

Highly skilled immigrants in Portugal: analysing policy developments and its impacts with a typology ***Imigrantes altamente qualificados em Portugal: análise da evolução de políticas e os seus impactos a partir de uma tipologia***

Catarina Reis Oliveira & Vera Fonseca

Abstract The literature has identified several explanatory typologies of highly skilled migration. Although those typologies tend to oversimplify reality they are useful for discussing policy implications and integration needs that different highly qualified migrant groups might have. This article analyses a typology of three different groups of highly skilled immigrants in Portugal: (1) highly skilled immigrants at entrance; (2) immigrants acknowledged as highly skilled after a process of recognition of qualifications or after achieving a higher education in the Portuguese education system; and (3) potential highly skilled immigrants. The characterization of these three groups allow to debate how the Portuguese opportunity structure – social, economic, legal and institutional frameworks – interfere not only in the effective integration of highly skilled immigrants in the country, but also on the attractiveness of the country for hosting those immigrants. The article analyses both the impacts of the Portuguese immigration acts (with a special visa for highly skilled immigrants since 2007 and transposition of the Blue Card Directive after 2012) and the results of measures and programmes that have been developed by public and private institutions targeting these immigrants.

Keywords highly skilled immigrants; *overqualification*; recognition of qualifications

Resumo A academia tem vindo a identificar algumas tipologias explicativas da migração de altamente qualificados. Apesar das tipologias tenderem a simplificar a realidade são uteis para discutir as implicações de políticas e as necessidades de integração que diferentes grupos de imigrantes altamente qualificados podem ter. Este artigo analisa uma tipologia com três grupos de altamente qualificados em Portugal: (1) imigrantes altamente qualificados à

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entrada; (2) imigrantes percecionados como altamente qualificados depois de um processo de reconhecimento de qualificações ou depois de terem adquirido uma educação superior no sistema de ensino português; e (3) imigrantes potencialmente altamente qualificados. A caracterização destes três grupos permite discutir como a estrutura de oportunidades portuguesa – contextos social, económico, legal e institucional – interfere não apenas na integração efetiva dos imigrantes altamente qualificados no país, mas também analisar a capacidade de atração do país para acolher esses imigrantes. O artigo analisa tanto os impactos das leis de imigração (com um título especial para imigrantes altamente qualificados desde 2007 e a transposição da diretiva do cartão azul desde 2012), como os resultados de medidas e de programas promovidos por instituições públicas e privadas para esses imigrantes.

Palavras-chave imigrantes altamente qualificados, *sobrequalificação*, reconhecimento de qualificações

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Introduction

From a negative net migration for decades, Portugal shifted to an immigration country in the end of the 20th century. In the 1970s and 1980s inflows were mainly unqualified and originated from African Portuguese-speaking countries (PALOP), with whom Portugal has historical and cultural links. The immigration cycle diversified after the mid-1980s, not only because Portugal increased the demand for labour, but also because it became a more attractive destination due to its adhesion to the European Union. Accordingly, Portugal's immigration population, still being dominated by PALOP nationals incorporated in the construction and cleaning sectors, started to also have professionals coming from Western Europe, the United States (in a lesser extent) and Brazil (initially dominated by highly skilled professionals).

At the end of the 1990s a new inflow occurred - mainly from Eastern Europe - which doubled the immigrant population in the country within a few years and further diversified the education profile of immigrants. In the transition of the new century, for the first time, Portugal truly started to face the challenge of receiving immigrants with higher education that were overqualified for the activities they were performing in the labour market (mainly *blue collar* activities). The fact was that the majority of the professionals that Portugal hosted until then did not need recognition of qualifications to be integrated in the labour market as they were mainly coming as part of companies' structures and/or as managers of multinationals that opened some branches in the country (Peixoto, 1998). Also other professionals came from countries with which Portugal signed special agreements that foresaw a simplified recognition of higher education diplomas - the case of Brazil - justifying most of the times their quick incorporation in the labour market (although regulated professions created some difficulties).

Hence with the arrival of Eastern Europeans the difficulties with the process of recognition of qualifications and the problem of *overqualification* in the labour market came to the surface. These immigrants were higher qualified than the PALOP nationals (with whom they shared the same labour market segments) and had higher expectations for professional mobility. Furthermore they represented a significant demographic pressure as they became, in only a couple of years, the second most numerous foreign group - being the Ukrainians the second largest immigrant nationality in Portugal - and had higher dispersal levels throughout the country, in contrast with other immigrant groups (mainly concentrated in the Lisbon Metropolitan Area).

As a result, the Portuguese experience throughout the last decades with these different inflows allow to highlight the existence of three different profiles of highly skilled immigrants: (1) highly skilled immigrants at entrance; (2) immigrants acknowledged as highly skilled after a process of recognition of qualifications or after achieving a higher education in the host education system; and (3) potential highly skilled immigrants in situation of *overqualification* in the labour market. A review of the characteristics and the trends to each subgroup of highly skilled immigrants identified is provided, using the available statistical indicators and sources together with some qualitative evidence gathered in the research done under the European Project “Integration of highly skilled third country nationals in Europe: a new proposal for circular talent management”.¹

As it will be analysed in this article, the challenges and vulnerabilities that highly skilled immigrants face in Portugal are mainly linked to whether immigrants’ qualifications are being used or not in the labour market, and/or being officially recognised or not. This article highlights the developments of the past decade in the policies (e.g. immigration acts, recognition of qualifications, action plans for immigrant integration) and in measures (e.g. specialized support offices; special programmes to immigrants in situation of *overqualification* in the labour market) that have been targeting highly skilled immigrants in Portugal and its impacts to each profile of highly skilled individuals.

Although Portugal has transposed the EU Blue Card directive only in 2012, since 2007 has two special legal titles to promote a fast entrance of highly skilled immigrants in the country. Furthermore, several bilateral agreements have been defined between Portugal and other countries to either answer to specific needs of the Portuguese labour market or to consolidate friendship and cooperation relations. In sum, the changes in recent years in the legal and institutional framework (especially after 2007) make it necessary to refresh this research topic in Portugal and discuss a revised typology of highly skilled immigrants.

As also reported in other researches about highly skilled immigrants in Portugal (Peixoto, 2004: 2; Góis and Marques, 2007: 63), the phenomenon is generally difficult to evaluate and when desegregated by subgroups some methodological constrains are raised, namely linked to the lack of comparable data and sources. Still the analyses presented in this article support the idea that this is not a uniform phenomenon and its intensification in the past decades has created new and different integration challenges (which create diverse policy needs) to the groups of highly skilled immigrants. The article aims to go beyond the invisibility of the phenomenon, bringing new light to it, and reflecting about the impacts of the Portuguese policies and measures developed in the past years (especially since 2007).

Highly skilled immigrants: proposing an explanatory typology

The conceptual category of 'highly skilled immigrant' is not consensual or universally accepted in academic research. Usually this category is used to identify persons with a tertiary education (equivalent to ISCED 5-6).

From 1960 till 1980 the studies on highly skilled migration mainly focused on theorising the *brain drain* and *brain gain* effects and/or analysing the gains that the phenomenon would bring to the host society and the setbacks that would create in the country of origin. Since the 1990s another perspective was also introduced with the concept of *brain circulation*, trying to capture also the possibilities created with the transference of knowledge between societies, promoting the creation of scientific, innovation, entrepreneurial and commercial networks.

In Portugal research on highly skilled migration is very scarce. Migration studies have been dominated by researches on unqualified and blue collar activities, which reflect itself the higher volume of unskilled and low skilled immigrants that had entered in the country since 1960. Nevertheless, in the last two decades the highly skilled inflow had increased substantially representing, according to Peixoto (2004: 2-4), almost a third of all legal immigration into Portugal, being this figure even under-evaluated due to the temporary status of many stays of those immigrants. Still, because this movement was not considered to be problematic, was only rarely researched. The studies of Peixoto (1994, 1996, 1998, 1999, 2001 and 2004), Reis (2007) and Góis and Marques (2007) are the more relevant exceptions in the analysis of highly skilled immigration in Portugal.

One important outcome of Góis and Marques research (2007) was the identification that the highly skilled movement is not a uniform phenomenon, but might obscure different groups of migrants with a tertiary education and with diverse situations in the labour market. Different immigrants with a similar tertiary education because were framed by dissimilar entrance contexts in Portugal, receive differential treatment, have diverse migratory motivations, specific social mobility aspirations and different integration in the labour market (Marques and Góis, 2008:79). The authors, discussing Alejandro Portes typology of modes of incorporation, stress in their research how immigrants with similar education attendance can be targeted with different frameworks that produce relevant discrepancies in their incorporation in the labour market (Marques and Góis, 2008:80). As a result, the authors proposed a typology of highly skilled immigrants with three categories: "highly qualified immigrants legitimated in the labour market", referring to professional immigrants inserted in the first segment of the labour market; "highly qualified immigrants not legitimated in the labour market", highlighting the group of immigrants that are inserted in the secondary segment of the labour market in situations of overqualification; and "internally qualified immigrants", referring to the

immigrants that achieved their degrees in Portuguese universities (Góis and Marques, 2007:120-123).

Considering that since 2007 several changes occurred in the Portuguese legal and institutional frameworks and, as a consequence, more diversity is possible to tackle on highly skilled migration, this typology is further discussed and elaborated in this article, being highlighted also three groups of highly skilled immigrants that allow a better analyse and discussion of the legal developments and policy actions to which this population has been target with:

(1) Highly skilled immigrants at entrance to Portugal: In the first group three situations are underlined: (a) of those highly skilled immigrants that are directly incorporated in the companies and/or multinationals having their qualifications recognised privately in the labour market, not going through an official process of recognition of qualifications (as studied in detail by Peixoto, 1998); (b) highly skilled immigrants that are recruited by Portugal directly in the countries of origin (e.g. health professionals – Masanet, 2012); and (c) of immigrants that enter Portugal with a permit to work in a highly qualified activity by their own initiative.

