



Migration Governance Snapshot: the Portuguese Republic

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In 2015, IOM developed a [Migration Governance Framework \(MiGOF\)](#) to help countries define what “well-managed migration policy” might look like at the national level. The MiGOF was welcomed by IOM’s Member States in the same year. The Migration Governance Indicators (MGI) were developed to assist countries operationalize the MiGOF by using a standard set of approximately 90 indicators which could be applied across six key policy domains.

The MGI is a tool based on policy inputs, which offers insights on policy levers that countries can use to develop their migration governance. The MGI is not intended to function as a measurement of outcomes related to migration policies and institutions, instead it operates as an input-based benchmarking framework that offers insights on policy measures that countries can action to strengthen migration governance. The MGI is not meant to rank countries on the design or implementation of migration policies, but rather to be a framework to help countries in the assessment of the comprehensiveness of their migration policies, as well as to identify gaps and areas that could be strengthened. The MGI aims to assist countries when advancing the conversation on migration governance by clarifying what “well-governed migration” might look like in the context of the [SDG Target 10.7](#).

This country snapshot summarizes the well-governed areas of the Portuguese Republic’s (hereafter referred to as Portugal) migration governance structures, as well as the areas with potential for further development, as assessed by the MGI.¹

¹ The Migration Governance Indicators (MGI) initiative is a policy-benchmarking programme led by the International Organization for Migration (IOM) and implemented with the support of the Economist Intelligence Unit. Funding is provided by the Government of Sweden.

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Key findings

I. Adherence to international standards and fulfilment of migrants' rights

International conventions ratified

Convention name	Ratified
ILO Migration for Employment Convention (Revised), 1949 (No. 97)	Yes (1978)
Convention relating to the Status of Refugees, 1951	Yes (1960)
Convention relating to the Status of Stateless Persons, 1954	Yes (2012)
Convention on the Reduction of Statelessness, 1961	Yes (2012)
ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)	Yes (1978)
Convention on the Rights of the Child (CRC), 1989	Yes (1990)
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), 1990	No

Migration Governance: examples of well-developed areas

All types of immigrants, regardless of their legal status, can access public health services. However, depending on their legal status, they may have to bear the entire costs of the services, with the exception of urgent and life-saving health care, treatment for communicable diseases, maternal and child care and reproductive health, and health care for children. All immigrants also have access to primary, secondary and tertiary education, as well as to preschool.

Immigrants with temporary or permanent residence permits, as well as those with refugee or subsidiary protection status, can apply for family reunification. Furthermore, applications for a residence permit and family reunification can be completed at the same time.

Immigrants who have been living in the country on a temporary residence permit for five years can apply for a permanent residence permit. Long-term residents enjoy a permanent status, renewable every five years, with the right to live and work abroad for long periods and to move freely within the European Union (EU).

The path to citizenship begins after six years for ordinary immigrants and three years for spouses of citizens (marriage or common law union). Children born in Portugal are entitled to citizenship at birth if their parents have been living in the country legally for five years (that is, the second generation) or were born in Portugal (the third generation). Others gain this right when presenting the certificate of enrolment in the first cycle of compulsory education.

Portugal guarantees immigrants access to welfare and to the labour market based on the principle of non-discrimination. Foreigners with a residence permit (permanent or temporary) have the right to work, the only exception being immigrants with a volunteer, intern, or student visa. Moreover, there are no restrictions on the type of employment immigrants can engage in. That is, immigrants have the same rights as nationals to private sector employment and self-employment, while there are only minimum restrictions on public sector employment, such as the exercise of public authority and instances of safeguarding general state interests.

Portugal has ensured the basis for efficient migration governance by acceding to various international conventions on the protection of migrant rights, such as the Convention Relating to the Status of Refugees, the Convention on the Rights of the Child, the ILO Migrant Workers Convention and the Conventions on Statelessness.

Areas with potential for further development

Electoral rights is a potential area for growth, since only certain foreign residents are permitted to vote in local elections. This largely relates to immigrants from countries that grant reciprocal treatment in political

participation and who have been living in Portugal for a specified period of time. The principle of reciprocity, defined in the National Constitution, excludes individuals from a number of communities from voting or being elected in local elections. At present, Portugal grants electoral rights in all (national and local) elections to Brazilian citizens with special status of political rights, as well as to all EU citizens living in Portugal for elections to the European Parliament. At present, Portugal grants the right to vote in local elections to citizens from EU member states, Argentina, Brazil, Cabo Verde, Chile, Colombia, Iceland, New Zealand, Norway, Peru, Uruguay and Venezuela.

