

**FRANET**

**Migrants and their Descendants:  
Social Inclusion and  
Participation in Society**

**Portugal, 2015**

FRANET contractor: CESIS

Authors: Perista, P., Leitão, J., Pinho, F.

Reviewed by: Perista, H.

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## Executive summary

The report "Migrants and their descendants: social inclusion and participation in society" concerns the integration of third-country nationals in Portuguese society.

The report is now summarised, following its main sections and bearing in mind the way in which general and specific integration policies at national, regional and local level are linked.

### 1. Legislation and policy instruments:

- The High Commission for Migration (*Alto Comissariado para as Migrações, ACM*) is the main stakeholder regarding integration policy in Portugal. It works pursuing broad policies, establishing centres and offices that assist migrants and provide them with integrated responses on the part of the public services, and also establishing partnerships with civilian society, local government and migrant associations.
- Since 2014, with changes in the organization, the ACM also has been endowed with powers regarding Portuguese emigration and recent move caused a delay in implementing a new strategy on migration.
- Since 2007 and until 2014, ACM operated under a different name: the High Commission for Immigration and Intercultural Dialogue (*Alto Comissariado para a Imigração e Diálogo Intercultural, ACIDI*). The ACIDI, which was set up in 2007 as a public institution (*Instituto Público, I.P.*), was the result of a fusion involving the former High Commission for Immigration and Ethnic Minorities (*Alto Comissariado para a Imigração e Minorias Étnicas, ACIME*) – initially set up in 1996 under the title of High Commissioner (*Alto Comissariado*), but becoming the High Commission in 2002 –, and the 'Choices Programme' (*Programa Escolhas*) as well as other offices or bodies (which in the meanwhile have been disbanded).
- So, some policy instruments or events are referred to as belonging to the High Commission for Migration (*Alto Comissariado para as Migrações, ACM*) (as from 2014), while others are referred as belonging to the High Commission for Immigration and Intercultural Dialogue (*Alto Comissariado para a Imigração e Diálogo Intercultural, ACIDI, I.P.*) (from 2007 to 2014) and yet others are referred to as belonging to even High Commission for Immigration and Ethnic Minorities (*Alto Comissariado para a Imigração e Minorias Étnicas, ACIME*) (from 1996 to 2007).
- The consultative body on migration is encompassed in that most recent change. Up to 2014 it was called the Consultative Council for Immigration Affairs (*Conselho Consultivo para os Assuntos da Imigração, COCAI*), becoming the Consultative Council for Migration in 2014.
- There was a First Plan for Immigrant Integration (*Plano para a Integração de Imigrantes, I PII*), in force from 2007 to 2009. As from 2010, a second Plan for Immigrant Integration was adopted (*II Plano para a Integração de Imigrantes 2010-2013, II PII*), that covered 2010 to 2013. This second Plan is the primary reference in terms of policy as the Report mainly covers the period (2010-2014) during which the Plan was in force.
- The new 2015-2020 Strategic Plan for Migration (*Plano Estratégico para as Migrações 2015-2020, PEM 2015-2020*) was recently been published, so it is not taken thoroughly as a reference in the present Report.
- The new Plan refers to immigrants, descendants of immigrants, resident immigrants, or 'new Portuguese citizens' (linked to migrants who have already acquired Portuguese citizenship), high-skilled immigrants, and others.

	<ul style="list-style-type: none"> <li>- The key drivers for successful integration policies in Portugal in recent years have included the Plans for Immigrant Integration (PII) and the contribution and the networking of different ministries in order to implement the measures laid down in the plans.</li> <li>- To monitor and implement the Plan, there was also networking at local level, thus ensuring the Plan was careful to heed the needs of the local population through Local Support Centres for Immigrant Integration (<i>Centros Locais de Apoio à Integração dos Imigrantes, CLAII</i>).</li> <li>- The operationalisation of the concept of integration has, therefore, been consolidated through a matrix of local and national policies which are aimed at meeting migrant needs.</li> <li>- Negative factors affecting all policy regarding integration, including its monitoring and assessing measures, may be explained by the global depression presently felt in Portuguese society. The changes were linked to the political transition happening in 2011, where the present government replaced a previous caretaker government and some representatives who had been working on the focal points in the 2<sup>nd</sup> Plan were replaced, due to merging and reorganized services. Furthermore there were budget cuts to contend with.</li> <li>- The Authorities' use of integration indicators made it possible to draw up the II PII implementation report and at the same time, produce an ACM publication at the end of 2014. This book dealt with the data obtained from monitoring migrant integration from between 2000 to 2012.</li> </ul> <p>2. <u>Equal treatment and non-discrimination:</u></p> <ul style="list-style-type: none"> <li>- Portuguese Constitution states that foreigners and stateless persons who find themselves or who reside in Portugal shall have the same rights and be subject to the same duties as Portuguese citizens, with the exception of political rights, the exercise of public office that is not predominantly technical in nature, and the rights that are in the Constitution and in the law, and which are reserved exclusively for Portuguese citizens. More legal provisions ensure equal treatment regarding fundamental rights.</li> <li>- The II PII envisaged training courses on combating racism and discrimination.</li> </ul> <p>3. There is a body responsible to register complaints on this matter, which is the Commission for Equality and against Racial Discrimination (<i>Comissão para a Igualdade e Contra a Discriminação Racial, CICDR</i>). It keeps up-to-date information aimed at clarifying the rights and duties enshrined in law about this subject. Political and societal participation of migrants and their descendants:.</p> <ul style="list-style-type: none"> <li>- Regarding the requirements for citizenship, there were changes in 2006 in Portugal, which has been acclaimed internationally as being the best current policy in the EU, ranking first among the MIPEX countries. Among the changes it should be highlighted that the principle of discrimination on the grounds of a person's original nationality has now been done away with whereby all third-country nationals have to equally comply with only six years of lawful residence if they want to apply for Portuguese nationality.</li> <li>- Processing times to grant citizenship were improved, according to reports on the implementation plans for immigrant integration.</li> <li>- In what concerns the rights to vote, third-country nationals are not, in general, eligible to become voters and enjoy the right to vote, nor are they able to run as candidates in elections, except in certain cases.</li> <li>- The present version of the Electoral Law on the President of the Republic extends the vote to citizens of Portuguese-speaking countries who are living in Portugal and benefit from equal political rights in terms of international conventions and in reciprocal conditions, provided that they have registered as voters in Portugal.</li> </ul>
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- By means of a bilateral agreement, Brazilian residents in Portugal have the possibility of gaining access to an almost complete set of political rights, including the ability to vote in all the elections.
- A driver regarding political rights is that a debate took place in the Portuguese Parliament (*Assembleia da República*) in January 2011, regarding the extension of political rights to all foreigners, namely voting rights. These discussions and developments were interrupted, owing to the fact that the economic crisis prioritised other issues which needed to be discussed in Parliament. A Council was established in 2002, and is presided over by the (now) Council for Migration (*Conselho para as Migrações, CM*), which has representatives from: immigrants associations, institutions working or interested in migration affairs, trade unions, ministries that deal with immigrants (internal affairs, education, economy, tourism, social security and labour, health), municipalities, and from the autonomous Azores and Madeira governments. Among other powers specified in the report, the ACM has powers to make statements regarding legal provisions on migrant rights and to participate in policy-making for the social inclusion of immigrants.

The participation of immigrants in trade-unions and professional associations is possible and is a fact in Portugal (even when in found in irregular situations, they may still belong to a trade union). However, the professional associations have a low number of migrant members enrolled in their organisations.

- Regarding Immigrant associations, most represent multiple third-country nationals (TCN), but associations with members all belonging to the same nationality or citizenship also are recognised by the ACM.
- In terms of political parties, all TCN who have their political rights recognised by Portuguese law or other bilateral agreements, and are legally resident in Portugal, may join political parties.
- In respect to civic and citizenship education, teachers having a migrant background have conditioned access to employment in the public sector: for compulsory primary and secondary school in public education, one of the requirements for getting a job is having Portuguese citizenship, unless the person is a citizen from a country that allows him/her to work as a public employee in Portugal owing to the enactment of European Community laws, an international law or a special law. Regarding tertiary education, there are no limitations against other third-country nationalities..

**4. Social cohesion and intolerance:**

- , There are no limitations or barriers hindering marriages between nationals and non-nationals. Evidence of mixed marriages is provided, according to Portugal Statistics (*Instituto Nacional da Estatística, INE*).
- Initiatives that represent campaigns involving migrants and communities and that focus on promoting peaceful co-existence and integration in mutually accommodating each other so as to combat racism and encourage tolerance, are gone into greater detail in this Report. Mention is made of intervention programmes such as 'The Next Door Family' project (*A família do lado*) or others included in the Programme to Promote Intercultural Dialogue in Municipalities (for instance, the Intercultural Tournament of 'Korfbal Without Borders').

# 1. Legal and policy instruments for migrant integration

## 1.1 Description of existing instruments and target groups

	<p>This section should present the overall state of play concerning national and, where applicable, regional legal and policy instruments focusing on how they address fundamental rights, core EU values and principles, as well as international legal standards and related EU law and policies, such as the Common Basic Principles and the Common Agenda on integration of migrants. Please complete the <b>template in Annex 2</b>.<sup>1</sup></p> <p>Please make sure the brief information you provide in the table includes the following aspects:</p>
<p>Does the national strategy on migrant integration contain a definition of integration? If so, please include it in the original language and full English translation.</p>	<p>The Second Plan for Immigrant Integration 2010-2013 (<i>II Plano para a Integração dos Imigrantes</i>, PII, 2010-2013),<sup>2</sup> which comprises 90 measures across various policy areas identifies the dimensions of integration but does not provide a definition.</p> <p>"(...) the key objective of the Second Plan for Immigrant Integration (2010-2013) (...) continues to be the full integration of immigrants namely in areas to do with culture, language, employment, professional training and housing".</p> <p>" (...) o <i>II Plano para a Integração dos Imigrantes (2010-2013)</i> [...] continua a assumir como grande finalidade a plena integração dos imigrantes, nomeadamente nas áreas da cultura e da língua, do emprego e da formação profissional e da habitação".</p> <p>The Plan also acknowledges the State as a key responsible stakeholder as well as public and private partners that play fundamental roles in the Plan's implementation.</p>
<p>Are there specific references in the national strategy or relevant legal or policy instruments to fundamental rights in relation to migrants?</p>	<p>The Second Plan for Immigrant Integration 2010-2013 (<i>II Plano para a Integração dos Imigrantes</i>, PII, 2010-2013) does not contain any express reference to "the fundamental rights of immigrants". Nevertheless, it expressly mentions access to such rights as ones leading to integration. The rights include references to the <i>Common Basic Principles for Migrant Integration Policy in the EU</i> (2004)<sup>3</sup> as what the previous quotation indicates.</p>

<sup>1</sup> You can use and update the information as in the Table 1.7 of the FRA Annual Report 2012 (pp.62-63). You should add more detail, for example, instead of identifying 'education' under the category 'focus area' be more specific, e.g. review of curriculum in secondary education to address integration issues, etc, provided this level of detail is specifically mentioned in the relevant policy instruments.

<sup>2</sup> Portugal, Resolution of the Council of Ministers 74/2010, which approves Second Plan for the Integration of Immigrants (*Resolução do Conselho de Ministros n.º 74/2010 que aprova o II Plano para a Integração dos Imigrantes*), 17 September 2010, available at: <https://dre.pt/application/file/341932>. English version available at: [www.acidi.gov.pt/cfn/4d346c9b80687/live/Consulte+a+vers%C3%A3o+da+Plano+2010-2013+em+Ingl%C3%AAs](http://www.acidi.gov.pt/cfn/4d346c9b80687/live/Consulte+a+vers%C3%A3o+da+Plano+2010-2013+em+Ingl%C3%AAs).

<sup>3</sup> Common Basic Principles for Migrant Integration Policy in the EU (2004) available at [www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/jha/82745.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/jha/82745.pdf).

		<p>The same thing happens with the 2015-2020 Strategic Plan for Migration (<i>Plano Estratégico para as Migrações 2015 -2020</i>) that was passed on 12 March 2015.<sup>4</sup></p> <p>Human rights are expressly referred to in the Ethical Code for the Career of Researchers and Inspectors (<i>Código de Ética da Carreira de Investigação e Fiscalização, CIF</i>) at the Immigration and Borders Service (<i>Serviço de Estrangeiros e Fronteira, SEF</i>)<sup>5</sup> The Code states that when undertaking activity, researchers and inspectors following the Career of Researchers and Inspectors (CIF) should obey the Portuguese Constitution as well as the Universal Declaration of Human Rights, the European Convention on Human Rights, the EU Charter of Fundamental Rights and the International Conventions that the Portuguese State is obliged to respect, the Portuguese Law and the above-mentioned Ethical Code. When carrying out their duties, such researchers and inspectors covered by the CIF, should respect and protect human dignity, uphold and support peoples' fundamental rights, fulfilling the duties imposed upon them by the Law in conformity with the high degree of responsibility their profession demands of them.</p> <p>With regard to laws on third-country nationals, Law 23/2007 of 4 July 2007 (<i>Lei n.º 23/2007 de 4 de Julho</i>)<sup>6</sup> that was amended and re-published as Law 29/2012 of 9 August (<i>Lei n.º 29/2012, de 9 de Agosto</i>)<sup>7</sup> and that transposed the various directives issued by the European Union into Portuguese law, leading to certain Community Acts also being transposed into Portuguese law, the fundamental rights of immigrants have been laid down in Articles 83 and 133 in Law 29/2012.</p> <p>Moreover, Law 27/2008 of 30 June (<i>Lei n.º 27/2008, de 30 de Junho</i>)<sup>8</sup> that lays down the conditions and procedures for granting exile or extra protection, also ensures the fundamental rights of persons applying for exile and protection.</p> <p>It is worth stressing that where human rights are concerned, Portugal has ratified mainly the following</p>
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<sup>4</sup> See: [www.acm.gov.pt/noticias/visualizar-noticia/5501e104d132a/plano-estrategico-para-as-migracoes-aprovado-em-conselho-de-ministros](http://www.acm.gov.pt/noticias/visualizar-noticia/5501e104d132a/plano-estrategico-para-as-migracoes-aprovado-em-conselho-de-ministros).

<sup>5</sup> Serviço de Estrangeiros e Fronteiras, SEF, *Código de Ética da Carreira de Investigação e Fiscalização do Serviço de Estrangeiros e Fronteira*, available at: [www.sef.pt/documentos/56/CodigoEtica.pdf](http://www.sef.pt/documentos/56/CodigoEtica.pdf).

<sup>6</sup> Portugal, Law 23/2007, which approved the legal regime for the entrance, permanence, exit and removal of foreign citizens (*Lei n.º 23/2007, de 4 de Julho, que aprovou o regime jurídico de entrada, permanência, saída e afastamento de estrangeiros do território nacional*), 4 July 2007, available at: <http://dre.pt/pdf1s/2007/07/12700/42904330.pdf>.

<sup>7</sup> Portugal, Law 29/2012 the first alteration to Law 23/2007 of 4 July, which approved the legal regime for the entrance, permanence, exit and removal of foreign citizens (*Lei n.º 29/2012, primeira alteração à Lei n.º 23/2007, de 4 de Julho, que aprovou o regime jurídico de entrada, permanência, saída e afastamento de estrangeiros do território nacional*), 9 August 2012, available at: <http://dre.pt/pdf1sdip/2012/08/15400/0419104256.pdf>.

<sup>8</sup> Portugal, Law 27/2008 on the conditions and the procedures for granting asylum or subsidiary protection as well as the statuses of asylum-seeker, refugee and subsidiary protection (*Lei n.º 27/2008 que estabelece as condições e procedimentos de concessão de asilo ou protecção subsidiária e os estatutos de requerente de asilo, de refugiado e de protecção subsidiária*), 30 June 2008, available at: [www.dre.pt/pdf1s/2008/06/12400/0400304018.pdf](http://www.dre.pt/pdf1s/2008/06/12400/0400304018.pdf).

		instruments laid down in international law and that have to do with migrants: The ILO Convention, No. 97 <sup>9</sup> and 143; <sup>10</sup> the United Nations Convention on the eliminations of all forms of racial discrimination; <sup>11</sup> the European Convention on the Legal Status of Migrant Workers, <sup>12</sup> and the revised version of the European Social Charter. <sup>13</sup>
	Which are the target groups of the national integration strategy? Please provide any definitions relevant or the determination of the persons that are entitled to or beneficiaries of the relevant action plans and policy measures (e.g. 'integration agreements': who signs them and what do they contain). Please specify any residence requirements (e.g. which migrant and/or residence status counts or not for "legally residing third country nationals" that eventually would be covered by these policies) for persons to be considered members of the targeted groups.	In what concerns the Plan finished at the end of 2013, the target groups were the following, by measure: - Measure 10 <sup>14</sup> (education) offering Portuguese courses to non-native speakers targeting adult third-country nationals, the holders of temporary visas and residence permits, and recently arrived immigrants; - Measure 11, immigrants (with residence papers) are entitled to receive or may become beneficiaries of a Social Integration Income ( <i>Rendimento Social de Inserção</i> , RSI) where they may also enrol in Basic Literacy Courses. - Measure 19 is addressed to highly-skilled immigrants. - Measure 20 targets unemployed immigrants in order to facilitate their social and professional integration, via support to job creation. This Measure focuses on the development of basic skills in the Portuguese language and in citizenship, professional training and support to job creation and does not specify if all unemployed immigrants are covered regardless of their residence status. Nevertheless, as the main stakeholders are social security services linked to unemployment, they must be, at least, registered at the employment centres. - Measure 24, for example, is directed at immigrants and is related to school and balancing out the composition of classes so as to ensure 'ethnic mixes'. In what concerns the residence status, it specifically mentions and covers "minors with no residence papers". Furthermore, Measure 28 ensures that the children of immigrants gain access to receiving social support at school.

<sup>9</sup> Portugal, Law 50/78 that passes ILO Convention 97 (revised) on migrants workers for ratification, (Lei n.º 50/78, de 25 de Julho, que aprova para ratificação a Convenção n.º 97 (revista) da OIT, relativa aos trabalhadores migrantes), 25 July 1978, available at: <https://dre.pt/application/file/297566>.

<sup>10</sup> Portugal, Law 52/78 that passes ILO Covention 143 dealing with abusive working conditions and the promotion of equal opportunities and treatment of migrant workers (Lei n.º 52/78, de 25 de Julho, que aprova, para ratificação, a Convenção n.º 143 da OIT, relativa às migrações em condições abusivas e à promoção de igualdade de oportunidades e de tratamento dos trabalhadores migrantes), 25 July 1978, available at: <https://dre.pt/application/file/297567>.

<sup>11</sup> Portugal, Law 7/82 that passes Portugal's support of the Convention on the eliminations of all forms of racial discrimination adopted by the United Nations General Assembly on 21 December 1965 (Lei n.º 7/82, de 29 de Abril, que aprova para adesão a Convenção Internacional sobre Eliminação de Todas as Formas de Discriminação Racial, adoptada pela Assembleia Geral das Nações Unidas em 21 de Dezembro de 1965), 29 April 1982, available at: <https://dre.pt/application/file/606789>.

<sup>12</sup> Portugal, Decree 162/78 that passes the European Convention on the Legal Status of Migrant Workers (Decreto n.º 162/78, de 27 de Dezembro, que aprova para ratificação a Convenção Europeia relativa ao Estatuto Jurídico do Trabalhador Migrante), 27 December 1978, available at: <https://dre.pt/application/file/325397>.

<sup>13</sup> Portugal, Presidential Decree 54A/2001 (Decreto do Presidente da República n.º54-A/2001, 17 de Outubro de 2001), 17 October 2001, available at: <https://dre.pt/application/file/409244>.

<sup>14</sup> Portugal, Resolution of the Council of Ministers 74/2010, which approves Second Plan for the Integration of Immigrants (Resolução do Conselho de Ministros n.º 74/2010 que aprova o II Plano para a Integração de Imigrantes), 17 September 2010, available at: <https://dre.pt/application/file/341932>. English version available at: [www.acidi.gov.pt/\\_cfn/4d346c9b80687/live/Consulte+a+vers%C3%A3o+da+Plano+2010-2013+em+Ingl%C3%AAs](http://www.acidi.gov.pt/_cfn/4d346c9b80687/live/Consulte+a+vers%C3%A3o+da+Plano+2010-2013+em+Ingl%C3%AAs).

		<ul style="list-style-type: none"> <li>- Measure 33 speaks about Social assistance to and respect for the rights of immigrants living in extreme poverty, regardless of their residence status.</li> <li>- Measure 39 targets immigrants from the Portuguese-Speaking African Countries (PALOP) and is related to institutionalising procedures to improve the global management of health agreements co-signed with Portugal. It relates to the welcoming and supervision of patients from the above mentioned countries and the people accompanying them, so regardless of their residence status (as they live in those countries).</li> <li>- Measure 42, based on housing solutions, is targeted at immigrants living in Portugal legally.</li> <li>- Measure 46 is aimed at Immigrants who do not have regularised residence and therefore it seeks to improve cooperation among the relevant authorities with that objective in mind.</li> <li>- Measure 50 is directed at immigrants who are the victims of crime (trafficking, domestic violence, serious crime, illegal migration).</li> <li>- There are two measures targeting elderly immigrants who are Focus Area 13 in the Plan to integrate migrants. One is related to combatting the socio-economic vulnerability of elderly immigrants, through disseminating available solutions and the second refers to inform elderly immigrants on ways of accessing to rights resulting from the payment of social security contributions in Portugal, European Union and in the immigrants' countries of origin. The measures are not clear on the residence status of the target group.</li> <li>- Also immigrant women are the target of Focus Area 16, under 'gender issues'. Some highlight to the five measures included: reinforcing mainstreaming in the welcoming and integration of immigrants, assuring to bring together the conditions for responding to international recommendations as the Convention for the Elimination of all forms of Discrimination Against Women (CEDAW); providing immigrant women with information on their specific rights and duties as women; to train intercultural mediators and staff of the CLAI with the skills they need to deal with gender issues and domestic violence; promoting the participation of women in associations and entrepreneurship; preventing domestic violence and gender violence among immigrant men and women. No specifications are made regardless ages or residence status of the women.</li> <li>- Human trafficking is dealt with in Focus Area 17.</li> </ul> <p>The 2015-2020 Strategic Plan for Migration (<i>Plano Estratégico para as Migrações 2015-2020, PEM</i>),<sup>15</sup> passed on 12 March 2015, considers that today, Portugal is having to deal with various challenges regarding migration, namely: "consolidating the integration and empowerment of migrant communities</p>
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<sup>15</sup> More information available at: [www.programaescolhas.pt/cf/364724](http://www.programaescolhas.pt/cf/364724).

		<p>residing in Portugal, respecting and furthering Portugal's humanist tradition; including new Portuguese citizens who have acquired Portuguese nationality or are the descendants of immigrants; following-up the new wave of Portuguese emigrants by strengthening the bonds and providing incentives to welcome back and reintegrate Portuguese citizens who have emigrated" ("<i>a consolidação da integração e capacitação das comunidades imigrantes residentes em Portugal, respeitando e aprofundando a tradição humanista de Portugal; a inclusão dos novos portugueses, em razão da aquisição de nacionalidade ou da descendência de imigrantes; e o acompanhamento da nova emigração portuguesa, através do reforço dos laços de vínculo e da criação de incentivos para o regresso e reintegração de cidadãos nacionais emigrados</i>").</p> <p>Therefore, generally speaking, the following groups have been targeted in the new Strategic Plan for Migration (<i>Plano Estratégico para as Migrações, PEM</i>):</p> <ul style="list-style-type: none"> <li>- resident immigrants;</li> <li>- new Portuguese citizens after they have acquired Portuguese nationality or are the descendants of immigrants;</li> <li>- Portuguese emigrants.</li> </ul> <p>In 2014, a programme was launched that had the aim of devising municipal plans seeking to integrate immigrants. The Programme Local Plans for the Integration of Immigrants (<i>Planos Municipais para a Integração dos Imigrantes</i>)<sup>16</sup> was funded by the European Fund for the Integration of Third-Country Nationals (<i>Fundo Europeu para a Integração de Nacionais de Países Terceiros, FEINT</i>) and had 19 different municipalities cooperating in it owing to the nature of the funding source, the Programme is only geared to launch activities that seek to integrate third-country nationals.</p>
	<p>In reference to the CBP 1<sup>17</sup> '<i>Integration is a dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States</i>': please specify if and how the majority population is explicitly targeted; distinguish, if possible, between policies or measures</p>	<p>In the II Plan, the general population is referred in the introduction "As a government action plan, it naturally acknowledges the fundamental role of all public and private partners, namely the civil society, NGOs and immigrant associations in its implementation".<sup>18</sup> But in several measures there are actions foreseen to combat discrimination and, for instance in measure 23, teachers are targeted in order to reinforce their training in Intercultural Dialogue as part of Continuous Teacher Training.</p>

<sup>16</sup> More information available at: [www.acidi.gov.pt/noticias/visualizar-noticia/53db5f512e76e/convite-a-apresentacao-de-candidaturas](http://www.acidi.gov.pt/noticias/visualizar-noticia/53db5f512e76e/convite-a-apresentacao-de-candidaturas).

<sup>17</sup> Common Basic Principles for Migrant Integration Policy in the EU (2004) available at [www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/jha/82745.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/jha/82745.pdf).

<sup>18</sup> Portugal, Resolution of the Council of Ministers 74/2010, which approves Second Plan for the Integration of Immigrants (*Resolução do Conselho de Ministros n.º 74/2010 que aprova o II Plano para a Integração de Imigrantes*), 17 September 2010, available at: <https://dre.pt/application/file/341932>. English version available at: [www.acidi.gov.pt/\\_cfn/4d346c9b80687/live/Consulte+a+vers%C3%A3o+da+Plano+2010-2013+em+Ingl%C3%AAs,+pp.6](http://www.acidi.gov.pt/_cfn/4d346c9b80687/live/Consulte+a+vers%C3%A3o+da+Plano+2010-2013+em+Ingl%C3%AAs,+pp.6).

	<p>targeting the general population and specific target groups, such as public authorities, e.g. teachers, police, judiciary, etc.; outline the objectives of such policies and measures, and their duration.</p>	<p>Although the Strategic Plan for Migration (<i>Plano Estratégico para as Migrações 2015-2020</i>, PEM) does not particularly aim at the overall population in the sense that is referred to in the Common Basic Principles for Migrant Integration Policy in the EU (CBP) as regards Axis I – “Integration Policies for Third-Country Nationals”, it should be mentioned that one of the aims is to combat discrimination against immigrants in the Portuguese society.</p> <p>This same Axis lays down some of the measures that are directed at the Portuguese population in general as well as some professions in the civil service.</p> <ul style="list-style-type: none"> <li>- Measure 3 – Holding cultural and sports events that aim at making the general population more aware of combating racial discrimination.</li> <li>- Measure 12 – Training people working in health, education and employment to enhance intercultural attitudes and behaviour.</li> <li>- Measure 14 – Competitions that award prizes to journalists / reporters who disseminate work on tolerance in terms of cultural and religious diversity.</li> <li>- Measures 20 and 23 – Give added impetus to inspections carried out at the work place in order to combat the hiring of illegal labour and human trafficking.</li> <li>- Measure 22 – Awareness and training campaigns targeting employer associations so as to inform them about their rights and duties as foreign employers.</li> <li>- Measure 31 – Training courses directed at health workers in terms of the needs of third-country nationals in health care.</li> <li>- Measure 40 – Training courses directed at teachers particularly about Intercultural Education.</li> </ul> <p>The duration of these Measures lasts for as long as the 2015-2020 Strategic Plan (PEM).</p>
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## 1.2. Drivers & barriers in developing, implementing and assessing legal and policy instruments

	<p>On the basis of material collected, including past research, studies, assessments, evaluation and contacts with the authorities, public officials and key actors for social inclusion and participation of migrants, outline the main drivers and barriers for social inclusion and integration policies <b>in general</b>. Please mention also any important differences at regional level. A more</p>	<p>The drivers to implement social inclusion and integration policies are the articulation and joint together actions envisaged by the integration plans, having diverse actors involved, such as, among others, the state and its actors, the associations that work with immigrant affairs, municipalities, and trade unions. Some recent changes (such as nationality law or the possibility of trade unions to attest immigrant labour links) have been good news to immigrants’ social inclusion.</p> <p>Recent barriers may associated to economic crisis, which made budget cuts and some reorganization of services mandatory, which made more difficult to accomplish some goals in this domains.</p>
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	detailed outline of <b>specific</b> drivers and barriers for specific policy areas will be required in the following sections.	
<b>1.2.1. Drivers</b>		
	The key drivers for successful integration policies, therefore factors that are considered to contribute positively in the design, development, implementation, assessment and accomplishment of policy goals and in strengthening social inclusion and participation of migrants and their descendants. For example, are these policies mainstreamed in other public policies, for example in employment, education, housing, etc. and how is this achieved?	<p>The key drivers for successful integration policies in Portugal in recent years have been the existence of Plans for Immigrant Integration, which function as guidelines and scheduled actions to promote migrant integration, with the the contribution and articulation of the ministries of Internal Administration, Education, Justice, Solidarity, Employment and Social Security, and also civil society, NGOs and immigrant associations, to implement the measures envisaged by the plans. That articulation has been contrived by setting up focal points in all ministries and holding several bilateral work meetings throughout the duration of the plan. Some policy measures are not directly designed for immigrants – such as the Priority Intervention in Educational Domains (<i>Territórios Educativos de Intervenção Prioritária, TEIP</i>) – but, are launched in domains where poverty and social exclusion are real, and thus immigrants are also targets.</p> <p>Furthermore, the holistic approach to integration policies in Portugal, both as the local monitoring and implementation, through local integration committees to immigrants (<i>Conselho Local de Apoio ao Imigrante, CLAII</i>) and policies – such as the programmes for local government to promote intercultural dialogue, or the Choices Programme (<i>Escolhas</i>) – have been recognised as good practices in recent years,. “The operationalisation of the concept of integration has however been consolidated in the last two decades through a complex matrix of policies which are aimed at meeting immigrant’s needs”.<sup>19</sup></p>
<b>1.2.2. Barriers</b>		
	Barriers, limitations, constraints or resistance faced in designing, developing and implementing such policies and measures, therefore factors that may hinder their effectiveness and influence negatively their outcomes. For example, budgetary limitations, or problems of	<p>Negative factors related to implementing, monitoring, and assessing policy measures and the normative framework are the following.</p> <p>a) Portugal went through serious economic and social changes during the scope of the 2<sup>nd</sup>. Plan for Immigrant Integration 2010-2013 (II PII) which, according to its Executive Report, affected the implementation of some of the measures, as they were designed in 2009 and the changes obliged make readjustments to the goals.</p>

<sup>19</sup> Oliveira, C. R. (2012), "Monitoring immigrant integration in Portugal: managing the gap between available data and implemented policy". In *Measuring and monitoring immigrant integration in Europe: integration policies and monitoring efforts in 17 European countries*. The Hague; New Brunswick: The Netherlands Institute for Social Research/SCP, p. 291 ; Distribution outside The Netherlands and Belgium: Transaction Publishers, pp 291-312, available at: [www.scp.nl/english/Publications/Publications\\_by\\_year/Publications\\_2012/Measuring\\_and\\_monitoring\\_immigrant\\_integration\\_in\\_Europe](http://www.scp.nl/english/Publications/Publications_by_year/Publications_2012/Measuring_and_monitoring_immigrant_integration_in_Europe).

	<p>coordination of governance levels, priority of interventions, lack of training or lack of mainstreaming of relevant policies, lack of action by competent actors or limited data about the interested population, could be factors that may function as obstacles or affect negatively the implementation of selected migrant integration measures.</p>	<p>Difficulties were caused due to a change in government in 2011 that had itself been preceded by a caretaker government, as well as the replacement of some of the representatives involved in working on the Plan's focal points, and the fact that some of the state services were merged and reorganised and there were budget cuts.</p> <p>b) Out of 408 goals, 54 were not accomplished. Some examples: there was foreseen the move of the National Immigrant Support Centre and ACM premises to the same building, in order to provide better conditions to the services provided to immigrants, but it was not possible due to budget restrictions and was not considered a priority; it was foreseen the elaboration of a reference ethical material to promote intercultural diversity, in order to incentivise the social responsibility of organizations, but it was not made, although some meetings were held. In this example, is not said the reason, so we conclude that is not possible to establish which goals were prioritized and which were not, although the reasons indicated are almost all economic or in terms of reorganization of the teams allocated to follow the implementation of the plan.</p> <p>There is no formal integration monitoring system and the available data does not allow for the on-going consistent processing of the analysis of immigrant integration.<sup>20</sup></p>
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### 1.2.3. Language learning and integration tests

Please provide information about:		
	<p>Main language learning support programmes and courses. Provide details about organisation of such programmes and actors implementing them, funding support, location, duration, frequency, numbers of beneficiaries, entitlements and limitations for accessing courses.</p>	<p>Language courses are mainly included in two Programmes that were consolidated in the 2nd Plan: Portuguese for All (<i>Português para todos</i>, PPT). They were set up in 2008 where Portuguese was offered as a non-mother tongue<sup>21</sup> (<i>Português Língua Não Materna</i>, PLNM).</p> <p>The first Programme (PPT) includes:</p> <ul style="list-style-type: none"> <li>- certified Portuguese language courses of 150 hours duration targeted at immigrants and descendants who do not speak Portuguese, and who are living in Portugal, have legal status, and are aged 18 or 15 years-old (depending on the place they attend classes);</li> <li>- certified technical Portuguese language, each with the duration of 25 hours, is available in the areas of retail, hostelry, beauty care, building construction and engineering. Technical Portuguese is target for adult</li> </ul>

<sup>20</sup> Oliveira, C. R. (2012), 'Monitoring immigrant integration in Portugal: managing the gap between available data and implemented policy' in: Rob Bijl and Arjen Verweij (eds.), *Measuring and monitoring immigrant integration in Europe: integration policies and monitoring efforts in 17 European countries*, The Hague, New Brunswick: The Netherlands Institute for Social Research/SCP, p. 291-312, available at: [www.scp.nl/english/dsresource?objectid=30008&type=org..](http://www.scp.nl/english/dsresource?objectid=30008&type=org..)

<sup>21</sup> Information about the programme available at: [www.acidi.gov.pt/es-imigrante/servicos/portugues-para-todos](http://www.acidi.gov.pt/es-imigrante/servicos/portugues-para-todos).

		<p>immigrants and descendants who already speak Portuguese but seek a better access and integration in the labour market in these industries. The courses are provided by schools under the auspices of the Ministry of Education and by the Professional Training Centres belonging to the Institute of Employment and Professional Training (<i>Instituto do Emprego e Formação Profissional, I.P.</i>, IEFP). They are offered throughout the country and are free of charge. The courses are co-funded by the European Social Fund. The PPT is managed by the High Commission for Migration which acts as an intermediate body for the POPH/QREN.</p> <p>During the period covering 2010-2013, the PPT held 1,102 training courses in the Portuguese language, with 29,500 trainees taking part in them. In technical Portuguese, there were 27 training course held with 424 trainees enrolled. As from 2012, a new legal provision demanded a minimum of 26 trainees per course, which resulted in limiting the number of courses being offered. There were no courses put on in 2013.<sup>22</sup></p> <p>The second Non-Mother Tongue Programme, PLNM, has been targeted at students who do not have Portuguese as their home language and it is included at the various levels in the country's public education system. During the 2011/2012 school year, Portuguese as a Non-Mother Tongue was included in the second and third cycles of the compulsory education system as a separate course. Students have enrolled in the PLNM since 2010, and according to school years, the enrolment numbers were: 1,014 (2010-2011), 3,094 (2011-2012), 2,199 (2012-2013).<sup>23</sup> In 2013, the last year that was referenced by the publication giving these statistics, the top three nationalities of the students enrolled in the programme were from Africa, East Europe and Asia.</p> <p>Providing more Portuguese-language learning was foreseen in the Second Plan for Immigrant Integration by going through other training courses targeted at non-Portuguese speakers, such as adults from third countries, temporary visa holders and residence permit holders. These courses were held in public schools and centres of the Institute of Employment and Professional Training, (<i>Instituto do Emprego e Formação Profissional,</i></p>
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<sup>22</sup> Governo de Portugal (2014), *Relatório de Execução Final II PII 2010-2013*, available at: [www.acidi.gov.pt/cfn/4d346c9b80687/live/Relat%C3%B3rio+Final+de+Execu%C3%A7%C3%A3o+do+PII+2010+-+2013](http://www.acidi.gov.pt/cfn/4d346c9b80687/live/Relat%C3%B3rio+Final+de+Execu%C3%A7%C3%A3o+do+PII+2010+-+2013).

<sup>23</sup> Oliveira, C. (coord.) (2014), *Monitorizar a Integração de Imigrantes em Portugal – Relatório Estatístico Decenal*, Volume 1, Coleção Imigração em Números, Lisboa, Alto Comissariado para as Migrações, I.P., available at: [www.oi.acidi.gov.pt/docs/Col\\_ImigNumeros/Monitorizar%20a%20Integracao%20de%20Imigrantes%20em%20Portugal.pdf](http://www.oi.acidi.gov.pt/docs/Col_ImigNumeros/Monitorizar%20a%20Integracao%20de%20Imigrantes%20em%20Portugal.pdf).

		I.P., IEFP). Between 2010 and 2013, there were 1,302 training course involving 32,131 trainees. <sup>24</sup>
	Knowledge level of the language achieved through such programmes (please use the <u>Common European Framework Reference levels - CEFR</u> ).	The first certified Portuguese language courses were given at levels A1 and A2. In 2011, during the Second Plan for Immigrant Integration, the Programme was extended to provide lessons at levels B1 and B2 of the Common European Framework of References (CEFR).
	Language tests required for migrants to access residence or other legal status affecting equal treatment and access to rights. Please provide information about their content and character, level of knowledge required, numbers of participants, and rates of success/failure	<p>Portuguese language certification as per the 'Portuguese for All Programme' maybe used to meet the requirements needed for obtaining permanent residence, long-term residence and for acquiring Portuguese citizenship.</p> <p>To obtain long-term residence, the immigrant shall prove the knowledge of basic Portuguese (A2) through a certificate proving the attendance of school or the success in tests. To apply for long term residence, a temporary residence permit of no less than five years is needed.</p> <p>Regarding naturalisation, the level required to obtain Portuguese citizenship is A2 in accordance with Ruling 1403-A/2006<sup>25</sup> which governs criteria to measure competence in the Portuguese language (as defined by the Law on Nationality (<i>Lei da Nacionalidade</i>) in force, Decree-Law 237A/2006 of 14 December).<sup>26</sup></p> <p>Regarding procedures for acquiring citizenship, the Second Plan for Immigrant Integration specifies that four language tests per year in the Portuguese Language are needed. These tests used to be sat in registered schools (private or public) until October 2010. In 2012, the process was suspended. In 2013, new legal provisions brought about some changes to the way in which the non-native speaker could show his/her competence in handling the Portuguese language. These new conditions mostly had to do with the locality in which the tests were administered (now it was only in public schools) and now, the certificate is only valid if the person attended Portuguese language classes successfully for two school years. In 2014, new legal provisions (Ruling 176/2014 of 11 September 2014)<sup>27</sup> have decided upon how the tests are sat. The tests have three components: reading, writing and oral</p>

<sup>24</sup> Governo de Portugal (2014), *Relatório de Execução Final II PII 2010-2013*, available at: [www.acidi.gov.pt/cfn/4d346c9b80687/live/Relat%C3%B3rio+Final+de+Execu%C3%A7%C3%A3o+do+PII+2010+-+2013](http://www.acidi.gov.pt/cfn/4d346c9b80687/live/Relat%C3%B3rio+Final+de+Execu%C3%A7%C3%A3o+do+PII+2010+-+2013).

<sup>25</sup> Portugal, Ruling 1403-A/2006, which rules upon the competence to handle the Portuguese Language for the purpose of naturalisation and opens the way to pass diagnostic test models (*Portaria n.º 1403-A/2006, de 15 de Dezembro de 2006, Regulamenta a aferição do conhecimento da língua portuguesa para efeito de naturalização e procede à aprovação dos modelos dos testes de diagnóstico*), 15 December 2006, available at: <https://dre.pt/application/file/231611>.