As will be analysed, the Portuguese legal framework in place since 2007 underlines two situations for the entrance of highly skilled immigrants.² Under the 2012 legal framework the legislator foresees that the labour market can recognise (if the immigrant have at least 5 years of work experience) competences that are considered to be highly skilled, even if the immigrant does not have formally a tertiary education. In other words, there are immigrants that are acknowledged as highly skilled because of their occupational profile and/or position that they occupy in the labour market, which does not necessarily reflect the formal education level that they have. This is often a reported problem in research on highly skilled movements – are highly skilled immigrants only those who have tertiary education with a certified diploma? If policy-makers accept the existence of other highly skilled immigrants that do not necessarily have a tertiary education but are incorporated in the white collar occupations of the Portuguese labour market, a broader conceptualization of this phenomenon should be also considered and discussed.

(2) Immigrants acknowledged as highly skilled after a process of recognition of qualifications or after achieving a tertiary education in the Portuguese education system: The second group integrates those who got a university degree elsewhere and when arrived to Portugal were not integrated in the labour market according to their qualifications, but only after a process of recognition of qualifications were able to do so. This group also incorporates immigrants that completed their tertiary education in Portugal and because of that their qualifications were automatically acknowledged.

(3) **Potential highly skilled immigrants:** Finally in the third group are immigrants that are still not able to use their qualifications in the Portuguese labour market. In other words, immigrants in situation of *overqualification*³ in the Portuguese labour market are reported and characterised in this third group.

Taking in consideration the existence of these three different profiles of highly skilled immigrants in Portugal it is foreseen (as also highlighted by Marques and Góis, 2008) that those immigrants need diverse policy and measures of integration. As such, taking in consideration that the challenges of integration and/or incorporation are mainly linked to whether immigrants' qualifications are being used or not in the labour market, and/or being officially recognised or not, it is possible to identify four ideal types of highly skilled immigrants⁴:

Typology of Ideal types of highly skilled immigrants

Ideal types of highly skilled immigrants		Recognition of qualifications or equivalences in the host society?	
		yes	no
Qualifications/skills being used in the labour market?	yes	++ = A	+ - = B
	no	- + = C	-- = D

These four Ideal types underline different opportunities, difficulties and integration needs faced by the immigrants. In other words, although the legal framework that defines the possibilities of the official recognition process of qualifications is very important because it can inhibit or promote skills acknowledgement; it is furthermore relevant to analyse how the country is effectively using immigrants' skills in the labour market (or, in contrast, human capital is being wasted) and/or which kind of highly skilled immigrants profile the country is attracting.

As illustrated in the table above, the more vulnerable situation is the ideal type of immigrant that although having higher education, his/her qualifications are not being used in the labour market nor have been officially recognised (**ideal type D**). This can affect external recruitment by employers and applications by those potential qualified foreign employees. The *overqualification* situations can have several negative consequences to immigrants: the study on immigrants' work accidents it provided evidences that individuals that work in sectors below their qualification are far more vulnerable to work accidents than those who have work experience in unqualified activities and/or have lower education, as they tend to show less capacity to react to manual activities' risks due to less work experience in unqualified activities (Oliveira and Pires, 2010:139).

Another more vulnerable situation is linked to those immigrants that went through a process of recognition of qualifications or equivalences, and even so, are not in the full use of their skills in the labour market (**Ideal Type C**). Although several explanatory factors can be behind that, those experiences might undermine the integration process, cut professional mobility aspirations, and/or create feelings of unfairness.

Finally, and in contrast, the two better situations of highly skilled immigrants are of those that are using their skills in the labour market (**Ideal Types A and B**), being their qualifications officially recognised or not. As will be analysed, Portugal has, since 2008, been actively recruiting health professionals from Latin American countries. Unlike the other groups of highly skilled migrants described, for which the greatest concern lies in the danger/problem of *overqualification* and *brain waste*, the main concern on recruiting highly skilled workers in the countries of origin is clearly the *brain drain* effect. In respect to these dangers, multilateral and bilateral agreements between countries are possibly one of the best forms to control the entry, permanency and return of workers answering to the needs of the recruiting country and the potential *brain drain* effect to the country of origin (Lowell, 2008:64).

According to Peixoto (2004:7), these different highly skilled immigrant flows have certain aspects in common: they cannot avoid procedures on the recognition of qualifications or on the regulated professions; are dependent on the local dynamics of labour markets, benefiting from specific shortages in the economic sector (as highlighted further on with the example of the demand in the Portuguese health system) or in certain regions (e.g. abandoned regions by Portuguese professionals, peripheral areas), and/or facing more resistance if those shortages do not exist. Finally, these immigrants might represent for Portugal the hosting of a *brain drain*. As a consequence, these major shifts created new challenges in integration policies and in the protection of rights, pressuring for the analyses of the existent legislative pieces and for the discussion about the need of new support services and programmes.

Portuguese as a host context of highly skilled immigrants

Although it is communally accepted that the host country' *opportunity structure*⁵ – considering the social, economic, legal and institutional frameworks – interfere in the incorporation of immigrants in the labour market, it has not been entirely studied its different latent impacts in the several groups of immigrants with a tertiary education. It is important to acknowledge that highly skilled immigrants will only use their qualifications in the labour market if they find the opportunities to do so. In other words, it is essential to study the relation between the highly skilled inflows to Portugal with the actual opportunities and possibilities that those immigrants find to the full use of their skills in the labour market. The vicissitudes of highly skilled immigration in Portugal in the last years equally reflect some of the characteristics of the

economic, political, legal and institutional contexts and its developments. Changes in the economic context, legal framework and in Governmental policies over time, and the moment of immigrants' arrival in Portugal, determines different opportunities and constraints to incorporate the labour market and, as such, to be highly skilled in Portugal.

Highly skilled immigrants in the Portuguese labour market: the economic context

Data published by EUROSTAT (2011: 34-47) on the 'gap of activity rates between foreign-born population and total population' (indicator of employment policy area) highlight a very good score for Portugal (contrasting with the majority of EU countries with zero gap), in which immigrants have much higher activity rates (85%) than the natives (79%) and so, the gap translates a positive score (6) both for men (7) and women (6). This figure mainly illustrates the fact that immigration is still a very recent phenomenon in Portugal and dominated by labour migration (see also OECD 2008:272).

Since the beginning, immigrants' integration in the Portuguese labour market was dual: with part of the immigrant population incorporating the top segments with better salaries - dominated by European Union citizens -; and a second part incorporating in the most precarious, demanding, dangerous, dirty and poorly paid segments - dominated by PALOP immigrants and (since 2000) also by other nationalities, namely Eastern Europeans and Brazilians (Oliveira and Pires, 2010: 107-133).

The economic liberalisation and modernization of Portuguese economy - as a consequence of the Portuguese entrance in the European Union in 1986 - led to an upsurge in immigrant labour recruitment, to the development of certain economic sectors, to new forms of work relations and the flexibility in the labour market (Baganha *et al.* 1999: 150; Peixoto and Figueiredo, 2007:88). As a consequence, Portugal started to attract both qualified professionals and unqualified workers.

During the 1990s the foreign investment and the arrival of several transnational companies were responsible for the appearance of several managers and professionals in Portugal (Peixoto, 1998 and 1999). Furthermore, the modernization of several economic sectors made clear the lack of certain professionals in the Portuguese labour market.

Until 2001, as highlighted in table 1, foreigners had a higher percentage of managers and professionals than the Portuguese, having in 1981 and 1991 around 17% of their employed population in the first two occupational groups (when the Portuguese had only around 9% in those occupational groups). This difference between Portuguese and foreigners changed after 2001, starting to have almost the same rate of managers

and professionals – 15.1% and 15.8%, respectively. In 2011, Portuguese overcome the foreigners' rates with 22.7% compared to 13.1%. Among the different third-country nationals, Brazilians stand out in those two occupational groups until 1990s (with more than 30%), reflecting an important flow of highly skilled professionals (e.g. dentists, marketing professionals, IT experts, journalists) that occur in that period. In the transition for the present century a new inflow of Brazilians with a different profile took place, being mainly incorporated in manual and unqualified occupations, which reinforced a decrease of the importance of the managers and the professionals to 8.6% in 2011.

Table 1. Portuguese and Foreigners distribution by occupational groups, between 1981 and 2011

Occupational Groups		1981		1991		2001		2011	
		N	%	N	%	N	%	N	%
(1) Managers	Portuguese	277,322	7.1	173,908	4,1	317,995	6.8	310,678	7.5
	Total Foreigners	4,577	13.7	4,006	7,2	12,507	6.4	10,209	5.2
	Brazilians	627	21.1	588	9.5	1,29	5.6	1,921	3.0
	PALOP nationals	595	3.6	248	1.3	1,064	1.7	764	1.9
(2) Professionals	Portuguese	50,171	1.3	230,33	5.4	387,786	8.3	633,626	15.2
	Foreigners	1,018	3.0	5,862	10.5	18,487	9.4	15,470	7.9
	Brazilians	80	2.7	1,398	22.5	2,247	9.8	3,514	5.6
	PALOP nationals	43	0.3	394	2.0	1,779	2.9	1,283	3.2
Total Employed population	Portuguese	3,920,616	100	4,226,913	100	4,687,324	100	4,164,610	100
	Foreigners	33,474	100	55,616	100	195,959	100	196,577	100
	Brazilians	2,97	100	6,216	100	22,977	100	63,059	100
	PALOP nationals	16,543	100	19,334	100	62,403	100	40,041	100

Source: Census Data, INE (data not published / authors calculations)

The increase of tertiary education rates, the improvement of life standards and higher social expectations of the Portuguese (after 41 years of a dictatorial regime) made them start to refuse certain unqualified and lower paid activities in the labour market, increasing the demand for an intensive and unqualified foreigner labour force. Accordingly, during the 1980s and 1990s the immigration growth coming from PALOP (although also reflecting the “boom” of the post-colonial process) answered

mainly to the opportunities generated in unqualified segments of the Portuguese labour market – civil construction and the domestic sector.

