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Roundtable 1: Migration, Development and Human Rights

Roundtable Session 1.2

EMPOWERING MIGRANTS AND DIASPORA TO CONTRIBUTE TO DEVELOPMENT

Portuguese Perspectives and Approaches

1- Introduction

Portugal has had a long history of migration flows ever since it has initiated the maritime discoveries in the 15th century. Fundamental changes have occurred along all these centuries, making our *Diaspora* a true universal movement.

In the last decades of the 20th century, Portugal witnessed a deep transformation in its population structure, and from a being a country of origin of migration, Portugal became also a hosting country. Apart from the increase in the number of immigrants, significant modifications in the structure of foreign nationals in Portugal occurred, going beyond the traditional scope of immigration model in Portugal. There are now immigrants coming from various continents - from Africa, and not only from the Portuguese Speaking African countries, from America, mainly from Brazil and Europe, mainly from Central and Eastern Europe.

Over the last thirty years, our country has been faced with an ethnic and cultural diversity within its national borders, with the urgent need to adapt itself to a new reality.

Given the cultural and social profile of the Portuguese people, its *Diaspora* history and its innate capacity to dialogue with other countries and cultures, it has been possible to develop a model of intercultural society, where the cultural and religious elements do coexist and interact.

Migration is a multidimensional phenomenon that requires a holistic approach and Portugal is firmly committed to debate the maximization of the development benefits of migration. Under Portuguese development cooperation particular attention is given to three main issues in what migration and development is concerned:

Firstly, the importance of remittances (financial and social), bearing in mind their potential for development: on the one hand, efforts to reduce the transaction costs of remittances must be taken into consideration; on the other hand, support and assistance to partner countries and migrants in order to facilitate effective channelling of financial, human and social capital flows into actual



investment conducive to development, while reaffirming the voluntary and private nature of these remittances.

Secondly, it is vital to promote ways that help mitigate *brain drain*, while recognizing that development cooperation cannot resolve these issues *per se*, but it can provide instruments that can identify key sectors to be adjusted.

Finally, it is important to support *Diaspora* synergies, bearing in mind its potential role in the context of migration and development. In this regard, development can be stimulated through the activation and reinforcement of political, economic, social and cultural ties by migrants both with their countries of origin and destination countries.

This Paper was prepared with the objective of sharing the perspectives and approaches of Portugal emanating from its experience both as a sending and hosting country to the participants in the Second GFMD roundtable 1.2 “Empowering Migrants and Diaspora to contribute to Development”.

Recognizing that there are wide-ranging options regarding approaches to migration and development, within which a variety of calibrated solutions can be adopted, the Portuguese Government’s objective is finding cooperation solutions for the increased mobility facing humankind that maximize the benefits for the States – of both sending and host countries - as well as for migrants and the people they are directly related to.

Framed in this fundamental objective, this Paper will focus in particular on the national legal and policy context that recognizes and enables the potential role of Migrants and Diaspora to contribute to development, taking into consideration the following basic principles of the Portuguese approaches to promote and maximize the potential role of migrants and Diaspora for development:

- the recognition of a virtuous cycle between migration and integration meaning that the more integrated immigrants are the greater will be their potential to contribute actively to the development of their origin countries;
- the need for accurate and detailed information on Migrants and Diaspora characteristics, expectations and motivations for tailored and more effective partnerships;
- the recognition of the importance of establishing networks for information sharing and dissemination and contacts on opportunities to strengthen the efforts of various potential stakeholders – individuals, public institutions and private sector - in this domain.

In addition to addressing the enabling environment in Portugal, based on the principles stated above, this Paper will also be looking at the Portuguese experience *vis-à-vis* immigrants’ integration and their empowering process in the Portuguese society with the aim to foster their *Diaspora*. So far, the bulk of the legislative initiatives and measures that have been conceived and developed intend to promote migrants’ social and economic integration in the Portuguese society. Notwithstanding this objective of empowerment within the host country society, there has also been increasing awareness of the need to promote capacity building of immigrants in order to encourage synergies between immigrant communities and nationals from their countries of origin, particularly

through better transfer of capacities and resources, experiences and know-how, geared towards increased cooperation and development.

