

Article

Migration policies and institutional frameworks. Development and evolution in Portugal

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Abstract. Portugal has been recognised internationally for implementing migrant friendly policies, occupying the first place in the UN Report and second in MIPEX. Yet, there are several questions to be raised regarding the recognition and valorisation of diversity and difference. In this paper we take a historical approach to analyse how migration policies have been conceived and evolved in Portugal. The methodological approach includes documental analysis and secondary sources.

Keywords. Cultural Diversity, Institutional Frameworks, Migration polices.

Resumen. Portugal ha sido reconocido internacionalmente por la implementación de políticas favorables a los migrantes, ocupando el primer puesto en el UN report y el segundo en MIPEX. Sin embargo, hay varias preguntas que han de plantearse en relación con el reconocimiento y la valoración de la diversidad y la diferencia. En este artículo adoptamos un enfoque histórico para analizar cómo las políticas de migración se han concebido y desarrollado en Portugal. El enfoque metodológico incluye análisis documental y de fuentes secundarias.

Palabras clave. La diversidad cultural, los marcos institucionales, políticas de migración.

1. Introduction

To fully understand migration and diversity policies in Portugal from a socio-historical perspective, it is necessary to grasp the Portuguese imaginary about the discovery and colonization, as it shapes how the Portuguese feel, self-represent and understand diversity and the relationships with “other”. Castelo (2011), named it the “Portuguese way of being in the world” (*o modo português de estar no mundo*), which is nothing else than the Portuguese colonial ideology in which the Empire was built and maintained until the 1970s. Even though the ideology of colonization and domination was old, it was deeply elaborated during Estado Novo, the longest authoritarian regime of all times, from 1933 to 1974. Gilberto Freyre’s lusotropicalism quasi-theory, published in his famous book *Casa-Grande & Senzala (The Masters and The Slaves: A study in the development of Brazilian Civilization)* from 1933, was used to fully support the Portuguese nationalism.

In short, the “Portuguese way of being” implies that the Portuguese people have a very “particular and specific ways of relating to other peoples, cultures and physical spaces, ways that distinguishes and individualizes them from the rest of humankind” (Castelo,

2011, p. 112). Usually this way is related to positive aspects such as tolerance, plasticity, humanity, fraternity and Christianity. Castelo (2011), Padilla (Padilla, 2006a) Machado (2003) argue that this ideology is still present in the political and cultural discourse today. While it was instrumental for justifying colonial domination until the very late independence of the former colonies (1970s), nowadays it continues to play the same role in the incorporation of migrants in Portuguese society, mainly with the immigrants coming from countries of Portuguese language from Africa and Brazil, but extended to others. The principles are the same: Portuguese are immune to racism and predispose to live with others, so for migrants, Portugal is a safe heaven.

More recently, the good evaluation of Portuguese migration policies has boosted up the national imaginary, picturing Portugal internationally as an opened and welcoming country for immigrants. Reports carried out by the United Nations, the Migrant Integration Policy Index (MIPEX) and the European Union ranked Portugal on the top of best integration policies. Further on, academic studies state that despite of the economical crisis and the increase of anti-immigration sentiments overall in Europe, Portugal has been able to maintain “its integration guiding principles while promoting the richness of cultural diversity and dialogue” (Horta & Gonçalves de Oliveira, 2014, p. 10).

Yet another analysis may be drawn. Even if integration policies have been deemed as very good, there are several questions to be raised regarding the recognition and valorisation of diversity and difference. Hence, this article aims to discuss, based on a historical approach and qualitative analysis of key documents and legislation, how migration policies have been conceived and evolved in Portugal.

2. Historical Overview of Portuguese Migration Trends: From Carnation Revolution to Present Days

Until the 1990s Portugal was an emigration country, as the Portuguese historically emigrated everywhere (Africa, Brazil, United States, and Central Europe after the Second World War). Even today, there is a well-established migration network abroad that wakes up when necessary as shown since the crisis began and TROIKA's austerity measures came into place in 2011.

