



UNIVERSITÀ DI PISA

**THE DEBATE ABOUT
IMMIGRATION TO
PORTUGAL AND THE
POLICIES OF THE
PORTUGUESE GOVERNMENT**

**FOCUSING ON THE HOUSING
POLICIES**

MOBILITY, MIGRATIONS AND
EUROPEAN INTEGRATION – 2021/2022

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Portugal was, until more than half of the 20th century, a country of emigration. Until the beginning of the 21st century, the presence of immigrants in Portugal was scarce and derived from the colonial past, as demonstrated by the fact that, in 1999, about 55% of the foreign population legally residing in Portugal was from a country of the Community of Countries of Portuguese Language (CCPL).

In the 1970s, there was a large clandestine emigration of portuguese to France, and this, combined with the financial needs caused by the colonial war, forced Portugal to bet on a structural change in relation to immigration policies.

After 1974, with the April 25 revolution, Portugal became a center of attraction for immigrants, especially Africans, who were looking for better living conditions. At this point, emigration is no longer so important, as few portuguese left the country in the 80's and 90's, compared to previous years. Due to these facts, and also with the return of several portuguese (retornados), the illusion of a country of immigration was created. However, there is no doubt that, from the 1980s onwards, Portugal witnessed a transformation in terms of the migratory reality, which became marked by the simultaneity of emigration and immigration flows.

In 1986 Portugal joined the European Economic Community (EEC), which led to the transfer of a lot of money to the country, and investment in large public works. This fact led to an increase in the demand for labor in the civil construction sector and, therefore, to the attraction of new immigrants from the PALOP (Portuguese-speaking African Countries), in particular Cape Verde.

In the 1980s most Western and Northern European countries imposed various restrictions on migration from third countries. With the consolidation of democracy, political stability and accession to the EEC, Portugal became a particularly attractive country and, therefore, adopted a set of legal instruments that allowed it to have a greater ability to intervene in the regulation of migratory flows. The approval of new legal regimes concerning the right to asylum and the refugee status, as well as the entry, stay, departure and expulsion of foreigners, as well as the Foreigners and Borders Service.

Since the beginning of the 1990s, inflows into the country have increased significantly and, in addition, are geographically diversified, reducing the number of immigrants from European and African countries, and increasing the number of Asians and Brazilians. In 1999, a sudden and massive immigration from Eastern Europe began, due to the shortage of jobs. Ukrainians, Russians, Moldavians, Romanians and Bulgarians migrate to the Iberian Peninsula to work in the fields of construction and agriculture.

In 1991, the Portuguese Council for Refugees was created. The new Foreigners and Borders Service (SEF) also appears, as a civil service specialized in immigration matters, and the only entity responsible for controlling national borders. The adoption of the measure of "possession of sufficient means of subsistence" as a condition for the entry of foreigners into Portugal is also important, as it aimed to prevent the presence of immigrants who survived through begging or the practice of illicit acts.

In order to avoid the circulation of immigrants in an irregular situation, caused by the previous absence of a policy to regulate migratory flows, as Portugal saw itself only as a country of emigration, between 1992 and 1993 an extraordinary process of regularization took place. This

was done by granting a residence permit to third-country nationals. The Portuguese State then began to devote more attention to the issue of the entry of foreigners, and conditions became stricter for non-EU foreigners.

In 1994 the temporary installation centers were approved, and in 1994 and 1995 Portugal celebrates bilateral agreements (with France and Spain) and multilateral (with Poland) for the readmission of persons in an irregular situation. In 1998, the new immigration law, new asylum and refugee regimes, as well as entry, stay, exit and removal of foreigners are adopted.

In 2001, the residence permit was created, which grants irregular immigrants the possibility of staying in Portugal for a period of one year, renewable up to a limit of five years, provided if they have a proposal or work contract, a valid passport and certificate of criminal record. In 2003, this authorization was revoked, and the new law establishes an annual maximum limit. However, exceeding these limits is allowed if the job is essential to the national economy or relevant to the country at an artistic, social or scientific level, thus establishing a direct relationship between the admission of foreigners and the national interest.

Later, a new law made employers responsible for complying with the law in the payment of wages, tax and social security contributions to immigrant workers, as well as criminalizing the support for illegal immigration. However, due to this flexibility, illegal immigration has increased, making the precariousness of reception and integration of these immigrants increasingly visible.

In 2004, the regularization of immigrants who had entered the country before March 2003, having a job, tax and social security contributions up to date, becomes legal. In an attempt to “de-bureaucratize” the SEF's operating procedures, and in order to facilitate the integration of immigrants, economic and social criteria are defined in determining the labor needs and reception capacity of each region, with the participation of local municipalities.

In 2007, the residence permit for enterprising and/or highly qualified immigrants was introduced. This measure aims to simplify the regime for granting residence permits to researchers, higher education teachers and other highly qualified foreign citizens who wish to develop their activity in Portugal, as a way of making the country more attractive for highly qualified labor. Residence visa, minimum periods of stay, etc. are waived.

As we know, access to housing is a fundamental right for all people. It is essential for the quality of life and is a factor in the economic development of the countries. However, in recent decades, housing has not been a central concern on the political agendas of most European countries, including Portugal.

