

**GETTING TO KNOW MORE,
SO AS TO ACT BETTER**

**SUMMARIES OF STUDIES
PUBLISHED BY THE PORTUGUESE IMMIGRATION
OBSERVATORY (2003-2006)**

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PREFACE

The design, development, and appraisal of official Immigration policies cannot be based on mere intuition or on shaky foundations that have no substance. The complexity of migratory movements, as witnessed by their dynamism, their multidimensionality, as well as the absence of self-evident solutions for the greatest challenges, demands that we make a significant investment in deepening our academic knowledge in this area, in order to have a more thorough perception of reality. This has been the major task of the Immigration Observatory (in Portuguese, the *Observatório da Imigração* – OI): *getting to know more, so as to act better*.

Administered with utmost competence and great dedication since its establishment by Mr. Roberto Carneiro, a former Portuguese Minister, the OI has in its three years managed to carry out twenty one Studies about various themes related to Immigration, ranging from the impact of immigration on State Finances, to relations between the Media and Immigration and including other topics such as trafficking of migrants. This source of knowledge, networking different groups of academics and researchers in its generation, has been essential for national policies of receiving and integrating immigrants. Without it, the immigration policy would be much more erratic and would run serious risks of inconsistency.

It is also important to mention the importance of these Studies to demystify preformed ideas in public perception concerning the “dangers” of immigration. Using consistent facts interpreted by credible voices it has been possible to fight false and unjust correlations such as immigration/unemployment, immigration/crime and immigration/public expenditure. This is another contribution of inestimable value, which has been provided by the OI for the reception, and integration of immigrants in Portugal.

In view of all this it is important, to get to know, albeit in a summarised form, what is essential in these Studies, to share knowledge with other Immigration Observatories and with different international actors involved in immigration policies. This work is now made available for you.

BY RUI MARQUES

HIGH COMMISSIONER FOR IMMIGRATION AND ETHNIC MINORITIES

THE IMMIGRANT OBSERVATORY: A PROFILE

Portugal has been witnessing a dramatic change in the overall balance of migrant flows and population composition.

Indeed, the last decade showed a gradual shift from a net outflow of population to a net inflow of new entrants. Following five centuries of emigration Portugal has become a country of net immigration, notwithstanding the fact that thousands of Portuguese citizens keep on the move to another country every year. This pattern, coupled with that of declining demographic trends of its native population, follows the general trend of the European Union.

This recent phenomenon encompasses a more subtle structural change in the nature of migration flows. Traditionally, since the 1970's, immigrants originated from lusophone Africa with particular reference to Cape Verde and Angola. Suddenly, in the late 90's and early years of the new century, the country turned into a place of prime attraction for tens of thousands of Central and Eastern Europeans. In the latter years, Brazil has constituted the main source of new migrants. Hence, Brazilians have grown into the larger single national group of resident foreigners.

The acknowledgement of this changing human, social, economic and cultural landscape and the rising concerns of a smooth management of related issues led to the establishment of the Immigrant Observatory in 2003.

The recognition of a new social and cultural fabric entails several complex challenges including that of arriving at a better 'tunnel vision' on migrants and on the growing dependence of contemporary societies on a skilful management of human mobility. Thus, the Observatory elicited four main priorities from its inception:

- First, the need to build a solid foundation for evidence-based policies in a field where there was little accumulated knowledge.
- Second, the challenge of sustaining an educated public opinion through the provision of timely access to relevant facts and robust data on immigrants.
- Third, the objective of acting as a catalyser of new knowledge creation and a net-worker of research groups.
- Fourth, the aim of bridging the Portuguese "learning curve" to the pursuit of new knowledge and research efforts in centres of excellence elsewhere.

The road to an effective integration of migrants is both complex and often painstaking. The rise of a “fortress mentality” is a perilous contingency. Moreover, domestic observation is not at variance with comparative international data in showing that generalised prejudice entails:

- the denial of basic rights and opportunities to immigrants from the part of the native population, and
- the rise of self-segregation practices and beliefs from the part of immigrants.

Thus, the dissemination of plain facts and objective research findings is instrumental to curb social bigotry and distorted mental representations often rooted on ignorance and fear.

In this respect, the Observatory addresses one of the most pressing necessities of modern nation building: that of accruing to the community base of social capital and, ultimately, of constructing mutual trust in a diverse and multicultural society.

The way to prosperity requires a balanced combination of wealth creation and social harmony. Portugal faces a formidable challenge in the new century vis-à-vis its immigrants, only commensurate to a history made of encounters and discoveries. Multicultural Portugal is not an invention of today. Rather, it is a solid reality of the past seeking projection in the idea of a common future.

Portugal in the 21st century is synonymous with the emergence of an inclusive society. A society sufficiently mature to reject the scenario of a new class struggle – a kind of successor to the fierce divide that opposed workers and employers over the past hundred years – made of nationals vs. foreigners, natives vs. immigrants, incumbents vs. challengers.

The nightmare of a ‘warring’ society must be firmly and categorically rejected.

The Immigrant Observatory is charged with the task of knowing more to act better in a world of enhanced human mobility and bounded compassion.

BY ROBERTO CARNEIRO
IMMIGRANT OBSERVATORY COORDINATOR

1. INTRODUCTION

The Immigration Observatory, an informal unit established in 2003 reporting to the High Commission for Immigration and Ethnic Minorities, has sought to play a fundamental role as a promoter of networks of academic and institutional cooperation in order to ensure precise knowledge of the themes which are its main concern. According to the philosophy “Getting to know more, so as to act better”, the Observatory has been **stimulating dialogue between academia and political decision makers regarding the discussion, evaluation and suggestions for public policies in matters concerning the integration of immigrants** in Portugal.

On the other hand, the Immigration Observatory has taken it to be a priority to **deconstruct myths, representations and/or stereotypes about immigrants or immigration in general**, which it fears have been circulating in Portuguese society. In this work, the Observatory has been seeking to deepen knowledge about the immigrant populations in Portugal, governing its activity through its accuracy, objectivity and ongoing search for truth.

With precisely the aim of realising these fundamental goals, the Observatory encourages the collection of data or supplementary information which are not directly accessible in primary sources, carries out studies and interdisciplinary academic research, edits, publishes and makes available on its web site www.oi.acime.gov.pt the results of its activities, promotes seminars, colloquia, debates and other activities which enable public debate and/or a greater understanding in the country of immigratory phenomena.

It is in fact already possible to identify some of the positive results of the investment which has been made.

I. Many of the research projects developed within the framework of the Immigration Observatory have ensured the fundamental deconstruction of myths and stereotypes associated with immigration through scientific facts.

The study concerning *The Impact of Immigration in Portugal on State Finances* bears witness to the undeniable positive contribution of immigrants. The conclusions of the study indicate a positive balance, in 2001, of around 323 million euros, or that is, on average each foreigner (legally present) contributes 1032.4 euros to Portuguese state funds.

The research concerning *Contributions of Immigrants to Portuguese Demography. The role of foreign nationality populations* has shown that immigrants are not only not “invading” us but are rather contributing towards balancing the two genders, increasing the number of people of working age who are in employment, and, with the recent waves, providing a more even settlement throughout the country.

On the other hand, the book *The Voyages of Ulysses. The Effects of Immigration on the Portuguese Economy*. the fundamental contribution of immigrants to growth in the Portuguese economy is emphasised, along with the contribution of immigrants to the Gross Added Value and productivity differentials, in the sectors which contain a greater incidence of immigrant workers.

Further stimulating a consistent search for truth, the Observatory sponsored two studies - *Foreigners' Criminality in Portugal. An academic study and Foreign Prisoners in Portugal. The effects of problematisation* - which show (without any margin for doubt) that there is no different predisposition for criminality according to nationality or immigrant or indigenus status.

II. Finally, some studies from the Immigration Observatory has not only contributed to evaluating the measures and laws which directly or indirectly affect the life of immigrants in Portugal, but also led to discussion of these and the definition of new public policies. Some of the proposals made to alter the Law of Nationality were presented and discussed in the study *Citizenship Rights and Rights to Citizenship. the Equalisation principle, New Citizenships and the Right to Portuguese Citizenship as Instruments of an inclusive Constitutional Community* which were published in the Official Gazette *Diário da República* on 17 April, in Organic Law No. 2/2006.

The study concerning *Immigrants' Entrepreneurial Strategies in Portugal*, also recommended the setting up of a Support Centre for Immigrant Entrepreneurship with the aim of promoting the integration of those who find themselves excluded from the labour market. In the plan of activities of ACIME for 2005-2008 the opening of a Support Office for Immigrant Entrepreneurship in the National Immigrant Support Centres have been envisaged.

A third example of this essential contribution to academic research for the revision of the legal framework of immigrants resulted from the study *The Social Protection of the Immigrant Population. Legal Framework, Comparative Study and Proposal for Reinforcement*. Similarly to the cases presented above, *this case study about the impor-*

tance of reinforcing the welfare cover for the immigrant population in Portugal led to the approval in the Council of Ministers at the end of 2005 of the extension of the entitlement of Family Allowance to children of all immigrants who had permission to stay status.

While bearing in mind such positive results of the Immigration Observatory, it is still the case that the academic community has to continue to be involved in the development of policies for the integration of immigrants and in raising public awareness to improve the life of immigrants in Portugal.

Within this framework, academic collaboration projects with various research centres are being signed and put into practice to award “production” research grants to young researchers who wish to carry out projects within the areas of immigration and ethnic minorities.

2. OBJECTIVES OF THE IMMIGRATION OBSERVATORY

The Immigration Observatory, an entity formally set up under the remit of ACIME, has the following objectives:

- a) Gather, process and make available timely information on the issue of immigration in our country and its horizontal aspects at a global level.
- b) Encourage the collection of supplementary data or information not directly accessible from primary sources.
- c) Build up files, studies and research, in collaboration with expert scientific and academic institutions in the subject area, which appear relevant for the design, guiding and improving of public policies on immigration.
- d) Publish and distribute publications resulting from its activities, or from other sources of interest, to improve the sphere of knowledge on immigration.
- e) Promote seminars, colloquiums, debates and other activities targeting better understanding of the phenomena associated with population movements which have Portugal as a destination, and with the training of agents to deal with the issues involved as a further aim.
- f) Guarantee the connection between ACIME and similar national or foreign institutions, namely structures for observation, data collection, research and systematic analysis of the movements of peoples in Portugal, Europe and the World.

The Observatory does not have its own structure and does not possess a body of permanent collaborators. It is led by a coordinator – Mr. Roberto Carneiro – who is responsible for the respective academic activity, which he reports back on to the High Commissioner vis-à-vis meeting the objectives for which it was set up. The Observatory's budget is included in ACIME's budget.

The philosophy behind the Observatory's work is one of subsidiarity relative to the universe of institutions and researchers systematically dedicated to studying the topic of immigration.

In this regard, the Immigration Observatory aims to intervene essentially as a catalyst for activities and a promoter of academic, scientific and institutional cooperation networks, but only when this is of benefit for better public understanding of the subjects and topics which are its main concern.

3. SUMMARIES OF STUDIES PUBLISHED BY THE IMMIGRATION OBSERVATORY (2003-2006)

3.1. *The Impact of Immigration in Portugal on State Finances* André Corrêa d'Almeida

Author: André Corrêa d'Almeida

Title: Impacto da Imigração em Portugal nas Contas do Estado

Publisher: ACIME

Place: Lisbon

Title Series: Observatório de Imigração

Year: 2003

Pages: 124 pp.

ISBN: 972-98959-0-2

Available for Download in:

<http://www.oi.acime.gov.pt/docs/rm/Estudos/ImpactoContas.pdf>

Abstract:

The first research of its kind published in Portugal which reaches the conclusion that there is an important positive balance and, as a result, a net contribution of immigrants to national public accounts.

Summary:

The main objective of this study was to calculate the public financial balance with regard to foreigners. In other words, this study sought to determine whether the presence of foreigners in Portugal has had a positive or negative effect on Portuguese State finances.

To carry this out an estimate was made concerning the increase in public expenditure caused by the presence of foreigners in Portugal and, similarly, the increase in public revenue resulting from this presence. The financial impacts on the State's finances, which influence its economic results, include the impact of the external balance and budgetary impacts. The working model adopted in this study started out by identifying the sub-systems of the State budget for which it was possible to obtain minimal information concerning amounts which could be linked to foreigners in Portugal, or close ways of estimating these, both for revenue and for expense. From these revenue and expense figures the final part of the study was then obtained – the balance on State Finances of the presence of the foreigner communities in Portugal.

With regard to revenues the following State finance sub-systems were defined: (1) the fees and payments levied by Educational institutions; (2) employer and employee Social Security contributions; (3) Income Tax (IRS) deductions, VAT for liberal professionals and also VAT from personal consumption (4) company regularisation, (5) other incomes specific to public bodies (e.g. fines levied by the Service for Border Control and Aliens (SEF), or by the Institute for Development and Inspection of Working Conditions – IDICT); other consumption taxes (e.g. taxes on alcoholic drinks, tobacco, petroleum products, automobile vehicles).

With regard to expenses the following State finance sub-systems were defined: (1) budget of the High Commission for Immigration and Ethnic Minorities (ACIME); (2) budget of the Service for Border Control and Aliens (SEF); (3) budget of the National Health Service; (4) State expenditure on internal Justice and Administration (e.g. policemen and women, courts and the prison system); (5) Education expenses; (6) capitation of activities carried out within the framework of job promotion, professional training and rehabilitation; (6) expenses on Social Security payments and benefits (e.g. guaranteed minimum wage, unemployment benefit, sick pay, family benefits); and (7) expenses for special housing programmes.

With this being the first study of its kind in Portugal, and considering the structure of the existing information sources, and the time available to carry it out, this present study decided to concentrate on the year 2001, and thus estimate the balance for that particular year.

The study concluded that the State Finance budget estimated for the year 2001, with regard to immigrants, is very positive. The interval of variation of this balance is understood to be between 279 and 384 million euros, with the reference point centred on a value situated around 324 million euros.

3.2. *Attitudes and Values vis-à-vis Immigration* **Mário Lages, Verónica Policarpo**

Author: Mário Lages, Verónica Policarpo

Title: *Atitudes e Valores perante a Imigração*

Publisher: ACIME

Place: Lisbon

Title Series: Observatório de Imigração

Year: 2003

Pages: 192 pp.

ISBN: 972-98959-2-9

Available for Download in:

http://www.oi.acime.gov.pt/docs/pdf_Sondagem%20Imigrantes.pdf

Summary:

This study presents the results of two surveys that sought to provide a thorough analysis of the reciprocal representations which Portuguese and different immigrant groups resident in Portugal hold in relation to each other. In a sample of the Portuguese population, with a margin of error of 2.6% and with a confidence level of 95%, 1419 Portuguese over the age of 18 were interviewed. In the second sample, there were 1051 immigrants who had gone to legalisation points at the Service for Border Control and Aliens (SEF). These surveys were carried out in November 2002.

I. Survey with the Portuguese Population

The first survey had as its objective to get to know the opinions and attitudes of the Portuguese population concerning immigrants currently residing in Portugal. It considered different possible aspects regarding the construction of image that the Portuguese made to immigrants, namely regarding employment, the feeling of insecurity, perception of cultural differences, etc. Those inquired were asked about immigrants in general (legal and illegal), both in relation to three specific groups – African, Brazilian and East-European immigrants.

1. Most of the Portuguese questioned replied that they disagreed with the entry of more immigrants, whatever their origin: African (74.4%), Brazilian (71.7%) or from the East (73.4%) Only a minority agreed with the entry of more immigrants, with a tiny difference according to origin: 28.3% for Brazilians, 26.6% for immigrants from the East and 25.6% for African immigrants.

Analysis of the results appears, however, to show the influence of some factors concerning this theme. That is true, for example, with regard to educational and age level. With regards to education, a quite clear relation was observed with other opinions and attitudes concerning immigrants. The data show that the more years of schooling that those questioned had, the more easily they assumed positions of acceptance and tolerance. It was hoped to find other equally relevant links, regarding other factors (for example, job, place of residence, political stance, religious beliefs, etc.) in a more advanced stage of analysis.

2. Another aspect which the study sought to know was the opinion and attitudes vis-à-vis the rights of immigrants who reside in Portugal. Although it has been seen that only around $\frac{1}{3}$ of the sample agree with the entry of more immigrants into Portugal, when questioned about the rights of immigrants, the results showed positions that were quite favourable. In this sense, and regarding legal immigrants, 97.2% considered that they should have the same rights that Portuguese have abroad, against only 2.8% who disagreed with this statement. In the same way, 93% consider that legal immigrants should be able to bring their family to Portugal, against 7% who disagreed with that possibility. Finally, 84% of those questioned think that naturalisation should be facilitated, against 16% who think the opposite.

As regards opinions concerning illegal immigrants, 79.7% of those questioned consider that legalisation should be facilitated, against 20.3% who disagree with these measures. Besides this, 92.4% of those questioned agreed with the statement that illegal immigrants “*should be protected against the exploitation of employers*”. However, these results should be interpreted along with the information relative to the percentage of those questioned who considered that illegal immigrants “*should be kept under observation so as not to cause problems*” (72.7% agreed, 27.3% disagreed).

3. The third aspect considered related to the opinions and attitudes of Portuguese respondents concerning the greater or lesser linking of immigrants to factors seen as raising feelings of insecurity: crime, violence or other types of social problems such as drug trafficking, prostitution, Aids. With regard to the phrase “*Immigrants commit more crimes than Portuguese*”, the replies of those questioned divided into 39.5% who disagreed and 30% who agreed with the statement. It should however be noted that this question had a high number of persons who answered “*do not know*”: around 30.5%. On the other hand, the distinction between African, Brazilian and Eastern European immigrants was more relevant in the questions relating to the perceived level of insecurity on the part of those questioned. Regarding the African immigrants, they were principally associated

with violence (62.%), drug trafficking (47.9%), Aids (40.7%) and the general problem of causing conflicts (39.6%); the Brazilian immigrants were associated with prostitution (56.8%) and those of the East with mafias (52.4%). These immigrants from the East were also associated with violence (43.7%), prostitution (38.7%) and the problem of causing conflicts (31.6%).

However, most Portuguese questioned consider that living alongside immigrants helps understanding between people. These answers were distributed in a rather different form with regard to the three groups of immigrants mentioned above: 84.5% for Brazilians, 68.4% for immigrants from the East and 60.4% for African immigrants.

4. Another important aspect to bear in mind in the construction of the image of immigrants is their situation in the work place. This aspect was dealt with through a set of questions aimed at evaluating the opinions and attitudes of those questioned vis-à-vis both the role of immigrants in the economic life of Portuguese society, and their position regarding Portuguese workers.

Regarding the statement “*Immigrants work more than the Portuguese*”, most of those questioned replied negatively. However, there were important differences between the different groups of immigrants. As regards those originating from the East there is a large percentage of people who consider that they work more than the Portuguese (44.6%), whilst this percentage goes down with regard to the Africans (27.6%) and, furthermore, relative to the Brazilians (15%), with these percentages perhaps being influenced by some stereotypes which are widespread in Portuguese society concerning these groups.

Besides this, most of those questioned consider that “*immigrants earn less than Portuguese for the same work*”, except for the Brazilians: only 45.3% agreed with this idea, against 65.5% regarding those from the East and 57.3% regarding Africans.

As regards the statement “*Immigrants have too many qualifications for the jobs they do*” the immigrants from the East were much more differentiated than the other groups, with 67.4% affirmative answers, as against only 16.3% for Brazilians and 12% for Africans. Furthermore, only a minority of those questioned fear that “*immigrants end up filling more important jobs than many Portuguese*” (17.5% on average). However, once more there was a notable difference between the three groups: 23.4% of those questioned had this fear regarding immigrants from the East, and this fear decreased with regard to Brazilians (16%) and Africans (13.2%).

Despite these differences, most of those questioned considered that immigrants in general “do the jobs that the Portuguese do not want to do” (72%). However, only 40.4% considered that immigrants “are essential for the economic life of the country”, against 40.9% who did not think that way (with 18.7% not having any opinion on the matter). In the same way, a large part (43.3%) of those questioned considered that immigrants “do not contribute to Portuguese social security in a positive way”, against 24.9% who thought that they did. It should be noted that a considerable percentage of those questioned on this matter did not have any opinion (31.7%).

5. If most of the Portuguese considered that immigrants do the jobs that Portuguese do not want, and a not insubstantial part disagrees with the fact that immigrants are essential for the economic life of the country, it is thus important to consider their attitudes concerning the eventual repatriation of these same immigrants. Should immigrants living in Portugal be repatriated? If so, under what conditions?

Most of those questioned considered that “*legal immigrants should be sent back to their countries if they are convicted of serious misdemeanours*” (79%), against a minority who disagreed with that position (11%) and 10% of those questioned who did not express an opinion on the matter. This agreement with possible repatriation measures, whilst low, remains quite high when the reason is no longer crime but a lack of work. Thus, 60% of Portuguese think that “*legal immigrants should be sent back to their countries if they do not have work*”, against 24% of those questioned who disagree with this statement.

As regards illegal immigration, a large part (45.6%) agree with the statement “*All illegal immigrants, without exception, should be sent back to their countries*”. An important percentage of those questioned (35.2%) disagreed.

6. Given that rejection of intimacy has been considered as a salient factor regarding intolerance of the Other, it was considered a useful feature to include in the study in order to get to know attitudes concerning the acceptance or rejection of intimacy with regard to immigrants, on the part of those questioned.

In regard to this, the question “*Would you accept having an immigrant boss?*”, received a positive answer by most of those questioned. There were some differences with regard to the origin of the immigrants. 81.5% replied that they would accept a Brazilian immigrant as a boss, 77% an African immigrant and 74.3% an immigrant from the East. These differences need further reflection given the fact that the immigrants from the East appear in third place, whilst in other questions they have been mentioned as the only group who

work as the Portuguese do and who have an excess of qualifications for the work they carry out.

In the same way the question “*Would you put your children in a school with more than 50% of children of immigrants?*” most of those questioned replied “yes”. A clear minority stated that they would not (13.2% for all and each of the three immigrant groups).

Finally, the question, “*How would you feel if your child married an immigrant?*”, most of Portuguese questioned stated that they would feel “little bothered or not at all”. However, similar to previous cases, there were some alterations with regard to the origin of the immigrants. Brazilians are those most fully accepted: 87.8% of those questioned stated that they would feel “little bothered or not at all”, against only 12.2% who stated “Very bothered or bothered”.

This was followed by the immigrants from the East, with 77.1% against 22.9%. Finally, there were the African immigrants with 75.8% and 24.2%.

7. Finally, the view of those questioned regarding the cultural characteristics of these immigrant groups was considered. In this respect the *Africans* immigrants were clearly highlighted as the group those questioned considered to be the most *different* from the Portuguese, both regarding habits and customs (61,5%), the way in which they bring their children up (51.2%) their beliefs and religious practices (49.5%), and their values and sexual behaviour (32.3%). Only the immigrants from the East appeared most different when the language that they speak was considered (71,7%).

In contrast the *Brazilians* were seen as the group most *similar* to the Portuguese, with regard to all the aforementioned categories: the language spoken (69.8%), habits and customs (42.4%), the way they bring up their children (38.8%), the beliefs and religious practices (36.9%), the values and sexual behaviour (32.3%).

II. Survey with the Immigrant Population

In this second opinion poll the perceptions that immigrants have concerning the attitudes and behaviour of Portuguese concerning them were analysed. Most of the interviews for this opinion poll involved Brazilians (24.6%), Ukrainians (19.9%), Angolans (11.7%) and Cape Verdeans (11.5%). As result it was carried out in two languages: Portuguese and Russian.

Amongst the main trends gathered from these interviews it could be seen that a large part of those questioned think that the Portuguese have more respect for Brazilian immigrants

than for Africans or those from the East. Whether this is true or not, what is certain is that this idea is shared by 44.0% of those questioned. A similar opinion concerning Africans and immigrants from the East is only stated by around 25% of the set of respondents. Almost 2/3 of those questioned said that they had never felt bad through being black, Brazilian or from the East. But 18.2% occasionally felt so, and 8.9% often felt so. The weight of rejection had been felt by 10.0% of the valid respondents.