Last but not least, countries of origin themselves should also play a prominent and catalytic role in that regard in establishing ties with their Diaspora. Cape Verde's Diaspora is a case in point, as it has been benefiting from the support of that country's authorities and results are starting to be visible already.

2- Recognizing the Role of Diaspora and Migrants in Development

2.1- Enabling legal and policy context at national level

The policy document “*A Strategic Vision for Portuguese Development Cooperation*” launched in 2005 refers to the Portuguese Government's vision for our country's Development Cooperation Policy. It states the fundamental objectives, sector and geographic priorities, as well as the principles and mechanisms that will guide the relationship and cooperation between Portugal and the rest of the world, particularly with the Portuguese-speaking countries.

This strategic vision focuses on issues such as humanitarian and political solidarity, geostrategic and economic interests that justify Portuguese development cooperation and highlights the linguistic and cultural affinity between Portugal and partner countries. It refers to the importance of immigrant associations as development actors, mentioning in particular those from Portuguese speaking African countries that are important actor for economic development of their countries of origin.

Based upon the principles referred to above, in particular the recognition of a virtuous cycle between migration- integration- development that shape the development potential of Migrants and Diaspora, and with the aim of fostering win-win dynamics, an important measure in this regard was the adoption by the Portuguese government of the Plan for Immigrants' Integration (PII)¹. Coordinated by the *High Commission for Immigration and Intercultural Dialogue* (ACIDI) this Plan reflects the proactive approach that Portugal takes regarding to immigration issues, translated in its full recognition of the important contribution that immigrants can play at several levels such as the economic, demographic, social and cultural ones. This Plan is addressed in more detail in chapter 3 below.

In line with the fundamental objective of Portugal stated above a third line of action, critical for the promotion and effective implementation of the potential role of migrants and Diaspora for the development of their countries of origin, is the approval by the Parliament of the new “*Immigration Law*” and the new “*Nationality Law*”² - both addressing issues related to the status of immigrants

¹ The Plan for Immigrants' Integration can be consulted in ACIDI website: www.acidi.gov.pt

² These Acts can be consulted in the website of *Serviços de Estrangeiros e Fronteiras*: www.sef.pt

such as citizenship, social rights and mobility. These Acts are referred to in a more detailed manner in chapter 3 below.

The PII and the above mentioned Acts are important instruments geared to implement the Portuguese objectives related to migration and development policies and to manage the equation “migration-integration-development”, facilitating Migrants and Diaspora involvement in development by contributing to building Migrants and Diaspora human and social capital and to leveraging social remittances.

2.2 – Initiatives to facilitate Migrants and Diaspora involvement in Development at international level

To operationalize its thinking on the migration and development issues Portugal takes action both at the bilateral and multilateral levels having up until now selected specific partner countries, as well as a few international organizations, with whom it has established partnerships. Another way followed to progress in this field is through commissioning and supporting studies to deepen the knowledge of the migrant communities and Diaspora that live in Portugal.

At the Multilateral level, the linkage between Migration and Development is taking an important place in the international agenda, particularly at the European Union level. As an EU member country, Portugal cannot be dissociated with EU’s agenda as far as migration policies are concerned, as well as the international context and the challenges we are all facing in that regard.

Within the European Union the topic of Migration and Development has been the subject of intense debate increasingly stressing the need for a comprehensive approach to the phenomena of migration and the need to find synergies between political agendas of migration and development. These discussions are also reflected in the EU’s legislative efforts, in the migration area. At the European Council in December 2007 and June 2008 strong emphasis was given to the link between migration, employment and development, the strengthening of partnerships for a Global Approach to Migration, the improved dialogue with third countries on the issues of migration, as well as to the development of concrete instruments in this area (e.g. migration missions, platforms for cooperation, partnerships for mobility, country profiles on migration).

As an active member of the EU, Portugal has sought to cooperate in this debate in order to help find solutions and operational policies that could promote countries’ development and improve people’s living conditions globally.