The Carnation Revolution of 1974 is a turning point for understanding many societal processes in contemporary Portugal, including migration. One consequence of the revolution was the fast and disorganized decolonization process that took place in the African colonies, in simultaneous with new forced mobilities. Thousands of Portuguese residing in those territories returned home; they are known as the returnees, however, technically they were not immigrants. The experience of return was traumatic, considering that people had to depart in a middle of an armed conflict leaving behind all their possessions and dreams (R. Pires, 2003). In addition, joining the returnees, many citizens of African origin upholding the Portuguese citizenship arrived to the old Metropolis, although they were not accepted as Portuguese. Thus, arriving to Portugal after the revolution had different outcomes, while white Portuguese were able to maintain their citizenship, black Portuguese lost their citizenship rights, becoming de-facto undocumented or irregular, and passing this status to their children (Padilla & Ortiz, 2014). The fall of the Portuguese empire was unplanned and drastic, in the words of (Ovalle-Bahamón, 2003):

Decolonization for Portugal produced a 'present moment', a conjuncture that recast colonialism, not as a system of political and economic structures, but as the 'sum of the individual subjects in far-away lands'. Both in Portugal and in the colonies, the independence of the African colonies forced a reckoning with what had been taken for granted for so long: the conceptualization of Portugal and Portugueseness. (2003, p. 160)

Another turning point, relevant for understanding migration history and dynamic, is the Portuguese entrance into the European Union (European Economic Community – CEE –, at that time) in 1986, changing the national fate with regards to economic growth, development of the service sector, infrastructure and public works for the future to come. The lack of sufficient labour force to face the expected growth and the low level of effective borders' control turned Portugal into an attractive country for immigrants (Baganha & Góis, 1998; Padilla, 2006b; Peixoto, 2007). During the 1990s, the country experienced an ongoing arrival of immigrants from the former Portuguese African colonies (Cape Verde, Mozambique, Angola, Guinea Bissau, Santo Tome and Principe) as well as new arrivals, represented by Brazilians, Eastern Europeans (Rumanians, Ukrainians, Bulgarians, Russians). Later on, at the turn of the XXI Century, flows from the Asian continent (Chinese, Indians, Pakistanis, Bangladeshis and Nepalese) increased, intensifying even more during the last decade. At present, authors talked about the diversification of diversity (Hollinger, 1995) as a process taking place in Portugal (Padilla, Azevedo, & Olmos-Alcaraz, 2015).

For systematization purposes, immigration dynamics to Portugal can be divided in 3 phases: a.) citizens from the former African colonies moving to the country after the colonial war/independence (mid 1970 – mid 1990); b.) substantial arrival of Eastern Europeans and Brazilians driven by labour markets needs including nationals from countries both without and with previous ties to Portugal (mid 1990 – first decade of 2000); c.) steady increase of nationals from the Asian continent such as Chinese, Indian, Pakistanis, Bangladeshi and Nepalese (beginning of 2000 onwards) (Sabino & Peixoto, 2009).

More recently, the onset of the economic crisis has had impact on migration dynamics and flows. Since 2010, incoming migration has decreased, experiencing negative net migration rates. In fact, outgoing flows have increased, changing the direction of the flows that combine waves of Portuguese citizens, immigrants and former immigrants who took the Portuguese nationality, leaving the country. Portuguese have left for EU countries mainly, while immigrants may have returned to their country of origin or moved to another EU country. Else, many may have become irregular in Portuguese soil (Padilla & Ortiz, 2012). In 2014, according to the Portuguese Immigration and Borders Service (Serviços de Estrangeiro e Fronteiras - SEF), the number of foreign citizens living in Portugal have decreased -1,5% if compared with the previous year (Serviços de Estrangeiros e Fronteiras, 2015).

Despite of the current trend of diminishing immigration flows, migration itself has left a hallmark in Portugal. The recognition as a country of immigration brought political, social and institutional challenges, to which the Portuguese State and civil society had to adapt by developing new legal frameworks, policies and programmes to regulate migration flows as well as to set an agenda for more inclusive policy-making, replacing the original silence and absence towards migration with regulatory frameworks, mainly driven by Europeanization forces.

3. Methodology

The methodology used in this paper is a qualitative analysis of key documents regarding migration policies in Portugal and other secondary sources. The analysis is divided in two sections: regularization policies and integration policies, this latter one divide in general policies and integration plans. The analysis allows picturing the development and transformations of migration policies along the years, identifying problems, innovation and main concerns.

