migratory pressure from that country into Portugal and the EU. The persistence of migratory flows from Portuguese speaking countries is perceived in relation to Angola, Guinea-Bissau and Cape Verde, which are also among the ten most representative countries in the three categories, with the exception of Cape Verde in relation to apprehensions.

A second aspect to be considered has to do with the expressiveness of immigration from Eastern Europe, including Bulgaria, Moldova, Romania, Russia and Ukraine in what concerns apprehensions and removals. The fact that those nationalities are not exemplary in terms of refusal of entry indicates that their entry may occur through an internal border.

Inversely, the fact that figures related to refusals of entry of Hispanic South American nationals (Argentina, Bolivia, Colombia, Paraguay e Venezuela) do not coincide with those relating to apprehensions and removals may indicate that these nationalities attempt to use the Portuguese external air border to get to other EU countries.

## **2) Contextual interpretations - legal, political and international factors**

### **a) New or amended laws**

Within the ambit of a legislative program initiated in 2003, during the reference year, Portugal cemented policies tending to reduce illegal immigration, specifically by adopting special legal

frameworks aiming at regularizing immigrants who remained in an irregular position, but had ties to the Portuguese society.

Such was the case of the regularization of permanence of those foreigners that were engaged in a subordinated labour activity on the date upon which the amendment of that Law comes into force<sup>13</sup>. Bearing in mind a policy of family protection, the amendment to the Aliens Act<sup>14</sup> gave more flexibility to the legal framework on prorogation of foreigners' permanence in Portugal, for humanitarian reasons, incontrovertible reasons or acceptable professional motives, including the holders of study Visas, temporary stay Visas, work Visas and authorization of permanence<sup>15</sup>.

### **b) Procedural changes**

As mentioned above, the European Football Championship (Euro 2004) led to the establishment of extraordinary legal and political measures, specifically the reinserting of documental internal border control between 26 May and 4 July 2004, to the adoption of a temporary special legal framework for speeding up removal proceedings of foreign citizens, and to the setting up of six fostering centres with the facilities of temporary accommodation centres, between 10 of June and 9 July.

In connection with that event there was a strengthening of border controls, namely at air and land borders posts and the intensification of checkups, aiming at guaranteeing the safety conditions required in the course of an event of such dimension.

### **c) European and international factors**

As it can be concluded from the data presented above, immigration into Portugal is essentially due to economical reasons; whereas asylum associated motives are not representative. On the other hand, the stability of immigration flows into Portugal, in the most recent years, is, to a fair extent, a sign that in the countries of origin there are no significant alterations at the base of migrating options.

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<sup>13</sup> Article 71 of the Regulatory Decree 6/2004.

<sup>14</sup> Decree-Law 34/2003, which amended Decree-Law 244/98.

<sup>15</sup> Article 53 in paragraph 2 of Decree-Law 244/98 and article 30<sup>o</sup> of the Regulatory Decree 6/2004.

## **D. OTHER DATA AND INFORMATION AVAILABLE**

Since the 1990s, a considerable body of research was produced about foreign immigration into Portugal. A recent review of research literature prepared by Machado and Matias (2006) provides an extensive view of the work available since 2000. This document covers a wide range of topics, including migration policy, labour market issues, education, health and others. Amongst the more comprehensive references about recent immigration flows, the works of Baganha and Fonseca (2004), Baganha, Góis and Pereira (2005), Fonseca, Malheiros and Silva (2005), Malheiros (2007) Peixoto (2002) and Pires (2003) may be cited. Besides these, a large number of other references have been written on more specific topics, allowing a vast knowledge of the main aspects of immigration. Available official statistics are not so abundant. However, despite the difficulties for measuring immigration referred to above, the recourse to databases produced by different institutions (National Statistical Institute, Aliens and Borders Service, Foreigner Affairs Ministry, Ministry of Labour, Ministry of Education and others) provides a broad picture of the situation.

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