During its Presidency of the EU, in the 2nd half of 2007, Portugal selected the issue of Migration, including its nexus to development, as an agenda priority. Several conferences were organized on this matter. In November 2007, the *General Affairs and External Relations Council* (GAERC) adopted specific conclusions on the coherence between EU policies for Migration and Development, in order to maximize the benefits of migration to development. In that regard, special



attention was given to the potential that immigrant communities can really have in the development of their countries of origin, but also to the need for capacity building in order to help those countries face some of the migration constraints, such as brain drain. It was well recognized that Diaspora/migrant communities may play an important role in promoting and carrying out co-development projects, which can generate benefits to countries of origin, transit and destination, as well as to migrants themselves, including to their relations with countries of destination.

Also during the Portuguese EU Presidency, the first *Ministerial Euromed Migration* meeting addressed issues like legal migration, the promotion of circular migration and migration and development and the role of *Diaspora* in development, focusing in particular the issue of remittances. A “*Euromed site*” was set up in order to gather all relevant information (e.g. information on the commission charged by financial institutions), to facilitate migrants’ remittances to countries of origin. Portugal has had a role in this initiative not only through its involvement in the design of the website, which was launched last May, in Evora, during the VI Ministerial Conference on Migration on West Mediterranean but also by establishing partnerships with universities in EU Member States and in MED countries.

Still during the Portuguese EU Presidency a High Level Conference on Legal Migration took place focusing on legal migration, integration and development.

It is also worthwhile to mention that the *EU – Africa Summit*, held in December 2007 in Lisbon, adopted a *Joint Africa - EU Strategy and Action Plan* which sets, among other, the importance to give particular emphasis to migration. It established an *EU-Africa Partnership on Migration, Mobility and Employment*, within which Portugal has been actively involved, with the aim of finding in the short and medium term, multidimensional and integrated responses - both from Europe and Africa- to migration.

The EU has also engaged in Mobility Partnerships with Cape Verde and the Republic of Moldova, which constitute a new political framework for comprehensive dialogue and balanced cooperation on migration, gathering in a coordinated and reciprocal effort, national, Community and third countries initiatives. Portugal has also joined the EU in signing the EU-Cape Verde Partnership. In cooperation with Cape Verde Government, Portugal has established the Joint Consultative Commission for Issues of Cape Verdean Immigration. Portugal has also joined the EU in signing the EU-Cape Verde and the EU-Moldova Partnerships, which does demonstrate our country’s commitment to this kind of initiatives.

With IOM Portugal has been cooperating on an ad-hoc basis by establishing specific partnership either as a co-sponsor of conferences and seminars or as co-financier of specific projects, or even through agreements to second experts to work in the IOM Office in Lisbon.

Another international organization that Portugal is Member State of and cooperates with is the *Community of Portuguese Speaking Countries* (CPLP). Under CPLP strategic priorities, the issue of *Citizenship and Circulation* has been subject to discussions that led to the adoption of a resolution, at its Guinea Bissau Summit in 2006, which established the *CPLP Observatory for Migrant Flows*,

as well as the *national focal points*, with the aim of preventing and fighting illegal migration. Furthermore, another important CPLP resolution on “*Migrations and Development Policies*”, was adopted in that same Summit recognizing the need for increased cooperation in that regard, through the protection of CPLP’s immigrant communities, the role of Diaspora in terms of respective countries’ development, economic growth and fight against poverty. Both countries of origin and destiny have decided to strive for better integration of migration and development policies, bearing in mind the challenges and opportunities of globalization.

2.3- Initiatives to foster knowledge on the potential role Migrants and Diaspora in Development

It is widely recognized that migrants, migrant associations and Diaspora are not a homogeneous group. They differ according to different countries’ culture, economic and social background thus portraying also different characteristics, expectations and motivations. Therefore, Portugal has been active in supporting initiatives and studies that promote and disseminate the understanding and knowledge of the different features of various Diaspora existing in Portugal. An example of this is the partnership with IOM to co-sponsor conferences and seminars on the subject and through agreements to second experts on this area to work in the IOM Office in Lisbon. Another important action taken in this domain is the commissioning of studies on Diaspora. The latest example is commissioning to Portuguese researchers of a study on Angolan Diaspora “*A Diáspora Angolana em Portugal: Caminhos the Retorno*” with the aim of presenting recommendations and instruments to the Portuguese government on incentive policies to create and foster networks between Angolan citizens, Luso-angolan citizens and Portuguese citizens living either in Portugal or in Angola for the benefit of the development of both countries, mainly through knowledge transfer and private entrepreneurship.