The characteristics of the different immigrant groups that arrived in the 1980s and 1990s to Portugal also determined the occupational groups in which they were inserted in the labour market. The majority of the PALOP immigrant workers were unqualified and mainly answered to the labour demand of manual activities. As highlighted in table 1, in 1981 only 4% of PALOP workers were integrated as managers or as professionals – in comparison with 25% of the Brazilians (a figure even higher than the observed to the Portuguese– 8%). Ten years later the rate of PALOP nationals in those two occupational groups even decreased to 3% as, again in contrast, the percentage of Brazilians increased to 33% (being the figure of the Portuguese in 1991 only 10%).

In the end of the 1990s, the construction boom linked to several major infrastructural projects (e.g. new subway lines and stations, the 2004 European Football cup that pressured the construction of new stadiums, new railways and highways) and other opportunities of the labour market, diversified immigration flows. Regardless of their real qualifications, those immigrants (mainly from Eastern Europe) integrated the lower occupational groups of the Portuguese labour market (Oliveira and Pires, 2010: 115).

Hence in this last decade, similar to what is observed in other countries (ILO, 2004: 48), third-country nationals in Portugal become more segmented to the less attractive economic activities - unqualified, demanding, dangerous, poorly paid and precarious activities (Oliveira and Pires, 2010). According to the data published in 2009 by the Ministry of Labour in *Quadros de Pessoal*⁶, nearly 60% of the foreign workers registered are in the three bottom **occupational groups** (7/8/9) as only 42.6% of the Portuguese are represented in those same occupational groups. The nationalities overrepresented in those bottom occupations are the Guineans (80.7%), Ukrainians (77.5%) and Cape Verdeans (74.4%).

The higher concentration of the foreign population in the unqualified and manual activities of the Portuguese labour market does not reflect, however, the skills of the workers nor their past professional experience. In fact, it is possible to identify several situations of *overqualification* of foreigner workers in the labour market. In Portugal the share of foreign workers with a tertiary education working in a low or medium skilled job is 39% higher than the share observed in the Portuguese workers - a much higher difference than the observed in the EU-27 average, only reaching 10% (EUROSTAT 2011: 105). This gap indicates that immigrants encounter difficulties in having educational qualifications recognised in Portugal and the segmentation of the labour market impinges immigrants to the more demanding activities, namely those that Portuguese workers do not want to perform. The same report also underlines that the duration of residence has an impact on *overqualification*, concluding that set-

tled immigrants have a lower rate of *overqualification* (50% in Portugal and 36% in the EU-27) than the newly arrived (58% in Portugal and 43% in the EU-27). Hence, in Portugal the immigrants' duration of residence represents a decrease of 8 percentage points in *overqualification* situations, as the EU-27 only shows a decrease impact of 7 percentage points (EUROSTAT 2011: 106).

Nevertheless, data reported by *Quadros de Pessoal* highlights a higher rate of foreign workers with lower **levels of education** – only 7 percentage points of foreign workers have tertiary education compared to 14.9% of the Portuguese workers (see table 2).⁷

Table 2. Dependent workers by nationality, gender and levels of education in 2009

Education levels	Portuguese					Foreigner				
	Total (%)	Men		Women		Total (%)	Men		Women	
		N	%	N	%		N	%		
Primary Education	1.1	17,124	1.2	12,504	1.0	3.9	3,631	4.1	2,441	3.7
Secondary School	62.0	979,527	66.5	708,585	56.7	57.0	51,006	57.3	37,591	56.5
High School	21.6	289,000	19.6	299,917	24.0	19.7	16,570	18.6	14,014	21.1
Post-Secondary	0.4	5,307	0.4	4,946	0.4	0.3	255	0.3	242	0.4
Tertiary Education (sum bachelor, degree, master and PhD)	14.9	181,950	12.0	223,116	18.0	7.0	5,840	7.0	5,481	8.0
Unknown	0.1	828	0.1	645	0.1	11.9	11,663	13.1	6,777	10.2
Total	100	1,473,736	100	1,249,713	100	100	88,965	100	66,546	100

Source: GEP/ MTSS, *Quadros de Pessoal* (data not published / authors calculations)

Another important indicator of immigrant workers discrepancy when compared to Portuguese workers is **income**. According to Cabral and Duarte (2011:113-114) there is a wage gap between immigrants and natives, being immigrants more concentrated on lower wages. Nevertheless, controlling education in 2008' *Quadros de Pessoal* data, the authors found two interesting exceptions: the wage gap between immi-

grants and natives was inexistent in the case of illiterate workers and very high to workers with tertiary education level (mostly from EU15).

The 2009 *Quadros de Pessoal* data show that, in average, foreign workers have a basic monthly salary 14% inferior to the national workers (see table 3). However, if this information is analysed according to occupational groups, foreign managers and professionals, even though representing only 3% of the total employed population in those activities, have in average monthly salaries 27% higher than the natives in those same occupations.

Table 3. Basic monthly salary (€) of Managers and Professionals with a Portuguese or a Foreigner nationality, in 2002 and 2009

Occupational groups		2002			2009		
		Total	Men	Women	Total	Men	Women
(1) Managers	Portuguese (€)	2,209.68	2,396.69	1,719.01	2,049.98	2,229.55	1,653.8
	Foreigners (€)	3,358.31	3,661.69	2,121.37	2,732.36	3,142.38	1,702.69
	income discrepancy between foreigners and Portuguese managers (%)	52.0	52.8	23.4	33.3	40.9	3.0
(2) Professionals	Portuguese (€)	1,519.4	1,676.71	1,324.66	1,640.34	1,826.06	1,461.72
	Foreigners (€)	1,705.39	1,971.77	1,381.78	1,969.21	2,249.51	1,657.43
	income discrepancy between foreigners and Portuguese professionals (%)	12.2	17.6	4.3	20.0	23.2	13.4
Total employed population	Portuguese (€)	687.48	747.42	601	867.54	940.52	773.47
	Foreigners (€)	569.66	590.86	517.64	743.39	809.94	639.6
	income discrepancy between foreigners and Portuguese workers (%)	-17.1	-20.9	-13.9	-14.3	-13.9	-17.3

Source: GEP/MTSS, *Quadros de Pessoal* (data not published / authors calculations)

These figures are biased by gender, as foreign women in the upper occupational group (only receive 3% more income than the Portuguese), but general foreign wo-

men have 17% lower income than the Portuguese (3% less than the observed difference between Portuguese and foreign men).

The income differences in the two higher occupational groups are also biased by the employee nationality, reflecting that the foreign population is not homogenous. Again according to *Quadros de Pessoal* data (see table 4), with the exception of USA citizens, the third-country nationals incorporated in the two higher occupational groups tend to receive less than the Portuguese: 1% to 2% less (Angolans and Brazilians), around 20% less (Indians), around 30% less (Chinese and Cape Verdeans), or even lesser (Guineans and Eastern Europeans). According to this data, the foreigner professionals in the worst situation are the Ukrainians that in 2009 received almost 50% less than the Portuguese professionals. In contrast, the professionals in the best income positions are the USA nationals (receiving 124% more than the Portuguese professionals) and the EU-citizens (receiving between 48% and 89% more).

Table 4. Basic monthly salary achieved by managers and professionals, according to the nationality of the worker in Lisbon region, in 2009

Nationality	Managers (€)	Professionals (€)	Average of salaries for the two professional groups (€)	income discrepancy in the 2 higher occupational groups with Portuguese workers (%)
USA	7770	2461	5115,5	124,3
England	6313	2296	4304,5	88,8
Germany	5280	2879	4079,5	78,9
Belgium	5970	1887	3928,5	72,3
Austria	4786	2517	3651,5	60,1
Spain	4516	2247	3381,5	48,3
Portugal	2707	1854	2280,5	0,0
Brazil	2990	1505	2247,5	-1,4
Angola	2471	2016	2243,5	-1,6
India	1846	1878	1862	-18,4
China	819	2460	1639,5	-28,1
Cape Verde	1814	1290	1552	-31,9
Russia	1181	1776	1478,5	-35,2
Guinea-Bissau	1379	1375	1377	-39,6
Ukraine	1051	1296	1173,5	-48,5

Source: GEP/MTSS, *Quadros de Pessoal* (data not published / authors calculations)

The legal framework for highly skilled immigrants in Portugal

Although the occupational diversity of the foreigners is recognized, in the past decades political attention has been focused on the foreigners insertion in the more precarious and manual activities of the Portuguese labour market (Peixoto 2008: 30). The immigrants' legalization processes from the 1990s to the beginning of the 21st Century, and some inclusion initiatives defined for immigrants until mid of the last decade, have mostly catered to the needs of foreigners integrated in the manual and less qualified occupations of the labour market.