<sup>26</sup> Portugal, Decree-Law 237A/2006 which approves the Portuguese Nationality Regulation (*Decreto-Lei n.º 237A/2006, de 14 de Dezembro de 2006, que aprova o Regulamento da Nacionalidade Portuguesa*), 14 December 2006, available at: <https://dre.pt/application/file/216862>.

<sup>27</sup> Portugal, Order 176/2014, regulating the exam of Portuguese language provided for in paragraph b) of number 2 of article 25 of the Regulation of the Portuguese Nationality, approved by Decree-Law 237-A/2006 (*Portaria 176/2014, que regulamenta a realização da prova do conhecimento da língua portuguesa prevista na alínea b) do n.º 2 do artigo 25.º do Regulamento da Nacionalidade Portuguesa, aprovado pelo Decreto-Lei n.º 237-A/2006, de 14 de dezembro de 2006*), 11 September 2014, available at: <https://dre.pt/application/dir/pdf1sdip/2014/09/17500/0488804889.pdf>.

		comprehension (in some cases, oral tests are sufficient for assessment).  In 2010, 3,785 candidates applying for citizenship sat the Portuguese diagnostic test; the success rate was around 50% when taken against failures and absences. <sup>28</sup>
	Integration tests for access to residence or other status affecting equal treatment and access to rights. Please provide information about their content and character, range of knowledge required, numbers of participants, and rates of success/failure.	There are no integration tests in Portugal, only the above mentioned tests related to the Portuguese language.
	Mother tongue learning programmes for children of migrants.	After analysing the implementation reports of the immigration plans, and minutes of meetings with the authorities, no information was forthcoming about public programmes for children of migrants regarding learning in their mother tongues.
	Please provide insights about key issues, debates, challenges or problems related to the implementation of the above measures and policies. The findings should be substantiated through existing assessments, research or studies and case law ( <b>use template in Annex 9</b> ).	Regarding the Portuguese Learning Programmes such as the ones targeting adult immigrants, stakeholders and researchers concur about the importance they have in helping third-country nationals join the labour market, in reuniting the family, in gaining permanent residence status or long-term residence, and acquiring citizenship. In a MA dissertation, written in 2011 which was consulted, the main issues raised and suggestions made in it are: opening training to include e-learning, as already happens in other EU countries; creating teaching resources adapted to the heterogeneous nature of the trainees because Latin references for non-mother tongue speakers are not suitable when the trainees do not know the Latin alphabet (e.g. in the case of Moroccans, Arabs, Chinese, among others); creating a module and reference materials for literacy in the Portuguese language considering that not all immigrants are literate in their own languages in their countries of origin. <sup>29</sup>  Adjusting proficiency levels in Portuguese language learning courses was another issue that was referred to in yet another MA dissertation in 2010. <sup>30</sup> New courses at B1 and B2 levels in the Portuguese language for trainees were offered in 2011, so this problem is on the way to being dealt with.

<sup>28</sup> After searching for numbers of participants and rates of success and failure in the website of Directorate General of Education (the body responsible for these tests) and in the website of the body of Statistics of the Education Ministry, the Directorate General of the Statistics of Education and Science. Reports in the press were also used as a source.

<sup>29</sup> Semedo, G. (2011), *Políticas de integração: o ensino/aprendizagem da língua portuguesa no contexto de acolhimento e integração de adultos imigrantes*, unpublished MA dissertation, available at: <http://run.unl.pt/bitstream/10362/7255/1/Dissertacao%20Políticas%20Integracao%20Ensino%20aprendizagem%20lingua%20imigrantes.pdf>.

<sup>30</sup> Cabete, M. (2011), *O processo de ensino-aprendizagem do português enquanto língua de acolhimento*, unpublished MA dissertation, available at [http://repositorio.ul.pt/bitstream/10451/4090/1/ulfl081236\\_tm.pdf](http://repositorio.ul.pt/bitstream/10451/4090/1/ulfl081236_tm.pdf).

		<p>Regarding Technical Portuguese, the demand to have at least 26 trainees per class raises hurdles that limit holding such courses.</p> <p>Portuguese tests to measure the third-country national's competence in handling the Portuguese language in order to apply for citizenship by naturalisation were stopped in 2012. This was the result of several fraudulent activities being detected (immigrants who were more fluent in Portuguese were standing in for candidates who were supposed to do the tests<sup>31</sup>).</p> <p>Therefore, new legal provisions were adopted in 2013 and the rules regarding testing were tightened up in 2014.</p> <p>Regarding case law in this material, no Court judgments directly related to language learning and integration tests have been handed down over the past five years.<sup>32</sup></p>
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#### 1.2.4. Monitoring and assessment – Use of indicators

	<p>In this section please outline monitoring and evaluation procedures applied by public authorities at national and regional level, as applicable, for migrant integration. In particular, please present any indicators used for the monitoring, assessment and review of integration policies in the areas of political and social participation, social cohesion, and intolerance, inclusive and welcoming society. Please make sure to report here the link of such indicators with fundamental rights and the way their use reflects to the review of such policies.</p>	<p>Owing to the fact that the reference period is 2010-2014, the Second Plan for the Integration of Immigrants has to be referred to.</p> <p>The Plan involved the work of public agencies calling for the establishment of a network of focal points so as to follow up and monitor the measures. The network was composed of two representatives from the ministries involved in the implementation of measures (more detailed information on annex 2). The representatives of each Ministry were answerable to the implementation of activities and had to participate in meetings, as well as in gathering and reporting information about implementing measures seeking to follow up evaluation and draw up implementation reports. Monitoring and following up implementation measures was continuous and was based primarily on holding (eleven) meetings on a regular basis with the network. Attention was paid to the general focal points so that it was possible to follow-up measures that had already been taken and streamlined, as well future measures to be implemented. Specific bilateral and multilateral meetings to promote concrete measures were also held. The outcomes of such meetings resulted in activating measures and drawing up balance sheets, as well as two annual reports during the implementation stage. The reports were submitted to Consultative Council for Immigration Affairs (<i>Conselho Consultivo para os Assuntos da Imigração</i>, COCAI) in meetings specifically scheduled for the purpose. The annual reports showed 71 % implementation in 2010, 61.7 % in 2011 and</p>
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<sup>31</sup> Público (2013), 'Provas para efeitos de nacionalidade com regras mais exigentes', 1 April 2013, available at: [www.publico.pt/sociedade/noticia/provas-para-efeitos-de-nacionalidade-com-regras-mais-exigentes-1589772](http://www.publico.pt/sociedade/noticia/provas-para-efeitos-de-nacionalidade-com-regras-mais-exigentes-1589772) .

<sup>32</sup> More information on case law available at: [www.dgsi.pt/](http://www.dgsi.pt/).

		<p>72.6 % in 2012. Some international meetings were also held. A final implementation report was also drawn up.<sup>33</sup></p> <p>In 2014, migration policies underwent re-definition and the main public stakeholder in the area of migration policy, the High Commission for Immigration and Intercultural Dialogue (Alto Comissariado para a Imigração e Diálogo Intercultural, ACIDI) was restructured, now becoming the High Commission for Migration (Alto-Comissariado para as Migrações, ACM). This move caused a delay in implementing a new strategy on migration. The ACM launched a publication at the end of 2014<sup>34</sup> in which it described the data obtained from monitoring migrant integration from between 2000 to 2012. The Zaragoza indicators were used but a wider range of indicators and data were also included to assess migrant integration.</p> <p>Together with these measures for monitoring and evaluating the measures, the Immigration Observatory (now the Migration Observatory)<sup>35</sup> was set up with the slogan of 'getting to know more so as to do better', with the aim of evaluating integration policies and their impact on immigrants. Since it was founded, the Observatory has published in-depth studies<sup>36</sup> on immigration carried out by recognised researchers on the matter.</p> <p>The integration services were externally evaluated three times by the International Organisation for Migration (2006, 2008, 2010)<sup>37</sup>, and several of its recommendations have been incorporated so as to improve the services it provides.</p>
	<p>Provide full wording and translation in English of each indicator used per area and dimension covered as well as its full definition, legal basis, rationale, and link with fundamental rights or EU law <b>(use table in the Annex 4)</b>.</p>	
	<p>Please provide data and evidence about the adoption of related Zaragoza indicators, especially in the dimensions of active citizenship and welcoming society. Please consult the publication <a href="#">Using EU</a></p>	<p>In 2014, a report called "<i>Monitorizar a Integração de Imigrantes em Portugal</i>" ("Monitoring Immigrant Integration in Portugal"),<sup>38</sup> was published by High Commission for Migration (<i>Alto-Comissariado para as Migrações</i>, ACM). The Report collects all the available data to monitor the integration of migrants in Portugal. The Zaragoza indicators are mentioned and, as mentioned on page 22 of the report and, from pages 23</p>

<sup>33</sup> Governo de Portugal (2014), *Relatório de Execução Final II PII 2010-2013*, available at: [www.acidi.gov.pt/cfn/4d346c9b80687/live/Relat%C3%B3rio+Final+de+Execu%C3%A7%C3%A3o+do+PII+2010+-+2013](http://www.acidi.gov.pt/cfn/4d346c9b80687/live/Relat%C3%B3rio+Final+de+Execu%C3%A7%C3%A3o+do+PII+2010+-+2013).

<sup>34</sup> Oliveira, C. (coord.) (2014), *Monitorizar a Integração de Imigrantes em Portugal – Relatório Estatístico Decenal*, Volume 1, Coleção Imigração em Números, Lisboa, Alto Comissariado para as Migrações, available at: [www.oi.acidi.gov.pt/docs/Col\\_ImigNumeros/Monitorizar%20a%20Integracao%20de%20Imigrantes%20em%20Portugal.pdf](http://www.oi.acidi.gov.pt/docs/Col_ImigNumeros/Monitorizar%20a%20Integracao%20de%20Imigrantes%20em%20Portugal.pdf).

<sup>35</sup> Migration Observatory (OM), available at: [www.oi.acidi.gov.pt/](http://www.oi.acidi.gov.pt/).

<sup>36</sup> The studies are available for download at: [www.oi.acidi.gov.pt/modules.php?name=Content&pa=showpage&pid=20](http://www.oi.acidi.gov.pt/modules.php?name=Content&pa=showpage&pid=20)

<sup>37</sup> These reports are available at: [www.acidi.gov.pt/es-imigrante/servicos/centros-nacionais-de-apoio-ao-imigrante--cna](http://www.acidi.gov.pt/es-imigrante/servicos/centros-nacionais-de-apoio-ao-imigrante--cna).

<sup>38</sup> Oliveira, C. (coord.) (2014), *Monitorizar a Integração de Imigrantes em Portugal – Relatório Estatístico Decenal*, Volume 1, Coleção Imigração em Números, Lisboa, Alto Comissariado para as Migrações, available at: [www.oi.acidi.gov.pt/docs/Col\\_ImigNumeros/Monitorizar%20a%20Integracao%20de%20Imigrantes%20em%20Portugal.pdf](http://www.oi.acidi.gov.pt/docs/Col_ImigNumeros/Monitorizar%20a%20Integracao%20de%20Imigrantes%20em%20Portugal.pdf).

	<p><a href="#">Indicators of Immigrant Integration</a> (ESN, MPG) and report more detailed and updated specific descriptions and mapping of indicators used in the Member States.</p>	<p>to 27, is showed that it was possible to collect much more data and to make a deep analysis of each of the four areas grouping the indicators of Zaragoza. So, the areas of integration analysed in Portugal in that report unfold in 11: 1) entry, stay and exit of foreigners (seven indicators); 2) demographic indicators (13 indicators); 3) employment (30 indicators); 4) third-country nationals and social security (18 indicators); 5) education and qualifications (22 indicators); 6) Portuguese language learning (six indicators); 7) active citizenship (eight indicators); 8) housing (seven indicators); 9) third-country nationals and the justice system (seven indicators); 10) discrimination (seven indicators); 11) remittances (three indicators). The areas of employment, education and active citizenship correspond to the areas covered by the Zaragoza indicators, although many more indicators have been included. The indicators of the area "welcoming society" (Zaragoza indicators) are not stated as such, but correspond to "entry, stay and exit of foreigners" and are the first group listed in Annex 4). The other indicators listed in Annex 4 correspond to the area of "active citizenship", as stated in the cited report. Not all indicators were reproduced here in the present FRA report, as they are many more. But they can be consulted in the pages 23-27 of the report cited here and reference below.</p>
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**1.2.5 Funding integration policies (EIF, ERF, EMIF)**

	<p>Please provide information about the distribution of funds for integration of migrants, as well as their social inclusion and participation. In particular, provide specific breakdown of funding per general area of integration policies – with particular focus on active citizenship, participation, welcoming society, social cohesion - in the last year and for the period 2010-2014 if available. (Use the table in the Annex 5).</p>	<p>In 2010, 2011 and 2012, the European Integration Fund in Portugal (<i>Fundo Europeu para a Integração de Nacionais de Países Terceiros</i>, FEINPT) launched three actions that received a 75% share of community funding and 100% funding of technical assistance.</p> <p>The first action was concerned with "Strengthening and improving migrant integration". In Table 1, Annex 5, it is included in the thematic area "Social cohesion/social inclusion". The second activity was in order to "Support initiatives for following-up and evaluating policy and activities on immigrant issues". It also appears in Table 1 under the "other" thematic area. The third action was "Supporting initiatives for modernisation and the operational enhancement of facilities, structures and services seeking to integrate immigrants". It is included under the thematic area "Social cohesion/social inclusion". Technical assistance aimed at promoting efficacy and efficiency as regards implementing the programme, is mentioned under the "other" thematic area in Table 1.</p> <p>In 2013, FEINPT launched five actions that received 95% community funds and 100% funding of technical assistance. The first was "Welcoming, integrating and emphasizing intercultural values", which is included in "participation", and is based on the aims that were set</p>
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	<p>when launching this measure. The second, "Local government intercultural mediation teams" is included under "active citizenship". The third action, called "Studies on immigration and the integration of third-country nationals", by means of its cross-referencing aims comes under the "other" thematic area. The fourth action was "Local plans for immigrant integration" and has been included in the area "Social cohesion/social inclusion", as has the fifth action, called "Empowering immigrant support, welcoming and integration services". Technical assistance aimed at promoting efficacy and efficiency to do with implementing the programme, did not make allowances for its own funding and has been included in the "other" thematic area.</p> <p>The breakdown of funding is based on budget allocations.</p> <p>In 2010, 2011, 2012 and 2013, the EIF in Portugal was called "The European Fund for Refugees III" (<i>Fundo Europeu para os Refugiados III</i>, FER). It undertook three actions based on 75% community funds, and 75% funding for Technical Assistance during the first year. The first action that was launched was "Improving the receptor society's capacity to welcome and integrate". It is included in the "Social cohesion/social inclusion" thematic area. The second action was "Supporting training and information programmes" and comes under the "Welcoming society" thematic area. The third action was "Supporting the Resettlement Programme" and has been included in the "Social cohesion/social inclusion" thematic area. Technical assistance aimed at promoting efficacy and efficiency to do with implementing the programme; it has been included in the "other" thematic area.</p> <p>In 2011, EIF in Portugal launched two actions that received 75% community funding, and Technical Assistance that received 100%, plus "Other operations" receiving 75% funding. The goal of the first action was to "Strengthen the receptor society's capacity to welcome and integrate" and comes under the "Social cohesion/social inclusion" thematic area. The second action was "Supporting training and information programmes" and come under the "Welcoming society" thematic area in Table 1. Technical assistance aimed at promoting efficacy and efficiency when implementing the programme, comes under the "other" thematic area. The "Supporting the Resettlement Programme" falls under the "Other operations" and is included in the "Social cohesion/social inclusion" thematic area.</p> <p>In 2012, the EIF launched two actions enjoying 75% community funds, 100% funding for Technical Assistance plus "Other operations with a share of 75% funding. The actions that kept the same names and aims</p>
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		<p>as in the previous year, continued to follow the same rationale as before.</p> <p>In 2013, the EIF in Portugal launched two actions based on 95% community funds, 100% funding for Technical Assistance plus 48% funding for "Other operations". Apart from the differ allocations of funding, the names and aims of the actions that were carried out were the same as in the previous two years and followed the same rationale.</p> <p>As yet, the EMIF has not issued any budget allocation for Portugal.</p>
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## 2.Promoting equal treatment and non-discrimination

### 2.1.The implementation of anti-discrimination legislation and equal treatment

	Briefly provide information on the following:	
Outreach and awareness raising campaigns, training schemes, etc. undertaken by national or regional public authorities (including national equality bodies) targeting migrants and their descendants on the national anti-discrimination legal framework.		<p>In 2010,<sup>39</sup> training courses based on combating racism and discrimination, and targeting Local Support Centres for Migrant Integration (<i>Centros Locais de Apoio à Integração de Imigrantes</i>, CLAII) and Immigrant Associations were held (in February, March, October and December). The brochure describing the activities of the Commission for Equality and against Racial Discrimination (<i>Comissão para a Igualdade e Contra a Discriminação Racial</i>, CICDR) and the ways in which to report incidents involving discrimination, was published in 2010 with an edition of 20,000 copies. It included a summary of the legal framework.</p> <p>In 2011, a Seminar on the International Day for the elimination of Racial Discrimination was held by the CICDR targeting researchers, politicians, but also civil society organizations, among others<sup>40</sup>.</p> <p>In 2010, 2011 and 2012, the first of the four priority axis on the funding of associations of immigrants is "Full Integration and Equality of Opportunities", with the majority of the approved projects included in this axis. The CICDR website also kept up-to-date information aimed at clarifying rights and duties enshrined in law about this subject. It is also possible to register complaints online.</p>

<sup>39</sup> Alto Comissariado para a Imigração e Diálogo Intercultural I.P., ACIDI (2011), *Relatório de Atividades 2010*, available at: [www.acidi.gov.pt/\\_cfn/4d346bd641db7/live/Relat%C3%B3rio+de+Atividades+do+ACIDI+%282010%29](http://www.acidi.gov.pt/_cfn/4d346bd641db7/live/Relat%C3%B3rio+de+Atividades+do+ACIDI+%282010%29).

<sup>40</sup> ACIDI, I.P. (2012), *Relatório de actividades 2011*, available at: [www.acidi.gov.pt/\\_cfn/4d346bd641db7/live/Relat%C3%B3rio+de+Atividades+do+ACIDI+%282011%29](http://www.acidi.gov.pt/_cfn/4d346bd641db7/live/Relat%C3%B3rio+de+Atividades+do+ACIDI+%282011%29).

		<p>Since 2005, the Victim Support Unit for Immigrants and others suffering from Racial or Ethnic Discrimination (<i>Unidade de Apoio à Víctima Imigrante e de Discriminação Racial ou Étnica</i>, UVAIDRE), which is a unit resulting from an agreement drawn up between the High Commission for Immigration and Intercultural Dialogue (ACIDI), and the Portuguese Association for Victim Support (<i>Associação de Apoio à Víctima</i>, APAV), has been helping immigrants who have fallen victim to crime in general; the UVAIDRE also promotes migrant rights in Portugal.</p> <p>Some approved and running projects under the Cidadania Ativa Programme also target migrants and their descendants on the national anti-discrimination legal framework. This is an instrument that supports Non-Governmental Organizations (NGOs), in force between 2013 and 2016 and funded by the Financial Mechanism of the European Economic Area (EEA Grants). Its management is entrusted to the Calouste Gulbenkian Foundation, selected through public tender launched in 2012.<sup>41</sup> Under the field of intervention B, one of the objectives is “strengthen the active participation in society of disadvantaged groups, risk and subject to discrimination organizations and provide solutions to their problems”. Examples of large projects approved under this objective: “Empowering Today” started January 2014, which objective is to promote social inclusion, through professional (re)integration, made possible by the personal, social and professional empowerment of socially disadvantaged groups; “We Stand for Human Rights”, started in 2014, which main purpose is to strengthen the presence of education for human rights at national level, significantly extending the range of active stakeholders and promoting a better cooperation between the tertiary education system and NGOs.<sup>42</sup></p>
	<p>Evidence through polls, surveys, academic research, etc. on the awareness of migrants and/or their descendants concerning the right to equal treatment. Please indicate differences between ethnic/ migrant groups, living in different geographic areas, gender and age, as well as trends in time.</p>	<p>There were no findings to report in terms of awareness about the right to equal treatment, after consulting all the reports and studies for this report (the ones that are cited in the references). What is possible to say is that the Choices Programme (<i>Programa Escolhas</i>), which is detailed in annex 7, contributes to the inclusion of children and young and it strengthens equal opportunities and social cohesion. The “Open Doors Choices Programme” (<i>Escolhas de Portas Abertas</i>) is an initiative coming under that Programme. It took place from 2010 to 2013 with the aim of showing the work done by children, young people and their families in the projects funded by the Programme each year. The activities included exhibitions, themed visits, festivals, dance ateliers, plays, workshops, etc. Although not an</p>

<sup>41</sup> More information on this programme available at: [www.gulbenkian.pt/Institucional/en/Activities/ProgrammesAndProjects/CidadaniaAtivaProgramme](http://www.gulbenkian.pt/Institucional/en/Activities/ProgrammesAndProjects/CidadaniaAtivaProgramme).

<sup>42</sup> More information on the project available at: [www.gulbenkian.pt/Institucional/en/Activities/ProgrammesAndProjects/CidadaniaAtivaProgramme?a=4840](http://www.gulbenkian.pt/Institucional/en/Activities/ProgrammesAndProjects/CidadaniaAtivaProgramme?a=4840).

		<p>indicator related to immigrant awareness about equal treatment, these events indicate the places where this kind of information circulates.</p>
	<p>Evidence of complaints lodged by migrants and/or their descendants - % of total complaints to equality bodies, % of admissible complaints, statistics about outcomes of investigation, % of cases establishing discrimination. Please indicate differences between ethnic/ migrant groups, geographic areas, gender and age, as well as trends in time.</p>	<p>The complaints lodged by migrants and/or descendants on any grounds (gender, disability, age, etc.) are registered by the offices responsible for inspecting the public services. Only the complaints on the grounds of nationality and/or ethnic origin are responsibility of the Commission for Equality and against Racial Discrimination (<i>Comissão para a Igualdade e contra a Discriminação Racial</i>, CICDR). Therefore, in order to obtain the whole picture of the complaints, several of the following services were contacted: education, economic activities, health, etc. However, not all replied, and ways of registering the information do not follow the same criteria, so, here only are reported the ones related to the CICDR. The other data are reported in Annex 8. In 2014, out of the 60 complaints received by the CICDR,<sup>43</sup> 20 of them were considered unfounded or had no reason. As regards the domain of discrimination, most of those 60 were due to online public defamation. Brazilians are the most representative group of citizens in this set of complaints is the, but in most cases the nationality of the citizens making the complaints is not known. The most frequent content of the complaints is related to ethnic origin and pejorative references to "black or negro" (38.3 %). Only some of the complaints made to the CICDR led to administrative court cases being filed: 29 % in 2010, 37 % in 2011, 33 % in 2012, 32 % in 2013 and 30 % in 2014. According to the same source at CICDR website, the trend of submitted complaints on the grounds of nationality and/or ethnic origin are the following: 77 in 2010, 95 in 2011, 78 in 2012, 60 in 2013 and the same 60 in 2013.</p>
	<p>Tools, measures and positive initiatives aiming at facilitating reporting incidents of discrimination – e.g. translation facilities to report and submit complaints in multiple languages – and tackling under-reporting and low rights-awareness.</p>	<p>Encompassing all contacts of immigrants with the integration services, a telephone hotline is available, the "SOS Immigrant". It has been operational ever since 2003, and is a service provided by the High Commission for Migration (ACM). As from 2010, telephone operators have been able to answer in eight languages (Creole from Cape-Verde, English, French, Spanish, Russian, Ukrainian, Byelorussian and Romanian). It is also possible to use the Telephone Translation Service when users do not speak one of these languages. Even so, and according to the activity reports of the High Commission for Migration (former ACIDI and ACIME),<sup>44</sup> Portuguese is the most frequently spoken language on this hotline, with 84 % registered phone calls.</p>

<sup>43</sup> Information on complaints received by CICDR available at: [www.oi.acidi.gov.pt/docs/stats/discrimin/Queixas%20Discriminacao%20Racial%20CICDR%20entre%202000%20e%202014.pdf](http://www.oi.acidi.gov.pt/docs/stats/discrimin/Queixas%20Discriminacao%20Racial%20CICDR%20entre%202000%20e%202014.pdf).

<sup>44</sup> All the activity reports since 2002 are available at: [www.acidi.gov.pt/acidi-i-p-/documentos-acidi/relatorios-de-atividades](http://www.acidi.gov.pt/acidi-i-p-/documentos-acidi/relatorios-de-atividades).

		<p>Even if it possible for users of the hotline to make complaints about situations involving discrimination, the main issues raised have been connected with legalizing irregular situations in Portugal. In 2010, 40,998 calls were answered. In 2011, 36,522 calls were answered, 84 % from which in Portuguese, and 15 % in Russian.<sup>45</sup> In 2012, 35,146 calls were answered and 90 % of them were in Portuguese, 9 % in Russian.<sup>46</sup></p> <p>In order to offer victims help, an agreement was drawn up in 2005 between the High Commission for Immigration and Intercultural Dialogue (ACIDI), and the Portuguese Association for Victim Support (<i>Associação de Apoio à Vítima</i>, APAV). The aim was to offer free, confidential support to immigrants who have fallen victim of crimes in general and racial discrimination. This unit is called the Victim Support Unit for Immigrants and others suffering from Racial or Ethnic Discrimination (<i>Unidade de Apoio à Vítima Imigrante e de Discriminação Racial ou Étnica</i>, UVAIDRE).</p>
	<p>In particular, provide information about any legal protection on grounds of nationality, which is not covered by the EU anti-discrimination Directives,<sup>47</sup> but is a prohibited ground in several Member States. Please explain how unequal treatment on the basis of nationality is treated and provide exemplary cases, if any. Please provide information on the relevant practice and case law (<b>use template in Annex 9</b>)</p>	<p>The <u>Portuguese Constitution</u> (Articles 15 (1) (2) and (3))<sup>48</sup> states that foreigners and stateless persons who find themselves or who reside in Portugal shall have the same rights and be subject to the same duties as Portuguese citizens, with the exception of political rights, the exercise of public office that is not predominantly technical in nature, and the rights that are in the Constitution and in the law, and which are reserved exclusively for Portuguese citizens. In accordance with the law and subject to reciprocity, the citizens of the Portuguese-speaking countries who are residing permanently in Portugal, such rights are not otherwise granted with the exceptions of appointment to the offices of the President of the Republic, the President of the Assembly of the Republic, the Prime Minister and the President of any of the supreme courts and the services in the armed forces and the diplomatic corps.</p> <p>Article 33 in the <u>Law on Foreigners</u> (<i>Lei de Estrangeiros</i>) (Law 23/2007 of 4 July 2007)<sup>49</sup> which has already been mentioned above, and as a follow-up to Directive 2003/109/EC, states that beneficiaries of long-term status benefit from equal treatment, the same accorded to national citizens under the stipulations of the</p>

<sup>45</sup> ACIDI, I.P. (2012), *Relatório de Actividades 2011*, available at:

[www.acidi.gov.pt/cfn/4d346bd641db7/live/Relat%C3%B3rio+de+Atividades+do+ACIDI+%282011%29](http://www.acidi.gov.pt/cfn/4d346bd641db7/live/Relat%C3%B3rio+de+Atividades+do+ACIDI+%282011%29).

<sup>46</sup> ACIDI, I.P. (2013), *Relatório de Actividades 2012*, available at:

[www.acidi.gov.pt/cfn/4d346bd641db7/live/Relat%C3%B3rio+de+Atividades+do+ACIDI+%282012%29](http://www.acidi.gov.pt/cfn/4d346bd641db7/live/Relat%C3%B3rio+de+Atividades+do+ACIDI+%282012%29).

<sup>47</sup> As of Article 3.2 of the Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.

<sup>48</sup> Assembleia da República, *Constituição da República Portuguesa – VII Revisão Constitucional (2005)*, available at: [www.parlamento.pt/Legislacao/Documents/constpt2005.pdf](http://www.parlamento.pt/Legislacao/Documents/constpt2005.pdf).

<sup>49</sup> Portugal, Law 23/2007, which approved the legal regime for the entrance, permanence, exit and removal of foreign citizens (*Lei n.º 23/2007, de 4 de Julho, que aprovou o regime jurídico de entrada, permanência, saída e afastamento de estrangeiros do território nacional*), 4 July 2007, available at: <http://dre.pt/pdf1s/2007/07/12700/42904330.pdf>.

		<p>Constitution and the Law, namely for the purposes of access to self-employment or as dependent workers provided such activity does not mean exercising public authority, without prejudice to the special system applied to the citizens of Portuguese-speaking countries; access to a job and work including conditions involving dismissal and earning an income; access to education and vocational training including allowances and scholarships in conformity with the applicable laws; recognition of professional degrees, diplomas, certificates and other qualifications in conformity with the law and relevant national procedures; access to social security and assistance as well as welfare protection; access to tax benefits; access to health care; access to receiving goods and services and supplying good and services to the public, as well as obtaining lodgings; freedom of association, membership and joining any organization representing workers or employers or any organization whose members undertake certain occupations, including the benefits ensuing from these kinds of organisations; free access to the whole of national territory. Article 83 in the same Law likewise recognises the rights awarded the holder of a residence permit without the need for any special authorisation in connection with his/her status as a third-country national.</p> <p>Various laws state that it is forbidden to discriminate against one's nationality. The following references to this fact are:</p> <p>The <u>Labour Code (Código do Trabalho)</u>, Law 7/2009 of 12 February 2009,<sup>50</sup> (Article 24 (1) and (5) which states that the worker or candidate for a job enjoys equal rights of opportunity and treatment in terms of getting a job, receiving training and promotion or gaining access to a professional career, as well as working conditions including a salary, where s/he may not receive any privilege, benefit, be jeopardised or deprived of any right or be exempt from any reasonable duty, namely concerning <u>nationality</u>. Breaching this provision means that it is a very serious administrative offence. Where the freedom to join a trade union and an employer's association is concerned, the Labour Code states in Article 444 (1) and (3) that when exercising his/her trade union freedom, the worker has the right, without any discrimination, to enrol in the union representing his/her respective profession, and that the employer has the right without any discrimination, to enrol in his/her employer's association in the activity the association represents.</p> <p><u>The Social Security Legal System (Lei de Bases da Segurança Social)</u>, Law 4/2007 of 16 January 2007</p>
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<sup>50</sup> Portugal, Law 7/2009, which approves the revision of the Labour Code (*Lei n.º 7/2009 que aprova a revisão do Código do Trabalho*), 12 February 2009, available at: <http://dre.pt/pdf1s/2009/02/03000/0092601029.pdf>.

		<p>(Article 7)<sup>51</sup> enshrines the principle of equality that consists of the non-discrimination of its beneficiaries, namely due to their sex and <u>nationality</u>, in the latter case, without jeopardising their residential status and their reciprocity.</p> <p>The Health Legal System (<i>Lei de bases da saúde</i>), Law 48/90 of 24 August 1990, together with the alterations made by Law 27/2002 of 8 November,<sup>52</sup> (<i>Base XXV (3)</i>) states that besides Portuguese citizens and citizens from EU member states, beneficiaries of the National Health Service (<i>Serviço Nacional de Saúde</i>, SNS) also include third-country citizens residing in Portugal providing that reciprocal conditions are offered in their own countries, and also stateless persons who are living in Portugal.</p> <p>Where the right to education is concerned, in Article 74 (1) and (2) f) of the Portuguese Constitution, it is said that everyone has the right to education and it falls to the State to carry out the educational policy ensuring adequate support to the children of immigrants in fulfilling this right. In terms of compulsory schooling, education is universal and free.<sup>53</sup></p> <p>No case law was found about the unequal treatment in terms of nationality. The only case laws that were found were about alleged unequal treatment and they had to do with: interpreting the procedures in terms of proving the connection of the interested party with the Portuguese community when she wanted to become a Portuguese citizen, and with becoming a Portuguese citizen on the basis of marriage to a Portuguese citizen. Neither of these two cases were found to be pertinent by the courts.<sup>54</sup></p>
	<p>Please provide information about the application of the legislation concerning discrimination against migrants – on any ground – in accessing law enforcement and judiciary services. In particular please clarify whether and when the</p>	<p>Equality in treatment on a par with Portuguese citizens is also applicable when it comes to “access to the law and the courts in order to defend those of his/her rights and interests that are protected by law, and justice shall not be denied to anyone due to lack of financial means” (<i>“acesso ao Direito e aos tribunais para defesa dos seus direitos e interesses legalmente protegidos, não podendo a justiça ser denegada por insuficiência de</i></p>

<sup>51</sup> Portugal, Law 4/2007 amended and re-published as Law 83-A/2013 of 30 December – First amendment made to law 4/2007 of 16 January that passes the Social Security Legal System (*Lei n.º 4/2007, de 16 de Janeiro, alterada e republicada pela 83-A/2013, de 30 de Dezembro, primeira alteração à Lei n.º 4/2007, de 16 de Janeiro, que aprova as bases gerais do sistema de segurança social*), 16 January 2007, available at: <https://dre.pt/application/file/522716>.

<sup>52</sup> Portugal, Law 48/90 amended by Law 27/2002 of 8 November, Health Legal System (*Lei n.º 48/90, de 24 de Agosto, com as alterações introduzidas pela Lei n.º 27/2002, de 8 de Novembro, Lei de bases da Saúde*), 24 August 1990, available at: <https://dre.pt/application/file/574059>.

<sup>53</sup> See, among others, Portugal, Decree-Law 176/2012, that governs the enrolment and attendance system in compulsory education of children and young people aged between 6 and 18 and sets down measures that should be adopted within the sphere of the educational branches opened to students in order to prevent failure and dropping out of school, (*Decreto-Lei n.º 176/2012, de 2 de Agosto, que regula o regime de matrícula e de frequência no âmbito da escolaridade obrigatória das crianças e dos jovens com idades compreendidas entre os 6 e os 18 anos e estabelece medidas que devem ser adotadas no âmbito dos percursos escolares dos alunos para prevenir o insucesso e o abandono escolares*), 2 August 2012, available at: [www.dgidec.min-edu.pt/index.php?s=directorio&pid=329](http://www.dgidec.min-edu.pt/index.php?s=directorio&pid=329).

<sup>54</sup> More about case law available at: [www.dgsi.pt/](http://www.dgsi.pt/).

	<p>latter are considered and treated, or not, as services available to the public, therefore falling within the scope of the directives and the jurisdiction of Equality Bodies.<sup>55</sup></p>	<p><i>meios económicos</i>”) (Article 20 (1) in the Portuguese Constitution. This subject is also dealt with in Law 34/2004 of 29 July that was amended and re-published by Law 47/2007 of 28 August 2007,<sup>56</sup> and which partially transposed Directive 2003/8/EC of 27 January. In conformity with Article 1 in this law, the system providing access to the law and the courts has the aim of ensuring that no one is hindered or stopped from knowing about, exercising or defending his/her rights because of his/her social or economic condition or because of lack of financial resources. In order to bring about such measures, activity based on systematic mechanisms involving legal information and juridical protection has to be undertaken. Juridical protection, which may include the form that legal consultations and juridical support takes, is offered when concrete questions or court matters arise, or when they are likely to arise where the user acts in his own interest and has to deal with rights that have been directly breached or are likely to be breached (as referred to by Article 6 in the same law).</p> <p>Also according to Law 47/2007 mentioned above, legal protection is awarded to third-country nationals and stateless persons who have valid residence permits issued by an EU-member state, and who are able to show they are in financial difficulties. Third-country nationals who do not have a valid residence permit issued by an EU-member state, are awarded the recognition as to their right to legal protection in the same way that Portuguese citizens are awarded this recognition, and in conformity with what is laid down in the laws of their respective countries (see Article 7 (i) and (2) in this law). A lack of financial resources includes anyone who at that time, is in an objective situation of not being able to pay for the costs of a court case (Article 8 (1)). Articles 8-A e 8-B establish the criteria whereby the limited financial situations of singular persons are appraised. Likewise, a third-country national who has been refused entry into Portugal is ensured, in a timely way, access to legal aid given by a lawyer. The ensuing expenses are paid by the person him/herself or, upon request for legal aid, such aid will be awarded with due changes according to stipulations in Law 34/2004 of 29 July. In this event, a defence council is appointed for urgent consultations with the accused (see Article 40 (2) in the Foreigners</p>
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<sup>55</sup> Please note that these are considered to be non-economic services by the EU Commission (Services of general interest, including social services of general interest: a new European commitment is made in COMM 725 (2007) of 20 November 2007, yet they are not always considered by Agencies dealing with Equality to fall in the areas of application in terms of anti-discrimination directives.

<sup>56</sup> Portugal, Law 47/2007, the first amendment to law 34/2004 of 29 July which changes the system providing access to the law and the courts (*Lei n.º 47/2007, de 28 de Agosto, primeira alteração à Lei n.º 34/2004, de 29 de Julho, que altera o regime de acesso ao direito e aos tribunais*), 28 August 2007, available at: <https://dre.pt/application/file/640981>.

	Law ( <i>Lei de Estrangeiros</i> ), Law 23/2007 of 4 July 2007). <sup>57</sup>
	Please provide statistical data about numbers of discrimination cases/complaints submitted to competent bodies (Equality Bodies, Administrative Courts), as well as about their outcomes <b>(use the tables in the Annex 8)</b>
<b>2.2.Implementation of equal treatment of various permit holders</b>	
	<p>Please summarize <u>briefly</u> in this section any key issues affecting the implementation of equal treatment of permit holders, as defined by the following EU legislation; these could be, for example, practical issues and bottlenecks, administrative delays, coordination and cooperation of public authorities, etc.</p> <p>Please substantiate findings, as far as possible, through formal evaluations, as well as research or studies and case law <b>(use template in Annex 9)</b>. Please bear in mind that no assessment of the <b>legal transposition</b> process is required. In regard to the five categories below, please provide <u>statistical data</u> issued in 2014 or valid on 31.12.14. <b>(use annex 3)</b></p> <p>Please note that, although we sent a letter, on 16 February 2015, The Immigration and Borders Service did not reply about the key issues affecting the implementation of equal treatment of permit holders, as defined by the following EU legislation.</p>
2.2.1. <u>Long Term Residence (LTR) status holders</u> (Art.11 of the Directive <a href="#">2003/109/EC</a> )	Article 11 in Directive 2003/109/EC matches Article 133 in the Law on Foreigners which states that long-term beneficiaries enjoy the same treatment as national citizens in terms of the Constitution and the Law. Article 133 does not refer to any of the restrictions appearing in the Directive, Article 11 (2), (3) and (4).
2.2.2. <u>Single-permit procedure permit holders</u> (Art.12 and 13 of the Directive <a href="#">2011/98/EU</a> )	Article 12 in Directive 2011/98/EU stipulates the equal treatment of all third-country workers (accepted in an EU member country for non-work related reasons, who are authorised to work and have a residence permit issued according to EC Regulation 103/2002, and third-country nationals who are accepted by an EU member country for the purpose of getting a job) in terms of the national citizens of member-countries in which the former now reside, and in conformity with Article 13 (More favourable provisions). This corresponds to Article 83 in the Law on Foreigners ( <i>Lei de Estrangeiros</i> ) (Law 23/2007 of 4 July 2007). Furthermore, certain third-country nationals (for example, Brazilians) enjoy a more favourable status owing to special laws in force.
2.2.3. <u>Blue card holders</u> (Art.14 and 12 of the Directive <a href="#">2009/50/EC</a> )	Article 14 in Directive 2009/50/EC states that Blue-Card holders enjoy equal treatment with national citizens in different matters, although a few restrictions may be brought to bear (in receiving scholarships, study and vocational training grants / loans, lodgings, access to tertiary education). Article 12 on a worker's access to the labour market for EU Blue-Card holders namely states that after two years have elapsed, member states may award the person in cause equal treatment with national citizens with regard to accessing highly-qualified jobs. This limit of two years is also found in the

<sup>57</sup> Portugal, Law 23/2007, which approved the legal regime for the entrance, permanence, exit and removal of foreign citizens (*Lei n.º 23/2007, de 4 de Julho, que aprovou o regime jurídico de entrada, permanência, saída e afastamento de estrangeiros do território nacional*), 4 July 2007, available at: <http://dre.pt/pdf1s/2007/07/12700/42904330.pdf>.