The study conclusions and recommendations highlight critical areas identified by the different stakeholders³ and suggest the adoption, within a short to medium term perspective, of measures and actions linking the development potential of the Diaspora to temporary migration – temporary return, ad-hoc or regular return in processes of permanent mobility or virtual return.

ACIDI, through its Immigration Observatory (www.oi.acidi.gov.pt) and with the slogan “Getting to Know More so as to Act better” also promotes studies in issues related to migration and development. These include a study on the impact of remittances from Portugal to Cape Verde and a Special Issue of its journal, *Migrações*, on immigrant entrepreneurship. The Observatory has also promoted a study on the Brazilian Diaspora in Portugal, and there is a study on the Cape Verdean Diasporas forthcoming.

³ Information on this study can be obtained in Information Department of the Portuguese Institute for Development Assistance



3- Specific Measures, Initiatives and Instruments

The Plan for Immigrant Integration (PII) referred to above aims at improving the Portuguese immigration policy, including an explicit reference to elements such as the cultural and religious diversity, as well as citizenship, participation and political rights.

The PII incorporates a set of 122 specific implementing measures and also foresees the active participation of the civil society and immigrant associations. It is ought to be implemented during the 2007-2009 time frame, involving 13 different national Ministries acting in different sectors and mainstreamed areas.

In what the new **Immigration Law** is concerned, it is important to point out that this Legislation is a critical element to take forward the objectives of the Portuguese Government, not only in the perspective of managing legal migration but also to take forward its development perspective. It contributes to both the implementation of some of the measures contained in the PII and to strengthen cooperation with origin countries through mobility partnerships entailing circular migration arrangements that allow for positive circularity.

The following features are highlighted:

- establishment of a single entry visa in Portugal, for a fixed residence;
- establishment of a specific regime for circular immigration;
- simplification of the entry system for scientists, professors and highly qualified foreigners;
- special regime for granting Residency Authorization to victims of human trafficking and illegal immigration;
- widening of the Residency Authorization regime with visa exemption;
- Possibility of reunification with family members who are in Portugal, without restriction in terms of legality of permanence, as well as with *de facto* partners and adult children who are unmarried and are studying in a Portuguese educational establishment.

Under this law, circular migration is also facilitated. Actually, it clearly states in on of its articles that migrants will not see their residency permit cancelled - even when they are absent for a stipulated period of time – if they prove that they are truly developing either a professional or entrepreneurship activity or one of cultural or social nature.

The new “*Nationality Law*”, revised in 2006, has introduced important modifications in the regimes of granting and acquiring Portuguese nationality, including a new concept of legal residency in Portuguese territory, whereby legal residents are not only those that have a residency authorization, but also those who have any valid status except for a temporary visa. Moreover, this Law has also introduced simplified procedures, allowing for those who wish to request Portuguese nationality to

do so not only in Portugal or any Portuguese Consulate/ Embassy, but also through a long distance mailing process.

According to the *Migration Integration Policy Index* (MIPEX), and as far as immigrants' reception and integration processes are concerned, Portugal is 2nd place in a ranking of 28 countries, confirming our performance in terms of good practices, particularly in the field of labour market access, family reunification and fight against discrimination.