In regards to highly skilled, entrepreneurs and self-employed immigrants, the Portuguese regulatory framework was weak or absent until 2007. Some of the measures that targeted these groups could have substantially improved the situation of some immigrant populations. Particularly, they could have contributed to the reduction of some discrepancy in the access to socio-professional mobility opportunities (Oliveira, 2008). Also until 2007, little attention was given to the mechanisms for recognition of foreign qualifications and, as a consequence, the Portuguese economy did not take advantage of the skills and qualifications of the inflows that arrived in the country, especially in the transition to the 21st Century – the Eastern European case (Peixoto, 2008:31).

Since 2007, aiming to attract highly skilled immigrants and frame the entrance of academic researchers, professors and other professionals coming from third-countries, Portugal introduced several legal and institutional changes. Important revisions were introduced in the immigration act, in the process of qualifications' recognition and the Actions Plans for Immigrant Integration (approved for the first time in 2007) also foresaw important measures targeting skilled immigrants. Several bilateral agreements were also established to reinforce the inflow of highly skilled migrants to answer to the demand of certain economic sectors (e.g. health sector).

The Portuguese Immigration Act

The 2007 legislation aimed to simplified procedures and reduced bureaucratic requirements to all immigrants. The Law replaced nine different forms of residence status with one type of visa, allowing the holder to enter Portugal, reside and work in the country. The legal regime for temporary migration was also regulated, providing for a temporary stay visa for seasonal work, and it was defined for the first time a regime for granting visas to entrepreneurs and highly skilled immigrants.

The mobility of highly skilled immigrants became framed by two different types of titles - *temporary visas* and *residency permits*. The different requirements and specificities for each title are described in table 5. Both legal titles underline that the skills and qualifications of the immigrants are recognised directly by the labour market

and/or by the employer. In other words, this Immigration Act does not require that highly skilled immigrants have an official recognition of qualifications prior to get the visa and enter in the Portuguese labour market. The law foresees that only in case of doubt the Ministry of Science and Higher Education is contacted to provide its official position.

Table 5. Specifications underlined in the 2007 Immigration Act to immigrants that came to Portugal to perform a highly skilled activity

Law 23/2007	Temporary visa for academic research and/or highly skilled activity	Residence permit for academic research and/or highly skilled activity
General description	For third-country nationals that aim to develop a research activity, teach in university or develop a highly skilled activity for less than 1 year.	For third-country nationals that aim to develop a research activity, teach in university or develop a highly skilled activity.
Requirements	Have to be admitted to work in a recognized research centre (by the Ministry of Education), namely through a labour contract, a contract proposal or a research scholarship.	Have to be admitted to work in a recognised research centre (by the Ministry of Education), namely through a labour contract, a contract proposal or a research scholarship.
	It is mandatory a previous and official evaluation from the Ministry of Education concerning the highly skilled activity requirements whenever there are doubts regarding the applicant competences.	Is mandatory a previous and official evaluation from the Ministry of Education concerning the highly skilled activity requirements whenever there are doubts regarding the applicant competences.
	Criminal Record	Criminal Record
	Travel insurance	Travel insurance
	Income requirements	Income requirements (including housing)
		Proof of qualification for the job/activity according to the law that frames the activity.
		Signed up in social security
Time frame	Maximum of 1 year stay. Requests for extensions for research activities or highly qualified work are dependent on a work contract or scientific research allowance [Art.º71]. The extension can go up to 1 year [Art.º72].	Valid for 1 year and renewable for periods of 2 years. After a period of 5 years, holders can apply for a permanent residence permit with no expiration but subjected to renewal every 5 years.

Complementary to these titles, Portugal also incorporated in 2012 the EU Blue Card. Portugal was (until August 2012) among the six countries⁸ that were delayed in transposing the Council Directive 2009/50/EC of 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly skilled employment. In June of 2011, the Commission issued a notice to these countries and established a two month due date for the Member States to respond, the first step of the infringement procedure. In October of 2011, the Commission issued a Press Release⁹ identifying the three countries¹⁰ - which included Portugal - that had not responded to the Commissions' first notice, the second step of the infringement procedure.

In August of 2012 it was published a revised version of the 2007 Immigration Act (Law 29/2012) aiming, among other aspects, to transpose this European Directive. As required in the Directive it was underlined a change on the conditions of entry and residence of third-country nationals for the purposes of highly skilled employment, and establishing the means to process and monitor the European Union Blue Card system (details in table 6). As specified in Article 61^o-A of the 2012 revised version of the 2007 Immigration Act, for an immigrant to acquire a residence visa for the purpose of performing a highly skilled activity s/he has to have a labour contract or a promise of work for at least one year with an income of 1.5 times more than the national annual average salary. It is also underlined that in case "the contract requires a regulated profession with highly skills, those should be validated and/or officially recognised as foreseen in the Law 9/2009 or other specific laws that apply to the recognition of professional qualifications". Furthermore this new version of the law specified the legal framework for EU blue card beneficiaries, underlying that those immigrants have to perform a highly skilled activity in the labour market. The law clarified some situations for third-country nationals that cannot apply/benefit from an EU blue card in which are included the foreigners that have a *residence permit for academic research* and/or *highly qualified activity* (described above).

Table 6. Specifications for the EU blue card underlined in the 2012 revised version of the Immigration Act

2012 revision of the Immigration Act	Residence permit for the EU blue card
General description	For third-country nationals that aim to develop a highly skilled activity in Portugal.
Requirements	Valid residence permit according to the aim of the stay in Portugal and presence in Portuguese territory.
	Labour contract compatible with a highly skilled activity with a minimum duration of 1 year and with an annual salary of at least 1.5 more than the average salary (or 1.2 of the average salary for professional groups 1 and 2).
	In regulated professions a document that certifies the profession has to be presented / In case of non-regulated professions, a document proving highly professional qualifications in the activity or specific sector of the contract has to be presented.
	Criminal Record
	Absent in the Schengen information system
	Absent in the Portuguese border police (SEF) system for non-admission
	Income requirements
	Health insurance or signed up in the national health system
	Signed up for Social Security
Time frame	Minimum 1 year of stay with a contract. The EU blue card is valid for a period of 1 year, being able to be renewed for successive periods of 2 years
Administrative procedure	The request for an EU blue card can be done by a Third Country national or by his/her employer in SEF. The decision has to be notified in no more than 60 days.
Rights / equal treatment to nationals	EU blue card beneficiaries have equal treatment to nationals in the labour market (e.g. work conditions, income, health, training, recognition of diplomas, social security benefits, free circulation in the Portuguese territory)
Long term residence	EU blue card beneficiaries can get a long term status after a period of 5 years of legal residence in the EU with a EU blue card status, with no absences from EU territory for periods of more than 12 consecutive months and in total of no more than 18 months absent.

Cerna (2008:9) alerts, however, for three common problems in the Member States regarding the EU Blue Card system. The first problem is the possibility for each Member State to accept or refuse an application in compliance with their quota system

and/or labour market gaps. Although this allows for better control, it permits the Member State to easily justify acceptance/denial of entry. Besides, if the purpose of the Directive is the harmonisation of the entry and permanency of highly skilled third-country nationals, the quota system rationalization does not really harmonise it. Since 2001 Portugal has a quota system mainly for unqualified workers based on annual opportunities of the labour market. Giving the fact that these policies have been providing symptoms of inefficiency (Peixoto, 2002 and Baganha, 2005), further reflection should be promoted to regulate the inflows of highly skilled immigrants.

Secondly, also according to Cerna, there is no harmonised system for the recognition of degrees and qualifications not only in Europe, but also internally in each country – as the Portuguese case highlighted with the recognition of qualifications dependent exclusively on the universities until 2007 which could provide different decisions to the same applicant.

The third problem identified is the fact that immigration policies are not quite one of the pull factors for this target group, which is more concerned with “language, higher wages and working opportunities” (Cerna 2008:9). Migratory movements are more influenced by cultural and regional affinities and common history, than with immigration policies (Lowell 2008:52). The inflows of highly skilled immigrants from Brazil and Africa to Portugal are an evidence of this argument. Egreja and Oliveira (2008: 3) on their study identified cultural proximity, common language and the existence of special regulation simplifying the bureaucratic process of qualifications recognition (with special and bilateral agreements) to be the main reasons for highly skilled Brazilians to choose Portugal as their migratory destination.

Therefore the question lies on whether the investment of the European Union in this scheme will be enough to effectively reach its objective of attracting highly skilled individuals. Furthermore it should be discussed the impact of the EU Blue Card in each member state, as the attraction capacity is not uniform throughout Europe. In the case of Portugal, will the country truly be attractive to highly skilled immigrants? Or will it continue to mainly host immigrants from countries with whom it has cultural proximity (e.g. Brazil, PALOP), or immigrants that arrive in Portugal to situations of *overqualification*? Or even will Portugal still attract highly skilled immigrants that answer to multinational companies’ settlements?

Moreover it should be analysed the conditions to Portugal become attractive to highly skilled third-country nationals, namely to answer to the demand of certain professional sectors, when presently is under a fragile economic situation and the professionals and young highly skilled are leaving the country because do not find a job.¹¹ According to the National Statistics Institute (INE) in the third trimester of 2011 it increase in 17% the unemployment of individuals with tertiary education, as the number of unemployed with lower education decreased in -3.2%.¹²

In a comparative glance, we can say that the outflow of Portuguese nationals for the purpose of highly skilled work has historically not been very relevant, but that it has been increasing over the years. The increased number of emigrants can reflect several different reasons: entry into the European Union, higher number of highly qualified individuals, low income possibilities especially in comparison with other developed countries. According to Peixoto (2004:16), Portugal may experience in the near future a *brain drain* directed to the economic and scientific system of Europe or elsewhere. This situation of potential *brain drain* for Portugal has been further aggravated by the present economic crisis, being experienced pretty much at the global level, but with particular hardships for Portugal. As reported in a Migration Policy Institute's issue (MPI, 2011), there are rising evidences that highly skilled immigrants and native-born workers from countries more affected by Europe's post-recession debt crisis are leaving in search of better opportunities elsewhere. Furthermore, highly skilled second generation immigrants, many of whom get their diplomas in Europe, are increasingly returning to their countries of origin. Having said that, in a near future several damaging impacts might be expected for the highly skilled workers' attractiveness of Portugal, both for immigrants (including those educated in Portugal) and natives.

