



MODERN MIGRATION TRENDS AND SOME FEATURES OF MIGRATION REGULATION IN PORTUGAL

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Article history:	Abstract:
<p>Received: November 11th 2023 Accepted: December 10th 2023 Published: January 18th 2024</p>	<p>This article analyzes modern migration trends, the mechanisms and main aspects of migration regulation in Portugal and its compliance with the international standard. The latest important changes in the field of migration legislation in Portugal are also discussed. In addition, the National Action Plan for the implementation of the The Global Compact for Safe, Orderly and Regular Migration, approved by Portugal, was analyzed, and the goals and necessary measures in the implementation of this Plan were studied. Based on the experience of Portugal, proposals and recommendations for improving the legislation of the Republic of Uzbekistan are provided.</p>
<p>Keywords: migration, migrant, immigration, Portugal, The Global Compact for Safe, Orderly and Regular Migration, Portuguese-speaking Countries, implementation, agreement, human rights, the National Implementation Plan, goals, mechanisms, legislation.</p>	

Historically, Portugal was a country of migration until the last decade of the 20th century, when accession to the European Union (1986) made it more attractive as a destination. Over the past thirty years, Portugal has become a country of immigration, the share of the population of foreign origin there in 2021 was 11.5%¹.

Until the mid-1990s, most immigrants came from former Portuguese African colonies and to a lesser extent from Brazil. In the late 1990s and early 2000s, a new wave of labor migration came first from Eastern and Southeastern Europe, followed by a later wave from Brazil. As a result, the four main nationalities of foreign residents in 2020 are Brazilians (20%), Cape Verdean residents (8%), Ukrainians (8%) and Romanians (7%). During the migration crisis in Europe in 2015-2016, the number of asylum applications in Portugal tripled. In difficult times for the EU, Portugal, out of solidarity, accepted 1,550 asylum seekers who arrived in transit from Italy and Greece under the resettlement program, and 142 Syrian citizens under the EU – Turkey scheme².

Immigration to Portugal has been steadily increasing in recent years. At the beginning of 2020, 590,348 foreigners lived in the country, their number increased to 662,095 in 2020, to 698,887 in 2021 and to 781,915 in early 2023. This means that the relative share of foreigners has increased from 5.7% to 7.5% in

just 3 years. From December 2019 to December 2022, the number of foreigners increased by 32.4%.

Some immigrant communities, such as those from Africa and South America, are growing as a result of economic migration – foreigners seeking better economic conditions abroad. Portugal's economic prospects are good, unemployment remains stable and in line with the rest of the EU. In fact, since 2018, Portugal has recorded a lower unemployment rate than in the Eurozone and the EU as a whole. For example, in 2022, the unemployment rate in Portugal was 6%, while for the EU and the eurozone, the registered values were 6.2% and 6.8%, respectively³.

In addition, despite suffering during the COVID-19 pandemic, the GDP recorded in 2022 was 3.22% higher than in 2019.

Other immigrant communities, like most of those who come from other EU member states, are the result of the country's attractiveness to high-income foreigners seeking a better quality of life, warmer sunny weather, security and fine cuisine.

From 2020 to 2022, about 205,909 people emigrated from Portugal, continuing the decline in emigration recorded since 2014. This means that 2.0% of the 2019 population has left the country in the last 3 years, but 60.2% have done so temporarily⁴. Moreover, it is worth noting that almost 300,000 people have entered the country since 2019, which is a sharp

¹ Instituto Nacional de Estatística. *Statística Portugal*. (2023) [online]. Available at: https://www.ine.pt/xportal/xmain?xpid=INE&xpgid=ine_ma in (Accessed: 27 January 2023)

² Niemann, A., Zaun, N. (2018) 'EU refugee policies and politics in times of crisis: theoretical and empirical

perspectives', *Journal of Common Market Studies*, 56 (1), pp. 3–22.

³ "Unemployment by sex and age – annual data". Available at: ec.europa.eu. (Accessed: 27 September 2023)

⁴ "Statistics Portugal – Web Portal". Available at: www.ine.pt. (Accessed: 28 September 2023)



increase and the largest influx of immigrants ever recorded in Portugal since the 1980s.