However, when these data are analysed in terms of cultural groups, it can be seen that in this statistically significant distribution it is not the Brazilians that most frequently have the sensation of never having been humiliated, through being immigrants, but the immigrants from the East and those of other origins.

The aspects, which most clearly can be analysed in terms of questions relating to eventual discrimination of immigrants, are related to differential treatment at work. The results were quite clear. Considering the attitudes of employers and taking their attitude towards Portuguese workers as a benchmark, 10.3% of all respondents said that there were more delays in the payment of their salaries, 20.0% stated their salaries were lower, and 15.6% that they carried out more unsafe work than their Portuguese colleagues. This set of results shows a clear discrimination towards foreign workers, which is confirmed by the answers to a question regarding debts owed by the boss to those questioned, which had a complaint rate of 12.4%. The numbers relative to the amounts of these debts were the following: 13 immigrants were owed less than 100€, 45 between 100 and 500€, 28 between 501 and 1000€, 20 between 1001 and 2000€, and finally 12 more than 2000€, amounting to 11.2% of those questioned. What is more, it should be noted that some of these debts had existed for more than 3 months (69 cases), and for 22 of the cases, the delay was 2-3 months, and for the other 30, just one month.

A complementary aspect to this is the manner in which employers take care of their employees in work accidents, which had involved 180 immigrants (corresponding to 17.1% of those questioned). 72 respondents replied that the employer had done nothing to resolve the situation and 24 the minimum possible. As a whole, 54.8% of the accidents did not receive the correct assistance. Only 17.7% stated that the employer had done what was sufficient and 27.4% that everything possible had been done.

3.3. Representations (Images) of Immigrants and Ethnic Minorities in the Media **Rui Cádima, Alexandra Figueiredo**

Author: Rui Cádima, Alexandra Figueiredo
Title: Representações (Imagens) dos Imigrantes e das Minorias Étnicas nos Media
Publisher: ACIME
Place: Lisbon
Title Series: Observatório de Imigração
Year: 2003
Pages: 176 pp.
ISBN: 972-98959-1-0
Available for Download in:
<http://www.oi.acime.gov.pt/docs/pdf/Estudo%20obercom.pdf>

Summary:

This study intends to draw up, classify and provide an exhaustive analysis of news concerning Immigration in the Portuguese Press. The published results are accompanied by commentaries made by the authors of a similar study carried out in Spain.

The actors involved in information about immigration, immigrants and ethnic minorities:

From the analysis carried out, journalist treatment deals mainly with immigrants from the East (30% of news items), followed by actors generically classified as “immigrants” (28%).

Immigrants of a gypsy ethnic origin or those from PALOP, Portuguese speaking, countries, occur in 3rd and 4th places (with 12.5% and 12.3%, respectively), less than half of the figures of the 1st and 2nd entities. In 5th place, and some distance from the others (with 4.5%) are immigrants from the American continent (mainly composed of Brazilian immigrants).

In the period under analysis – January 2001 to March 2002 – the communities from the east became more visible in the media agenda when discussing immigration and ethnic minorities. This visibility occurred as a result of a new reality felt in Portuguese immigration at the time the study was held. In fact, as we have seen, the number of residence permits issued to that community had reached 66,700 at the end of 2001.

The information sources searched by the press:

The sources most often cited by the press are “Civil society and private institutions” (53%) and the “Powers of State and public bodies” (45.7%). “Civil Society and private institutions” are represented by “social organisations” (21.6%) and by “people” (14.9%), of which around half are represented by ‘immigrants and ethnic minorities’ themselves (7.8%). The “Powers of State and the public institutions” are represented by ‘executive power’ (20.3%) and by their policies that, altogether, represent 9.4% along with ‘local power’ (7.7%).

These are tendencies that are common to both the national and regional press, though in the regional press ‘People’ (17%) and ‘Local Power’ (11%) are more visible in the sources quoted in the press.

The information sources which are most consulted when dealing with immigration are, when seen as a whole, institutional and/or official sources. The routines of information production and, with some degree of frequency, the lack of specialised information about the theme, could be responsible for this reality. It is however worth noting the considerable weighting of “people” and immigrants as one of the privileged sources on this matter.

The topics most frequently dealt with in the written press:

In a global analysis of the sample, topics considered as “Advances” (with 43.2%), with questions considered as “Difficulties” almost reaching the same percentage level (with 40.9%).

When talking about the national press these figures change round, that is, “Difficulties” (45%) are more evident while “Advances” have around 38%. And it is indeed the case that the regional press tends to communicate news items of the type that present “Advances” regarding the integration of immigrants and ethnic minorities with around 55 of these. It is worth highlighting the poor showing of the press with regard to “Debate” on questions relating to immigration, immigrants and ethnic minorities (around 16%).

Considering the set of thematic descriptors dealt with, “Crimes” (12%) stands out, some distance from themes related to “Welcoming” (8.5%) and “Living together” (5.6%) and “Exploitation and the Mafias” (5.6%). It is in fact “Crimes” which heads the list of themes dealt with in the national press (14.5%), following also by “Welcoming” (6.3%), “Fight against mafias, exploitation and illegal trafficking” (5.5%) and “Living Together” (5.2%).

In the regional” process “Welcoming” heads the list of themes by some distance with around 13%, followed by “Education”, especially the teaching of Portuguese to foreign com-

munities, which occupies second place with a figure of 8.3%. The themes of “Exploitation and mafias” and “Living Together” appear in third place, both with around 7%.

In terms of the media agenda, immigrants and the ethnic minorities who become news items are those associated above all with “Crimes”. In fact the problems which these communities have with justice is often highlighted, often without any contextualisation regarding crime in Portugal, for example, or the reason for the appearance of certain pockets of marginalisation which contribute to the reinforcement within public opinion of the phantoms associated with immigrants and what is foreign. That is, we are not dealing at a level of debate concerning the legality or illegality of immigrants (themes related with regular/irregular immigration are not so determinant as that), or of this is at the heart of their marginalisation, but we are dealing with a level of ethnic differentiation which is established in order to report the news item. What this also leads us to analyse, essentially, is if stereotypes are produced, if negative images are communicated because there has been a serious or negative event (a journalistic fact) or if, in reality, these prove it is because we are in the presence of the “Other”, of what is “different”, what is “not Portuguese”.

The most common themes considered by the press and their agents

The reality of migratory flux in the period under analysis showed a trend towards immigration coming from Eastern Europe, a factor which reflects, as we have seen, in the news actors but also in the intersection between this variable and the themes dealt with by the press. Thus, the ‘eastern immigrants’ and the ‘immigrants’ are agents of a generality of contents, that is questions associated with regular/irregular immigration, advances/difficulties in the process of legalisation, welcoming, living together, etc.

However, there are some expectations. The themes related to “Crimes” are headed by immigrants from the East, but also by agents of a gypsy/Roma ethnic background as well as African immigrants. The themes related to “Racism and Xenophobia” involve agents who are African immigrants, immigrants in general and cities with a gypsy/Roma ethnic background. When living conditions are the topic of news, such as the lack of housing and rehousing, as well as the difficulties of living together, this is dealt with in relation to the Gypsy/Roma community, above all, but also to immigrants from the East as well as African immigrants.

Information conveyed by the written press concerning cases of accidents at work and exploitation related to mafias, is reported about concerning immigrants from the east, but also regarding African immigrants and those coming from the American continent who are chiefly Brazilian, as we have seen.

With regard to the above, two questions can be raised. On the one hand, is the role of the media determinant in the formation of public opinion and the influencing of the political agenda, without it having the function of raising new questions related to the issue of immigration and ethnic minorities, instead of reinforcing the stereotyping of difference? On the other hand, should there be a journalistic or, at the least, not emphasising the differences between “minority” and “majority”?

3.4. Contributions of Immigrants to Portuguese Demography **Maria João Valente Rosa, Hugo Martinez de Seabra** **and Tiago Santos**

Authors: Maria João Valente Rosa, Hugo Martinez de Seabra and Tiago Santos

Title: Contributo dos Imigrantes na Demografia Portuguesa – O papel das populações de nacionalidade estrangeira.

Publisher: ACIME

Place: Lisbon

Title Series: Observatório de Imigração

Year: 2004

Pages: 136 pp.

ISBN: 972-98959-5-3

Available for Download in:

<http://www.oi.acime.gov.pt/docs/pdf/estudoOldemografia.pdf>

Abstract:

A study based on three central aspects: facts, concepts, statistics and study options; foreign population demographics and their effect on Portugal's recent demography and future scenarios.

Summary:

Portugal, traditionally a country of emigration, has recently (in the 1990's) become to be characterised as a country of immigration as well. This is a very diverse panorama to that observed in other periods of the past, with immigration now dominating external migratory movements.

In this way, whilst migratory balances have always had an effect on Portuguese demography, there is something new taking place nowadays. On the one hand, immigration has become the main component of external migratory movements. On the other hand, in the case of the foreign nationality population, it is not only the number that has been growing in a highly significant manner, but this has led to new nationality groups, especially from Eastern Europe. This does not mean that Portugal is “reproducing” the demographic specifics characteristic of various other foreign countries of foreign nationals, even more so given that migratory movements are, by definition, a selective phenomenon.

The presence of foreign nationality populations in Portugal has not thus turned this country into an “observatory” of different nations, and particularly in demographic terms. This can be attested by the birth and age rates of the foreign nationality populations present in Portugal and those observed in the countries of the respective nationalities.

Various reasons may have led to this movement, and the selectivity that forms part of the migratory fluxes does not lead to common features and demographic behaviour patterns of the foreign nationality populations in Portugal. Examples of these demographic pluralities that have been detected amongst the foreign nationality groups studied (Germany, Spain, France, United Kingdom, Moldova, Ukraine, Rumania, Angola, Cape Verde, Guinea-Bissau, Sao Tome and Principe, Brazil and China). Differences can be observed, specifically:

- Between levels of ageing, contrasting rather aged populations (e.g. British and Spanish) with populations that are quite young (e.g. French, Angolan, Guinean, and Sao Tomean).
- Between the importance of those working in the younger more active ages, contrasting with populations which are mainly made up of 15-34 year-old individuals (e.g. Moldovans, Romanians, Ukrainians, French, Chinese, Brazilians and Angolans) with populations in which the majority of individuals are 35 or more years of age (e.g. Germans, the Spanish and the British);
- Of gender breakdown, contrasting populations predominantly female (e.g. Spanish, French and Sao Tomean) with highly male populations (e.g. Ukrainian, Moldovan).
- Between spatial concentration levels, contrasting populations with high levels of concentration (e.g. Sao Tomean, Guinean and Cape Verdean) with more disperse populations (e.g. French);
- Between birth levels, contrasting populations with birth levels much greater than the minimum to replace one generation with another (e.g. Angolan, Cape Verdean and Guinean) with populations where the replacement of one generation with another is not certain (e.g. Spanish, French, German and Brazilian);
- Between the frequency of mixed marriages with Portuguese (the situation which is, in a general manner, the most representative but which has been losing statistical ground with regard to the marriage of foreigners of the same nationality), with this being of less importance in the case of, for example, Sao Tomeans and Cape Verdeans;
- Between mortality rates, contrasting populations with a mortality rate greater than the average in Portugal (e.g. British, Germans or the African nationalities studied) with populations which show mortality rates less than the average in Portugal (e.g. Spanish and Brazilian).

The examples referred to show, as such, that foreigners are not a homogeneous group, but are characterised by important demographic varieties. That does not however prevent the overall presence of foreign nationality populations as globally producing a positive balance in specific demographic features in Portugal.

Above all, they have contributed a fifth of the population growth in the last decade, with this value frequently much higher than their weighting in the total population resident in Portugal.

The last decade has also shown that they have contributed towards a rebalancing of genders in the national population. Without foreign nationality populations, the predominance of women would have increased in Portugal, instead of diminishing.

In terms of age structure, whilst contributing to the increase in the number of people of a working age who are in employment (and in particular young people), they have moderated the levels of ageing (particular at the limit) of the population. What is more, in the nineteen nineties the number of individuals in the 15-34 years of age category would have been reduced without the presence of foreigners.

As regards population settlement imbalances, the foreign nationality populations have contributed towards reinforcing these, given that they have chosen to reside in particular regions. More than half foreigners are living in the area of Lisbon and the Setúbal Peninsula.

Given the greater concentration of the foreign nationality population of child-bearing ages, as well as having birth rates which are higher than those of the Portuguese population and higher than the level needed to replace one generation with another, foreigners have contributed (with at least one parent) to more than 4/5 of the increase in live births registered in Portugal between 1995 and 2001.

Less evident are the contributions of foreign nationality populations with regard to deaths/mortality and marriage/nuptiality. Regarding deaths, whilst the contribution of foreigners to the overall total is small with regard to their population weighting in Portugal, a more careful analysis shows that that is just a result of their relative youth. Once adjustment has been made for this, foreigners in Portugal have in general a higher mortality rate than the average mortality rate in Portugal.

As far as weddings are concerned, the overwhelming majority of marriages in Portugal are between individuals who both possess Portuguese nationality. However, the number of marriages in which one of the couple is a foreigner has increased, a rise which, however,

is essentially due to the increase in foreigners since, whilst the overall marriage rates of the foreign nationality populations in Portugal are lower than that of the Portuguese, these populations are more concentrated in “matrimonial” ages.

As a whole, it can be said that whilst non-Portuguese nationality populations are demographically diverse and still represent a small section of the population resident in Portugal (2.2%, according to the 2001 Census), their effect on the Portuguese demographic system has already assumed some importance (especially with regard to population dynamics – both global and natural – and age composition).

It should however be noted that these effects are possibly more significant than we are able to observe. This is so because the diagnostic analysis carried out (which was based on official statistics) has not exhausted the total immigrant population and their descendants (although it remains an open question as to how much of the “iceberg” this approach allowed us to become aware of. On the one hand, due to the existence of important population elements which escaped the census taking (these individuals could have been or not, in an illegal status in Portugal) and, on the other hand, due to the situation of foreigners who have in the meanwhile ceased to be categorised as such through having acquired Portuguese nationality (immigrants who have now fully immigrated)

As for the future, and although migratory movements are the most volatile component within the democratic system, the number of foreigners entering Portugal should continue to increase (reinforced by family reunion) and, perhaps, extended by the variety of populations now present in Portugal.

The demonstration of the possible future effects which continuing net migratory fluxes to Portugal will have on the global population dynamics and the evolution of the age composition of Portugal was based on the construction of possible scenarios for the 2001-2021 period.

If consideration is limited to the variables responsible for natural population dynamics (i.e. death and birth rates), it can be seen that from 2001 to 2021 the population of Portugal may diminish, which the active age group (15-64) that which will undergo the most significant fall in its members. In contrast, the third citizen group (over 65 years of age) is the one that will register the greatest growth.

The results obtained enable us to conclude that, in view of the actual age makeup of the population in Portugal and the low birth and death rates observed, the ageing trend with the age classifications will continue in the future.

In fact, and even allowing for a recuperation (albeit a modest one) in the global birth rates, the population of Portugal in 2021 will show levels of ageing considerably higher than that observed in 2001, a trend which is equally confirmed in the scenarios within the four regions selected for the study: Greater Porto, Greater Lisbon, the Setúbal Peninsula and the Algarve.

However, the results of another scenario developed for Portugal which also considers (as a hypothesis) a continuing positive migratory influx into the country during the period in question (+2000 people/year from 2001 to 2021) reached the conclusion that the migratory component could help to moderate the causes of the demographic ageing process now underway.

But if net migratory influxes can moderate the demographic ageing causes, it is not plausible to suppose that any positive migratory dynamic can be sufficient to slow down or invert the age restructuring course.

In fact, for the relationship of the statistical forces between old-young ages (Ageing Index, number of senior citizens per 100 young people) and active senior citizens (Relationship of Dependency of the Senior Citizen Population: number of people at an active age per senior citizen person) to maintain identical levels to those observed in 2001, it would be necessary to see both a positive and significantly high net migratory influx.

In Portugal, such premises would require:

- in the case of the Ageing index, an annual migratory balance of around two and a half times (+161000/year) greater than that observed in 2001 (a year in which this value, estimated at ‘65000, was shown to be exceptionally high);
- in the case of the Relationship of Dependency of the Senior Citizen Population, an annual migratory balance, throughout all the period in question, of +188000 (almost three times that observed in 2001);

But if net migratory influxes do not constitute solutions for ageing, this does not mean that their impact on Portuguese demography is nonexistent. Without them the demographic panorama in Portugal would be different (specifically, the levels of ageing would be more significant, and the birth and fertility rates, along with the population in Portugal, would be lower), both in the present, as in regarding what may come to be.

Finally, it should be added that the demographic contributions of influx and sedentarisation in Portugal of foreigners (populations which, on the one hand are principally made

up of active ages, and on the other hand have had children and aged) are increasingly evident, which continues to be reflected in countless sectors within Portuguese society.

The labour market (due to the human resource potential which foreign nationality populations represent), education (due to the growth in the number of young people of school age who are the children of foreign immigrants), social security (due to the greater balance regarding active contributors – elderly beneficiaries) and health (due to the increase in the search for care on the part of foreign nationality populations who have grown old in Portugal) which are, amongst others, examples that the future specification of Portuguese society cannot be made without the demographics of immigrant foreign nationality populations).

3.5. *Citizenship Rights and Rights to Citizenship - the Equalisation principle, New Citizenships and the Right to Portuguese Citizenship as Instruments of an inclusive Constitutional Community* **Jorge Pereira da Silva**

Author: Jorge Pereira da Silva

Title: Direitos de Cidadania e Direito à Cidadania – Princípio da Equiparação, Novas Cidadanias e Direito à Cidadania Portuguesa como Instrumentos de uma Comunidade Constitucional Inclusiva

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Abstract:

This study undertakes an analysis of the suitability of the normative framework currently in force as opposed to the multiform nature of the Portuguese nation. Starting from the current Portuguese legal situation, this research develops the equalisation principle and the legal measures for the acquisition and awarding of Portuguese citizenship.

Summary:

The construction of an inclusive constitutional community represents an objective that cannot set aside any of the instruments available to achieve this, starting with the principle of the equal rights between Portuguese and foreigners, and continuing with the deepening of this same principle through new European and Lusophone citizenship, as well as the international and constitutional recognition of a basic right to citizenship, and finishing with the legal system for the awarding and acquisition of Portuguese citizenship.

Thus, in the chapter concerning the equalisation principle between Portuguese and foreigners, which is enshrined in Paragraph No. 1 of article 15 of the (Portuguese) Constitution, we conclude that in spite of the composite function which this principle plays relative to

other laws and constitutional principles – such as the dignity of the human person, equality, the open clause, the interpretation and application of fundamental rights under the terms of the UDHR – it furthermore also has a significant field of application of its own.

On the other hand, the four groups of exceptions provided for in paragraph no. 2 of article 15 of the Constitution – respecting political rights, access to public functions and the other rights reserved by the Constitution and basic law to Portuguese – besides the innumerable interpretative difficulties which its delimitation raises, has as a consequence that there continue to exist a significant number of basic rights to which only Portuguese citizens have access. Accordingly, the status of citizenship continues to lead to an important added value in relation to the legal status of the equalised foreigner.

In any case, it is important to carry out a thorough (and restrictive) interpretation of the aforementioned exceptions to the principle of equalisation, with the purpose of controlling the solutions adopted by the ordinary legislator when making them denser and, concretely, avoiding that the principle in question here be emptied through legal measures based on the idea of reciprocity (or of retaliation). In effect, despite the Constitution providing relevance to the idea of reciprocity, it does so exclusively to broaden the scope of basic rights and some categories of foreigners, and not to reduce the range of the equalisation principle.

In turn, the analysis of paragraphs no. 3, 4 and 5 of article 15 enables us to conclude that only some of the rights of citizenship may, amongst us, be shared with some categories of foreigners, but also that citizenship increasingly shows a variable pattern. Thus, besides the traditional notion of citizenship as a quality of a member of a State, it is necessary to consider other phenomena, such as overlapping citizenships – as is the case with European citizenship – second level citizenships – as is the case with lusophone citizenship – or even double citizenships encouraged by States themselves. European citizenship and lusophone citizenship are, however, at very different stages of development.

Thus, European citizenship is already an unavoidable reality, with it having been associated with a set of rights of some significance, of which can be highlighted the freedom of circulation and the residence of European citizens in any of the Member-States. Notwithstanding this, and taking into account that European citizens are only the citizens of each one of the Member-States, with these still conserving absolute freedom to define their own rules with regard to citizenship, the integrative possibilities of this overlapping citizenship empty in intracommunitarian immigration, forgetting immigrants who originate from third party States. The fact that the Union cannot award European citizenship to

individuals who come from third party countries means that objectively it is possible to speak of a discriminatory effect of European citizenship.

In contrast, at present, lusophone citizenship is a little more than a plan that is at play as a decisive element of the future of the Community of Portuguese Speaking Countries (CPLP). Its realisation depends, in large part, on the constitutional conditions that have not entirely been filled. In any event, in the process of the construction of lusophone citizenship, there are three important steps to register (albeit divided into parts): The status of the lusophone citizen adopted by Cape Verde in 1997, the revision of the 1871 Convention concerning the Equality of Rights and Duties of Brazilians and Portuguese, by the 2000 Safe Haven Agreement, a set of accords concluded in 2002, within the framework of the Community of Portuguese Speaking Countries, regarding facilitating the movement of lusophone citizens between member countries.

In the chapter concerning the basic right to citizenship, it was possible to conclude that, despite the Constitution in article 4 not defining who are Portuguese citizens, limiting itself to fall back on the law and international convention, the truth is that the task of the ordinary legislator is, in practice, subject to an important set of international law and constitutional parameters.

On the one hand, despite the continuing validity of the principle according to which, protecting the existence of a genuine and effective status, questions of citizenship belong to the internal jurisdiction of States, it is certain that international law has evolved in the sense of raising ever more limitations on the freedom of States in this area. Thus, as far as negative conflicts are concerned, such liberty is conditioned by the unequivocal recognition of a right of all human beings to possess a citizenship. On the other hand, as far as positive conflicts are concerned, a new trend can be observed regarding their acceptance, both due to mixed marriages, and also to favour the integration of immigrants in the host countries. In any way, the integration of immigrants does not depend solely on the acceptance of dual citizenship on the part of the host country, but also on the part of the country of origin.

The trends referred to concerning aspects of negative and positive conflicts can be found mirrored in the recent 1997 European Convention on Nationality, which has already been ratified by the Portuguese State.

On the other hand, concerning the definition of the system for the awarding and acquisition of Portuguese citizenship, the legislator is also strongly bound by the qualification

of the right to citizenship, by force of paragraph No. 1 of article 26 of the Constitution, as a right, liberty and guarantee. What is more, the law of citizenship is a materially constitutional law and constitutionally instantiated, where the author is obliged to carry out a basic right within strict parameters, within which the principle of proportionality stands out.

The legislator has to bear in mind that the right to citizenship involves two components – the right to have access to Portuguese citizenship, primary and secondary, and the right to not be arbitrarily dispossessed of Portuguese citizenship – and which, in addition to this, there is little in it that is immediately discernible from the text within the constitution – that is, the right to Portuguese citizenship of those individuals who, despite possessing another citizenship, have an actual relationship just with the Portuguese State (de facto stateless) or for whom this relationship is clearly more real (immigration animo manendi).

Finally, from a critical analysis of the statutory scheme of Law No. 37/81, of 3 October, if was possible to reach the conclusion that this needs fundamental revision in a number of areas, both to take away the due consequences of the qualification of the right to citizenship as a true right, liberty and guarantee, and also to transform it into an instrument for a constitutional community inclusive of immigrants, which our country has increasingly requested.

Thus, starting with primary citizenship due to the mere consequence of the law, the provision of legal instrument for the awarding of Portuguese citizenship in situations of double ius soli constitutes a true constitutional imperative, and immediately so that the third generation of immigrants shall not receive exactly the same treatment from the law which the second generation did.

As regards primary citizenship due to (the law and of) intent, it should be noted that there is a clear incongruence between the permissive solution adopted with regard to the foreparents of our immigrants and the clearly restrictive solution applicable to the children of our immigrants.