Recognition of qualifications

The immigrants' recognition of qualifications is also a part of the labour integration process. Nevertheless, as discussed by Reis (2007: 171) the immigrants' recognition of qualifications might have a complex meaning, not only because immigrants tend to avoid the process of recognition of professional skills, but also because there is a gap between some immigrants' human capital and its use in the labour market of the host society.

Considering that in the past decades Portugal have been mainly attracting and receiving immigration flows that were incorporated in unskilled activities, the legal framework of qualifications recognition was not very developed until few years ago. Until 2007 the system was much more subjective and under the dependency of each university that analysed the applicants case by case. Acknowledging the growth of situations of *overqualification* in the Portuguese labour market the legal framework was structurally revised. The higher education structure suffered some changes with the objective of turning the Portuguese system more comparable to other systems currently used in great number of countries.

In 2007, the new Law-Decree (341/2007) for the recognition of foreigner academic titles (Bachelors, Masters and Doctorate) gave a different answer to the recognition process aiming to make it more transparent, which resulted in the rise of the number of successful applications and attribution of academic recognitions (highlighted in figure 1). Under this new law it was defined a national commission for the recognition

of foreign academic titles that underlined a list of institutions and degrees to which the process would be simplified and/or almost automatic the registry of the recognition of the degree. The new framework also foresees that candidates can apply for the recognition not only in universities but also in the ministry of education (Direção-Geral do Ensino Superior) being equal fees paid in all institutions. Becoming the process much more uniformed this way it is interesting to identify that in 2012 almost 94% of the recognitions registrations (983) were made in the ministry of education, decreasing substantially the number of candidates that applied in universities since 2008.

The Portuguese legal framework also underlined the recognition of professional qualifications for regulated professions. Law 9 of March 4th, 2009¹³ transposed two EU Directives, one regarding the recognition of professional qualifications and the other related to free circulation of people after the integration of Bulgaria and Romania. This diploma outlines the requisites in the process of recognition of professional qualifications, namely in what is necessary to include in the written statement that must be submitted in the entry to the national territory. The recognition of qualifications gives access to equal treatment to those practicing the profession in national territory. This Law is only directed at European Union nationals that have obtained their professional qualifications in another Member state, or, for EU nationals that obtained their professional qualifications in a non EU country but had their qualifications already recognised in an EU Member state in accordance with the conditions there required. To those third country nationals that obtained their qualifications in a non EU Member state, the requirements previously described about the academic recognition of diplomas apply.

Acknowledging that the lack of information about the recognition of qualifications was considered to be, among others, a fundamental problem faced by immigrants that did not felt the process transparent enough; in the past decade several support services targeting highly skilled immigrants and holders of foreign degrees have been promoted both by State institutions and civil society organisations.

The High Commissioner for Immigration and Intercultural Dialogue (ACIDI) created in 2003 a *support office for academic and skills recognition* as part of the Lisbon's National Immigrant Support Centre.¹⁴ Because the process of recognition of qualifications was seen as a big handicap for integration and there was a dispersion of the responsible services with different opening hours; this Office was organised to give an integrated answer to immigrants, in collaboration with the competent entities. Between April of 2003 and January of 2005, 787 individual processes were opened. Most cases originated from PALOP (96) and countries from the former USSR (88). The main obstacles identified were: gathering all required documentation for the application process in the country of origin; the translation and authentication of the translation; registering in Professional Associations; access to the descriptive programme

of courses (one of the requirements), as well as in the length of the thesis that then had to be translated. After 2005 this Office was suspended for re-evaluation, since the complexity of the process of recognition did not allowed the service to properly give an integrated answer to the difficulties presented by the immigrants. Since it reopened, in 2009, the office increases the number of cases that receive from year to year.¹⁵

The Jesuit Refugee Service also created a *Qualified Immigrants Support Office* that received in 2011 about 248 requests of support out of which 36% were successful in seeing their academic title recognised, while 12% were still waiting on a decision, making for 52% of applicants refused. The failure in attaining the recognition is mostly linked to long waiting periods, lack of required documentation, financial difficulties and others. Most of the applicants involved in this process were from the Health sector. Among the successful candidates, after the recognition of their qualifications, 39% were working in a related field, 22% in the specific field, while 28% were still actively looking for integration in the labour market.

Bilateral agreements

Several Bilateral Agreements aim to facilitate the insertion of nationals of the given countries into the labour market, school system or training opportunities. Portugal have been celebrating Bilateral Cooperation Agreements with a great variety of countries, such as with Countries with Portuguese as Official Language (Angola, Brazil, Cape Verde, Guinea-Bissau, East Timor, Mozambique and São Tomé and Príncipe), Angolia, Jordan, Libya Philippines, Tunisia, etc., mostly relating to the exchange of students, teachers, trainers, research and experts.

Portugal also established with African Portuguese Speaking Countries and Brazil several Agreements of friendship and cooperation, based on a common history and cultural proximity. Among other aspects and in reciprocity, those agreements underline the circulation of students and professionals and establish mechanisms to regulate and simplify the movement of these individuals. There are Agreements that presuppose the automatic recognition of training and qualifications. It was this particular relationship between Portugal and Brazil, for example, that allowed for a large number of Brazilian professionals to integrate the Portuguese labour market in the 1980s, according to the Friendship Agreement initially established in 1966 and updated in 2000.

The Administrative Agreements are often more specific, celebrated between two administrative bodies from each of the countries, aiming at fulfilling an activity area with benefits for both sides. Examples of this are the Health sector agreements formulated since 2008 to promote the circulation of health care professionals. Those agreements originated from the demand of the Portuguese health service and the

supply of medical doctors and other health professionals from some Latin America countries, foreseeing a limited number of health professionals that can be contracted aiming to limit the negative impact that they might have to the health system of the origin countries (Masanet, 2010: 259). Those special agreements were celebrated with Uruguay, Cuba, Colombia and Costa Rica, respecting the guiding principles of *WHO's Global Code of Practice on the International Recruitment of Health Personnel*, and were defined in different ways: either as memorandums of understanding between ministries of health underling health cooperation in the interest of both countries (the case of the memorandum between Portugal and Uruguay); agreements between health services and local authorities (the case of Cuba with the Vila Real de Santo António' city hall – in Algarve); or bilateral agreements for the recruitment of health professionals to Portugal (the case of Colombia, Costa Rica and Cuba). The selection procedure for the doctors who applied to come to Portugal included a personal interview, a course and test of Portuguese, an evaluation of medical expertise and the recognition process of the medical diploma.

The *National Health Plan* for 2011-2016 underlines the need of health professionals, being that need answered namely by special cooperation agreements established between the health ministries of Portugal and other countries (with recruitment framed by WHO code). Related to the Community of Countries with Portuguese as the Official Language (CPLP) the Plan also underlines the responsibility of Portugal to host health professionals or health interns for technical or professional training to complement their studies.

In sum, it is important to stress that the Portuguese legal framework described above can have distorted impacts in several highly skilled immigrants. In other words, it should be acknowledged that the efficiency of these special agreements, special visas and the recognitions of qualifications can be contingent with the lack of opportunities of the labour market and limited, to a certain extent, by Professional Associations that can inhibit professionals to use their qualifications in the Portuguese labour market or limit their access to certain professional fields. In Portugal several Professional Associations have contested the adequacy of the qualifications of certain professionals, often forcing them to long waiting periods for registry, which is a serious problem to those who need to work in regulated professions.

The immigrant professionals that were mobilised to integrate the health sector highlight very well this tension and the power that the Professional Association can have. Although the Portuguese ministry of health was engaged in defining special agreements with third countries to mobilise professionals aiming to resolve the national problem of demand of health professionals, the Medical Doctors Association had its role in defining limits of these agreements. The association had to be involved in the process of validation of these professionals and agreed on the integration of these professionals as long as they would be inserted in primary health care (mainly

to answer to the lack of family doctors and doctors of general practice to emergency services) and not in medical specialties. Still the Medical Doctors Association made an official statement in its website¹⁶ explicitly targeting Cuban doctors, questioning the need for their recruitment and the salaries being paid in detriment to the recruitment and salaries potentially paid to national doctors/medical students. Considering the present economic situation, the negative tone of the communication implied the State preference for foreigners over nationals.

Several Brazilians, beneficiaries of the Friendship Agreement that foresaw the automatic recognition of certain qualifications, were also inhibited of performing in certain regulated professions throughout the years. As such highly skilled immigrants might face more difficulties of insertion in sectors where professional regulations and/or the procedures related to the recognition of qualifications are complex (Peixoto, 2004: 7).

Integration measures targeting highly skilled migrants

Complementary to the legal framework described, the process of integration can be facilitated through national policies and programmes that target immigrants' needs and vulnerabilities. The two National Plans for Immigrant Integration and specific programmes have been also targeting highly skilled immigrants, particularly since 2007.