The documents analysed are: Decree-Law 264B/81, Law 31/81, Law 37/81 (New Nationality Law), Decree-Law 212/92, Decree-Law 59/93, Decree-Law 17/96 , Law 50/1996, Decree-Law 244/1998, Decree-Law 4/2001, Decree-Law 251/2002, Law 34/2003, Regulatory-Decree nº6/2004, Law 2/2006, Law 23/2007 (Foreigner Law), Law 23/2007, Decree-Law 167/2007 , Decree-Law 22/11, Law 29/2012, Law-Decree 31/2014, White Paper on Intercultural Dialogue (Council of Europe, 2008); I Plan for the Integration of Immigrants (2007-2009) (ACIME); II Plan for the Integration of Immigrants (2010-2013) (ACIDI) and Strategic Plan for Migration (2015-2020) (ACM).

4. The Logic of Immigration Policies

Immigration policies comprehend several aspects of migrations, mainly a set of policies to regulate migration flows and others aiming at the integration of migrants (Hammar, 1985). The first type, policies to regulate immigration flows, tend to be associated to policing and border control, in other words, to supervise who enter, stay and leave the country. When regulation policies fail, some countries adopt other policies that aim the regularization of immigrants. The second type of policies is constituted by integration policies that aim at promoting and facilitating different aspects towards the inclusion of migrants and their families into the society of destination. In general, there is a logical sequence; policies that regulate migration come first while integration come second. However, the process of law and policy-making is not always straight forwards; it is rather complex, as it can be triggered by political/ideological motivation, concrete needs or humanitarian purposes, out of many. Hammar (1985) argues that policies can be planned or reactive, though in many countries immigration policies are reactive in the sense that they respond to unintended consequences or sudden needs. Recent research has pointed out that there may an intrinsic and overlook relation between regulation and integration policies, as Money (N/D) argues:

Yet we should remain open to the connections among the various immigration flows and integration policies – either in common explanatory schemes or as inputs into the policy process. There is also the potential for endogeneity. Societal forces include immigrants themselves, organized extra-politically or within the political institutions of the country. Policies that govern access to citizenship may well have an impact on both immigration control and policies governing immigrant integration.¹

With this framework in mind, we present the Portuguese case, summarizing both types of immigration policies, regulation and integration, which in the country, have been

¹ <http://www.isacomps.com/info/samples/comparativeimmigrationpolicy_sample.pdf> (10/2016).

strongly shaped by regularization. Regularization policies, as we will see, may be a mixed of both. Because the arrival of immigrants to Portugal started relatively late, more strongly after joining the EU, most immigration policies are fairly recent. It started with regulation policies (usually recognized under the umbrella of immigration laws) to later move towards integration policies.

5. Regulation Policies: Controlling the flows

The Portuguese State has been prolific in approving several immigration laws since the early 1980s, aiming at controlling the flows through different visas categories. The year of 1981 can be considered emblematic for introducing a relevant legal diploma regarding migrations, Decree-Law 264B/81 regulating for the first time the entrance, stay and exit of foreign citizens in national territory. According to Baganha and Góis (1998), it was only in the 1980s that Portugal outlined its immigration policies in a more structured way, preparing the way to Europeanization, aiming to approach the European Economic Community (EEC) countries' standards. SEF was created in 1986 as the main body responsible for immigration control, focusing mainly on regulation procedures. It has authority over the national borders; immigrants' entry and stay in national territory, irregular immigration and human trafficking prevention and repression, and also the deportation processes. This means that SEF controls all the immigration phases to Portugal, from issuing residence permits, entry refusals and the implementation of extraordinary legalization processes. It also can perform autonomous inspections to control immigrant's documents and activities (Sabino, Abreu, & Peixoto, 2010). However, for long, migration was not a relevant political issue, it rather was kept out of public discussions, leading to a de-politicization and invisibilisation of the immigration's agenda (Horta & Gonçalves de Oliveira, 2014).

Along the 1990s and 2000s, Portugal approved several immigration laws to adequate foreigners' entrance, stay and exit conditions to its political and economic context: Law nº 59/93, Decree-Law 244/1998, Decree-Law 4/2001, Decree-Law 34/2003 (C. R. Oliveira, 2004). Decree-Law 244/1998 reduced the required period of residence from twenty to ten years for issuing a permanent resident visa and for the first time mentioned family reunion as a right. Regularization granted through Decree-Law 4/2001 adopted a different approach creating a "stay permit" (*autorização de permanência*), a one year visa renewable for a maximum of five years, issued in national soil based on a work contract. Overall, these diplomas focused mainly on introducing new types of visas by adding categories (independent and dependent work related visas; students; business; short/long term, among others) and defining where the visa application should be filed (starting in 2003, visas had to be granted out of the national territory). Finally, the most relevant immigration law was approved in 2007, offering an innovative legal framework, which will be described later.