2. Formulates policy using evidence and whole-of-government approach

Migration Governance: examples of well-developed areas

Portugal's immigration policy is regulated by [Law 23/2007](#), which establishes the conditions and procedures for the entrance, stay and departure of foreigners from Portuguese territory. It also outlines immigrants' rights, as well as different types of visa and residence permits for different types of migrants, including victims of trafficking.

Information on migration regulations is readily available to the public on various government agencies' websites, in both Portuguese and English. The [Immigration and Borders Service](#) (SEF) website provides information on the legal framework on entry, stay and exit. The [High Commission for Migration](#) (ACM) is the public body responsible for designing and coordinating public policies on migration and for the integration of migrants in Portugal. ACM also publishes information on requirements for entry and stay. The [Portal das Comunidades Portuguesas](#) (Portal of the Portuguese Communities), administered by the Ministry of Foreign Affairs, provides comprehensive information on visa requirements and services available to Portuguese nationals abroad. In addition, the [EU immigration portal](#) provides practical information about working and studying in the EU, with information for specific member states.

While there is no legal framework underpinning emigration (such movements are fully liberalized), Portugal has a strong legal presence abroad, with representations spread across 148 countries.

Portugal collects and publishes data on migration on a regular basis. The [Portuguese Statistics Office](#) (INE) publishes data on the number of residence applications, the stock of non-national foreign residents and of foreign-born with Portuguese nationality. The national census includes questions relating to migration (such as place of residence one and five years prior to the census, nationality and country of birth). The [Observatory on Migration](#) publishes data on indicators of immigrant integration on an annual basis, following recommendations from the European Commission, but going beyond the four dimensions and 16 indicators considered in the [Zaragoza Declaration](#). The most recent edition of these annual statistical [reports](#) covers 15 dimensions of integration and more than 200 indicators, analysing data from 28 statistical and administrative national sources and 14 international statistical sources. This development was highlighted in a 2017 [report](#) of the European Union Agency for Fundamental Rights, citing Portugal as among the small group of countries which are going beyond European Commission recommendations on the collection of data on immigrant integration. The annual report from [SEF](#) is the reference publication for official data on immigration with regard to entries, exits and stocks. The [Directorate General of Consular Affairs and Portuguese Communities](#) (Ministry of Foreign Affairs) publishes an annual statistical report on emigration flows, stocks and remittances. The [Observatory on Emigration](#) also publishes data on emigration flows.

The current [Strategic Plan for Migration \(2015–2020\)](#) aims at improving immigrant integration, increasing the coordination of migration flows, reinforcing the migration legal framework and the quality of available services, and incentivizing emigrants to return. This plan reflects a well-developed strategy and looks at migration as part of the solution to some of the country's problems, including gaps in highly skilled labour and a persistent demographic deficit.

Areas with potential for further development

Data on immigrants could be collected and disaggregated by ethnicity, as internationally recommended by the Committee on the Elimination of All Forms of Racial Discrimination.

3. Engages with partners to address migration and related issues

Migration Governance: examples of well-developed areas

Portugal performs strongly in terms of partnerships. First, it is a member state of the European Union (EU), which establishes a series of regional agreements on migration. In particular, it guarantees the free movement of people across the EU and partially harmonized immigration and refugee policies. Second, Portugal has an important relationship with Portuguese-speaking countries, with which it strikes additional agreements.

The country is part of several regional consultative processes, such as the Budapest Process, the Prague Process and the Rabat Process, and has a strong engagement with the International Organization for Migration and the Office of the United Nations High Commissioner for Refugees.

At the national level, the Government has established partnerships to design a more effective migration policy. In particular, through the High Commission for Migration, several working groups have been created that formally involve the participation of civil society organizations (including representatives of various immigrant communities), the private sector and members of the diasporas. The Council for Migration, for instance, is a consultative body that includes representatives of the main immigrant communities in Portugal, non-governmental organizations (NGOs) and employers, as well as other non-state actors. It meets up to three times per year and takes part in defining the general lines of action of ACM.

There are several formal bilateral agreements between Portugal and other countries related to migration. Examples are agreements with Ukraine, Cabo Verde, Morocco and Bulgaria on labour migration, and several agreements on social security. Portugal also participates in open platforms such as the Community of Portuguese Speaking Countries, whose members are in close contact and regularly consult on migration policies.