The number of foreigners is expected to increase even more in the next few years: at the beginning of 2023, Portugal legalized about 113,000 citizens of the Community of Portuguese-speaking Countries illegally residing in the country. In total, about 300,000 foreigners living illegally in Portugal are awaiting regularization.

According to the International Organization for Migration (IOM), only 12% of countries provided migrants with access to some medical services, including emergency medical care⁵. Thus, in Portugal, all foreign citizens awaiting immigration applications and asylum seekers were temporarily considered as permanent residents and received access to medical care⁶.

In Portugal, all migrants, regardless of the migration category, use a number of integration services offered by the High Commission for Migration (ACM). The ACM is a government body coordinating host organizations, which in most cases are municipalities, foundations or NGOs. They are responsible for the integration of the asylum seeker in various areas – housing, health, education, employment and language. These services are offered on request through the National Migrant Support Centers (CNAIM), which operate in Lisbon, Porto and Faro⁷.

Migrants are sent to these centers to meet, for example, with representatives of the Ministry of Education, the Ministry of Health, Immigration and Border Protection or the Labor Inspectorate, depending on their individual needs. ACM has developed integration measures in various fields. An example is the Portuguese Language Learning Program offered by ACM in cooperation with the Portuguese Institute of Employment and Vocational Training.

The constant and steady growth in the number of immigrants in Portugal over the past twenty years has pushed the country's legislators to regularly bring immigration laws in line with the requirements of the time. So, in August 2022, a New immigration law was adopted, replacing the law of 2007. The new immigration law provides, in

particular, for facilitating the issuance of visas to citizens of the Community of Portuguese-speaking Countries and the abolition of the immigration quota regime.

However, it should be noted that The Global Compact for Safe, Orderly and Regular Migration was approved by the General Assembly of the United Nations

on 19 December 2018 (Resolution A/RES/73/195). The Compact is based on 10 guiding principles which promote a vision centred on people, international cooperation, national sovereignty, the Rule of Law, sustainable development, respect for human rights, gender equality, the best interests of the child and a holistic approach to migration, while involving all levels of the Administration and civil society. These principles are reflected by the 23 objectives of the treaty, which are carried out continuously by the signatories through national plans.

The Global migration agreement provides for the establishment of an International Migration Review Forum, and this forum will act as a major global platform, held every four years from 2022, to discuss the process of information sharing and goal implementation at the local, national, regional and global levels.

In order to ensure the implementation of this global agreement, Portugal is one of the countries that immediately aims to be one of the first countries to develop and implement the corresponding National implementation plan.

This National Implementation Plan of the Global Compact for Migration was approved by Portuguese Cabinet Resolution No. 141 of 20 August 2019. The plan covers the composition of the 23 goals that make up the global migration agreement with the aim of covering all relevant aspects of the migration phenomenon. For each goal, implementation measures are established, as well as the appropriate deadlines for implementation and the areas of the state involved. Thus, the plan was designed as an operational document focused on practical and specific results.

The goals and measures of the Plan make it possible to develop national responses on migration issues in accordance with the main international

⁵ Глобальный договор о безопасной, упорядоченной и легальной миграции. Доклад Генерального секретаря ООН [Электронный ресурс]. URL: https://migrationnetwork.un.org/sites/g/files/tmzbd1416/files/resources_files/sgs_report_russian.pdf (дата обращения: 20.09.2023)

⁶ Зорин В.Ю., Волох В.А., Суворова В.А. Трансформация миграционной политики государств в период пандемии //

Вестник ВолГУ. Сер. 4. История. Регионоведение. Международные отношения. 2021. Т. 26. № 3. С. 34–44.

⁷ Marques, J. C., Vieira, A., Vieira, R. (2019) 'Migration and Integration Processes in Portugal: The Role of Intercultural Mediation', *Journal of Siberian Federal University. Humanities & Social Sciences*, 2, pp. 187–205. DOI:10.17516/1997-1370-0388.



partners. This response is organized around five main principles.

Firstly, to promote safe, orderly and regular migration as a way to ensure the mobility of people, manage demographic dynamics and promote it as the most effective way to increase its contribution to the development of countries of origin, transit and destination.

Secondly, ensure regular immigration and border security by improving migration flows and integrated border management, i.e. combating human trafficking, preventing illegal migration and ensuring the security of documents associated with the necessary visa applications and related permits.