The above mentioned immigration laws to regulate flows were unsuccessful as irregular migrant stock kept increasing. Thus, throughout the 1990s and 2000s several extraordinary regularization programmes were repeatedly introduced, more specifically in 1992, 1996, 2001, 2003, 2004 and 2007 (Padilla & Ortiz, 2012) allowing for the regularization of irregular migrants already in the country.

The first process (Decree-Law 212/92) registered 39.000 applications but only 16.000 were granted. The second one (Decree-Law 17/96) involved 35.000 cases, approving about

30.000 (Padilla, 2007). According to Baganha (2005), these processes were inefficient and should not be understood as real migration polices but as general amnesty processes trying to solve the issue of undocumented immigrants already installed in the country. Padilla and Ortiz (2012) state that Portuguese migration policies were mostly an answer to an overwhelming and unintended immigration situation, instead of a planned policy. In fact, the failure of these policies allowed an increase in irregular immigrants stock that could only be solved through exceptional measures.

Further, Decree-Law 4/2001 also led to the 2001 extraordinary regularization process based on employment status. This diploma allowed for the regularization of about 185.000 foreigners who were already working in Portugal. According to Peixoto et. al (2009, p. 183) "in practice, this mechanism of the new law corresponded to a new regularization process".

In 2003, Brazil and Portugal signed the so-called Lula Agreement (*Acordo sobre a Facilitação de Circulação de Pessoas or Agreement to Facilitate the Circulation of People*) that foresaw the regularization of Brazilian irregular workers in Portugal as well as irregular Portuguese workers in Brazil who could prove the possession of a work contract. This was the first extraordinary regularization campaign ever aiming at one specific nationality group, however its was not as successful as planned as out of the 30.000 cases, due to complicated bureaucratic procedures, less than a half were granted. Besides, it was mainly applied in Portugal.

The modifications to the Foreigner Law (Law nº 23/2007) defined new entrance, stay, exit and removal condition to/from the country. It basically resulted in the creation of a unique entrance document, promoted a specific regime for temporary stay, facilitated highly qualified migrants admission into the country and included further regularization opportunities.

The referred Foreigner Law created a mechanism that allowed the regularization of formerly irregular immigrants with "exceptional" character, based in specific cases such as: having an work contract or prove to be in a employment relation; having entered and staying legally in Portugal and be registered with the Social Security. Peixoto et al. (2009) defined this as a "soft regularization" clause. The law also foresaw the regularization of victims of trafficking and it defined a new typology of admission mechanisms, introducing different types of visas to be granted by Portuguese embassies and consulates abroad: transit visas, short-term visas, temporary visa (issued for 3 months and renewable) and residence visa (issued for more than 3 months and targeting residence permit application) based on a more diversified set of reasons: employment, entrepreneurs, research and highly skilled activities, study and family reunification, among them. Residence permits were issued by SEF, and were either temporary or permanent, the latter one was only viable after proving 5 years of legal residence in Portugal, basic knowledge of Portuguese economic means of subsistence, proof of accommodation and no conviction of imprisonment higher than one year (Sabino et al., 2010).

Overall, along the 2000s, the most salient orientation of immigration laws and policies reproduced an increasing surveillance spirit with more visas, but introduced a new twist regarding the penalization of illegal migration and human trafficking (Law 34/2003, Law 23/2007, Law 29/2012).

One factor that has pushed all these new legislation processes in the field of migration has been the European Union, through its Europeanization pressure which requires the

transposition of its Directives, impacting in several specific regimes such as mobility of international students, family reunification, asylum and refugees, qualified migration (blue card) and forced return. In general Europeanization has meant that both “European and Portuguese laws have become more controlling, criminalizing and scrutinizing” (Padilla & Ortiz, 2012), although allowing some exceptions.