Besides this, given the fact that Portugal does not maintain special relations only with States of the Community of Portuguese Speaking Countries (CPLP), but also with countries of the European Union, it is important to reconsider the legal system in force with regard to the process of autonomy of three categories of foreigners which are pertinent in the awarding of Portuguese citizenship to the children of immigrants: lusophone citizens,

European citizens and citizens from other States. In this same area, it should be important to consider the hypothesis of, in relation to lusophone citizens resident in Portugal for a relatively long period of time, granting Portuguese citizenship to their children without the need for any declaration of intent.

In addition in this area – and in spite of the demand for regularisation of the presence of the parents in Portugal being considered reasonable, so that the children may benefit from Portuguese citizenship – the concept of “valid holder of residence visa”, which is used by the law, after a revision which took place in 1994, is, on various counts, lame. In effect, the use of that concept has the following negative consequences: it allows for the interference of the ordinary legislator (albeit authorised) in a matter which is absolutely reserved for the legislative competence of the Portuguese Parliament (*Assembleia da República*), the ongoing modifications to which it has undergone project instability on the legal system of the right to citizenship, the concept being considered has no application to European citizens, there is no single document authorising residence, but two (one permanent and one temporary), in short, seeing that Portuguese law has various other categories of regular permanence within Portugal, there does not exist any reasonable justification for only one of these categories to allow access to Portuguese citizenship or, at least, so that the total time of legal residence which has occurred in Portugal is not counted for the purpose of the acquisition of citizenship.

With regard to secondary citizenship, it can be seen firstly that the institution of opposition to the acquisition of citizenship due to intention and adoption, linked to the inversion of the requirement to prove a real and effective connection to Portugal, needs a revision which reduces its scope, otherwise it will continue to prevail over the protection offered by marriage, to the family and the status of adoption.

In turn, as for the legal concept which Portuguese law designates as naturalisation, it has been confirmed that it confuses two realities which should be separated: the acquisition of citizenship by virtue of residence, naturalisation in other words. In the first case, citizenship corresponds to a basic right, which requires a precise legal definition of the conditions for its acquisition whereas in the second case citizenship results from an act of grace on the part of the political power, typified by its discretionary manner.

Amongst the various legal requirements applicable to the acquisition of nationality through means of residence in Portugal, the most problematic is, once again, and without prejudice to a general atmosphere of excessive administrative discretionary power, what is referred to as the need to be a “valid holder of residence visa”, essentially for the same reasons mentioned above.

Finally, the legal system in force, despite establishing a relationship between residence and *ius sanguinis*, does not foresee any connection between residence and *ius soli*. Given that, in order to acquire Portuguese citizenship in such a secondary fashion, it is absolutely indifferent as to whether birth was in Portugal or not, according to which a second generation of immigrants – a generation who have often developed a sense of *de facto* statelessness – is submitted to exactly the same treatment as that given to the first. To correct this situation of undue indifferenciation, it is important to promote an *ope legis* mechanism for Portuguese citizenship for second-generation immigrants at the moment that they legally become adult.

3.6. *Media, Immigration and Ethnic Minorities* **Isabel Ferin da Cunha, Clara Almeida Santos, Maria João Silveirinha and Ana Teresa Peixinho**

Author: Isabel Ferin da Cunha, Clara Almeida Santos, Maria João Silveirinha and Ana Teresa Peixinho
Title: *Media, Imigração e Minorias Étnicas*
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Abstract:

Reconsidering the theme of publication number 3: the image that the media portrays of immigrants and ethnic minorities. Despite the negative aspects, the collected data show a progressive interest in the culture and identity of the “Other”, which bestows the Media with the role of cultural intermediaries.

Summary:

This study takes on board data referring to 2003 from the Press and Television, with this latter medium, due to agreements that were made after the signing of the Protocol having been analysed for the months of April to December¹. The press corpus consisted of three daily newspapers (Público, Diário de Notícias and Jornal de Notícias), two quality weeklies (O Expresso and o Independente)² and three popular dailies (Correio da Manhã, A Capital and o 24 Horas) with similar characteristics to tabloids. The television corpus was made up of extended prime-time³ television news shows from the four main terrestrial channels RTP1, RTP2, SIC and TVI.

1. This Project was initially conceived as having a period of analysis of six months (April to September) and with the Project subsequently being extended to two years, the period in which Television was analysed was also extended.

2. The quality press is the national press, orientated towards covering national and international topics and which possess a stable body of specialised professionals, who are not bound to a political party or religious point of view, and whose public is predominantly interested in the discussion of and reflection on the *res publica*.

3. Extended prime-time is considered to be the period from 19.00 to 22.30 whose programming revolves around a formula of fiction/entertainment – news-fiction/entertainment, and is the period where the audience ratings wars are particularly concentrated and which has emphasised specific formats, genre and television discourses with a strong emotional appeal.

It is held that the underlying themes related to the phenomenon of Immigration and ethnic minorities have entered into Portuguese Media practices, thus constituting a clear sign of a globalised socio-economic order, where, in tandem with questions of justice, work and economic redistribution, they have taken on increasingly visibility to the cultural questions connected to identity, ethnicity and pluriculturalism.

Compared with previous studies, the results obtained in this book, in spite of once again confirming that the theme of Crime is that most associated with the coverage of Immigration and Ethnic Minorities, show an increasing interest in the identity and culture of the Other, which thus endows the Media, and its professionals with the unequivocal role of cultural mediators. In this constantly changing context, it is not surprising that the press, in spite of the coverage that it continues to carry out in emphasising the theme of *Crime*, has been acquiring a certain specialisation that can above all be seen in the aforementioned quality newspapers.

On the other hand, in the general channel TV news, the emphasis on the theme of *Crime* – and those associated with it, such as *Mafias*, situations of *Exploitation*, *Prostitution*, *Terrorism and Violence* – make up around 45 per cent of occurrences and, though having immigrant and minority subjects, project a visibility and an extremely negative public perception. A public perception that could perhaps be crosschecked in correlation with some of the data already carried out concerning attitudes and values vis-à-vis immigration.

Despite this project not having been carried out in a systematic manner, the qualitative analysis of images shows that the channels have a strategy of optimising film items, using theme – not always with the same text and in a variety of contexts – as new items on different days, or showing them months later. The four general channels also broadcast the same news items most of the time, which are directly related to the prevalence of institutional sources, but there are differences regarding the treatment of these, which are noticeable in the timings, texts, contextualisations and image captioning.

From this perspective, the images produced and broadcast, mainly on television, tend to configure the identity of the groups focused on, possessing them with characteristics and attributes, and classifying them into a hierarchy in terms of certain values.

In the quantitative data analysis of the two media studied, press and television, in 2003, they showed common features in a variety of areas, from which can be highlighted the agenda setting and construction of images concerning Immigrants and Ethnic Minorities in Portugal.

As regards agenda setting, various events were identified throughout the year, both in the press and television, with themes with regard to Immigration and Ethnic Minorities. Amongst the events that generated most news items can be highlighted the following:

- the Open (Portuguese) Presidency dedicated to Immigration⁴;
- the Mothers of Bragança phenomenon, which started in April/May and was taken up again for a second time in October due to the publication of a news item in Time magazine about the operation of prostitution networks in Trás-os-Montes, which in itself set off a new agenda setting.
- official visit by the President of Brazil, Luís Inácio Lula da Silva and the subsequent start of an extraordinary period of legislation aimed exclusively at Brazilian citizens in an illegal situation in Portugal;
- the destruction of areas inhabited mainly by the Gypsy/Roma community in Porto and Lisbon and the processes of rehousing and social integration;
- the difficulty of local populations in accepting the Gypsy/Roma community in a school context (Bragança and Viseu regions);
- activities organised by ACIME, such as the Conference on Immigration and published studies and opinion polls;
- dynamics of sociocultural integration and religious tolerance principally evident in the Christmas season.

Besides these scheduled items, which generate information importance – and which are expressed along with the other scheduled items referred to in the initial Theoretical Framework – there is also the constant presence of Immigration and Ethnic Minorities in the press and television news, which has become a routine practice in the Portuguese Media as well as the existence of confirmed sources. These involve mainly institutional sources, and specifically the Service for Border Control and Aliens (SEF), Security Forces (PSP, GNR, PJ) and the Government, which can be observed from the data obtained from the variables Personalisation (if we take out the theme Immigrants and analyse it separately) and Voices, above all in the press. This fact, and in particular those which refer to SEF and the Security Forces, are also related to the constancy and frequency of the topic of Crime and Clandestinity. It is also relevant to follow this observation with emphasising the results regarding the dominant types of Narrative and Debate, respectively, within the Political framework and Social debate. There is, however, some discrepancy in the data for television, with regard to the variable Voices, where the theme Popular is extremely visible, due to the Reporting genre and the nature of the medium itself. Directly related to the variables Personalisation and Voices are, in the same area, the variable Scenario (1 and 2) which obtained more significant results in the themes of Streets and Quarters (connected to popular voices) but also quite significant in Meeting Places (connected to institutional sources).

4. Due to television analysis only having started in April, this topic only appeared in the analysis of the press.

When Immigration and Ethnic Minorities become newsworthy due to agenda setting, it is frequently the case on television and in the press that sequences of pieces on these themes appear. The reading of individualised items, however, is not similar to the reading of a flow of news items. As far as the press is concerned, the volume of news enables a greater depth of material, since it can cover various aspects of the same theme (even if, sometimes, in a light news manner). On television, it can be seen that the space dedicated to material grows in proportion to the negative images about certain groups or minorities. This phenomenon was seen with regard to news flows – a number of consecutive items on the same TV news programme – both in the time given to the items when considered individually. Examples of this are the items involving the Gypsy/Roma community and prostituted Brazilian women. On the other hand, the news flow that is inherent in the ordering of items as a set for a television news programme and the discursive intervention and mimicry of the presenters induces other readings, beside that suggested by a single item.

It should be emphasised that whilst the analysis of the data referring to the press and television affirm that immigrants and ethnic minorities have acquired a greater presence and capacity for self-affirmation, which is evident in the results obtained in the variables Personalisation (in the case of television) and Voices, if we take into consideration all the immigrant or ethnic communities mentioned. This phenomenon is reinforced by the presence and quotes of the Immigrant Associations that represent the interests of different communities. It can be said, to summarise, that the image of immigrants and minorities has started to be constructed by themselves, which represents a victory for the Other, as a function of the awareness of an Us more open to difference.

However, this openness is not borne out on getting close to the reality experienced by immigrant and ethnic communities in Portugal. A large part of the items assume the form of light news, of a *fait-divers* kind, presenting first person narrative life histories, which can distort the perception of public opinion by depoliticising it. By way of example, the lack of times immigrants or ethnic minorities have their legal situation indicated can be mentioned. Given current legislation, which distinguishes between temporary and permanent residence, permission to stay status, permission to stay visas, undocumented and illegal, refugee, asylum or stateless, there is no meaningful correspondence with this in television or press pieces. They practically only mention the legal situation in cases of clandestinity or in special situations involving the change of legal status, as in the special period concerning the legalisation of Brazilian immigrants.

We may say that, regarding some of the variables analysed, that a direct relationship has appeared to exist concerning the statistical reality of immigration, and ethnic minorities, and their representation in the press and on television. The group most evident is the Brazilian community that, precisely in 2003, became the largest in Portugal, overtaking the Ukrainian and Cape Verdean, above all due to the special legalisation period, which finished in December of that year. On the other hand, the erasure of the so-called second generations of African origin, above all from Portuguese speaking countries (PALOP) is visible on television and in the press. A hypothetical explanation for this fact could be the progressive assumption carried out by the Media, that the children of African immigrants, normally designated as *second generations* are, in truth, Portuguese citizens. This statement appears also true in the results obtained in the themes related to age groups with the almost complete disappearance of references to young people in the regions of Greater Lisbon and Greater Porto.

The constant change of the Media, and Society, necessarily reflects in the topics of Immigration and Ethnic Minorities and, as a consequence, in research. Thus, new agendas form, which were already identified in the year analysed. An example of this is reference to the Asian community (mainly Chinese), to the community originating from North Africa and from the Indian subcontinent, as well as terrorism (a consequence of the new international agenda). A positive aspect to highlight is the growing reference to Integration, mainly in the press, noticeable in the preoccupations of the more specialised journalists and in the support campaigns for integration and the promotion of difference and tolerance, emanating from official sources.

3.7. Ulysses' journey - The Effects of Immigration on the Portuguese Economy
Eduardo de Sousa Ferreira, Helena Rato and Maria João Mortágua

Author: Eduardo de Sousa Ferreira, Helena Rato and Maria João Mortágua
Title: Viagens de Ulisses – Efeitos da Imigração na Economia Portuguesa
Publisher: ACIME
Place: Lisbon
Title Series: Observatório de Imigração
Year: 2004
Pages: 112 pp.
ISBN: 972-99316-6-1
Available for Download in:
<http://www.oi.acime.gov.pt/docs/pdf/Estudo01%207.pdf>

Abstract:

The economic, rather than financial, contours of immigration. In this book the impact of immigration is analysed, not just on national public accounts, but also on private business, regarding the creation of economic and business wealth.

Summary:

Studies previously commissioned by the Immigration Observatory of ACIME have been able to show how state finances have benefited from the presence of immigrants in Portugal. Following on from these studies, this work analyses the impact of immigration on private finance or, expressed in another manner, on the creation of economic and entrepreneurial wealth in our country which is attributable to the economic start up of new groups of workers coming from abroad.

The expressed theme, whilst intuitive in its formulation, is replete with analytical delicacy. It has always been the case that GDP statistical measurements concerning production do not exist in a systematic form in our country, mutatis mutandis productivity measures – general or per sector – are not regularly carried out, and longitudinal standardisation of the total productivity of factors even less so. The existing statistical series do not lend themselves to the easy separation of the effects of work due to their origin, much less due to their qualitative differentiation according to educational levels or professional competences.

Furthermore, it was possible to conclude from this study a dualist thesis of segmentation of the work market, through distribution according to professional and sector categories of the immigrant workers, compared with national workers.

With regard to productivity differentials, we can conclude that the recent increase in immigration has compensated for the decrease in the availability of national labour and where the non-existence of immigrant labourers would lead to the underutilisation of the installed productive capacity.

In overall terms, it was furthermore noted that in 2001 the active immigrant population rate was 77%, with the national average being only 48.2%. Another typical phenomenon throughout the countries of Southern Europe is the unemployment rate and here there is a clear distinction between nationals and foreigners in the same year: 6.8% for the former and 4% for the latter.

This empirical research study thus indicates, in this manner, the confirmation of the positive contribution of immigrants in growth of production and employment.

3.8. Official State Pronouncements on Emigration from the 1960s to the 1980s and Immigration from the 1990s to the present day **Vanda Santos**

Author: Vanda Santos

Title: O Discurso Oficial do Estado – Sobre a Emigração dos Anos 60 e 80 e Imigração dos Anos 90 à Actualidade

Publisher: ACIME

Place: Lisbon

Title Series: Observatório de Imigração

Year: 2004

Pages: 160 pp.

ISBN: 972 - 99316 - 4 - x

Available for Download in:

http://www.acime.gov.pt/modules.php?name=Downloads&d_op=getit&lid=188

Abstract

Using a backdrop of the migrations in recent decades, this study carries out a systematic analysis of the discourse of the Portuguese State regarding the defence and protection of national emigrants and in the welcoming and integration of immigrants.

Summary

Portugal had always been known for its high migratory flows, principally in the 1960's, due to the political and economic situation that the country was undergoing. After the transatlantic movements, the Portuguese discovered Europe as a welcoming place. Emigration was also due to the openness and subsequent financial allowance policies of the host countries.

The politics of Portuguese emigration were consolidated at the start of the 1960's with immigration agreements being signed, namely with Holland (1960) and France (1963). Notwithstanding this, the Portuguese Government had always maintained a repressive policy with regard to the phenomenon of immigration, since most of the emigrant population were males of an active age, which reduced the number of soldiers able to fight on the various colonial war fronts. The Portuguese State supported the use of coercion to fight illegal immigration at the same time as it made the bureaucratic process of legal emigration more difficult.

During the Salazar period, emigration policy was limited to a strict control of legal departures, putting down social support policies for emigrants. With the taking of office of Marcello Caetano, the official discourse opened itself up to questions regarding the integration of immigrants, although without making major steps. The Government's priority continued to be fighting illegal emigration. In response to the problem of emigration, the Council of Ministers approved a new *Resolution of the 2 July 1970*, which would come to regulate and reorganise the question of emigration.

The oil crisis of the 1970's affected migratory fluxes and led to the implementation of restrictive immigration policies in the host countries. Given the difficulties the Portuguese communities faced abroad and also to return, the State considered immigration to be one of its priorities.

At the same time, the ideological change which would follow the restoration of democracy in April 1974 renewed the State's official discourse, thus in 1976 ensuring the right to emigration as well as the right to return.

The topic of the return of the emigrants started to be included in the official discourse of the State as well as the defence of an emigrant protection policy.

Two years after the enshrinement in the Portuguese Constitution of the right to emigrate, and taking into account the advance in State protection and support afforded to emigrants, the emigrants' passport was done away with, and the right to emigrate with an ordinary passport was conceded.

In 1978, Portuguese citizens abroad started to have a representative in the Portuguese Parliament, through the election of MPs to emigration wards.

Return constituted one of the priority areas of the official discourse on emigration in the 1980's. The emigration brief would undergo major changes given that until this period, the question of emigration was still in a phase of restructuring, due in part to the changed from the *Estado Novo* regime to Democracy and to the new official discourse which originated as a result, and the difficulties in organising the emigration brief which had to be fundamentally strengthened.

One of the crucial priorities in the area of emigration concerned the full participation of Portuguese resident abroad. The establishment of the *Council of Portuguese Communities and the New Nationality Law* were signs of the impact of the official discourse of the State

in terms of emigration policies in the first half of the 1980's. This new organ possessed a consultative character and the electoral representation of Portuguese communities throughout the world, coming together in Lisbon each two years, with the aim of producing recommendations to the Government concerning the situation of the emigrants.

With the entrance of Portugal into the EEC, the emigration political priorities were to alter. The symbolic representation of Portugal as a country isolated from the rest of Europe transformed itself rather into a communitarian space, which overtook its direct relation with the Portuguese communities, and obliging restructuring of the official discourse. In this way, the harmonisation of national emigration policies came under the remit of the Secretary of State of the Portuguese Communities.

As regards the Official Discourse of the State regarding immigration in the 1990's until the present time, of note is the stress given to the inversion of Portugal as a country of emigration, to become a host country.

In fact, the first waves of immigration dated from the beginning of the 1990's, despite there having been seen a considerable mass migration after the independence of the former colonies in Africa. The 1990's represented the start of receiving immigrants on a large scale originating from Brazil and Portuguese speaking African countries. In the second half of the 1990's, the main migratory flux was mainly coming from Eastern countries and this has continued until the present day. This phenomenon is not an isolated one and fits within the current European framework.

In 10 years the country has witnessed a growth of almost 50% in its foreigner population, which had led the Portuguese State to react to this phenomenon. Portugal is considered the 4th community country with a high rate of growth of the foreign population resident in Portugal, whilst at the same time occupying the position of third place with regard to the lowest foreign population within the European space.

The growing waves of immigration into our country have set in motion the appearance of a concerted immigration policy, in terms of the control of immigration and within the social context, which was nonexistent until 1992. The Brazilians and Portuguese speaking Africans did not meet with any obstacle to their entry into Portugal. Portugal's joining the Schengen Accord in 1991 obliged a change in attitude on the part of the Government and the Parliament, with it justifying restrictions regarding the opening of borders, controlling the entrance, permanence, departure and expulsion of foreigners.

Despite the restrictive measures adopted, Portugal managed to maintain positive discrimination with regard to Brazil, under the shelter of the Accord for the Suppression of Visas signed on 9 August 1960, which permitted the entry and stay of Brazilians without a visa for up to 6 months in Portugal.

In this sense, national law overruled the European directives. But, as Portugal adopted ever more restrictive laws, a diplomatic tension was felt with Brazil and the Portuguese speaking African countries, and putting at risk the centuries-long historical relations with these countries in the name of harmonisation with European Union policies.

The first legislative measures referred to the regularisation of immigrants and occurred in 1992 and 1993. In the following year a Government Bill with the purpose of promoting a new stage of exceptional regularisation of immigrants. At this time, the only organism entrusted with the theme of immigration was the Service for Border Control and Aliens (SEF), which formed part of the Ministry of Internal Administration.

However, the policy of integrating immigrants was practically nonexistent and disconnected, and was limited to a few disperse activities, such as training courses, professional requalification for immigrants as part of the work of the Institute for Professional Occupation and Training of the Ministry of Labour, and other activities in the area of multiculturalism, aimed at the children of emigrants. The *Coordinating Office for Multicultural Education Programmes*, with an exclusively educational focus, was launched in 1991, and was later substituted by the *Entreculturas* Office in February 2001, reporting to the Minister for the Presidency and the Minister of Education.

The High Commissioner for Immigration and Ethnic Minorities (ACIME) was established in 1996, through the initiative of the Socialist Government, with the aim of filling this vacuum. Accordingly, the Government started expressing its dialogue with immigrants through association life, which had been practically non-existent at that time.

In 1998 a new law concerning the conditions of entry, stay, departure and expulsion of foreigners from Portugal was introduced. In a similar vein, in 2001 a new statute came into force that regulated the entry, stay, departure and expulsion of foreigners.

In November 2002, the High Commission for Immigration and Ethnic Minorities substituted the former High Commissioner, with a greater number of services and initiatives concerning the policy of immigrant integration. The final legislative measure concerning the entrance, stay, departure and expulsion of foreigners came into force on 25 February 2003.

The joining and coming into force of the Schengen Treaty, of the Treaty of Amsterdam and the Tampere Summit, launched Portugal into the European political agenda concerning

immigration. The Commission drew up a five-year plan (1999-2004) for the implementation of the measures approved in Tampere, which were reinforced in the Seville Summit (2002), particularly with regard to the management of external borders, fighting illegal immigration, asylum and family reunion.

Through this study it can be concluded that the appearance of concerted policies in relation to migrations came about with a certain amount of displacement in time. That is, a consolidated immigration policy was still not evident in the 1960's, if we take into account that migratory fluxes to Brazil and the United States of America started in the 1950's. This policy came about during the 1970's, as a consequence of the end of the dictatorial regime and the high levels of emigration to Europe, which had been felt from the 1960's onwards. The migratory fluxes to Portugal occurred in the 1980's, with the independence of the former Portuguese colonies, reaching its peak starting from the 1990's with immigration originating from Brazil and, at a later stage, from countries of Eastern Europe.

On the other hand, it is possible to discern some similarities between the official discourse of the state with regard to emigration and immigration. In the 1960's it was the case that the State used coercive measures as regards clandestine emigration and the same also occurred in the 1990's with regard to immigration. One of the priorities of the Government in these periods was the control and monitoring of borders.

The integration and welfare support policies were applied to emigrants from the 1970's onwards and strengthened in the 1980's, whilst the same measures regarding immigration started during the 1990's.

In a general manner, the discourse of different Governments reflected a lack of agreement when the measures in relation to emigration and immigration are compared. On the one hand, these phenomena are considered, from the social and economic aspect, in a positive light, and on the other, the State has tended to restrict immigration in recent years and make clandestine immigration illegal, as happened in the 1960's with emigration until the reestablishment of democracy.

However, it is necessary to bear in mind the context in which the official State discourses were centred, thus varying according to interests and obligations. If in the 1960's and 1980's, Portugal had restricted emigration, this fact was due to a specific political system and set of circumstances which the country had passed through: a dictatorial regime, compulsory military service during the colonial war, the need to populate the overseas provinces, and the fear of new ideological ideas emanating from other countries, which might encourage democracy.

3.9. *Impact and Reflections of Immigrant Labour in Portuguese Companies – A Qualitative Analysis* **Lourenço Xavier de Carvalho**

Author: Lourenço Xavier de Carvalho

Title: Impacto e Reflexos do Trabalho Imigrante nas Empresas Portuguesas – Uma Visão Qualitativa

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Place: Lisbon

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Abstract

This book presents an analysis of the impact of immigrant labour in Portuguese companies, at the level of their structure and functioning, as well as their expansion, productivity and competitiveness.