Thirdly, promoting the reception and integration of immigrants, ensuring that these people have documented status, promoting family reunification, promoting Portuguese language acquisition, schooling for children and youth, as well as adult education and training, improving housing conditions, health and social protection, as well as their integration.

Fourth, supporting migrants' connection with their country of origin and their plans to return to Portugal.

Fifth, enhance development cooperation with countries of origin and transit, thereby addressing the root causes of migration and reducing the burden of factors associated with material hardship, inequality and discrimination, lack of employment opportunities and minimal social conditions⁸.

In order to fulfill the obligation to facilitate periodic and comprehensive evaluation of the implementation of this Plan, an interdepartmental coordinating committee has been established with responsibility for this task.

The plan also sets out several activities and measures to be carried out on the implementation of the implementation of the 23 goals of the global agreement. In particular:

– Ensuring that the data on the residence permit is equal to the data on the citizen's card, that is, the taxpayer identification number, Social Security registration number and the registration number of the National Health Service;

– Development of cooperation projects with other countries in terms of human trafficking, especially with the main countries from which the flow of immigration to Portugal originates;

– To organize seminars to civil servants and other relevant authorities in order to facilitate the identification and monitoring of trafficking victims and vulnerable migrants;

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– Creating a microcredit market to boost labor involvement of the migrant community;

– To simplify the issuance of residence visas for research and study by waiting for the processes of admission and selection of students in academic institutions;

– Improving the procedures for recognizing the powers and qualifications of foreign citizens;

– Strengthening ties between Portuguese citizens living in Portugal or abroad and establishing close ties with Portuguese communities in the diaspora, developing a network of merchants in the Portuguese diaspora in order to promote commercial institutions of Portuguese citizens abroad;

– Improving the mechanisms of cooperation with the International Organization for Migration in the conditions of voluntary return of migrants, giving importance to the important place of support centers for the integration of national and local migrants;

– In the context of social security and other benefits received, the conclusion of bilateral agreements with the aim of creating alternative mechanisms for protecting the rights of migrants;

– Taking into account the coordinating role of the international organization for migration and in accordance with the conditions established therein, to participate in the international monitoring of the global compact on migration.

This national plan also defines the tasks and the corresponding work to simplify the procedure for **granting migrants legal status**, accommodation and maintenance of migrants illegally crossing the border and providing migrants with a legal identity card and relevant documents.

In turn, it should be noted that the Uzbek lawyer L.X.Isakov analyzed the concept of "legal status of migrant", according to which this is a complex concept defined as a set of citizenship, principles, abilities, rights and freedoms, privileges, guarantees, duties and responsibilities determined by the role of an individual in migration in the life of a particular state and society, her social status, as well as legal norms⁹.

⁸ Resolution of the Council of Ministers of Portugal no. 141/2019

⁹ Исоков.Л.Х. Мигрантлар ҳуқуқлари: қиёсий-ҳуқуқий таҳлил. Монография / Сўзбоши муаллиф ва маъсул



Moreover, it is necessary to mention that the Republic of Uzbekistan is one of the Member States that signed "The Global Compact for Safe, Orderly and Regular Migration" dated December 19, 2018, and large-scale work is currently underway to implement this treaty. In this regard, based on the practice and experience introduced by Portugal in accordance with this Treaty, the following measures are proposed to improve the legislation of the Republic of Uzbekistan:

1. Approval of the National Action Plan for achieving the goals of the Global migration agreement in the Republic of Uzbekistan. In particular, this Plan should define 23 goals, mechanisms for their implementation, deadlines, responsible state bodies and implementing organizations, as well as the expected results from these activities.

2. In order to implement international standards in the field of migrant workers' rights into national legislation, to organize legal and safe labor activities of Uzbek citizens abroad, to teach them professions and foreign languages before going to work abroad, to create a system for protecting their rights and legitimate interests, to create legal foundations for the reintegration of persons who have returned from labor migration, it is proposed to adopt The Law of the Republic of Uzbekistan **"On External Labor Migration"**. In the draft law, it is necessary to clearly define the mechanisms for the implementation of the rights of labor migrants carrying out labor activities abroad.