6. Integration Policies in Portugal: An Innovative Perspective About Immigration

Discussions about integration policies in the Portuguese agenda were much less intense than about regulation policies. Integration policies began with a timid start to later develop into a more consolidated national framework in the social, educational and cultural fields targeting immigrant population (Castro, 2011). Initially, civil society lobby – especially Cape Verdean Association, Guinean Association of Social Solidarity, House of Brazil in Lisbon, SOS-Racismo and the International Organization for Migration – pressured together the Portuguese State to comply with European Union directives. The first response came from education, with the creation of the Secretariat for Multicultural Educational Programmes (1991) and Intercultural Education Project (1993) – both aiming to develop educational initiatives and schemes, to promote equal rights, intercultural education, the integration of the children of migrants in the school system and cultural dialogue. In 1993 the Inter-departmental Commission for the Integration of Immigrants and Ethnic Minorities was created and a dialogue between migrant associations and political parties is established for the first time, leading towards the approval of Law 50/1996 that grants immigrants the right to vote and to be elected at the local level (Araújo, 2008; Grassi, 2008; Horta & Gonçalves de Oliveira, 2014; Padilla, 2007). Thus, civil society was a relevant protagonist in pushing Portuguese policymakers to place immigration in the public agenda (Maeso & Araújo, 2013).

Moreover, it was in the midst of all these transformations immigrants were able to access political and social rights that main institutional actors had created by setting up an integration framework: the High Commissioner for Immigration and Ethnic Minorities (Alto Comissariário para a Imigração e Minorias Étnicas - ACIME) in 1996, the Advisory Council for Immigration Issues (Conselho Consultivo para os Assuntos da Imigração - COCAI) in 1998 and the Commission for Equality and Against Racial Discrimination (Comissão para a Igualdade e Contra a Discriminação Racial - CICDR) in 1999.

This shift can be interpreted as a political statement and considered the corner stone of a new stage of migrant policies in Portugal, which promoted the institutionalization of immigrants associations. For some authors, COCAI meant the beginning of immigrant communities formal representation (N. Oliveira, 2001) as it was the first time that associations had a privileged mediator between them and the State, however, issues of representation arise easily for the critical eye, as COCAI is composed by many members most of whom are not immigrants. COCAI is based on a triple representation that includes migrants, government and civil society, as follows: one representative of each Portuguese speaking immigrant communities (6 in total) appointed by their associations, one representative of each of the three most numerous immigrant communities not represented above, one representative of charitable institutions, two representatives of institutions that work with migrants; then the government is represented by the High Commissioner and

the Deputy High Commissioner, government representatives for Portuguese communities abroad (this is a new incorporation from 2014), for the Ministry of Internal Administration, for the Ministry of Education, for the Ministry of Employment and Social Security, the Regional Governments of Madeira and Azores, and the National Associations of Portuguese Municipalities; and civil society is represented by two representatives of each employers organizations and trade unions and two citizens of recognized merit.

On the other hand, CICDR intends to discourage discrimination on the bases of skin colour, nationality or ethnic origin, however their scope of action many times is limited to media campaigns against discrimination, the promotions of studies, recommendations measures, the elaboration of an annual report, among others. If considering effective actions taken, concrete decisions are limited in numbers, and there is not effort to promote the scope of action of the Commission, for example disseminating and promoting the importance of submitting complains of discrimination and filing complaints.

Anyhow, these structures headed by the High Commissioner have shaped the integration spirit. Yet, to deepen the integration structure and scope, in 2002 the High Commissioner position was upgraded into High Commissioner for Immigration and Ethnic Minorities by Decree-law 251/2002, expanding its aims and objectives: dialogue with the immigrants associations, improve immigrants life standard, promote Portuguese language, culture and law among the immigrants, to combat racism and xenophobia. The new structure saw accordingly its human and financial resources augmented significantly, gaining more visibility and power by reporting directly to the Presidency of the Council of Ministers and becoming one of the main advisory bodies for the government in migration matters (Santos, 2004).

Other important entities were created to improve migrant's integration at the local and national level. In 2003, the National Network of Local Immigrants Centres (Redes dos Centros Locais de Apoio à integração do Imigrante – CLAIIIS) was established as a network of about 100 centres set up in alliance with local councils, migrant associations, civil society and/or local development organization to promote proximity integration policies. In 2004, the National Immigrant Support Centres (Centro Nacional de Apoio ao Imigrante – CNAI) was created in Lisbon and Porto, and later on, in 2009 in Faro, to further support integration policies. It works as “One-Stop-Shop” model offering information and advise on relevant integration issues such as social security, education, housing, employment, and legal advices on immigrant rights and family reunion. They use cultural mediators and facilitators who together master 12 languages (Chinese, Russian, Ukrainian, Polish, Creole among others) (Bäckström & Castro-Pereira, 2012).