The absence of long term strategic and guidance, potentiated the development of inequalities and social exclusion. This is visible when we compare public investment in housing, education and health, having only some expression between 1974-79 (1.5% of GDP) and between 1995-2003 (0.7% of GDP), the latter coinciding with the PER. From the approximately ten billion that were invested by the State between 1987 and 2011, only 16.1% went to social housing programs (IHRU, 2015).

Currently Portugal, like other European countries, faces major housing challenges, as it has to solve not only the problem of access to housing for the most socially disadvantaged, but also the problem of access to housing for the middle class in some territories. In recent years, the

pressure of demand for tourist accommodation and the intensification of the financialization of the real estate market have had a strong impact on access to housing.

Public housing promotion has essentially been carried out through Rehousing or Rehabilitation Programmes, financed by the IHRU (Institute for Housing and Urban Rehabilitation), as is the case with SAAL, PER and PROHABITA. These policy responses can be made directly, by promoting construction, or indirectly, by granting financial support and tax benefits to production and consumption (acquisition of a home).

In 1974, when the 25th of April Revolution took place, the housing problem was among the biggest delays in the country and, as such, after the revolution, it was a demand of the portuguese people to solve this problem, especially in the largest cities (Lisbon and Porto).

There were several demonstrations demanding better living conditions and, in the summer of 1974, the Local Ambulatory Support Service (SAAL) was created, the first social housing policy, aimed at residents in precarious housing neighbourhoods. This program promoted socio-urban interventions that allowed the relocation of the population, preferably in the vicinity of the place where they lived, avoiding their displacement to the periphery. Communication was done through direct dialogue with the residents' committees, and the population was sometimes invited to participate in the construction of the houses and neighborhood, in a model of self-construction. Unfortunately, the evolution of SAAL was troubled, and in 1976 the service was paralyzed, which affected the construction and conclusion of several projects, and of course the families.

Promoted by the Central State and local authorities, the PER (Special Rehousing Programme) was the most representative in the 1990s. This aims to respond to the most extreme situations of housing shortage, in the cities of Lisbon and Porto, allowing the relocation of families in decent housing, and also contributing to the reduction of precarious housing. After Portugal joined the EEC, the development of the PER made it possible to build tens of thousands of homes across the country.

The 1990s were not only the most important moment for the construction of public housing, but the only one in the history of portuguese housing in which there was a clear national aim to eradicate shocking situations of human indignity.

Lastly, we have PROHABITA, a program that regulates the granting of financing to solve housing shortage situations for the entire national territory. This aims to encourage the rehabilitation of buildings intended for relocation, to the detriment of new construction. This program was reformulated in 2007, providing support for the rehabilitation of social housing and the incorporation of sustainable construction.

In addition to these programmes, the State also implemented support for youth rentals, through the “Incentivo ao Arrendamento Jovem” (from 1992 to 2007) and the “Programa Porta 65 Jovem” (from 2007), which supported 534,000 young people by 2015.

The problems related to decent housing reappear with the economic crisis (2010 – 2013) and the austerity measures that followed, but it is with the economic recovery that the debate on housing in Portugal reappears.

The visit of the UN Special Rapporteur on Decent Housing, in 2016, highlighted the permanence of precarious housing conditions in Portugal and, in March 2017, the Parliament

asked the Portuguese Government to assess housing needs and take measures, including the need to of a new PER.

In July 2017, the Government created a Secretary of State for Housing and, in October of the same year, the Council of Ministers approved the document “New Generation of Housing Policies” (NGHP). This aims to establish the strategic direction, objectives and instruments of action for housing policies, implying a change in the traditional way of conceiving and implementing these policies.

Due to the pressures on the rental market, produced by the impact of local accommodation and the New Regime for Urban Lease (NRUL), the Government approved an “extraordinary and transitional regime for the protection of elderly or disabled people who were renters and residents in the same lease” for more than 15 years, in these cases temporarily suspending the deadlines for opposition to renewal and termination by landlords of lease contracts”.

Conclusion

With this chronological analysis, based on legislative developments, we can see that social housing policies in Portugal were essentially casuistic, circumstantial and punctual, with no medium and long-term strategy thought out.

Nowadays, serious problems of access to decent housing persist. There are thousands of families living in unsatisfactory situations, some of which are related to the lack of maintenance of precarious housing neighbourhoods, with housing built with poor quality materials, without electricity, running water, basic sanitation or public lighting.

Portugal has been exemplary in terms of compliance with European regulations and suggestions, however, the fact that many of the community attempts to establish a common policy in terms of controlling migratory flows essentially focus on measures to immediately mitigate those who are seen as common problems, together with the fact that a significant part of the member countries limit themselves to complying with the mandatory minimum requirements, is harming the effectiveness of such projects and reinforcing the discredit in the usefulness of isolated efforts. Therefore, concerted action focused not only on mitigating the consequences, but especially on preventing the causes, becomes essential.

Such action should not focus on border policing, restrictions on residence rights or more severe punishments on irregulars, which do not eliminate the causes of the problem. Rather, emphasis should be placed on cooperation between different nations, in order to create an area of peace, freedom, security and justice.

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