It is also advisable to unify legislative acts in the field of migration. In particular, it is necessary to develop **the Migration Code of the Republic of Uzbekistan**, which provides for the solution of migration problems affecting the interests of society, the state and the individual, ensuring the stability of relations in the field of migration, as well as the implementation of international standards on the rights of migrants in national legislation.

3. Ensuring that foreign citizens and stateless persons have identity cards and related documents. In particular, In order to simplify the granting of citizenship of Uzbekistan, as well as to identify and protect stateless persons, as well as to ensure that foreign citizens and stateless persons are in the same conditions as the public services provided to citizens of Uzbekistan when using public services in the Republic of Uzbekistan, to make amendments and additions to the laws of "Legal status of foreign citizens and stateless persons".

4. Addressing the issue of joining international treaties aimed at combating migrant smuggling and trafficking. Mainly, preparation and implementation of a set of measures for the ratification of the Additional Protocol to the Convention on Combating the Illegal Movement of Migrants by Land, Air and Sea, supplementing the Convention on Transnational Organized Crime, and their implementation into current legislation.

In addition, development of the term "illegal movement of a person across the State border" based on the likelihood that a person illegally moved across the State border will become a victim of human trafficking.

5. Creation of the State Committee of the Republic of Uzbekistan on Migration, aimed at the implementation of a unified state policy in the field of migration, the development of its management system, regulation and identification of promising processes, coordination of the activities of relevant state bodies in the field.

6. Organization of temporary accommodation centers for foreigners and temporary reception points for persons entering in violation of the passport and visa regime in the border territories, as well as the creation of a unified system for recording all categories of migrants arriving or leaving the country, consisting of a database of undesirable foreigners.

7. Creating conditions for migrants and diasporas to fully contribute to sustainable development in all countries. In special:

1) Strengthening ties between Uzbek citizens living in Uzbekistan or abroad and establishing close ties with Uzbek communities in the diaspora;

2) Development of a network of entrepreneurs in the Uzbek diaspora in order to promote commercial institutions of Uzbek citizens abroad;

3) In order to attract investments from the Uzbek diaspora, to ensure improved cooperation between migrant support offices and business platforms, as well as between investor support offices and entrepreneurship support offices.

REFERENCES

1. This National Implementation Plan of the Global Compact for Migration was approved by Portuguese Cabinet Resolution No. 141 of 20 August 2019. (accessed 25.09.2023)
2. Глобальный договор о безопасной, упорядоченной и легальной миграции.



Доклад Генерального секретаря ООН [Электронный ресурс]. URL:https://migrationnetwork.un.org/sites/g/files/tmzbd1416/files/resources_files/sgs_report_russian.pdf. (дата обращения: 20.09.2023)

3. Зорин В.Ю., Волох В.А., Суворова В.А. Трансформация миграционной политики государств в период пандемии // Вестник ВолГУ. Сер. 4. История. Регионоведение. Международные отношения. 2021. Т. 26. № 3. С. 34–44.
4. Marques, J. C., Vieira, A., Vieira, R. (2019) 'Migration and Integration Processes in Portugal: The Role of Intercultural Mediation', *Journal of Siberian Federal University. Humanities & Social Sciences*, 2, pp. 187–205. DOI:10.17516/1997-1370-0388.
5. Niemann, A., Zaun, N. (2018) 'EU refugee policies and politics in times of crisis: theoretical and empirical perspectives', *Journal of Common Market Studies*, 56 (1), pp. 3–22.
6. Исоков.Л.Х. Мигрантлар ҳуқуқлари: қиёсий-ҳуқуқий таҳлил. Монография / Сўзбоши муаллиф ва маъсул муҳаррир академик А.Х.Саидов. – Тошкент: "EFFECT-D", 2022. – 432 б.
7. Instituto Nacional de Estatística. *Statística Portugal*. (2023) [online]. Available at: https://www.ine.pt/xportal/xmain?xpid=INE&xpgid=ine_main (Accessed: 27 January 2023)
8. "Unemployment by sex and age – annual data". Available at: ec.europa.eu. (Accessed: 27 September 2023)
9. "Statistics Portugal – Web Portal". Available at: www.ine.pt. (Accessed: 28 September 2023)