In 2007, ACIME turned into High Commission for Immigration and Intercultural Dialogue (Alto Comissariado para a Imigração e o Diálogo Intercultural - ACIDI) (Decree-Law 167/2007, 22/11). As its slogan “More Diversity, More Humanity”, attested it had two main objectives: to implement public policy targeting immigrants and to promote intercultural and inter-religious dialogue. ACIDI strategically dropped the mandate on ethnic minorities and on multiculturalism.

According to Horta and Gonçalves de Oliveira (2014, p. 10) the main principles of the new integration policies of ACIDI could be summarized in four points:

1. To promote equal rights and opportunities in multiple domains (economic, social, cultural and political);

2. To enhance intercultural dialogue, consensus and positive interaction amongst migrant populations and mainstream society;
3. To promote local intervention in close proximity with migrants' daily lives;
4. To be proactive in the face of swift immigration developments.

The creation ACIDI fits the Europeanization trend regarding migration views, reinforcing Portugal's efforts to be and act in accordance with the vision of the European Union towards diversity, and to put into practice its integration paradigm. On one hand, the creation of ACIDI was the consequence of a restructuration process aiming to merge numerous diffused organizations dealing with migration, offering more coherence under the same umbrella: Programme Escolhas; the Religions Dialogue Mission and the Entreculturas Secretariat. On the other hand, the influence of the European Union cannot be denied, as it coincides with the swapping of "ethnic minority" for "immigrant communities" or "minority groups" (European Commission, 2008). The consultations held in 2007 with many stakeholders around Europe resulted in the "White Paper on Intercultural Dialogue", which represents a shift in the EU position towards the governance of cultural diversity. Based on this document, Portugal, and other Member States, redrafted their immigration and integration policies.

Notwithstanding, in 2014 Portugal came up with another crucial change in its immigration policies structure. ACIDI was transformed into High Commissioner for Migrations (Alto Comissariado para Migrações - ACM). The new structure oversees not only the immigrant integration policies, but also emigration issues. In this case, the shift was not triggered by EU pressure, but rather was a response to increasing emigration flows, awakened in the aftermath of the 2008 crisis. According to the Observatory of Emigration's report (R. P. Pires et al., 2015) between 2013 and 2014 emigration stabilized around 110 thousand per year, clearly outnumbering immigration flows, which since 2010 were shrinking. Moreover, current emigration statistics reassemble the peak emigration level of the 1960s.

Although it is still early to analyse the impacts of this last institutional change, from the perspective of immigration, it may mean a loss of attention either in the agenda and in resources, even if the umbrella of migration as a whole makes sense politically. This new approach means that institutional effort and attention will have to be shared between two social realities: emigration and immigration. Even if these realities can be considered complementary, at the same time they differ from each other. Furthermore, ACM already stated clearly in its Law-Decree nº31/2014, its interest in attracting and retaining mainly high-qualified immigrants who could contribute to the country's economic growth and development, showing a different view on the topic of immigration, integration and diversity. Yet, this interest in attracting qualified migration does not look as a feasible scenario to the current situation, considering that a large portion of Portuguese emigration is highly qualified, and there are very limited efforts, or even possibilities within a stagnant economy, to counterbalance this movement to retain them (Peixoto et al., 2016). In any case, this combined approach, proposed by the government associated to the TROIKA, was ideologically anchored.

Last but not least, a new Network of Municipals Friends of Immigrants and Diversity (Rede de Municípios Amigos dos Imigrantes e da Diversidade - RMAD) was created as a network to facilitate the implementation of migrant policies at the local level. It joins

together around one hundred municipalities overseeing the transversal municipal plans for the integration of immigrants (ACM, 2014).

5. Plans for the Integration of Immigrants Versus the Strategy for Migrations: What's Behind

Among many integration tools developed by ACIME/ACIDI – National Immigrant Support Centres, (Centro Nacional de Apoio ao Imigrante - CNAI); National Network of Local Immigrant Support Centres (Centros Locais de Apoio à Integração de Imigrantes – CLAIIS), Advisory Council for Immigration Affairs (Conselho Consultivo para os Assuntos da Imigração - COCAI); Technical Support Office for Immigrant Associations (Gabinete de Apoio Técnico às Associações de Imigrantes - GATAI); Observatory for Immigration (Observatório da Imigração – OI) – the Plans for the Integration of Immigrants (Plano para a Integração dos Imigrantes - PII) were the more recognized.