Summary

The study “Impact and Reflections of Immigrant Labour in Portuguese Companies – A Qualitative Analysis” seeks to identify and characterise the variables that emerge from the entrepreneurial experience with immigrant labour, approaching these from the point of view of direct and indirect factors that have had the greatest impact on the expansion productivity and competitiveness of those entities. In this way, its primary focus is immigrant labour and the main interlocutors have been the companies.

In taking into consideration the subject and aims of this study there is, however, the need to immediately state that this took place in a very particular socio-economic context.

On the one hand, the business-economic atmosphere remained hardly favourable at all during the period of study. The recent depressive set of circumstances is still leaving clear signs in businesses and in production and its reflections are clear in the labour market.

On the other hand, the present study was carried out during a context of legal and policy changes concerning Immigration, especially with regard to immigrant labour⁵.

In any event, the complexity of observation and empirical information gathering which takes place in these social, political, economic and business circumstances, ends up by showing a position of greater maturity on the part of companies in relation to the immigrant worker, since he/she has already been evaluated based on the experience of different economic cycles and, therefore, from different perspectives concerning the labour market. At the same time as this, the study also benefited from the dominant presence that the theme of immigration currently occupies in public discourse, above all that verified at the beginning of 2004. To summarise, the study was carried out in circumstances where a more generalised reflection on this issue was taking place in Portuguese society.

In addition, and faced with a study subject so multifaceted as that of Immigration, the research methodology had to reflect and respond to such complexities. In this way, a qualitative methodology which was noticeably exploratory was decided upon, emphasising the specific detail of the experiences of companies with regard to immigrant labour, the opinions and perceptions of those involved, and therefore adopting a Case Studies approach.

The final objective of this study can be stated as: (i) the identification of relevant phenomena regarding the relation between immigrants and companies; (ii) the finding of strategic leads to overcome gaps which prevent a full relation between these two parties; (iii) the contribution of raising new questions which can motivate future and tightly focused research.

The present Executive Summary emphasises the main overall conclusions that have resulted from the study, concentrating on the most important aspects that strangle and prevent the full functioning of the labour market in which immigrants are inserted, and suggests some ideas to overcome these.

Without seeking to substitute the results and conclusions of each one of the chapters of the present document, 10 key ideas can be highlighted:

1. Immigrant labour, without leading to any salary restructuring within companies, forms a major added value and competitiveness for these companies, basing this statement on highly qualitative factors. This work force is characterised (Chapter 2.1) by widespread availability (quantitative and qualitative, but also functional and geographical) and is linked to resources and competences that are valuable to the

5. The fieldwork for the study was being undertaken when Resolution 14-R/2004 of the Councils was adopted on 14 January 2004.

labour market. It thus expresses itself as fundamental leverage for the expansion, competitiveness and productivity of Portuguese companies.

2. This statement varies in its force according to the activity sectors or the immigrant groups in question. The case of the agricultural sector is paradigmatic: a sector which has been assailed by the departure of so many national workers, with a stated dependence on immigrant labour, evidence of productivity growth as a result of this labour, the working ethics of Eastern European immigrants clearly in evidence, the willingness of companies to accept the “win-win” situation which these workers provide, and in this way establishing all the conditions for looking after them and their families. The study of this sector will help to balance the main variables of equilibrium between economic activity and a balanced integration of the immigrant workers.
3. The necessary renewal of the immigrant labour pool in Portugal represents a latent worry to companies which is becoming ever more evident, and specifically due to the positive evolution of the current economic cycle. This concern matches expectations of companies with regard to the non-existence or low quality of labour in certain sectors of the economy. Family reunion is one important mechanism to establish “good” workers, who have a recognised quality and performance, which ensures a significant part of the competitiveness of companies and which, to the great discomfort of these companies, have “threatened” to return finally to their countries of origin. It is thus necessary to rethink the procedures which balance the renewal and stabilisation of immigrant labour, through legal procedures concerning family reunion and foreign labour recruitment mechanisms, both inside and outside Portugal.
4. The solution to immigrant labour recruitment that is presented in this study appears to be the most plausible answer to the challenges of the market place and the competitiveness demands of companies. This lies in the potential of the main (and often only) means of access to the immigrant worker in Portuguese companies – which is the personal and family networks of these workers. The model known as “Testimonial Transmission” (developed in chapter 4) is, in truth, that which functions in an informal manner in the labour market, and as such it would be advantageous to rethink it within a more specific and regulated framework.
5. The study further revealed that doubt concerning the ability of policy planning with regard to the question of immigrant is present in the corporate staff of companies. In this way the fear of a shortage of immigrant labour is counterbalanced by the certainty that “it is not worth companies worrying about this” since they know that the

sector, will when the time really comes, exert the necessary pressure on the central administration, which will result in exceptional legalisations which will respond to the immediate needs of the employment market. It is a belief in a self-correcting process within the system based on requirements that need to be fought in the heart of the business sector, and educating it in this sense, since currently it represents one of the obstacles to the necessary cooperation between public and private bodies in the planning, design and monitoring of immigration policies and solutions.

6. The phenomenon of the mobility of the workforce is particularly interesting in the area of immigrant workers, due to the mechanisms of constant movement which horizontal mobility has introduced into the job system, as well as vertical mobility regarding the freeing up of job positions, labour competition, and improvement in the quality of life of immigrant populations. Specifically, in the light of the analyses carried out in the corresponding chapter of this study, it is now the time to think of a legal framework that would create the conditions to accompany the strong horizontal mobility of immigrants. This, on the one hand, would afford circumstances favourable to illegal labour. On the other hand, it would relieve companies of the structuring instability that this phenomenon causes, specifically regarding losses from the training of workers. There is thus a need for an autonomous deepening of research about occupational flows.
7. Connected with the previous point has been the shown need to simplify the process involving the equivalencing of qualifications that immigrants obtained in their countries of origin. Without entering into the topic of higher educational qualifications, which in other situations has shown itself to be of great importance (as is the case with doctors or engineers), it is hoped that this call for attention will contribute to starting off processes which will fill a structural need in the national labour market, due to the weak representation of middle-range and professional education in the Portuguese educational system – an area quite responsive to the national business sector
8. In the context of the recognition of formal qualifications – the necessary competences for the full integration and professional mobility of immigrants – a mastering of the Portuguese language naturally heads the list of constraints. Companies have shown evidence of their involvement in the integration of their workers, not only at work but also in actions in the community, such that it makes sense to incentivate and support companies willing to provide Portuguese language classes to their employees.

9. The phenomena of illegal labour results from a multiplicity of factors, which seem to derive from the greater tendency of some immigrant groups to be in this situation, as well as being stimulated by certain reasons inherent to the business sector. The case of sub-contracting companies which have been studied, through the market pressures to which they are subjected (laid out in chapter 4.1), leads us to think that the topic of illegal labour needs to be treated *sui generis*, in a predominantly qualitatively manner and leading to a specific framework of preventative mechanisms and institutional cooperation.
10. From the point of view of the immigrants and the companies that hire them, there are clear advantages in establishing and consolidating public and transnational institutional networks. Initiatives such as the expansion of Portuguese representations and consulates in the countries of origin of our immigration, as well as the equivalent in Portugal, or promoting interactive networks between bodies equivalent to ACIME, could empower the process of improving the “health” of the labour market: (i) into a more efficient management of immigrant flow (family reunion, workforce renewal, direct control of visas in the country of origin, etc); (ii) easing the process of equivalence and the recognition of competences; (iii) in bilateral agreements which consider the specific needs of certain minorities; (iv) in the view of immigrants regarding the closeness and attentive participation of the governments in their countries of origin, regarding the well-being of their displaced compatriots.

The main report starts with a first chapter consisting of brief introductory remarks about the scope and methodology of the study.

The main body of the document follows divided into three chapters consisting of results from the analyses carried out. The second chapter – Factors of Productivity and Competitiveness – is organised into three main sections: “Availability” of Immigrant Labour; Qualifications and Competences and Competition in the Workforce. The third chapter – The impact of migratory flows on companies – is sub-divided into the topics: Return to Countries of Origin; Family Reunion; Workforce Renewal and Professional Mobility. The fourth and final chapter – Access to immigrant labour – is composed of the following sections: Models of Recruitment of Immigrant Labour and the Scenario concerning Access to the Immigrant Workforce.

The report closes with the inclusion of appendices and a bibliography, with the former containing the pro-formas used for empirical data gathering in the workplace.

3.10. Immigrants' Entrepreneurial Strategies in Portugal Catarina Reis Oliveira

Author: Catarina Reis Oliveira

Title: Estratégias Empresariais de Imigrantes em Portugal

Publisher: ACIME

Place: Lisbon

Title Series: Observatório de Imigração

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http://www.oi.acime.gov.pt/docs/Estudos%2001/Estrategias_Empresariais.pdf

Abstract

This study describes how immigrant entrepreneurs have spread out throughout the country and developed new forms of economic integration, and revitalised commerce with new products, marketing techniques and business relations.

Summary

During the last thirty years immigrant entrepreneurs have settled throughout Portugal and developed new strategies concerning economic insertion: revitalising commercial quarters with new products, creating new marketing techniques and opening commercial links with other ethnic entrepreneurs, sometimes resident in other host societies.

This study had the aim of exploring these new forms of organising work that have been introduced by immigrants and their descendants. Furthermore it intends to characterise the entrepreneurial strategies of foreigners resident in Portugal, highlighting new readings of the immigration economic integration beyond those countering the pejorative connotations that link foreigners to labour exclusion.

The study showed that in Portugal immigrants have had a greater tendency to be entrepreneur than nationals. However, and similar to that verified in other countries of the European Union, some immigrant groups have a greater predisposition to be entrepreneurs than others.

Amongst the foreign nationality populations with residence visas in Portugal, the North Americans and Europeans⁶ have the highest rates of entrepreneurship (close to 49%), values that are much higher than those for the Portuguese (around 40% on average). In contrast to this, Africans have a low percentage of entrepreneurs⁷ in terms of their active population (this does not extend beyond 5%).

Some diversity was also detected regarding the business structure of different immigrant populations. In contrast to Portuguese entrepreneurs, most foreign entrepreneurs have salaried workers. In other words, employers dominate immigrant entrepreneurship. However, that is not a completely homogenous characteristic of all foreign nationality populations in the country with residence visas. The weighting of isolated workers is more significant in the case of nationals from Asian countries (15.2% as opposed to 7.3% of the total of foreigners). On the other hand the nationals from the American continent have less self-employed (only 0.4%). The Asian case illustrates the importance of unpaid family work as part of immigrant business strategies. Thus in some cases, the incidence of self-employed may not mean the non-existence of dependent workers but just the non-existence of paid workers.

Accordingly, not every immigrant group has an equal propensity to carry out entrepreneurial activity in Portugal (e.g. the clear contrast between Africans and European Union citizens). On the other hand, amongst foreign entrepreneurs, some distinct strategies can be seen (e.g. the Asians in contrast to the Europeans and the Americans). It thus became evident that the immigrant populations have quite heterogeneous profiles concerning economic insertion and do not have equal propensity for entrepreneurial initiative.

The study shows that these contrasts among immigrant groups are a consequence of a heterogeneous access to opportunities and resources that are necessary for entrepreneurial activity. Moreover, it was concluded that the business strategies developed in Portugal by immigrants are distinct due to their reliance on personal *resources*⁸, *family resources*⁹ and/or *ethnic opportunities*.

6. It has been noted that the majority of self-employed people with residency permits are from the European Union countries. Eastern Europeans rate lowly in this category, as they mainly have authorisation to stay documents. Let it be remembered that foreigners with authorisation to stay can only work as dependent workers in Portugal.

7. In official statistics used (from the SEF and INE) the number of entrepreneurs includes bosses and self-employed persons.

8. Personal resources are considered as: individual savings for the development of the business strategy, their professional experience, their qualifications, socio-economic characteristics, their legal situation in the country, their age and migration experience.

9. Family resources include: family savings for the development of the business activity (or in some cases, inheritances which include the family businesses), a strong input of family workers and the professional experience and family migration experience.

It became clear that the entrepreneurs with ethnic resources are much less vulnerable to restrictions in the Portuguese labour market. Immigrants that belong to communities with entrepreneurial structures can find work within the community and thus obtain capital more quickly (e.g. the Chinese case).

In contrast, the entrepreneurs who based their business strategy on personal resources showed themselves to be more sensitive to situations of discrimination in the access to the labour market and vulnerable to unemployment (e.g. the Cape Verdean group). As a consequence some immigrants find themselves more dependent on the opportunities that the Portuguese labour market can provide them and, as a consequence, more vulnerable to fluctuations of the host economy.

In conclusion, if immigrant groups keep their present conditions - that is, if neither incentives nor restrictions on immigrant business development are created in Portuguese society - it is expected that the entrepreneurial strategies (as a form of economic integration in the country) will continue to be carried out mainly by immigrants with personal or ethnic resources.

Bearing in mind that not all immigrants have capital and/or resources to develop a business activity, some countries have fought the economic vulnerability of certain population groups through offering incentives to create one's own work. Paying heed to the experience of other countries with immigrant entrepreneurs, the study concluded with a reflection about alternatives for Portuguese public policies. It is discussed whether - faced with the challenges which immigration flows place on the European Union and, specifically, Portugal, - a suitable solution can be found through the public policies aimed at entrepreneurs, since they can contribute to the social and economic mobility of immigrants in the host society and for the dynamisation of their own local economy.

Thus intervention by the Government and/or local authorities may be able to change some of the inequalities detected and reduce the investment risk of those who have fewer resources and are thus more vulnerable to the Portuguese labour market. On the other hand, bearing in mind the positive effects which have been seen in other host societies where immigrant business activity has been stimulated, it is argued that this policy initiative in Portugal could create conditions for the economic growth of the country and the revitalisation of some local markets which have either been abandoned or are at risk to be.

Therefore, given the importance which this theme can have to social, economic political and cultural arenas within the Portuguese contemporary reality, the study of immigrant entrepreneurial strategies not only brings to our attention a new reading concerning the positive contributions of immigrations to host society, as has been observed in other countries that are welcoming foreigner entrepreneurs.

**3.11. Social Protection of the Immigrant Population
- Legal Framework, Comparative Study and
Proposal for Reinforcement
Pedro Duarte Silva**

Author: Pedro Duarte Silva

Title: A Protecção Social da População Imigrante – Quadro Legal, Estudo Comparado e Proposta de Reforço

Publisher: ACIME

Place: Lisbon

Title Series: Observatório de Imigração

Year: 2005

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Download available:

<http://www.oi.acime.gov.pt/docs/Estudos%2001/Estudo01%2011%20SegSocial.pdf>

Abstract

This book analyse the social protection in the context of the phenomenon of immigration in modern western societies, as a fundamental pillar of respect and the promotion of human decency.

Summary

Portugal has a high level of welfare cover - both in terms of social security and health - for the immigrant community, and it may be considered as falling within the best international norms.

This cover is assured through the Social Security system itself, as well as Portugal being a member of international agreements regarding social security.

Within the respective participation scheme within the European Union, Portugal is covered by the most complete scheme to coordinate national legislation concerning existing social security, which is based on EEC Regulations No. 1408/71 and No. 574/72. This scheme covers the (then) 15 Members of the European Union, Iceland, Liechtenstein and Norway (part of the European Economic Space), as well as Switzerland. In addition, Portugal maintains bilateral agreements with the following States: Andorra, Argentina, Australia,

Brazil, Cape Verde, Canada [agreements with the Federal State and with the provinces of Ontario and Quebec], Chile, EUA, Guinea Bissau [still not have come into force], Morocco, Uruguay e Venezuela. Negotiations are still underway concerning agreements with Sao Tome and Principe, Angola and Tunisia.

However, there is still undoubtedly a gap as regards specific protection for immigrant workers who have abandoned their country without having satisfied the social security guarantee periods.

In this context, what is proposed is the creation of an autonomous fund where the amount corresponding to deferred payments is placed (invalidity pension, old age and survival), originating from contributions and paid instalments by, or in the name of, beneficiaries of countries with which Portugal has not established agreements, who are not covered by any international conventions which the states in question have entered into.

The purpose of such a fund would be the accumulation – under a capitalisation system – of capital in the name of these beneficiaries until these same individuals have fulfilled the corresponding guarantee periods, or any other solution, as explained below.

If the worker stays in Portugal, whether the guarantee periods have been complied with or not, the respective capital will be moved to the general system, thus providing the worker, in time, with a pension from the general system [if the guarantee period has been fulfilled] or social [in the event it has not been]; that is, he or she will definitively form part of a system similar to most Portuguese workers.

In the event of leaving Portugal, with the periods having been fulfilled, the worker in time should benefit from a pension from the general system, which should be paid in amounts that are currently paid for pensions for non-residents. In the event of the guarantee periods not having been fulfilled, when leaving Portugal, the worker can opt, with the accumulated capital being handed over to the social security institution of the new country of residence [‘buying contribution time’] in the cases where it is possible, or keep the capitalisation, which will be returned in the form of a single capital payment on reaching retirement age [type of ‘Personal Pension Plan’].

It is felt that in this way the rights of immigrant workers can be suitably protected regarding contributions made and this will achieve a suitable and desired equity between national and foreign workers.

The following table summarises this present proposal:

Case	Resident in Portugal	Period of Guarantee	Capital	Return
A	Yes	Yes	Moves to the general system	Pension
B		No	Moves to the general system	Without bilateral return [will eventually have the right to a state pension]
C	No	Yes	Moves to the general system	Pension
D		No	‘Buying Time’ in another social security system	-
E			Capitalises	Capitalises when 65 years old

The system proposed for Portugal presents the clear advantage of, while not affecting permanent income, guarantees the person the capital during the most suitable life cycle period, which –undoubtedly – must be a primary concern of social security systems.

To summarise, this appears to be a suitable policy action measure in terms of developing the system of welfare cover in place, and which will establish more equitable and fairer labour and social conditions in the country with regard to the immigrant population.

**3.12. Immigrant Trafficking in Portugal
- Sociological, Legal and Political Perspectives
João Peixoto, António Goucha Soares,
Paulo Manuel Costa, Susana Murteira,
Sónia Pereira and Catarina Sabino**

Authors: João Peixoto, António Goucha Soares, Paulo Manuel Costa, Susana Murteira, Sónia Pereira and Catarina Sabino
Title: O Tráfico de Migrantes em Portugal - Perspectivas Sociológicas, Jurídicas e Políticas
Publisher: ACIME
Place: Lisbon
Title Series: Observatório de Imigração
Year: 2005
Pages: 432 pp.
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http://www.oi.acime.gov.pt/docs/Estudos%2001/Estudo_OI_12.pdf

Abstract

This theme is dealt with in its varied facets, and the study also reflects on the “profile” of the various types of traffickers and victims, from different nations and nationalities. It also includes the national, communitarian and international legislative framework.

Summary

This project dealt with an area that has not been systematically dealt with in Portugal. Under the terms of the financial means provided, the main realities to be studied were the trafficking of labour, the trafficking of women and the trafficking of children (although very little information has been found concerning this latter theme). The perspective used was that of the immigration of foreign citizens, and other movements were not considered for the purposes of this study, and in particular those that involve the departure of Portuguese.

A variety of research activities were carried out. In a first stage, a survey of the main concepts, theories and empirical studies carried out in this area was made. The main contributions available for the understanding of the trafficking of labour, trafficking of women

involved in sexual exploitation networks and the trafficking of children in the modern world were reconsidered, along with some policy recommendations. International sources were especially considered, given that this theme had not been the object of a systematic study in Portugal. On the theoretical level, this study clarifies the difference between the notions of *trafficking* (in the strict sense) and *smuggling* (with the contraband of migrants or helping illegal immigration, which can be included in a wider notion of trafficking). Later on, the currently existing legislative framework was looked at, both at the national, communitarian (European Union) and international level. As an exploratory objective, a press analysis concerning trafficking in Portugal was also carried out. The fact of the phenomenon being recent and having been the object of little academic study meant that a study of the contribution of the mass media became essential.

In the following stage, original data was collected. Given the short period of time available for carrying out this project – one year – and the illegal nature of the phenomenon, available methodological choices were limited. In our case, “indirect” approximation was given priority, through consulting institutions connected with the theme, instead of directly sounding out the agents involved. The gathering of information in courts was also given priority, and studying cases that were tried or being tried related to trafficking, and the holding of interviews with representatives of governmental and non-governmental institutions that intervene in the area of immigration. Despite the difficulties of a conceptual and methodological nature, widespread evidence concerning the trafficking of migrants in Portugal was collected. Above all, the results range from the modes of organisation and operation of trafficking networks and, to a lesser extent, the description of the victims.

As far as the type of movements is concerned, labour trafficking was studied in the first place – a situation which can be seen oscillating between the more simplistic forms of migrant “contraband”, or help to illegal immigration, and more violent forms of exploitation. It was the more recent waves of economic immigration to Portugal that have become involved in situations of this kind. This was the case of the flow of immigrants from the East who have been coming to Portugal since the end of the 1990’s and, to a lesser extent, the Brazilians who form part of the “second wave” of this immigration. Comparing the characteristics of the trafficking networks linked to immigration from the East and from Brazil, we decided that they were considerably different, both in number as well as type of operation. On the one hand, the networks from Eastern Europe are generally more organised, show formal hierarchical levels and a division of tasks among its members. Besides helping illegal immigration, they often seek to exploit those using them, resorting to the practice of coercion and violence. In many cases, these networks involve “trafficking” in the strict sense of the term. On the other hand, the Brazilian networks (and some

from the East) are usually less organised, and show informal structures and involved a small number of individuals. Their actions are mainly in support of illegal immigration, and they do not involve continued exploitation or the practice of violence. They are typical “contraband” immigrant networks. The fact that immigration from Eastern Europe was unknown in Portugal, while Brazilians show a greater presence and cultural proximity, explains certain differences, given the extremely different level of integration of the migrants after arrival.

In the second place, information was selected about the trafficking of women for sexual exploitation. This covered, above all, the immigration of Brazilian women and, to a lesser extent, women from Eastern Europe. Both flows increased from the end of the 1990’s, accompanied by new immigration waves and the diversity of economic activities linked to sex throughout the country – red light bars, striptease joints, etc. However, the absolute numbers of women involved in these flows are unknown. In the Brazilian case, the structure of the trafficking networks appears in general to be quite informal and flexible. Many tiny networks were discovered during the research, made up of single bars and other places mentioned to due to the sex trade and a few contacts in Brazil. This evidence does not exclude the existence of denser more organised networks, which are known to exist in Brazil and in several European destination countries. In the case of Eastern Europe, the evidence gathered for the study indicates that the trafficking of women appears above all to be a sub product of other forms of trafficking, with regard to more generalised labour immigration.

The political and legal aspects of trafficking were also subject of study. In this way the main political and legal action needed in Portugal was identified, along with the presentation of some specific recommendations.

3.13. *Foreigners' Criminality in Portugal - An Academic Survey* **Hugo Martinez de Seabra and Tiago Santos**

Author: Hugo Martinez de Seabra and Tiago Santos

Title: A Criminalidade de Estrangeiros em Portugal – Um inquérito científico

Publisher: ACIME

Place: Lisbon

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Abstract

The objective of this study is to ensure, through a systematic and reflective approach, a well-founded understanding of this issue.

Summary

There is an idea in Portuguese society that equates foreigners and crime. The receivers and transmitters of this idea vary, and include some media, political organisations and private individuals, with a prevalence for one or another social group. Starting from the recognition that we are dealing with spontaneous sociologies – in the sense of this being ideas about the social – the objective of this research was to give this question a more systematic treatment, supported by itemised theoretical reflection, using methodologies which controlled the influence of various independent variables and using credible sources wherever possible. Thus we had to reject the question in its more spontaneous expression – is the confirmed participation of individuals of a foreign nationality in criminal acts greater than that which their proportion in Portuguese society as a whole lead us to expect? That is because the answer is as self-evident as it is misleading. In this formulation the question makes a comparison with what is not comparable, or that is, the rest cannot be made constant when dealing with the criminality of Portuguese and foreigners. **Foreigners and Portuguese resident in Portugal are very different from each other. What would be the result of this comparison were foreigners and Portuguese to be similar in**

features connected with criminal activity, namely those concerning their participation in the social structure? This was our true starting point and also, we believe, the only one that could clarify if there really was a contributing factor of nationality regarding criminality. Seeking an answer to this question, our concern was to gather quantitative data that would enable us to place both the foreigner and the criminal within the social structure. We found this mainly in the 2001 census and in data supplied by the Office of Legislative and Planning Policy of the Ministry of Justice (GPLP).

