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Alto Comissariado para a Imigração e Diálogo Intercultural, I.P.

PORTUGUESE NATIONAL REPORT

completed for the Project:

“INTEGRATION OF HIGH SKILLED THIRD COUNTRY NATIONALS IN EUROPE: A NEW PROPOSAL FOR CIRCULAR TALENT MANAGEMENT”

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1. Executive Summary

From a negative net migration for decades, Portugal shifted to an immigration country in the end of the 20th century. The first immigration flows were dominated by unqualified workers, mainly coming from African Portuguese Speaking countries (PALOP) that were former colonies. There are reports of some highly skilled immigrants that arrived in the 1990s, mainly from Brazilian and EU origin. The first time that 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 was in the beginning of the 21st century with the arrival of Eastern Europeans.

The Portuguese experience with different immigrant flows in the past three decades highlighted the existence of three different groups of highly skilled immigrants: the first of highly qualified immigrants at entrance to Portugal; the second composed by immigrants acknowledged as highly skilled after a process of equivalences and/or recognition of qualifications or after achieving a higher education in the Portuguese education system; and finally a third with potential highly skilled immigrants.

The characteristics and specific needs of each group lead to challenges in integration policies and in the protection of rights, pressuring for the definition of new legislative pieces and the opening of new support services and programmes. The report highlights the developments of the past ten years in the policies (e.g. recognition of qualifications, action plans for immigrant integration) and measures (e.g. support offices to highly qualified immigrants; special programmes for the combat of *overqualification* of immigrants in needing professions such as the health sector) defined, targeting highly qualified immigrants in Portugal. Although Portugal did not yet transpose the EU Blue Card directive, since 2007 the Portuguese Immigration Act has foreseen two special legal titles for highly qualified immigrants' entrance. Furthermore, several bilateral agreements have been defined between Portugal and other countries to either answer to specific needs of the Portuguese labour market (e.g. to bring health professionals) or to consolidate

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friendship and cooperation relations (e.g. arrival of students and professionals for additional training).

As highlighted in the report, the challenges and vulnerabilities that highly qualified 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. Hence, the integration needs and problems of the highly qualified immigrants in the country are characterised by four possible ideal types of highly skilled immigrants: (A) immigrants that have their equivalences recognised and are using them in the labour market; (B) immigrants that are working in higher education professions although their qualifications were not officially recognised; (C) immigrants that although had their qualifications recognised in Portugal are not using their education in the job they have; and (D) highly qualified immigrants that do not have both the recognition of qualifications and the use of them in the labour market.

The differences of these four Ideal types raise different opportunities, challenges and integration needs for the immigrants. As discussed in the report, although the legal framework that defines the possibilities of the official recognition process of qualifications and equivalences is very important; it is furthermore relevant to analyse how the country is effectively using immigrants' skills in the labour market (or, in contrast, is wasting human capital gathered with no costs to the country) and/or if it attracts highly skilled immigrants.

The report concludes with a discussion on whether Portugal will be an attractive country to highly qualified immigrants in the future, to answer to the demand of certain professional sectors, when it is presently facing the emigration of Portuguese professionals that are unemployed due to, among other reasons, the fragile economic situation of the country.

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2. 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 immigration flows were mainly unqualified and originated from African Portuguese-speaking countries (PALOP), with whom Portugal has historical and cultural links coming from previous colonial experience. 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 entrance into 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 significant new immigration flows 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.

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 national 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. Also other professionals came from countries with whom Portugal signed special agreements that foresaw the automatic recognition of higher education diplomas – the case of Brazil – justifying the quick incorporation in the labour market of several professionals (although regulated professions created some difficulties – e.g. Brazilian dentists).

With the arrival of Eastern Europeans the difficulties in the recognition process of qualification and the problem of *overqualification* in the labour market came to the surface, not only because they were higher qualified than the PALOP nationals (with whom they shared the same labour market segments) and had higher expectations of professional mobility, but also because of demographic pressure as they became in only a couple of years the second most numerous



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foreign group – being the Ukrainians the second largest immigrant nationality in Portugal – and show higher dispersal levels throughout the country, in contrast with other immigrant groups (mainly concentrated in the Lisbon Metropolitan Area).

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 definition of new legislative pieces and the creation of new support services and programmes (further developed in chapters 4 and 5).