Integration programmes became common tools used by countries that show a friendly take on migrants. Portugal adopted two integration plans. Specifically, the PII was an political plan developed to assure the integration of immigrants in Portuguese society, giving special attention to the “reinforcement of social cohesion, a better integration process and cultural diversity governance” (Alto-Comissariado para a Imigração e Minorias Étnicas - ACIME, 2007). Furthermore, PII recognized the State's role as the great ally to immigrants' integration.

Its first edition came out in 2007, although it had been subject to public discussion in late 2006, in preparation of the Portuguese Presidency of the EU Council, which took place the second semester of 2007; so its enter into force, was not a coincidence. The first PII was in place for three years (2007-2009) and consisted of 122 integration measures, based on already existing practices as well as new initiatives, organized around seven key-principle: rights equality, hospitality, citizenship, participation, interculturality, dialogue and consensus (Fonseca & Goracci, 2007). PII resulted of a collaboration that involved all relevant ministries and civil society – immigrants associations, COCAI, CICDR and OI's members. It defined a clear and transversal strategy aiming immigrant's integration, embracing twenty areas: work, housing, health, education, solidarity and social security, justice, culture and languages, information society, sport, reception, immigrants descendent, family reunification, freedom of religion, immigrants' association, media, relation to the country of origin, access to citizenship and political rights, gender, human trafficking, racism and discrimination.

As an instrument was considered a success, however, some critiques suggested that it was too ambitious and broad, and that many cases governmental agencies did not take responsibility, diminishing its real scope of implementation. The second edition of the PII was launched in 2010, summarizing actions for immigrants' integration for the next three years (2010-2013), inspired by its previous edition, but less ambitious. According to ACIDI, the new edition attested the government's interests and efforts in advancing integration and social policies towards immigrants living in Portugal (ACIDI, 2010). Once again, it was a complex process involving a great number of actors from ministries and civil society. A reformulation of the intervention areas was put into practice, some areas were merged and some new areas were created: interculturality promotion, entrepreneurship and elder immigrants. Overall, the main areas were organized as follow: reception; culture and language; work, professional for-

mation and entrepreneur dynamics; education; solidarity and social security; health, housing, justice, racism and discrimination, access to citizenship and civil participation; immigrant's association; immigrants descendants; elder immigrant; relation with the country of origin; gender; interculturality and diversity promotion and human trafficking.

Having formal PII is certainly an official statement as it provides a relevant instrument for “across the board” consolidation of integration policies as wide national policies, which previously were held alone in individual ministries or governmental agencies. So PII gave coherence to the spirit of integration that the Portuguese State promoted and expected towards immigrants. However, on the opposite side, sometimes it became a wish list in which objectives were not feasible or clear on how to be carried out.

Moreover, PII were not immune to criticism, some arising from implementation and others for not promoting immigrant involvement or representation. For example, channels envisioned for civil society to give contributions and critics during the public consultation, before the official approval of PII and along their designed, were insufficient –in both cases, less than one month. PII approach to gender issues is fairly poor and had not transversal incidence in most measures, resulting in an isolated, therefore almost useless, gender area. Real migrants participation is limited, neither the television Programme “We” (Programa Nós) (about migrants) or the Journalism award for Cultural Diversity are elaborated by immigrants (Salim, 2008), in fact the representation of migrants is very contained within the limits of the so-called Portuguese world anchored in the links to the former colonies, seen as a token. Moreover, it is questionable that the State is the main actor promoting immigrants association, and it has become a common trend that entities recognised as migrants associations organization that work with or for migrants, but not of immigrants. Overall, PII were isolated tools instead of connected to other relevant national plans related to migrants, for example the National Plan against Human Trafficking or the National plan for Gender Equality.

After the second PII expired in 2013, there were expectations about a third one, but it did not happen, as there was a shift in relation to migration policies. As mentioned, in 2014, ACIDI was transformed into ACM to encompass both immigration and emigration. Later, in 2015, ACM presented its Strategic Plan for Migration (Plano Estratégico para as Migrações - PEM), an action plan targeting immigration and emigration dynamics for the period 2015-2020 (ACM, 2015). This document borrowed its name from the European Union Strategy for Migration, adopting more and more the European language and philosophy towards migration. The Plan has 5 key-area: immigrants integration policies; new nationals integration policies; migration flux coordination policies; reinforcement of the migratory legality policies and the quality of the migratory services; Policies of incentive, follow up and support to emigrant national citizens. Like the PII's, all ministries were involved in its development, as well as civil society in a public consultation. A follow up technical group was created to evaluate PEM performance, which should include an annual report regarding the level of execution and every two years, a report to the Migration Council.