The institutionalization of the post of *High Commission for Immigration and Ethnic Minorities*, which evolved to a broader structure with increased means and inter-capacity to intervene - the *High Commission for Intercultural Dialogue* (ACIDI) - , highlights the attention that Portugal has been giving to the support of immigration and intercultural dialogue. The latter responds directly to the Presidency of the Council of Ministers, under the oversight and supervision of the Prime-Minister or another member of the Government included in the Prime-Minister's Office. It aims at collaborating with the design, implementation and evaluation of public, sector and cross sector policies relevant to the integration of immigrants and ethnic minorities, as well as promoting dialogue between different cultures, ethnicities and religions. It operates according to seven key principles: equality; dialogue; citizenship; hospitality; interculturalism; proximity; initiative.

Through *National Immigrant Support Centres* (CNAI) located in Lisbon and Porto and *Local Immigrant Integration Support Centre* throughout the country (CNAIs and CLAIs), ACIDI has been developing an important role in terms of immigrants' reception, strengthening their scope of intervention and opening a new CNAI in the Algarve, where there is a large immigrant community. These CNAIs and CLAIs are responsible for welcoming and providing information to immigrant populations, as well as helping them overcome their first issues of integration. They also include an *SOS Immigrant Phone Line*, which has widened its level of assistance, both in Lisbon and Porto. Several organizations and specialized departments working in the field of SEF (Borders and Foreigners Services), Social Security, Education, Health, Housing, and Employment are also integrated in those national and local centres.

ACIDI has also launched a *National Information Network* through different information tools in order to provide, in different languages, all kind of information to immigrants, including information concerning their rights and duties, using different channels of information, such as such as newspapers, television, telephone and internet facilities.

Special efforts have already been made in order to harmonize different information processes and facilitate documents' circulation, while reinforcing information control and security mechanisms.

Support to the immigrant community, in Portugal, is also provided in the labour, employment and training fields. Firstly, the "*Employment Centres*" foresee continuing training and capacity building for their employees working in the area of immigrants' integration. Moreover, there has been increasing recognition that immigrants' qualifications and skills can enable them to compete for positions compatible with their academic and professional competences. Therefore, the IPP is trying

to simplify the process of academic and professional recognition, as well as to facilitate immigrant student's admission to the higher education system.

Bearing in mind that the immigrant community suffers, in principle, from greater vulnerability in terms of labour market, IPP has recognized the need for specific awareness campaigns in the area of information and training, which comprise the distribution, in different languages, of information leaflets and the organization of different training sessions.

Measures to combat illegal migration are also envisaged and they are a result of a concerted action between specialized agents, both from the SEF (Borders and Foreigners Services) and ACT (*Regional Directorates of the Authority for Working Conditions*).

Social responsibility is also an essential aspect for integration of migrant workers. Significant measures and initiatives have been put into place in order to promote good practices in that domain and they include the involvement of different Ministries and Institutions that have a particular role to play in that regard.

Furthermore, the Portuguese strategy for migrants' integration considers entrepreneurship (measure 13 of the Plan for Immigration Integration) as an important asset for their social, professional and labour integration and thus also an important element for the role migrants and Diaspora can play in the development of their countries of origin.

The Immigration Law itself includes the possibility of granting residency visas to entrepreneur migrants and migrants participation in national programmes geared towards self-employment or job qualification, the latter through specific protocols signed between the Institute for the Employment and Professional Training (IEFP) and different private entities.

The association movements and groups are important allies in the reception and integration of immigrants and they are often the first structure that immigrants search when they reach the respective country of destination. ACIDI, in particular, has been playing an important role in providing financial and technical support to different projects. The GATAI (Technical Support Office for Immigrant Associations) at the National Immigrant Support Centre, on the other hand, assists in their follow up process, either through information provision, training, organization of events and other initiatives.

The housing conditions, as well as access to the National Health Service (PNS) are also important factors to measure the level of immigrants' integration in the country. The PII does consider a set of eight measures that include the development of a social housing market, support to housing construction or housing rehabilitation, rental support and banking (credit) facilities.

In the health sector, Portuguese legislation includes already important supportive measures, regardless of the immigrant's nationality and status (regular/ irregular). Apart from the support

provided through the PNS, there are important community initiatives which aim at utilizing mobile units, which benefit from a partnership between the Ministry of Health and local NGOs.