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The Portuguese experience with different immigrant flows in the past three decades also highlighted the existence of **three different groups of highly skilled immigrants** (further characterised in chapter 3 of this report)¹:

- (1) highly qualified immigrants at entrance to Portugal;
- (2) immigrants acknowledged as highly skilled after a process of equivalences and/or recognition of qualifications or after achieving a higher education in the Portuguese education system;
- (3) potential highly skilled immigrants.

In the **first group** three situations are underlined: (a) of those highly qualified immigrants that are directly incorporated in the companies and/or multinationals having their qualifications

¹ Góis and Marques (2007:120-123) also developed a typology of highly qualified immigrants with three different categories: (1) “highly qualified immigrants legitimated in the labour market”, referring to professional immigrants inserted in the first segment of the labour market; (2) “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 (3) “internally qualified immigrants”, referring to the immigrants that achieved their degrees in Portuguese universities.



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recognised privately in the labour market and/or not going through an official process of recognition of qualifications; (b) highly skilled immigrants that are recruited by Portugal directly in the countries of origin (e.g. health professionals); and (c) of immigrants that enter Portugal with a permit to work in a highly qualified activity by their own initiative. Under the 2007 Immigration Act, Article 3 clarifies the relevant definitions to be framed by the document, defining two important categories related to this report:

- a *highly qualified activity* is defined as an activity that “requires specialised technical competences or exceptional competences to which a specific suitable qualification is needed, namely of a higher education level.”
- 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 July 2012 it was 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 (...).”

The **second group** integrates those who got a university degree (or other qualifications beyond that level) elsewhere and when they came to Portugal, were not inserted in the labour market exercising their qualifications, but after a process of recognition of qualifications were able to perform according to their academic record. This group also incorporates immigrants that completed their higher education in Portugal and because of that their qualifications were automatically acknowledged.

Finally in the **third group**, potential highly skilled migrants, who still are not able to use their qualifications in the Portuguese labour market are analysed. In other words, situations of



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*overqualification*² in the Portuguese labour market are reported and characterised in this third group.

In sum, for the purposes of this report, in the category of highly skilled immigrants, we consider all third-country nationals legally residing in Portugal, holders of higher education (degree, master or PhD), whether those qualifications are being used or not in the labour market, and/or being officially recognised or not.

3. National Context

For centuries Portugal has been a country of *emigration*, mass immigration dating only to the mid-1970s. Hence, large-scale immigration into Portugal is a relatively recent phenomenon.

A combination of structural and situational factors explains the rapid development of immigration into Portugal (and other Southern European countries) during the 1980s and 1990s. First, the strict policy measures in traditional immigration destinies (such as France and West Germany) made it easier for immigrants to enter Southern Europe. The geographic position of these countries even opened the possibility to clandestine arrival (King *et al.* 2000: 8-9). On the other hand, South European countries' traditional dependence on tourism facilitated the entry of visitors from all parts of the world. Finally, the end of the colonial experience during the 1970s and of the Portuguese dictatorship in 1974 - with concomitant changes in political, economic and social structures - was responsible for the shift in Portuguese migration patterns. Emigration decreased during the 1970s, and the independence of the former African colonies resulted in the arrival of repatriates, asylum seekers and return migrants. Later on in 1986, the entrance of Portugal into the European Union also up surged the immigration flows (see Figure 1).

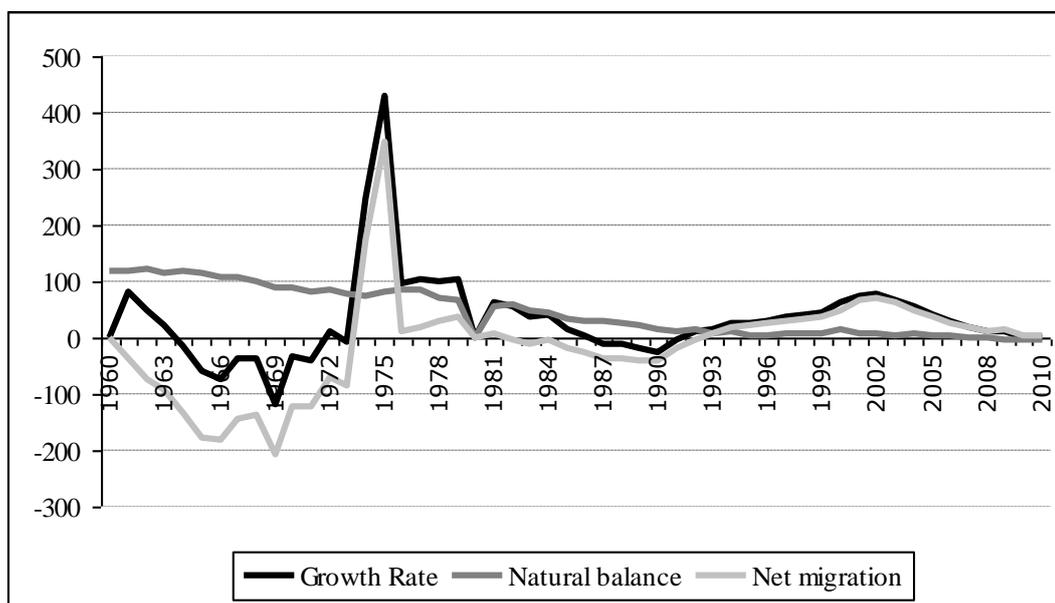
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² *Overqualification* occurs whenever a person has a level of skill or education higher than is required for the job that is inserted into.