The first *National Action Plan for Immigrant Integration (2007-2009)*¹⁷, involved the commitment of 13 different Ministries and defined 122 measures, out of which two measures were directly linked to highly skilled immigrants: the creation of a Support Office for the recognition of foreign qualifications and a more adequate legal framework for the recognition of academic titles. Still acknowledging that some vulnerabilities and problems continued existing related to this group, under the second plan (2010-2013), with 90 measures in collaboration with nine Ministries, two measures were directly linked to highly skilled immigrants: measure 17 "*Simplifying the qualifications recognition process*"; and measure 19 "*Creating an information system on highly-qualified immigrants*". Although the process of recognition of qualifications had a significant improvement with the 2007 Law review, these measures reflect that more has to be done. As it has been reported by civil society organizations and immigrant leaders further simplification is necessary in order to appropriately integrate qualified immigrants in the labour market. Measure 19, for example, on the creation of a database on highly skilled immigrants is particularly important giving the fact that – as reported before – immigrants face higher *over-qualification* rates in the Portuguese labour market than the Portuguese workers. Hence, the Portuguese government gives signs of wanting to identify the qualifications and/or areas of skills available and underused in the labour market.

Complementary to these policy measures, in the past years, several special programmes and services have been created in Portugal to combat the situations of *overqualification* of immigrants, especially targeting health professionals. Most of these programmes were promoted in a pilot-phase by civil society organisations, but got the support and the sponsorship of public administration later on. One of the most significant experiences for the recognition of foreign qualifications in Portugal was the *Project of the Support to the Professionalization of Immigrant Doctors*. The pilot project was originally implemented by the Calouste Gulbenkian Foundation and the Jesuit Refugee Service with the main goal of promoting the recognition of qualifications of foreign doctors for them to be able to exercise their profession in Portugal. The project was developed from June 2002 to December 2005 and had a success rate of nearly 89% (106 fully integrated doctors out of the initial 120 applicants). The main challenges in the implementation of this project were the problems of articulation with Medical Schools and the Portuguese Medical Association and difficulties related to professional placement, mainly related to the type of documentation required and the extensive waiting periods.

Subsequently, a new project mirroring this one but directed at nurses was promoted from 2005 to the end of 2007. This project found improvements, namely in the consolidation of partnerships, better Portuguese language courses modalities and better labour market integration. Out of 350 applications 59 candidates met all required criteria (43 women and 16 men). A variety of activities were identified, aiming to go beyond the professional integration of these professionals but towards a wider perspective of integration. In order to consolidate the economic incorporation of this group, 30 health institutions were contacted and only 5 of those showed receptiveness to the integration of immigrant nurses in their facilities. Out of all the selected candidates, 45 passed the exam and obtained equivalence of the Nursing Bachelors (38 women and 7 men), resulting in a final success rate of 76%.

Again in 2008, taking into consideration the immigrants' qualifications already available in Portugal and the national needs of the health sector, the doctor's support project was picked up and sponsored by the Ministry of Health. It was put into practice with the collaboration of the two entities involved in the previous editions, the Calouste Gulbenkian Foundation and the Jesuit Refugee Service, and Portuguese Medical schools, the Ministry of Foreign Affairs and the Ministry of Internal Affairs. Under Law 925/2008 and Notice 25409-A/2008, a new edition was launched for the integration of foreign doctors into the National Health Service. The project had the duration of 35 weeks and implied the reception of all application documents, the attendance of Portuguese language training sessions and exam, equivalence of medical diploma, professional internship, theoretical medical exam and, finally, the registry in the Portuguese Medical Association. 139 out of the 183 applications submitted met all the necessary requirements (76%),

and after the interview process and the Portuguese language tests, 83 candidates were admitted in the project (around 49%). The success rate of this project was 37%, with 67 of the applicants completing all phases of the project and successfully getting their qualifications recognised and registering in the Portuguese Medical Association.

Although targeting a limited group of professionals, this project has been considered a good practice regarding the professional integration of highly skilled immigrants, highlighting effective partnerships and cooperation that can be established between different institutions, although it has not been replicated (so far) to other professionals.

Highly skilled immigrants in Portugal: three different realities

The Portuguese opportunity structure described above have different impacts according to the group of highly skilled immigrants in Portugal: (1) highly skilled immigrants at entrance; (2) immigrants acknowledge as highly skilled after a process of recognition of qualifications or after studying in Portugal; and (3) potential highly skilled immigrants.

The National Action Plans for Immigrant Integration, the special programmes for the integration of foreign doctors and nurses, and the support offices to highly skilled immigrants are examples of policies developed in Portugal targeting mainly the vulnerabilities of the potential highly skilled immigrants (group 3). In other words, these measures mainly aim to combat the *brain waste* that became more evident in Portugal in the transition to the 21st century with the arrival of Eastern Europeans. On the other hand, the 2007 immigration act (with revisions from 2012) mainly answers to the needs of highly skilled immigrants at entrance to Portugal (group 1).

Although, as reported by Peixoto (2004: 2), there are several methodological difficulties to generally evaluate the phenomenon because detailed annual statistics on occupation and education are scarce in Portugal, it is important to understand the characteristics and vulnerabilities of each profile of highly skilled immigrant in Portugal and, consequently, identify the situations that have a lack of policy answers.

Highly skilled immigrants at entrance to Portugal

As described before, in 2007 Portugal defined for the first time in its Immigration Act special channels for the entrance of highly skilled immigrants. Accordingly, since 2007 it is possible to highlight the number of highly skilled immigrants that entered Portugal to perform an economic activity that requires technical ex-

expertise or a tertiary education (being that expertise or qualification recognised officially or not). As highlighted in table 7, the number of visas issued increased since the law was approved. In 2009, the peak of the past five years, 869 foreign citizens arrived in Portugal to perform a highly skilled activity, representing 3.2% (404 persons) of the total residence visas holders and 15% (465 persons) of the total temporary visas holders. In the past years, three third-country nationalities appeared overrepresented in this inflow – Brazil, China and India.

Table 7. Visas issued for highly skilled foreigners, according to the main nationalities, from 2007 to 2011

Year and nationality		Residence Visas			Temporary visas		
		Total	Highly skilled	Rate	Total	Highly skilled	Rate
2007	Total	6,432	53	0.8	692	17	2.5
	Brazil	1,429	15	1.1	35	2	5.7
	China	390	10	2.6	6	4	66.7
	India	66	11	16.7	12	2	16.8
2008	Total	14,732	292	2.0	2,954	444	15.0
	Brazil	3,143	102	3.3	295	126	42.7
	China	1,269	39	3.1	58	11	19.0
	India	317	21	6.6	76	11	14.5
2009	Total	12,741	404	3.2	3,114	465	14.9
	Brazil	2,560	143	5.6	363	134	37.0
	China	1,257	31	2.5	39	11	28.2
	India	478	62	13.0	91	30	33.0
2010	Total	11,888	447	3.8	2,843	236	8.3
	Brazil	3,254	143	4.4	189	69	36.5
	China	971	29	3.0	144	2	1.4
	India	276	58	21.0	113	38	33.6
2011	Total	11,604	387	3.3	2,525	240	9.5
	Brazil	3,846	104	2.7	144	60	41.7
	Colombia	166	109	65.7	24	3	12.5
	China	454	24	5.3	118	4	3.4
	India	369	44	11.9	116	27	23.3

Source: Ministry of External Affairs of Portugal

In the year 2011 the number of Colombians stands out, representing 28.2% of the total residence visas issued to highly skilled immigrants. More outstanding is the fact that out of the overall number of Colombians that arrived that year to Portugal with a residence visa, 65.7% were to be inserted in the Portuguese labour market in a highly skilled activity. This inflow is explained by a special agreement established between Portugal and Columbia to answer to an urgent demand of medical doctors. As reported before, the demand for health professionals justified in the past years the definition of special agreements aiming to recruit third-country nationals with the right skills. In 2008 the Ministry of Health reported almost 3 thousand foreign health professionals working in the Portuguese health system (among those there were 1,389 EU professionals, 743 PALOP professionals, 405 Brazilian professionals and 120 from Ukraine), reflecting a decrease of 13% in comparison with the number of the total foreign health professionals incorporated in 2001, but an increase of 36% in the number of third-country nationals' health professionals (ACSS, 2010).¹⁸ On the other hand, being Portugal under a period of public budget contention, the foreign health professionals are proving to be an important answer to overcome the lack of doctors and nurses, receiving lower salaries and getting contracts for a limited time for urgent needs of the health system (Baganha and Ribeiro, 2007: 62-63).

An increase of variety of health professionals should be also seen as an added-value for the health service providers keeping in mind that the users of the health system also diversified in the past decades with the increase of immigration flows to Portugal. However, an effective mobilization of external recruitment of foreign professionals is dependent on the efficiency of the process of recognition of qualifications, and in the linguistic and cultural competences of those professionals, underlined not only in the interaction between them and their patients, but also with other health professionals (Baganha and Ribeiro, 2007: 75).

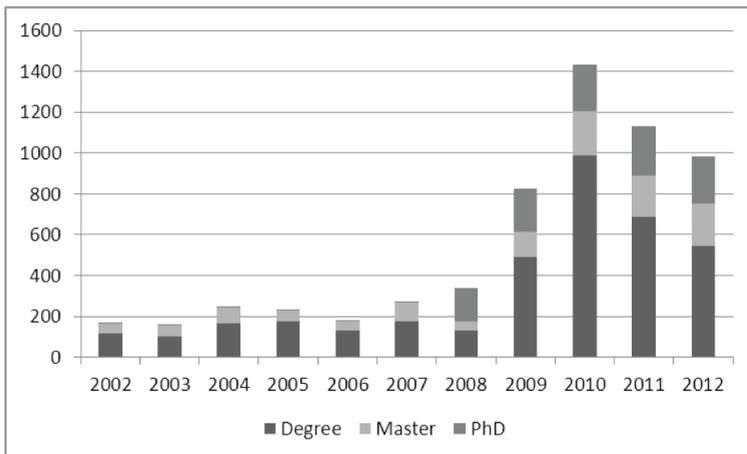
Another reality of this first group of highly skilled immigrants is of those foreign professionals that arrive directly under the staff of multinational companies or international institutions. As further studied by Peixoto (1998), these professionals do not see themselves as immigrants or consider Portugal as a final destination, but mainly are installed in the country to develop their professional career under the company that they belong to. Arriving already employed according to their qualifications, these highly skilled immigrants usually do not report or are confronted with the difficulties of the other groups (e.g. difficulties in the recognition of qualifications, situation of *overqualification*, problems with professional associations in regulated occupations, lower salaries).