	Law on Foreigners in Article 121-G. Article 121-H states that Blue-Card holders likewise enjoy equal treatment with national citizens in the same terms as those laid down in the Directive.
2.2.4. Family reunification permit holders (specifically in terms of access to labour market - Art. 14 of Directive <a href="#">2003/86/EC</a> )	No provision giving access to work to people who hold family reunification permits has been found in the Law on Foreigners ( <i>Lei de Estrangeiros</i> ) (Law 23/2007 of 4 July 2007). <sup>58</sup> Nevertheless, the Law on Foreigners allows for cases in which the authorization to grant a residence permit to the spouse is made autonomously (as written in Article 107 (3), (4) (5)). In this case, a system ensuring equal treatment is applied, as laid down in Article 83 in the same law which includes the right to exercise any subordinated activity. It should also be mentioned that authorisation for granting autonomous residence permits also includes victims of domestic violence whereby these permit holders may also work (Article 107, (4)).
2.2.5. Beneficiaries of international protection long term residence status holders <sup>59</sup>	In conformity with Article 67 in Law 27/2008 of 30 June, and amended and republished as Law 26/2014 of 5 May <sup>60</sup> a residence permit is granted to persons with the status of refugees. The permit is valid for an initial period of five years and is renewable for equal periods except in cases involving risks to national security or public order. Persons benefitting from extra protection are granted the same conditions as if receiving a residence permit except that the permit is only valid for a period of three years, also renewable under certain conditions. The members of the family of a person entitled to the status of refugee or due extra protection, are able to obtain authorisation granting them exceptional residence that is valid for the same duration as that awarded the exile, refugee or protection person whereby the demands requiring compliance with the legal system ruling over the entry, stay, exit and removal of third-country nationals has been waived. Persons benefitting from the status referred to above, have the same rights and duties as foreign residents in Portugal (Article 65) whereby, equal to national citizens, they are granted access to education, work, vocational training, social security, health care, lodging, and freedom of circulation. The appropriate agency programmes should promote the integration of such persons in Portuguese society (Articles 70 to 76).

<sup>58</sup> Portugal, Law 23/2007, which approved the legal regime for the entrance, permanence, exit and removal of foreign citizens (*Lei n.º 23/2007, de 4 de Julho, que aprovou o regime jurídico de entrada, permanência, saída e afastamento de estrangeiros do território nacional*), 4 July 2007, available at: <http://dre.pt/pdfs/2007/07/12700/42904330.pdf>.

<sup>59</sup> As per Articles 6 and 7 of Directive [2011/51/EU](#) of the European Parliament and of the Council of 11 May 2011 amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection Text with EEA relevance.

<sup>60</sup> Portugal, Law 26/2014, Giving on to the first alteration to Law 27/2008 of 30 June that lays down the conditions and procedures for granting exile or extra protection and the rules governing applications for exile, refugee status and extra protection, transposing the EU Parliamentary Directives 2011/95/UE, 2013/32/EU, and 2013/33/EU (*Lei 26/2014, de 5 de Maio, procede à primeira alteração à Lei 27/2008, de 30 de Junho, que estabelece as condições e procedimentos de concessão de asilo ou protecção subsidiária e os estatutos de requerente de asilo, de refugiado e de protecção subsidiária, transpondo as Directivas 2011/95/UE, 2013/32/UE, do Parlamento e 2013/33/EU*), 5 May 2014, available at: <https://dre.pt/application/dir/pdf1sdip/2014/05/08500/0260602637.pdf#1>

## 2.3. Key developments and trends

	<p>Please include in this section key developments in the area of equal treatment and anti-discrimination that concern only migrants and/or their descendants. Key developments may be new legislation or policies, abolition, update, improvement or reform of existing ones, as well as important case law, court, equality body or administrative cases, that have had or may have an impact on the implementation of the anti-discrimination legislation and equal treatment policies that related to the rights of migrants and/or their descendants <b>(for presentation of case law, use template in Annex 9)</b>. Such developments may also affect the actual situation on the ground, including public debates and perceptions among the native population and migrants.</p>	<p>. Matters dealing with equal treatment and the non-discrimination of migrants and their descendants have not been the object of many court decisions and the court cases in evidence are hardly significant, as may be seen in Annex 9.</p> <p>Matters dealing with equal treatment and the non-discrimination of migrants and their descendants have not been the object of any new legislation. However, by means of Resolution 12-B/2015 of 20 March<sup>61</sup> the Council of Ministers adopted a new Strategic Plan for Migration (2015-2020) based on five priority axes. Out of these axes, Axis I – Immigration Integration Policies, which aims at consolidating integration efforts, as well as enabling and combating discrimination against immigrants and ethnic groups in Portuguese society, lays down a wide range of measures and actions. These are designed to predict and fight against discrimination, namely that which is rooted in nationality, religion and ethnic origin. Their intention is also to make public opinion aware of cultural diversity. There are not many court decisions in terms of equality and non-discrimination against migrants, and the court cases in evidence are hardly significant, as may be seen in Annex 9.</p> <p>It should be highlighted that a change in the most recent law on citizenship/nationality: it extend to all foreigners the time requirement of legal residence of six years in Portugal, while formerly it applied only to nationals of the Portuguese-speaking countries, leaving to the others the requirement of having 10 years of legal residence. So, the law ended the positive discrimination towards the immigrants coming from countries with historical and cultural ties with Portugal.</p>
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<sup>61</sup> Portugal, Strategic Plan for Migration (2015-2020) , Council of Ministers Resolution 12-B/2015 of 20 March (*Plano Estratégico para as Migrações (2015-2020) Resolução do Conselho de Ministros 12-B/2015, de 20 de Março*)., available at: [www.portugal2020.pt/Portal2020/Media/Default/Docs/Legislacao/Nacional/Resolu%C3%A7%C3%A3oCM12B\\_2015.pdf](http://www.portugal2020.pt/Portal2020/Media/Default/Docs/Legislacao/Nacional/Resolu%C3%A7%C3%A3oCM12B_2015.pdf).

## 3. Participation of migrants and their descendants in society

### 3.1. Political rights at national level

#### 3.1.1. Citizenship acquisition

In this section please provide information about the specific requirements and criteria for citizenship acquisition, if any, that relate to the applicants active participation in society, genuine links or bond to the society or the country, schooling period or other 'socialization' requirements. -Path to citizenship for foreign born third country nationals (the so-called '1st generation')

Please provide information about the specific requirements and criteria for citizenship acquisition, if any, that relate to the applicants active participation in society, genuine links or bond to the society or the country, schooling period or other 'socialization' requirements. - Path to citizenship for country-born (so-called '2nd generation') and country-grown migrant children (so-called '1,5 generation').

In conformity with the Law on Nationality (*Lei da Nacionalidade*), Law 37/81 of 3 October 1981, that was republished as Organic Law 2/2006 of 17 de April 2006 (*Lei Orgânica 2/2006, de 17 de Abril*),<sup>62</sup> Portuguese nationality is granted for the purposes of naturalisation under the following conditions to:

- Third-country nationals provided that they fit all the following demands: have attained their majority or have become emancipated in terms of the Portuguese Law, have been legal residents in Portugal for at least 6 years, have a sufficient knowledge of the Portuguese language, and have not been convicted in sentences that have become *res judicata*, of a crime punishable under Portuguese Law with imprisonment up to a maximum equal to three or more years. (see Article 6)

- Minors born on Portuguese soil, the children of third-country nationals, who have a sufficient knowledge of the Portuguese language and who have not been convicted in sentences that have become *res judicata*, of a crime punishable under Portuguese Law with imprisonment up to a maximum equal to three or more years provided that at the time during which they put in their application for naturalisation, one of the following conditions has been complied with: one of their parents has resided lawfully in Portugal for at least five years; the minor has completed his/her compulsory primary education (1<sup>st</sup> cycle).

Naturalisation may also be obtained under the following conditions:

- Exemption of the requirement demanding lawful residence in Portugal for at least 6 years in the event of persons who were born abroad, at least one

<sup>62</sup> Portugal, Organic Law 2/2006 amending Law 37/81 of 3 October, Law on Nationality (*Lei Orgânica n.º 2/2006, de 17 de Abril, que altera e republica a Lei 37/81, de 3 de Outubro, Lei da Nacionalidade*), 17 April 2006, available at: <https://dre.pt/application/file/650858>; an English version of the original law without any up-dates is available at: <http://eudo-citizenship.eu/NationalDB/docs/POR%20Law%2037%2081%20as%20consolidated%20by%20Law%202%2006%20%28English%29.pdf>

		<p>Portuguese ancestor in the second degree of the direct line if he/she has not lost his/her Portuguese nationality.</p> <ul style="list-style-type: none"> <li>- Exemption of the requirement demanding lawful residence in Portugal for at least 6 years in the event of persons who were <u>born in Portugal to foreign parents</u> if they have remained habitually in Portugal for ten years prior to the application.</li> <li>- Exemption of the requirement demanding lawful residence in Portugal for at least 6 years and a sufficient knowledge of the Portuguese language in the event of persons who, while not being stateless, have once had Portuguese nationality; persons who are considered to be Portuguese descendants; persons who are members of Communities made up of Portuguese ancestry, and, third-country nationals who have rendered or are called to render relevant services to the Portuguese State or the Portuguese community.</li> <li>- Exemption of the requirement demanding lawful residence in Portugal for at least 6 years and a sufficient knowledge of the Portuguese language in the event of persons who are the descendants of Portuguese Sephardic Jews provided they are able to prove that they belong to the Portuguese-derived Sephardic Jewish tradition, where such objective proof demonstrates links to Portugal, mainly through family names, home language, direct or indirect descendancy.</li> </ul> <p>In conformity with the Law on Nationality, <u>Portuguese nationality by descent</u>, are:</p> <ul style="list-style-type: none"> <li>- Persons born in Portugal who are the children of third-country nationals provided that at least one of their parents has also been born on Portuguese soil and has resided in the country regardless of his/her status at the time the children were born.</li> <li>- Persons born in Portugal who are children of third-country nationals who are not in service at the behest of their respective countries provided that they declare that they wish to become Portuguese and so long as at the time of the children's birth, one of the parents has been lawfully residing in the country for at least five years.</li> <li>- Persons who are born on Portuguese soil but do not have any other nationality.</li> </ul> <p>The Law on Nationality also lays down that acquiring Portuguese nationality <u>if so desired</u> may be applied for if they are:</p> <ul style="list-style-type: none"> <li>- The minor or disabled children of a mother or a father who has already acquired Portuguese nationality, achieved by submitting a Declaration.</li> <li>- A third-country national who has been married to a Portuguese citizen for more than three years, achieved by submitting a Declaration made during the duration of the marriage.</li> <li>- A third-country national who, at the time of the Declaration, has lived in a <i>de facto</i> union with a</li> </ul>
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		<p>Portuguese citizen for more than three years after the civil court's recognition of this situation has been obtained.</p> <p>In terms of Article 9 in the Law on Nationality, grounds for opposing the desire to acquire Portuguese nationality are:</p> <ul style="list-style-type: none"> <li>- <u>The lack of effective ties with the Portuguese community.</u> The law does not define what it means by ties with the Portuguese community and how should it be assessed, but the law places great emphasis on knowing the Portuguese language.. Regarding naturalisation, the level required to obtain Portuguese citizenship is A2 in accordance with Ruling 1403-A/2006<sup>63</sup> which governs criteria to measure competence in the Portuguese language (as defined by the Law on Nationality (<i>Lei da Nacionalidade</i>) in force, Decree-Law 237A/2006 of 14 December).<sup>64</sup></li> <li>- The conviction of a crime where the sentence has become <i>rés judicata</i> that is punishable under Portuguese law with imprisonment up to a maximum equal to three or more years.</li> <li>- The exercise of public functions without demanding a predominantly technical nature, or rendering non-compulsory military service in a foreign State.</li> </ul> <p>Legal residents on Portuguese soil are understood to be persons living in Portugal lawfully with regard to permission granted by the Portuguese authorities, regardless of such persons' status, visas, authorisations needed when entering, staying in, leaving or being removed from the country, as well as persons with the right to exile, without prejudicing any special legal residence awarded as a result of treaties or conventions in which Portugal is a party, namely in sphere of the European Union or the Community of the Portuguese-Speaking Countries (<i>Comunidade dos Países de Língua Portuguesa</i>). (See Article 15).</p> <p>Ruling 1403-A/2006 of 15 December (<i>Portaria 1403-A/2006, de 15 de Dezembro</i>)<sup>65</sup> was published following these laws. It rules on diagnostic tests made to assess the person's knowledge of the Portuguese language.</p>
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<sup>63</sup> Portugal, Ruling 1403-A/2006, which rules upon the competence to handle the Portuguese Language for the purpose of naturalisation and opens the way to pass diagnostic test models (*Portaria n.º 1403-A/2006, de 15 de Dezembro de 2006, Regulamenta a aferição do conhecimento da língua portuguesa para efeito de naturalização e procede à aprovação dos modelos dos testes de diagnóstico*), 15 December 2006, available at: <https://dre.pt/application/file/231611>.

<sup>64</sup> Portugal, Decree-Law 237A/2006 which approves the Portuguese Nationality Regulation (*Decreto-Lei n.º 237A/2006, de 14 de Dezembro de 2006, que aprova o Regulamento da Nacionalidade Portuguesa*), 14 December 2006, available at: <https://dre.pt/application/file/216862>.

<sup>65</sup> Portugal, Ruling 1403-A/2006, which rules upon the competence to handle the Portuguese Language for the purpose of naturalisation and opens the way to pass diagnostic test models (*Portaria n.º 1403-A/2006, de 15 de Dezembro de 2006, Regulamenta a aferição do conhecimento da língua portuguesa para efeito de naturalização e procede à aprovação dos modelos dos testes de diagnóstico*), 15 December 2006, available at: <https://dre.pt/application/file/231611>.

	<p>Debates, issues and challenges concerning the implementation of citizenship policies</p>	<p>The conditions for obtaining citizenship changed in 2006 in Portugal, as already mentioned above. This change has been “acknowledged internationally as the current best policy in EU (ranked first among MIPEX countries) (...) This law was approved with strong consensus by the Portuguese Parliament, with 91 percent of MP votes in favour and none against”.<sup>66</sup></p> <p>The legal framework extended the criteria for granting and acquiring nationality, strengthening the principle of <i>ius solis</i>. Administrative processing deadlines were improved according to reports on the implementation plans for immigrant integration, but applicants continue to wait a long time for feedback from the consular authorities or in order to take the official Portugal language tests. “Some immigrants interviewed mentioned that sometimes the delays in the possibility to sit the official language test lead to the validity of the other documents for the application running out and so all the documents must be requested and obtained again.”<sup>67</sup></p> <p>The registration of new citizens for the electoral process is not automatic, and recommendations are for automatically, registrations in order to allow those who have naturalised to voice their political choices actively.<sup>68</sup></p>
	<p>Key developments and trends – case law (<b>please use the template in the Annex 9</b> to provide information about the cases – here only a simple reference to the case name is required) or new provisions and reforms.</p>	<p>There are no court judgments dealing with recent trends in matters to do with nationality.<sup>69</sup></p> <p>The Strategic Plan for Migration (<i>Plano Estratégico para as Migrações 2015-2020</i>, PEM) includes, on its Axis II measures that are specially addressed to those who have acquired Portuguese nationality. This axis includes measures on education, professional training, labour market and civil and political participation.</p> <p>No other legal provisions or reforms are foreseen in what concerns nationality.</p>
	<p>Please indicate key and/or milestone dates – e.g. of major reforms - regarding citizenship acquisition for migrants and/or their descendants.</p>	<p>- The law on Nationality which dates from 1981 underwent amendments in 1994, 2001, 2004, 2006 and 2013. In terms of third-country nationals and / or their descendants acquiring Portuguese nationality, the amendments made by Law 25/94 of 19 August (<i>Lei 25/94, de 19 de Agosto</i>)<sup>70</sup> and Organic Law 2/2006 of</p>

<sup>66</sup> Oliveira, C., Carvalhais, I.E., Cancela, J. (2014), *Political parties openness to immigrants in Portugal: between opportunity structure and the individual perceptions – Portugal Report DivPol*, Lisboa, Alto Comissariado para as Migrações, I.P., p. 19, available at: [www2.uac.pt/bibliopac/OI/PORTUGAL\\_Report\\_DivPol%20FINAL.pdf](http://www2.uac.pt/bibliopac/OI/PORTUGAL_Report_DivPol%20FINAL.pdf).

<sup>67</sup> Healy, C. (2001), *Portuguese Citizenship: the new nationality Law of 2006 – Extend abstract in English*, Lisbon, ACIDI, I.P., p. 40, available at:

[www.oi.acidi.gov.pt/docs/Estudos%20OI/Resumo%20Alargado%20Estudo%20OI%2045.pdf](http://www.oi.acidi.gov.pt/docs/Estudos%20OI/Resumo%20Alargado%20Estudo%20OI%2045.pdf).  
<http://www.oi.acidi.gov.pt/docs/Estudos%20OI/Resumo%20Alargado%20Estudo%20OI%2045.pdf>.

<sup>68</sup> Healy, C. (2001), *Portuguese Citizenship: the new nationality Law of 2006 – Extend abstract in English*, Lisboa, ACIDI, I.P., p. 44, available at: [www.oi.acidi.gov.pt/docs/Estudos%20OI/Resumo%20Alargado%20Estudo%20OI%2045.pdf](http://www.oi.acidi.gov.pt/docs/Estudos%20OI/Resumo%20Alargado%20Estudo%20OI%2045.pdf).

<sup>69</sup> More information on case law available at: [www.dgsi.pt](http://www.dgsi.pt).

<sup>70</sup> Portugal, Law 25/94, amendment to Law 37/81 of 3 October, Law on Nationality (*Lei n.º 25/94, de 19 de Agosto de 1994, altera a Lei n.º 37/81, Lei da Nacionalidade, de 3 de Outubro de 1981*), 19 August 1994, available at: <https://dre.pt/application/file/218440>.

		<p>17 April 2006 (<i>Lei Orgânica 2/2006, de 17 de Abril</i>)<sup>71</sup> are particularly important.</p> <p>Law 25/94 (Article 1 (1) c)) now states: "<u>Portuguese by descent</u> are persons born on Portuguese soil, the children of third-country nationals who have been lawfully residing in the country on a valid residence permit for at least 6 years or 10 years depending upon whether they are respectively the citizens of countries speaking Portuguese as their official language or of other countries, and provided that they are not engaged in the service of their respective State, if they declare that they wish to become Portuguese citizens" ("<i>São portugueses de origem os indivíduos nascidos em território português, filhos de estrangeiros que aqui residam com título válido de autorização de residência há, pelo menos, 6 ou 10 anos, conforme se trate, respectivamente, de cidadãos nacionais de países de língua oficial portuguesa ou de outros países, e desde que não se encontrem ao serviço do respectivo Estado, se declararem que querem ser portugueses</i>").</p> <p>Furthermore Article 6(1) b), d), e) and f) states that "<u>Portuguese nationality by naturalisation</u> may be granted to third-country nationals who, among other conditions, satisfy all the following requirements: that they have lived on Portuguese soil or under the Portuguese government with a valid residence permit for at least 6 years or 10 years depending upon whether they are respectively the citizens of countries speaking Portuguese as their official language or of other countries"; "prove that there is an effective link to the Portuguese community"; "posses civic skills"; and " are able to take care of themselves and ensure their own livelihood" ("<i>E que pode ser concedida a nacionalidade portuguesa por naturalização aos estrangeiros que, entre outros, satisfaçam cumulativamente os seguintes requisitos: "residirem em território português ou sob administração portuguesa, com título válido de autorização de residência, há, pelo menos, 6 ou 10 anos, conforme se trate, respectivamente, de cidadãos nacionais de países de língua oficial portuguesa ou de outros países"; "comprovarem a existência de uma ligação efectiva à comunidade nacional"; "terem idoneidade cívica"; e "possuírem capacidade para reger a sua pessoa e assegurar a sua subsistência</i>").</p> <p>The Organic Law 2/2006 (<i>Lei Orgânica 2/2006</i>) referred to in the previous point is a veritable landmark in terms of migrants and their descendants.</p>
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<sup>71</sup> Portugal, Organic Law 2/2006 amending Law 37/81 of 3 October, Law on Nationality (*Lei Orgânica n.º 2/2006, de 17 de Abril, que altera e republica a Lei 37/81, de 3 de Outubro de 1981, Lei da Nacionalidade*), 17 April 2006, available at: <https://dre.pt/application/file/650858>.

	<p>Naturalisation rate - % of migrants that have been naturalized compared to migrant stock and to general population – listing the most numerous groups on the basis of their previous nationality, by gender and age-group if available. <b>Please provide the latest available data.</b> The most recent data provided by <u>Eurostat</u> concern the year 2012.</p>	<p>Among the changes, the most innovative feature in this new Law concerns the fact that the principle of <i>jus solis</i> has been reinforced by recognising the status of citizenship in persons born in the country and who have ties with Portugal; it also strengthens the principle of <i>jus domicilii</i> by making naturalisation available in many situations where children and young people are vulnerable and who can now give proof that they reside in the country, particularly if they attend school (this is instead of a number of years living with a residence permit); the proof of legal residence required for the purpose of applying for and obtaining nationality may be associated to any residence document or valid visa, and not only a residence permit (such as before), thus ensuring many different ways to enter and stay in the country for the purpose of accumulating years of residence in Portugal; common-law marriage corresponding to civil or religious marriage so as to acquire nationality; in cases of wanting to become naturalised, the time limit for all third-country nationals is now six years lawful residence in Portugal (this number formerly applied only to nationals of coming from countries speaking Portuguese as their official language, while all the other third-country nationals had to reside 10 years in the Portugal). The principle of discrimination on the grounds of a person’s original nationality has now been done away with whereby all third-country nationals have to equally comply with only six years of lawful residence if they want to apply for Portuguese nationality.<sup>72</sup></p> <p>In 2013, 18,416 persons naturalised,<sup>73</sup> which means 4.6 % when compared with the migrant stock of 401,320 third-country nationals lawfully residing in Portugal, according to the most recent data.<sup>74</sup> The total population living in Portugal on 31 December 2013 was 10,427,301 people,<sup>75</sup> so the naturalisation rate compared with general population stands at 0.17%. On the basis of their original nationality, the most numerous groups acquiring Portuguese citizenship in 2013, (and where the total of all forms of citizenship stood at 27,318), were: Brazilians (5,544), Ukrainians (4,445), Cape Verdeans (4,336), Angolans (2,389), Guineans from Guinea-Bissau (2,295), Moldavians (1,953), and Saint Toméans (1,149). The other groups represent less than a thousand persons each. More</p>
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<sup>72</sup> Oliveira, C. (coord.) (2014), *Monitorizar a Integração de Imigrantes em Portugal – Relatório Estatístico Decenal*, Volume 1, Coleção Imigração em Números, Lisboa, Alto Comissariado para as Migrações, available at: [www.oi.acidi.gov.pt/docs/Col\\_ImigNumeros/Monitorizar%20a%20Integracao%20de%20Imigrantes%20em%20Portugal.pdf](http://www.oi.acidi.gov.pt/docs/Col_ImigNumeros/Monitorizar%20a%20Integracao%20de%20Imigrantes%20em%20Portugal.pdf).

<sup>73</sup> The Institute of Registries and Notaries (*Instituto dos Registos e do Notariado*, IRN), here only registering the form of naturalisation among the other forms of acquiring citizenship; the information was sent by e-mail on 27 February 2015.

<sup>74</sup> Serviço de Estrangeiros e Fronteiras, SEF (2014), *Relatório de imigração, fronteiras e asilo 2013*, Barcarena: Serviço de Estrangeiros e Fronteiras, available at: [http://sefstat.sef.pt/Docs/Rifa\\_2013.pdf](http://sefstat.sef.pt/Docs/Rifa_2013.pdf).

<sup>75</sup> Instituto Nacional de Estatística (INE) (2015), *People 2013*, Lisboa, INE, available at: [www.ine.pt/xportal/xmain?xpid=INE&xpgid=ine\\_publicacoes&PUBLICACOESpub\\_boui=224900506&PUBLICACOESm\\_odo=2](http://www.ine.pt/xportal/xmain?xpid=INE&xpgid=ine_publicacoes&PUBLICACOESpub_boui=224900506&PUBLICACOESm_odo=2).

	<p>women (52%) than men (48%) acquired Portuguese citizenship in 2013.</p> <p>In 2014, there were 13,415 persons who became Portuguese through naturalisation and 22,533 persons who acquired Portuguese citizenship, although the numbers regarding the migrant stock have not yet been updated.</p>
	<p>Numbers of naturalisations and citizenship acquisitions in the last 2 years (in 2013 and in 2014) by mode of acquisition, by gender and age-group if available, and for the 10 most numerous groups on the basis of their previous nationality <i>Please provide the latest available statistics - (please use the relevant table in the Annex 6)</i></p>

### 3.1.2. National elections voting rights – turnout

<p>Third country nationals are allowed in exceptional cases to vote in national elections. In this section please provide the specific requirements and criteria for participation of citizens of migrant background (and third country nationals in the very few cases where this is foreseen) in national elections, as well as any available data on their voting turnout. Please specify any differences in different geographic areas or by type of national level voting circumstances (e.g. parliament, referendum, president of the republic etc.). In addition to official data and also if such data are not available, make reference to any relevant quantitative or qualitative academic research concerning the exercise of the right to vote and related drivers and barriers.</p>	<p>In conformity with the present version of the Electoral Law for the Assembly of the Republic (Parliament), Law 14/79 of 16 March (<i>Lei Eleitoral da Assembleia da República, Lei n.º 14/79, de 16 de Maio</i>), third-country nationals are not eligible to become voters and enjoying the right to vote, nor are they able to run as candidates in elections, except in certain cases (Articles 1 (1) and 4).</p> <p>Where electing the President of the Republic is concerned, the present version of the Electoral Law on the President of the Republic, Decree-Law 319-A/76 of 3 May 1976 (<i>Decreto-Lei nº 319-A/76, Lei Eleitoral do Presidente da República, de 3 de Maio</i>)<sup>76</sup> enables not only Portuguese citizens who are registered voters in Portugal and Portuguese residents living in abroad who are also registered voters in Portugal, to vote, but also extends the vote to citizens of countries that speak Portuguese as their official language who are living in Portugal and benefit from equal political rights in terms of international conventions and in reciprocal conditions, provided that they have registered as voters in Portugal.</p> <p>Concerning the exceptions, the Treaty of Friendship, Cooperation and Consultation (<a href="#">Tratado de Amizade, Cooperação e Consulta, ACSS</a>)<sup>77</sup> that was drawn and signed between Brazil and Portugal on 22 April 2000, offers Brazilian residents in Portugal the possibility of gaining access to an almost complete set of political rights, including the ability to vote in all the elections. Brazilians who apply for the “special status of equal political rights” are also able to vote for the President of the Republic, the Portuguese Parliament and the Regional Parliaments, although they cannot run as candidates in the case of the President of the Republic. The special status (estatuto especial) of rights and duties that go with citizenship follows the principle of</p>
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<sup>76</sup> Portugal, Decree-Law 319-A/76, Electoral Law on the President of the Republic (*Lei eleitoral do Presidente da República, Decreto-Lei nº 319-A/76, de 3 de Maio*), 3 May 1976, available at: <https://dre.pt/application/file/655817>.

<sup>77</sup> Portugal, Parliamentary Resolution 83/2000, Treaty of Friendship, Cooperation and Consultation (*Resolução da Assembleia da República n.º 83/2000, Tratado de Amizade, Cooperação e Consulta*), 14 December 2000, available at: <https://dre.pt/application/dir/pdf1sdip/2000/12/287A00/71727187.pdf>.

		<p>reciprocity and obeys very specific regulations: citizens must be legally apt, hold no criminal record, and have at least three years legal residence. This is not an automatic right as a written application is needed. It means that the immigrant has to suspend his/her rights in Brazil. "Presently, and according to the Brazilian Electoral High Court (Tribunal Superior Eleitoral) only 296 Brazilians residing in Portugal and acting upon their own initiative, are covered by this special system".<sup>78</sup></p> <p>The number of registered foreigners to vote increased 3 % in the last decade – they were 20,044 in 2000 and became 27, 441 in 2013, but since 2008 a slight decrease is possible to observe (29,303 in 2007). This is due to the reduction of TCN listed to vote in Portugal, as they were 19,727 in 2007 and became 14,995 in 2013.<sup>79</sup> Two reasons explain that decrease: the decreasing trend of the immigration in Portugal resulting from the economic crisis, and the naturalization of TCN since the citizenship law<sup>80</sup>. After naturalization, immigrants may vote, but from that moment as 'new' Portuguese voters.</p>
	<p>Please indicate any programmes or information campaigns aiming at informing citizens of migrant background about their political rights and encouraging the exercise of the right to vote.</p>	<p>An office to register third-country nationals who are eligible to vote and/or to be elected was opened, in March 2013, during an official visit which the President of the Assembly of the Republic (the Parliament) made to the Lisbon National Immigrant Support Centre (<i>Centro Nacional de Apoio ao Imigrante</i>, CNAI). This office is run jointly by the High Commission for Migration (<i>Alto Comissariado para as Migrações</i>, ACM), with the Ministry of Internal Affairs, and is called Support Office to Electoral Registration (<i>Gabinete de Apoio ao Recenseamento Eleitoral</i>, GAR) in CNAI. The purpose was to attract these citizens to participate at a political level.<sup>81</sup> A flyer<sup>82</sup> in Portuguese<sup>83</sup> was delivered to visitors when at pre-sorting and reception office in CNAI after the opening of the cabinet. However, and according to the CNAI,<sup>84</sup> where this cabinet is functioning, the cabinet has a low demand: in a total around 178 thousands of visits to CNAI per year, only</p>

<sup>78</sup> Oliveira, C., Carvalhais, I.E., Cancela, J. (2014), *Political parties openness to immigrants in Portugal: between opportunity structure and the individual perceptions – Portugal Report*, DivPol, Lisboa, Alto Comissariado para as Migrações, I.P., p. 18, available at: [www2.uac.pt/bibliopac/OI/PORTUGAL\\_Report\\_DivPol%20FINAL.pdf](http://www2.uac.pt/bibliopac/OI/PORTUGAL_Report_DivPol%20FINAL.pdf).

<sup>79</sup> Oliveira, C., Carvalhais, I.E., Cancela, J. (2014), *Political parties openness to immigrants in Portugal: between opportunity structure and the individual perceptions – Portugal Report*, DivPol, Lisboa, Alto Comissariado para as Migrações, I.P., p. 29, available at: [www2.uac.pt/bibliopac/OI/PORTUGAL\\_Report\\_DivPol%20FINAL.pdf](http://www2.uac.pt/bibliopac/OI/PORTUGAL_Report_DivPol%20FINAL.pdf).

<sup>80</sup> Oliveira, C., Carvalhais, I.E., Cancela, J. (2014), *Political parties openness to immigrants in Portugal: between opportunity structure and the individual perceptions – Portugal Report*, DivPol, Lisboa, Alto Comissariado para as Migrações, I.P., p. 29, available at: [www2.uac.pt/bibliopac/OI/PORTUGAL\\_Report\\_DivPol%20FINAL.pdf](http://www2.uac.pt/bibliopac/OI/PORTUGAL_Report_DivPol%20FINAL.pdf).

<sup>81</sup> Oliveira, C., Carvalhais, I.E., Cancela, J. (2014), *Political parties openness to immigrants in Portugal: between opportunity structure and the individual perceptions – Portugal Report*, DivPol, Lisboa, Alto Comissariado para as Migrações, I.P., p. 28, available at: [www2.uac.pt/bibliopac/OI/PORTUGAL\\_Report\\_DivPol%20FINAL.pdf](http://www2.uac.pt/bibliopac/OI/PORTUGAL_Report_DivPol%20FINAL.pdf).

<sup>82</sup> Flyer available at: [www.acidi.gov.pt/cfn/51519b4357607/live/Gabinete+de+Apoio+ao+Recenseamento+](http://www.acidi.gov.pt/cfn/51519b4357607/live/Gabinete+de+Apoio+ao+Recenseamento+).

<sup>83</sup> But CNAI provides services in English, French, Spanish, German, Romanian, Russian, Ukrainian, Chinese, Creole; other languages may be provided through the Service of Telephonic Translation (60 languages).

<sup>84</sup> Information sent by email on 17 March 2015, by the coordinator of the CNAI.

		16, in 2013, and 8, in 2014, went to the cabinet of voting registration. The limited number of visitors may be explained by the limited access the TCN have to voting, in particular in national elections. These flyers were distributed in CNAI, where migrants normally go for requiring residence permits.
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### 3.1.3. National level election – representation

	The number of <b>candidates</b> with migrant background (where available, specify own or parent’s country of birth) at the latest national level elections (specify date).	Third-country nationals are not able to run as candidates in national elections, as indicated above when answering about the voting rights. Although some exceptions may occur, for instance with the Brazilians, no candidates with migrant background were known in last national elections on 5 July 2011, according to the study <i>Political parties openness to immigrants in Portugal: between opportunity structure and the individual perceptions – Portugal Report, DivPol</i> .
	The number of <b>elected representatives</b> with migrant background at national level (e.g. parliament, senate).	According to the study <i>Political parties openness to immigrants in Portugal: between opportunity structure and the individual perceptions – Portugal Report, DivPol</i> “So far all members of parliament (MPs) in the National Parliament ( <i>Assembleia da República</i> ) have been Portuguese citizens, even if holding dual citizenship. As we have seen, the only citizens who may be elected to the parliament are Brazilians (under the Special Status of Equality) and none has been until present.” <sup>85</sup> Only two current members of Parliament have been cited by the interviewees for the cited study as having immigrant background: Celeste Correia (Cape Verde, PS) and Helder Amaral (Angola, CDS-PP). The total members are 230, according to official information. <sup>86</sup>
	Those <b>appointed</b> to public office (e.g. ministers, secretaries of state, etc.) by end of 2014.	It was not possible to find in the study <i>Political parties openness to immigrants in Portugal: between opportunity structure and the individual perceptions – Portugal Report, DivPol</i> any reference to member of public office as being immigrants or as having immigrant background.

## 3.2. Political rights at regional/local level

### 3.2.1. Regional/Local elections voting rights – turnout

	Specify what regional/local voting rights are given to third country nationals and any different entitlements according to residence status,	According to the Organic Law No 1/2001 of 14 August, TCN to whom Portugal have reciprocity, have the right to political participation with active and passive political rights in local elections, i.e., the right to vote
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<sup>85</sup> Oliveira, C., Carvalhais, I.E., Cancela, J. (2014), Political parties openness to immigrants in Portugal: between opportunity structure and the individual perceptions – Portugal Report, DivPol, Lisboa, Alto Comissariado para as Migrações, I.P., p. 47, available at: [www2.uac.pt/bibliopac/OI/PORTUGAL\\_Report\\_DivPol%20FINAL.pdf](http://www2.uac.pt/bibliopac/OI/PORTUGAL_Report_DivPol%20FINAL.pdf).

<sup>86</sup> Available at the Parlamento website, in English, available at: [www.en.parlamento.pt/Parliament/index.html](http://www.en.parlamento.pt/Parliament/index.html).

	<p>permit type or length of stay etc.</p>	<p>and to be elected to the local government bodies (Parishes and Municipalities).<sup>87</sup></p> <p>Some differences, however, can be found in terms of political rights attributed to the nationals of Portuguese-speaking countries with permanent residence in Portugal and other nationalities.<sup>88</sup></p> <ul style="list-style-type: none"> <li>a) the citizens of Portuguese-speaking countries (Angola, Brazil, Cape Verde, East Timor, Guinea Bissau, Mozambique, Sao Tome and Principe) legally resident for more than two years enjoy active political rights for local elections; other nationalities only have that right after three years of residence;</li> <li>b) in what concerns eligibility, citizens from Portuguese-speaking countries with residence are entitled after four years of residence, while others are entitled only five years, under conditions of reciprocity.</li> </ul> <p>Regarding TCN from other countries, agreements have been signed with Norway, Iceland, Argentina, Peru, Uruguay, Venezuela and Chile. Citizens from these countries who have been legally living in the country for over three years can vote in local elections, but not be elected.</p> <p>"The differentiation between Portuguese - speaking countries with permanent residence in Portugal and other TCNs nationalities in relations to access passive and active political rights is subjected to criteria that favor positive discrimination towards communities with closer cultural and historic ties with Portugal".<sup>89</sup></p> <p>Where Regional parliamentary elections for Madeira and the Azores are concerned,<sup>90</sup> only Portuguese citizens are allowed to vote in and run for them. In the event that a local referendum is held, third-country nationals may vote in it provided that there is reciprocity in their own countries of origin, and that migrants from countries speaking Portuguese as their official language, have been living in Portugal legally for more than two years, and are registered on the voters' roll in the locality the referendum is taking place (Article 35 (2) in the Legal System on Local Referenda, Organic Law 4/2000 of 24 August (<i>Regime</i></p>
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<sup>87</sup> Portugal, Organic Law 1/2000, Local Government Electoral Law (*Lei orgânica 1/2001, de 14 de Agosto de 2001, na sua redacção actual, Lei eleitoral dos órgãos das Autarquias Locais*) of 14 August 2001, available at: [www.cne.pt/sites/default/files/dl/legis\\_leoal\\_2012.pdf](http://www.cne.pt/sites/default/files/dl/legis_leoal_2012.pdf)

<sup>88</sup> Oliveira, C., Carvalhais, I.E., Cancela, J. (2014), *Political parties openness to immigrants in Portugal: between opportunity structure and the individual perceptions – Portugal Report DivPol*, Lisboa, Alto Comissariado para as Migrações, I.P., p. 18, available at: [www2.uac.pt/bibliopac/OI/PORTUGAL\\_Report\\_DivPol%20FINAL.pdf](http://www2.uac.pt/bibliopac/OI/PORTUGAL_Report_DivPol%20FINAL.pdf).

<sup>89</sup> Oliveira, C., Carvalhais, I.E., Cancela, J. (2014), *Political parties openness to immigrants in Portugal: between opportunity structure and the individual perceptions – Portugal Report DivPol*, Lisboa, Alto Comissariado para as Migrações, I.P., p. 19, available at: [www2.uac.pt/bibliopac/OI/PORTUGAL\\_Report\\_DivPol%20FINAL.pdf](http://www2.uac.pt/bibliopac/OI/PORTUGAL_Report_DivPol%20FINAL.pdf).

<sup>90</sup> Portugal, Decree-Law 267/80, Electoral Law of the Legislative Assembly of the Autonomous Region of the Azores (Decreto-Lei nº 267/80, de 8 de Agosto de 1980, Lei Eleitoral da Assembleia Legislativa da Região Autónoma dos Açores), 8 August 1980, available at: <https://dre.pt/application/file/470504>; and the Organic Law 1/2006, Electoral Law of the Legislative Assembly of the Autonomous Region of Madeira (Lei Orgânica 1/2006, de 13 de Fevereiro, Lei Eleitoral da Assembleia Legislativa da Região Autónoma da Madeira), 13 February 2006, available at: <https://dre.pt/application/file/684351>.

		<p><i>Jurídico do Referendo Local, Lei Orgânica nº 4/2000, de 24 de Agosto).</i><sup>91</sup></p>
	<p>Key and/or milestone dates regarding the voting and/or election rights for migrants and/or their descendants at regional/local level</p>	<p>Election rights for migrants who are residents in Portugal and come from countries speaking Portuguese as their official language and where there is a reciprocal system in place, may vote in and run for local elections, in conformity with Law 50/90 of 4 September 1990 (<i>Lei 50/96, de 4 de Setembro</i>), thereby upholding Article 15 in the Portuguese Constitution. The recognition of such rights is ensured in Organic Law 1/2000 which was not amended when changes were made to the Organic Law in 2005, 2010 and 2011.</p> <p>The first law on local referenda (Law 49/90 of 24 August 1990 (<i>Lei 49/90 de 24 de Agosto</i>) did not allow migrants who came from countries speaking Portuguese as their official language to vote in them. This was only changed in 2000. Afterwards, two amendments were made to the law, in 2010 and 2011, although they merely dealt with the way election procedures had to be followed.</p> <p>According to the study <i>Political parties openness to immigrants in Portugal: between opportunity structure and the individual perceptions – Portugal Report</i>, DivPol a debate took place in the National Parliament in January 2011, regarding the extension of political rights to all foreigners, namely voting rights. Left wing parties mostly argued in favour of extending the political rights to immigrants and wanted the revision of the article 15 of the Portuguese constitution, in order not to limit the right to vote to the principle of reciprocity. Other parties representing centre-right and Christian democratic, held a different opinion, stating that the principle of reciprocity should be kept as a way to pressure other states to award electoral rights to Portuguese emigrants. These discussions and developments were interrupted, as economic crisis made other issues as priorities to be discussed by the National Parliament.<sup>92</sup></p>
	<p>Please indicate any programmes or information campaigns aiming at informing citizens of migrant background about their political rights and encouraging the exercise of the right to vote.</p>	<p>As said above regarding national level, an office to register third-country nationals who are eligible to vote and/or to be elected, was opened, in March 2013, during an official visit which the President of the Assembly of the Republic (the Parliament) made to the Lisbon National Immigrant Support Centre (<i>Centro Nacional de Apoio ao Imigrante, CNAI</i>). This office is run jointly by the High Commission for Migration (<i>Alto Comissariado para as Migrações, ACM</i>), with the Ministry of Internal Affairs, and is called Support Office</p>

<sup>91</sup> Portugal, Organic Law 4/2000, Legal System on Local Referenda, (Lei Orgânica n.º 4/2000, de 24 de Agosto de 2000, Regime Jurídico do Referendo Local), 24 August 2000, available at: <https://dre.pt/application/file/330295>.