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Figure 1. Growth rate, natural balance and net migration in Portugal (1960-2010)



Source: INE and SEF (authors calculations)

According to Census data from 1960 to 1981 the population that resided in Portugal increased 11% while the foreign population increased 269%. In 1960 the foreign population with legal status represented only 0.3% of the total population residing in Portugal, in 1980 that figure grew to 0.5%, in 1990 to 1.1%, and in 2000 to 2%. The growth verified in the past decades is even more significant if it is considered that from 1981 to 2001 the foreign population became six times bigger than it was, while the native population only increased 5%. The importance of the foreign population doubled from 2000 to 2002 (mainly because of the arrival of Eastern Europeans and Brazilians), representing in 2010 around 4.5% of the total population.

The preliminary results of the 2011 Census also report that in the past ten years the population grew 1.9%, mainly as a consequence of the net migration (that explains 91% of that growth). This tendency, reinforced in the past ten years, reflects the positive contribution that immigrants are having to the Portuguese demography. Immigrants have been responsible not only for the growth of residents and population in active life, but also for the increase of births.³

³ The 2011 Census data highlights that foreigners had 10.7% of the total births that occurred in Portugal in 2010. That value is particularly high if we take in consideration that foreign population only represented 4.5% of the total population in Portugal, reinforcing the pattern of the past decades in which immigrants reflect higher fecundity rates than the Portuguese and contribute positively towards slowing down of aging of the population in Portugal.



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Results achieved in EUROSTAT (2011: 34-47) on the ‘gap of activity rates between foreign-born population and total population’ (indicator of employment policy area) highlight the Portuguese very good score (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 that predominantly hosts 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 inserting in the top segments with better salaries - dominated by European Union citizens, followed by Brazilians -; and a second part inserting 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).

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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. Furthermore, the modernization of several economic sectors made clear the lack of certain qualified professionals in the Portuguese labour market.

Until 2001, as highlighted in Table 1 according to Census data, foreigners had a higher percentage of managers and professionals than the Portuguese, having in 1981 and 1991 around 27% of active labour in the first three professional groups (when the Portuguese faced a decrease



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from 21.8% in 1981 to 16.9% in 1991, in those professional groups). This situation only become slightly inverse after 2001, when the Portuguese started to have one quarter of the active population in those three professional groups and the foreigners decreased to 24.2%. Among the numerous third-country nationals communities, Brazilians stand out in those professional groups as, especially in the 1980s and 1990s, an important flow of highly skilled professionals (e.g. dentists, marketing professionals, IT experts, journalists) was reported.⁴

Table 1. Portuguese and Foreigners distribution by professional groups, between 1981 and 2001