Only seven variables were present in both the GPLP and Census data: gender, age, nationality (reduced, due to the source, to a Portuguese/foreigner dichotomy), marital status, normal residence, education and work status. Of these, the no-answers relating to education meant that this category could not be used, given that the information regarding this variable was only supplied in 61% of the GPLP cases; marital status had been collected in such a way as to make comparison ambiguous; the statistical confidentiality meant we could not work with normal residence, as this separated the data too much, and permitted the identification of individuals. We thus had the use of data relating to work, gender, age and nationality for the purposes of our research. It should be noted that, due to the limitations inherent in statistics themselves, we had no alternative but to work on the basis of the concept of foreigner. The notions of immigrant or of an individual belong to an ethnic minority are perhaps stronger in xenophobic discourse and, as such, require being put to the test and demystified. However, this is not possible within the scope of a *desk research* project.

The next step was to apply the structure of one population to another, thus cancelling out the effect of other variables on the one that supposed for comparison, namely the overall crime rate (number of convictions per thousand individuals). The result was 7% for Portuguese and 11% for foreigners. Following this, we refined what would be the overall crime rate for Portuguese if the structure of this population, in terms of gender, age and working status were identical to that of the foreigners. Once having applied a male and youth rate similar to that of the foreigners, the overall rate of criminality in these nationals rose to 10% and, if we take into account working status, it raised to 11%, that is, virtual parity with the foreigners. **The greater criminality of foreigners with regard to Portuguese was thus shown to be illusory, and diminished as we controlled the effect of variables that have a real connection with the phenomenon of criminality.**

This is perhaps the main conclusion of this study, but there are others. In comparing the development of foreigners and Portuguese in penal cases of the first instance during the years 1997 to 2003 there is in fact an **overrepresentation** of the formers **in all stages of the process (defendants, sentences, and sentenced to a term in prison).**

Analysis of the socio-demographic nature of the foreign and Portuguese criminals shows some similarities; single men are predominant in both groups, with ages up to 40, having studied up to primary education and also employed. The main significant difference occurs with regard to residence, since between a quarter (1997) and an eighth (2003) of the foreigners stated that they were resident abroad. With this fact we can conclude that on the data on which the crime was committed they certainly were not immigrants (legal or illegal) in Portugal. Where then are the differences which lead to this great media portrayal of the criminality of foreigners? Principally in results that differ from the criminal case stages. That is, it is possible to state that, in terms of restraint, **custodial detention in prison is much more applied to foreigners** than to Portuguese. Three reasons can be ascribed to this fact. Firstly, it is **explicitly stated in the Penal Code that any suspect of a crime who is a foreign national who is in an irregular situation in the country should be held in custodial detention in prison**, even if the level of crime does not warrant the force usually required by law. In the second place, there could be a greater involvement of foreigners in crimes with criminal sentences greater to three years which, added to the danger of flight, may lead to this type of decision. What is not explained by the previously given reasons can be interpreted as the existence of some kind of preconception within the judicial machine which tends to penalise non-nationals more severely.

Through calculating the rates of guilty sentences, it is also the case here that foreigners have a **greater probability of being found guilty** than Portuguese. Here, besides the type of crime carried out and the possible prejudice of agents within the judicial system, a new factor comes into play: the weak quality of the officially provided legal defence. In analysing the sentences awarded following a conviction, we can verify that foreigners **are more frequently sentenced to prison**, specifically with regard to actual time spent in prison. It is also relevant to separate the main crimes punished with this measure, with the crime of the trafficking of drugs being, in 2003 the reason for 47% of actual prison sentences given to foreigners and only 15% of Portuguese. If we take into consideration that the sentencing range of this crime goes from a minimum of 4 to a maximum of 25 years, rendering any other type of punishment as an alternative to actual imprisonment impossible, as this is only applicable for jail terms of up to three years.

We also verified that of the prison sentences given to foreigners, longer sentences predominate and that, with a notable frequency, **the average length of prison terms awarded for the same type of crime are greater** for foreigners. But this is a question which is being analysed a greater level of detail by other research currently being carried out, based on foreigners in the prison system.

3.14. Socio-Cultural Mediation - A Puzzle under Construction **Ana Oliveira, Carla Marques Galego and Laura Godinho**

Author: Ana Oliveira, Carla Marques Galego and Laura Godinho

Title: A Mediação Sócio-Cultural – Um Puzzle em Construção

Publisher: ACIME

Place: Lisbon

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Abstract

The object of analysis of this study is the issue of mediation. It reflects upon theoretical aspects and the results of surveys carried out in nine national training institutions in this area.

Summary

The study “Socio-Cultural Mediation - A Puzzle under Construction” resulted from the need to have a more precise diagnosis and understanding of the real situation of the working practices of the socio-cultural mediators in our country.

The figure of the mediator has been increasingly broadening out into a new dimension, projecting itself and showing itself to be a professional profile which has emerged to deal with the needs of welfare intervention, particularly in less favourable socio-economic contexts.

This research project has tried to respond to two quite distinct concerns. The first has to do with the aim of undertaking an exploratory study of the role of socio-cultural mediators in Portugal, in such a way as to contribute towards future practical and political decisions in this area of training. The second, more structural, concern, has to do with the implicit objectives of the study: to deepen knowledge about socio-cultural mediation in Portugal, to contribute towards the creation of new profiles to enable the social insertion of ethnic minorities in Portugal, and use various interested bodies to pass on the innovatory aspects and factors involving (lack of) success of socio-cultural mediation in Portugal.

The methodological approach adopted is situated in the qualitative research perspective, and essentially uses a case study approach.

The empirical object of a “bounded system”, was the constitutional element of our case study, and was selected in accordance with three criteria presented by António Carlos Gil (1989). We thus selected elements to analyse using features for typical cases, extreme cases and marginal cases.

We considered typical cases, the ideal type of socio-cultural mediation, which are to be found in primary and secondary schools. In the category of extreme cases, we considered projects with mediators that, not having as their principal aim socio-cultural mediation in schools, may or may not have been related to them. These projects mainly exist to provide support to urban areas that are less socially favoured.

Finally, marginal cases were cases that, in contrast, enabled us to get to understand the guidelines for normal cases and the possible causes of deviation from this. For this, we selected bodies that, while including the activity of mediation, carry this out in other social areas, rather than a school context.

In order to meet these criteria, in the selected of the “bounded system”, which together guarantee the validity and rigour of case study research, some further characteristics were defined in order to safeguard the diversity of the reality to be studied.

It was thus conceived that the analytical elements chosen should include: projects aimed at different ethnic minorities; projects being carried out in different geographical contexts; projects actively operating in different areas; projects which covered different aspects of the process of mediator intervention (recruitment, training, employability).

In total nine training bodies and/or employers of socio-cultural mediators were selected. Within these various actor and social agents involved in the process of mediation in Portugal were interviewed, which can be subdivided into three groups with distinct social roles: entities, partners (trained staff and users) and mediators. 34 interviews were held, of which 9 were carried out with representatives from the entities contacted, 16 with the partners (11 trained staff and 5 users) and 9 with the mediators.

Whilst this study sought to widen knowledge about socio-cultural mediation in Portugal, greater emphasis was given to the training bodies and/or employers located in the metropolitan area of Lisbon. This procedure was adopted mainly due to reasons connected with the time that was made available to carry out the study. In addition to the interviews

a descriptive file was applied to the mediation in all the bodies which we knew were present in Portugal. What was intended to be obtained was a deeper knowledge about socio-cultural mediation practices, through an interpretative and representative analysis of those interviewed.

The present Executive Summary emphasises the main conclusions reached from analysing the data. Given that this study is of an exploratory nature, the conclusions that we present here are, necessarily, provisional and prospective. Provisional, for they concern a first generic analysis concerning trends in socio-cultural mediation in Portugal, which will engender reflective points of view and also analysis of the reality studies and, in this sense, establish structural starting points for a new look at this reality.

Prospective, since they can open doors to reflections and deeper studies, in such a way that mediation may be even more understood as a strategy for social intervention in our country.

1. With regard to the **concept of mediation**, the need has arisen to create a deeper understanding and particularise the reality of our country, about what is understood by mediation, as a technique in the service of a strategy of integration and social cohesion. This, it is proposed that before any decision, whether at the legislative or operational level, there is an attempt to systematise the various theoretical models, as well as the existing applied methodologies, in such a way as to particularise which socio-cultural mediation functions are required.

2. As regards **training**, it has become urgent to find a common matrix for training courses on mediation, which would allow a profile of a mediator to be defined and, as a result, establish prerequisites and selection criteria for the carrying out of these functions. On the other hand, suggestions have been made for regulation as the level of training, which would make it possible to accompany the work carried out, but also create spaces for on-going training and the exchange of experiences.

3. As regards the **field of action** of the socio-cultural mediation, it may be concluded that in Portugal this is greatly connected to less favoured cultural communities, often in contexts of social exclusion. It has been shown, however, that the figure of the mediator is not limited to one ethnic or cultural origin, as well as certain fields of action, since mediation can be extremely useful in various areas of social intervention, such as housing and health, amongst others, where knowledge of the different cultural codes of the users may bring about greater efficacy in social intervention.

The concern to take care in relation to the specific nature of the socio-cultural mediation has been highlighted, as this involves techniques and specific procedures in its operational intervention, since it is known that “mediation” can be used as a function by various professionals from other areas. But this fact cannot take away the space of action for a professional who needs to have had training focused on mediation.

On the other hand, it has been suggested that it could be possible for pilot experiments to take place at the level of socio-cultural mediation, suitably followed up in other fields of action, such as health, justice or internal administration.

4. Regarding the analysis of the functions and activities carried out by the mediators and despite not being able to specify the mediation activities more fully, and the existence of a tendency to confuse socio-cultural animation with mediation, it can be concluded that one of the most important aspects of this professional activity consists of re-establishing social ties, which is implicitly apparent in the work which the mediators carry out and in the recognition given by the different partners who work with them on the ground.

It has become important to go into greater depth concerning what is meant by socio-cultural mediation, establish common training points, so as to better define the functions of the mediator and, as a result, differentiate them from other figures which are present and intervening on the ground.

5. It has also become a need, mentioned by practically all the mediators, for a **greater accompaniment and evaluation of the work carried out**.

As a result, it is considered that there should be a regulatory body for socio-cultural mediation that can establish training mechanisms, and accompany and evaluate work carried out in the various field of activity and support for the technical teams on the ground, in order to provide greater sustainability to the work that they seek to carry out.

6. As regards **interpersonal relations** established between mediators and other actors involved in the mediation process, it can be concluded that there do not appear to be any latent conflicts present and that there is in fact a positive relation between partners.

At the institutional level, it has been stated that there is no space for inter-institutional dialogue with mediators, and as such there is a pressing need for such a space for reflection. The lack of joint spaces that would enable the deepening and consolidation of these activities is to be highlighted.

7. Another of the conclusions that became more pertinent in the data analysis has to do with the need that is felt concerning **professionalisation**, mentioned in the institutional instability of the mediators.

In this way, and despite some steps forward at the level of legislation, it has become essential that hypotheses concerning regulations for the professional statutes of mediator be studied, so as to establish a framework for these and establish possibilities for professionalisation in this area, since it is only in this way that it will be possible to take full advantage of mediation as a strategy for social intervention, with guarantees of technical quality.

In summary, this study seeks to emphasise the importance which socio-cultural mediation has taken on in our country, and underline the need to consolidate it as a professional practice as a technical area at the service of a strategy of integration and social cohesion.

For this to happen an attempt should be made to systematise various theoretical models, as well as the application of existing methodologies, such that it can be possible to positively and precisely state what the specific functions for the practice of socio-cultural mediation are, independently of whether this practice is being carried out in education, family, community, institutional, or other contexts.

The need for a regulatory body has been highlighted, of which civil society should be an integral part, which would enable a unity of approach to training and intervention and at the same time could contribute to the knowledge and deepened awareness of socio-cultural mediation. In fact, it is believed that in this way it could be possible to work in a coordinated and continuous fashion regarding the different aspects associated with the question of socio-cultural mediation.

Raising the profile and awareness of what is socio-cultural mediation and more specifically the functions of the mediator would also be equally important, such that the different actors can make use of this information and together create platforms for partnerships in intervention.

3.15. Family Reunion and Immigration in Portugal **María Lucínda Fonseca, Meghann Ormond,** **Jorge Malheiros, Miguel Patrício and Filipa Martins**

Authors: Maria Lucínda Fonseca, Meghann Ormond, Jorge Malheiros, Miguel Patrício and Filipa Martins

Title: Reunificação Familiar e Imigração em Portugal

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Summary

The final report from the study “**Family Reunion and Immigration in Portugal**” has been organised into six chapters, along with some concluding remarks and a series of recommendations. Following the introductory chapter, a framework is given of the phenomenon of family reunion and the integration of immigrants into host societies, stemming from the experiences of countries with an older migratory tradition than the Portuguese one, namely from the European Union, USA, Canada and Australia. In the third and fourth chapters, an outline of immigration in our country is given, based on the information available from official statistical sources. Particular attention has been earmarked for the issue of demographic and family structures of the main immigrant groups. In the subsequent section, the results of the work are presented, comprising a survey that was conducted on 1588 immigrants aged over 18 from countries not belonging to the European Union, USA, Canada, Japan, Australia and New Zealand. In addition to this, to explain the processes and problems identified in the survey and to assess the potential for immigrant families to be absorbed into different regional contexts, study cases are analysed from eleven national communities. These are based on interviews with immigrants, NGOs and relevant local agents from the public and private sector. In the sixth chapter, three scenarios are presented which provide various other estimates of the potential for family reunion. In addition to these chapters and the concluding summary, the report also has an annex with a comparative summary of the national legislation in

some European countries in the area of family reunion, as well as a comparative analysis of the Portuguese legislation with the Community Directive pertaining to the right to family reunion (Directive 2003/86/CE).

I. Study context

Family reunion and the right to asylum are practically the only ways to legally enter European Union territory. More than three quarters of the annual entrance flows are composed of immigrants' spouses, children and other relatives. However, as an instrument for regulating immigration, this is a relatively recent aspect of Western Europe's political framework. In scenarios of severe restrictions on immigration, there is a propensity for a considerable amount of temporary migrations to become definitive increases, and consequently, family reunion processes are started. In Portugal, immigration is still predominantly for work reasons, not family, but as time passes, as has been seen in traditional immigration countries, family reunion will tend to become increasingly important. In this context, the European Union and the Member States' governments have begun to give ever more attention to regulating and looking for convergence in family reunion policies. The objectives of this policy seek, without questioning the right to protection of the family enshrined in the Declaration of Human Rights, to reinforce the mechanisms of control, namely through more or less restricted definitions, the concepts of family and family reunion that they adopt. Given the characteristics of the issue of family reunion and immigration in Portugal, this study has the following objectives:

1. To assess the size of and outline the process of family reunion in Portugal and its incidence in different immigrant groups;
2. To analyse the impacts of family reunion on the role of the family, gender and also on resources and integration processes in Portugal;
3. To provide a prospective valuation of family reunion, by modelling specific trends seen in each community and their situation in the migratory process.

Expecting the significant changes in family structures introduced by African and Asian immigrants, which involve more frequent processes of separation and reconstitution, and also family organisational systems different to the "European model" of the so-called nuclear family, in this study a more flexible concept of family is considered, taking into account aspects of financial, emotional and psychological dependency, so as to encompass the framework of new situations. Nevertheless, for the effects of family reunion, members of the family are considered as such by the definitions of Portuguese law (Decree-Law n^o 34/2003 of 25th February), although discussions are held as to eligibility conditions, namely as far as degrees of relationship and dependency levels are concerned.

II. Family reunion and integrating immigrants in host societies: framework

The family, whether it includes migrant individuals or not, is the most universal and fundamental unit of cultural, social and economic production and reproduction. Ideally it performs an essential role in fully integrating its members and functions as a protective and mutual aid network. The lion's share of immigrants find themselves deprived of this support structure, as their relatives usually remain in their country of origin. Some are fortunate enough to be able to regroup their family in the host society. Others, whose families do not conform to the nuclear family concept, are forced to reconstruct new families, with just the relatives that they manage to regroup or to start new families in the host society.

Immigrant families face a series of challenges to setting up in a new country, both as families and as individuals belonging to a family. The cultural and socio-economic values, attitudes and characteristics of either the country of origin or the host country play an essential role in defining, above all else, the capacity to migrate and later, the level of integration and access to the labour market, education system, health care, accommodation and citizenship rights at the destination.

Although immigrant families are faced with the same problems as native families, they also have specific needs, which are not always easily recognisable or solvable through the same type of solutions that work for the latter. In particular, they are especially affected by problems such as the inexistence or reduced scope of their family and social networks, linguistic barriers, learning difficulties, conflicts between liberties and cultural values, changing power and gender relationships within their families, discrimination in access to labour markets and accommodation, precarious employment, low wages and a series of risks and specific needs in terms of health.

III. Immigration in Portugal: from the colonial legacy to joining the international recruitment and workforce distribution networks

Portugal's experience as a country of immigration is a still recent phenomenon, accompanying the process of internationalisation of the Portuguese economy and Portugal's joining the European Union. Traditionally a country of emigration, it was only from the mid seventies that it changed from being a country supplying cheap labour to developed Europe to a host country for foreign workers. However, similarly to what has occurred in other Southern European countries, over the last quarter of a century a marked increase in immigration from African Portuguese Speaking Countries (PALOPs) and Brazil, and more recently from Eastern European countries, has been recorded.

There is a severe polarisation of immigration in the larger urban agglomerations, with particular emphasis on the Lisbon Metropolitan Area, a region where in 2001, 55.5% of the total foreign citizens registered in Portugal resided. As for geographical distribution patterns, the main piece of news stemming from the most recent migratory wave is that of greater dispersion throughout the country, based on job opportunities in each region and the increasing internationalisation of labour markets, even those of peripheral regions, as the processes of globalisation of the economy spread and become entrenched and the different effects of demographic ageing are increasingly felt.

The metropolarisation of international migrations is particularly evident in the case of PALOPs nationals, given that more than 80% reside in Greater Lisbon and the Setúbal Peninsular. This is immigration of a predominantly employment nature, with low levels of school and professional qualifications, structured around interpersonal contact networks. Brazilians, although less geographically concentrated in the Lisbon Metropolitan Area, are more strongly represented on the North Coast (above all in the Porto Metropolitan Area) more than in the Algarve, possibly reflecting knowledge of this region linked to the past size of Portuguese emigration to Brazil from these regions. Immigrants from Eastern Europe have different characteristics from Africans and Brazilians in terms of where they have settled nationally. The main change is that their relative importance has increased in areas adjacent to the Lisbon Metropolitan Area, namely in the rural and farming areas of the Ribatejo, West and Alentejo and in the industrial areas of the north and centre coast.

IV. Family Reunion – a reason for immigration and the significance for demographic and family structures

This chapter presents the general traits of the situation pertaining to contemporary immigration motivated by family reunion processes, linking this to changes in family structures and in family demographic behaviours themselves. In concrete terms, the aim is to analyse the behaviour of the main groups of foreigners who have settled in Portugal relative to their use of the legal provisions of reunion to immigrate to Portugal and to check how indicators on demographic structures (sex and age) and relatives provide information on the potential for reunion and its effects in terms of the growth in the number of women and children or on accommodation needs. Additionally, a brief perspective is given on the direct and induced significance of family reunion on demographic behaviours such as birth rates and fertility.

The importance of the family (and group of origin) on starting the migratory process and support in the different phases linked to it does not prevent spatial and temporal separation of its members, namely because immigration often takes place in phases, not all family unit members moving at the same time. It is important to understand how

immigrant groups with different characteristics and in different phases of the migratory process towards Portugal have used family reunion.

Different situations in terms of family reunion have been identified:

- PALOPs nationals who are in a more advanced stage of the migratory process and registered a significant increase in the number of arrivals associated with family reunion between 1999 and 2002. This group shows one of the highest weightings relative to arrivals associated with family reunion (roughly 1/3 immigrants). This situation highlights a more advanced phase of the migratory process no longer involving a large majority of male “pioneers”;
- Asians, namely Chinese and Indians, show in statistical terms a significant use of legal provisions for family reunion (in 2002), which suggests a former presence (clearer in the case of the small Indian group) and migratory strategies which seem to involve relocation of adult family members to Portugal over a relatively short time frame;
- “Other Europeans”, above all consisting of citizens from Eastern Europe and Brazilians have registered much less significant levels of immigration justified through family reunion than the two above-mentioned situations. This situation is in harmony with the recent nature of these groups’ presence in Portugal (clearer in the case of Eastern Europeans) and with their increasing importance in immigration for employment. They are in a situation of “pre-family reunion”. Despite some similarities in terms of their situation in the migratory process, it must be said that the immigration of each of the groups reveals specificities, showing more conformity with classical models in the case of Eastern Europeans (highly male contingents, initial leavers highly dominated by men), the Brazilians having a more balanced structure in terms of gender, which shows a higher incidence of immigrant women outside the family context (and classical reunion processes).

V. Migrations and Families in Portugal

This chapter analyses the results of the survey and interviews and has been designed with the following format: 1) Characteristics of immigrant respondents: geographical origin, demographic and socio-economic profile; 2) Reuniting the family – strategies and processes; 3) Together again – changes in family responsibilities and resources, gender roles and parental relationships post-reunion; 4) Family health and welfare – needs and available financial resources.

The study conducted confirms the central role of the family in all the phases of the migratory process to Portugal. Reuniting the family obeys a specific migratory logic – a project – carried out by immigrant families. They have to decide who migrates, who is reunited

in the host country (and who is not), at what moment they must migrate, what the roles and responsibilities of each member are abroad and in the country of origin, etc. This migratory logic involves a complex relationship between individual and collective access to resources and careful time management. As well as suitable access to social integration, job opportunities, employment stability, ability to save money, arrange accommodation and support a family, age of immigrants and family members, and the life phases they are in are also important factors that determine the type and scope of family reunion.

The process of requesting family reunion implies a commitment to reuniting the family as it is an investment of time, energy and resources by the immigrant behind it and sponsored members of the family to manage to overcome various bureaucratic obstacles (in Portugal and in the country of origin) and structural ones (access to requested resources, discrimination in this access, official definition of “family” etc.).

Once reunited with their families in Portugal, the challenges that immigrants face take on new dimensions in so far as the roles and responsibilities of the different members change and adapt to a new financial, legal and social resources framework. The main obstacle to a functional family life is connected to employment and economic stability, particularly in the case of families reunited under the family reunion law.

Legislation that makes it difficult for holders of a Temporary Stay Visa prevents families from having a normal life for various reasons:

- i) Immigrants are affected by precarious employment conditions, concentrating on low-wage professions, being more vulnerable to exploitation by employers and facing a higher risk of unemployment. This situation increases the need for families to have a double income to be able to meet essential expenses;
- ii) Faced with these difficulties, sending money to their own country to support the family is a widely-known alternative to family reunion, because the money “goes further”, bearing in mind the different living costs in Portugal and in the country of origin;
- iii) The power dynamics within the family unit may be affected, due to the imbalanced legal statute of dependents compared with the relatives who sponsor their arrival.

It is also important to point out that in some cases immigrant family units are made up of members with different legal statutes, it being perfectly plausible that one of the family members has Portuguese nationality, while another holds Authorisation to Stay status and another is without any documents. There are many variations of this reality because immigrants do not reunite merely under the family reunion laws, setting up their own family when they arrive in Portugal or joining one as time goes by, and thus using different types of visas and authorisations.