<sup>92</sup> Oliveira, C., Carvalhais, I.E., Cancela, J. (2014), *Political parties openness to immigrants in Portugal: between opportunity structure and the individual perceptions – Portugal Report*, DivPol, Lisboa, Alto Comissariado para as Migrações, I.P., pp. 24-25, available at: [www2.uac.pt/bibliopac/OI/PORTUGAL\\_Report\\_DivPol%20FINAL.pdf](http://www2.uac.pt/bibliopac/OI/PORTUGAL_Report_DivPol%20FINAL.pdf).

		to Electoral Registration ( <i>Gabinete de Apoio ao Recenseamento Eleitoral, GAR</i> ). The purpose was to attract these citizens to participate at a political level. <sup>93</sup>
	In addition to official data and also if such data are not available, make reference to any relevant quantitative or qualitative academic research concerning the exercise of the right to vote and related drivers and barriers.	<p>More comprehensive recent research works on this subject are the following:</p> <p>Oliveira, C., Carvalhais, I.E., Cancela, J. (2014), <i>Political parties openness to immigrants in Portugal: between opportunity structure and the individual perceptions – Portugal Report</i>, DivPol, Lisboa, Alto Comissariado para as Migrações, I.P., available at: <a href="http://www2.uac.pt/bibliopac/OI/PORTUGAL_Report_DivPol%20FINAL.pdf">www2.uac.pt/bibliopac/OI/PORTUGAL_Report_DivPol%20FINAL.pdf</a>.</p> <p>This study ends with recommendations to four domains: political parties, public policy, legislation and civil society (in terms of public policy making and citizenship capital). Summarizing some of these recommendations concerning present FRA report concerns: political parties must have a new approach to diversity and promote it to provide equal opportunities to its members; parties must start tracking their militants and have their profiles to show immigrants' presence inside; parties may invest on working groups dedicated to immigration studies to better their electoral programmes and to attract voters; public policies must invest in social integration to create strong political participation; in terms of legislation, there is a need to revise the utility of the Reciprocity principle in order to widen access to electoral rights; it should be preserved what is considered a positive general legislative legacy existent so far; it is recommend that resources and expertise of associations should be widened and shared to widen information of immigrants on their electoral and political rights.</p> <p>Freire, A. (coord) (2013), <i>Participação eleitoral dos emigrantes e imigrantes de Portugal</i>, Lisboa, Direção-Geral de Administração Interna e Comissão Nacional de Eleições, available at: <a href="http://www.cne.pt/sites/default/files/dl/publicacao_participacao-eleitoral-emigrantes-imigrantes_out_2013.pdf">www.cne.pt/sites/default/files/dl/publicacao_participacao-eleitoral-emigrantes-imigrantes_out_2013.pdf</a>.</p> <p>This report on electoral participation of immigrants in Portugal and Portuguese emigrants abroad, discusses the political rights of immigrants and analyses testimonials of associations on this domain. Generally, they refer a good relationship with ACM and that immigrants participate more in associations than in general politics. They also refer that a barrier is the limitation of political rights to immigrants from countries where the reciprocity principle is applicable, and that the extension to all immigrants and descendants should be a reality.</p>

<sup>93</sup> Oliveira, C., Carvalhais, I.E., Cancela, J. (2014), *Political parties openness to immigrants in Portugal: between opportunity structure and the individual perceptions – Portugal Report*, DivPol, Lisboa, Alto Comissariado para as Migrações, I.P., p. 28, available at: [www2.uac.pt/bibliopac/OI/PORTUGAL\\_Report\\_DivPol%20FINAL.pdf](http://www2.uac.pt/bibliopac/OI/PORTUGAL_Report_DivPol%20FINAL.pdf).

### 3.2.2. Regional/local level election – representation

	<p>The number of <b>candidates</b> that were third country nationals and/or with migrant background at the latest regional/local level elections (specify date)</p>	<p>The last local elections were on 29 September 2013. There are no information available regarding candidates on the various studies consulted, in particular on the most recent one: Oliveira, C., Carvalhais, I.E., Cancela, J. (2014), <i>Political parties openness to immigrants in Portugal: between opportunity structure and the individual perceptions – Portugal Report</i>, DivPol. The website dedicated to this matter has no information: Portal of General-Secretariat of the Ministry of Internal Affairs, <a href="http://www.sg.mai.gov.pt/Paginas/default.aspx">www.sg.mai.gov.pt/Paginas/default.aspx</a>.</p>
	<p>The number and % of <b>elected representatives</b> with migrant background at regional/local level (e.g. municipalities, regions, prefectures etc.)</p>	<p>For the last local elections at 29 September 2013, in the lists published, the nationality is not a reference, so it is not possible to answer to this question.<sup>94</sup> The results of the 2001 Local elections (the first after the Declaration that set the list of countries whose residents in Portugal were entitled with passive and/or active political rights at the local level), showed that only 5 in 23,670 non-national residents registered to vote, were elected to a local organ. In 2005, even less (3 in 27,978 non-national).<sup>95</sup></p>
	<p>Those who were <b>elected</b> or <b>appointed</b> to a high public office (e.g. mayor, vice mayor etc.) by end of 2014.</p>	<p>For the last local elections at 29 September 2013, in the lists published, the nationality is not a reference, so it is not possible to answer to this question.<sup>96</sup> The results of the 2001 Local elections (the first after the Declaration that set the list of countries whose residents in Portugal were entitled with passive and/or active political rights at the local level), showed that only 5 in 23,670 non-national residents registered to vote, were elected to a local organ. In 2005, even less (3 in 27,978 non-national).<sup>97</sup></p>
	<p>Please identify related limitations and challenges or public debates, as well as relevant research, studies and assessments.</p>	<p>According to the study <i>Political parties openness to immigrants in Portugal: between opportunity structure and the individual perceptions – Portugal Report</i>, DivPol, a debate took place in the National Parliament in January 2011, regarding the extension of political rights to all foreigners, namely voting rights. Left wing parties mostly argued in favour of extending the political rights to immigrants and wanted the revision of the article 15 of the Portuguese constitution, in order not to limit the right to vote to the principle of reciprocity. Other parties representing centre-right and Christian democratic, held a different opinion, stating that the principle of reciprocity should be kept as a way to pressure other states to award electoral rights</p>

<sup>94</sup> Lists of results about elected representatives on municipalities are available by each district (administrative units) at [www.sg.mai.gov.pt/AdministracaoEleitoral/Autarquias/RegistoEleitosLocais/Paginas/default.aspx](http://www.sg.mai.gov.pt/AdministracaoEleitoral/Autarquias/RegistoEleitosLocais/Paginas/default.aspx).

<sup>95</sup> Oliveira, C., Carvalhais, I.E., Cancela, J. (2014), *Political parties openness to immigrants in Portugal: between opportunity structure and the individual perceptions – Portugal Report*, DivPol, Lisboa, Alto Comissariado para as Migrações, I.P., p. 49, available at: [www2.uac.pt/bibliopac/OI/PORTUGAL\\_Report\\_DivPol%20FINAL.pdf](http://www2.uac.pt/bibliopac/OI/PORTUGAL_Report_DivPol%20FINAL.pdf).

<sup>96</sup> Lists of results on municipalities available by each districts (administrative units) at [www.sg.mai.gov.pt/AdministracaoEleitoral/Autarquias/RegistoEleitosLocais/Paginas/default.aspx](http://www.sg.mai.gov.pt/AdministracaoEleitoral/Autarquias/RegistoEleitosLocais/Paginas/default.aspx).

<sup>97</sup> Oliveira, C., Carvalhais, I.E., Cancela, J. (2014), *Political parties openness to immigrants in Portugal: between opportunity structure and the individual perceptions – Portugal Report*, DivPol, Lisboa, Alto Comissariado para as Migrações, I.P., p. 49, available at: [www2.uac.pt/bibliopac/OI/PORTUGAL\\_Report\\_DivPol%20FINAL.pdf](http://www2.uac.pt/bibliopac/OI/PORTUGAL_Report_DivPol%20FINAL.pdf).

		to Portuguese emigrants. These discussions and developments were interrupted, as economic crisis made other issues as priorities to be discussed by the National Parliament. <sup>98</sup>
<h3>3.3.Consultation</h3>		
<h4>3.3.1.Consultative bodies at national/regional/local level</h4>		
	<p>Are there any migrants' consultative bodies in place at national / regional/ local level foreseen and/or operational in practice? Since when and on which legal basis (please provide reference). Please specify whether migrants' consultative/advisory/representative bodies are established by law or other type of normative regulation, policy or practice.</p>	<p>The Consultative Council for Immigration Affairs (<i>Conselho Consultivo para os Assuntos da Imigração, COCAI</i>) was set up in 1998 (Decree-Law 39/98 – <i>Decreto-Lei 39/98</i>). It sought to ensure that immigrant communities, social partners and social solidarity associations were consulted and took part in the definition of integration policies.</p> <p>When the High Commission for Immigration and Ethnic Minorities (<i>Alto Comissariado para a Imigração e Minorias Étnicas, ACIME</i>) was founded in 2002, COCAI became integrated in ACIME. In 2007, upon the publication of Decree-Law 167/2007, the ACIME became the High Commission for Immigration and Intercultural Dialogue (<i>Alto Comissariado para a Imigração e Diálogo Intercultural, I.P., ACIDI</i>), whereupon the COCAI became an autonomous body although it still worked in the ACIDI's premises. After Decree-Law 31/2014 was published in 2014, and when new powers were given to the former ACIDI and it became the current High Commission for Migration (<i>Alto Comissariado para as Migrações, I.P. ACM</i>) (where the emigration dimension has also been included), the former COCAI became the Council for Migration (<i>Conselho para as Migrações, CM</i>). It gained new powers related to emigration and it was extended so as to include more representatives (namely, from the General-Directorate of Consular Affairs and Portuguese Communities (<i>Direcção-Geral de Assuntos Consulares e das Comunidades Portuguesas</i>)).</p> <p>The Council, presided over by the High Commissioner, has representatives from each of the Portuguese-speaking immigrant communities (Brazilian, São Toméan, Cape Verdean, Angolan, Mozambican and Guinean); one representative from each of the three other most numerous immigrant communities; one representative from other associations not represented by those listed above; three representatives from institutions working or interested in migration affairs; it also has representatives from the trade unions, different ministries that deal with immigrants (internal</p>

<sup>98</sup> Oliveira, C., Carvalhais, I.E., Cancela, J. (2014), *Political parties openness to immigrants in Portugal: between opportunity structure and the individual perceptions – Portugal Report*, DivPol, Lisboa, Alto Comissariado para as Migrações, I.P., pp. 24-25, available at: [www2.uac.pt/bibliopac/OI/PORTUGAL\\_Report\\_DivPol%20FINAL.pdf](http://www2.uac.pt/bibliopac/OI/PORTUGAL_Report_DivPol%20FINAL.pdf).

		affairs, education, economy, tourism, social security and labour, health), the municipalities, and from the autonomous Azores and Madeira governments. <sup>99</sup>
	What is the mandate of the body – duration and procedures? In particular specify if and by which modalities these bodies are competent to participate in consultations only on migration or integration issues or if they participate also in consultations on other issues? How do these bodies work in practice?	The Council is competent to: make statements regarding legal provisions on migrant rights; participate in policy-making for the social inclusion of immigrants, citizenship rights, attracting immigrants and promoting migrants’ integration; participate in measures and actions involving migration policy; make statements regarding barriers to overcome calling upon the government to respond effectively in matters to do with migrants’ integration problems; make statements about issues raised by the High Commissioner; pass its internal rules, and exercise any other competence assigned by law. The Council also deliberates upon the recognition of and the financial aid going to immigrant associations.
	Frequency of convening of the body/-ies/ meetings with competent public authorities. What is foreseen and how is it implemented in practice?	The High Commission for Migration ( <i>Alto Comissariado para as Migrações</i> ) makes a part of and presides over the Council for Migration ( <i>Conselho para as Migrações</i> ). Therefore, it is presumed it attends the latter’s meetings, at least the plenary sessions. The law omits reference to the frequency with which meetings should be held. However, according to the COCAI’s minutes of the meetings held up to 2011 and available online <sup>100</sup> , there were 5 or 6 meetings held every year. There is no evidence of meetings since the new Council was set up in 2014.
	Role in relation to other public or private bodies. Is there a statutory role of coordination and cooperation with other public or private stakeholders foreseen? How is this implemented in practice?	Council for Migration ( <i>Conselho para as Migrações, CM</i> ) is composed of the following members: the Directorate-General of Consular Affairs and the Portuguese Communities ( <i>Direcção-Geral dos Assuntos Consulares e das Comunidades Portuguesas</i> ); the Directorate-General of Foreign Policy ( <i>Direcção-Geral de Política Externa</i> ); the Immigration and Borders Service ( <i>Serviço de Estrangeiros e Fronteiras, SEF</i> ); the Commission for Citizenship and Gender Equality ( <i>Comissão para a Cidadania e Igualdade de Género, CIG</i> ); the police authorities; the Directorate-General of Economic Activity ( <i>Direcção-Geral das Actividades Económicas</i> ); the Institute of <i>Turismo de Portugal</i> ; the Directorate-General of Health ( <i>Direcção-Geral da Saúde</i> ); the Directorate-General of Education ( <i>Direcção-Geral da Educação</i> ); the Directorate-General of Tertiary Education ( <i>Direcção-Geral do Ensino Superior</i> ); the Institute of Employment and Professional Training ( <i>Instituto do Emprego e</i>

<sup>99</sup> The Consultative Council changed name and powers in 2014, such as the High Commission of which it is part. Information about its current composition and powers is available at: [www.acidi.gov.pt/acm-i-p-conselho-para-as-migracoes---cm](http://www.acidi.gov.pt/acm-i-p-conselho-para-as-migracoes---cm). Regarding the historical framework, legal references and implementation in practice, see Portugal’s report of the project Diversity in Political Party Programmes, Organization and Representation, co-financed by the European Commission (EC), European Fund for the Integration of Third-Country Nationals (EIF), Oliveira, C., Carvalhais, I.E., Cancela, J. (2014), *Political parties openness to immigrants in Portugal: between opportunity structure and the individual perceptions – Portugal Report*, DivPol, Lisboa, Alto Comissariado para as Migrações, I.P. Available at: [www2.uac.pt/bibliopac/OI/PORTUGAL\\_Report\\_DivPol%20FINAL.pdf](http://www2.uac.pt/bibliopac/OI/PORTUGAL_Report_DivPol%20FINAL.pdf).

<sup>100</sup> Minutes of meetings of COCAI available at: [www.acidi.gov.pt/acidi-i-p-conselho-consultivo-para-os-assuntos-da-imigracao---cocai/actas-cocai](http://www.acidi.gov.pt/acidi-i-p-conselho-consultivo-para-os-assuntos-da-imigracao---cocai/actas-cocai).

		<p><i>Formação Profissional, I.P., IEFPP</i>); the Authority for Labour Conditions (<i>Autoridade para as Condições do Trabalho, ACT</i>); Institute for Social Security (<i>Instituto de Segurança Social, I.P., ISS.</i>); the Council for the Portuguese Communities (<i>Conselho das Comunidades Portuguesas</i>), and the Regional Governments of the Azores and of Madeira.</p> <p>With regard to private agencies that also belong to the Council, there are three representatives from institutions that are active or have interests in the subject of migration, and which are appointed by the High-Commission; two representatives from employer associations and two representatives from the Trade Union congresses which also belong to the Economic and Social Council (<i>Conselho Económico e Social</i>); one representative from the National Association of Portuguese Municipalities (<i>Associação Nacional de Municípios Portugueses</i>), and two Portuguese or foreign citizens of duly recognized merit who are appointed by the High-Commission (Decree-Law 31/2004, Article 8 (2) (<i>Decreto-lei 31/2014</i>)).</p> <p>As the Council for Migration is a new body and has only been composed of new members since 2014, it is not possible to find much discrepancy between what measures are foreseen and how they are implemented in practice.</p>
	<p>Participation in decision-making (consultative, observer status, voting right etc.). Are such bodies competent to participate in decision-making at national/regional/local level in regard to the design, implementation, assessment and/or review of integration-specific, migration or other policies of general interest? Are such bodies and/or their representatives participating in any way to allocation, distribution, monitoring, evaluation or management of funding social inclusion and integration policies, measures and programmes at national level?</p>	<p>As a result of what was mentioned above, and in particular with regard to the powers bestowed on it, the Council for Migration (CM), as well as its predecessors have an essentially consultative nature.</p> <p>However, the two plans for migrant integration were accordingly referred to the Council for consultation, as were the proposals for the Laws on Nationality and Immigration in force. COCAI (now the CM) also discussed and made official statements about the political rights of immigrants.</p> <p>The implementation of policies is carried out by working together with migrants and other sections of the society to achieve migrants' successful integration. After the Parliamentary discussions on the Constitution's amendments in February 2011, the COCAI/CM sent the Parliament a Declaration (approved unanimously by the Council members) defending the amendment of Article 15 in the Portuguese Constitution, which detrimentally binds the right to vote to the principle of reciprocity. The (then) COCAI counsellors argued that the principle of reciprocity failed to fulfil the voting aspirations of Portuguese emigrants and jeopardised the integration of immigrants in Portugal. The Declaration further stated that the political participation of immigrants – in both the active and passive senses - should be ensured as a way to achieve social cohesion and the immigrants' stronger sense of belonging to Portuguese society.</p>

		<p>Moreover, it argued that the principle of equality demanded that the condition of reciprocity be eliminated and a sense of democratic responsibility be promoted among all citizens.<sup>101</sup></p> <p>There is no reference to the rule of allocating funds, but the mission of the Council foresees this role if we consider that it is included in policy-making... We reproduce here the Council powers: make statements regarding legal provisions on migrant rights; participate in policy-making for the social inclusion of immigrants, citizenship rights, attracting immigrants and promoting migrants' integration; participate in measures and actions involving migration policy; make statements regarding barriers to overcome calling upon the government to respond effectively in matters to do with migrants' integration problems; make statements about issues raised by the High Commissioner; pass its internal rules, and exercise any other competence assigned by law. The Council also deliberates upon the recognition of and the financial aid going to immigrant associations.</p>
	<p>What are the modalities for representation and participation of migrants, e.g. elections, designation etc.? What is foreseen and how is it implemented in practice?</p>	<p>The migrants sitting on the Council for Migration (CM) are chosen by their communities or associations for the purpose, provided that the representational status of such migrant bodies has been duly recognised by the High Commission for Migration (ACM, I.P.). In terms of the law, the migrants Council members are composed of a representative from each of the communities of migrants coming from the countries speaking Portuguese as their official language; a representative from each of the three most numerous communities, and one representative from the non-affiliated associations mentioned above.</p> <p>These representatives are elected from among a ticket listing the candidates designated by the associations belonging to the communities that should be represented. In 2014 the CM began a mandate that will last until 2017. The first meeting for the councillors to take up their duties was held in 29 September 2014<sup>102</sup>, but no minutes of further meetings are not provided in the ACM website, yet.</p>
	<p>On which criterion are migrant groups represented (migrant status, foreign-born, foreign nationality etc.)? What is foreseen and how is it implemented in practice?</p>	<p>As a result of the foregoing, the groups of migrants represented on the Council for Migration (CM) have to be recognised as the representatives by the High Commission for Migration (ACM, I.P.). Decree-Law 31/2014 does not specify how this recognition is obtained, although the matter comes under Law 115/99 of 8 March (<i>Lei n.º 115/99, de 8 de Março</i>) that was amended by Decree-Law 34/2008 of 26 February 2008 (<i>Decreto-Lei n.º 34/2008, de 26 de</i></p>

<sup>101</sup> Oliveira, C., Carvalhais, I.E., Cancela, J. (2014), *Political parties openness to immigrants in Portugal: between opportunity structure and the individual perceptions – Portugal Report*, DivPol, Lisboa, Alto Comissariado para as Migrações, I.P., available at: [www2.uac.pt/bibliopac/OI/PORTUGAL\\_Report\\_DivPol%20FINAL.pdf](http://www2.uac.pt/bibliopac/OI/PORTUGAL_Report_DivPol%20FINAL.pdf).

<sup>102</sup> List of Councillors available at:

[www.acidi.gov.pt/\\_cfn/542ecb8c3255b/live/Conselho+para+as+Migra%C3%A7%C3%B5es+2014-2017+-Conselheiros+que+tomaram+posse](http://www.acidi.gov.pt/_cfn/542ecb8c3255b/live/Conselho+para+as+Migra%C3%A7%C3%B5es+2014-2017+-Conselheiros+que+tomaram+posse).

		<p><i>Fevereiro</i>)<sup>103</sup> and was to be analysed later on. There are three groups of migrants that may appoint their representatives to the Council for Migration: from each of the communities of migrants coming from the countries speaking Portuguese as their official language; from three of the most numerous communities, and a representative of the non-affiliated associations mentioned above.</p> <p>The criterion on which migrant groups are represented on the CM is based on associations and, as laid down in the law: associations representing the immigrants from countries speaking Portuguese as their official language; associations representing the three most numerous immigrant groups living in Portugal (according to the number of legal permits reported by Immigration and Borders Service (<i>Serviço de Estrangeiros e Fronteiras</i>, SEF); and all the others associations not referred to above. The legal permits are issued to foreign residents; therefore, the immigrants represented by the associations of the “most numerous immigrant groups” only take foreign residents into account.</p>
	<p>Is there any evidence through formal evaluations or academic research on awareness about such national level consultative bodies among migrants and their descendants, and among the general public?</p>	<p>As CM has representatives of immigrant associations, the information about this consultation body may reach immigrants. Almost 50 % of immigrants surveyed in Lisbon, Faro and Setubal for Immigrant Citizen Survey (2012)<sup>104</sup> could name an association run by immigrants or ethnic minorities (“broadly defined as group in support of immigrants’ social, cultural, or political interests”).<sup>105</sup> The CM represents a formal channel of communication to the government.</p>

### 3.4. Participation in trade-unions and professional association

	<p>In this section based on available data, research, surveys, studies, etc. please provide information about:</p>	
	<p>Membership and participation of migrant workers in <u>workers’ unions and craft associations</u>:</p>	
	<p>Are there any legal or practical limitations or barriers for the membership of migrant workers in trade unions and craft associations?</p>	<p>As was stated earlier on, the Labour Code laid down in Law 7/2009 of 12 February 2009 (<i>Código do Trabalho, Lei 7/2009, 12 de Fevereiro</i>),<sup>106</sup> states that in exercising his/her right to trade union freedom and without any discrimination against him/her, the worker has the right in enrol in a trade union in his/her occupational area that represents this worker; the same thing happens with the employer in terms of belonging to an employers’ associations which</p>

<sup>103</sup> Portugal, Decree-Law 34/2008 which approves the Litigation Costs Regulation (*Decreto-Lei n.º 34/2008 que aprova o Regulamento das Custas Processuais*), 26 February 2008, available at: <https://dre.pt/application/file/247370>.

<sup>104</sup> To know more on Immigrant Citizens Survey: [www.immigrantsurvey.org/index.html](http://www.immigrantsurvey.org/index.html).

<sup>105</sup> Immigrant Citizen Survey (2012), *Civic and Political Participation Highlights*, available at: [www.immigrantsurvey.org/infographics\\_politics.html#d](http://www.immigrantsurvey.org/infographics_politics.html#d).

<sup>106</sup> Portugal, Law 7/2009 approving the revision of the Labour Code (*Lei n.º 7/2009, de 12 de Fevereiro de 2009, que aprova a revisão do Código do Trabalho*), 12 February 2009, available at: <http://dre.pt/pdfs/2009/02/03000/0092601029.pdf>.

		<p>represents him/her in his/her activity (Article 444 (1) and (3)). Where other professional associations are concerned, the situation is the same owing to the fact that the Portuguese Constitution (Article 15) states that foreigners who find themselves or who reside in Portugal shall enjoy the same rights and be subject to the same duties as Portuguese citizens. The legal force of this Article is applied directly (as per Article 18 (1) of the Constitution). Nevertheless, where professional societies are concerned (for physicians, lawyers, engineers, etc.), the situation may be different, as shown below.</p> <p>Immigrants may be members of trade unions or workers' associations, even if they do not have regular permit situations regularized in the country. Under Article 88 (2 a) of Law 23/2007 of 4 July 2007, trade unions are one of the organisations through which immigrants may prove that they have a job particularly when they do not have the proper permit granted for the purpose of working. The union link helps them to obtain a residence permit so as to exercise their professional activity. Other conditions are needed to this aim, such as having paid social security dues to date.</p> <p>Other associations include: any association connected with the Council for Migration (CM) or the Authority on Working Conditions (<i>Autoridade para as Condições de Trabalho</i>, ACT). Trade unions representatives consider this possibility (of helping immigrants) to be a good practice and an opening of the law.<sup>107</sup></p>
	<p>Do workers' associations encourage and support membership and participation of migrant workers? E.g. through information and raising awareness initiatives in more languages, translation and language support services etc.</p>	<p>There are two trade union confederations in Portugal: General Workers Union (<i>União Geral de Trabalhadores</i>, UGT) and General Confederation of Workers (<i>Confederação Geral de Trabalhadores</i>, CGTP-IN) and both have migration departments and both are represented in the consultation body CM (former COCAI). Both trade union confederations encourage and support membership and participation, sometimes through immigrant associations, which favour the attempts to reach immigrants<sup>108</sup>.</p> <p>Immigrants workers are particularly present in Trade Unions such as: construction; vigilance, cleaning services and domestic services<sup>109</sup>.</p> <p>According to CGTP,<sup>110</sup> the most difficult to contact are those immigrants that work in the employment sector</p>

<sup>107</sup> According to the migration department of the General Confederation of Workers (*Confederação Geral de Trabalhadores*, CGTP-IN) in a meeting on 9 March 2015, but also according to interviews for the study about trade unions and immigration, by Kolarova, M. and Peixoto, J. (2009), *Sindicatos e Imigração* (Estudos OI 34), Lisboa, Alto-Comissariado para a Imigração e Diálogo Intercultural, I.P., ACIDI, p. 74, available at: [www.oi.acidi.gov.pt/docs/Estudos\\_OI/OI\\_34.pdf](http://www.oi.acidi.gov.pt/docs/Estudos_OI/OI_34.pdf).

<sup>108</sup> Information obtained in a meeting on 9 March 2015, with a representative of the migration department of CGTP and in Kolarova, M. and Peixoto, J. (2009), *Sindicatos e Imigração* (Estudos OI 34), Lisboa, Alto-Comissariado para a Imigração e Diálogo Intercultural, ACIDI, I.P., p. 85, available at: [www.oi.acidi.gov.pt/docs/Estudos\\_OI/OI\\_34.pdf](http://www.oi.acidi.gov.pt/docs/Estudos_OI/OI_34.pdf).

<sup>109</sup> Information obtained in a meeting on 9 March 2015, with a representative of the migration department of CGTP.

<sup>110</sup> Information obtained in a meeting on 9 March 2015, with a representative of the migration department of CGTP.

		<p>of domestic cleaning and agriculture, as they work in close areas and may be afraid of contacts from the unknown.</p> <p>One raising awareness initiative informing immigrant workers of their rights and duties was made within a project in CGTP with the motto "Immigration – informing and training to make better integration" involved workshops in several cities in Portugal and the production and distribution of flyers and posters in Portuguese, English, Ukrainian and Romanian .</p> <p>UGT has a responsible, in its structure, for immigration and the area of racial discrimination. The confederation organized debates with the participation of leaders and activists of their unions and discusses the issue of immigration.</p>
	<p>What is the rate of participation (figures and % of association members, figures and % of migrant professionals as members, or descriptive data if statistical data is not available) of migrant workers in the most representative workers' unions and associations? Please specify the geographic and workforce range/type of associations (referring to national, regional, local and to the range of workers represented and degree of association).</p>	<p>In a study carried out about immigration and the trade unions in 2009<sup>111</sup>, most of the interviewees representing trade unions could not give an exact number of unionised immigrants, although in some cases they presented rough estimates. The interviewees said that on the principle, workers' application forms do not include any question asking for them to state their nationality. This is so as not make any distinctions because immigrant workers have the same rights and are treated equally as nationals. Some of the interviewees also claimed to have contacts with more immigrants than the ones enrolled in their unions or associations. One of the representatives speaking on behalf of the Trade Union of Receptionists, Vigilance, Cleaning Service, Domestic Service and Similar Activities (<i>Sindicato dos Trabalhadores de Serviço de Portaria, Vigilância, Limpeza, Domésticas e Profissões Similares</i>, STAD) gave a rough estimate in the 2009 study (the numbers may therefore be outdated): out of the Union's 13,000 to 14,000 members, 30 or 35 % are immigrants, mostly Cape-Verdean or Angolan.<sup>112</sup></p> <p>In terms of the 2012 <i>Immigrant Citizen Survey</i>, 0.7 % in Lisbon, 4.2 % in Setubal and 1.2 % of the immigrants answering the survey was a member of a trade union.<sup>113</sup></p>
	<p>Are migrant workers elected as representatives of trade unions and workers' or craft associations? Please provide figures if available, and report the related legal or practical limitations or barriers,</p>	<p>In almost all trade unions affiliated in the General Confederation of Portuguese Workers – (<i>Confederação Geral dos Trabalhadores Portugueses</i>, CGTP) there are shop stewards representing immigrant workers.<sup>114</sup> In the Building Workers' trade unions it is not easy to find immigrants who have been elected shop stewards because the profession offers precarious</p>

<sup>111</sup> Kolarova, M. and Peixoto, J. (2009), *Sindicatos e Imigração* (Estudos OI 34), Lisboa, Alto-Comissariado para a Imigração e Diálogo Intercultural, ACIDI, I.P., p. 85, available at: [www.oi.acidi.gov.pt/docs/Estudos\\_OI/OI\\_34.pdf](http://www.oi.acidi.gov.pt/docs/Estudos_OI/OI_34.pdf).

<sup>112</sup> Kolarova, M., Peixoto, J. (2009), *Sindicatos e Imigração* (Estudos OI 34), Lisboa, Alto-Comissariado para a Imigração e Diálogo Intercultural (ACIDI, I.P.), p. 86, available at: [www.oi.acidi.gov.pt/docs/Estudos\\_OI/OI\\_34.pdf](http://www.oi.acidi.gov.pt/docs/Estudos_OI/OI_34.pdf).

<sup>113</sup> Immigrant Citizen Survey (2011), *Table 3: Membership of Trade Unions and Political Organisations*, available at: [http://www.immigrantsurvey.org/downloads/Political\\_v2.pdf](http://www.immigrantsurvey.org/downloads/Political_v2.pdf), and to know more on Immigrant Citizens Survey: [www.immigrantsurvey.org/index.html](http://www.immigrantsurvey.org/index.html) and to know more on Immigrant Citizens Survey: [www.immigrantsurvey.org/index.html](http://www.immigrantsurvey.org/index.html).

<sup>114</sup> Kolarova, M., Peixoto, J. (2009), *Sindicatos e Imigração* (Estudos OI 34), Lisboa, Alto-Comissariado para a Imigração e Diálogo Intercultural (ACIDI, I.P.), p. 80, available at: [www.oi.acidi.gov.pt/docs/Estudos\\_OI/OI\\_34.pdf](http://www.oi.acidi.gov.pt/docs/Estudos_OI/OI_34.pdf).

	<p>eventually faced by migrant workers.</p>	<p>employment<sup>115</sup> and has cut its building activity due to a fall in investments.</p> <p>A representative on behalf of the Trade Union Receptionists, Vigilance, Cleaning Service, Domestic Service and Similar Activities (<i>Sindicato dos Trabalhadores de Serviço de Portaria, Vigilância, Limpeza, Domésticas e Profissões Similares, STAD</i>) gave a rough estimate in the 2009 study (the numbers may therefore be outdated): 30 % of the union leaders are third-country nationals (TCN), mostly African women. In 2009, the Trade Union of Southern Hotel Workers (<i>Sindicato de Hotelaria do Sul</i>) had a Brazilian TU leader and several TCN activists.<sup>116</sup></p>
	<p>Are there differences between associations for high and low skill workers, different industries and trades, and/or different geographic area of country of origin, citizenship or birth or gender?</p>	<p>Diverse kinds of enrolment in the trade unions according to nationality/citizenship may be related to different relationships with trade unions and with the history of trade unions in the third-country nationals' countries of origin. For example, immigrants from Portuguese-Speaking African Countries (<i>Países Africanos de Língua Oficial Portuguesa, PALOP</i>) and Brazil are considerably open to being unionized. However, the reverse is true of third-country nationals coming from the East (Asia, etc.) according to source from the migration department of CGTP.<sup>117</sup></p> <p>Different stages in the migrant's experience may explain lower TCN membership in the trade unions: at the beginning of his/her stay, the immigrant concentrates more on his/her jobs and daily life. Furthermore the longer working hours that the immigrant is obliged to work – usually more so than the national worker –, makes it more difficult to get involved in the trade unions.<sup>118</sup></p>
<p>Membership and participation of migrant entrepreneurs and expert professionals to professional and scientific associations:</p>		
	<p>Are there any legal or practical limitations or barriers for the membership of migrant workers in professional, employer and scientific associations (such as medical, engineer, bar associations)?</p>	<p>After analysing the Rules governing the Portuguese Bar Association (<i>Ordem dos Advogados</i>), the Medical Society (<i>Ordem dos Médicos</i>), and the various Associations and Societies wherein Nurses, Engineers and Architects are registered, shows that only after the demand for obtaining parity concerning their academic degrees has been complied with, may the third-country professionals enrol in these Societies and Associations; nationality does not give such associations the right to refuse an application although very often it depends upon complying with several requirements and whether or not reciprocity is in place. It should be pointed out that these professional societies and associations uphold public interests based on the public's confidence in its members' competence to exercise professions that entail special</p>

<sup>115</sup> CGTP-IN, in a meeting on 9 March 2015.

<sup>116</sup> Kolarova, M., Peixoto, J. (2009), *Sindicatos e Imigração* (Estudos OI 34), Lisboa, Alto-Comissariado para a Imigração e Diálogo Intercultural (ACIDI, I.P.), p. 86, available at: [www.oi.acidi.gov.pt/docs/Estudos\\_OI/OI\\_34.pdf](http://www.oi.acidi.gov.pt/docs/Estudos_OI/OI_34.pdf).

<sup>117</sup> CGTP-IN, in a meeting on 9 March 2015.

<sup>118</sup> Kolarova, M., Peixoto, J. (2009), *Sindicatos e Imigração* (Estudos OI 34), Lisboa, Alto-Comissariado para a Imigração e Diálogo Intercultural (ACIDI, I.P.), p. 86, available at: [www.oi.acidi.gov.pt/docs/Estudos\\_OI/OI\\_34.pdf](http://www.oi.acidi.gov.pt/docs/Estudos_OI/OI_34.pdf).

		<p>scientific, technical and deontological demands. This is why such associations are public and set up by the State where their creation and organisation is governed by public law.</p> <p>As regards entrepreneurs' associations, as was referred to above, the Labour Code ensures that entrepreneurs may, without any discrimination, join and take part in associations that represent their area of activity and where such associations are awarded certain rights. Employers' associations therefore, may not refuse to accept any third-country nationals enrolling and taking part in them.</p> <p>Apart from these associations, there are other that fall under the Law of Association (Decree-Law 594/74 of 7 November 1974 (<i>Decreto-lei 594/74, Lei de Associação, de 7 de Novembro</i>)).<sup>119</sup> They are covered by provisions in the Portuguese Constitution in terms of equality and the non-discrimination of foreigners.</p> <p>In general, the Associations say that there are no limitations against becoming a member, other than the ones applying to a Portuguese national, such as educational qualifications. In case of international degrees, the problem can depend upon the time it takes and the difficulties to deal with in obtaining an official recognition of such qualifications.</p> <p>In a letter sent on 23 February following our request, the Nursing Association (<i>Ordem dos Enfermeiros</i>), states there are no limitations imposed on the membership of immigrant nurses, other than the ones applying to Portuguese nationals (and ruled over by Directive 2005/36/EC regarding qualifications).</p> <p>In an email dated 13 March 2015 following our request, the Engineers Association (<i>Ordem dos Engenheiros</i>) stated that no requirements other than education and professional qualifications, are needed to become a member. Qualifications include examinations and trainee periods.</p> <p>In a letter dated 19 March 2015, the Medical Society said there are no limitations barring the membership of migrant physicians, other than the ones coming under general law.</p>
	<p>Do professional associations encourage and support membership and participation of migrant professionals? E.g. through information and raising awareness initiatives in more languages, translation and language support services etc.</p>	<p>In a letter sent on 23 February answering to our request for information, the Nursing Association (<i>Ordem dos Enfermeiros</i>) stated that it does not encourage or support the membership of immigrants in the nursing profession.</p> <p>The website of the Engineers Association has the guidelines for admission also set down in English.<sup>120</sup></p> <p>The Medical Association offers legal and administrative support to the migrant physician who meet the</p>

<sup>119</sup> Portugal, Decree-Law 594/74 that regulates and recognizes the right of association (*Decreto-Lei n.º 594/74 de 7 de Novembro que reconhece e regulamenta o direito de Associação*), 7 November 1974, available at: <https://dre.pt/application/file/471578>.

<sup>120</sup> At the website of the Association of Engineers, the section dedicated to the admission is available at: [www.ordemengenheiros.pt/en/admission/](http://www.ordemengenheiros.pt/en/admission/).

		admission requirements, as confirmed in a letter sent to us on 19 March 2015 (following our request).
	<p>What is the rate of participation and membership (figures and % of association members, figures and % of migrant professionals as members, or descriptive data if statistical data is not available) of migrant professionals in the most representative professional, employers' and scientific unions and associations? Please specify the geographic and workforce range/type of associations (referring to national, regional, local and to the range of professional represented and degree of association).</p>	<p>In a letter sent on 23 February in answer to our request for information, the Nursing Association (<i>Ordem dos Enfermeiros</i>) stated that it has 1,969 foreign members, 1,360 (1,969 if excluding EU citizens), out of a total 66,452 members (meaning 2.9 %). Most TCN membership is Brazilian (222 members), Ukrainian (72), Angolan (72), Guinean (51), Moldovan (48), and Saint-Toméans (25 members).<sup>121</sup></p> <p>According to a letter sent to us, and referring to 2013 data, the Architects Association (<i>Ordem dos Arquitectos</i>) had 17,254 members, where 606 members had foreign citizenship. The Association did not clarify the citizenship of these nationals.</p> <p>Following the same trend as the associations mentioned above, in the Engineers Association the largest group of third-country nationals who are members are the Brazilians (49), followed by the Ukrainians (21). Out a total of 47,388 physicians who are members of the Medical Society (<i>Ordem dos Médicos</i>) in terms of the TCN members, 626 are from Brazil, 279 are from the Europe (non-EU), 310 are from the PALOP, 4 are from non- PALOP African countries, 21 are from Asia, one from Australia, 20 from North America, 314 from South America, and 14 are from Central America (giving total of 3,779 third-country nationals, or around 8 %).</p>
	<p>Are migrants elected as representatives of professional, employers' and/or scientific associations? Please provide figures if available, and report the related legal or practical limitations or barriers, eventually faced.</p>	<p>In a letter sent on 23 February in answer to our request for information, the Nursing Association (<i>Ordem dos Enfermeiros</i>) stated that third-country nationals may be elected to representative positions as they have the same rights and duties as the Portuguese members. The Association did not provide numbers pertaining to this matter, as the issue had never been raised before.</p> <p>The Engineers Association, in a letter sent on 13 March to our request for information, says immigrants may be elected as representatives, as they have the same rights as Portuguese members, but currently there are no immigrants elected.</p> <p>The Medical Association refers no limitations to the election of immigrant members and even one immigrant member is now a representative (no citizenship was indicated), as confirmed in a letter sent to us on 19 March 2015 (following our request).</p> <p>The Architects Association, in the letter sent on 6 March 2015 after our request, says immigrants may be elected and there is one immigrant elected (no citizenship was indicated).</p>

<sup>121</sup> Ordem dos Enfermeiros (2015), *Dados Estatísticos a 31.12.2014*, Lisboa, Departamento de Informática da Ordem dos Enfermeiros, available at: [www.ordemenfermeiros.pt/Documents/DadosEstatisticos/Estatistica\\_V01\\_2014.pdf](http://www.ordemenfermeiros.pt/Documents/DadosEstatisticos/Estatistica_V01_2014.pdf).