Areas with potential for further development

The formal engagement of diaspora members in agenda-setting and implementation of development policy could be expanded. The current plan of activities of the Conselho das Comunidades Portuguesas (Council of Portuguese Communities, 2017–2020) is focused on topics related to Portuguese nationals abroad, such as civic-political participation and equal rights, and to the development of the Portuguese presence in the world, with a focus on language and cultural identity. Yet, it could be used as a platform to further engage diaspora members in the identification and design of strategic development areas for the country, and to maximize their contributions to this development.

4. Advances the socioeconomic well-being of migrants and society

Migration Governance: examples of well-developed areas

The Portuguese visa system takes into account immigrants' skills when granting work visas. There are several visa categories that reflect various skill sets (for example, researcher visa, investor visa, athlete visa). Since 2001, a flexible immigration law has enabled visas to depend directly on job contracts. This works as an automatic mechanism that allows more immigration amid increased labour demand in Portugal.

[Law 23/2007](#) allows foreign students to arrive in the country as long as they are enrolled in a school programme, and the current [Strategic Plan for Migration \(2015–2020\)](#) foresees measures to attract more international students to higher education institutions in Portugal. International students are also able to work while studying, with [Law 23/2007](#) (amended in 2017) stating that those with a student visa in tertiary education can enter the labour market. However, international students in secondary education are not permitted to work.

Portugal meets international standards for securing immigrants' ethical recruitment and has also developed labour market legislation that specifically prohibits discrimination. The [Commission for Equality and Against Racial Discrimination](#) (acting under the High Commission for Migration) is responsible for monitoring and imposing sanctions on companies that undertake discriminatory acts.

Areas with potential for further development

Portugal is not involved in the promotion of formal remittance schemes. Additionally, even though it has mechanisms for issuing visas according to specific skills and profiles and develops studies on migrants in the labour market and its dynamics, there is scope for producing regular national assessments of the effects of emigration and immigration on the domestic labour market.

While in most cases foreign students are offered the same conditions as nationals in universities, [decree-law 36/2014](#) allows universities to set different tuition fees for international students.

5. Effectively addresses the mobility dimensions of crises

Migration Governance: examples of well-developed areas

All immigrants, regardless of their legal status, have access to humanitarian assistance during crises. Article 15 of the [Constitution](#) states that foreigners and immigrants enjoy the same basic rights as nationals. Portugal's legal framework includes provisions that protect immigrants' rights in times of crisis, including through the granting of humanitarian visas to foreigners from countries experiencing crisis.

The [National Plan for Emergency Civil Protection](#) defines responsibilities for immigration-related issues in crisis and post-crisis situations. In particular, SEF is tasked with coordinating migrants' movements, identifying foreigners' dead bodies, providing guidance to foreign citizens on upcoming procedures, contacting different consulates and securing the borders, among other undertakings.

The Consular Emergency Cabinet, a unit within the Directorate General of Consular Affairs and Portuguese Communities of the Ministry of Foreign Affairs, provides 24/7 emergency consular assistance to nationals living abroad in situations of crisis. The Cabinet also maintains an online platform to register nationals travelling abroad and collect information on destination, dates and emergency contacts. In addition, the Directorate General of Consular Affairs and Portuguese Communities of the Ministry of Foreign Affairs runs a National Plan of Return to Portugal for Portuguese nationals travelling or residing in countries affected by a crisis. The plan currently covers 21 countries.

Areas with potential for further development

Portugal has developed a range of products in various languages and has set up a translation line to facilitate communication with immigrants. However, the main channels of information used during crises are television and radio. These systems do not take into consideration the specificities of immigrants and potential language barriers.

A strategy for addressing migratory movements caused by the adverse effects of environmental degradation and the adverse effects of climate change does not exist. Also, there are no specific provisions on migration-related issues in post-crisis recovery strategies.

6. Ensures that migration takes place in a safe, orderly and dignified manner

Migration Governance: examples of well-developed areas

There is a dedicated body tasked with integrated border control and security: the Immigration and Borders Service (SEF). It is responsible for border controls and for overseeing the entrance, duration of stay and exit of foreigners in national territory. SEF staff receive yearly training on areas such as migrant entry and foreign languages.

Immigrants' admission and eligibility criteria are clearly outlined. It is possible to find different visa options on the website of [ACM](#). The [Portal das Comunidades Portuguesas](#) (Portal of the Portuguese Communities), led by the Ministry of Foreign Affairs, as well as [SEF's](#) website display information on visas required to enter Portugal.