Immigrant children have to adapt to the options made by their parents to live in Portugal. For the children left in the country of origin, this means that a new relationship is initiated

with one of the parents or both of them, being away for long periods of time and also a new type of relationship with grandparents, older siblings and other adults with whom they stay during their parents’ absence. For children who reside in Portugal, as well as their parents having little time to be with them as they have long working days, new sources of stress and conflict frequently crop up between them and their parents, they miss relatives in their country of birth and they face all the inherent difficulties of adapting to a new culture, a new school, and in some cases, of learning another language.

For the children of immigrants who are born in Portugal (“second generations”), one of the major challenges to integration in society lies in being denied the most basic civil rights because access to Portuguese citizenship has not been facilitated by the Portuguese State. For immigrant parents who are residents in Portugal, this can mean difficulties in arranging a place for the child to stay while they are at work, finding time to be with children and helping them with school work and obtaining money to pay for school materials and their children’s other needs.

As far as health is concerned, while access for immigrants to health care is foreseen and safeguarded by law, in practice it is not always the case. Some healthcare professionals point out that the major challenge to providing medical assistance to immigrants stems from being unaware of their presence in Portugal and from a lack of awareness of diversity, facts which are seen throughout the professional spectrum, from doctors to nurses, via social workers, administrators and receptionists. Given the dynamic nature of legislation on immigration in Portugal, its impact on healthcare access for immigrants is not understood by healthcare professionals, resulting often in inadequate treatment in cases involving immigrants. Due to linguistic barriers and the difficulty in accessing information on the SNS (National Health System), immigrants also sometimes have difficulties in obtaining information on their rights, the level of healthcare and how to proceed in cases of incorrect treatment.

VI. Potential of family reunion: intentions, scenarios and estimates

After analysing the relationship between remittances and the dispersal of members of the family unit and intentions of bringing the family to Portugal, at this point in the study, the potential of family reunion was estimated for the foreign population resident in Portugal. Relative to remittances sent to the country of origin, it has been confirmed that the existence of a spouse and young children there are factors which justify sending more funds and also more regularly. As is to be expected, it is among groups dominated by immigration for employment that have seen some growth since the beginning of the 90s and among which family reunion is at a less developed phase that we see the greatest tendencies to send remittances (Ukrainians, Guineans, people from São Tomé and, to

a lesser extent Brazilians). Based on this relationship, it is legitimate to suppose that increasing family reunion will have a positive effect on retaining remittances, making up for, all the more so after the mid term, a possible increase in social costs caused by the arrival of minors. This situation would be even more favourable if spouses were given the opportunity to carry out professional activities in all circumstances.

Estimates for the potential for family reunion for non community foreign citizens residing in Portugal, in the reference year of 2003, were based on information pertaining to immigrants with spouses and children residing in the country of origin, as well as the wish expressed to bring them to Portugal.

The potential for reunion is naturally higher in the case of immigrants involved in the post 1999 migratory wave, as almost 40% of the nationals of Eastern countries say they have spouses in the country of origin, this figure increasing to over 50% when they have children. On the other hand, as concerns the group of respondents from the PALOPs, these figures are around 20%, the Guineans (concerning partners) and the people of São Tomé (concerning children) showing dissonant behaviours, which point to higher potential for reunion. The Asians have higher reunion potential as far as spouses are concerned, but lesser in terms of children (let it be remembered that this group's fertility rates tend to increase significantly in the Portuguese migratory context compared with the country of origin). As for the Brazilians, the potential of reunion is intermediate in the case of spouses and rather high in the case of children (just as it is among Ukrainians, the number of respondents stating they have young children in the country of origin surpasses 55%).

On fine-tuning this potential for reunion based on respondents who say they want spouses and minor children to join them, it is not only the figures that decrease, but also the positions relative to some immigrant groups that change. Eastern Europeans are those who say the most that they intend to bring children and spouses to join them, followed by Guineans and, above all in the case of minor children, the people of São Tomé. The wish to then regroup adult dependent children is substantially low in all immigrant groups.

Estimates as to the absolute values of the potential for reunion were drafted based on three different scenarios. Scenario A, maximalist, assumes that reunion will correspond to all possible cases, regardless of the expressed desire to bring spouses and partners to Portugal. In this scenario, the total figure is around 325,000 individuals, 53.5% of whom are children and more than 50% Eastern Europeans. Furthermore, in the estimate linked to this scenario, Brazilians account for around 20% of the total, supplanting the entire PALOPs.

Scenario B is the one we think most probable as it marries absolute potential with intentions of reunion, as expressed in the context of the survey. In this case, the total figure for

family unit members involved in reunion may surpass 150,000 individuals, roughly 60% aged less than 18. This increase in children results from the fact that many respondents have already carried out spouse reunion (or did not want to at all), but they still wanted to bring their children to join them, having expressed this intention in their replies to the questionnaire. If Eastern Europeans are in the majority in this scenario, Brazilians are surpassed by PALOP citizens, due to the former having expressed less of a desire to bring spouses and children to Portugal.

Lastly, Scenario C - minimalist - combines absolute potential with intentions of reunion in a context of economic crisis, marked by increased unemployment and fewer jobs created. It is estimated that approximately 110,000 new immigrants would arrive through reunion in the context of this scenario.

It should be pointed out that in none of the cases would reunion take place in a single year, the vast majority of cases taking place over a 5-year time frame. Probably 60% would try for reunion over 2 years and more than 80% up to 5 years, which suggests 2008/2009. Lastly, the estimated figures are fixed and correspond to a population at a given moment. The annual arrival of new foreigners in Portugal means that the potential for reunion will see an increase in the region of 3000 to 3500 cases.

VII. Concluding remarks and recommendations

Once the main results that have been reached in each of the chapters of the work have been presented, an executive summary concludes with a synthesis of the recommendations stemming from the study.

In the area of legislative changes aiming at clarifying a good application of the family reunion process, taking into account the general principle of the right to family life, it is suggested that:

- The concepts of family reunification (used for those with Residency Authorisation) and family reunion (used for holders of Authorisation to Stay and Working Visas) be united, as their sociological and identical content are identical, as in both cases the aim is to facilitate family life and quality of life of the family, giving members the possibility of co-habitation;
- There should be a clearer definition of the situation of “adult dependent child”, facilitating in a more explicit manner access for young adult students to family reunion. Effectively with longer study lengths and the tendency to join active life later, maintaining a relatively rigid figure of 18 seems clearly off-kilter, given changes underway in social reality;

- Clarification be given of eligibility of individuals who live in provable long term common law marriage (at least two years would be a possibility), as existing modifications to family typologies and the reduced value given to formal marriages in certain societies shows that usage of the traditional formal family model is clearly insufficient;
- Restricted access to the labour market (only possible if there has been a change to the family framework after the arrival of someone who benefited from reunion) for spouses/partners who request family reunion with individuals who hold Authorisation to Stay or Working Visas should be removed. Effectively, by making access to the labour market difficult, dependency on spouses is being promoted and potentially, the quality of life of the family unit is worsened, as the existence of more members presupposes greater division of existing resources, even if these may be sufficient to guarantee the individuals' survival.

In addition to these suggestions aimed more at reconsidering legal requisites, there are some aspects which refer to the functioning of the system itself that justify revision, namely:

- Particular attention has to be given to situations of dependency in the case of spouses, children and other family members dependent on the immigrant who has sponsored their coming to Portugal and is responsible for their economic survival and legal status. The fact that spouses/partners of individuals with Authorisation to Stay or Working Visas have restricted access to work and do not have an autonomous document will have consequences in terms of worsening dependencies within the family unit itself, particularly manifest in the case of women, as they are the ones who benefit the most from reunification. Faced with this situation, it is suggested that they have access to an autonomous document within a relatively short space of time – between six months and a year;
- Recognition that family reunion is not only emotional reunion, but also an opportunity to improve the family's economic conditions is absolutely essential. Allowing spouses to work legally would avoid some situations of exploitation and abuse by bosses and other family members;
- It is necessary to give particular attention to possible abusive relationships at home and in the workplace. When it is possible to prove the existence of abusive situations within the family, victims must be encouraged and aided, making it easier for them to solve the problem, and not threatening them with expulsion from the country when they are separated from the abusers;
- Bearing in mind the average time of a bureaucratic administrative investigation of a request for family regroupment or reunion (often between six months and a

year), it makes no sense to index documents with rather short expiry dates, such as Authorisations to Stay and Working Visas (just one year). By doing so, one is actually putting a time restriction on the possibility of co-habitation (because at the moment the spouse/partner or children arrive, the validity of the Authorisation to Stay or Working Visa is already inevitably reduced to considerably under a year). Given this backdrop, it is suggested that the validity of Authorisations to Stay and possibly Working Visas be extended to two years.

On the bureaucratic-administrative procedural level, action has to be taken on two fronts: i) in facilitating the obtaining of documentation, translations, etc. and in ii) improving the responses of consular services, proposing a comparative analysis of the responses they have given and possibly by conducting short term training schemes for employees in the area of family reunion.

**3.16. *Young People, Migrants and the Knowledge and Information Society - The School Faced with Diversity*
Maria Margarida Marques (coord.) e Joana Lopes Martins
Collaboration from José Gabriel Pereira Bastos and Isabel Barreiros**

Authors: Maria Margarida Marques (coord.) and Joana Lopes Martins.
Collaboration from José Gabriel Pereira Bastos and Isabel Barreiros
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Summary

In accordance with the respondents' and their parents' migratory experience, two types of categorisation were carried out: according to Generation and by Family Origin.

The *Family Origin* category distinguishes between different types of migratory experience in the family, when they exist:

- Children of Immigrants: cases in which the respondents or at least one parent is a national of another country other than Portugal.
- Children of Natives: cases in which both the respondent and parents are Portuguese nationals and have no record of migratory experience (or if one exists, it corresponds to a very brief experience).
- Children of "Returnees": cases in which at least one parent, being a national of continental Portugal or not, has lived for more than a year and during the colonial period in one of the African territories under Portuguese rule.
- Children of Ex-Emigrants: cases in which at least one parent, being a national of Portugal, has lived for a significant period in another country.
- Children of Emigrants: cases in which the respondents or at least one parent is currently residing in another country other than Portugal for more than one year.

The Generation category follows the model proposed by Alejandro Portes and Rubén Rumbaut (2001) and differentiates between 3 generations:

- Generation 1: cases in which respondents were born abroad and arrived in Portugal aged over 12;
- Generation 1.5: cases in which respondents were born abroad and arrived in Portugal aged between 7 and 12;
- Generation 2: cases in which, as Portuguese nationals, at least one parent comes from another country.

Mapping the results by family origin

The frequency obtained in each category showed the diversity of the population resident in Portugal.

- Indicators suggest good socialisation of immigrant children across the school spectrum.
- There is little involvement in school activities, in all categories, which is also reflected in parents' involvement with the school.
- The perception of schools as a fulcrum tool to building the future is something common to all categories. However, immigrant children are more reserved about the level of opportunities that school can give them.
- Despite this, it is common for immigrant and native children to have strong reservations about attaining their desired profession.
- School is presented as a privileged means of accessing the information society.
- As was seen in the pre-test, the level of academic performance is slightly higher in native children, while the children of immigrants still show a higher percentage of being held back a year at school.
- There is convergence in a series of indicators between behaviours and attitudes in immigrant and ex-emigrant children.

Socio-economic indicators of parent origin show the existence of a relationship between family origin and socio-economic origin, showing a heavier weighting of more qualified occupations in the Native Children category. However, the concentration of immigrants in less qualified occupations does not correspond to a profile of less schooling. On the contrary, individuals of immigrant origin, both male and female, have the highest levels of university attendance, as well as secondary and professional education.

- On the other hand, in an analysis of gender, women, despite a lower percentage of high-level occupations, are the ones who show more concentration in intermediate-level professions.

- Women of immigrant origin are the ones who have the highest level of education.
- Among the children of immigrants, the percentage of young people with I.T. equipment at home is significantly lower, which is certainly related to their economic condition.

Mapping the results by generation

- Generation 2 is closer to the native population in general and as concerns issues related to civic participation in particular.
- However, it has been observed that Generation 1 young people are more committed to participating in the school community, at the same time as school being seen less as a social space, which indicates a view of school as a broad social integration vehicle.
- School emerged as an attractive place for all respondents.
- The relationship with teachers is described positively by most of the respondents.
- On the whole, the assessment of teachers is positive, however Generation 1.5 respondents showed more reservations towards teachers.
- School as a structure of opportunities is considered by the majority as an investment for the future.
- The majority of respondents have high expectation vis-à-vis their school future. However Generation 1 individuals show more diversity in their expectations, split between those who want to go on to further education and those who just want to finish obligatory schooling.

- Participation in school activities is quite low.

As with children's low participation in the school community, also parent involvement is low over all the generations, although in this case those who have been in Portugal the longest show more investment in this relationship with school (Gen. 2). This fact may result from different perceptions as to the value of parent interaction with the school, but also this is not dismissing the possibility that this group may have more time (due to work reasons) to participate.

- As for the level of children being held back, there are still high figures across the school population.

- There are no significant differences in school performance in the three generations.

- As for insertion in active life, Generation 1 members start earliest. This situation can be explained by the need to deal with economic difficulties.

- As for use and mastery of new information technologies, apparently ownership of suitable equipment is fundamental for its mastery and it appears that school is not succeeding in creating equal opportunities for those who do not have this equipment in their homes. For economic reasons, those who have been the shortest time in the country lack the most in terms of new technologies.

Good practices

The results obtained from this study enable us to underscore the importance of systematically studying the use of knowledge society opportunity structures by the school population. When we are looking at understanding patterns of integration among young people of immigrant

origin and young natives, not even those who are excessively homogenised, or those that show immense disparities succeed in giving us a rigorous depiction of this social reality. We propose a series of good practices, which may in the future, if implemented, contribute to a more in-depth knowledge of these populations, enabling action strategies to be developed for:

1st – Linguistic diversity which characterises the current school population should be seen as a wealth to be stimulated, recognising and valuing the ethnic/cultural specificities of the various linguistic groups.

Following this objective may involve two concerted actions:

- promotion, spread by the school network, of learning the mother tongue in a school context;
- reinforcing the teaching of Portuguese throughout the school network as part of the normal curricular period and not as pedagogic support.

2nd – Broadening the scope of the population census

As has happened in other countries (e.g. France), it is suggested that the ten-yearly population surveys (Censuses, INE) cover and deal in more detail with issues such as place of birth, but also migratory family trajectories.

In a second phase, and also similarly to what is happening elsewhere, regular surveys are to be held with a view to obtaining and characterising family trajectories.

3rd – Investing in curricula and alternative education pathways

The diversification of alternative educational trajectories must be a non-negligible way to preventing school leaving and to draw closer the students who are involved less in the school community.

4th – Investing in employability projects

Employability programmes like those that already exist associated to some professional training courses show a high degree of success in integrating young people into the job market, according to the statistics collected from the schools. These programmes must thus be promoted by a wide network of schools and cover more diversity in the professional areas dealt with. These courses, as well as enabling insertion in the job market, also allow obligatory schooling to be completed.

5th – Life long learning

Life long learning is a fundamental investment for the continuous adaptation of these young people to the labour market and the information society, as well as a strategic way

to update and adjust the competencies of newly-arrived young people to the characteristics of the national labour market.

6th – The role of Information and Communication Technologies (ICT)

Bearing in mind that the mastery of ICT is fundamental for joining the information society and as, due to socio-economic reasons, young people of immigrant origin have some shortages in terms of I.T. equipment, access and learning methods on this level must be explored.

7th – Bring the school closer to the community

Lastly, it is fundamental that the existing gap seen in young people of immigrant origin between school and the family be reduced. This task is not an easy one as it involves different factors, but it is not for this reason that it is no longer fundamental and urgent...

3.17. *Different Children of Different Gods. Uses of Religion and Processes of Differentiated Social Integration: A Structural and Dynamic Approach*
Susana Pereira Bastos (coord.) and José Gabriel Pereira Bastos.
Collaboration from L. Soczka, D. Rodrigues, A. Brinca, L. Nicolau, A. Costa, F. Batoréu, A. Correia, A. C. Horta Tavares, P. Guardini, A. P. Santos, S. Costa, N. Carvalho, E. Rodrigues, I. Banze and F. Mourão

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Summary

1. From thought to deed: the project and its aspects

1.1. Objectives and methodological orientations

This study intends to investigate the role played either by non-organised religion, either through belonging to different religions and sects, organised by the community, in developing and/or partially blocking social insertion pathways by ethnic minority groups and segments resident in Portugal.

To render these objectives operational, we took two main methodological orientations as our starting point.

i) Research was structured around the hypothesis that micro-family dynamics are a strategic analysis unit for researching the impact of different “types of religion” and “positions and experiences with religions” in the differentiated social insertion (ISD) process – a concept which we prefer to the concept of “integration” as it is freer from ideological presuppositions. This, for three reasons: because it is at the heart of the family (nuclear, extended, multiple and/or enlarged) that positions, experiences and religious practices are transmitted, recreated, reinterpreted or transformed; family relationships themselves (between generations, genders, blood relatives and relatives through marriage, etc.) involve micro-political phenomena (autocratic domination, physical and mental violence, obedience, submission, rebellion, dissidence, etc.) that religion tries to elaborate, legitimise, subvert, etc.; the power dynamics at the micro family level are frequently a privileged language to conceive and manage wider power relationships, intra and inter-group and supra-social;

ii) secondly, and in a converging line with the major trends in European research, we have based our research on the disessentialisation and de-homogenisation of the ethnic categories studied, avoiding the linkage between the concepts of “culture”, “community”, “ethnicity”, “identity” and “religion”. This is thus an eminently comparative project, in which the various ethnic or ethno-religious groups selected were done so to be juxtaposed to other groups in the analysed series.

More concretely, we used 6 criteria:

- groups or segments of groups defined by the media and by social scientists themselves as “problematic” (gypsies and Cape Verdeans) versus non-problematic groups in Portugal (Afro-Asian groups with roots in the Portuguese ex-colonies);
- recent migrant groups (post 74) versus migrant groups that arrived a century ago or more (since the XVI century)
- Portuguese-speaking groups (PALOPs) versus non Portuguese-speaking groups (Sikhs, Bangladeshis, etc.)
- ethno-religious groups or segments with a congregational organisation versus non-organised religious segments (mainly for adults);
- among Portuguese speakers Africans versus Afro-Asians (versus Brazilians, if viable);
- but also among those with the “same” religion, different ethnic groups (Indian Sunnis versus Guinean Sunnis, for example).

1.2. Constructing a comparative series and the perspectives for comparative analysis

The first criterion we used for constructing the comparative series was fundamental. Several works on the recent post-colonial period in Portugal show that within various

ethnic groups – e.g. gypsies and Cape Verdeans – indicators relevant to the levels of disruption of school and social integration have emerged, to which it does not appear that sufficient attention has been given up to now. At the same time, imprisonment rates (male and female) in segments of these groups are worrying, much above those of “nationals” and other migratory groups (which in some cases tend to be around zero), making scientists suspect the existence of judicial and legal racism phenomena (Seabra 1999; Moreira 1999; Cunha 2002). For this reason, we have selected two gypsy segments (“traditional” or non-practising Catholics vs. neo-Pentecostals) and 4 Cape Verdean segments (“traditional” or non-practising Catholics, practising Catholics, Evangelists and Nazarenes). On the other hand, other groups, such as those who make up the “new Islamic presence” (Tiesler 2000) in Portugal, show social insertion, socio-professional and economic indicators above the national average, as well as non-conflict and non-discrimination indicators that distance them from their European counterparts. In this way, we have chosen two Islamic segments – Sunnis and Ishmaelites (Khojas), which share the same origin – Gujarat – a multi-generational stay in Mozambique (from the second half of the XIX century, the assumption of a position of “intermediary ethnic minorities” (Cohen 1981) and a rapid and generally successful social insertion in the Portuguese post-colonial period, for which the role of the respective community elites was non-negligible.

To complicate the comparative series, we introduced another segment of Indian origin, whose migratory pathway and social insertion strategies are relatively similar to Indian Sunnis and Khojas (Bastos 2005), but of a different religion – Hindu; as well as a Sunni segment of Guinean origin, questioning the very notion of “Islamic religious identity”. The Sikhs (just like Bangladeshis or Pakistanis) represent very recent migrations, speaking very little Portuguese and for the time being with very little family reunion. They were an important comparison in our research for the other Indian origin segments that have a long knowledge of Portuguese cultural ecology¹⁰.

In methodological terms, and in a first phase, four families for each of the afore-mentioned segments to be analysed were studied according to the slow rituals of social and cultural anthropology (participant observation and non directive and semi-directive interviews); they were selected based on searching for homogeneity and, in this respect, they were contrasted, wherever possible, with a relatively “marginal” family. In addition to “father” and “mother”, “adolescent daughters” and “adolescent sons” interviews (conducted wherever possible independently and from previously defined yet adaptable scripts), rites were also focussed on, as were cultural patterns and organisational forms of the respective religions and communities.

10. The hypothesis of introducing a “control group” made up of “Portuguese Catholics” (“whites”) at some levels of research foreseen has not been excluded. Also underway is the integration of ethnic groups whose intensive fieldwork could only be done from September 2005 (Orthodox Ukrainians, “Assembly of God” Brazilians, Sunni Afro-Mozambicans, Animist Afro-Mozambicans, etc.), namely in the scope of the “Portugal in the XXI Century” project.

In a second phase, to show the comparisons, an attitudinal survey was designed, initially comprising 405 stimulus sentences resulting from either the fieldwork carried out by research assistants or analysis of previous CEMME research in the field of researching religious, moral, political, intrafamily, intragroup and intergroup attitudinal reactions. For team discussion, this number was later cut to 183 stimulus sentences. When necessary, the questionnaire was translated into English, into the mother tongue (Punjabi in the Sikh case or used by a bilingual interviewer (in the case of the Hindus and some Cape Verdean segments). Some of the stimulus sentences were adapted to the specificities of the different religions or sects under analysis.

Conclusions

- ***“In my race, there is a lot of racism even against people of the same race”*: for an identity re-evaluation of the concept of racism**

Although “racism” may appear a concept that refers only to inter-ethnic relations between one dominant socio-historical group and one or more dominated socio-historical groups (or placed in a unequal position due to their Diaspora dispersal and immigrant nature), many of our interlocutors insist on using the concept of “race” to define themselves as an identity, rendering in this way the difference constructed in socio-historical relationships natural. In this fashion, implicitly defining “racism” as a non-diplomatic attitude orientated by the desire to humiliate the other, stating, frontally or more discreetly, one’s personal, family and group superiority, both economically as well as in terms of civilisation or morally (criteria used alternatively, according to discursive situation convergences, in the rhetorical search for building a consensus with the interlocutor). In the analysis of the facts, as we have seen, intra-ethnic racism, expressed in the phrase “in my race or community there is a lot racism even against people of the same community” precedes, in terms of the explicative power of the recorded differences, inter-ethnic racism in asymmetrical historical-political and economic relationships.

- ***“I hate people mixing (me) us up”*: calling for the construction of favourable identity gradients to the subject’s position**

It is also on an identity level that the demands/requests of the subjects of different groups/segments becomes understandable vis-à-vis not being mistaken for others and assimilated into categories with which they do not identify and which they feel threaten the integrity of their self-esteem linked to their socio-historical identity. However, they themselves use categories of this type when they communicate among themselves to label the

Portuguese and other groups and/or ethno-religious and racial segments. Ethno-religious fragmentation of the genealogical Indian, with roots in the millennia-old history of India, criss-crossed by Mongol and colonial invasions, and multifaceted via deep regional differentiations (namely linguistic, religious, identity, etc.), has led to discreet competition between these segments. The nationalist fragmentation of Sub-Saharan Africa, with its identification with different colonial powers, has produced the same effect. This is even because, to a large extent, their positive identities have been constructed through contrast to some of these “others” that, for historical and especially identity reasons are underlying in a practical and/or imaginary way.