<p>Are there differences between associations for different professions, different skill levels and/or types of enterprise, different industries and trades, and/or different geographic area of country of origin, citizenship or birth or gender?</p>	<p>From what is possible to say after the answering letters received upon our request, is that the differences do not result from citizenship.</p>
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### 3.5. Participation in social, cultural and public life

<p>In this section based on available data, research, studies, etc. provide information about the membership and participation of migrants and their descendants in media, cultural organisations and public life:</p>	
<p>Are there any legal or practical limitations or barriers for the membership of migrants in professional associations related to the media, sports and culture?</p>	<p>Mindful of the constitutional and legal frameworks described above, the migrant cannot be prevented from enrolling in professional associations related to the media, sports or culture. Nevertheless, in reality, a few barriers may be noted. For example, the Portuguese Association of Writers (<i>Associação Portuguesa de Escritores</i>, APE) states that although Portuguese-speaking foreign nationals or third-country nationals who are closely linked to Portuguese culture may be admitted as members, that may not vote in the general meetings nor can they be elected to any of the leadership bodies.<sup>122</sup>. But it is a trade-union body and as such, it is subject to the Labour Code (<i>Código do Trabalho</i>) which forbids discrimination on the basis of nationality.</p>
<p>Do media, sports, culture professional associations encourage and support membership and participation of third country nationals as members? E.g. through information and raising awareness initiatives in more languages, translation and language support services etc.</p>	<p>No information was found related to this matter even after a search that was made of associations that could be classed as media, sports and cultural professional associations.</p> <p>not possible to answer to this question. The search was conducted accessing the websites of the following associations: the Portuguese Press Association (<i>Associação Portuguesa de Imprensa</i>) (available at: <a href="http://www.apimprensa.pt/">www.apimprensa.pt/</a>); the Portuguese Mass Media Confederation (<i>Confederação Portuguesa de Meios de Comunicação Social</i>) (available at: <a href="http://www.cpmcs.pt/cpmcs_estatutos.php">www.cpmcs.pt/cpmcs_estatutos.php</a>), the Portuguese Confederation of Cultural, Entertainment and Sports Societies (<i>Confederação Portuguesa das Colectividades de Cultura, Recreio e Desporto</i>) (available at: <a href="http://www.confederacaodascolectividades.com/">www.confederacaodascolectividades.com/</a>), Football Players' Trade Union (Sindicato dos Jogadores de Futebol) (available at: <a href="http://sjpf.pt/">http://sjpf.pt/</a>).</p>
<p>What is the rate of participation in the most representative professional associations? (figures and % of</p>	<p>In searching through the above associations for statistics related to this matter, only the Football</p>

<sup>122</sup> Associação Portuguesa de Escritores (1996), *Estatutos da Associação Portuguesa de Escritores 1988*, Associação Portuguesa de Escritores, available at: [www.apescritores.pt/doc/Estatutos\\_APE.pdf](http://www.apescritores.pt/doc/Estatutos_APE.pdf)

	association members, figures and % of migrant professionals as members, or descriptive data if statistical data is not available).	Players' Trade Union have the name of a publication that referred to foreign football players in Portugal. <sup>123</sup>
	Are migrants elected as representatives of professional associations related to the media, sports and culture? Please provide figures if available, and report the related legal or practical limitations or barriers, eventually faced.	According to its By-Law, the Portuguese Society of Authors ( <i>Sociedade Portuguesa de Autores, SPA</i> ) only allows representatives who have Portuguese citizenship, or European Union citizenship or citizenship from the Portuguese-speaking countries. <sup>124</sup>  Therefore, in cultural associations, the legal limitations could arise according to citizenship and being (or not being) highly competent in the Portuguese language.
	Is there a visible or notable presence (or absence) of migrants and their descendants as media professionals?	No reliable information was found about this item on the several publications cited in all report and the Journalists' Trade Union did not reply about the questions we posed regarding this question and others of this section.
	Are migrants and/or their descendants present, visible and actively participating in public? (E.g. in public events, TV and electronic media, cultural events). Please substantiate on the basis of existing data or contacts with relevant authorities, actors and stakeholders, making sure to cover a wide spectrum and obtain as much as possible objective information.	In 2013, on all the four TV general TV channels - RTP1, RTP 2, SIC and TVI - 1,080 programmes aiming at promoting cultural diversity were broadcast and the interests of minority groups represented in the Portuguese society were put on view. This means a total of 530 broadcasting hours. <sup>125</sup>
	Are there legal or practical limitations for the media, culture or other type of public events by migrants and/or their descendants? (E.g. are there national language requirements for TV or radio stations, bureaucratic and representation requirements, etc.).	Article 42 in the Portuguese Constitution recognises the freedom to create intellectual, artistic and scientific material, which mainly covers the right to produce and disseminate scientific, literary and artistic work including the safeguarding of author's rights. This right also applies to migrants and their descendants by force of Article 15(1) in the Constitution that was referred to above.  One of the Portuguese TV channels (private, not public) is currently running a soap-opera where some of the cast are immigrants or have their origin in the African Portuguese-speaking Countries (PALOP). <sup>126</sup>  Regarding languages and culture, it is also true that some broadcasting quotas have been set for airing the Portuguese language on the radio and the TV, although diversity is protected by the law of the Television, that states the public service must provide a varied and

<sup>123</sup> Reports available at: [http://sjpf.pt/?pt=estudos\\_publicacoes](http://sjpf.pt/?pt=estudos_publicacoes).

<sup>124</sup> Sociedade Portuguesa de Autores (2010), *Estatutos da Sociedade Portuguesa de Autores*, available at: [www.spautores.pt/assets/live/77/estatutos\\_2010.pdf](http://www.spautores.pt/assets/live/77/estatutos_2010.pdf).

<sup>125</sup> Entidade Reguladora para a Comunicação Social (2014), *Relatório de Regulação 2013*, Lisboa, p. 215, available at: [www.erc.pt/pt/estudos-e-publicacoes/relatorios-de-regulacao/relatorio-de-regulacao-2013](http://www.erc.pt/pt/estudos-e-publicacoes/relatorios-de-regulacao/relatorio-de-regulacao-2013).

<sup>126</sup> More information available at: [www.tvi.iol.pt/aunicamulher/](http://www.tvi.iol.pt/aunicamulher/).

		comprehensive broadcast that promotes cultural diversity and takes into account the interests of minorities. <sup>127</sup>
	Are there positive measures for promoting or restrictions/barriers to the operation of migrant and ethnic minority (owned, directed or audience specific) media?	No information was found on this matter, in all documents and websites consulted. The search was made on the Integration Plans, on ACM website ( <a href="http://www.acidi.gov.pt">www.acidi.gov.pt</a> ), on the publications of the Migration Observatory ( <a href="http://www.oi.acidi.gov.pt/modules.php?name=Content&amp;pa=showpage&amp;pid=15">www.oi.acidi.gov.pt/modules.php?name=Content&amp;pa=showpage&amp;pid=15</a> ) where a study was found), on the website of public Television ( <a href="http://www.rtp.pt">www.rtp.pt</a> ), on the website of the Commission for Citizenship and Equality on Gender ( <i>Comissão para a Cidadania e Igualdade de Género, CIG</i> ) ( <a href="http://www.cig.gov.pt/">www.cig.gov.pt/</a> ).
	Are there practical measures encouraging and promoting the visibility, voice and public presence of migrants and/or their descendants in the media, culture or other type of public events? (E.g. are there programmes and information provided by the media in other than the country official language, and migrants' languages, quotas for journalists and public programmes reflecting the diversity in society etc.?).	<p>In Measure 13 in the 2nd Plan for Immigrant Integration (II PII), called "Raising the awareness of cultural producers", actions were included that were related to the theme of integration, combating discrimination and working towards intercultural dialogue. The actions were (from 2010 to 2013).<sup>128</sup></p> <ul style="list-style-type: none"> <li>a) Funding in 2010 for the documentaries directed by Rui Simões, and called "Ilha da Cova da Moura"<sup>129</sup> (Cova da Moura Island) and "Kolá San Jon é festa di Kabu Verdi" (Kolá San Jon Party is a Cape Verde Party);</li> <li>b) meetings in 2011 with the ACIDI, I.P. and the <i>Plural</i> producer in order to raise awareness about the intercultural and non-discriminatory contents in the TV shows "Morangos com Açúcar" (Strawberries with Sugar) aimed at young people;</li> <li>c) several awareness meetings in 2012 with the ACIDI, I.P., and <i>Cineto Gráficas</i>, regarding the film script of "Lisboa Mestiça" (Mestizo Lisbon);</li> <li>d) signing an agreement between the ACIDI and <i>Tópicos Fictícios-Unipessoal, Lda</i>, in 2013 for the production of a film and a documentary entitled "Lisboa Mestiça".</li> </ul> <p>Measure 76 in the II PII also foresaw: incentives going to promote broadcasting/information time slots demonstrating the cultural and religious diversity already existent in Portuguese society, cultural and linguistic expressions of immigrant communities residing in Portugal were given due value; undertaking information and training sessions targeting journalists and dealing with issues about intercultural, immigration and diversity.</p> <p>During the scope of the II PII, nine seminars and workshops were held on the topic: "Media, immigration and diversity" together with the Protocol Centre for the</p>

<sup>127</sup> Portugal, Television Law available at: [www.ica-ip.pt/Admin/Files/Documents/contentdoc2291.pdf](http://www.ica-ip.pt/Admin/Files/Documents/contentdoc2291.pdf).

<sup>128</sup> Governo de Portugal (2014), *Relatório de Execução Final II PII 2010-2013*, available at: [www.acidi.gov.pt/cfn/4d346c9b80687/live/Relat%C3%B3rio+Final+de+Execu%C3%A7%C3%A3o+do+PII+2010+-+2013](http://www.acidi.gov.pt/cfn/4d346c9b80687/live/Relat%C3%B3rio+Final+de+Execu%C3%A7%C3%A3o+do+PII+2010+-+2013).

<sup>129</sup> Available at: <http://filmesportugueses.com/ilha-da-cova-da-moura/>.

		Professional Training of Journalists ( <i>Centro Protocolar de Formação Profissional para Jornalistas</i> , CENJOR). The Journalism Award "For Cultural Diversity" ( <i>Pela Diversidade Cultural</i> ) was also awarded for the first time.. The TV Show "Us" ("Nós") and Radio programme "People like Us" ("Gente como Nós") both had 52 episodes in 2012 and 2013. <sup>130</sup>
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### 3.5.1. Diversity in the public sector

	In this section based on available data, research, studies, etc. please provide information about recruitment of migrants and their descendants in the public sector:	
	Please describe how legal provisions allow or prevent the recruitment of third country nationals in the public sector. Please indicate specific areas, requirements, quotas if any, upward mobility and promotion limitations if any, as well as if and how these provisions are applied in practice.	Article 15 (2) in the Portuguese Constitution <sup>131</sup> merely prevents third-country nationals from becoming public employees in the civil service if the jobs are not of an exclusively technical nature. Which means that TCN are forbidden to become employees in the civil service for certain jobs  As regards education, the General Law on Working in the Civil Service ( <i>Lei Geral do Trabalho em Funções Públicas</i> ) states that exercising duties in the Civil Service may be conditioned by having an academic or professional qualification according to terms laid down in the rules governing careers (Article 18).
	Please indicate if citizens of migrant descent can also be affected by limitation – e.g on the basis of their ethnic origin or migrant background or naturalisation - in public sector recruitment, for example in education, law enforcement, judiciary, etc.	The situation is identical to that referred in connection with third-country nationals, the only difference being that migrant descendants who are Portuguese citizens are dealt with. This means that the legal provisions about a foreigner or stateless person exercising a profession do not apply and neither is it possible to witness any discrimination based on nationality. Furthermore, Article 24 (1) in the Labour Code in Law 7/2009 of 12 February 2009 ( <i>Código do Trabalho, Lei 7/2009, de 12 de Fevereiro de 2009</i> ) which rules on equality and non-discrimination by force of the General Law on Working in the Civil Service ( <i>Lei Geral do Trabalho em Funções Públicas</i> ), Article 4 (1) c), in terms of workers getting hired or working on the job, forbids any kind of discrimination namely to do with origin, age, sex, sexual orientation, civil status, family situation, economic situation, education, social origin or condition, genetic heritage, reduced working capacity, incapacity, chronic illness, nationality, racial or ethnic origin, place of origin, language, religion, political or ideological convictions and trade-union membership, whereupon the State should promote access to such rights.
	Please indicate proportion of recruitment (% on the total of posts for this category or	No other statistics, apart from the ones relative to the teachers in education cycles, were possible to find, when searching for citizenship regarding recruitment

<sup>130</sup> Governo de Portugal (2014), *Relatório de Execução Final II PII 2010-2013*, p. 53, available at: [www.acidi.gov.pt/cfn/4d346c9b80687/live/Relat%C3%B3rio+Final+de+Execu%C3%A7%C3%A3o+do+PII+2010+-+2013](http://www.acidi.gov.pt/cfn/4d346c9b80687/live/Relat%C3%B3rio+Final+de+Execu%C3%A7%C3%A3o+do+PII+2010+-+2013)

<sup>131</sup> Assembleia da República, *Constituição da República Portuguesa – VII Revisão Constitucional (2005)*, available at: [www.parlamento.pt/Legislacao/Documents/constpt2005.pdf](http://www.parlamento.pt/Legislacao/Documents/constpt2005.pdf).

	service) for the interested categories of third country nationals, if any.	for public sector (at General-Directorate of Administration and Public Employment ( <a href="http://www.dgaep.gov.pt/index.cfm">www.dgaep.gov.pt/index.cfm</a> )).
	Please indicate any affirmative action and positive action <b>either</b> for third country nationals <b>or</b> citizens with a migrant background, if any, e.g. quotas, reserved posts for people of migrant background etc. as well as promising practices in this area. Please provide information specifically for law enforcement, judiciary, and education.	Positive discrimination measures addressing third-country nationals or citizens who have a migrant background are not being applied. This question was asked in meetings with ACM reported in the references and in the self-assessment section of the evaluation sheet (2 February 2015, with the Head of Unit of Research and International Relations of ACM, I.P.; 6 February 2015, with the Coordinator of the Office of Education, Training and Intercultural Mediation at ACM, I.P.)

### 3.6. Political activity – active citizenship

	Membership and participation of migrants in migrant and/or diaspora organisations and associations:	
	Are there any legal or practical limitations or barriers for the self-organisation membership of migrants in migrant and or diaspora associations and organisations?	<p>Migrant associations are governed by Law 115/99 of 8 March 1999 (<i>Lei 115/99, de 8 de Março de 1999</i>),<sup>132</sup> which was amended by Decree-Law 34/2008 of 26 February 2008 (<i>Decreto-lei 34/2008, de 26 de Fevereiro de 2008</i>).<sup>133</sup> In conformity with Article 2 (1) and (2), they are associations governed by the general law, endowed with a legal identity, non-profit making, with nation-wide, regional or local coverage where their Rules their aim to protect the rights and specific interests of migrants and their descendants living in Portugal.</p> <p>These associations are mainly geared to defending the rights and interests of migrants and their descendants in all matters to do with: ensuring their enhancement, so that may be fully integrated into and become part of Portuguese society; undertaking supportive action of the migrants and their descendants so that they may improve their standards of living; promoting and encouraging the personal, cultural and social skills of the migrant communities and their descendants as a fundamental part of the society in which they are living; proposing activity which is needed to prevent or stop acts or omissions on the part of the public or private authorities that lead to racial discrimination; fomenting interchanges with similar associations abroad or promoting sharing activity based on information and training. In keeping with the law, the migrant associations are connected to the unions and federations which they set up. Migrant association are</p>

<sup>132</sup> Portugal, Law 115/99, approves first legal system of Immigrant Associations (*Lei n.º 115/99, de 8 de Março de 1999, aprova o Regime Jurídico das Associações de imigrantes*), 8 March 1999, available at <https://dre.pt/application/file/345201>.

<sup>133</sup> Portugal, Decree-Law 34/2008, makes amendments to Legal System of Migrant Associations (*Decreto-Lei 34/2008 de 26 de Fevereiro de 2008, altera o Regime Jurídico das Associações de Imigrantes*), 26 February 2008, available at: <https://dre.pt/application/file/247370>.

		<p>independent of the State and political parties and have the right to freely draw up, pass and change their rules, elect their leadership bodies, pass their action plans and manage their own estates. If they receive any kind of State support, this may not condition the associations' autonomy and independence (Article 3).</p> <p>Migrant associations are recognized as representative bodies and enjoy the right to help in drawing up migration policies as well as in legal cases involving migrants; they are also present in consultative bodies in conformity with the law; the respective migrant associations that have nationwide representation may benefit from the right to media time on the state-owned radio and television stations; they enjoy all the rights and privileges awarded by the law to collective parties of public utility, and they are exempt from stamp tax.</p> <p>Any migrant association has the right to request and obtain from the relevant agencies, the information and documents needed to allow them to follow up the definition and application of immigration policies; they have the right to intervene in the procedures of the public authorities in order to safeguard migrants' rights; together with local government, they may help to define and apply local policies that directly have to do with migrants; they may benefit from the State's technical and financial aid in terms of the Law (Article 4).</p> <p>The High Commission for Migration (<i>Alto-Comissariado para as Migrações</i>) recognises the representational nature of the migrant associations, provided they show that they diligently comply with all the following requirements: have published Regulations; have leadership bodies that are elected on a regular basis; are registered in the National Registry of Collective Persons (<i>Registo Nacional de Pessoas Colectivas</i>); have the aim or social concern written into their rules whereby they seek to promote rights and interests specific to migrants; undertake activity that strives for the real promotion of rights and interests specific to migrants (Article 5).</p>
	<p>Are there notable cases of active migrant and/or diaspora associations and organisations? Please indicate the most known, active or representative ones on the basis of existing data about membership – please include size/numbers of members - and through contacts with competent actors and stakeholders. Please specify their character and eventual</p>	<p>The organisational structure of the High Commission for Migrants (<i>Alto-Comissariado para as Migrações</i>, ACM) includes the Technical Support Office for Immigrant Associations (<i>Gabinete Técnico de Apoio às Associações de Imigrantes</i>, GATAI) which helps with the procedure for granting associations recognition. In addition to the two criteria referred to above, in order for the Associations to gain official recognition, they must have been formally operating for two years, follow an annual action plan and write an annual</p>

	differences, including aspects concerning their religious, culture or geographic scope.	implementation report. In 2012, <sup>134</sup> 131 associations were recognised by the ACIDI, I.P. (currently the ACM). This number represents the total sum of the associations since the beginning of the decade, and means a +138 % increase. Around 59 % of the duly recognised associations are at local level with a minimum number of 100 members; 25 % are at regional level with a minimum of 500 members. Only 16 % have 1,000 members and nationwide scope. They are distributed throughout the country, but mostly in the metropolitan areas of Lisbon and Oporto. The work they are engaged in are information and awareness campaigns, school learning support for children and young people, help in integrating migrants (legal aid, language learning), actions to combat discrimination and development projects in articulation with the migrants' countries of origin.
	Please provide any data on the participation of migrants and their descendants in the most representative migrant and/or diaspora organisations and associations? (figures and % of migrants and/or persons with the specific ethnic or other background as members, or descriptive data if statistical data is not available).	Most associations represent multiple third-country nationals (27 recognised associations). Then there are 23 Cape-Verdean associations, 15 Guinean associations and 10 Angolan associations. This pattern is the result of the first immigration flows to Portugal, which came from the former Portuguese colonies. However, in recent years, Brazilian, Ukrainian and Moldavian associations have also sought recognition, which shows what the most recent migrant inflows in Portugal have been over the last decade. <sup>135</sup>
	Are such associations and organisations encouraged and/or supported financially or in other means (e.g. offices) by the national, regional or local authorities? Is there in place a mechanism linking such associations at national level? (e.g. network of migrant associations).	The High Commission for Migration ( <i>Alto-Comissariado para as Migrações</i> , ACM) office open to the public is called the Technical Support Office for Immigrant Associations ( <i>Gabinete Técnico de Apoio às Associações de Imigrantes</i> , GATAI). It provides technical support when migrants want to form associations. <sup>136</sup> In its annual budget, the State allocates funds to help finance associations that have gained recognition. They may take advantage of these funds provided the projects they present to ACM are approved after having being analysed by the Council for Migration <sup>137</sup> (the former Consultative Council for Immigration Affairs, ( <i>Conselho Consultivo para os Assuntos da Imigração</i> , COCAI)). The funds are channelled to them after an agreement between the ACM and the association has been signed.

<sup>134</sup> Data and information about the associations in Oliveira, C. (org.) (2014), *Monitorizar a Integração de Imigrantes em Portugal – Relatório Estatístico Decenal*, Volume 1, Coleção Imigração em Números, Lisboa, Alto Comissariado para as Migrações, pp. 177-179, available at: [www.oi.acidi.gov.pt/docs/Col\\_ImigNumeros/Monitorizar%20a%20Integracao%20de%20Imigrantes%20em%20Portugal.pdf](http://www.oi.acidi.gov.pt/docs/Col_ImigNumeros/Monitorizar%20a%20Integracao%20de%20Imigrantes%20em%20Portugal.pdf).

<sup>135</sup> Data and information about the associations in Oliveira, C. (org.) (2014), *Monitorizar a Integração de Imigrantes em Portugal – Relatório Estatístico Decenal*, Volume 1, Coleção Imigração em Números, Lisboa, Alto Comissariado para as Migrações, pp. 177-179, available at: [www.oi.acidi.gov.pt/docs/Col\\_ImigNumeros/Monitorizar%20a%20Integracao%20de%20Imigrantes%20em%20Portugal.pdf](http://www.oi.acidi.gov.pt/docs/Col_ImigNumeros/Monitorizar%20a%20Integracao%20de%20Imigrantes%20em%20Portugal.pdf).

<sup>136</sup> Information about GATAI available at: [www.acidi.gov.pt/es-imigrante/servicos/centros-nacionais-de-apoio-ao-imigrante--cnaí/cnaí-lisboa/gabinetes-de-apoio/gabinete-de-apoio-tecnico-as-associacoes-de-imigrantes-gatai](http://www.acidi.gov.pt/es-imigrante/servicos/centros-nacionais-de-apoio-ao-imigrante--cnaí/cnaí-lisboa/gabinetes-de-apoio/gabinete-de-apoio-tecnico-as-associacoes-de-imigrantes-gatai).

<sup>137</sup> Information available at: [www.acidi.gov.pt/acm-i-p/-conselho-para-as-migracoes---cm](http://www.acidi.gov.pt/acm-i-p/-conselho-para-as-migracoes---cm).

		All recognised associations of immigrants are represented on the Council for Migration ( <i>Conselho para as Migrações</i> , CM). The CM is dedicated to the consultation and support of and participation in the definition of the ACM's general lines of action in the decisions made by the leadership, assuring the participation and collaboration of public and private agencies in the devising and implementing migration policies.
	Membership and participation of migrants in civil society organisations and voluntary work:	
Are there any legal or practical limitations or barriers for the membership of migrants in civil society organisations?		If the aim of staying in the country is to do voluntary work, the law (Law No.23/2007 of 4 July) states that it is possible to obtain a residence visa and permit although it depends on a contract being drawn up between the migrant and the organization in charge, provided that the length of stay does not exceed one year. According to the National Council for the Promotion of Voluntary Work ( <i>Conselho Nacional para a Promoção do Voluntariado</i> , CNPV), the legal provision ruling voluntary work does not make any distinction against immigrants or third-country nationals, <sup>138</sup> although third-country nationals should have legal permits when working as volunteers. <sup>139</sup>
Do civil society organisations encourage and support membership and participation of migrants and/or their descendants? E.g. through information and raising awareness initiatives in more languages, translation and language support services etc.		After searching several websites where this information could be found, nothing shows that initiatives or raising awareness initiatives have been made. The websites were the ones relating to voluntary work, as the above cited CNPV, but also: Portuguese Confederation of Voluntary Work [unofficial translation] ( <i>Confederação Portuguesa de Voluntariado</i> , CPV) available at: <a href="http://www.convolutariado.pt/index.php?option=com_content&amp;view=section&amp;layout=blog&amp;id=1&amp;Itemid=2">www.convolutariado.pt/index.php?option=com_content&amp;view=section&amp;layout=blog&amp;id=1&amp;Itemid=2</a> , which joins 25 organizations of voluntary work; Pool of Volunteers [unofficial translation] ( <i>Bolsa de Voluntariado</i> ) available at: <a href="http://bolsadovoluntariado.pt/">http://bolsadovoluntariado.pt/</a> ; a list of several organizations where volunteers work, available at: <a href="http://www.eurocid.pt/pls/wsd/wsdwcot0.imprimir_detalhe_area?p_sub=3&amp;p_cot_id=5157&amp;p_est_id=11146">www.eurocid.pt/pls/wsd/wsdwcot0.imprimir_detalhe_area?p_sub=3&amp;p_cot_id=5157&amp;p_est_id=11146</a> .
Please provide any data on the participation and membership of migrants and their descendants in the most representative civil society organisations? (figures or % of		There is no such registration. <sup>140</sup>

<sup>138</sup> Portugal, Law 71/98, Law on voluntary work (*Lei n.º71/98, de 3 de Novembro de 1998, regime jurídico do voluntariado*), 3 November 1998, available at: [www.voluntariado.pt/preview\\_documentos.asp?r=43&m=PDF](http://www.voluntariado.pt/preview_documentos.asp?r=43&m=PDF) and Decree-Law 389/99, which rules voluntary work (*Decreto-Lei n.º 389/99, de 30 de Setembro de 1999*), 30 September 1999, available at: [www.voluntariado.pt/preview\\_documentos.asp?r=44&m=PDF](http://www.voluntariado.pt/preview_documentos.asp?r=44&m=PDF).

<sup>139</sup> Information obtained on the reminding phone call on 9 March 2015, after sending a letter, with the coordinator of the CNPV.

<sup>140</sup> Information obtained on the reminding phone call on 9 March 2015, after sending a letter, with the coordinator of the CNPV.

<p>organisation members, % of migrants and/or with migrant background as members, or descriptive data if statistical data is not available).</p>	
<p>Membership and participation of migrants in political parties:</p>	
<p>Are there any legal or practical limitations or barriers for the membership of migrants in political parties, initiatives (e.g. petitions, signature collections) and movements?</p>	<p>Article 7 in the Organic Law 2/2003 of 22 August (Law on Political Parties), <sup>141</sup> states that “political parties are constituted by citizens who hold political rights”; Article 19 stipulates that “No person shall be denied membership in any political party or be expelled on grounds of ancestry, sex, race, language, place of origin, religion, education, economic status or social conditions”. Therefore, all third-country nationals who have had their political rights recognised by the Portuguese law or that come under any other bilateral agreements, and who are legal residents in Portugal, may join political parties. Their admission to any political party depends upon the Rules of each party. No limitations were found on the two larger political parties.<sup>142</sup></p>
<p>Do political parties encourage and support membership and participation of migrants and/or their descendants in their activities? E.g. through information and raising awareness initiatives in more languages, translation and language support services etc.</p>	<p>Political parties do not have specific concessions for foreigners or immigrants and its descendants and no reference to them are found in their programmes or manifestos. Portuguese Communist Party (<i>Partido Comunista Português</i>, PCP) has a “Working Group on immigration affairs”, comprising seven members, which includes the president of the Cape Verdean Association, an expert on immigration and a person connected to the trade unions.<sup>143</sup> This working group occasionally launches manifestos in ephemerides such as the International Day of Migration (December 18th) or the International Day against Racial Discrimination (March 21st), in which it appeals to the political participation and protest of immigrants. In terms of the survey respondents’ answers study, the <i>Political parties openness to immigrants in Portugal: between opportunity structure and the individual perceptions – Portugal Report DivPol</i> <sup>144</sup> reference was made to debates and workshops where immigration associative structures and personalities are invited to participate. However, the answers were evasive when it came to providing further details on</p>

<sup>141</sup> Organic Law 2/2003, rules Political Parties (*Lei Orgânico nº 2/2002, de 22 de Agosto de 2002, Lei dos Partidos Políticos*), 22 August 2002, available at:

[www.parlamento.pt/Legislacao/Documents/Legislacao\\_Anotada/LeiPartidosPoliticos\\_Anotado.pdf](http://www.parlamento.pt/Legislacao/Documents/Legislacao_Anotada/LeiPartidosPoliticos_Anotado.pdf).

<sup>142</sup> See.: Socialist Party. [www.pscoces.org/documentos/docs/form\\_militantes\\_dez2004.pdf](http://www.pscoces.org/documentos/docs/form_militantes_dez2004.pdf)

Socialdemocrat Party: [www.psd.pt/junte\\_se\\_a\\_nos.php](http://www.psd.pt/junte_se_a_nos.php).

<sup>143</sup> Oliveira, C., Carvalhais, I.E., Cancela, J. (2014), Political parties openness to immigrants in Portugal: between opportunity structure and the individual perceptions – Portugal Report DivPol, Lisboa, Alto Comissariado para as Migrações, I.P., p. 26, available at: [www2.uac.pt/bibliopac/OI/PORTUGAL\\_Report\\_DivPol%20FINAL.pdf](http://www2.uac.pt/bibliopac/OI/PORTUGAL_Report_DivPol%20FINAL.pdf).

<sup>144</sup> Respondents were politicians with an immigrant background (IB), politicians without an IB, party members and workers of political parties represented in the Portuguese Parliament both with and without IB, and relevant stakeholders and representatives of migration organizations, in Oliveira, C., Carvalhais, I.E., Cancela, J. (2014), Political parties openness to immigrants in Portugal: between opportunity structure and the individual perceptions – Portugal Report DivPol, Lisboa, Alto Comissariado para as Migrações, I.P., p. 5, available at: [www2.uac.pt/bibliopac/OI/PORTUGAL\\_Report\\_DivPol%20FINAL.pdf](http://www2.uac.pt/bibliopac/OI/PORTUGAL_Report_DivPol%20FINAL.pdf).

		<p>the political parties' forms of interacting with migrant communities, especially on how formal and informal interactions with associations and other civil society agents take place. However, it is worth mentioning the cases of the Portuguese Communist Party (PCP), which has 'a close relation with the "Anti-Racist Front" (<i>Frente Anti-Racista</i>, FAR), and the Left Bloc (<i>Bloco Esquerdo</i>, BE), which is closely connected to "SOS Racism", sharing some of its leaders'.<sup>145</sup></p>
	<p>Please provide any data on the participation and membership of migrants and their descendants in the political parties, initiatives and movements? (figures or % of party members, % of migrants and/or with migrant background as members, or descriptive data if statistical data is not available)</p>	<p>According to the above-mentioned study<sup>146</sup>, the participation and membership of migrants and their descendants in political parties is as follows. In the PCP, the "Working group on immigration affairs" is composed of immigrants and party activists who have an immigrant background. This helps the Party to have a more focused approach in terms of reaching out to migrants during election campaigns by producing specific flyers. The Socialist Party (<i>Partido Socialista</i>, PS) has a Think Tank called LIP – <i>Laboratório de Ideias para Portugal</i> comprising 40 groups; one is dedicated to social movements and migration issues. This group is comprised of persons from various sectors of society and it works on migration and not with migrant communities. The Democratic Centre Party-People's Party (<i>Partido do Centro Democrático e Social-Partido Popular</i>, CDS-PP) 'pointed out the party's argument in favour of social action promoted by organised civil society in the support of the most vulnerable, as a way of fighting for immigrants' interests since these are among the most fragile groups in society'.<sup>147</sup></p>
	<p>Are migrants elected as representatives of political parties, initiatives and movements? Please provide figures if available, and report the related legal or practical limitations or barriers, eventually faced.</p>	<p>Once TCN immigrants become effective members of a political party, they enjoy the rights and duties as any other party member, including rights to vote within the party. However, as most of the TCN who have political voting rights are only eligible candidates for local elections, TCN cannot be elected as members of parliament.<sup>148</sup></p>

<sup>145</sup> Oliveira, C., Carvalhais, I.E., Cancela, J. (2014), Political parties openness to immigrants in Portugal: between opportunity structure and the individual perceptions – Portugal Report DivPol, Lisboa, Alto Comissariado para as Migrações, I.P., pp. 26-27, available at: [www2.uac.pt/bibliopac/OI/PORTUGAL\\_Report\\_DivPol%20FINAL.pdf](http://www2.uac.pt/bibliopac/OI/PORTUGAL_Report_DivPol%20FINAL.pdf).

<sup>146</sup> Oliveira, C., Carvalhais, I.E., Cancela, J. (2014), Political parties openness to immigrants in Portugal: between opportunity structure and the individual perceptions – Portugal Report DivPol, Lisboa, Alto Comissariado para as Migrações, I.P., p. 27, available at: [www2.uac.pt/bibliopac/OI/PORTUGAL\\_Report\\_DivPol%20FINAL.pdf](http://www2.uac.pt/bibliopac/OI/PORTUGAL_Report_DivPol%20FINAL.pdf).

<sup>147</sup> Oliveira, C., Carvalhais, I.E., Cancela, J. (2014), Political parties openness to immigrants in Portugal: between opportunity structure and the individual perceptions – Portugal Report DivPol, Lisboa, Alto Comissariado para as Migrações, I.P., p. 26, available at: [www2.uac.pt/bibliopac/OI/PORTUGAL\\_Report\\_DivPol%20FINAL.pdf](http://www2.uac.pt/bibliopac/OI/PORTUGAL_Report_DivPol%20FINAL.pdf).

<sup>148</sup> Oliveira, C., Carvalhais, I.E., Cancela, J. (2014), Political parties openness to immigrants in Portugal: between opportunity structure and the individual perceptions – Portugal Report DivPol, Lisboa, Alto Comissariado para as Migrações, I.P., p. 23, available at: [www2.uac.pt/bibliopac/OI/PORTUGAL\\_Report\\_DivPol%20FINAL.pdf](http://www2.uac.pt/bibliopac/OI/PORTUGAL_Report_DivPol%20FINAL.pdf).

### 3.7.Civic and citizenship education

	<p>The participation of migrants and their descendants (with a distinct linguistic, cultural background) in education:</p> <p>Have teachers of migrant background equal access to <b>employment</b> in education, as teachers? If yes, what is the rate of participation (% of teachers with migrant background at national level)? Are they represented in professional teacher associations? Please identify limitations, challenges and promising practice.</p>	<p>In terms of public primary and secondary education, one of the requirements in order to access to employment as public employees is to have Portuguese citizenship unless the person is a national from a country which allows such citizens to exercise a profession in the civil service by merit of a normative act passed by the European Community, or on the basis of international law or a special law. Such public employees should be fully proficient in the Portuguese language.<sup>149</sup></p> <p>Regarding tertiary education, there are no limitations regarding nationalities.</p> <p>Statistics pertaining to teachers and education are not available according to migrant background and therefore, it is difficult to give an idea of their numbers. However, if dealing with citizenship, it is possible to have an idea of the participation of third-country nationals (TCN) in the 2012/2013 school year.<sup>150</sup> In nursery school, out of a total of 15,430 teachers (including Portuguese nationals): 47 teachers were from Angola, 16 from Brazil, 14 from Mozambique and 50 from other countries (not specified). In the first cycle (primary level) of compulsory education, out of a total of 27,512 teachers (including Portuguese nationals): 54 were from Angola, 18 from Brazil, 16 from Mozambique and 63 from other countries. In terms of the second cycle (the lower school) of compulsory education, out of a total of 24,703 teachers (including Portuguese nationals): 36 were from Angola, 30 from Brazil, 30 from Mozambique and 39 from other countries. In the third cycle of compulsory education (the middle school) together with upper secondary education, out of a total 70,958 teachers: 108 were from Angola, 57 from Brazil, 73 from Mozambique, and 104 were from other countries.</p> <p>As teachers, they have to perform their functions in other duties in the school or the association.</p> <p>In tertiary education, where citizenship is not a limitation, the presence of foreigners in teaching was not significant during this period as only 3.3 %of</p>
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<sup>149</sup> Legal provisions regarding the access to teaching available at: [www.sec-geral.mec.pt/index.php/educacao-e-ciencia-em-portugal/legislacao-e-regulamentacao-da-educacao/professores/educacao-pre-escolar-ensino-basico-e-secundario/carreira-docente-estatuto](http://www.sec-geral.mec.pt/index.php/educacao-e-ciencia-em-portugal/legislacao-e-regulamentacao-da-educacao/professores/educacao-pre-escolar-ensino-basico-e-secundario/carreira-docente-estatuto).

<sup>150</sup> The latest statistics on this topic covers the 2012/2013 school year and have been published by the Directorate-General of Statistics attached to the Ministry of Education, available in the following publication: Direção-Geral de Estatísticas da Educação e Ciência (2014), Perfil do docente 2012/2013, available at: [www.dgeec.mec.pt/np4/98/%7B\\$clientServletPath%7D/?newsId=148&fileName=Perfil\\_Docente\\_2013.pdf](http://www.dgeec.mec.pt/np4/98/%7B$clientServletPath%7D/?newsId=148&fileName=Perfil_Docente_2013.pdf).

		teachers were not national. Third-countries nationals were from: Brazil, the USA; the Russian Federation, Romania, Angola, the Ukraine, China and other unspecified countries.
	Are there any particular gender issues?	Women are predominant in the teaching profession as the statistics indicate: only 1% of teachers at nursery school are men, 13.7% in the first cycle (primary school) in compulsory primary education are men; 28,5% in second cycle of compulsory education are men; 28,9% in third cycle and upper secondary schooling combined are men. <sup>151</sup>
	Are parents of migrant background actively participating in the school life? Please provide evidence concerning their participation in parents associations, school and community events and extracurricular activities, consultations etc. <sup>152</sup>	The project called SIRIUS has a national partner in the 'Choices Programme' (' <i>Programa Escolhas</i> ') (see Annex 7, <i>Programa Escolhas</i> ). The 'Choices Programme' works along the principle of promoting the relationship among schools, communities wherein the migrants have settled and the families themselves. In the 4 <sup>th</sup> edition of 'Choices Programme' the position of community facilitator/mediator was set up, covered by Measure 65 of the 2nd Plan for Immigrant Integration (II PII), which aimed at combating segregation. The goal was to try and insert this facilitator into the neighbourhood's life, thus reaching out to young people and their families in order to encourage their education, professional training and leisure-time activities. Their role also included devising and implementing the strategies for their realistic, integrated intervention together with all the partners taking part in the 'Choices programme'. At the end of 2010, 106 community facilitators were integrated in the technical project teams. <sup>153</sup>
	Are there extracurricular activities involving and engaging with children and parents of migrant background and/or focussing on civic and citizenship education? Please identify limitations, challenges and promising practice.	Projects from Choices Programme (' <i>Programa Escolhas</i> ') include activities where all the stakeholders in the local communities take an active role.
	Are there provisions for bilingual education? If yes, is it supported by trained teachers and training programmes, curriculum provisions and dedicated school manuals and books?	After searching in all the documentation related to education and reported in this section, no provisions for bilingual education on public system were found.
	Is there evidence of school segregation and/or policies of separate/distinct schooling of migrants?	There is no such evidence of segregation happening related to migrants. On the contrary, measure 24 of the 2 <sup>nd</sup> Plan for Integration of Immigrants (II PII) and

<sup>151</sup> Direção-Geral de Estatísticas da Educação e Ciência (2014), *Perfil do docente 2012/2013*, p 51, available at: [www.dgeec.mec.pt/np4/98/%7B\\$clientServletPath%7D/?newsId=148&fileName=Perfil\\_Docente\\_2013.pdf](http://www.dgeec.mec.pt/np4/98/%7B$clientServletPath%7D/?newsId=148&fileName=Perfil_Docente_2013.pdf).