Professional Groups		1981		1991		2001	
		N	%	N	%	N	%
(1) Managers	Portuguese	277,322	7.1	173,908	4.1	317,995	6.8
	Total Foreigners	4,577	13.7	4,006	7.2	12,507	6.4
	Brazilians	627	21.1	588	9.5	1,290	5.6
	PALOP nationals	595	3.6	248	1.3	1,064	1.7
(2) Professionals	Portuguese	50,171	1.3	230,330	5.4	387,786	8.3
	Foreigners	1,018	3.0	5,862	10.5	18,487	9.4
	Brazilians	80	2.7	1,398	22.5	2,247	9.8
	PALOP nationals	43	0.3	394	2.0	1,779	2.9
(3) Technicians and associate professionals	Portuguese	524,948	13.4	313,035	7.4	446,814	9.5
	Foreigners	3,499	10.5	5,073	9.1	16,457	8.4
	Brazilians	357	12.0	1,062	17.1	2,352	10.2
	PALOP nationals	1,142	6.9	676	3.5	2,268	3.6
Total	Portuguese	3,920,616	100	4,226,913	100	4,687,324	100
	Foreigners	33,474	100	55,616	100	195,959	100
	Brazilians	2,970	100	6,216	100	22,977	100
	PALOP nationals	16,543	100	19,334	100	62,403	100

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

The increase in 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 labour force. Accordingly,

⁴ Nevertheless, the immigrant flows coming from Brazil were characterised by the diversity of economic insertion, including both highly skilled professionals (especially during the 1980s and 1990s) and unqualified workers (some of those arriving illegally in the country).



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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 professional groups in which they were inserted in the labour market. If the majority of the PALOP immigrant workers were unqualified and mainly answered to the labour demand of manual activities; the first immigrant flows from Brazil integrated higher educated professions. As highlighted in Table 1, in 1981 only 10.8% of PALOP workers were incorporated in the first three professional groups – managers (1), professionals (2) and technicians and associate professionals (3) – in comparison with 35.8% of the Brazilians (a figure even higher than the observed in the Portuguese workers – 21.8%). Ten years later the rate of PALOP workers in those professional groups even decreased to 6.8% as, again in contrast, the percentage of Brazilians increased to 39.1% (being the figure of the Portuguese workers in 1991 only 16.9%).

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Later on, in the end of the 1990s, a significant new immigration flow came from Eastern European countries (around 100 thousand – nearly 65 thousand Ukrainians). 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, highways) and other openings in the labour market, diversified immigration flows. In this period more than 100 thousand Eastern European immigrants arrived in Portugal and – regardless of their real qualifications and skills – integrated the lower socio-professional groups of the Portuguese labour market (Oliveira and Pires, 2010: 115). A new geography of immigration emerged, characterized by immigrant dispersion at a national scale. This major shift increased the complexity of contemporary migration flows to Portugal and created new challenges to the integration policies and in the control of borders.

As a consequence, in the turn to the 21st century, Portugal started to define an immigration policy based on the analysis of the needs of the Portuguese labour market. Since 2001, the



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government publishes an annual report that forecasts the job opportunities (mainly unqualified ones) available by economic sector to foreign workers and, as a consequence, the number of visas that might be issued by the Portuguese consulates abroad is defined.

Hence in this last decade, similar to what is observed in other countries (ILO, 2004: 48), third-country nationals immigrants 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 by the Ministry of Labour in *Quadros de Pessoal*⁵ (in Table 2), nearly 60% of the foreign workers registered are in the three bottom **professional groups** (7/8/9), as only 42.6% of the Portuguese are represented in those same professional groups. The nationalities overrepresented in those bottom professions are the Guineans (80.7%), Ukrainians (77.5%), the Cape Verdeans (74.4%), and Angolans (55%).

The Brazilians keep some diversity in their professional insertion. Although not reflecting the past strong expression of highly skilled professionals (according to this data only 6.7% are in the first three professional groups), they have only 49.3% of active population in the bottom professional groups and 32.8% in services and trade activities. The Chinese are overrepresented with 60.9% of their active population working in services and trade activities.

In sum, presently the foreigner occupational structure differs from the Portuguese as it reflects a higher concentration of third-country nationals (especially from PALOP and Eastern Europe) in the elementary occupations and/or in the lower professional groups (29.4% when compared with the 13% for the Portuguese).

⁵ This information was 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.