- ***“I can say with my head held high: my church is the truth and my children are better mannered than other young people”*: for an identity re-evaluation of the construct of “exemplarity”**

The segmentation of some socio-historical groups under analysis, through their position vis-à-vis religion, has enabled us to raise the hypothesis that “religious conversion” is one of the various strategies for “building exemplarity”, allowing “the construction” of “civilisational”, “ethical” or “political” “vanguards” which consolidate the “identity position of the subjects” who found them or are integrated into them. At the same time and given the competitive supply of religions in the current Portuguese context, religions drag with them connotations derived from historical, civilisational, colonial, etc. conflicts, i.e. they are not only ways of getting closer to the “divine” or for human vulnerabilities, or for intra and inter group differentiation and competition. They are also opportunities to change socio-historical hierarchies, to create indirect alliances with major powers, to obtain non-humiliating social aid in potentially traumatic situations or to try to work on some of the contradictions of the projects and experiences in migratory contexts.

- ***“For my children I am more than a goddess”*: towards an identity re-evaluation of the concept of culture**

Under the benevolent eye of an admiring “Other”, the fundamentalist “community”, founded on violence, on identity intrigue and on vengeance, seen as a transcendental demand, can transmutate, with no contradiction, into an esteemed “community”, in which “religion”, internalised and put at the service of a strengthening identity dialogue, can build itself as the most powerful of identity organisations, bringing to the fore again the collective project of politically and diplomatically negotiated assertive dialogue, in a context of non-antagonistic relations, in which increasing the living space of some does not mean reducing the living space of others. This transmutation is facilitated by con-

traditions internal to different socio-historical groups, whose identity dynamic is always distributed through the four factors encountered. This basically means that all the “us” studied are partially founded on triple violence, feeling to some degree the target of racism, growing younger in identity terms through internal competition and to some extent fearing favourable inter-ethnic meetings (even imaginary). All of the groups under the microscope, even those that most oppress women, love their mothers, recognising in them a capacity for self-containment, self-discipline and peaceful loving, which is often seen as religious and to a greater or lesser degree, give them not only a role as mediators between the gods and men but, especially, between men themselves.

3.18. *Urban Planning for Immigrants’ Integration* Emília Maria Malcata Rebelo (coord.) and Luís Tiago Paiva

Authors: Emília Maria Malcata Rebelo (coord.) and Luís Tiago Paiva
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Summary

In legal terms, the bases of spatial planning and urbanism policy are laid out in law nº 48/98, of 11th August, where it states that “*spatial planning and urbanism policy state and involve the actions promoted by the Public Administration, aiming at providing suitable organisation and usage of the national territory, with the perspective of enhancing its value, namely within the European area, the end objective being the harmonious and sustainable integrated economic, social and cultural development of the country, the different regions and urban agglomerations*”. In this sense, this law defines the spatial planning and urbanism policy framework, as well as the land management instruments which enable it to be realised, and regulates the relations between the different levels of the Public Administration and their relations with the general population, as well as with the representatives of the different economic and social interests.

Planning must be a guarantor of the fundamental principles of the Law, namely the principle of justice (which can, in turn, be broken down into principles of equality and equity (Amaral, 1993; Correia, 1993). Investment has to be channelled into creating the conditions which favour a more active, effective and efficient role from the Public Administration in the planning, use and transformation of land, guaranteeing more justice, and fostering higher urban and regional sustainability, and providing better living conditions.

The concept of territorial space (national, regional and local) to which the norms and guidelines of Planning apply, is strongly linked to the historical context and to the specific society, namely as concerns its production and consumption methods: space is confused with what is going on it, and incorporates the anxieties, values and behaviours of those active in it (Cardoso, 1996). The essence of the Planning content is not normative impositions, but rather the specific conditions of the area to be planned. The implementation of all decisions (global and/or sectorial) implies their translation to the area, which must therefore perform integrationist roles (Lopes, 1979).

In a market economy, Planning decisions have an increasing impact on defining, orientating and monitoring the development of the local real estate market, and daily living, working, education and leisure conditions (Adams, 1994). To manage the increasing economic and social complexity, it is crucial that concrete strategies promote social and economic local development in a sustainable manner, towards global development and promoting improved quality of life for the population, encouraging their participation in shaping and implementing policies.

The implementation of spatial planning and urbanism policy is based on a system of territorial management, which is organised in an articulated and coordinated manner in three levels (Law n^o 48/98, of 11th August):

- On the national level the strategic framework for national spatial planning is defined, setting up guidelines for regional and municipal spatial planning, and supervising and making the different sectorial policy instruments whose scope falls within the same area compatible, implementing, wherever necessary, special nature instruments.
- On the regional level, through setting up the strategic framework for regional spatial planning in a manner that meets up with national economic and social development policies, drafting guidelines for municipal spatial planning.
- On the municipal level, defining in an articulated and coordinated manner vis-à-vis national and regional directives the strategic development options themselves, as well as the land use rules and respective programming.

The land management system guarantees integrated, harmonious and coherent coordination of these three planning and management levels through land management instruments. These instruments are, namely, and in accordance with the roles they perform, the following (Law n^o 48/98, of 11th August):

- Territorial strategic development instruments, which mirror the major options in terms of land organisation, and define generic guidelines, as concerns its use,

incorporating the reference framework in whose scope the spatial planning instruments are developed.

- Regulatory land planning instruments which establish the ways of land use, through defining human occupation models, organisation of urban systems and networks, their respective development and define parameters for harnessing and suitable use of the land.
- Sectorial policy instruments, through which special nature economic and social development policies are programmed and put into place.
- Special nature instruments, through which ways of supplementary government intervention are laid out, so as to guarantee objectives of national interest are pursued on a spatial level, or safeguarding the fundamental principles of spatial planning.

The territorial development instruments are (Law 48/98, of 11th August):

- The national spatial planning policy programme
- The regional spatial planning policy programmes
- The intermunicipal spatial planning policy programmes

The national spatial planning policy programme transposes a spatial organisation model to the urban system, networks, facilities and infrastructures and to agricultural, environmental and patrimonial areas of national interest.

The regional spatial planning policy programmes, given the national scope directives and the demographic evolution as well as economic, social and cultural development perspectives, define the guidelines on a regional spatial planning level, setting up infrastructure and transport networks, and sketching the reference framework in which municipal spatial planning plans will be drafted, accompanied by representative illustrations of the territorial model they suggest.

The intermunicipal spatial planning policy programmes, in turn, although facultative in nature, seek to join and strategically coordinate different territorial areas that show close interdependence (which is what occurs in metropolitan areas).

Municipal spatial planning plans are territorial planning instruments, and comprise:

- A Municipal Direction Plan, which establishes the spatial structure, the base land classification, and the occupation parameters, looking at the location of social facilities, and qualify land into urban, urbanisable and rural, in accordance with the local development strategy.

- An Urbanisation Plan that undertakes the qualification of urban area land in a more detailed manner.
- A Detail Plan that defines the use of any delimited municipal area in a very detailed way.

Sectorial policy instruments are made up of plans drafted by the different central administration sectors that have a responsibility over a certain area. This is the case, for example, with plans in the areas of education and training, health, energy and geological resources, culture, housing, tourism, agriculture, trade, industry, forests and the environment.

The special spatial planning plans are special nature instruments.

Strategic Planning and Management

In real terms, the strategic planning process adopted in drafting plans (Lobo et.al., 1990) consists of the following phases:

- Identifying conflicting situations, which need to be solved and avoided, as these questions are grouped by area and hierarchy around their specificity or generalness, as well as their critical importance (technical and political), not only in accordance with the conditions of planning and management, but also evaluating synergy effects with which they can be linked up, involving them in systemic analysis.
- Formulating objectives to be met – these are to be hierarchically organised in accordance with their generalness or specificity, in accordance with the respective decision areas, and the local and regional priorities having been set up by politicians and/or technical staff. It is from the general nature political objectives that operational objectives are set.
- Defining different alternatives (policies, measures, decisions, actions and instruments that support them, their formulation and evaluation, and decision making processes) and selecting the best ones. Evaluation is based on comparing predictable scenarios, focussing on the trend scenario (which consists of the reference situation, and which corresponds to a passive and non interventionist attitude), the implicit scenario (which is the result of implementing plans and projects without questioning their validity), contrasting scenarios (i.e. scenarios not showing trends, carried out generally, meaning identifying synergies and/or incompatibilities between underlying objectives), coming up with one or more strategies for each scenario (including formulating policies, measures and actions for them, and assessing synergies and compatibilities between measures and actions with a technical and political scope), and evaluating the desired reach of sectorial and

global objectives of each strategy pertaining to the scenario pursued (evaluation of the alternatives is carried out in cost-benefit terms, based on comparing the trend scenario with each of the contrasted scenarios).

- Mobilising means and programming their use, namely through identifying agents to be involved, delimiting the fields of action for initiatives and respectively making them compatible.
- Listening, participation, negotiation and monitoring.

The most recent planning methodologies (Lobo et. al, 1990) approach the problem in a systemic way, in the scope of inter-sectorial relations. The three following stages are used: formulating objectives and identifying the ways they can be reached, evaluating alternatives and identifying the path to follow and the means to be mobilised, promoting solutions and rules, negotiating with non-public agents as far as their participation in the decision processes is concerned. In this way, the following aspects take on particular relevance (Lobo et. al, 1990):

- Organisation of information (collection, processing, updating, structuring, as well as identifying indicators which are necessary for monitoring and management processes, making them flexible and quickly and easily accessible for possible users.
- permanent evaluation and selection processes – encouraging in operational terms answering all the most important questions, reducing the margin of uncertainty and risk, and avoiding rigid commitments before the right time for these.
- Monitoring, which consists of critically evaluating the planning process, identifying how much pre-defined objectives have been attained, and implementing the selected strategies, safeguarding information for deferred decisions.
- Implementing collegial decisions, enabling a plurality of interests to be incorporated into the plans and contributions to implementation methods, without delaying the decision-making processes. Guaranteeing coordination, so as to ensure coherence and articulation in measure and actions taken by different sectors and hierarchical levels, ensuring the efficacy of the planning process.
- Communicating and publishing analyses, proposals and options for the general public, so as to keep them informed, committed and participating in making decisions, as well as in implementing the plan.

By means of supporting these methodologies, the application of the Geographic Information Systems to planning and land management enables support in defining, implementing, as well as in monitoring and checking the following types of activities (Alves, 2002):

- Drafting spatial planning and land use Plans .
- Spatially located characteristics studies, in terms of population, land use, location of economic activities and resources.

- Evaluation of Plans, their respective monitoring and follow-up.
- Modelling phenomena that occur spatially and with high significance and spatial incidence.
- Simulating alternative intervention policies in the areas of land, planning and management.

Immigrants and ethnic minorities

The research project “Urban Planning for Immigrants’ Integration” is part of recent research work into the urban sustainability of immigrants and ethnic minorities as far as their importance to political and planning systems is concerned (Garbaye, 2002; Myers, 1999; Larner, 1998; Ellis, 2001), relations between immigrants and ethnic minorities and employment conditions (Pecoud, 2002; Stoll et al., 2002; Fieldhouse, 1999), and the ways of ownership, and dwelling and neighbourhood characteristics of immigrant and ethnic minority housing (Wyly et al., 2001; Rosebaum et al., 1999; Peach, 1998; Li, 1998; Cameron, 2000).

Sociological integration and participation of ethnic minorities is based on a complex concept of inter-relations between the central and local authorities in each country, local political parties, as well as the municipal styles of governance that are specific to each town and city (Garbaye 2002). These three elements meet in different ways in different countries, which leads to specific political environments in which the definition and implementation of policies concerning immigrants and ethnic minorities must be applied.

The social and economic integration of immigrants and ethnic minorities is currently seen as a guiding value of Urban Planning. The needs of these population groups have been harmonised in different ways by planning systems, within different political and institutional frameworks (Myers, 1999), and in accordance with the contingency conditions of each town or city. The racial diversity of citizens is incorporated into the different levels of Planning through defining methodologies which take into account the race, ethnic and language differences, setting up the way political powers and their executing bodies deal with immigrants, and implementing procedures referring to promoting their involvement in implementing policies (Qadeer, 1997). Towns and cities are, in fact and increasingly more so, multicultural centres in which different population groups carry out their activities and express their specific cultural traits.

Immigrants and ethnic minorities frequently require a series of community services, housing facilities, and certain neighbourhood characteristics (Myers, 1999). In this respect, Urban Planning policies and interventions can be analysed in terms of their contribu-

tion to the economic, social, cultural and religious integration of immigrants and ethnic minorities, encouraging the emergence of multiracial communities (Qadeer, M, 1997; Gans, 1961).

The environment in which people live is essential for their personal and professional performance. Communication networks founded in residential areas are a potential way for the progressive integration of different ethnic communities (Kleit, 2001; Goering et al., 1995; Wellman, 1988; Gould and Turner, 1997), and individuals’ integration in a broader urban whole (Wellman, 1988), and are partly responsible for the economic and social opportunities for these people (Kleit, 2001; Goering et al., 1995).

The geography of opportunities varies spatially (Galster and Killen, 1995), and social and professional status (Alba e Logan, 1992) (“social attainment” and “professional attainment”) is heavily inter-related with residential location and neighbourhood characteristics (Ellen and Turner, 1997; Rosebaum, 1991), expressed as a consequence of the network of social relations established there and re-orientating these relations and respective characteristics. These are the social, economic, cultural and religious ties that create opportunities for different individuals and groups (Galster and Killen, 1995; Kleit, 2001; Goering et al, 1995; Briggs, 1998, Wellman, 1988).

According to research in the field of professional attainment, the “geography of opportunities” (which is translated in the social status, professional success and the rank reached in the job market) is heavily determined by location and housing characteristics (Alba and Logan, 1992; Galster and Killen, 1995; Ellen and Turner, 1997; Rosebaum, 1991). Social links that are translated in the setting up of networks in terms of housing location, as well as the characteristics of the residential environment enable individuals to be integrated into a larger urban whole (Wellman, 1988), and influence their values and preferences (Galster and Killen, 1995), helping to bring about perceptions which lead to taking the emerging social and economic opportunities (Kleit, 2001; Goering et al., 1995; Briggs, 1998). It is social links that influence choices, attitudes, behaviours and individual fulfilment (Briggs, 1998), and it is at the local urban economy level that opportunities emerge for immigrants and ethnic minorities.

On the sociological level, neighbourhood characteristics and their changes (Galster, 1987) can influence expectations for the community’s future, as well as for individual and family mobility (Ellen et. al., 2001). They can also have an effect of discriminating between different groups of individuals and families (Ondrich et al., 1998, 2001; Galster, 1990; Page, 1995; Roychoudhury and Goodman, 1996; Yinger, 1986, 1991, 1995).

In fact, the urban areas offers and must be understood as including a complex network of inter-relations and existences (Rebelo, 2003): each area, as well as its specific geographic location – absolute space (which refers to a certain area of land and the structures in it) – show relative space characteristics (linked to time-space movements and the characteristics of the movements of people, services and goods), and relational space (which encompasses the entire network of relationships forged daily by individuals in their interaction with the environment around them, the past and present temporal context and through the expectations they have in relation to the future, and which is translated in a great complexity of relationships between people, neighbourhoods, homes, work, leisure and free time) (Harvey, 1992).

Furthermore, areas of production, reproduction and circulation assume great importance in the structuring, operation and quality of the urban environment (Scott, 1980). Thus, while the production area is translated in the use of land by different types of activities, there is a very strong direct relationship between the physical qualities of the urban environment and the functional efficacy of the work force, which mirrors the importance of the reproduction area. The physical attributes of the urban environment are learnt and appropriated by individuals in a context of residential neighbourhood that is specific and socially uniform, strongly influencing the make-up of the work force. Urban neighbours thus function as a nucleus of socialisation and reproduction in three respects: firstly, they contribute to the process of socialisation and functional integration of children; secondly, they facilitate the development of active social and ideological relationship networks among groups of individuals with similar life experiences and expectations; and lastly they signal and partially determine a certain social “*status*”. The modern city is characterised by these two types of distinct yet complementary spaces (the production area and reproduction area) showing their own characteristics and functional relationships, consolidated as a coherent geographic whole through the circulation area, which is controlled by the authorities (through planning processes), the majority of urban transports and facilities being financed by public funds. The main function of the urban transport system is to connect the production and reproduction areas, having a powerful differential impact on various social interests in the town or city.

Objectives, development and conclusions

The main objectives of the “Urban Planning for Immigrants’ Integration” research project were:

- Outlining the current situation of immigrants and ethnic minorities in the Porto Metropolitan Area, concerning their professional and employment characteristics,

housing characteristics, and spatial comparative residential and employment location, looking at each of the most representative population groups of foreigners in the Porto Metropolitan Area (from the European Union, African countries with Portuguese as the official language, Brazil, Eastern countries and other foreign countries), and by comparing them with the equivalent situations of Portuguese people for the same area.

- To analyse the development of the professional, housing and job and residence location situation of immigrants in the Porto Metropolitan Area, by comparing them with the equivalent situations of Portuguese people, and analysing the evolution of each foreign population group.
- To set up an urbanistic management information system with complete and up-to-date information on different professional and housing variables and concerning the location of immigrants’ housing and jobs, by country of origin and by parish in the Porto Metropolitan Area. Systemisation of information referring to the different variables in maps, and developing a cartographic interface for its representation.
- To analyse the social, economic and geographical stratification of immigrants, in accordance with the country of origin.
- Developing an explicative classificatory model for the location of immigrants’ housing and jobs, in accordance with their respective origin.
- Developing a “score board” of housing and employment variables so as to allow gaps to be detected among the various groups of immigrants, and between the various territorial areas (communes and parishes), for each of the variables being studied.
- Simulating residential and/or employment location scenarios, through manipulating the model, so as to gain guiding indicators for public authorities in the process of formulating concrete urban policies.

Attaining these objectives relies on the systemisation of information and maintaining it updated, identifying diversions, and implementing simulation processes, which enable political, economic and social decision processes to be supported, especially in terms of planning and local authorities. A series of tools for analysing and supporting decisions has been developed, which can be permanently “fed” with updated information or new information, allowing real-time monitoring of a large quantity of variables referring to immigrants, comparing them to the Portuguese and themselves, as well as local-level guidelines (parish) which more fundamentally support policies for access to equal opportunities and improving the quality of life of all citizens.

The conception and implementation of this project was thus carried out based on the following steps:

1. Setting up an information management system for the Porto Metropolitan Area (consisting of different databases).
2. Defining different variables (housing characteristics and location and respective neighbourhoods, and the characteristics and location of jobs).
3. Visualising, using geographical information systems, the values of the different variables.
4. A comparative study of the different variables in the sphere of parishes and/or communes, and various population groups, thus enabling gaps to be identified, either on a population level or a regional level, which draw attention to the need to intervene and implement policy initiatives and actions aimed at allowing equal opportunities for all population groups residing in the Porto Metropolitan Area.
5. Setting up hierarchical classificatory trees that enable, given the current framework of recorded real variable values, and their evolution, each new individual who comes to reside in the Porto Metropolitan Area to be classified. Trees have been defined on the commune and parish level for residential location, given the characteristics of new immigrants, and for the probable location of their respective jobs given these (preferential) characteristics and the area of residence.
6. Developing equivalent models in neuronal networks, which despite being based on the same reasoning and methodology as the hierarchical classificatory trees show, are more flexible and versatile as, due to the learning system, adapt well not only to updating information but also to the inputting of new information (new variables), translating the surrounding reality better, as it is in constant mutation (in economic, social, cultural and religious etc. terms).
7. Manipulating relative weightings (costs associated with classification errors) in neuronal networks, so as to meet certain housing and employment location objectives on a territorial level (concerning the current or foreseeable real housing and employment situation at municipal and parish level). Applying the model to the other side of the coin, allowing input data to be established (number of people and/or respective housing and/or professional characteristics), which enable these objectives to be met.
8. Decision making by municipal and/or local authorities with regard to motivating/attracting or discouraging/removing certain population groups and/or individuals from certain parishes/communes.
9. Conclusions, recommendations and research to be conducted in the future.

These are the conclusions obtained, as far as the role of Urban Planning as a way of integrating immigrants is concerned:

- The Planning processes on their different levels (national, regional, metropolitan and urban) have, for the Porto Metropolitan Area, orientated an immigration characterised by good professional and educational levels (which in the medium term make it possible for immigrants to reach high professional and social “status”).
- The principles of spatial and urbanism policy established by law have been applied indiscriminately to the entire population of the Porto Metropolitan Area. However, a population group with a clear disadvantage compared with others has been identified and, which, for this reason, requires more monitoring from municipal public authorities: immigrants from eastern countries (who are in a considerably marginalized situation both on the job market and in housing conditions).
- The sectorial character plans have also shown in the application respect for all citizens, regardless of their country of origin, as it is also important to mention their role in promoting equality in treating all citizens and guaranteeing access to equal opportunities.
- Normative and indicative Planning processes have tended to guide immigrants to the larger population centres of each commune, thus enabling them to profit better from conditions of urban concentration and synergies which stem from easier access to infrastructures and facilities.
- However, it is important to point out that for both the territorial nature plans and sectorial ones, the phase corresponding to public hearing and participation does not seem to arouse interest among and sufficiently impact on foreigners, thus being one of the aspects that needs future improvement.
- Not all the Municipal Direction Plans from the communes making up the Porto Metropolitan Area have been equally efficient in terms of attracting foreign populations.
- The multiculturalism model, intrinsic to Portuguese cultural legacy, has allowed quick and easy integration of immigrants in our reality, not only for those coming from Portuguese-speaking countries but also those coming from other countries. In average terms, there is no more discrimination in access to housing and employment, although immigrants’ tendency to opt for more territorially concentrated residential locations (in terms of certain parishes) than there is for the Portuguese. This can be seen in the classificatory study of geographical, economical and social (professional and housing) stratification in accordance with country of origin conducted in this project.
- The recent standards of qualifications and comfort that most of the most recent immigrants are used to have guided us not only towards higher status jobs (as their high participation in the tertiary sector proves) but also in access to newer

and higher quality housing. However, given immigrants' characteristics and the foreseeable timeframes they will stay in Portugal, the ways of buying and renting a house have been shown on average to be less favourable for immigrants than Portuguese people. In this respect, it is important that legislative measures and policies on their different levels be adapted to alleviate the greater effort that these individuals have to make.

- Through databases, models and "score boards" that have been conceived and developed, it has become possible to not only identify general situations of different population groups' unequal access to opportunities, but also to see regional differences (within the Metropolitan Area itself) which need to be overcome, also allowing situations to be identified that deserve more focussed and concrete attention. The use, on a strategic level, of the proposed integrated and interactive model enables concrete urban policies to be simulated, and viability studies, through applying models and orientating them towards the aimed objectives for these policies, using cartographic supports in their respective spatial visualisation.
- Basic needs are practically satisfied throughout the territorial area studied, with the exception of some sporadic situations where intervention is necessary, regardless of being Portuguese or foreigners (for example in terms of the provision of electricity, access to mains water, toilet facilities and bath and shower facilities).
- The study carried out enables us to also draw attention to the living conditions of many Portuguese people which, in a planning and urbanistic management framework, will have to be improved, also with regard to ensuring access to equal situations and a good quality of life for all citizens.

The aim was, by identifying, organising and structuring information and organising it and systematically analysing it, to contribute strategically to detecting trends on a professional and housing level, and to improve Planning and Urbanistic management processes in such a relevant issue as the integration of Immigrants and Ethnic Minorities.

Thus, in the phase after the project and on the more operational level, it will be important to conduct a detailed analysis of the Municipal Direction Plans, Urbanisation Plans and Detail Plans, as well as of the intermunicipal and sectorial Plans applicable to the Porto Metropolitan Area. It would also be interesting to extend the analysis and this detailed study to the entire national territory.

Consequently, it will be necessary to implement closer monitoring processes for concrete situations, both on a territorial and sectorial level, with regard to globally ensuring the implementation of the most suitable political action measures for promoting equal opportunities and obtaining high quality of life level for all citizens at metropolitan, municipal and sectorial level.