<sup>152</sup> For more information about involving the community in the school life and vice versa please refer also to the findings of the SIRIUS Network [www.sirius-migrationeducation.org/](http://www.sirius-migrationeducation.org/)

<sup>153</sup> Governo de Portugal (2014), *Relatório de Execução Final II PII 2010-2013*, p. 53, available at [www.acidi.gov.pt/cfn/4d346c9b80687/live/Relat%C3%B3rio+Final+de+Execu%C3%A7%C3%A3o+do+PII+2010+-+2013](http://www.acidi.gov.pt/cfn/4d346c9b80687/live/Relat%C3%B3rio+Final+de+Execu%C3%A7%C3%A3o+do+PII+2010+-+2013).

		following the recommendations of the Ministry of Education assures and monitors the formation of balanced classes at school in terms of “ethnic composition”.
	Is there evidence of modifying school curricula and teaching materials can be modified to reflect the diversity of the school population? Is the teacher regular curricula/training dealing with specific reference to immigrants or ethnic minorities and respect/promotion of diversity?	Measure 23 in the 2nd Plan for Integration of Immigrants (II PII) establishes the goal of strengthening training in intercultural values/dialogue as a part of on-going teacher training. The measure refers to the following indicators: number of information and awareness courses by the ACIDI, I.P. Training Team targeting teachers (50 short-duration courses per year); number of training workshops held on the topic “Cooperate and learn on diversity” (four workshops in 4 Teacher centres); number of students and teachers participating in information and awareness courses held by the ACIDI Trainers Team (2,000 students and 200 teachers per year). <sup>154</sup> The goal was only partially accomplished, as the Training Team’s activity was interrupted due to administrative reasons. Even so, the number of short-duration courses given, were 52 in 2010, 11 in 2011, 8 in 2012 and 16 in 2013. The information and awareness campaigns involved 1,859 teachers and 4,059 students; and five workshops were held in different education communities. <sup>155</sup> In the 2015-2020 Strategic Plan for Migration ( <i>Plano Estratégico para as Migrações 2015-2020</i> , PEM), Measure 41 refers to, among other actions, promoting intercultural education in schools and in collaboration with the Directorate-General of Education, designing a set of reference materials that could help in benchmarking this issue. <sup>156</sup>
	Are all students – not only of migrant background – targeted and/involved by civic education and activities related to migrant integration at schools?	According to the information from the Ministry of Education ( <i>Ministério da Educação</i> ) classes are balanced in ethnic and origin composition, so that means that activities directed to classes in general, target all students.
	The implementation of specific measures and initiatives aiming at (the following possible practices on the left is an indicative and non-exhaustive list):	
	<p><b>Please use the following as indicative list of possible practices to report on:</b></p> <p>Improving the way civic and citizenship education reflect diversity in society through curricular and extracurricular activities. Are there specific programmes helping young people to learn how to live in a</p>	Among the duties attributed to the High Commission for Migration ( <i>Alto Comissariado para as Migrações, ACM</i> ), Decree-Law 31/2014 states that it should also undertake programmes leading to the social inclusion of children and young people coming from the most vulnerable socio-economic sectors of society, particularly where the descendants of migrants and ethnic groups are concerned. Among other goals, the ACM should strive to include such groups at school and in education, vocational training, enhance

<sup>154</sup> Portugal, Resolution of the Council of Ministers 74/2010, which approves Second Plan for the Integration of Immigrants (*Resolução do Conselho de Ministros n.º 74/2010 que aprova o II Plano para a Integração de Imigrantes*), 17 September 2010, available at: <https://dre.pt/application/file/341932>. English version available at: [www.acidi.gov.pt/cfn/4d346c9b80687/live/Consulte+a+vers%C3%A3o+do+Plano+2010-2013+em+Ing%C3%AAs](http://www.acidi.gov.pt/cfn/4d346c9b80687/live/Consulte+a+vers%C3%A3o+do+Plano+2010-2013+em+Ing%C3%AAs).

<sup>155</sup> Governo de Portugal (2014), *Relatório de Execução Final II PII 2010-2013*, p. 30, available at [www.acidi.gov.pt/cfn/4d346c9b8067/live/Relat%C3%B3rio+Final+de+Execu%C3%A7%C3%A3o+do+PII+2010+-+2013](http://www.acidi.gov.pt/cfn/4d346c9b8067/live/Relat%C3%B3rio+Final+de+Execu%C3%A7%C3%A3o+do+PII+2010+-+2013).

<sup>156</sup> Governo de Portugal (2015), *Plano Estratégico para as Migrações 2015-2020*, pp. 27/28, available at: [www.acidi.gov.pt/cfn/54c61bd785515/live/PEM+Consulta+P%C3%BAblica](http://www.acidi.gov.pt/cfn/54c61bd785515/live/PEM+Consulta+P%C3%BAblica).

society with people from different cultures and religions?	employability perspectives and encourage community life and citizenship (Article 3 (2) p)).
Improving the way formal curriculum subjects, e.g. literature, history, etc. promote mutual understanding, respect for ethnic and religious diversity and the common democratic and pluralist values?	Furthermore, the 2015-2020 Strategic Plan for Migration ( <i>Plano Estratégico para as Migrações 2015-2020, PEM</i> ) <sup>157</sup> , lays down measures which foresee initiatives in the field of intercultural education. On-going training courses based on information and awareness targeting teachers are also envisaged.
Facilitating equal opportunities in education for children with migrant background?	The Intercultural School Stamp ( <i>Selo de Escola Intercultural</i> ) <sup>158</sup> was one of the initiatives (measure 30) covered by the 2010-2013 2 <sup>nd</sup> Plan for Immigrant Integration ( <i>II PII 2010-2013</i> ). It is still running today. The initiative singles out schools that have followed good practices in terms of integrating the descendants of immigrants. It was a joint initiative together with Directorate-General of Education ( <i>Direção-Geral da Educação, DGE</i> ), and the High Commission for Immigration and Intercultural Dialogue ( <i>Alto Comissariado para a Imigração e o Diálogo Intercultural, ACIDI, I.P.</i> ) set up in 2012.
Facilitating the involvement, participation and support of parents with migrant background in the educational system and in the school activities?	
Providing language learning support to students of migrant background?	Also important is the Programme of Educational Domains for Priority Intervention ( <i>Programa Territórios Educativos de Intervenção Prioritária, TEIP</i> ), <sup>159</sup> which is designed to develop success at school and reduce the school drop-out rate. The programme aims at supporting schools which are located in particularly challenging contexts and setting up the conditions that will lead to more success at school involving all students, especially the students living in poverty-stricken contexts and social exclusion.
Improving attendance and reducing drop-out of students with migrant background?	
Improving school and teachers' capacity to embrace, build on and/or manage diversity?	
In particular, please specify if there are promising practices, including affirmative action / positive action practices designed to tackle structural inequalities	In Measure 27 in the 2010-2013 2 <sup>nd</sup> Plan for Immigrant Integration (II PII), the integration of intercultural facilitators is mentioned in terms of the schools falling within the Programme of Educational Domains for Priority Intervention (TEIP). The report speaking about implementing this measure shows that this goal was 10% successful: 48 facilitators were integrated in the 2009/2010 school year; 53 in the 2011/2012 school year; 54 in the 2012/2013 school year, and 57 in the 2013/2014 school year. <sup>160</sup>
Other...	

<sup>157</sup> Governo de Portugal (2015), *Plano Estratégico para as Migrações 2015-2020*, available at: [www.acidi.gov.pt/cfn/54c61bd785515/live/PEM+Consulta+P%C3%BAblica](http://www.acidi.gov.pt/cfn/54c61bd785515/live/PEM+Consulta+P%C3%BAblica).

<sup>158</sup> News on most recent edition on Intercultural Stamp available at: [www.dgidec.min-edu.pt/index.php?s=noticias&noticia=1202](http://www.dgidec.min-edu.pt/index.php?s=noticias&noticia=1202).

<sup>159</sup> To learn more about the Programme on Educational Domains for Priority Intervention (*Territórios Educativos de Intervenção Prioritária*), consult details available on the Directorate-General of Education website, at: [www.dgidec.min-edu.pt/teip/index.php?s=directorio&pid=18](http://www.dgidec.min-edu.pt/teip/index.php?s=directorio&pid=18).

<sup>160</sup> Governo de Portugal (2014), *Relatório de Execução Final II PII 2010-2013*, p. 32, available at [www.acidi.gov.pt/cfn/4d346c9b80687/live/Relat%C3%B3rio+Final+de+Execu%C3%A7%C3%A3o+do+PII+2010+-+2013](http://www.acidi.gov.pt/cfn/4d346c9b80687/live/Relat%C3%B3rio+Final+de+Execu%C3%A7%C3%A3o+do+PII+2010+-+2013).

		<p>Support to students coming from migrant backgrounds in term of learning the Portuguese language continues to be ensured by the Programme on Portuguese as a Non-Mother Tongue (<i>Português Língua Não Materna, PLNM</i>), as it was during the 2010-2013 2<sup>nd</sup> Plan for Immigrant Integration (<i>II PII 2010-2013</i>) mentioned above.</p> <p>In what regards the insight about national curricula and how they deal with diversity in society this is not easy to say in a few words. It is possible to look for all curricula of all education cycles and analyse how diversity is transmitted, but for example in history and geography, the discoveries are showed as Portugal being diverse since Ancient times, or, in English, dialogues being promoted to tell others how life is in own country.</p>
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### 3.8. Drivers, barriers for the implementation, monitoring and assessment of legislation & policy measures

	<p>Previous paragraphs indicated in detail aspects about the actual implementation of participation policies, normative framework and measures. In this section briefly summarize the most important drivers, positive factors and the barriers, resistance or negative factors that have been identified regarding the design, implementation, monitoring and assessment of policy measures and normative framework for the political and social participation of migrants and their descendants. Please base the analysis on governmental and non-governmental reports, as well as research and studies.</p>	<p>The most important negative factors related to implementing, monitoring and assessing legislation and policy measures are the following.</p> <ol style="list-style-type: none"> <li>a) Portugal went through serious economic and social changes during the life span of the of the 2010-2013 2nd Plan for Integration of Immigrants (II PII) which, according to its implementation report, affected the carrying out of some of the measures. The political changes brought about in 2011 by an elected government replacing the previous caretaker government also had repercussions in replacing some representatives who had been working on some of the key points and saw State services being merged and reorganised as well as suffering budget cuts.</li> <li>b) Out of 408 goals, 54 were not accomplished.</li> <li>c) There is no formal integration monitoring system and the available data does not allow for any consistent longitudinal analysis of the immigrant integration processes.<sup>161</sup></li> </ol> <p>The Positive factors arising in monitoring and assessing policy measures and the normative framework are:</p> <ol style="list-style-type: none"> <li>a) the cooperation between agencies that produce statistical data broken down according to citizenship/nationality and the institutions that have administrative data on foreigners</li> </ol>
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<sup>161</sup> Oliveira, C. R. (2012), 'Monitoring immigrant integration in Portugal: managing the gap between available data and implemented policy' in: Rob Bijl and Arjen Verweij (eds.), *Measuring and monitoring immigrant integration in Europe: integration policies and monitoring efforts in 17 European countries*, The Hague, New Brunswick: The Netherlands Institute for Social Research/SCP, pp. 291-312, available at: [www.scp.nl/english/dsresource?objectid=30008&type=org](http://www.scp.nl/english/dsresource?objectid=30008&type=org).

		<p>available; according to , to C. Oliveira (2014), this is a recent fact;<sup>162</sup></p> <p>b) the focal points pertaining to implementing policies laid down in the 2nd Plan for Integration of Immigrants, led to meetings and task forces to carry out their work thus allowing most measures to be implemented.</p>
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### 3.9. Use of funding instruments (EIF, ERF, EMIF)

	<p>Please provide briefly information and documented insights about the allocation and distribution of funds aimed at supporting political and social participation, and active citizenship measures for migrants and/or their descendants.</p>	<p>In 2012, the annual budget for migrant integration shouldered by the key stakeholder, the former High Commission for Immigration and Intercultural Dialogue (<i>Alto Comissariado para a Imigração e o Diálogo Intercultural</i>, ACIDI, I.P.) which is the current High Commission for Migration (<i>Alto Comissariado para as Migrações</i>, ACM), was funded by community funds to the sum of 47%. The two sources of community funding, are:<sup>163</sup></p> <p>1) The Human Potential Operational Programme, HPOP (<i>Programa Operacional Potencial Humano, POPH</i>), which implements the thematic agenda for the human potential inscribed in the National Strategic Reference Framework (NSRF), the document stipulating the programmatic framework for implementing the community policy based on economic and social cohesion in Portugal for the period covering 2007-2013;</p> <p>2) The European Integration Fund - EIF in Portugal (<i>Fundo Europeu para a Integração de Nacionais de Países Terceiros</i>, FEINPT).<sup>164</sup></p> <p>During 2012, as stated in the last of the ACIDI reports, the HPOP continued to co-fund the services provided by the ACIDI, thus helping to strengthen some of the work provided by services such as:</p> <ul style="list-style-type: none"> <li>- the Lisbon National Immigrant Support Centre (CNAI Lisboa) as well as the CNAI Oporto and Faro branches;</li> <li>- the social network involving the Local Support Committees to the Immigrant (<i>Conselho Local de Apoio a Integração do Imigrante</i>, CLAII);</li> <li>- the Support Programme for Immigrant Associations;</li> <li>- the pilot-scheme involving Municipal facilitators or mediators in the , the 'Portuguese for All' Programme (Programa '<i>Português para todos</i>', PPT);</li> <li>- the Choices Programme (<i>Programa Escolhas</i>) ;</li> </ul>
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<sup>162</sup> Oliveira, C. (org.) (2014), *Monitorizar a Integração de Imigrantes em Portugal – Relatório Estatístico Decenal*, Volume 1, Coleção Imigração em Números, Lisboa, Alto Comissariado para as Migrações, p. 19, available at:

[www.oi.acidi.gov.pt/docs/Col\\_ImigNumeros/Monitorizar%20a%20Integracao%20de%20Imigrantes%20em%20Portugal.pdf](http://www.oi.acidi.gov.pt/docs/Col_ImigNumeros/Monitorizar%20a%20Integracao%20de%20Imigrantes%20em%20Portugal.pdf).

<sup>163</sup> ACIDI, I.P.(2013), *Relatório de Actividades 2012*, available at:

[www.acidi.gov.pt/cfn/4d346bd641db7/live/Relat%C3%B3rio+de+Atividades+do+ACIDI+%282012%29](http://www.acidi.gov.pt/cfn/4d346bd641db7/live/Relat%C3%B3rio+de+Atividades+do+ACIDI+%282012%29).

<sup>164</sup> POPH website available at: [www.poph.qren.pt/content.asp?startAt=2&categoryID=452](http://www.poph.qren.pt/content.asp?startAt=2&categoryID=452).

		<ul style="list-style-type: none"> <li>- the publications edited by the Immigration Observatory;<sup>165</sup></li> <li>- spaces for knowledge sharing, such as seminars and Immigration Observatory Days;<sup>166</sup></li> <li>- materials for disseminating information about and for immigrants and awareness-raising through intercultural dialogue and diversity;</li> <li>- supporting the promotion of diversity in Media and Journalism, and Seminar Awards for Journalists<sup>167</sup>.</li> </ul> <p>Where training was concerned, HPOP funds were used to finance the ACIDI Team of Trainers as well as fund workshops, training sessions and projects where the aim was to draw up, produce and disseminate teaching materials.</p> <p>The FEINPT, on the other hand, co-funded other intervention areas, in particular, it<sup>168</sup>:</p> <ul style="list-style-type: none"> <li>- financed publications related to the 2nd Plan for Integration of Immigrants (II PII) and its follow-up;</li> <li>- supported the Intercultural Mediation Service project in the Services;</li> <li>- co-funded numerous channels of information, dissemination and awareness campaigns, such as on the TV and radio shows <i>Us (Nós)</i>, <i>People like Us (Gente como Nós)</i>, <i>News Bulletin (Boletim Informativo, BI)</i>;</li> <li>- funded various websites, such as the website belonging to the High Commission for Immigration and Intercultural Dialogue (<i>Alto Comissariado para a Imigração e Diálogo Intercultural, ACIDI</i>), the website run by the Immigration Observatory (<i>Observatório da Imigração, OI</i>); the <i>Entreculturas</i> website, and the website belonging to the Commission for Equality and against Racial Discrimination (<i>Comissão para a Igualdade e contra a Discriminação Racial, CICDR</i>);</li> <li>- supported the Programme for Immigrant Entrepreneurship (<i>Programa de Empreendedorismo Imigrante, PEI</i>) and activities arising from coordinating the 'GIP Immigrant' network;</li> <li>- co-funded numerous actions carried out by the Commission for Equality and against Racial Discrimination (<i>Comissão para a Igualdade e contra a Discriminação Racial, CICDR</i>) in the domain of sensitizing people to the need to combat racism and xenophobia;</li> </ul>
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<sup>165</sup> The publications are several, from studies to theses or dedicated studies to specific Immigrant Communities. The studies are available at [www.oi.acidi.gov.pt/modules.php?name=Content&pa=showpage&pid=197](http://www.oi.acidi.gov.pt/modules.php?name=Content&pa=showpage&pid=197), the Collection theses at: [www.oi.acidi.gov.pt/modules.php?name=Content&pa=showpage&pid=17](http://www.oi.acidi.gov.pt/modules.php?name=Content&pa=showpage&pid=17), and the Communities studies at: [www.oi.acidi.gov.pt/modules.php?name=Content&pa=showpage&pid=47](http://www.oi.acidi.gov.pt/modules.php?name=Content&pa=showpage&pid=47).

<sup>166</sup> News on Immigration Observatory Days (*Jornadas do Observatório da Imigração*) available at: [www.acidi.gov.pt/noticias?keyword=jornadas%20do%20observat%C3%B3rio%20da%20imigra%C3%A7%C3%A3o](http://www.acidi.gov.pt/noticias?keyword=jornadas%20do%20observat%C3%B3rio%20da%20imigra%C3%A7%C3%A3o).

<sup>167</sup> Information on awards available at: <http://www.acidi.gov.pt/banco-de-informacao/imprensa/premio-de-jornalismo>.

<sup>168</sup> ACIDI, I.P.(2013), *Relatório de Actividades 2012*, available at: [www.acidi.gov.pt/\\_cfn/4d346bd641db7/live/Relat%C3%B3rio+de+Atividades+do+ACIDI+%282012%29](http://www.acidi.gov.pt/_cfn/4d346bd641db7/live/Relat%C3%B3rio+de+Atividades+do+ACIDI+%282012%29).

		- supported the studies leading to the Municipal Diagnosis and Municipal Projects on the Intercultural Promotion of the CLAI Network (the network involving the Local Support Committees to the Immigrant); funded the External Evaluation of CLAI Network.
	In particular provide a breakdown of funding for the relevant actions and measures by area (political participation, social participation and membership, indicating the source of funding (EIF, ERF, national, regional, other funding source) by <b>using the Annex 5</b>	

### 3.10. Key legal and policy developments, and relevant case law

<p>In this section, please provide information about developments regarding the above legal and policy instruments concerning participation (political, consultation, membership and association, active citizenship and civic education), including any new legislative or policy initiatives in the framework of migrant integration in the country. Key developments may be new legislation or policies, abolition, update, improvement or reform of existing ones, as well as important case law, court, equality body or administrative cases, that have had or may have an impact on the implementation of legal and policy instruments and on the actual situation on the ground, including public debates and perceptions among the native population and migrants. (Use template in Annex 9).</p>	<p>As far as the law goes, and as was mentioned above, two important measures were passed by means of transposing EU law: amending the Law on Foreigners and the Law on the Right to Exile. Also amended were the laws covering the High Commission for Immigration and Intercultural Dialogue (<i>Alto Comissariado para a Imigração e Diálogo Intercultural, I.P.</i>, ACIDI) where it was replaced by the High Commission for Migration (<i>Alto Comissariado para as Migrações, IP</i>, ACM) – see Decree-Law 31/2014 of 27 February 2014 (<i>Decreto-Lei n.º 31/2014 de 27 de Fevereiro de 2014</i>).<sup>169</sup> Reviewing these laws sought to respond to changes in the profile displayed by migration. Owing to the economic crisis and the high rate of unemployment, mainly among young people, emigration has become increasingly more significant<sup>170</sup>. As regards immigration, and as an outcome of the Major Planning Targets (<i>Grandes Opções do Plano</i>, GOP),<sup>171</sup> it is the Government's intention to "continue work to improve the integration and empowerment of immigrants and combat discrimination against them, focusing more especially on their descendants (whether or not they have acquired Portuguese nationality) and pay particular attention to the Lusophone countries [i.e. countries speaking Portuguese as their official language], bearing in mind a more advantageous use of their potentiality and their skills, improving their upward social mobility, contriving a better articulation with employment policy and opening up their access to common citizenship" ("<i>continuar a aprofundar o trabalho de integração, capacitação e combate à discriminação dos imigrantes, com especial ênfase nos descendentes (tenham ou não adquirido a</i></p>
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<sup>169</sup> Portugal, Law 31/2014, which approves the organic of ACM, I.P. replacing former ACIDI, I.P. and proceeds with the competences of integration and migration (*Lei n.º 23/2007, de 4 de Julho, que aprova a orgânica do ACM, I.P. que substituiu o ACIDI, I.P. e prossegue com competências na área da integração e migrações*), 27 February 2014, available at: <https://dre.pt/application/file/572214>.

<sup>170</sup> More information on *Observatório da Emigração* (2014), Portuguese Emigration Factbook 2014, Lisbon, Observatório da Emigração, CIES-IUL, ISCTE-IUL, available at:

[www.observatorioemigracao.pt/np4/?newsId=4093&fileName=OEm\\_Factbook\\_2014.pdf](http://www.observatorioemigracao.pt/np4/?newsId=4093&fileName=OEm_Factbook_2014.pdf).

<sup>171</sup> Portugal, Law 82-A/2014, passes the 2015 Major Planning Options – Migration Policy – Intergration and Attraction, 3.1.5) (Lei n.º82-A/2014, de 31 de Dezembro, que aprova as Grandes Opções do Plano para 2015, 3.1.5 - Política migratória: integração e captação), available at: [www.lneg.pt/download/9156/Lei82Ade31Dez2014.pdf](http://www.lneg.pt/download/9156/Lei82Ade31Dez2014.pdf).

		<p><i>nacionalidade portuguesa) e com particular atenção aos países lusófonos, tendo em vista uma melhor mobilização do seu potencial e competências, o reforço da mobilidade social, uma melhor articulação com a política de emprego e o acesso a uma cidadania comum".)</i></p> <p>Article 90-A in Law 29/2012 (the Foreigners Law) has given rise to a lot of discussion owing to the system of attributing Gold Visas coming under this law and which authorise residence permits in return for making investment. It is at the basis of criminal court cases for suspected crimes involving corruption and influence-trafficking committed by high-up civil servants. Criminal police investigations are still under way.</p> <p><sup>172</sup>The disagreement has mainly been centred on the way in which Order 11820-A/2012 (<i>Despacho 11820-A/2012</i>),<sup>173</sup> which was amended by Order 1661-A/2013 (<i>Despacho 1661-A/2013</i>)<sup>174</sup> has been applied. The 2013 Order rules on a special system involving conditions for awarding and renewing residential permits covering third-country nationals provided they make investments in Portugal (<i>Autorização de Residência para Atividade de Investimento</i>, ARI). Included in such investment activity, is the acquisition of real estate that has a value equal to or above 500,000 Euros, something which seems to favour corruption when awarding these permits.</p> <p>In following up this matter, the political party <i>Bloco de Esquerda</i> tabled a Draft Law 789/XII/4<sup>a</sup> in the Portuguese Parliament on 20 February whereby it proposed that the entire Article in the Foreigners Law that spoke about Gold Visas be revoked. The Draft was rejected. A Government proposal<sup>175</sup> to change this system is presently under discussion.</p> <p>Where jurisprudence is concerned, there do not seem to be any significant developments.</p>
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<sup>172</sup> Portugal, Law 29/2012, introduces changes to the Law 23/2007, which approved the legal regime for the entrance, permanence, exit and removal of foreign citizens (Lei n.º 29/12, de 9 de Agosto de 2012, altera a Lei n.º 23/2007, que aprova o regime jurídico de entrada, permanência, saída e afastamento de cidadãos estrangeiros), 9 August 2012, available at: <https://dre.pt/application/file/175251>.

<sup>173</sup> Available at: [www.sef.pt/documentos/35/DESPACHO\\_11820A.PDF](http://www.sef.pt/documentos/35/DESPACHO_11820A.PDF).

<sup>174</sup> Available at: [www.sef.pt/documentos/56/Despacho%201661A.pdf](http://www.sef.pt/documentos/56/Despacho%201661A.pdf).

<sup>175</sup> Portugal, Draft Law 288/XII of 28 February 2015 (proposal to amend the Foreigners Law and its respective regulation), (Proposta de Lei N.º 288/XII, de 28 de fevereiro de 2015, (procede à alteração da Lei de estrangeiros e da respectiva regulamentação) available at: [http://app.parlamento.pt/DARPages/DAR\\_FS.aspx?Tipo=DAR+II+s%c3%a9rie+A&tp=A&Numero=87&Legislatura=XII&SessaoLegislativa=4&Data=2015-02-28&Paginas=38-51&PagIni=0&PagFim=0&Observacoes=&Suplemento=&PagActual=0&pagFinalDiarioSupl=&idpag=727184&idint=&idact=&iddeb=](http://app.parlamento.pt/DARPages/DAR_FS.aspx?Tipo=DAR+II+s%c3%a9rie+A&tp=A&Numero=87&Legislatura=XII&SessaoLegislativa=4&Data=2015-02-28&Paginas=38-51&PagIni=0&PagFim=0&Observacoes=&Suplemento=&PagActual=0&pagFinalDiarioSupl=&idpag=727184&idint=&idact=&iddeb=).

## 4.Social cohesion and community relations

### 4.1.Social cohesion policies

	<p>Does the national integration legal and policy framework refer to social/community cohesion? Is there a clear definition of social/community cohesion? Please report it here – in original language and in full English translation.</p>	<p>Laws ruling on migration do not include any definition that covers social/community cohesion. Nevertheless, Decree-Law 31/2014 of 27 February 2014<sup>176</sup>, referred to above, speaks about the powers exercised by the High Commission for Migration (<i>Alto Comissariado para as Migrações</i>, ACM). They include: “promoting and stimulating the sheltering, integration, participation and the vocational and civic training of migrants and their descendants, namely by means of pursuing broad policies, establishing centres and offices that assist migrants and provide them with integrated responses on the part of the public services, forming partnerships with civilian society, local government and migrant associations, bearing in mind the promotion of social cohesion and solidarity, access to citizenship and the enhancement of social networks leading to integration and public participation” (“<i>promover e dinamizar o acolhimento, a integração, a participação e a formação profissional e cívica dos imigrantes e seus descendentes, nomeadamente através do desenvolvimento de políticas transversais, de centros e gabinetes de apoio aos imigrantes que proporcionem uma resposta integrada dos serviços públicos, e de parcerias com a sociedade civil, as autarquias locais e as associações de imigrantes, tendo em vista a <u>promoção da coesão e solidariedade social, do acesso à cidadania e o reforço das redes sociais de integração e participação pública</u></i>”(Article 3 (2) (b)).</p> <p>Furthermore, the 2015-2020 Strategic Plan for Migration (<i>Plano Estratégico para as Migrações 2015-2020</i>, PEM) does not give a clear definition of social or community cohesion. Apart from a measure directed at strengthening cohesion and targeting young migrants, social cohesion is only mentioned in the introduction, when stating that “The model of shared governance based on cultural diversity in Portugal, therefore shows that it is open to change and evolution, with a view to preparing the future, preventing cleavages and preserving social cohesion” (“<i>O modelo de governação participada da diversidade cultural de Portugal, mostra-se, pois, aberto à mudança e à evolução com vista à</i></p>
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<sup>176</sup> Portugal, Law 31/2014, which approves the organic of ACM, I.P. replacing former ACIDI, I.P. and proceeds with the competences of integration and migration (*Lei n.º 312004, de 27 de Fevereiro de 2014, que aprova a orgânica do ACM, I.P. que substituiu o ACIDI, I.P. e prossegue com competências na área da integração e migrações*), 27 February 2014, available at: <https://dre.pt/application/file/572214>.

		<p><i>preparação do futuro, prevenindo clivagens e preservando a coesão social</i>).<sup>177</sup></p> <p>One promising practice in this domain is the Choices Programme (<i>Programa Escolhas</i>), which can be found in Annex 7.</p>
	<p>Are there any specific measures in place to strengthen social cohesion? Please refer to promising practices and examples of challenges. Use the template for promising practices in Annex 7 highlighting the most important and/or successful.</p>	<p>The 2015-2020 Strategic Plan for Migration (<i>Plano Estratégico para as Migrações 2015-2020, PEM</i>)<sup>178</sup> which has been approved and has not yet been published, includes in its first axis "Migrant Integration Policies" (<i>Eixo I – Políticas de integração de imigrantes</i>), Measure 8 (in Part II, Measures): "Promoting the involvement of young migrants in the community by means of young peoples' associations, strengthening identity cohesion and intercultural affirmation" (<i>"Promoção do envolvimento comunitário dos jovens migrantes, através do associativismo jovem, reforçando a coesão identitária e a afirmação intercultural"</i>). The way to do this would be to "stimulate young peoples' associations and their informal education as mechanisms of social cohesion, integration and identity affirmation and activity based on [self-]expression and cultural exchange" (<i>"Estimular o associativismo jovem e a educação não-formal, enquanto instrumentos de coesão social, integração, afirmação identitária e atividade de expressão e permuta cultural"</i>). The indicators relative to "10 associations listed in the National Registry of Young People's Associations receive aid according to 10 projects getting funding per year, as set down in their action plans, included in or contributing towards the context established in the measure" (<i>"São apoiadas 10 associações Registo Nacional de Associativismo Juvenil (RNAJ) com 10 projetos apoiados, por ano, dos seus planos de atividades, inseridos ou contribuintes no contexto definido na medida"</i>).</p> <p>One promising practice in this domain would be the Choices Programme (<i>Programa Escolhas</i>), which can be found at annex 7.</p>
		<p>Are there indicators used by authorities to assess, monitor and support social cohesion policies? E.g. social distance, social interaction, intergroup relations, etc. Please provide available relevant data, figures and findings, if any, and present them briefly in the relevant table of the Annex (4).</p>
	<p>Please outline available research, studies, and surveys about the sense of belonging and identification of migrants and/or their descendants with diverse types of local, regional and national identities. Please summarise briefly key findings and any differentiations by</p>	<p>- Abranches, M. (2007), <i>Pertenças Fechadas em Espaços Abertos. Estratégias de (re)Construção Identitária de Mulheres Muçulmanas em Portugal</i>, coleção Teses, 13, Lisboa, Alto Comissariado para a Imigração e Diálogo Intercultural, I.P.. This is a study on Muslim migrant women and their descendants coming from Guinea-Bissau and from the Indian subcontinent. The book speaks that the incorporation of new socio-cultural elements that clash or are negotiated</p>

<sup>177</sup> Governo de Portugal (2015), *Plano Estratégico para as Migrações 2015-2020*, p. 7, available at: [www.acidi.gov.pt/cfn/54c61bd785515/live/PEM+Consulta+P%C3%BAblica](http://www.acidi.gov.pt/cfn/54c61bd785515/live/PEM+Consulta+P%C3%BAblica).

<sup>178</sup> <sup>178</sup> Governo de Portugal (2015), *Plano Estratégico para as Migrações 2015-2020*, available at: [www.acidi.gov.pt/cfn/54c61bd785515/live/PEM+Consulta+P%C3%BAblica](http://www.acidi.gov.pt/cfn/54c61bd785515/live/PEM+Consulta+P%C3%BAblica).

<p>nationality or ethnic origin, gender, age and geographic area.</p>	<p>by being subject to social and family control where strong religious identities are revealed.</p> <p>- Fernandes, M.M. (2006), <i>Pertenças Identitárias de Jovens do Casal da Boba</i>, Lisboa, Universidade Aberta (master thesis). This is a study about identity involving young immigrants coming from Cape-Verdean origins and living in the Greater Lisbon satellite city of Amadora. It aims at understanding how identity and a sense of belongings are defined and affirmed. The conclusions it reaches are that there are two cultural codes cohabiting with each other: one transmitted by the family and the other received from the host society, and this makes for complex identity management.</p> <p>- Carvalho, F.A. (2007), "Segunda geração e crise de identidade. Breve discussão de conceitos", <i>Revista de Estudos Cabo-verdianos</i>, 1, pp. 167-175. The concept of second generation of immigrants is questioned in this work, and the identity crisis prevalent in the children of Cape-Verdean migrants is discussed.</p> <p>- Ortiz, A. (2013), "Identidades, Pertenças e afinidades dos jovens descendentes de imigrantes africanos na Área Metropolitana de Lisboa", <i>Revista Migrações</i>, 11, pp 157-184. The aim of the article is to describe the processes of identity/ies formation among young people of African descent, living in the Lisbon Metropolitan Area. The identities of these youths is built upon many elements, difference and similarities influenced by African and Portuguese cultures, but also by generational, social and cultural elements. They live at the crossroads of multiple belongings, along a continuum of simultaneous negotiation and confrontation.</p>
<p>Please indicate legal measures and case law affecting social cohesion and community relations, for example the banning of specific religious or ethnic dress, such as the 'burqa'.<sup>179</sup></p>	<p>There are no new legal measures or case laws referring to social cohesion and community relations.</p>
<p>Does the action plan or strategy on integration and inclusion of migrants and their descendants address combating racism, xenophobia and intolerance?</p> <p>Are there specific integration/inclusion actions related to racism and</p>	<p>The II Plan had the area 9 dedicated to Racism and discrimination, with four measures addressed to it: legislative changes to reinforce the intervention capacity of the Commission for Equality and Against Racial Discrimination; awareness and training for combating racial discrimination; combating racial discrimination in sport; breakdown of statistical data.<sup>180</sup></p> <p>Measure 3 in Axis I in the approved 2015-2020 Strategic Plan for Migrants (<i>Plano Estratégico para as</i></p>

<sup>179</sup> Cfr. The notable ECHR case, European Court of Human Rights (ECtHR), *S.A.S. v. France*, No. 43835/11, 1 July 2014, available at [hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-145466#{"itemid":\["001-145466"\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-145466#{).

<sup>180</sup> Portugal, Resolution of the Council of Ministers 74/2010, which approves Second Plan for the Integration of Immigrants (*Resolução do Conselho de Ministros n.º 74/2010, de 17 de Setembro de 2010, que aprova o II Plano para a Integração de Imigrantes*), 17 September 2010, available at: <https://dre.pt/application/file/341932>. English version available at: [www.acidi.gov.pt/\\_cfn/4d346c9b80687/live/Consulte+a+vers%C3%A3o+da+Plano+2010-2013+em+Ingl%C3%AAs](http://www.acidi.gov.pt/_cfn/4d346c9b80687/live/Consulte+a+vers%C3%A3o+da+Plano+2010-2013+em+Ingl%C3%AAs).

	<p>intolerance for education and/or for young people? If yes, how are such actions linked to general integration and/or social inclusion and/or cohesion policy? Please provide information on implementation and impact of such plans and refer to any assessment of their impact?</p>	<p><i>Migrações</i>, PEM 2015-2020) is called “The development of initiatives for preventing and combating racism and racial discrimination” and foresees two main actions: 1) implementing five annual training and awareness actions against racial discrimination, namely through the electronic media; 2) promoting cultural and/or sports actions, in partnership with public and private entities, aiming at sensitizing the population in general against racial discrimination (involving 5,000 people per year).<sup>181</sup></p> <p>Please see ‘Choices Programme’ (<i>Programa Escolhas</i>) below and in Annex 7 in terms of actions related to education for young people, teaching them to live harmoniously together.</p> <p>The measure 41 of the PEM also foresees the implementation of a reference framework for intercultural education to be included in the school curricula as an area of “Education for citizenship”.</p>
	<p>Please provide information about state and non-state responses via positive measures, campaigns, partnerships involving migrants and communities. Please provide information only about those actions that focus on migrants and on <u>prevention</u> and promotion of peaceful living together and integration as mutual accommodation combatting racism and intolerance. Please outline any assessment about their impact and identify any relevant promising practice. (Use the template for promising practices in Annex 7).</p>	<p>In 2010, a Photographic / Video Competition was launched by the Commission for Equality and against Racial Discrimination (<i>Comissão para a Igualdade e contra a Discriminação Racial</i>, CICDR), where a photograph or a video alluding to the values of diversity and non-discrimination regarding nationality, ethnic origin, race, colour or religion was chosen as the winner. The aim was for the High Commission for Immigration and Intercultural Dialogue (<i>Alto Comissariado para a Imigração e Diálogo Intercultural</i>, I.P., ACIDI) to reproduce and disseminate the work.<sup>182</sup> The competition was open to any resident in Portugal, regardless of nationality, age or occupation. The ceremony to award the prizes took place at the National Immigrant Support Centre (<i>Centro Nacional de Apoio ao Imigrante</i>, CNAI).</p> <p>‘The Next Door Family’ project<sup>183</sup> (<i>A família do lado</i>) has been coordinated by ACIDI/ACM since 2012 in Portugal and was developed within the third edition of the Promotion of Intercultural Dialogue in Municipalities.<sup>184</sup> It is included in an international project involving seven countries, which aims to create a relaxed, enjoyable atmosphere in which we can all learn about each other cultures to help us realise that we are not so different after all. The aim is to create “inclusive neighbourhoods” and to celebrate the strength of diversity. Each family plays host to another unknown</p>

<sup>181</sup> Governo de Portugal (2015), *Plano Estratégico para as Migrações 2015-2020*, p. 19, available at: [www.acidi.gov.pt/\\_cfn/54c61bd785515/live/PEM+Consulta+P%C3%BAblica](http://www.acidi.gov.pt/_cfn/54c61bd785515/live/PEM+Consulta+P%C3%BAblica).

<sup>182</sup> The news about the awarding ceremony and the winning photo and video are available at: [www.acidi.gov.pt/noticias/visualizar-noticia/4cdbf65b5c996/eusebio-presente-na-entrega-dos-premios-do-concurso-nacional-de-fotografia-e-ou-video-da-cicdr](http://www.acidi.gov.pt/noticias/visualizar-noticia/4cdbf65b5c996/eusebio-presente-na-entrega-dos-premios-do-concurso-nacional-de-fotografia-e-ou-video-da-cicdr)

<sup>183</sup> More information on the “Next door family project EU” available at: [www.nextdoorfamily.eu/pt/index.php/pt/](http://www.nextdoorfamily.eu/pt/index.php/pt/).

<sup>184</sup> Governo de Portugal (2014), *Relatório de Execução Final II PII 2010-2013*, p. 61, available at [www.acidi.gov.pt/\\_cfn/4d346c9b80687/live/Relat%C3%B3rio+Final+de+Execu%C3%A7%C3%A3o+do+PII+2010+-+2013](http://www.acidi.gov.pt/_cfn/4d346c9b80687/live/Relat%C3%B3rio+Final+de+Execu%C3%A7%C3%A3o+do+PII+2010+-+2013).