Immigrants acknowledged as highly skilled after the recognition of qualifications or after studying in Portugal

The second group comprises immigrants that did not arrived in Portugal formally as highly skilled individuals but rather, after a process of recognition of qualifications or after getting a tertiary education level in the host society, became acknowledged as being so.

Skilled immigrants in Portugal without recognition of their qualifications represent an important human capital that is not being used in the labour market. In the past years there has been a significant increase in the number of recognitions of qualifications of holders of tertiary education level (see Figure 1). This positive evolution, among other factors, reflects the change in the law of qualifications recognition and several integration measures and services that were created in the past years targeting immigrants that were in situations of *overqualification* in the Portuguese labour market. The vulnerable economic situation of Portugal, since 2008, that affected the demand in the sectors (construction, hotels and restaurants), where immigrants were mainly inserted in unqualified occupations, might also explain the increase of interest of candidates for the recognition of qualifications aiming to access to other occupations.

Figure 1. Recognitions of qualifications of holders of tertiary education level, from 2002 to 2012



Source: Direção Geral do Ensino Superior – MCTES

Note: From 2008 to 2012, the figures report recognitions preceded in Universities and recognition registries of the Ministry of Education (Direção Geral do Ensino Superior) as foreseen in the Law-Decree 341/2007

In the past years, among the third-country nationals, Brazilians have been the first nationality obtaining the recognition of qualifications, representing in 2005 and 2007 around 27% of the total number of recognitions conceded. This reality also reflects a bilateral agreement between Portugal and Brazil for the automatic recognition of academic titles and qualifications, since 1966. Eastern Europeans – especially Ukrainians and Russians – also increased the number of diplomas recognitions in the past years (the Ukrainians represented, for example, in 2010 about 27% of the recognitions of degrees issued). This last case reflects not only the increase of these citizens in Portugal in the past ten years, but also the fact that some of them have been targeted by measures developed aiming to combat *overqualification* situations faced in the Portuguese labour market.

Another reality that should also be included in this second category of highly skilled immigrants is of the foreign students of tertiary education in Portugal. In the school year 2008/2009 nearly 3 thousand foreigners ended a tertiary education level in Portuguese universities. The immigrant border control police (SEF) have been also reporting an increase in the number of resident permits issued to students of tertiary education level: 2,622 permits in 2008 to 10,275 permits issued in 2012.

As discuss by Peixoto (2004: 15) and Góis and Marques (2007: 98), in some cases, these students inflow can indirectly promote *brain drain* to the countries of origin, as several of these immigrants are coming in fact from countries with whom Portugal established education cooperation agreements (e.g. African Portuguese speaking countries). These agreements underline the requirement that these students should return to their home countries at the end of their university studies, nevertheless most of them do not return. Acknowledging this, under the second National Action Plan for Immigrant Integration it was foreseen a measure to promote a better coordination between Portugal and the countries of origin concerning the attribution of scholarships to students of tertiary education in the areas where there is a lack of professionals in the sending countries to counteract the effect of *brain drain*. Furthermore the 2007 Immigration Act also underlined in Article 122^o that immigrants that entered Portugal to study can convert their title to be able to work after concluding their studies, as long as they did not come to study through cooperation agreements. In other words, the Immigration Act also underlines impediments for those students to try to avoid those situations of *brain waste* to the countries of origin with whom Portugal cooperates in the education area. Nevertheless, on the other side, this legal article foresees the use of immigrants' qualifications acquired in Portuguese universities in the national labour market, acknowledging the *brain gain* that these immigrants might represent to Portugal.

Other nationalities have also enrolled in higher education, namely in PhDs or post-Doc programmes, with the direct purpose of working in Portugal, being most of them incorporated in university research centres (e.g. Chinese and other Asians).

In 2009, about 1,523 foreign doctorate graduates were working in Portuguese universities without having their qualifications formally recognised yet (GPEARI, 2009: 19), although their employers – the universities – contract them on the basis of their tertiary education level.

Potential highly skilled immigrants

The third category of highly skilled immigrants relates to all the immigrants that have a tertiary education which is not being used in the Portuguese labour market. To measure the situations of *brain waste* in the Portuguese labour market we analysed how the working population with tertiary education matches professional positions (see table 8). In 2009, according to data coming from *Quadros de Pessoal*, only 42% of the third-country nationals with higher education were working in a 'higher' occupation (groups 1 and 2). In contrast, around 57% Portuguese and 70% EU employees with tertiary education were incorporated in those occupations.

Table 8. Foreigners and Portuguese with tertiary education by occupational groups in 2009

Employees with tertiary education according to occupational groups	Portuguese (A)		Third-country nationals (B)		EU nationals (exclude Portuguese) (C)		B - A	B - C
	N	%	N	%	N	%		
(1) Managers	85,041	18.9	1,243	15.4	1,365	29.1	-3.5	-13.7
(2) Professionals	170,578	37.9	2,125	26.4	1,898	40.5	-11.5	-14.2
(3) Technicians and associate professionals	104,438	23.2	1,133	14.1	783	16.7	-9.1	-2.7
(4) Clerical support workers	63,627	14.1	993	12.3	405	8.6	-1.8	3.7
(5) Service and sales workers	18,058	4.0	997	12.4	131	2.8	8.4	9.6
(6) Skilled agricultural, forestry and fishery workers	1,012	0.2	89	1.1	27	0.6	0.9	0.5
(7) Craft and related trades workers	3,163	0.7	559	6.9	20	0.4	6.2	6.5
(8) Plant and machine operators, and assemblers	1,675	0.4	326	4.0	29	0.6	3.7	3.4
(9) Elementary occupations	2,616	0.6	598	7.4	27	0.6	6.8	6.8

Source: GEP/MTSS, Quadros de Pessoal (data not published / authors calculations)

Furthermore, there are less third-country nationals with tertiary education in the two higher occupational groups (1 and 2) when compared with Portuguese (-15%) or with EU nationals (-28%). On the other hand, there are more third-country nationals with tertiary education in the three lower occupational groups (7/8/9) than Portuguese with the same qualifications (+17%) or other EU nationalities (+17%).

These situations of *overqualification* and/or of highly skilled immigrants inserted in precarious and manual activities of the Portuguese labour market can underline situations of frustration, lack of work experience in the activities that they are performing, or even unwariness of security rules in the development of certain activities. As highlighted by Oliveira and Pires (2010), the immigrants that have higher rates of *overqualification* in the Portuguese labour market are exactly the ones with higher rates of fatal work accidents – the case of Ukrainians - that contrast with the Cape Verdeans that have the lowest rates of work accidents, have lower levels of education and higher work experience in unqualified and manual activities (Oliveira and Pires, 2010: 139).

Conclusions

This article emphasized a typology of three groups of highly skilled immigrants in Portugal to better characterise the phenomenon: (1) highly skilled immigrants at entrance; (2) immigrants acknowledged as highly skilled after a process of recognition of qualifications or after achieving a tertiary education in Portugal; and (3) potential highly skilled immigrants. The characterization of the Portuguese *opportunity structure* allows identifying the difficulties and prospects that these immigrants have been facing in the country to the full use of their qualifications in the labour market.

In the past years several policies and programmes have been developed: a new legal framework on the recognition of academic titles, together with special programmes (governmental and civil society initiatives) aimed to contribute to the prevention of the *overqualification* of immigrants in Portugal, as well as *brain waste*. In the past years it increased the number of successful applications and attributions of qualification recognitions and the number of programmes that aimed to guarantee the immigrants insertion according to their qualifications (mostly in the health sector). On the other hand, the 2007 Immigration Act created special gates for highly skilled immigrants, aiming to promote *brain gains* for Portugal.

The table below summarizes the policy developments of the past years targeting highly skilled immigrants. The analyse is organized according to the three groups of highly skilled immigrants identified and characterized in this article, aiming to highlight that the policies developed in the past years target differently those different profiles of highly skilled immigrants. The table below allows to underline policy and services gaps to these groups.

Policies and measures	Typology of highly skilled immigrants		
	(1) <i>Highly skilled immigrants at entrance</i>	(2) <i>Immigrants acknowledged as highly skilled immigrants</i>	(3) <i>Potential highly skilled immigrants</i>
Immigration act	special visas since 2007, reinforced with the blue card directive		
Recognition policies		changes since 2007 aimed to make the process of recognition of qualifications more transparent	
Bilateral agreements	Administrative agreements with Latin American countries for the recruitment of health professionals	Agreements for exchange of students and researches, namely with several countries with Portuguese as official language / special case of Brazil with the friendship agreement	
Action plans	Health plan (2011-2016) underlines the need of health professionals and of special agreements to overcome that problem	Integration plan with measures since 2007 on the simplification of recognition of qualifications system	Integration plan foresees the creation of an information system of highly skilled immigrants in Portugal (until 2012) to combat the <i>overqualification</i> problem
Support Services		Several support offices for the recognition of qualifications from public and civil society organisations / Special programmes to support the professionalization of immigrant doctors and nurses and/or the recognition and equivalences of their qualifications	Special programme for doctors and nurses to match the needs of the health sector in Portugal with the immigrants in <i>overqualification</i> already in the country

(1) The first group – highly skilled at entrance in Portugal -, because tend to be understood as less vulnerable in the Portuguese labour market have not been targeted by any specific integration measure or service. Because these immigrants already

enter in Portugal to use their qualifications (being officially recognised or not), the policies that targets them are the ones that regulates their entrance in the country (visa issuing and bilateral agreements to answer to specific professional needs).