3.19. *Media, Immigration and Ethnic Minorities: II - 2004* **Isabel Ferin Cunha, Clara Almeida Santos** **Collaboration from Catarina Valdigem and Willy S. Filho**

Authors: Isabel Ferin Cunha, Clara Almeida Santos. Collaboration from Catarina Valdigem and Willy S. Filho

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Summary

The starting point for this study was the hypothesis of confirming data on the Media, Immigration and Ethnic Minorities collected in studies looking at the attitudes and behaviour of the Portuguese towards immigrants and minorities. The conclusions of this work do not allow confirmation to be made of the observations from these studies, although the Brazilian community is the biggest and most implicated in Prostitution (does the joy that people say is a characteristic of the Brazilian community trickle down to this emotional field?); Eastern citizens are very linked to work (which certainly goes hand in hand with data from other studies) and to Crime also and African immigrants and their children, the 2nd Generation are proportionately badly represented in relation to their real numbers (which could be interpreted differently, one way being that journalists have difficulty in broaching this issue).

Although studies on the attitudes and behaviour of the Portuguese towards other communities, namely the Chinese and Islamic communities, is not available, this study states their rising visibility in the Media, the former being very closely bound to commercial activities, which give them a special nature in immigration and the latter to religious practices.

The presentation of the conclusions has begun with some general scope observations pertaining to this Work Instrument which looked at the year of 2004, but which presents

a comparison of data referring to two years of press and television analysis, to a respective total of 3,329 press pieces and 543 television ones.

The first observation is related to the political and social context of the two years analysed, as it is clear that these factors not being analysed, namely the governmental crises seen in 2004, were mirrored in the Media's agenda. A second observation is linked to the efforts made by the PSD/CDS/PP coalition government, especially by the minister of the presidency Morais Sarmiento, in terms of agreeing on self-regulation strategies, means of action and conduct in certain controversial topics on public access channels. Let us also point out the agreements made between Justice and the Media at the end of 2003, which laid out special conditions for dealing with socially sensitive issues.

The third comment points out that regardless of the most recorded topic on Immigration and Ethnic Minorities still being Crime, there have been changes in the context and presentation. I.e. pieces that deal with immigration and ethnic minorities in this perspective, both in the press and on television, tend to do so in a neutral tone, using a factual narrative and assertive argumentation, often presenting immigrants and minorities as victims. Furthermore, and in keeping with the pre-mentioned studies, in 2004 a greater tendency to deal with crime among immigrants and minorities has been noted, more in a vein of social exclusion than policing. At the same time, the significant increase in pieces dealing with the issue of Integration must be pointed out, namely from a cultural and religious perspective, which may characterise both more awareness among Media actors to these issues, as well as a certain degree of institutional and governmental intervention towards actors and sources.

The conclusions follow, cross-checking the results already obtained from the press and television (2003-2004) and keeping the categories of Form (Production), Content (Agenda) and presentation (Image).

Conclusions as to Form/Production

These conclusions deal with the Form variables but actually characterise news production in the press and on television. This characterisation becomes more visible when one then compares the two media over the observation years.

In the press from 2003 to 2004, an increase of 16.4 percent in the number of pieces was recorded, while on television – this statistic could not be obtained during the first year as only nine months were analysed – a decrease in average recordings was noted throughout

the year. However, the high number of pieces recorded in the two media in January 2004 must be pointed out.

In this last year, broadsheet newspapers gave this subject, in general terms, a page, while tabloids maintained an average of 1 or 2 paragraphs.

On television two parallel trends were seen: on the one hand, the average time of pieces dropped to under 1'45'', on the other hand the number of long pieces (over 2'45'') increased, making up more than 25 percent of the total pieces shown over the two years.

In newspapers, the majority of pieces fall, in the two years under analysis, in the Society section and belong to the news type. However, it should be pointed out that in the case of broadsheet newspapers, and in the weeklies *Expresso* and *Independente*, there has been a significant amount of special-report type pieces over the last year. On television, recorded pieces on this issue rarely open the television news and are mainly special reports, despite the OFF modality having seen an increase in 2004. This is of note, although streets and public places are the most frequent backdrops.

3.20. Foreign Inmates in Portugal - Shores/Props of a Problematization **Hugo Martinez de Seabra and Tiago Santos**

Author: Hugo Martinez de Seabra and Tiago Santos

Title: Reclusos Estrangeiros em Portugal. Esteios de uma problematização

Publisher: ACIME

Place: Lisbon

Title Series: Immigration Observatory

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http://www.oi.acime.gov.pt/docs/Estudos%2001/Estudo_OI_20.pdf

Summary

Following the study *Foreigners' Criminality in Portugal: A Scientific Survey*, in this work the authors look at the so-called top of the criminality pyramid i.e. the reality of foreign inmates in Portugal. In this sense, the official statistics of the Directorate General for Prison Services over the ten-year period 1994-2003 were analysed, with special focus given to this last year.

Between 1994 and 2003, the number of foreigners incarcerated in the Portuguese prison system went from 991 to 2145. This 116% increase is higher than that of the inmate population in general, therefore resulting in an increase in the proportion of foreigners in this sphere from 9.6% in 1994 to 15.7% in 2003.

The evolution of the foreign population with legal residence in Portugal was 176% over the same period, according to official data. It is pejorative to think of resident foreigners as a recruitment base for foreigners serving prison sentences. However, it is interesting to note that the increase in foreign inmates seen has been slower than that of the legally resident foreign population.

The nationalities with the most migratory history in the Portuguese context, namely the PALOPs and Brazil, are the most represented in the prison system over the 10 years under analysis. In addition, the presence of Spanish citizens among the most frequent

nationalities demonstrates that the above-mentioned evolution cannot be seen as being exclusively the result of immigration movements.

Framing the Portuguese situation in the European Union context, we see that in September 2003, the weighting of foreigners in the Portuguese prison system was, according to the Council of Europe, the fourth lowest of the EU15 and the tenth lowest of the EU25. Looking at this comparison through introducing the weighting of the foreign population on the total population of each country in this ratio, Portugal becomes the fourth EU25 country with the lowest overrepresentation of foreigners in the prison system when compared with the weighting of foreigners in the resident population.

In the 2003 analysis we have seen major discrepancies, possibly showing differing treatments for Portuguese and foreigners concerning prison regimes, namely in the rare application of open prison for foreigners and also in the rare application of electronic surveillance.

Furthermore, on the analysis of inmates released in 2003, we have seen, similarly to the observations of the study pertaining to the judicial system, more frequent incorrect use of preventative custody on foreigners, resulting in numerous releases through posterior application of non-custodial measures, acquittals or non-custodial sentences.

Lastly, reflection on the question of disparity between the proportion of foreigners in Portugal and the Portuguese prison system has led us to a plurality of alternative scenarios, none of which is “true” but all are more correct than taking two percentages without thinking about what conditions are produced and what they really mean. We therefore conclude that the simplicity with which it is usual to compare foreigners in prison with foreigners in the population is one of the proverbial images that tell a lie.

3.21. *Immigrants and the Portuguese Population. Reciprocal Images* **Mário Lages, Verónica Policarpo, José Carlos Marques, Paulo Matos, João António**

Author: Mário Lages, Verónica Policarpo, José Carlos Marques, Paulo Matos, João António
Title: *Os Imigrantes e a População Portuguesa. Imagens Recíprocas.*
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Place: Lisbon
Title Series: Immigration Observatory
Year: 2006
Pages: 412 pp.
ISBN: 989-8000-20-1

Abstract

The project “Immigrants and the Portuguese Population, Reciprocal Images” attempts to detect the ideas and images that the Portuguese and immigrant population have of each other in various aspects of their lives.

Summary

General framework of the project

1. This project follows another conducted by ACIME in 2002 by some of the team members, with a view to finding out more about some of its results and understanding the changes seen in the meantime in the situation of immigrants and in the attitudes of the Portuguese towards them, showing what perspectives for insertion into Portuguese society are offered to them, namely in terms of their effective working, family and cultural relationships and establishing the confrontation of the respective representations and values.
2. As the 2002 project was based on two polls, one of the Portuguese population and another of the immigrant population, the general methodology has been kept for this one with improvements to information collection from immigrants.

Objectives and theoretical references

3. The objectives of this research, as far as the poll of the Portuguese is concerned, consisted essentially of characterising the representations and attitudes of the Portuguese

vis-à-vis the immigrant population, concerning their number, their social integration, their working relationships, civic rights and the economic, social and cultural impacts that their presence has on the communities studied and Portuguese society in general.

4. As for the immigrant poll, the first objective was to detect their attitudes towards the host society namely as concerns their perception of discrimination and their inclusion in the host societies, the second was to characterise immigrant populations in terms of their socio-demographic profile, their migratory trajectory, support networks and plans for family regroupment.

5. The fundamental theoretical and methodological references for conducting this work are the two academic areas of sociology and social psychology as we are dealing with characterising global phenomena from a perspective of concrete social interactions. In this way, the research was conducted so as to obtain the opinions and attitudes of immigrants towards Portuguese and the latter's' concerning immigrants, trying to understand what variables have an influence on, or in shaping, the formation of attitudes and the objective conditions for their emergence.

6. In the conception of the work, not only the studies that have been produced on this topic were taken into account but also the concepts and methodologies that various researchers have put forward, with a view to understanding the phenomena in question within what has become deemed to be theoretically relevant.

Methodology

7. Just as in the 2003 study, a specific questionnaire was used for each of the populations studied, with some identical questions in both questionnaires, so as to compare the respective opinions and attitudes.

8. It was considered crucial to obtain representative samples of each of the populations surveyed so as to extrapolate the data obtained and analyse the circumstances and causes behind the formation of attitudes in detail.

9. Bearing in mind the fact that situations and attitudes can be very different in small villages or big cities, 5 clusters in terms of the number of foreigners and other social and cultural characteristics were defined. Each cluster contributed proportionally to the sample with its mainland population weighting.

10. The surveys were conducted in 46 parishes on the mainland, randomly chosen within the respective cluster. In each of them surveys were taken of the Portuguese population and the foreign population, so that both, based on the concrete cases known to them or experienced by them, could easily overcome entrenched ideas on, respectively, immigrants and the Portuguese.

11. In the Portuguese population sample, 1539 people were surveyed, chosen randomly. In the sample of the immigrant population, valid replies were obtained from 1454 people,

who were chosen randomly when the number of immigrants surpassed the intended sample in the parish.

12. Particular attention was given to drafting the survey instruments, based on the experience gained from the 2002 edition, namely going into more detail in some topics. The immigrant population surveys were delivered in Portuguese, English or Russian, according to which language was most easily understood.

13. The poll of the Portuguese was conducted between the 15th May and the 20th June 2004 and the immigrant one between the 15th May and the 27th June 2004.

Demographic framework

14. If since the XVI century, naval expansion contributed significantly to migrations away from the country, and during the XX century considerable Portuguese communities were set up, namely in South America, it was only in the second half of the XX century that emigration to Europe significantly impoverished some areas of the country in terms of work force.

15. From 2000 on, there has been a sudden and unexpected change in the migratory landscape in Portugal. After the consolidation of European immigration and/or immigration from Countries with Portuguese as their Official Language, Portugal began to attract economic or employment immigrants from many sources, including countries with which Portugal had no privileged ties.

16. The Authorisations to Stay conferred under Decree Law 4/2001 of 10th January enabled the changes to immigration in Portugal to be confirmed and, simultaneously, witness the emergence of immigrant communities that had previously had little significance from a quantitative point of view. For the first time, Ukrainian, Romanian, Moldavian or Russian immigrants top the list of immigration statistics in Portugal. In the space of one year (2001) and under article 55 of Decree Law 4/2001, 126,901 Authorisations to Stay were given to foreign workers who were in the country illegally.

17. In terms of the age structure of foreigners in 2001, their difference to the Portuguese population is marked in two ways: if, in 2001, 16.7% of Portuguese were elderly, this figure was only 4.9% in the immigrant population. In this respect, potentially active foreigners hit 81.2% while for Portuguese residents it was 67.3%.

18. Within the foreign communities there were nevertheless marked differences in the age structure. Generally speaking, the most imbalanced male groups – particularly those from the East and Asians – are also the ones that have the highest active population percentage (91 and 82% respectively), which is understandable given the relatively recent nature of this immigration, with low expectations of staying definitively and of family reunion.

19. In the recent history of immigration to Portugal, the strong attraction to the district of Lisbon is mentioned where in 2001 and 2003 it encompassed half of all the immigrants,

but also the districts of Faro, Setúbal and Porto, although the latter has gradually lost its importance.

20. Foreigners are increasingly more concentrated. In 1991 the national average (1.3%) was surpassed by six districts. Both in 2001 and in 2003, only Faro, Lisbon and Setúbal exceeded it. Thus immigrants tend to settle preferentially in the Centre and South districts, particularly on the coastal area of the Centre, while they are more moderately represented in the North and the North Interior.

21. Generally speaking, the excessive concentration of Africans in the Lisbon and Setúbal districts contrasts with a relatively widespread dissemination of the remaining foreigners throughout the entire Portuguese territory. The districts of the North Interior showed high quantities of immigrants from the East and Americas in 2003, a reality due largely to the ease with which they integrate in the different activities in the tertiary sector and agriculture in the most peripheral and ageing regions. Thus, and although these groups together exceed 75% of the total in Santarém and Leiria, their presence was very significant in all the districts of the interior, particularly in Viseu (77.3%), Castelo Branco (73.4%) and Vila Real (69.4%).

Characterisation of the surveyed immigrant population

22. Most of those surveyed (40.1%) come from one of the African countries with Portuguese as the official language (PALOP), especially Angola and Cape Verde, followed by Brazilian nationals (25.9%) and the group of nationals from different Eastern European countries (19.9%). The remaining respondents are of different nationalities, none of which with figures over 5%.

The PALOPs population, as a result of being in the country longer, show a sexual and age make up that is more balanced than the Eastern European and Brazilian populations. While the first group had already been in Portugal for more than two decades, the second only started to have a visible presence in Portuguese society from the end of the XX century and the beginning of the XXI century.

23. The motives for choosing Portugal as a migratory destination that each of the migrant groups gave provide confirmation that we are faced with groups with different migratory histories. 45.5% of PALOPs nationals stated that they were born in Portugal, came as a child or adolescent, or came to join their family that had immigrated. The same references were given by 20.7% of Brazilians and by 10.5% of Eastern European nationals. These two groups, as well as the other two nationality groups, more often gave economic and/or professional reasons for deciding to come to Portugal.

24. Immigrants' position in labour markets in their countries of origin shows that the surveyed population shows some diversity in situations. In general terms, four main population groups can be distinguished. The first, comprising individuals who worked

in high-level professions or were mid-management before starting the migratory process (18.9%). The second, consisting of intermediate level professionals (34.6%) The third, comprising non-specialised professionals (20.8%) Lastly, a last group of individuals who were inactive, especially students, in their countries of origin (25.9%).

25. As expected, immigrants' educational differences are reflected in the professions in which they worked in their countries of origin, showing that those with university education tend to occupy more qualified professions. But the correspondence between level of education and profession disappears when immigrants join the Portuguese job market.

26. Immigrants' diversity of professional profiles in their countries of origin drops drastically when one considers the profession they have in Portugal. In this case, the group of specialised workers and the group of non-specialised workers encompass more than 60% of immigrants and 77.1% of the active population. The remaining active immigrants are for the most part unemployed (10.7% of the active population), or work in a high-level profession. This occupational structure is, with minor variations, common to all the nationality groups that have been studied. One of these variations is formed by the weighting that high-level professions have in the case of Brazilians, compared with other nationality groups.

27. The longer time that PALOPs immigrants spend in Portugal does not equate to more success in this group joining the Portuguese job market (measured in this case by incomes received). Indeed, PALOPs nationals are – along with the more recent groups of immigrants – more likely to be among the lowest family income brackets (up to 600). Brazilian immigrants, for their part, show the most differing situations, combining a significant proportion of respondents with family incomes below 600 with a higher percentage of respondents with average (between 600 and 1499) or high (over 1500) incomes. In terms of average incomes, it can be seen that PALOPs immigrants have the lowest incomes (713), followed by Eastern European immigrants (776) and, a considerable way in front, Brazilians (1008). Comparing these figures to the average Portuguese income (1131), it is clear that the Brazilians are closest to this amount, while PALOPs nationals are furthest from it.

28. In addition to the differences presented in working conditions, disparities in the way the different nationality groups are treated by employers can be seen. This is particularly visible in questions pertaining to the late payment of wages. Eastern European immigrants are hit hardest by bosses not fulfilling their obligations: 17.1%, versus 8.6% or 8.7% for PALOPs immigrants and Brazilians respectively. As well as this, Eastern immigrants, and Brazilians, have higher debt levels. In the case of the Brazilians, the hardest hit are those who came to the country after 1998 (87.3%).

29. According to the data collected, roughly half (51.6%) of immigrants have already received help from someone since they arrived in Portugal. Brazilians and Eastern

Europeans are those who say the most that they have received aid since they arrived in Portugal. PALOPs nationals, for their part, are the ones who go to other people for help.

30. Support for immigrants comes from networks of connections above all, consisting of relatives, friends and acquaintances. In total, 87.3% of respondents mentioned these two sources of help. Here it is above all relatives and/or friends who belong to the same national community (65.3%) and, to a lesser degree, Portuguese (22.0%). Immigrant Associations and different organisations (solidarity, religious and State) are only scantily referred to as a source of support by respondents (4.6% in all).

31. Analysing this overall data by nationality group enables us to see an important difference in the various sources of support from the different nationality groups. While the family emerges as the first support unit for PALOPs nationals, for Brazilian and Eastern European nationals support comes mainly from friends and acquaintances, either from the immigrant's country of origin or from the Portuguese. For all migrant groups, informal types of solidarity (from relatives, friends and acquaintances) are the main source of support.

32. The high level of interaction between Portuguese and immigrants is backed up by the high percentage of immigrants who say they have Portuguese friends (87.0%). PALOPs immigrants refer to such a situation the most (89.0%), followed by Eastern European nationals (87.7%) and Brazilians (87.0%), the differences not being considerable. Given that these percentages are considerably higher than those who say they have Portuguese relatives (37.3%), it has to be said that a substantial part of immigrants' social relationships take place outside the family framework.

33. The nationality groups under examination give a varying significance to the differing integration conditions. Eastern European immigrants, certainly due to their initial lack of knowledge of the language, consider developing their linguistic skills as being the most important (62.9%). The three groups state that having a job is the essential condition for integration (63.1%, 58.4% and 56.3% for Brazilians, PALOPs nationals and Eastern Europeans respectively).

34. Family emerges as a fundamental condition for integration, especially for PALOPs (42.9%) and Brazilian (36.6%) immigrants. Immigrants from Eastern Europe consider family to be the third relevant condition for their integration (28.7%).

35. It should also be pointed out that friendships with Portuguese are important for 31.7% of Brazilians, 18.5% of PALOPs immigrants and 11.8% of Eastern European nationals and that gaining Portuguese nationality is mentioned by around a fourth of each of the three nationality groups.

Stereotypes

36. In the eyes of the Portuguese population, Eastern immigrants are the ones that work the most. As for wages, the majority of the population believe immigrants receive less than the Portuguese for the same job.

37. As for the relationship between academic qualifications and employment, roughly 70% of the Portuguese population is convinced that immigrants from the East are overqualified for the work they do.

38. Comparing this data to those from 2002, there is increased recognition of the discrimination in the work place that immigrants are subject to.

39. As for immigration in general, between 2002 and 2004 there has been a very significant rise in the percentage of people who recognise that immigrants are fundamental to the country's economic life. Mirroring this fact, 4/5 of the sample did not hesitate to say that immigrants do the jobs the Portuguese do not want. In the same way, there has been a turnaround in the perception of the relationship between immigrants and Social Security, in terms of recognising that they do not harm the Portuguese State, as they do not receive more than they give.

40. Participants were asked to pick the characteristics they considered usual for each group of immigrants and for the Portuguese group from a list of positive attributes. 84.5% of the Portuguese attributed positive characteristics to the Brazilians. On the other end of the scale, only 67.7% do for Africans (with half the sample picking 1 or 0 attributes). In this light, the results show a preference for Brazilians, and clearly less appreciation of Africans.

41. In addition to the positive characteristics, attempts were made to ask respondents which negative characteristics are associated to the different immigrant groups, based on a list of socially negative factors deemed illegal and/or criminal. Analysing the data by immigrant group, Africans are associated mainly with violence and drug trafficking. Brazilians are fundamentally associated with prostitution and immigrants from the East with organised crime.

42. Comparing this data to those from 2002, a general trend towards associating immigrants to this type of activities is observed. The results by group of origin show a significant increase in the number of people who associate drug trafficking to African immigrants (and this is also present, to a lesser degree, among the other immigrant groups) and a decrease in the association between Brazilians and prostitution.

43. The pre-mentioned positive attributes were grouped into three factors: competence (grouping "good professionals" and "competent and hard-working"), niceness ("cheerful and pleasant" and "nice and easy to deal with") and upstanding nature ("well-mannered" and "serious and honest"). According to the survey data, the Portuguese group regard themselves as more competent and upstanding than the Brazilian and African immigrants, with the latter always bringing up the rear. As for immigrants from the East, perhaps due to the near consensus on their high professional and intellectual preparedness, the Portuguese are not picked out in terms of upstanding nature and they recognise their superiority in the competence chapter. However, they mention niceness

as Brazilians and Africans' top characteristic. They give Africans the bottom position only in terms of upstanding nature and competence. For these two groups there seems to be an opposite representation from that of the Portuguese and immigrants from the East in terms of attributes. In this case, first comes niceness, then upstanding nature and finally competence.

Preconceptions and other attitudes towards immigrants

44. Concerning analysis of the relationship between preconceptions and attitudes towards immigrants, the data shows the Portuguese tend to have more preconceptions in relation to African immigrants and immigrants from the East in the two areas studied (out and out and subtle), in comparison to Brazilians.

45. On the one hand, and although the vast majority of respondents showed attitudes of acceptance of foreigners, when indicators of out-and-out racism are in question, a little more than a third of respondents replied that they would not accept an immigrant as boss and would not put their children in a school with a lot of immigrants.

46. Also a little more than a third of respondents said they would feel perturbed if a direct relative (child or sibling) married an African, Brazilian or Eastern immigrant. This difference is slightly higher in relation to Africans. Finally, only 1 in 5 respondents openly said they would not accept having Brazilian immigrants or immigrants from the East as neighbours. In this question, African immigrants are highlighted negatively in the Portuguese respondents' evaluations.

47. As concerns the more subtle dimension of preconceptions, the overwhelming majority of respondents consider immigrants "a little and very different" to the Portuguese both in the way they bring up their children and their "habits and customs". The Portuguese believe immigrants from African and the East are the most different, both being very close in the picture given by the Portuguese in terms of attributing cultural differences. On the other hand, Brazilian immigrants emerge as being the least different from the Portuguese.

48. The use of these two measurements of preconceptions enables us to identify three major groups of individuals: the out-and-out racists, who were 22% of respondents in our survey, subtle racists who were the vast majority, 63%, and non-racists (so-called egalitarians in some literature), which were 13% of respondents.

49. In general, the subtle racists occupy a mid-table position, between the non-racists and the out-and-out racists. As is to be expected, the non-racists are the ones who say the number of immigrants should increase and, in contrast, it is the out-and-out racists who say that this number should decrease the most. The subtle racists are almost equally divided between "keeping" and "reducing", inclining towards the latter, which places them closer to the out-and-out racists.

50. If we look at the respondents' responses relative to each of the main immigrant groups in Portugal, the only differences are in how the out-and-out racists reply to this question in relation to Africans, as the percentage of respondents who think their number should decrease is greater. This difference is also felt, albeit more subtly, among the subtle racists.

51. When asked about possible repatriation of immigrants, in certain situations, the subtle racists tend to side with the egalitarians on all the most radical measures (for example rejecting unconditional repatriation). However, as concerns the socially more acceptable indicators, for which one is not socially reprimanded, subtle racists are closer to the out-and-out racists, for example when dealing with repatriating illegal immigrants "if they do not have work".

52. The analyses conducted up to now suggest that the preconception of the Portuguese towards immigrants is still an important variable in better understanding attitudes towards the presence, rights and contribution of immigrants in Portugal. More specifically, the distinction between out-and-out racism and subtle racism seems useful to us in unveiling the murky waters that inevitably crop up when studying human attitudes and values.