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Table 2. Dependent workers, by nationality and professional groups in 2009

Professional groups	Portuguese		Foreigners		Brazil		Ukraine		Cape Verde	
	N	%	N	%	N	%	N	%	N	%
(1) Managers	114,132	4.2	3,449	2.2	520	1.2	58	0.3	44	0.3
(2) Professionals	192,921	7.1	4,795	3.1	743	1.7	125	0.6	98	0.6
(3) Technicians and associate professionals	307,662	11.3	6,524	4.2	1,652	3.8	265	1.4	199	1.2
(4) Clerical support workers	415,338	15.3	11,752	7.6	3,715	8.5	706	3.6	574	3.6
(5) Services and Trade workers	492,387	18.1	34,368	22.1	14,400	32.8	2,235	11.5	3,046	19.1
(6) Skilled agricultural, forestry and fishery workers	40,884	1.5	5,171	3.3	1,196	2.7	986	5.1	109	0.7
(7) Craft and related workers	542,162	19.9	31,069	20.0	7,950	18.1	6,073	31.3	2,574	16.1
(8) Machine operators	263,601	9.7	12,721	8.2	2,792	6.4	3,054	15.7	414	2.6
(9) Elementary occupations	353,874	13.0	45,651	29.4	10,900	24.8	5,927	30.5	8,887	55.7
R – Other workers	488	0.0	11	0.0	0	0.0	2	0.0	0	0.0
Total	2,723,449	100	155,511	100	43,868	100	19,431	100	15,945	100

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

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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, as we will further elaborate in the subchapter about the potential highly skilled immigrants (the third group of highly skilled immigrants under analyse in this report), it is possible to identify several situations of *overqualification* of foreigner workers. 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 and skills recognised in Portugal and/or the segmentation of the labour market impinges to immigrants 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 settled immigrants have a lower rate of *overqualification* (50% in Portugal and 36% in the EU-27) than the recent ones (58% and Portugal and 43% in the



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EU-27). In Portugal the immigrants' duration of residence represents a decrease of 8% in *overqualification* situations, as the EU-27 only shows a decrease impact of 7% (EUROSTAT 2011: 106).

Nevertheless, official data reported by the Ministry of Labour highlights a higher percentage of foreign workers in the lower **levels of education** – only 7% of foreign workers have higher education compared to 14.9% of the Portuguese workers.⁶

Table 3. Dependent workers by nationality, gender and levels of education in 2009

Education levels	Portuguese					Foreigner				
	Total	Men		Women		Total	Men		Women	
		N	%	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
Higher 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 the data published in *Quadros de Pessoal*, in average, foreign workers have a basic monthly salary 14% inferior when compared to the national workers (see 2009 data in Table 4). However, if this same information is analysed according to workers professional groups, it is possible to conclude that foreign workers employed in the first three professional groups – managers (1), professionals (2) and technicians and associate professionals (3) –, even tough representing only 2.3% of the total employed population in those activities, have in average monthly salaries 30% higher than the salaries of the national workers.⁷

⁶ Although it should be noticed that foreigner workers have a high percentage of situations where the level of qualification is unknown (11.9%).

⁷ These figures are also biased by gender, as foreign women in the upper professional group have fewer differentials with the Portuguese (only receive 3% more income), but general foreign women have 17% lower income than the Portuguese (3% less than the observed difference between Portuguese and foreign men).



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Table 4. Basic monthly salary of Portuguese and Foreigners by the three higher professional groups, in 2002 and 2009

Professional 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 relative discrepancy between foreigners and Portuguese workers	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 relative discrepancy between foreigners and Portuguese workers	12.2	17.6	4.3	20.0	23.2	13.4
(3) Technicians and associate professionals	Portuguese	1,043.69	1,079.13	972.4	1,245.48	1,333.87	1,113.69
	Foreigners	1,401.86	1,624.27	988.66	1,742.36	2,123.06	1,105.86
	income relative discrepancy between foreigners and Portuguese workers	34.3	50.5	1.7	39.9	59.2	-0.7
Total	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 relative 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)

The income differences in the three higher professional groups are also biased by the nationality of the foreigner worker. In other words, foreigners are not a homogenous population. Again according to *Quadros de Pessoal* data (see Table 5), with the exception of USA citizens, the third-country nationals inserted in the three higher professional groups tend to receive almost the same as the Portuguese (the case of Angolans and Brazilians) or around 25% less (the case of Indians and Chinese), or even lesser (the case of the other PALOP nationals – around 35% less - and Eastern Europeans – more than 40% less). 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 135% more than the Portuguese professionals) and the EU-citizens (receiving between 124% and 45% more).