	<p>family, a match of native and non-native families, and cooks a lunch for it. Migrant families and Portuguese families who wish to contribute to the process of migrant integration in Portugal may take part and all meetings take place at the same day and hour in all countries which are participating in the project. The applications of people who want to take part in the project were collected by the local integration services of the former ACIDI. The Next Door Family project involved: 68 meetings, with 160 families, in 25 municipalities on 18 December 2012; and 87 meetings, with 207 families, in 27 municipalities on 24 November 2013.</p> <p>Another project which aimed at promoting social integration, civic participation and the interaction between immigrants and Portuguese citizens, included in the Promotion of Intercultural Values in Municipalities, was the Intercultural Tournament of Korfball Without Borders, promoting equal opportunities and combating discrimination, through sport. As a result of a partnership between the ACIDI, the Portuguese Korfball Federation and the Young Peoples' Bridge Association (<i>Associação Juvenil Ponte</i>), was a project that took place between 2012 and 2013. The project was conducted in partnership with CLAI Network, and involved 21 teams and led to the national tournament held on 18 and 19 May 2013, with the participation of 19 teams.<sup>185</sup></p> <p>Also the 'Choices Programme' (<i>Programa Escolhas</i>) (see Annex 7) has the mission of promoting the social inclusion of children and young people living in vulnerable socio-economic conditions and aims at promoting equal opportunities and strengthening social cohesion. Regarding the neighbourhoods in which the Choices Programme has launched the most projects, the topic based on immigrants is a relevant issue. The first two generations of the programme concentrated on combating failure at school and crime. Only the 3rd phase and 4<sup>th</sup> rounds of the programme (the 5<sup>th</sup> began in 2012) were targeted at family and community competences. The programme has been externally evaluated ever since it began.<sup>186</sup> The latest evaluation included a survey completed by the young people involved in the projects and half of the interviewees awarded it a mark of 18.4 out of a possible 20. 90 % of them considered it to be a privilege to be involved in the project. Information gathered about the integration of migrants and ethnic minorities' points to the growing involvement and proximity of the different communities,</p>
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<sup>185</sup> Governo de Portugal (2014), *Relatório de Execução Final II PII 2010-2013*, p. 47, available at [www.acidi.gov.pt/cfn/4d346c9b80687/live/Relat%C3%B3rio+Final+de+Execu%C3%A7%C3%A3o+do+PII+2010+-+2013](http://www.acidi.gov.pt/cfn/4d346c9b80687/live/Relat%C3%B3rio+Final+de+Execu%C3%A7%C3%A3o+do+PII+2010+-+2013).

<sup>186</sup> External evaluations of the Choices Programme (*Programa Escolhas*) are available at [www.programaescolhas.pt/avaliacoes](http://www.programaescolhas.pt/avaliacoes).

		largely due to mobilising their own communities by participating in activities launched by the projects. <sup>187</sup>
<b>4.2. Combatting racism and intolerance</b>		
	<p>Are there any policy measures, initiatives and practices to accommodate for ethnic or religious differences, for example in regard to sharing public space, such as swimming pools at local level?</p> <p>Identify any promising practices encouraging social interaction and contacts of people of different backgrounds at local level (<b>use the template for promising practices in annex 7</b>).</p>	<p>The only reference to this kind of initiative was made by ACM<sup>188</sup> with Festival Todos (<i>All Festival</i>). Festival TODOS is an intercultural event where "Many different proposals emerge, from music to happenings in different places" (<i>Gabinete Lisboa Encruilhada de Mundos</i>, GLEM).<sup>189</sup> No other references were found, after all desk research made for the report.</p>
	<p>Please indicate concrete measures, initiatives or programmes targeting migrants and/or descendants aiming at building trust in public institutions, especially at local level. E.g. campaigns, opening doors and reaching out to citizens, social centres, informal collective bodies, cultural events etc.</p> <p>Please provide notable examples of promising practice (<b>use the template for promising practices in annex 7</b>).</p>	<p>In April 2010, the High Commission for Immigration and Intercultural Dialogue, ACIDI (<i>Alto Comissariado para as Migrações</i>, ACIDI) launched an initiative to open doors and reach out to citizens by using a travelling mobile unit that acted as the Lisbon support centre. For three days, about 200 immigrants clarified their doubts and saw their problems attended to by expert intercultural mediators from the National Immigrant Support Centre (<i>Centro Nacional de Apoio ao Imigrant</i>, CNAI) who spoke most of the languages used by immigrants living in the Mouraria quarter of the city (the locality where the mobile unit was parked). The initiative included several activities which had the collaboration of other stakeholders and partners working with the High Commission for Immigration and Intercultural Dialogue (<i>Alto Comissariado para a Imigração e Diálogo Intercultural</i>, ACIDI).<sup>190</sup> But the CNAI is, in itself, a concept that helps immigrant to trust public institutions because it represents the availability of integrated services. The CNAI is a one-stop-shop where all services that immigrants need are centralised in one place, with branches of the public administration services and support services managed through agreements drawn up between the ACIDI and organisations in civil society, including the immigrant associations<sup>191</sup>. At local level, there are local offices established by means of agreements undertaken between the ACIDI and the</p>

<sup>187</sup> Dinamia'CET, *Avaliação Externa do Programa Escolhas 2010-2012*, available at: <https://app.box.com/s/8dp6x7yv1x8hr28q4gfc>.

<sup>188</sup> In a meeting with the Head of Unit of Research and International Relations of ACM, I.P., on 2 February 2015.

<sup>189</sup> More information on *Festival Todos* available at: <http://festivaltodos.com/festival-todos-lisbon-intercultural-festival/>.

<sup>190</sup> Alto Comissariado para a Imigração e o Diálogo Intercultural, I.P., ACIDI (2011), *Relatório de Actividades 2010*, available at: [www.acidi.gov.pt/cfn/4d346bd641db7/live/Relat%C3%B3rio+de+Actividades+do+ACIDI+%282010%29](http://www.acidi.gov.pt/cfn/4d346bd641db7/live/Relat%C3%B3rio+de+Actividades+do+ACIDI+%282010%29).

<sup>191</sup> To learn more about the One-stop-shop implemented by ACIDI, I.P., there is an Handbook launched in 2009 that can be downloaded at: [www.oss.inti.acidi.gov.pt/index.php?lang=en](http://www.oss.inti.acidi.gov.pt/index.php?lang=en).

		<p>municipalities or immigration associations. This fact makes it easier to liaise with the CNAI technical staff in order to up-keep a flow of replies to queries, thus ensuring migrant integration and handling their problems in terms of dealing with public institutions. Furthermore, an initiative called "ACIDI working with the Communities" (<i>ACIDI junto das Comunidades</i>) was held in 2010, 2011 and 2012. It aimed at "promoting proximity and shortening distances so as to get to know and answer the challenges more efficiently, where direct contact with the main stakeholders in welcoming and integrating the immigrants is one of the objectives"<sup>192</sup>. Falling within this initiative was the launching of some actions that took place in different cities in Portugal, namely celebrating the 10<sup>th</sup> anniversary of the 'Choices Programme' (<i>Programa Escolhas</i>).</p>
	<p>Are there any specific ethical or other guidelines or rules concerning the language used by media or journalists, when writing about migrants and/or their descendants? In this case please provide briefly information about actual application of such rules and challenges.</p>	<p>In 2006, the High Commission for Immigration and Ethnic Minorities (<i>Alto Comissariado para a Imigração e Minorias Étnicas</i>, ACIME), through the Commission for Equality and Against Racial Discrimination (<i>Comissão para a Igualdade e contra a Discriminação Racial</i>, CICDR), made a statement for the first time in which it referred to the mass media in their news reports, giving information about a person's nationality, ethnic origin, religion or documented situation using official sources. Among other recommendations, this statement asked the media "to avoid reference to citizenship, ethnic origin, religion or a documental situation in their new casts, whenever such information is not the main point of the news".<sup>193</sup> The ACIME also asked Secretariat of the CICDR to inform it about the newscasters who failed to follow this recommendation.</p> <p>The Portuguese edition of the FRA "A Toolkit for Diversity - for informative programmes on public television channels" ("<i>Uma ferramenta para a Diversidade - Para programas informativos na televisão de serviço público</i>") has also been available since 2007.<sup>194</sup></p> <p>Since 2010, the ACIDI has jointly promoted with the Protocol Centre for the Professional Training of Journalists (<i>Centro Protocolar de Formação Profissional para Jornalistas</i>, CENJOR), seminars for journalists, with the goal of discussing the ethical issues they face when dealing with writing or presenting news on migration.</p>

<sup>192</sup> Governo de Portugal (2013), *Relatório de Execução Final II PII 2010-2013*, p. 53, available at: [www.acidi.gov.pt/cfn/4d346c9b80687/live/Relat%C3%B3rio+Final+de+Execu%C3%A7%C3%A3o+do+PII+2010++2013](http://www.acidi.gov.pt/cfn/4d346c9b80687/live/Relat%C3%B3rio+Final+de+Execu%C3%A7%C3%A3o+do+PII+2010++2013).

<sup>193</sup> Presidência do Conselho de Ministros, ACIME e CICDR (2006), *Posição sobre referências a nacionalidade, etnia, religião, ou situação documental em notícias a partir de fontes oficiais e em meios de comunicação social*, available at: [www.acidi.gov.pt/cfn/5284cb4331f49/live/Posi%C3%A7%C3%A3o+sobre+refer%C3%Aancias+a+nacionalidade.+etnia.+religi%C3%A3o+ou+situa%C3%A7%C3%A3o+documental+em+not%C3%ADcias+a+partir+de+fontes+oficiais+e+em+meios+de+comunica%C3%A7%C3%A3o+social](http://www.acidi.gov.pt/cfn/5284cb4331f49/live/Posi%C3%A7%C3%A3o+sobre+refer%C3%Aancias+a+nacionalidade.+etnia.+religi%C3%A3o+ou+situa%C3%A7%C3%A3o+documental+em+not%C3%ADcias+a+partir+de+fontes+oficiais+e+em+meios+de+comunica%C3%A7%C3%A3o+social).

<sup>194</sup> ACIME and FRA (2007), *Uma ferramenta para a Diversidade - Para programas informativos na televisão de serviço público*, available at: [www.acidi.gov.pt/cfn/4eaa92f8ba8ec/live/Uma+Ferramenta+para+a+Diversidade](http://www.acidi.gov.pt/cfn/4eaa92f8ba8ec/live/Uma+Ferramenta+para+a+Diversidade).

		<p>The seminars usually take place in different cities each year, in order to gain a wide coverage. These actions were implemented within the political framework of Measures 75 and 76 of the 2nd Plan for Immigrant Integration, both directed at promoting diversity and intercultural enhancement in the media. Measure 75 sought to get the media to self-regulate its content by complying with professional ethics and deontology.</p>
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### 4.3.Mixed marriages

	<p>Mixed marriages is often used as an index for social distance and integration or, even, assimilation. Mixed (citizenship) marriages are defined as those where one of the spouses has foreign citizenship and the other has national citizenship (including registered partnerships, common-law marriages). Please indicate legal limitations, if any, for marriages between nationals and foreigners, e.g. for asylum seekers, third country nationals, etc. Do these limitations result in practical barriers?</p>	<p>There are no limitations or barriers against marriages between nationals and non-nationals. The Portuguese Constitution (Article 36) states that: "Everyone shall possess the right to found a family and to marry on terms of full equality" ("<i>Todos têm o direito de constituir família e de contrair casamento em condições de plena igualdade</i>").<sup>195</sup></p> <p>It is a different matter when acquiring Portuguese nationality through marriage or <i>de facto</i> unions. Mixed marriages are governed by the Law on Nationality, Law 37/81 of 3 October (<i>Lei 37/81 de 3 de Outubro de 1981</i>) that was amended by Organic Law 2/2006 of 17 April (<i>Lei Orgânica n.º 2/2006, de 17 de Abril de 2006</i>).<sup>196</sup> Article 3 states that a foreigner who marries a Portuguese national for <u>more than</u> three years may acquire Portuguese nationality if an application is made during the duration of the marriage. The invalidation or annulment of the marriage does not impair the nationality acquired by the spouse who married in good faith. The foreigner who, at the time of the application, lives in a <i>de facto</i> union with a Portuguese national for <u>more than</u> three years may acquire Portuguese nationality after Judicial recognition of the <i>de facto</i> union has been issued by a civil court.</p> <p>True mixed marriage or unions should not be confused with marriages or unions of convenience [i.e. sham marriages] that are mentioned in Article 186 in the Law on Foreigners<sup>197</sup>. This Article states: "Whoever marries or enters into a <i>de facto</i> union with the sole purpose of seeking the procurement of or in order to procure a visa, a residence permit or a blue EU card, or of defrauding the laws in force in the matter of acquiring nationality, will be punished with a term of imprisonment ranging from one to five years" ("<i>quem</i></p>
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<sup>195</sup> Assembleia da República, *Constituição da República Portuguesa – VII Revisão Constitucional (2005)*, available at: [www.parlamento.pt/Legislacao/Documents/constpt2005.pdf](http://www.parlamento.pt/Legislacao/Documents/constpt2005.pdf).

<sup>196</sup> Portugal, Organic Law 2/2006, which amends and re-publishes Law 37/81 of 3 October, the Law on Nationality (*Lei Orgânica 2/2006, de 17 de Abril, que altera e republica a Lei 37/81, de 3 de Outubro, Lei da Nacionalidade*), 17 April 2006, available at: <https://dre.pt/application/file/650858>.

<sup>197</sup> Portugal, Law 23/2007, which approved the legal regime for the entrance, permanence, exit and removal of foreign citizens (*Lei n.º 23/2007, de 4 de Julho, que aprovou o regime jurídico de entrada, permanência, saída e afastamento de estrangeiros do território nacional*), 4 July 2007, available at: <http://dre.pt/pdf1s/2007/07/12700/42904330.pdf>.

		<p><i>contrair casamento ou viver em união de facto com o único objectivo de proporcionar a obtenção ou de obter um visto, uma autorização de residência ou um «cartão azul UE» ou defraudar a legislação vigente em matéria de aquisição da nacionalidade é punido com pena de prisão de um a cinco anos”).</i></p>
	<p>Are there any official or non-official data and information on mixed marriages (between nationals and people with another citizenship)? Please provide % proportions on the total number of marriages in a given period, as well as data – where available – about ages, country of origin/birth of migrant spouses.</p>	<p>There were 31, 496 heterosexual marriages registered in Portugal in 2013, of which 11,576 were celebrated in the Catholic Church while 19,920 were in civil ceremonies. The percentage of mixed marriages was 11.7% in 2013 (3,689), where the number of marriages between Portuguese men and foreign women was higher (2,524) than the opposite (1,165). In 2010, the percentage of mixed marriages was lower (10.7%).<sup>198</sup></p> <p>In 2011 (census data)<sup>199</sup>, citizens with the highest share of registered mixed marriages (out of the total of registered marriages for each citizenship) involved Europeans (French and Spanish) and nationals from the Portuguese-speaking African Countries, such as: Angola, with 83.8 and 89.2 % – respectively for marriages between Angolan men and Portuguese women, and for Portuguese men and Angolan women; Cape-Verde, with 82.6% and 73.6% – respectively Cape Verdian men marrying Portuguese women and Portuguese men marrying Cape Verdian women; and Guinea-Bissau with 74.2% and 83.2% – respectively, where Guinean Bissau men married Portuguese women and Portuguese men married Guinean Bissau women. So, to be specific and having Angolan as example: from all Angolan men married, 83.8% are married with Portuguese woman and from all Angolan women married, 89.2% are married with Portuguese men. When mixed marriages involve foreign women and Portuguese men, Brazilian citizens also have a significant presence (82.3% in 2011).<sup>200</sup></p>

<sup>198</sup> Instituto Nacional de Estatística, INE (2014), Estatísticas Demográficas 2013, Lisboa, INE, available at: [www.ine.pt/xportal/xmain?xpid=INE&xpgid=ine\\_publicacoes&PUBLICACOESpub\\_boui=210756558&PUBLICACOESm\\_odo=2](http://www.ine.pt/xportal/xmain?xpid=INE&xpgid=ine_publicacoes&PUBLICACOESpub_boui=210756558&PUBLICACOESm_odo=2).

<sup>199</sup> Oliveira, C. (coord.) (2014), Monitorizar a Integração de Imigrantes em Portugal – Relatório Estatístico Decenal, Volume 1, Coleção Imigração em Números, Lisboa, Alto Comissariado para as Migrações, I.P., available at: [www.oi.acidi.gov.pt/docs/Col\\_ImigNumeros/Monitorizar%20a%20Integracao%20de%20Imigrantes%20em%20Portugal.pdf](http://www.oi.acidi.gov.pt/docs/Col_ImigNumeros/Monitorizar%20a%20Integracao%20de%20Imigrantes%20em%20Portugal.pdf).

<sup>200</sup> Oliveira, C. (coord.) (2014), Monitorizar a Integração de Imigrantes em Portugal – Relatório Estatístico Decenal, Volume 1, Coleção Imigração em Números, Lisboa, Alto Comissariado para as Migrações, I.P., available at: [www.oi.acidi.gov.pt/docs/Col\\_ImigNumeros/Monitorizar%20a%20Integracao%20de%20Imigrantes%20em%20Portugal.pdf](http://www.oi.acidi.gov.pt/docs/Col_ImigNumeros/Monitorizar%20a%20Integracao%20de%20Imigrantes%20em%20Portugal.pdf).

## Annex 2: National and regional level action plans on integration

<b>National / regional level</b> <i>(specify region)</i>	<b>Year of the first edition and</b>  <b>Year of latest update</b> <i>(e.g. First edition: 2004, Most recent update: 2011)</i>	<b>Responsible ministry – public authority – reference details</b> <i>(URL – links)</i>	<b>Target groups</b> <i>identify migrant and refugee groups as beneficiaries (e.g. on the basis of their residence status)</i>	<b>Main aims, actions and activities foreseen in the focus areas – link to fundamental rights</b> <i>[provide both key dimensions and specific actions and aims of the policy instruments in each focus area (use a different row for each focus area if needed)]</i>	<b>Targeting general population?</b>  <b>Yes/No – explanatory comments where needed</b>	<b>Insert here definition of integration (in EN) if any. Alternative: Indicate the core aim/objective of the NAP related to social inclusion and/or integration of migrants</b>
National	First edition 2007 <sup>201</sup> , second edition 2010 <sup>202</sup> , most recent update: with public discussion closed, the plan will be published soon.	High Commission for Immigration and Intercultural Dialogue ( <i>Alto-Comissariado para a Imigração e o Diálogo Intercultural</i> ), under the Presidency of the Council of Ministers ( <i>Presidência do Conselho de Ministros</i> ) which, in 2014, changed	Immigrants, unemployed immigrants, elderly immigrants and descendants of immigrants.	The areas of intervention in the 2nd Plan for Migrant Integration 2010-2013 are the following: 17 that lead to 90 actions: 1) welcoming; 2) <u>culture and language</u> ; 3) <u>employment, professional training and business dynamics</u> ; 4) education; 5) solidarity and social security; 6) health; 7) <u>housing</u> ; 8) justice; 9) racism and discrimination; 10) access to citizenship and civic participation; 11) immigrant associations; 12) descendants of immigrants; 13) elderly	Yes, to the extent of what is written in the introduction “[...] the State should act to reinforce and consolidate public policy on integration – policy	“[...] full integration of immigrants in culture, language, employment, professional training and housing”.

<sup>201</sup> Portugal, Resolution of the Council of Ministers 63-A/2007, which approves the First Plan for the Integration of Immigrants (*Resolução de Conselho de Ministros n.º 63-A/2007, de 3 de Maio de 2007, que aprova o I Plano para a Integração de Imigrantes*), 3 May 2007, available at: <https://dre.pt/application/file/415287>. English version available at: [www.acidi.gov.pt/cfn/4d346c9b80687/live/Consulte+a+vers%C3%A3o+do+Plano+2007-2009+em+ingl%C3%AAs](http://www.acidi.gov.pt/cfn/4d346c9b80687/live/Consulte+a+vers%C3%A3o+do+Plano+2007-2009+em+ingl%C3%AAs).

<sup>202</sup> Portugal, Resolution of the Council of Ministers 74/2010, which approves Second Plan for the Integration of Immigrants (*Resolução do Conselho de Ministros n.º 74/2010, de 17 de Setembro de 2010, que aprova o II Plano para a Integração de Imigrantes*), 17 September 2010, available at: <https://dre.pt/application/file/341932>. English version available at: [www.acidi.gov.pt/cfn/4d346c9b80687/live/Consulte+a+vers%C3%A3o+da+Plano+2010-2013+em+Ingl%C3%AAs](http://www.acidi.gov.pt/cfn/4d346c9b80687/live/Consulte+a+vers%C3%A3o+da+Plano+2010-2013+em+Ingl%C3%AAs).

		<p>its name and powers and became the High Commission for Migration (<i>Alto-Comissariado para as Migrações</i>, ACMs).  PCM:  <a href="http://www.sg.pcm.gov.pt/">www.sg.pcm.gov.pt/</a> ACM:  <a href="http://www.acidi.gov.pt/">www.acidi.gov.pt/</a></p>		<p>immigrants; 14) relations with the countries of origin; 15) promotion of diversity; 16) gender issues; 17) human trafficking.</p>	<p>which is one of the keystones of immigration policy and the social cohesion of the country” and “As a government action plan, it naturally acknowledges the fundamental role of all public and private partners, namely the civil society, NGOs and immigrant associations in its implementation”.</p>	
National	2010-2013	<p>- Ministry of Culture (<i>Ministério da Cultura</i>, MC)  <a href="http://www.gepac.gov.pt">www.gepac.gov.pt</a></p>	<p>- Long term-resident immigrants who want to become Portuguese</p>	<p>The focus area of culture and language, has seven measures with the following main actions:  - strengthening the Programme of Portuguese as a Second</p>	<p>One of the measures is targeted to raise awareness</p>	

		<p><a href="#">/organismos-sec.aspx</a> (now there is no Ministry of Culture, only a Secretary of State of Culture) PCM/ACIDI <a href="#">www.acidi.gov.pt</a> - Ministry of Education (<i>Ministério da Educação and Science, MEC</i>)/Directorate-General of Education (<i>Direção-Geral da Educação, DGE</i>)/Regional Education Directorates, now Directorate General of School Establishments (<i>Direção-Geral dos Estabelecimentos Escolares, DGEstE</i>) <a href="#">www.dgidc.min-edu.pt/</a> <a href="#">www.dgeste.mec.pt/</a> - Ministry of Internal Administration (<i>Ministério da</i></p>	<p>citizens; children of immigrants; recently arrived immigrants; temporary visa holders; residence permit holders; immigrants who are beneficiaries of - Social Insertion Income (RSI).</p>	<p>Language for children, the teaching of Portuguese for adults and providing Basic Literacy courses for immigrants who do not have and are beneficiaries of RSI. - ensuring Portuguese examination tests are used as condition for the acquisition of Portuguese citizenship. - strengthening the expression of cultural diversity in domains connected with culture, encouraging initiatives to be launched in schools related to reading in different languages. - raising awareness to the importance of integration of immigrants, through the support of cultural producers.</p>	<p>to population in general about integration of immigrants , involving cultural producers.</p>	
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		<p><i>Administração Interna, MAI)/SEF</i>  <a href="http://www.sef.pt">www.sef.pt</a>  - Ministry of Solidarity, Employment and Social Security (<i>Ministério da Solidariedade, Emprego e Segurança Social, MESS</i>)/Institute of Employment and Professional Training (<i>Instituto do Emprego e Formação Profissional, I.P., IEFP</i>) <a href="http://www.iefp.pt/">www.iefp.pt/</a></p>				
National	2010-2013	<ul style="list-style-type: none"> <li>- MESS</li> <li>- PCM/ACIDI <a href="http://www.acidi.gov.pt">www.acidi.gov.pt</a></li> <li>- IEFP, I.P. <a href="http://www.iefp.pt/">www.iefp.pt/</a></li> <li>- Portuguese Institute of Sport and Youth [Unofficial translation] (<i>Instituto Português do Desporto e Juventude, I.P., IPDJ</i>) <a href="http://www.ipdj.pt/">www.ipdj.pt/</a></li> <li>- Ministry of Economy</li> </ul>	<ul style="list-style-type: none"> <li>- Immigrant entrepreneurs; immigrant workers; high-skilled immigrants; unemployed immigrants.</li> </ul>	<p>The focus area of employment, professional training and business dynamics has nine areas with the following main actions:</p> <ul style="list-style-type: none"> <li>- strengthening of immigrants' entrepreneurship incentives;</li> <li>- reinforcing inspection of employers using illegal immigrant labour;</li> <li>- supporting information actions for immigrants, about their rights and duties regarding employment;</li> <li>- simplification of the recognition of professional qualifications;</li> <li>- incentives for the social responsibility of organizations,</li> </ul>		

		<p>(<i>Ministério da Economia, ME</i>)/Institute for Supporting Small and Medium Enterprises [Unofficial translation] (<i>Instituto de Apoio às Pequenas e Médias Empresas, I.P., IAPMEI</i>).  <a href="http://www.iapmei.pt">www.iapmei.pt</a></p> <p>- MEC/ Directorate General for School Administration (<i>Direção-Geral da Administração Escolar, DGAE</i>)  <a href="http://www.dgae.mec.pt/_main/">www.dgae.mec.pt/_main/</a></p> <p>- MEC/Directorate General for Tertiary Education (<i>Direção-Geral do Ensino Superior, DGES</i>)</p> <p>- Former Ministry of Agriculture, Rural Development and Fisheries (<i>Ministério da Agricultura, Desenvolvimento Rural e das Pescas MADRP</i>)/Office of</p>		<p>based on ethical principles and on the promotion of diversity;</p> <ul style="list-style-type: none"> <li>- creation a database on high-skilled immigrants;</li> <li>- setting of the Intervention Programme on Unemployed Immigrant Workers;</li> <li>- promotion of access to profession training and to employment;</li> <li>- granting residence permit renewals in cases of employers' non-compliance with social security duties.</li> </ul>		
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		<p>Planning, Policy and Central Administration [Unofficial translation] (<i>Gabinete de Planeamento, Política e Administração Central</i>, GPP) <a href="http://www.gpp.pt/">www.gpp.pt/</a></p> <p>- MAI/SEF <a href="http://www.sef.pt">www.sef.pt</a></p> <p>- MESS/Authority for Labour Conditions (<i>Autoridade para as Condições de Trabalho</i>, ACT) <a href="http://www.act.gov.pt">www.act.gov.pt</a></p> <p>- MESS/Commission for Equality in Labour and Employment (<i>Comissão para a Igualdade no Trabalho e no Emprego</i>, CITE) <a href="http://www.cite.gov.pt">www.cite.gov.pt</a></p>				
National	2010-2013	- Institute of Housing and Urban Rehabilitation [Unofficial translation] ( <i>Instituto da</i>	Legal immigrants; immigrant beneficiaries of re-location programs.	The focus area of housing has five measures with the following main areas: - expanding the social housing market in articulation with local authorities;	No.	

		<p><i>Habitação e da Reabilitação Urbana, I.P., IHRU</i></p> <p><a href="http://www.portaldahabitacao.pt/pt/ihru/">www.portaldahabitacao.pt/pt/ihru/</a></p>		<ul style="list-style-type: none"> <li>- creating new social housing solutions in partnership with immigrant associations, private institutions of social solidarity (<i>instituições particulares de solidariedade social, IPSS</i>), NGO and Cooperatives;</li> <li>- improving access of immigrants to renting assistance mechanisms.</li> </ul>		
National	2015-2020			<p>New Strategic Plan for Migration 2015-2020 (<i>Plano Estratégico para as Migrações 2015-2020</i>) was approved 12 March, but was not published with the results of the public consultation. So, it is difficult to analyze the document only on basis of what was displayed to be discussed. Even so, it is organized around five fundamental axis: the cross cutting fight against demographic deficit and balance of net migration; the consolidation of integration and empowerment of immigrant communities resident in Portugal; the inclusion of the new Portuguese, in result of citizenship acquisitions or descendants of immigrants; response to international mobility, through the internationalization of Portuguese economy, in the perspective of attracting</p>		

				<p>migrants and to promote migration as incentive to economic growth; monitoring the new Portuguese emigration, by strengthening the network of ties and creating incentives for the return and reintegration of Portuguese citizens living abroad.</p> <p>In general, in what relates immigrant integration in all previous dimensions reported, policy will follow the same guidelines.</p>		
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## Annex 4: Indicators monitoring migrant integration - social inclusion/cohesion

N.	Indicator	Definition	Legal frame / policy target	Data source	Periodicity	Reference / Comments
1	Net migration.	The difference of permanent immigrants and permanent emigrants (foreigners or nationals) who, during the reference period, expressed their intention to reside in another country, or to stay for a continuous period of not less than one year.		Portugal Statistics ( <i>Instituto Nacional de Estatística</i> , INE).	Annually.	Entry, stay and exit of foreigners (national). <sup>203</sup>
2	Resident visas provided in consular posts, by reasons of entry, by citizenship.	Total number of visas issued by Portuguese consular posts abroad to third-country nationals (TCNs) who wanted to enter Portugal. The individual reasons for entry which the applicant is required to give when applying for a visa, and as defined in the law, presented a fully stacked column of information when compared with the contribution of each value as a total per year. The reasons given are: work as an employee; self-employment and entrepreneurship; research or high-skilled activity; study, students exchange, professional internship or voluntary work; student mobility in tertiary	Law No. 23/2007 of 4 July 2007 ( <i>Lei n.º 23/2007 de 4 de Julho de 2007</i> ).	Ministry of Foreign Affairs ( <i>Ministério dos Negócios Estrangeiros</i> , MNE).	Annually.	Entry, stay and exit of foreigners (national).

<sup>203</sup> All indicators and correspondent information, from Oliveira, C. (org.) (2014), *Monitorizar a Integração de Imigrantes em Portugal – Relatório Estatístico Decenal*, Volume 1, Coleção Imigração em Números, Lisboa, Alto Comissariado para as Migrações, I.P., available at: [www.oi.acidi.gov.pt/docs/Col\\_ImigNumeros/Monitorizar%20a%20Integracao%20de%20Imigrantes%20em%20Portugal.pdf](http://www.oi.acidi.gov.pt/docs/Col_ImigNumeros/Monitorizar%20a%20Integracao%20de%20Imigrantes%20em%20Portugal.pdf).

		education; family reunification; retirement, religious activity or living on one's own income. The same total number of visas issued annually is also applied for by citizens in each year. They appear in a similar chart showing that most of the third-country nationals applying for visas come from: Cape-Verde, Brazil, Moldavia, the Ukraine, and other countries.				
3	Foreign population with a residence document in Portugal.	Foreign population with a residence document in Portugal include all immigrants who hold residence document: residence permits, long-term visas extensions, permits to stay and their extensions (the latter are no longer in force, but the chart column intends shows trends since 1995).	Law No. 23/2007 of 4 July 2007 ( <i>Lei n.º 23/2007 de 4 de Julho de 2007</i> ) and other laws no longer in force..	Immigration and Borders Service ( <i>Serviço de Estrangeiros e Fronteiras - SEF</i> )	Annually.	Entry, stay and exit of foreigners (national).
4	Resident Foreign population with a residence document, according to the type of legal requirement linked to the residence paper.	Number of foreigners holding a residence document is presented according to the type of legal order assigning this document and laid down in the law: professional activity, students in tertiary education, family reunification, stays with residence visa exemptions.	Law No. 23/2007 of 4 July 2007 ( <i>Lei n.º 23/2007 de 4 de Julho de 2007</i> ) and other laws no longer in force.	Immigration and Borders Service ( <i>Serviço de Estrangeiros e Fronteiras - SEF</i> ).	Annually.	Entry, stay and exit of foreigners (national).
5	Notifications for voluntary return,	Number of notifications for voluntary return (otherwise,	Law No. 23/2007 of	Immigration and	Annually	Entry, stay and exit of foreigners (national).

	initiated administrative deportation proceedings and settled deportation procedures.	immigrants would be deported), number of initiated administrative deportations and number of closed deportation procedures, from 2000 to 2012.	4 July 2007 ( <i>Lei n.º 23/2007 de 4 de Julho de 2007</i> ).	Borders Service ( <i>Serviço de Estrangeiros e Fronteiras - SEF</i> ).		
6	Applications for the acquisition of Portuguese citizenship and people granted Portuguese citizenship, per year.	Number of applications for the acquisition of Portuguese citizenship and number of people granted Portuguese citizenship, presented in a chart showing clustered columns to demonstrate the upward trend from 2001 to 2012.	Organic Law No. 2/2006 of 17 April 2006 ( <i>Lei Orgânica n.º 2/2006 de 17 de Abril de 2006</i> ) Decree-Law No. 237-A/2006 of 14 December ( <i>Decreto-Lei n.º 237-A/2006 de 14 de Dezembro de 2006</i> ).	Immigration and Borders Service ( <i>Serviço de Estrangeiros e Fronteiras, SEF</i> ) and Ministry of Justice - Central Registries Office [Unofficial translation] ( <i>Conservatória dos Registos Centrais</i> ).	Annually.	Active citizenship (national).
7	Granted Portuguese citizenship, according to forms of acquisition, per year.	Total number of granted Portuguese citizenship according to forms of acquisition (articles in the law) displayed in a table, from 2007 to 2012.	Organic Law No. 2/2006 of 17 April 2006 ( <i>Lei Orgânica n.º 2/2006 de 17 de A</i>	Immigration and Borders Service ( <i>Serviço de Estrangeiros e Fronteiras, SEF</i> ) and	Annually.	Active citizenship (national).

			<i>bril de 2007</i> ).	Ministry of Justice - Central Registries Office [Unofficial translation] ( <i>Conservatória dos Registos Centrais</i> )		
8	Granted Portuguese citizenship, by previous citizenship (most representative ones).	Number of total granted Portuguese citizenship to residents in Portugal (not considering acquisitions of Portuguese citizenship by residents abroad), by previous citizenship (most representative ones), from 2008 to 2012, displayed in a table.	Organic Law No. 2/2006 of 17 April 2006 ( <i>Lei Orgânica n.º 2/2006 de 17 de Abril de 2007</i> ).	Portugal Statistics [Unofficial translation] ( <i>Instituto Nacional de Estatística, INE</i> ).	Annually.	Active citizenship (national).
9	Data on Foreigners registered to vote, time series.	Number of foreigners registered to vote, from 2001 to 2012, and the chart shows the lines (totals) for Foreigners (total), Foreigners from EU and Foreigners from other countries (from Brazil and Cape Verde, as long as living in Portugal for more than two years; and Norway, Iceland, Uruguay, Chile, Argentina, Venezuela and Peru, as long as living in Portugal for more than three years).	Portuguese Constitution establishes the rights the immigrants have related to voting, but other legal provisions set differences among	Directorate General of Internal Administration – Electoral Administration [Unofficial translation] ( <i>Direção-Geral da Administração Interna</i> –	Annually.	Active citizenship (national).

			country origins.	<i>Administração eleitoral).</i>		
10	Foreigner registrations to vote, by citizenship (most representative ones).	Number of foreigners registered to vote at 31 December 2012, plotted in a pie chart where each country of citizenship is displayed as a percentage of the total. Countries of citizenship displayed: Cape Verde, Brazil, UK, Germany, Spain, France, the Netherlands, other.	Portuguese Constitution establishes the rights the immigrants have related to voting, but other legal provisions set differences among country origins.	Directorate General of Internal Administration – Electoral Administration [Unofficial translation] ( <i>Direção-Geral da Administração Interna – Administração eleitoral).</i>	Annually.	Active citizenship (national).
11	Rate of foreigners registered on the voters' roll out of the total of residents, according to their country of citizenship.	The number of foreigners registered to vote as a percentage of resident population aged over 20 years, by country of citizenship (allowed to vote in Portugal) in rows. Data is displayed in a table with three columns: number of registered foreigners to vote in 2011 (reference to compare with census data), population aged over 20 years (census data) and percentage.	Portuguese Constitution establishes the rights the immigrants have related to voting, but other legal provisions set differences among	Directorate General of Internal Administration – Electoral Administration [Unofficial translation] ( <i>Direção-Geral da Administração Interna –</i>	Annually.	Active citizenship (national).

			country origins. Census data.	<i>Administração eleitoral) and Portugal Statistics [Unofficial translation] (Instituto Nacional de Estatística, INE).</i>		
12	Associations of immigrants and/or descendants	Number of associations of immigrants and/or descendants recognized by ACM, by geographic level (local, regional, national), per year of application, from 1999 to 2012. Data is displayed in a table where the years are in a row and there is also a column with cumulated sum of the associations.	Law No. 115/99 of 3 August 1999 ( <i>Lei n.º 115/99 de 3 de Agosto de 1999</i> ).	ACM-GATAI	Annually	Active citizenship (national).
13	Associations of immigrants and/or descendants recognized by ACM, by citizenship of origin	Number of associations of immigrants and/or descendants recognized by ACM, by citizenship of origin, in 2012. Data is displayed in a column chart.	<i>Lei n.º 115/99 de 3 de Agosto de 1999</i> ).	ACM-GATAI	Annually, but in this case is the cumulated value (total of associations).	Active citizenship.

## Annex 5: Use of funding instruments

Table 1 - European Integration Fund (EIF) Budget allocation in €

	European Integration Fund (EIF) - TOTAL	Own funds	Funds distribution / Thematic areas							
			Participation	Social Cohesion / social inclusion	Active citizenship	Welcoming society	Employment	Education	Healthcare	Other
<b>2010</b> <sup>204</sup>	3,643,349.52 (own+EC)	803,561.89	-	2,129,840.8 (EC) 709,946.93 (own)	-	-	-	-	-	280,844.88 (EC) 93,614.96 (own)
<b>2011</b> <sup>205</sup>	3,463,225.75 (own+EC)	920,645.18	-	2.656,935.57 (EC) 885,645.18 (own)	-	-	-	-	-	161,366.03 (EC) 35,000.00 (own)

<sup>204</sup> In 2010, FEINPT has three actions with 75 % community funds, plus Technical Assistance with 100 %. The first is “Strengthening and improvement of migrant integration” and in table 1 of Annex 5 is included in “Social Cohesion/social inclusion” thematic area. The second action is “Supporting initiatives for follow-up and evaluation of policy and activities on immigrant issues” and is included in “other” thematic area of the table. The third action is “Supporting initiatives for modernization and operational strengthening of equipment, structures and services working on integration of immigrants” and is included in “Social Cohesion/social inclusion” thematic area. Technical assistance aims to promote efficacy and efficiency on the implementation of the programme, does not foresee own funds and is included in “other” thematic area. Budget allocation available at: [www.fundoscomunitarios.dgai.mai.gov.pt/proquadro/FunEurIntegracao/Programas/Documents/Texto\\_dec\\_2670.pdf](http://www.fundoscomunitarios.dgai.mai.gov.pt/proquadro/FunEurIntegracao/Programas/Documents/Texto_dec_2670.pdf).

<sup>205</sup> In 2011, FEINPT In 2012, FEINPT has three actions with 75 % community funds, plus Technical Assistance with 100 %. The first is “Strengthening and improvement of migrant integration of third country nationals” and is included in “Social Cohesion/Social inclusion” thematic area. The second action is “Supporting initiatives for follow-up and evaluation of policy and activities on immigrant issues” and is included in “other” thematic area of the table. The third action is “Supporting initiatives for modernization and operational strengthening of equipment, structures and services working on integration of immigrants” and is included in “Social Cohesion/social inclusion” thematic area. Technical assistance aims to promote efficacy and efficiency on the implementation of the programme, does not foresee own funds and is included in “other” thematic area. Budget allocation available at: [www.fundoscomunitarios.dgai.mai.gov.pt/proquadro/FunEurIntegracao/Programas/Documents/FI%202011%20AP%20%28final%20assinado%29.pdf](http://www.fundoscomunitarios.dgai.mai.gov.pt/proquadro/FunEurIntegracao/Programas/Documents/FI%202011%20AP%20%28final%20assinado%29.pdf).

<b>2012</b> <sup>206</sup>	5,915,985.68 (own+EC)	1,215,197.14		3,525,591.40 (EC) 1,175.197.14 (own)	-	-	-	-	-	271,899.60 (EC) 40,000.00 (own)
<b>2013</b> <sup>207</sup>	3.611,358,00 (own+EC)	183.398,00	2.185.000,00 (EC) 115.000,00 (own)	456.000,00 (EC) 24.000,00 (own)	615.562,00 (EC) 32.398,00 (own)					404.440,00 (EC) 12.000,00 (own)
<b>2014</b>	EMIF not used yet									

\* Please indicate if Asylum, Migration and Integration Fund is used for 2014

<sup>206</sup> In 2012, FEINPT has three actions with 75 % community funds, plus Technical Assistance with 100 %. The first is “Strengthening and improvement of migrant integration of third country nationals” and is included in “Social Cohesion/Social inclusion” thematic area. The second action is “Supporting initiatives for follow-up and evaluation of policy and activities on immigrant issues” and is included in “Social Cohesion/social inclusion” thematic area of the table. The third action is “Supporting initiatives for modernization and operational strengthening of equipment, structures and services working on integration of immigrants” and is included in “Social cohesion/social inclusion” thematic area. Technical assistance aims to promote efficacy and efficiency on the implementation of the programme, does not foresee own funds and is included in “other” thematic area. Budget allocation available at: [www.fundoscomunitarios.dgai.mai.gov.pt/proquadro/FunEurIntegracao/Programas/Documents/COMM\\_NATIVE\\_C\\_2012\\_9225\\_ANNEX\\_PT.pdf](http://www.fundoscomunitarios.dgai.mai.gov.pt/proquadro/FunEurIntegracao/Programas/Documents/COMM_NATIVE_C_2012_9225_ANNEX_PT.pdf).