4- Specific Projects

Reaffirming poverty reduction as the prime objective of Portuguese development assistance, it is essential to underpin development cooperation policies, as well as entailing a clear commitment towards the improvement of the life and employment standards in developing countries, namely those of migrants and their countries of origin. In other words, development promotion is not undertaken to obstruct migration and worldwide circulation. That is neither the EU, nor Portugal's intent. Rather, the *leit motiv* is based on a moral and ethical imperative, largely dependant upon the creation of partnerships and the fostering of international dialogue and mobility for the benefit of all.

Within this perspective, Portugal has been supporting specific partnerships referred to in this chapter.

The first one is a project financed by the Portuguese Development Institute (IPAD) and developed in close partnership with ACIDI and AIPAD, an Azorean Immigrant's Association. The project named CAMPO - *Support Centre to Immigrants in the Country of Origin* has been established in Praia, Cape Verde, with the aim to ensuring that potential would-be-migrants are informed before departure to Portugal, being instrumental for managing migration. CAMPO delivers free-of-charge, up-to-date information on procedures and documentation required on entry and for regular stay permits for would-be-migrants and eventual travellers, prior to departure.

CAMPO does not, however, ensure support to return migrations nor to the Cape Verdean Diaspora. The project has already obtained recognition among its European peers and the European Commission (EC) has signalled its intention to co-finance it, once the above-mentioned dimensions are incorporated to its final results and CAMPO is integrated into Cape-Verdean Government structures. Under the strengthened CAMPO the overall objective is the promotion of legal mobility between Cape Verde and the EU by enhancing cooperation on migration and development while combating irregular migration. It foresees the accomplishment of two specific objectives, namely:

1. To Facilitate matching between skills and available jobs/vacancies and provide relevant information on migration channels so as to promote the use of legal migration channels, through the upgrade of the Centre for Migrant Support in the Origin Country (Mobility and labour migration; Legal Migration; Information-Dissemination);
2. Facilitate reintegration into Cape Verde's labour market of Cape Verdeans returning home from EU countries, and support these in making the best possible use of the skills and resources acquired through the migration experience for their own benefit and the



development of Cape Verde (Return migration; capacity-building; Migration and Development).

If confirmed, EC support will allow for the widening of CAMPO's intervention capacity. The Diaspora dimension will receive particular attention and synergies are already accounted for with another European Commission's Project, DIAS de CABO VERDE.

Portugal, through IPAD, also co-finances DIAS de CABO VERDE – Diaspora for Development of Cape Verde. This project, led by IOM, Lisbon Office, aims at strengthening the capacity and the competencies of the professionals working in key development sectors in Cape Verde. In this way, the project promotes the role of the Diaspora organizations in Portugal, Italy and the Netherlands to act as development actors; contributes to the establishment of a communication network between Diaspora members and institutional entities in Cape Verde as well as in the involved countries; improves the capacity of the government of Cape Verde and of its Institute of Communities in particular to assess professional needs, disseminate information and manage migration for development projects.

5 – Concluding Remarks

The perspectives and approaches referred to in this Paper does not intend to entail all policy and measures that an overall, coherent and integrated approach to migration and development, in particular regarding the role of Migrants and *Diaspora* in development, should address.

Rather, the Paper focuses on some legal and policy measures untaken to remove disincentives and to strengthen ties between Portugal, as a destination country, and countries of origin, looking at effective mobility arrangements offering benefits for both countries as well as migrants themselves.

Although important progress has been achieved in this regard much remains to be done. The majority of the Portuguese interventions in this field have been in the legal and policy domains as well as in research. Now that the enabling legal framework is in place, strengthened focus will be put in concrete actions to promote the involvement of Migrants and *Diaspora* in development.

The driver of the Portuguese perspective and approach regarding this matter is its strong belief that despite its potential, successful involvement of Migrants and *Diaspora* in development requires structured approaches rather than ad hoc interventions. The former entails informed decisions and institutional partnerships that take full advantage of the socioeconomic conditions in destination countries, of the socioeconomic conditions and development strategies of origin countries and of the characteristics, expectations and motivations of Diaspora and Migrants themselves.