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Table 5. Basic monthly salary achieved in the three higher professional groups, according to the nationality of the worker in Lisbon region, in 2009

Nationality	Managers	Professionals	Technicians and associate professionals	Average of salaries for the total professional groups	income relative discrepancy in the 3 higher professional groups with Portuguese workers
USA	7,770	2,461	3,866	3,390	135.0
Spain	4,516	2,247	6,673	3,013	124.0
England	6,313	2,296	2,293	2,727	81.8
Belgium	5,970	1,887	1,538	2,341	56.6
Germany	5,280	2,879	1,324	1,152	58.1
Austria	4,786	2,517	1,363	1,858	44.5
Portugal	2,707	1,854	1,437	1,142	0.0
Angola	2,471	2,016	1,526	744	0.3
Brazil	2,990	1,505	1,459	629	-0.7
India	1,846	1,878	822	542	-24.2
China	819	2,460	1,108	524	-26.8
Cape Verde	1,814	1,290	953	555	-32.4
Russia	1,181	1,776	888	678	-35.9
Guinea-Bissau	1,379	1,375	853	538	-39.9
Ukraine	1,051	1,296	744	585	-48.5

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

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Table 6. Unemployment rates estimates for Portuguese and Foreigners, between 2003 and 2009

Year	Portuguese			Foreigners		
	Men	Women	Total	Men	Women	Total
2003	13.1	22.7	17.3	10.8	18.5	13.5
2004	13.5	22.7	17.6	11.7	18.2	14.1
2005	12.9	21.8	16.9	11.6	18.1	14.0
2006	11.9	20.2	15.6	11.3	18.6	14.1
2007	9.1	16.6	12.5	8.4	17.3	11.8
2008	10.3	16.3	13.0	10.9	17.5	13.6
2009	14.6	19.7	17.0	20.6	24.7	22.3

Source: IEFP for unemployment figures; and *Quadros de Pessoal* for employed population (data not published / authors calculations)

Another important indicator to analyse the vulnerability of the foreign workers in comparison with the Portuguese is the exposure to unemployment. According to Table 6, until 2007 the foreigners had unemployment rates lower than the Portuguese, as immigrants have



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fundamentally economical motivations to be in Portugal. Peixoto (2007) further explains that these lower unemployment rates are linked to several factors, namely: the higher probability of foreigners to accept the worse and lower paid jobs; the existence of social and informal networks among immigrant communities, that facilitate their rapid integration in the labour market; and because, in contrast with the foreigners, the Portuguese look for the more protected segments of the Portuguese labour market.

The inverse situation after 2008 – with foreigners having higher unemployment rates (22.3%) than the Portuguese (17%) – is linked to the economic crisis that is damaging (among other aspects) the economic sectors where there are a higher concentration of immigrant workers (e.g. civil construction).

Based on this general framework about the situation of the foreign population in the Portuguese labour market (in comparison with the Portuguese), we move now to the specific case of the highly skilled immigrants in Portugal. As underlined before, the characterization made is framed by the discussion on the existence of three groups of highly skilled immigrants in Portugal: (1) highly qualified immigrants at entrance; (2) immigrants acknowledge as highly skilled after a process of equivalences and/or recognition of qualifications or after studying in Portugal; and (3) potential highly skilled immigrants.

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3.1. Highly qualified immigrants at entrance to Portugal

In 2007, Portugal defined for the first time in its Immigration Act special channels for the entrance of highly qualified immigrants – a *special residence permit for highly qualified* and a *special temporary visa for highly qualified and academic research activities* (analysed in detail in chapter 4). Accordingly, since 2007 it is possible to highlight the number of highly qualified immigrants that entered Portugal to perform an economic activity that requires technical expertise and a higher education (being that expertise or qualification recognised officially or not).

As highlighted in Table 7, the number of visas conceded increased since the law was approved in 2007. In 2009, the peak of the past five years, 869 foreign citizens got into Portugal to perform a



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highly qualified 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 the highly qualified visas holders – Brazil, China and India. As further highlighted in annex I, this highly qualified flow has been mainly male oriented.

Table 7. Residence and Temporary visas issued for highly qualified foreigners, according to the main nationalities and per year

		Residence Visas			Temporary visas		
		Total	For Highly qualified	Rate	Total	For Highly qualified	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 qualified immigrants. More outstanding is the fact that out of the overall number of Colombians that arrived that year to Portugal with the residence visa, 65.7% were to be inserted in the Portuguese labour market in a highly qualified activity. This flow without



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precedents is explained by a special agreement established between Portugal and Columbia to answer to an urgent demand of doctors.