Apart from the fact that PEM encompasses also emigration, it brings some novelties such as a new area for “new national's” issues. New nationals include decedents of immigrants (2nd and 3rd generations) and other citizens who recently acquired the Portuguese nationality. PEM also aims at attracting high qualified and investors immigrants to the country by means of special visas (Talent Visa, Golden Visa) and the returned of quali-

fied Portuguese living abroad. Nevertheless, on the critical side this objective does not fit in the current reality of intense emigration and low salaries and opportunities that could attract either investment or high qualified immigrants.

Even if this initiative is innovative, the PEM, basically, does not take into account the previous contributions of PII's concerning immigration issues. Areas as gender, elder immigrants, housing, justice, racism and discrimination, access to citizenship and civil participation were left out. Other weaknesses include: excessive emphasis on the attraction of high qualified immigrants, talents and investors to the country; limited attention given to family reunification except in the cases of the high-skilled and investors; reincorporation of the old regulation discourse, with emphasis in boarder control through police actions, having SEF as its main partner. Moreover, some specific measures aim exclusively at one migrant group, i.e. Cape Verdean immigrants, which is rather inadequate for a Plan that is designed to deal with immigration in a national perspective.

6. Final Considerations

In the last decade, important international institutions have recognised Portugal as a top rank country concerning immigrants' integration policies. This achievement is impressive if taking into account that until the 1990s, Portugal was an emigration country and had almost no polices regarding immigration, unless basic ones to regulate migration flows (even if inefficient, as shown above). Slowly, policies were put in place, even if they were reactive.

Interestingly, if a short term reading of migration policies in Portugal show adequacy and friendliness, a historical perspective demonstrates how the Portuguese State was never able to hold on to a strategic vision concerning integration polices, changing its view according to different variables – European Union pressure, labour market interests, economic crisis, national political changes. Therefore, if at first sight it can be stated that Portugal presents a solid and well-elaborated integration policy, a deep and critical analysis shows that there is room for improvements.

For instance, integration policies have always been centred in a single institution, currently ACM (before ACIME and ACIDI), which does not have much decision-making and intervention powers, as the implementation and interpretation (so relevant in the Portuguese contexts due to discretionary application) of laws depends greatly on other institutions such as SEF whose control and policing mandate lies more in a surveillance and criminalization approach than in a integration friendly one.

The successive changes that the core institution responsible for integration polices has experienced since its creation in 1996 (ACIME, to ACIDI and now ACM) and more recently the shift from Plans for Immigrant Integration (PIIs) to the current Strategic Plan for Migration (PEM) illustrate that although immigration was slowly and increasingly recognized as an important issue by all Portuguese governments (of different political parties), there is still an unsettled comprehension towards phenomenon.

Although PII's had some limitations, it was the first document presented by the Portuguese State aiming exclusively the promotion of migrants' integration, while, PEM intends to embrace immigration and emigration simultaneously, losing track of what was learned and of fundamental aspects of immigration dynamics. In other words, the new plan may

result in the invisibilization of immigration in the public agenda, diminishing integration efforts. Hence, it can be assumed that on the contrary of what has been stated by many institutions, Portugal is running the risk of falling back on its duties regarding the quality and commitment towards integration policies. Furthermore, the shift of the policy focus on immigration towards migration in general, aiming to include emigration as another key area, may seem an inclusive approach at the discursive level, but at the policy level, it may lead to diluting energies and resources into different aspects of migrations.

Of course emigration is definitely an actual, complex and pertinent fact to be dealt with in Portugal – with impact on the demographic deficit, loss of high qualified workers, and economic productive reduction – thus it requires as much attention as immigration. However, approaching the two phenomena with the same policy tools and under the same umbrella could be an inefficient way of dealing with both, especially if there are competing trends and interests affecting emigration and immigration, which are difficult to conciliate. Portuguese Immigration policies have been affected by the contradictions and diverging interests among government agencies, impacting negatively in integration policies. Thus, adding emigration policies to a single institution, High Commissioner for Migration, which lacks of real power to deal with a new set of governmental agencies (Foreign Affairs Ministry, General Secretary of Portuguese Communities Abroad, among others) may have to consequences, one shifting meaningful resources and efforts needed for a successful integration of immigrants towards emigration, and at the same time, there is a risk of ACM losing grounds and prestige if relations with the governmental agencies related to emigration do not go well, as it can be an slippery slope.

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