<sup>207</sup> In 2013, FEINPT has four actions with 95 % community funds, plus Technical Assistance with 100 %. The first is “Welcoming, integration and emphasis on the values of intercultural”, which, based on the contents of its objectives, is included in “participation”. The second, “Local municipality teams of intercultural mediation”, due to the contents of its objectives, is included in “active citizenship”. The third action, called “Studies on immigration and integration of third country nationals”, by means of its cross-cutting objectives, is included in “other” thematic area. The fourth action is “Local plans for immigrant integration” and is included in the area “Social Cohesion/social inclusion”, as well as the fifth action, called “Empowerment of the immigrant support, welcoming and integration services”. Technical assistance aims to promote efficacy and efficiency on the implementation of the programme, does not foresee own funds and is included in “other” thematic area. Budget allocation available at: [www.acidi.gov.pt/\\_cfn/52c14685307c7/live/Programa+Anual+2013+](http://www.acidi.gov.pt/_cfn/52c14685307c7/live/Programa+Anual+2013+).

Table 2 - European Refugee Fund (ERF) aiming at integration of beneficiaries of international protection

\* Please indicate if Asylum, Migration and Integration Fund is used for 2014

	European Refugee Fund (ERF) - TOTAL	Own funds (national/regional)	Funds distribution / Thematic areas							
			Participation	Social Cohesion / social inclusion	Active citizenship	Welcoming society (host society targeted)	Employment	Education	Healthcare	Other
<b>2010</b>	631,203.21 (own+EC)	157,800.80	-	407,849.98 (EC) 135,949.99 (own)		41,360.43 (EC) 13,768.81 (own)	-	-	-	24,192.00 (EC) 8,064.00 (own)
<b>2011</b>	632,751.11 (own+EC)	156,412.13		416,736.39 (EC) 138,912.13 (own)		52,500.00 (EC) 17,500.00 (own)				7,102.59 (EC)
<b>2012</b>	635,715.43 (own+EC)	154,835.43		428,506.28 (EC)		36,000.00 (EC) 12,000.00 (own)				16,373.72 (EC)

<sup>208</sup> In 2010, FEI in Portugal is “Fundo Europeu para os Refugiados III”. It has three actions with 75 % community funds, plus Technical Assistance with 75 %. The first is “Strengthening of the reception society’s capacity of welcoming and integrating” and is included in “Social Cohesion/social inclusion” thematic area. The second action is “Supporting initiatives of training and information” and is included in “Welcoming society” thematic area of the table. The third action is “Supporting the Programme of Re-settling” is included in “Social cohesion/social inclusion” thematic area. Technical assistance aims to promote efficacy and efficiency on the implementation of the programme, does not foresee own funds and is included in “other” thematic area. Budget allocation is available at: [www.fundoscomunitarios.dgai.mai.gov.pt/proquadro/FunEurRefugiadosIII/Programas/Documents/TDC2656.pdf](http://www.fundoscomunitarios.dgai.mai.gov.pt/proquadro/FunEurRefugiadosIII/Programas/Documents/TDC2656.pdf).

<sup>209</sup> In 2011, FEI in Portugal is “Fundo Europeu para os Refugiados III”. It has two actions with 75 % community funds, plus Technical Assistance with 100 %, plus “Other operations with 75 %”. The first is “Strengthening of the reception society’s capacity of welcoming and integrating” and is included in “Social Cohesion/social inclusion” thematic area. The second action is “Supporting initiatives of training and information” and is included in “Welcoming society” thematic area of the table. Technical assistance aims to promote efficacy and efficiency on the implementation of the programme, does not foresees own funds and is included in “other” thematic area. Budget allocation is available at: The “Supporting the Programme of Re-settling” is the action in “Other operations” and is included in “Social cohesion/social inclusion” thematic area. Budget allocation available at: [www.fundoscomunitarios.dgai.mai.gov.pt/proquadro/FunEurRefugiadosIII/Programas/Documents/textoC\\_2011\\_2745\\_PT\\_ACTE2\\_f.pdf](http://www.fundoscomunitarios.dgai.mai.gov.pt/proquadro/FunEurRefugiadosIII/Programas/Documents/textoC_2011_2745_PT_ACTE2_f.pdf).

<sup>210</sup> In 2012, FEI in Portugal is “Fundo Europeu para os Refugiados III”. It has two actions with 75 % community funds, plus Technical Assistance with 100 %, plus “Other operations with 75 %”. The first is “Strengthening of the reception society’s capacity of welcoming and integrating” and is included in “Social Cohesion/social inclusion” thematic area. The second action is “Supporting initiatives of training and information” and is included in “Welcoming society” thematic area of the table. Technical assistance aims to promote efficacy and efficiency on the

				142,835.43 (own)						
<b>2013</b>	637,291.38 (own+EC)	146,933.38		422,823.93 (EC) 144,438.11 (own)		47,409.99 (EC) 2,495.27 (own)				20,124.08
<b>2014</b>	EMIF not used yet									

implementation of the programme, does not foresees own funds and is included in “other” thematic area. The “Re-settling” is the action in “Other operations” and is included in “Social cohesion/social inclusion” thematic area. Budget allocation available at:

[www.fundoscomunitarios.dgai.mai.gov.pt/proquadro/FunEurRefugiadosIII/Programas/Documents/COMM\\_NATIVE\\_C\\_2012\\_9224\\_ANNEX\\_PT%5B1%5D.pdf](http://www.fundoscomunitarios.dgai.mai.gov.pt/proquadro/FunEurRefugiadosIII/Programas/Documents/COMM_NATIVE_C_2012_9224_ANNEX_PT%5B1%5D.pdf).

<sup>211</sup> In 2013, FEI in Portugal is “Fundo Europeu para os Refugiados III”. It has two actions with 95 % community funds, plus Technical Assistance with 100 %, plus “Other operations with 48 %. The first is “Strengthening of the reception society’s capacity of welcoming and integrating” and is included in “Social Cohesion/social inclusion” thematic area. The second action is “Supporting initiatives of training and information” and is included in “Welcoming society” thematic area of the table. Technical assistance aims to promote efficacy and efficiency on the implementation of the programme, does not foresee own funds and is included in “other” thematic area. Budget allocation is available at. The “Re-settling” is the action in “Other operations” and is included in “Social cohesion/social inclusion” thematic area. Budget allocation available at:

[www.fundoscomunitarios.dgai.mai.gov.pt/proquadro/FunEurRefugiadosIII/Documents/FER\\_Programa%20Anual%202013.pdf](http://www.fundoscomunitarios.dgai.mai.gov.pt/proquadro/FunEurRefugiadosIII/Documents/FER_Programa%20Anual%202013.pdf).

## Annex 7: Promising practices

<b>Thematic area</b>	<b>Education</b>
Title (original language)	Programa Escolhas (5ª Geração)
Title (EN)	Choices Programme (5th Generation)
Organisation (original language)	Alto Comissariado para a Imigração e Diálogo Intercultural – ACIDI, IP
Organisation (EN)	High Commission for Immigration and Intercultural Dialogue, IP
Government / Civil society	Government
Funding body	Ministry of Solidarity and Social Security, by going through the Institute for Social Security, IP; the Ministry of Education and Science; the European Social Fund by means of the Human Potential Operational Programme - National Strategic Reference Framework.
Reference (incl. url, where available)	<a href="http://www.programaescolhas.pt/">www.programaescolhas.pt/</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	The Choices Programme was set up in 2001 and during this first stage of implementation it was designed to be a Programme for Preventing Crime and Integrating young people from the most problematic neighbourhoods in the districts of Lisbon, Oporto and Setúbal. The 5th generation of the Choices Programme will be running during the period 2013-2015.
Type of initiative	State-run programme
Main target group	Children and young people in vulnerable socio-economic environments
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The mission of the Choices Programme is to encourage the social inclusion of children and young people living in vulnerable socio-economic conditions so as to ensure equal opportunities and improve social cohesion. The Choices Programme funds projects that are set up on the basis of establishing local consortiums in vulnerable

	communities. It pinpoints preferential areas where the descendants of immigrants and ethnic minorities are living.
Highlight any element of the actions that is transferable (max. 500 chars)	<ul style="list-style-type: none"> <li>- Favours children's participation;</li> <li>- Organises multidisciplinary teams;</li> <li>- Demands a monitor who is a young person from the territory covered by the Programme;</li> <li>- Provides children with access to a series of rights, in particular, education;</li> <li>- By resorting to wider partnerships, the Programme is developed with the involvement of public and private agencies;</li> <li>- Encourages activities that are held to help children to pass through the educational corridor to employment.</li> </ul>
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	Throughout the years the Choices Programme has been in action, it has excelled itself by its ability to be effective in attaining its aims and efficient in using the resources given it for management purposes. It has been possible to successively multiply the number of participants in each generation of the Programme and reduce the costs per participant. It has obtained increasingly higher rates of success at school.
Give reasons why you consider the practice as having concrete measurable impact	<p>Specifically considering the impacts in each of the different axes in which the programme is divided, the report highlights:</p> <p>Axis 1 'Education and training', the positive impact in terms of the school's role as a place for socialization, alongside the family and the neighbourhood; young recipients of the programme are attaining a high degree of school success. Furthermore, the Programme stresses that the importance of education for future professional life has been successfully internalised by the children and their families, making them realise the value of education/training and investing in a qualification. As the report highlights, this is a fairly recent feature. Until recently and for many years, gaining access to the job market was usually more associated with luck, randomness and hard work rather than with achieving a qualification and gaining knowledge.</p> <p>Axis 2 'Enablement and entrepreneurship', highlights the strong impact in terms of soft and entrepreneurial skills, with a committed engagement to undertaking activities and improve behaviour.</p> <p>Axis 3 'Employment and employability', reputedly tries to improve employability and the young person joining the labour market, although the results for the latter are considered to have fallen far short of expectations.</p> <p>Axis 4 'Community and citizenship', stresses the high degree of participation and the dynamic nature of the activities involving the community. It encourages more active citizenship and a greater sense of belonging while helping to break down territorial stigmas. Where the integration of immigrants and ethnic minorities is concerned, the highlight focuses on the growing involvement and proximity between different communities. This is largely due to the activities</p>

	developed by the projects that run within the programme. Moreover, the role played by the projects as proximity services, helping to promote active citizenship, is also highlighted.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	Extremely positive international recognition has targeted the Choices Programme, where it has been sign-posted as a «Promising practice». This success is due not only to the way it helps to integrate immigrants but also as far as wider policies preventing delinquency and crime are concerned; likewise it sheds light on the enormous social value of the Programme.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	It is one of the Programme's guidelines to involve the beneficiaries. In the half-yearly evaluations, the Programme relies upon information from the local project coordinators about the young people's participation as well as that of the consortium whose follow-up and programming meetings should be held at least on a monthly basis.
Explain, if applicable, how the practice provides for review and assessment.	The Programme is followed up and evaluated annually by an external examiner, chosen by the national coordinator after the Competition has been put in place. The choice of examiner is made in conformity with his/her technical expertise and the result of the evaluation is presented to the supervising entity.

<b>Thematic area</b>	<b>Social inclusion</b>
Title (original language)	Projeto de Mediação Intercultural em Serviços Públicos - MISP
Title (EN)	Project of Intercultural Mediation in Public Services
Organisation (original language)	Current ACM, former ACIDI – Alto Comissariado para a Imigração e Diálogo Intercultural I.P.
Organisation (EN)	Current High Commission for Migration High Commission for Immigration and Intercultural Dialogue
Government / Civil society	Government
Funding body	Co-funded by the ACIDI and by the European Fund for the Integration of Third-Country Nationals.
Reference (incl. url, where available)	<a href="http://www.acidi.gov.pt/es-imigrante/servicos/projeto-de-mediacao-intercultural-em-servicos-publicos---misp">www.acidi.gov.pt/es-imigrante/servicos/projeto-de-mediacao-intercultural-em-servicos-publicos---misp</a> .

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	Now is being restructured, as the new strategy for integration of immigrants is starting in 2015 and integrates a wider approach to migration. The previous phase start date: 27 April 2012 – 2nd phase (1st phase took place from June 2009 to December 2011)
Type of initiative	Mediation in public services
Main target group	Population with an immigrant background
Indicate level of implementation: Local/Regional/National	Regional – Municipalities of Amadora, Cascais, Loures and Setúbal
Brief description (max. 1000 chars)	This is a project of intercultural mediation, focused in local communities. Its general objective is to develop intervention based on the principles of interculturality and mediation in municipal territories. It aims at promoting constructive intercultural relations that contribute for the improvement of the communities' quality of life, for local development and for social cohesion. Its specific objectives include: i) the support to entities and to its professionals whenever problems deriving from cultural diversity occur, e.g. language barriers, different cultural codes; ii) the support to citizens in their access to public and private services, promoting their autonomy regarding the exercise of their rights and the fulfilment of their duties; iii) involving the entities in processes of change aiming to the enhance their adequacy to the needs of the communities; iv) the support to activities reinforcing the citizens' sense of belonging to the municipality; v) setting up/reinforcing dialogue mechanisms, aiming at contributing to positive intercultural relations.
Highlight any element of the actions that is transferable (max. 500 chars)	The practice can be transferred as a whole, provided that national specificity is specifically considered.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	Despite the gap between the first and the second generation, it is a good sign that the practice continued, especially in a hard economic and financial situation during which other initiatives were discontinued due to budgetary reasons.
Give reasons why you consider the practice as having concrete measurable impact	During the first phase, the project placed 28 mediators in 25 public services; 15 in healthcare services – hospitals and health centres; 8 in municipalities and 1 in services of each of the following areas: housing, employment, social security, education, law enforcement. Additionally, municipal teams of intercultural mediation were created in the municipalities of Amadora, Cascais, Loures and Setúbal. In the second phase, so far, 20 mediators have been placed in the four municipalities covered by the project.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	The difficulties in the relationship between population with an immigrant background and public services are not exclusive of Portugal. As such, the practice is transferrable to other contexts where these difficulties need to be tackled, provided that national specificity is specifically considered.

<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>After a period of diagnosis of the needs of the territory, each team of mediators elaborates, with the contribution of local social partners, a strategic plan and half-year action plans. According to the ACIDI, the objective is to create the conditions for the participation of the population in the life of the municipality and to facilitate their access to the available services as well as their right to be heard.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>An external evaluation took place and the examiner was CESIS.</p>

## Annex 8: Discrimination complaints submitted to Equality Bodies

Table 1 – Numbers of discrimination cases on any ground submitted by third country nationals (TCNs) in 2014\*

Number of cases (report the 10 Largest nationality group that submitted a complaint by the end of 2014)	Grounds <sup>212</sup>								
	Racial or ethnic origin	Nationality (where applicable)	Race / skin colour	Religion / faith/ belief	disability	gender	Sexual orientation / gender identity	age	other
Brazilian	5								
Cape Verdean	2								
Angolan	1								
Indian	1								
Ukrainian	1								
Russian	1								
Other not identified	2								

\* Provide data for 2013 if 2014 not available by March 2015

<sup>212</sup> Statistics from CICDR for 2014 available at [www.oi.acidi.gov.pt/docs/stats/discrimin/Queixas%20Discriminacao%20Racial%20CICDR%20entre%202000%20e%202014.pdf](http://www.oi.acidi.gov.pt/docs/stats/discrimin/Queixas%20Discriminacao%20Racial%20CICDR%20entre%202000%20e%202014.pdf). CICDR is the responsible body for collecting statistics related to complaints related to the first three columns, and citizenship or ethnic origin are registered on the base of self-classification when reporting the complaints, and with relation to them.

Table 2 - Outcome of discrimination cases on grounds of ethnic origin submitted by third country nationals\*<sup>213</sup>

Competent Body (e.g. Equality Body, Administrative court etc.)	Outcome						
	Pending from previous years	Pending – submitted in 2014	Established discrimination	Shift of the burden of proof applied	Successful mediation – restoring rights/fairness – sanctions applied	Unsuccessful mediation	Not admissible (formal admissibility / withdrawal reasons)
CICDR <sup>214</sup>	unknown	unknown	34	unknown	6 <sup>215</sup>		20

\* Provide data for 2013 if 2014 not available by March 2015

<sup>213</sup> According to an e-mail on 19 March 2015 from Commission for Equality in Labour and Employment (*Comissão para a Igualdade no Trabalho e no Emprego*, CITE), after our request, citizenship is not a variable registered in complaints. The Inspection Body of Cultural Activities, in a mail sent to us on 19 March 2015, also said that no immigrants submitted complaints in 2014. The Authority for Labour Conditions (*Autoridade para as Condições de Trabalho*, ACT) replied to our request on 17 March 2015, but the complaints are not registered by the variable “citizenship” or country origin. In a phone call received on 20 March 2015, from the Inspection Body of Education and Science (*Inspecção-Geral da Educação e Ciência*, IGEC), as a reply of our request, they state there are no complaints submitted by TCN immigrants. In a letter received on 27 March 2015, upon our request, also Inspection Body of Internal Administration (*Inspecção-Geral das Administrações Internas*, IGAI) replied to us that no immigrants made complaints in 2014. So, no other complaints are registered in table 1 or 2 of this Annex 8.

<sup>214</sup> The statistics are organized in a different logic: in “established discrimination”, the numbers considered are linked to processes converted in judiciary processes, processes initiated by inspective authorities and the processes followed to other bodies. It is not possible to know how many complaints come from previous years, or shift of the burden of proof applied. The official statistics corresponding to 2014, from CICDR, are available at:

[www.oi.acidi.gov.pt/docs/stats/discrimin/Queixas%20Discriminacao%20Racial%20CICDR%20entre%202000%20e%202014.pdf](http://www.oi.acidi.gov.pt/docs/stats/discrimin/Queixas%20Discriminacao%20Racial%20CICDR%20entre%202000%20e%202014.pdf).

<sup>215</sup> It is not possible to know if the mediation was successful or not, as the statistics only state “mediation” (*mediação*).

## Annex 9: Case law – max 5 leading cases

<b>Thematic area</b>	ACQUISITION OF PORTUGUESE NATIONALITY
<b>Decision date</b>	20-11-2014
<b>Reference details</b>	<p>Judgment handed down by the Central Administrative Court of the South, Case No. 11498/14.</p> <p>Opposing the acquisition of Portuguese nationality; criminal record; Article 9 b) of the Law on Nationality.<sup>216</sup></p> <p><a href="http://www.dgsi.pt/jtca.nsf/170589492546a7fb802575c3004c6d7d/5ad29a5018ddf82d80257d9c0043dcbf?OpenDocument">www.dgsi.pt/jtca.nsf/170589492546a7fb802575c3004c6d7d/5ad29a5018ddf82d80257d9c0043dcbf?OpenDocument</a>.</p>
<b>Key facts of the case</b> (max. 500 chars)	<p>H., who had Cape-Verdean nationality, applied to get Portuguese nationality on the basis that he had been married to a Portuguese national for more than three years. In order to do so, he declared that he had not been convicted of having committed a crime that was punishable with a sentence of 3 or more years in prison. In fact, H. had been convicted in 1997, 1999 and 2006 of the crimes of serious bodily harm, duress and ill-treatment, crimes that were punishable in with a maximum legal term of imprisonment of three or more years. Nevertheless, the actual sentences he received involved paying a fine or less than three years imprisonment in a suspended sentence. The Public Prosecution moved a court case against H. opposing his acquisition of Portuguese nationality. The case was dismissed whereupon the Public Prosecution appealed the sentence.</p>
<b>Main reasoning/argumentation</b> (max. 500 chars)	<p>In the opinion of the Court, the crux of the opposition to H. acquiring Portuguese nationality lay in his sentence because he had committed a crime that was punishable by a maximum of 3 or more years imprisonment. The argument against his acquiring Portuguese nationality lay in the fact that the applicant had been previously convicted for crimes committed that were punishable with a maximum legal sentence of 3 or more years in custody, even though the actual sentences applied had been settled in the form of a fine to be paid or less than 3 years in prison in a suspended sentence.</p>
<b>Key issues (concepts, interpretations) clarified by the case</b> (max. 500 chars)	<p>"Owing to the fact that H. has been convicted of committing a crime punishable by a term of imprisonment where the maximum sentence is more than 3 years, there is a reason that <u>permanently</u> prevents him from becoming a naturalised citizen"; this is because "it is irrelevant whether he has already</p>

<sup>216</sup> Portugal, Organic Law 2/2006 amending Law 37/81 of 3 October, Law on Nationality (*Lei Orgânica n.º 2/2006, de 17 de Abril, que altera e republica a Lei 37/81, de 3 de Outubro, Lei da Nacionalidade*), 17 April 2006, available at: <https://dre.pt/application/file/650858>.

	<p>served his sentence and the sentence no longer exists, owing to the fact that the demand laid down in the law is based on the conviction of the crime and not the sentence applied".</p> <p>"Therefore, because it is a demand that has a strict binding effect (opposite from what was decided upon in the judgment under appeal) and where there is no doubt whatsoever about its meaning, it falls to the entity in question to refuse the request for Portuguese nationality through naturalization".</p>
<p><b>Results (sanctions) and key consequences or implications of the case</b> (max. 500 chars)</p>	<p>"In the case under appreciation, we are faced with a fundamental opposing reason that is not open to a different or malleable interpretation; rather, if the applicant involved in the case opposing the acquisition of nationality had been convicted, where the sentence was in <i>res judicata</i>, owing to [H.] having committed a crime punishable by law that carries a maximum of 3 or more years imprisonment, according to the Portuguese law, a court case has to be filed opposing the acquisition of nationality". Therefore, the appeal lodged by the Public Prosecution has to be upheld and the case is ruled in its favour.</p>
<p><b>Key quotation in original language and translated into English with reference details</b> (max. 500 chars)</p>	<p><i>"Não se diga que o art. 13 da Lei da Nacionalidade afasta este entendimento (como sustenta o recorrido) ao mandar suspender o procedimento [de aquisição da nacionalidade portuguesa] "durante o decurso do prazo de cinco anos a contar da data do trânsito em julgado de sentença que condene o interessado por crime previsto na lei portuguesa e em pena ou penas que, isolada ou cumulativamente, ultrapassem um ano de prisão.". "Na verdade, este preceito, em articulação com o artigo 6 (1) d) da mesma lei,<sup>217</sup> só pode ter aplicação nos casos em que o crime cometido pelo interessado não seja punível com pena de prisão cujo máximo seja de 3 anos ou superior".</i></p> <p>"It is not said that Article 13 in the Law on Nationality removes this understanding (as the defendant has alleged) when it orders that the procedure [for acquiring Portuguese nationality] be suspended 'for a deadline of five years starting from the date on which the sentence <i>res judicata</i> convicting the defendant of a crime as laid down in Portuguese law, in a conviction or convictions that are given separately or in accumulation, extend beyond a year in prison.'" "Indeed, when taken together with Article 6 (1) of the same law,<sup>218</sup> this rule may only be applied in cases where the crime committed by the defendant is not punishable with a maximum sentence of 3 or more years in prison".</p>

<b>Thematic area</b>	EQUALITY OF TREATMENT
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<sup>217</sup> Disposição que estabelece "Não terem sido condenados, com trânsito em julgado da sentença, pela prática de crime punível com pena de prisão de máximo igual ou superior a 3 anos, segundo a lei portuguesa".

<sup>218</sup> Provision that states that: "Anyone who has not been convicted in sentences in *res judicata* of crimes punishable with a maximum prison sentence of 3 or more years according to Portuguese law".

<b>Decision date</b>	19-04-2012
<b>Reference details</b>	Judgement by the Supreme Administrative Court, Case No. 0370/12, Exceptional review of the appeal.  <a href="http://www.dgsi.pt/jsta.nsf/35fbbbf22e1bb1e680256f8e003ea931/083a7c88dd9b621d802579f8002ebaf1?OpenDocument&amp;Highlight=0,igualdade,tratamento,estrangeiro">www.dgsi.pt/jsta.nsf/35fbbbf22e1bb1e680256f8e003ea931/083a7c88dd9b621d802579f8002ebaf1?OpenDocument&amp;Highlight=0,igualdade,tratamento,estrangeiro</a> .
<b>Key facts of the case</b> (max. 500 chars)	A., a third-country national, lodged a special administrative case against the Portuguese Bar Association asking that the rejection of her enrolment as a lawyer be made null and void and the Association henceforth condemned to enrol her. The competent Administrative Court ruled to dismiss the case, where its judgment was confirmed by the Administrative Court of the South. A. asked the Supreme Administrative Court to make an exceptional review of the appeal. The Portuguese Bar Association argued against, alleging that a review could not be made due to the failure to abide by the demands made by Article 150 in the Code for Administrative Court Procedure ( <i>Código do Processo nos Tribunais Administrativos</i> , CPTA). <sup>219</sup>
<b>Main reasoning/argumentation</b> (max. 500 chars)	In her appeal, A. alleged that it was important for third-country nationals whose countries have reciprocal agreements in place for Portuguese lawyers to exercise their professions in such countries, to learn to what extent reciprocity is recognised by the Portuguese Bar Association in terms of enrolment. In A's opinion, the questions need clarification at a higher level owing to the fact that the lower courts have not gone into the matter deeply enough to examine the sense in which the reciprocity referred to in the Bar Association Rules <sup>220</sup> may be determined by a Court because it is a juridical concept of global application and clear meaning that stipulates equality and like treatment.
<b>Key issues (concepts, interpretations) clarified by the case</b> (max. 500 chars)	In the Court's opinion, the decision made by the Portuguese Bar Association where the appellant's enrolment as a lawyer hinges upon the prior completion of her legal-practice training, demanded of lawyers by Portuguese law, is correct. This is because it does not give third-country nationals any the less favourable treatment than it gives Portuguese nationals who

<sup>219</sup> Portugal, Law 15/2002, that passes the Code for Administrative Court Procedure (*Código do Processo nos Tribunais Administrativos*) in its up-dated version (Lei n.º 15/2002, de 22 de Fevereiro de 2002, atualiza o Código do Processo nos Tribunais Administrativos), 22 February 2002, available at:

[www.pgdlisboa.pt/leis/lei\\_mostra\\_articulado.php?nid=439&tabela=leis](http://www.pgdlisboa.pt/leis/lei_mostra_articulado.php?nid=439&tabela=leis). On the Article 150 of this Law (Appeal to Review) (1) and (2) states that: "The judgments passed down in the 2<sup>nd</sup> instance by the Central Administrative Court may exceptionally be reviewed by the Supreme Administrative Court when the appreciation of a question is placed in cause, whether due to its juridical or social relevance, if such a review is deemed of fundamental importance or when admitting the appeal is obviously necessary for a better application of the law". "The review may only have as its reason the breaching of substantive or procedural law".

<sup>220</sup> Portugal, Law 15/2005, that passes the Rules of the Portuguese Bar Association pertaining to this matter, states that any non-national who has graduated from any Faculty of Law in Portugal may enrol in the Portuguese Bar Association in the same terms as for Portuguese citizens provided that reciprocal rights are awarded in the third-country (Lei 15/2005, de 26 de Janeiro de 2005, contém os Estatutos da Ordem dos Advogados, onde se refere que os estrangeiros podem inscrever-se na Ordem dos Advogados, nos mesmos termos dos portugueses, se a estes o seu país conceder reciprocidade), 26 January 2005, available at: [www.oa.pt/Conteudos/Artigos/detalhe\\_artigo.aspx?idsc=128](http://www.oa.pt/Conteudos/Artigos/detalhe_artigo.aspx?idsc=128).

	<p>have not already completed their legal practice training course in their own country, as happens in this case. The Bar Association Rules gives the literal sense which does not mean reciprocity based on exercising a lawyer’s profession in the country in question, but means, without the possibility of refutation, the demand for third-country nationals to comply with all the requirements that also apply to Portuguese nationals and also to reciprocal treatment.</p>
<p><b>Results (sanctions) and key consequences or implications of the case</b> (max. 500 chars)</p>	<p>Article 150 (1) of the Code for Administrative Court Procedure lays down that the decisions made in the 2<sup>nd</sup> instance by the Central Administrative Court may exceptionally admit an appeal to the Supreme Administrative Court for a review “when the appreciation of a question is placed in cause, whether due to its juridical or social relevance, if such a review is deemed of fundamental importance” or “when admitting the appeal is obviously necessary for a better application of the law”. The exceptional nature of the appeal has been repeatedly stressed in Supreme Administrative Court jurisprudence which considers that this kind of appeal may only be admitted within the strict boundaries set down in the precept otherwise it goes against the very objective of the law. Indeed, the question of the requirements that need to be complied with in order to enrol as a lawyer, does not come under such questions of fundamental importance. The Court therefore found that the presuppositions underpinning the admission of the appeal were absent and for this reason, the review was denied admittance.</p>
<p><b>Key quotation in original language and translated into English with reference details</b> (max. 500 chars)</p>	<p><i>“A recorrente insiste que o seu estatuto pessoal de advogada num país estrangeiro lhe deve assegurar a inscrição independentemente de realização de estágio (...). A recorrente pode ter dúvidas sobre a interpretação do tribunal, mas essas dúvidas não encontram consistência que tenha sido atendida pelas instancias, nem se traduzem em argumentação objectiva que permita sinalizar uma situação de incerteza do quadro legal aplicável, a necessitar da intervenção do Supremo para uma melhor aplicação da justiça. (...) não basta a simples possibilidade (...) de o assunto interessar a outras pessoas ou um grupo de pessoas em certa situação com traços semelhantes à do litígio para se verificar o requisito da relevância social fundamental da questão de direito”.</i></p> <p>“The appellant insisted that her personal status as a lawyer in a foreign country should ensure her enrolment regardless of whether she had completed her legal-practice training (...). The appellant may have had doubts about the court’s interpretation but these doubts are not found to be consistent so as to have been acknowledged by the courts <i>a quo</i>, or translated into objective argumentation that would give a warning about a dubious situation within the applicable legal framework, thereby calling for the intervention of the Supreme Court in order to render a better application of justice. (...) the simple possibility (...) where the subject may be of interest to other people or a group of people in a certain situation bearing similar characteristics to the ones in the dispute, is not enough to</p>

	prove the demand for fundamental social relevance in the matter of the law”.
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<b>Thematic área</b>	IRREGULAR STAY IN NATIONAL TERRITORY, EXPULSION ORDER
<b>Decision date</b>	27-05-2010
<b>Reference details</b>	Judgement handed down by the Central Administrative Court of the South, Case 06257/10. <a href="http://www.dgsi.pt/jtca.nsf/170589492546a7fb802575c3004c6d7d/ed1137e9e0188b52802577350039e548?OpenDocument&amp;Highlight=0,autoriza%C3%A7%C3%A3o,resid%C3%Aancia">www.dgsi.pt/jtca.nsf/170589492546a7fb802575c3004c6d7d/ed1137e9e0188b52802577350039e548?OpenDocument&amp;Highlight=0,autoriza%C3%A7%C3%A3o,resid%C3%Aancia</a> .
<b>Key facts of the case</b> (max. 500 chars)	S., a Brazilian citizen, submitted an injunction to the competent administrative court with the aim of suspending the execution of an official decision made by the Service for Foreigners and Borders ( <i>Serviço de Estrangeiros e Fronteira</i> , SEF) to expel him and ban him from entering Portugal for five years. The Court ruled against the injunction upon examining the reason underlying the expulsion order, as S. had gained entry into the country illegally. Indeed, the Court noted that S. had come into the country in 2005 on a tourist visa, thereafter staying on illegally. Apart from the current expulsion order, S. had already received a previous expulsion order in 2007 which denied him entry into national territory for a period of three years, a decision that is still valid and has not yet been complied with. The Court considered that the legal action taken by the Immigration and Border Services (SEF) was not vitiated by any infringement of the law. S. appealed the decision.
<b>Main reasoning/argumentation</b> (max. 500 chars)	In his appeal, S. namely alleged that the constitutional principle based on equality was being breached. It was necessary to learn why the SEF’s measure banning him from entering the country was not revoked because it was the cause underpinning the dismissal of his request to legalise his situation and the decision to expel him from national territory. It was not possible for the Court to conclude that the Appellant’s behaviour was not in compliance; he had applied to rectify his status without knowing about the legal measure to ban his entry into Portugal.
<b>Key issues (concepts, interpretations) clarified by the case</b> (max. 500 chars)	An interpretation of the law according to the Portuguese constitution, demands that the rule involving equitability to be applied in only in the sense of third-country nationals whose entry and stay in Portugal has been duly authorised in conformity with the system laid down in Law 23/2007. Only in this way, can the interests laid down in the Portuguese Constitution be safeguarded - meaning the country’s internal security and public order - which justifies this restriction to the almost universal tendency of applying the respective principle.

<p><b>Results (sanctions) and key consequences or implications of the case</b> (max. 500 chars)</p>	<p>If the third-country national does not possess any document that allows him to stay or reside on national soil, his situation is irregular and infringes upon the rules laid down in Law 23/2007 ruling on public order. This therefore provides the basis on which to issue an administrative expulsion order. In the case under appreciation, the Appellant had already received a prior order, still in force, banning his entry, and he must have been aware of the banning order's content and consequences. It therefore follows that, in checking the reason for his expulsion and in the absence of the condition stipulated in Article 88 (2) b) of Law 23/2007, it should be concluded in the same way that the verdict <i>a quo</i> had done, that the request formulated in the main case had to be dismissed. Accordingly, and as shown, the present appeal was denied and the verdict under appeal was fully upheld.</p>
<p><b>Key quotation in original language and translated into English with reference details</b> (max. 500 chars)</p>	<p><i>"Importa ainda consignar que não se vislumbra qualquer violação do princípio da legalidade, na medida em que foi proferida a única decisão adequada face à entrada /permanência em território nacional, nem o Recorrente pode beneficiar, no quadro legal vigente, de qualquer susceptibilidade de regularização. Na verdade, as disposições legais atinentes ao regime de autorização são abrangidas pelo espírito da Constituição cujo artigo 15º nº 1 estatui que 'Os estrangeiros e os apátridas que se encontrem ou residam em Portugal gozam dos direitos e estão sujeitos aos deveres do cidadão português', consagrando assim o princípio da equiparação ou do tratamento nacional que, salvo disposição em contrário, vale para todos os direitos".</i></p> <p>"It is also necessary to record that no infringement of the principle of legality was ever noted, to the extent that a single adequate decision was made about his entry/stay on national soil; neither can the Appellant benefit from any likelihood of regulating his situation within the legal framework in force. Indeed, the legal provisions pursuant to the system granting authorisation are covered by the spirit of the Constitution where Article 15, 1 states: 'Foreigner and stateless persons who fund themselves or who reside in Portugal shall enjoy the same rights and be subject to the same duties as Portuguese citizens.' Thus, the principle of equitability or national treatment is, unless expressly mentioned to the contrary, applicable to all rights."</p>

<p><b>Thematic area</b></p>	<p>EFFECTIVE LINK WITH THE NATIONAL COMMUNITY, BURDEN OF PROOF</p>
<p><b>Decision date</b></p>	<p>29-01-2015</p>

<p><b>Reference details</b></p>	<p>Judgment handed down by the Central Administrative Court of the South, Case 10708/13, Opposing the acquisition of Portuguese nationality.</p> <p><a href="http://www.dgsi.pt/jtca.nsf/170589492546a7fb802575c3004c6d7d/3b4b8ee30c198dd080257de2003ec0a2?OpenDocument&amp;Highlight=0,nacionalidade">www.dgsi.pt/jtca.nsf/170589492546a7fb802575c3004c6d7d/3b4b8ee30c198dd080257de2003ec0a2?OpenDocument&amp;Highlight=0,nacionalidade</a>.</p>
<p><b>Key facts of the case</b></p> <p>(max. 500 chars)</p>	<p>I., a minor, was born in Cape Verde where she resides. Her father acquired Portuguese nationality through becoming naturalised in 2006. In 2009, as her legal guardians, I's parents declared at the Portuguese Embassy in Cape Verde that their daughter wished to acquire Portuguese citizenship. In order to do so, they referred to the Law on Nationality that states that minor children of a mother or a father who has acquired Portuguese nationality may do likewise by submitting their registration. Among other legal demands, the parents also stated that I. had developed effective links with the Portuguese community owing to the fact that she had been educated according to the habits and customs of the Portuguese and that she wrote in and spoke Portuguese. The [naturalisation] procedure was started at the Central Registry Office (<i>Conservatória dos Registos Centrais</i>), and the certificate which was issued, was sent to the Public Prosecution. The Public Prosecution lodged a special case wherein it opposed I's acquisition of nationality, which the Court dismissed</p>
<p><b>Main reasoning/argumentation</b></p> <p>(max. 500 chars)</p>	<p>In its appeal the Public Prosecution alleged that in this concrete case, in order to acquire Portuguese nationality, other demands have to be met besides those of being a minor and in direct filial line. These conditions were namely, " an effective link, a feeling of oneness with the national community (...)the law imposing an effective link that already exists, in which there is evidence of a strong and enduring affinity with the Portuguese way of life, where the Portuguese are deemed a politically and socially organised community". In this case, no such thing happens owing to the fact that I. has always lived in Cape Verde, a community in which she was born and brought up and with which she identifies. It is not enough therefore, that in complying with the objective demand of being the daughter of a Portuguese citizen, an effective link with the Portuguese community would automatically and immediately be present, as the verdict appears to show.</p>
<p><b>Key issues (concepts, interpretations) clarified by the case</b></p> <p>(max. 500 chars)</p>	<p>Proving an effective link with the national community should necessarily be made on the basis of personal factors, closely connected with the private life of the interested party, and this has to be done by means of facts that are particular to the applicant wanting citizenship. "In understanding that the Appellant benefitted from a rebuttal assumption (<i>praesumptio iuris tantum</i>) which reassured her of the existence of an effective link with the national community because she was the daughter of a citizen who had already acquired Portuguese nationality, thus making the burden of proof – proving the</p>

	negative factors – fall upon the Public Prosecution, the sentence under appeal laboured under an error of judgment, the reason for which it cannot be upheld”.
<p><b>Results (sanctions) and key consequences or implications of the case</b> (max. 500 chars)</p>	<p>In the opinion of the Central Administrative Court of the South, anyone who wishes of his/her own free will to obtain Portuguese citizenship should give a statement about the effective links existing with the national community. The burden of proof of this link is ruled according to the provisions made in the general law. In having applied for Portuguese nationality on the basis of being the daughter of a father who had already acquired Portuguese nationality in 2006, I. did not demonstrate that there was any effective link present with the Portuguese community. This being the case, the Court declared with one vote against, that the appeal was well-founded and revoked the verdict under appeal, thereby upholding the Public Prosecution’s opposition to granting I. Portuguese citizenship.</p>
<p><b>Key quotation in original language and translated into English with reference details</b> (max. 500 chars)</p>	<p><i>“A jurisprudência tem vindo, ao longo dos anos, a defender que a ligação efectiva à comunidade nacional há-de ser aferida por todo um conjunto de factores, inter alia, como o domicílio, a língua, as relações familiares e de amizade, a integração social e económico-profissional, um conhecimento mínimo da História e da Geografia do País, ou seja, de tudo aquilo em que se possa radicar um sentimento de pertença. (...) Exige-se, (...), a verificação de elos consistentes de natureza económica, profissional, social e cultural, de modo a corporizarem um sentimento de pertença efectiva à comunidade portuguesa, manifestados de forma mais ou menos prolongada e não através de actos isolados ou escassos”.</i></p> <p>Over the years, jurisprudence has come to defend that the effective link with a national community has to be gauged by a whole set of interconnected factors such as home, language, family relations and friendships, social and economic-professional integration, a basic knowledge of the history and geography of the country, in other words, everything that may give root to a feeling of belonging. (...) It demands (...) checking upon consistent links of an economic, professional, social and cultural nature so as to embody a feeling of meaningful belonging to the Portuguese community, shown in a more or less enduring way and not through isolated or sporadic acts”.</p>