Table 8. Arrival of Foreign Doctors throughout special administrative agreements established between Portugal and several Latin American countries

Country of Origin	Year of the contract	Number of doctors contracted	Field of work
Uruguay	2008	14	Health emergency service transportation (INEM)
Cuba	2009	40	Primary health care (e.g. Family doctors)
Colombia	2011	82	Primary health care (e.g. Family doctors)
Costa Rica	2011	9	Primary health care (e.g. Family doctors)

Source: Masanet (2012)

The demand of health professionals, essential for the performance of the Portuguese health system, justified in the past couple of years the definition of special programmes aiming to recruit third-country nationals with the right skills (see Table 8). In other words, the recruitment of health professionals for the primary segment of the Portuguese labour market has been proving to be a migratory attraction factor (see Table 9). 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 of time for urgent necessities of the health system (Baganha and Ribeiro, 2007: 62-63).

Nevertheless, different profiles 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 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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Table 9. Foreign Health Professionals working in the Portuguese Health System, according to nationality, between 2001 and 2008

Nationality	2001	2004	2008	Change rate 2001-2008	Rate change 2004-2008
Total EU nationals	2236	2679	1389	-37,9	-48,2
Spain	2090	2390	1140	-45,5	-52,3
Total PALOP	783	1160	743	-5,1	-35,9
Angola	366	532	274	-25,1	-48,5
Guinea Bissau	141	209	163	15,6	-22,0
Cape Verde	75	129	126	68,0	-2,3
Brazil	251	348	405	61,4	16,4
Other countries	104	303	404	288,5	33,3
Cuba	14	28	24	71,4	-14,3
Russia	7	28	43	514,3	53,6
Ukraine	4	66	120	2900	81,8
Venezuela	9	34	28	211,1	-17,6

Source: ACSS, 2010

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The increase of variety among 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 in the recognition of qualifications process, 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).

Health sector

From 2001 to 2004 the number of foreign health professionals increased, reaching its highest point in 2004 with 4,490 professionals. Since then, the foreign professionals in the health sector have been decreasing. In 2008 there were 2,941 foreign health professionals working in the Portuguese health system, representing 2.3% of the total human resources of the sector. In the same year 61% of those professionals were women. The three professional groups more represented were doctors (1,720), nurses (647) and assistances (335). The majority of them were EU nationals (1,389) – mostly Spanish (82%) -, followed by nationals from African Portuguese speaking Countries - PALOP (743) and Brazilians (405).



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The majority of foreign nationalities (with the exception of Brazil, Ukraine, Moldavia, Russia, Venezuela and Cuba) had significant negative rate changes in the past years. European Union health professionals decreased -37.9% from 2001 to 2008 (Spanish had a decrease of -45.5% and PALOP decreased in -5.1% - but from 2004 to 2008 decreased -35.9%). In contrast, Brazilians increased 61.4% (representing in 2008, 405 professionals) and other nationalities had an increase of 289% - where is included Ukraine (with 120 professionals), Moldavia (71 professionals), Russia (43 professionals), Venezuela (28 professionals) and Cuba (24 professionals, of which 22 were doctors).

The majority of the health professionals that were part of the Portuguese health system in 2008 were contracted as permanent staff (24%) and as temporary staff (20%).

Another reality of this first group of 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 Portugal as an immigrant or final destination, but mainly are installed in the country to develop their professional career under the company that they belong to. Furthermore Peixoto (1999: 2) argues that highly skilled labour is the most mobile portion of the labour force as oppose to the low and medium skilled workers that show some inertia and resistance to mobility because of the migration risks involved.

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

As underlined before in this report a second group of skilled immigrants is composed by those who did not get into Portugal necessarily as highly qualified individuals but rather, after a process of equivalences, recognition of qualifications or studying in the country, became acknowledged as being so. 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).