Although the visa processing system is not fully online, but rather a mixed online and paper system, immigrants can have their visas awarded prior to arrival by applying in Portuguese consulates.

Portugal has several incentive programmes to attract Portuguese nationals living abroad. Emigrants have the option to return under the [Regime do residente não habitual](#) (non-habitual resident regime) if they have worked abroad for five years, which allows them to receive significant tax breaks if they perform highly qualified activities in an artistic, scientific or technical area. In addition, the [Strategic Plan for Migration \(2015–2020\)](#) has an entire section dedicated to facilitating and promoting the return of Portuguese nationals.

Portugal has a strong framework to combat human trafficking and smuggling. There are several agencies working to combat human trafficking, such as the [Observatory on Trafficking of Human Beings](#) under the Ministry of Internal Affairs, and the [Commission for Citizenship and Gender Equality](#), under the Presidency of the Council of Ministers. There is also a National Rapporteur on Trafficking from the Commission for Citizenship and Gender Equality. Portugal introduced a national strategy to prevent and combat human trafficking in 2007, which is developed through consecutive three-year national action plans (the current [plan](#) covers 2014–2017). The plan's coordination is supported by an inter-ministerial working group created in 2013, which involves all competent ministries and three NGOs elected from the network for assistance and protection to victims of trafficking in human beings. The working group publishes an activity report on an annual basis that is presented in the Parliament. In addition, the Observatory on Trafficking in Human Beings collects, analyses and publishes data on human trafficking on a regular basis. Besides the annual statistical report, short briefings are published every three months, along with thematic bulletins.

Key sources

Portuguese Republic, Commission for Citizenship and Gender Equality

- 2017 Commission for Citizenship and Gender Equality official website, Trafficking in Human Beings. Available from <https://www.cig.gov.pt/planos-nacionais-areas/trafico-de-seres-humanos/>.

Portuguese Republic, Commission for Equality and Against Racial Discrimination

- 2017 Commission for Equality and Against Racial Discrimination official website. Available from <http://www.cicdr.pt/>.

Portuguese Republic, High Commission for Migration

- 2015 Strategy Plan for Migrations. Available from <http://www.acm.gov.pt/-/plano-estrategico-para-as-migracoes-pem->.

- 2017 High Commission for Migration official website. Available from www.om.acm.gov.pt.

Portuguese Republic, Ministry of Health

- 2001 Order nº 25 360/2001. Available from <https://dre.pt/application/dir/pdf2sdip/2001/12/286000000/2059720598.pdf>.

Portuguese Republic, Ministry of Education and Science

- 2014 Decree-Law 36/2014. Available from <https://dre.tretas.org/dre/315932/decreto-lei-36-2014-de-10-de-marco>.

Portuguese Republic, Ministry of Foreign Affairs

- 2017 Directorate General of Consular Affairs and Communities Abroad official website. Available from <https://www.portaldascomunidades.mne.pt/pt/quem-somos/direcao-geral-dos-assuntos-consulares-e-das-comunidades-portuguesas>.

Portuguese Republic, Ministry of Interior

- 2017 Aliens and Borders Service official website. Available from <http://www.sef.pt/portal/V10/EN/asp/page.aspx>.

- 2013 Civil Protection National Authority, National Emergency Plan. Available from http://www.prociv.pt/bk/RISCOSPREV/Documents/Componentes_p%C3%BAblicas.pdf.

Portuguese Republic, National Election Commission

- 2017 National Election Commission official website. Available from <http://www.cne.pt/faq2/95/3>.

Portuguese Republic, Observatory on Trafficking in Human Beings

- 2017 Observatory on Trafficking in Human Beings official website. Available from <http://www.otsh.mai.gov.pt/Recursos/Pages/default.aspx>.

Portuguese Republic, Parliament

- 1976 Portuguese Constitution. Available from <http://www.parlamento.pt/Legislacao/Paginas/ConstituicaoRepublicaPortuguesa.aspx>.

- 2001 Organic Law 1/2001. Available from <https://dre.pt/web/guest/pesquisa/-/search/524039/details/normal?!=1>.

2007 Law 23/2007. Available from http://www.pgdlisboa.pt/leis/lei_mostra_articulado.php?nid=920&tabela=leis.

2009 Law 7/2009. Available from <https://dre.pt/web/guest/>.

Portuguese Republic, Social Security

2017 Social Security official website. Available from <http://www.seg-social.pt/mobilidade-internacional>.