EU Blue Card can contribute to making the European Union an attractive destination for highly qualified individuals. Cerna (2008:5) discusses that the Card aims, not only to protect the third-country highly qualified workers from being exploited – the danger of *overqualification* –, but also to simultaneously protect the nationals (and all EU citizens) from a cheap labour market glitch. As consequence, it is expected that the transposition of this Directive to national legislation (in place in Portugal since August 2012) might reinforce the policies for the insertion and integration of this immigrant population.

Still the discussion for a near future should also be if this policy will be attractive enough when Portugal is facing an increase of Portuguese emigration with tertiary education, reflecting the lack of opportunities of the labour market. Furthermore, it is important not to forget that in the past decade Portuguese overcome the foreign rates in the two first occupational groups (professionals and managers). The increase of tertiary education rates, the improvement of life standards and higher social expectations of the Portuguese, made them avoid certain unqualified and lower paid activities in the labour market, which can increase, on one side, the demand for an intensive and unqualified foreigner labour force, and on the other, decrease the demand for highly skilled immigrants. Hence, further research should be done on the effects of the economic situation of Portugal in net migration of highly skilled flows. In the beginning of this century Peixoto concluded (after analyzing data from the 1990s) that the panorama in Portugal on highly skilled migration reflected a net migration gain: outflows seemed relatively more temporary and less company-related than inflows (Peixoto, 2004: 15). This past decade – particularly after the beginning of the economic crisis – there has been a shift with a new outflow of Portuguese professionals, being Portugal particularly fragile in its competitive capacity to attract worldwide talents, retain the best national talents and/or to assure the return of the highly skilled Portuguese.

In addition, similarly to other countries, in Portugal it is observed a gap between the wages of natives and immigrants occupying the same occupational groups. Third-country nationals incorporated in the two higher occupational groups tend to receive less than the Portuguese professionals (between 1% and 50% less than the Portuguese professionals) as, in contrast, North Americans and the EU-citizens tend to receive much more (between 48 and 124% more) than natives. Immigrants with tertiary education confirm these wages gaps. These evidences suggest that highly skilled immigrants have different revenues in the Portuguese labour market according to their nationality.

(2) Highly skilled immigrants from the second group are the ones that are targeted with more policies, measures and programmes. Reflecting the problems and difficulties of the process, the legal framework for the recognition of qualifications has been changing and the support services (public and private) for immigrants have been increasing. Being the investment made mainly in the pursue of the recognition of qualifications of these immigrants, more should be done to answer to the specific needs of immigrants that already went through a process of recognition of qualifications and still are not incorporated in the labour market according to their skills. Although several factors can contribute to this (e.g. unemployment, economic situation of the country, social exclusion, social ties linked to specific ethnic niches), it is important to acknowledge that those experiences, cutting professional mobility aspirations, might also undermine the integration process in the host society.

Another reported difficulty relates to the resistance of certain Professional Associations for incorporate foreign professionals. Even when the overall picture of the country shows particular necessities in certain fields (e.g. the medical field), certain Professional Associations have contested the adequacy of the qualifications of these professionals, often forcing them to long waiting periods for registry. This is particularly problematic for regulated professionals undermining sometimes the efficiency of qualification recognition mechanisms.

Special agreements that integrate holistically the needs of the country with the needs of the highly skilled immigrants should be further explored as a solution - as highlighted with the agreements promoted to answer to the needs of the Portuguese health service. In these examples the cooperation between different institutions (health ministries of the sending and the host country, professional associations, qualification recognition institution, language training institution, employer entity, etc) aimed to provide an equilibrated answer to countries in a *brain exchange*, the national entities and the individuals. Thus social dialogue and partnership in this respect should be further promoted and labour market information and analysis systems should be improved.

(3) Finally, the third group of potential skilled immigrants has been mainly targeted by integration and support services, which make clear the need for further investment in policies that balance the attraction of new skilled immigrants (from the first group) with the potential of skilled immigrants that are already in the country (third group). The special programmes initiated by private and civil society organizations targeting foreign doctors and nurses that were already in Portugal, in overqualification situations, mainly highlighted the potential of such policies that can resolve two problems at the same time - the problem of the lack of certain professionals and the problem of overqualification experienced by several immigrants in the Portuguese labour market. The problem of overqualification linked to potential highly skilled im-

migrants in Portugal still seems to be the most difficult to overcome and, as a consequence, needing more public policy investment and monitorization.

In sum, in the past decade policymakers and relevant stakeholders balanced the emphasis between policies of attraction – mainly taking into account the *brain gain* to Portugal, but not monitoring if immigrants are creating situations of *brain drain* to their country of origin (with the exception of the special agreements) – and policies of retention of highly skilled immigrants (special programs to integrate immigrants that are in Portugal working often beneath their qualifications profile) – mainly reflecting the concerns of *brain waste* in the country. In addition, attention should be given to the different needs of each group of highly skilled immigrants analysed in this article and, according to its specificities, discuss the measures and programmes that should be further defined.

Notes

¹ ACIDI was the Portuguese partner of this project (HOME/2010/EIFX/CA/1832), co-funded by the European Integration Fund. Details about the project at <https://sites.google.com/site/integrationqualification/>

² Article 3 of the 2007 Immigration Act defines that a *highly qualified activity* is an activity that “requires specialised technical competences or exceptional competences to which a specific suitable qualification is needed, namely of a higher education level” and a *third-country national researcher* is defined as someone that holds “a suitable qualification of a higher education level and that is admitted by a research centre to do a research project that requires his/her qualification.” On August 2012 it was also published a revised version of this law, introducing changes in some articles of the 2007 law. Among those it was underlined in this same Article 3, a third relevant definition: a *highly-skilled professional qualification* is defined as “the qualifications proven by a higher education diploma or by a minimum of five years of work experience in a comparable higher education profession [...]”

³ *Overqualification* occurs whenever a person has a level of skill or education higher than is required for the job that is inserted into.

⁴ Developed in Oliveira and Fonseca (2012: 41).

⁵ Considering the concept of “opportunity structure” developed by Waldinger *et al.* (1985: 589) with further adaptations of Oliveira (2005: 43).

⁶ This information is collected from the companies’ staff inquiries reported every year to the Ministry of Labour. Even though it is an annual source in permanent actualisation, putting available a significant number of variables related to enterprises and their workers, it has several limitations. Among those, it should be mentioned that this source does not collect information about all economic activities (it excludes the central, regional and local public administration, public institutes and the domestic work) and temporary and undeclared workers are not reported by employers.

⁷ Although foreigners have higher rate of workers with unknown qualifications (11.9%).

⁸ Germany, Italy, Malta, Poland, Portugal and Sweden

⁹ European Commission Press Release: <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/11/1247&type=HTML>

¹⁰ Italy, Malta and Portugal

¹¹ According to the recent International Labour Office (ILO) report on *Global Employment Trends for Youth 2012*, the rate of global youth unemployment has been rising since 2007 (and in 2012 it reached 12.7%). However, if the rate is adjusted to the youth drop-out from the labour market because of the economic crisis and not being able to find a job, then the number rises from 12.7 to 13.6%. This situation impacts the highly qualified sector in various ways; firstly it divides the youth population into two groups when faced with the lack of work opportunities: one that invests in further education and another that in the opposite direction gives up completely on education (ILO 2012: 3-5).

¹² Destaque INE, 16 November 2011.

¹³ Full diploma is available in <http://dre.pt/pdf1s/2009/03/04400/0146601530.pdf>

¹⁴ Those centres (the One-Stop-Shops) provide under the same roof 6 different ministries services and 8 support offices targeting differences spheres to better answer to immigrant integration needs (for further see Oliveira *et al* 2009 or visit the website www.oss.inti.acidi.gov.pt).

¹⁵ In 2009 the office had 540 cases, in 2010 about 776 cases, in 2011 about 842 cases and in 2012 almost one thousand (998 cases).

¹⁶ further at <https://www.ordemdosmedicos.pt/?loq=conteudo&op=ed3d2c21991e3bef5e069713af9fa6ca&id=96671501524948bc3937b4b30d0e57b9>

¹⁷ National Plan for Immigrant Integration (2007-2009) http://www.acidi.gov.pt/_cfn/4d346c9b80687/live/Consulte+a+vers%C3%A3o+do+Plano+2007-2009+em+ingl%C3%AAAs

¹⁸ Different profiles of foreign health professionals can be identified: (1) foreign health professionals that came to Portugal in a temporary and transitory migratory flow, reflecting a *brain circulation*, returning to their home countries with complementary competences and experiences (e.g. the case of Spanish doctors); (2) immigrants that were in the secondary segment of the Portuguese labour market and only after a process of recognition of qualifications, internship, health exams and intensive training in the Portuguese language, were able to integrate according to their qualifications in the health system (e.g. mainly the case of Eastern European doctors and nurses); and (3) health professionals recruited throughout special bilateral agreements to overcome particular needs of the Portuguese health system (Masanet, 2010: 261-264).

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