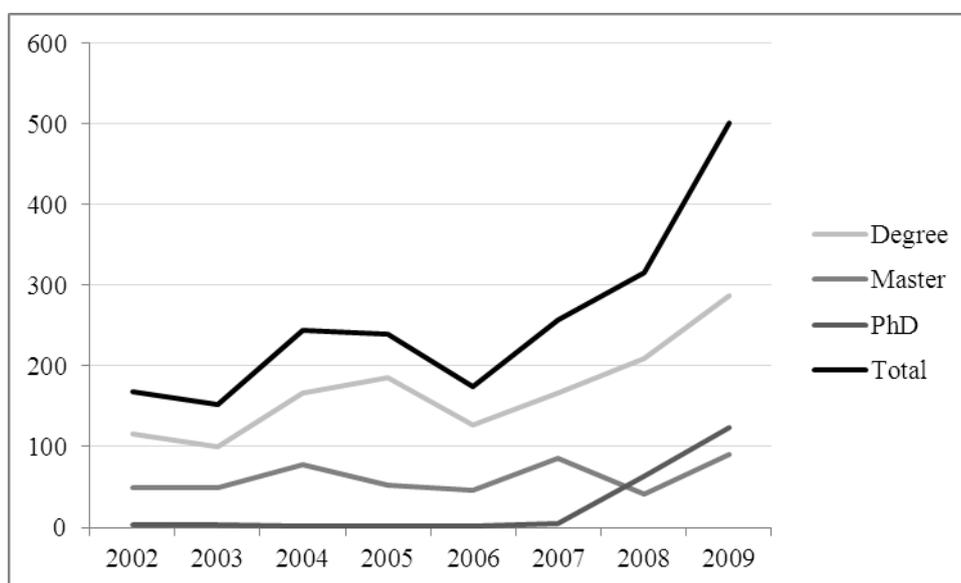
Skilled immigrants in Portugal without recognition of their qualifications represent an important human capital that is not being used in the labour market. It is particularly relevant to understand that these immigrants acquired their skills and academic titles with no costs to the host society and they could be an effective answer for the special needs of the labour market.



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In the past years there has been a significant increase in the number of recognitions of qualifications of holders with higher education titles, especially after 2007 (see Figure 2). This reflects, as will be further analysed in chapter 4, a law change and a reform that had occurred in the higher education system aiming to modernise it, promoting more mobility of professionals and raising equal opportunities among holders of academic titles from different countries. Moreover several measures were underlined in the two Action Plans for Immigrant Integration since 2007 also targeting the vulnerability of immigrants without their qualifications recognised.

Figure 2. Recognitions of qualifications according to the level of higher education, from 2002 to 2009



Source: Direcção Geral do Ensino Superior - MCTES

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. This last case reflects not only the increase of these nationalities in Portugal in the past ten years, but also the fact that some of them have been targeted by measures developed in the past years (details in chapter 5) that aim to combat *overqualification* situations faced in the Portuguese labour market.



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Table 10. Foreign graduates of Portuguese universities, according to the three top nationalities of each Continent and school year

Graduates Nationality per Continent		School year		
		2000-01	2004-05	2008-09
Africa	Total	744	1 053	1 301
	Top 3	Angola (337)	Cape Verde (415)	Cape Verde (553)
		Mozambique (146)	Angola (327)	Angola (411)
		Cape Verde (142)	Mozambique (141)	Mozambique (135)
America	Total	360	557	805
	Top 3	Brazil (186)	Brazil (280)	Brazil (689)
		Venezuela (90)	Porto Rico (130)	Venezuela (36)
		Canada (43)	Venezuela (80)	USA (35)
Asia	Total	23	30	71
	Top 3	China (8)	China (10)	China (29)
		Macau (5)	Macau (6)	East-Timor (12)
		India (3)	East-Timor (6)	India (10)
Europe	Total	415	469	600
	Top 3	France (225)	France (184)	Spain (163)
		Spain (67)	Spain (93)	France (121)
		Germany (43)	Germany (54)	Germany (51)
Oceania	Total	5	4	8
		Australia (5)	Australia (4)	Australia (6)

Source: GPEAR (2009), *Diplomados no Ensino Superior 2000-2001 a 2008-2009*, p.30-32

Another reality that should also be included in this second category of skilled migrants is of the foreign students of levels of higher education (see Table 10) that overstay in Portugal after acquiring their degrees. As discuss by Peixoto (2004: 15) and Góis and Marques (2007: 98) in some cases these situations can indirectly promote *brain drain* to the countries of origin, as several of these student flows are coming in fact from countries with whom Portugal established cooperation agreements to facilitate the integration of certain students in higher education (e.g. PALOP). 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.

Also acknowledging this, under the second National Action Plan for Immigrant Integration in measure 72 it was foreseen a better coordination between Portugal and countries of origin



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concerning the attribution of scholarships to students of high level 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 underlines in Article 122º, number 1 p) 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 doctorate graduates were working in Portuguese universities without having their qualifications recognised yet (GPEAR, 2009: 19).

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3.3. Potential highly skilled immigrants

The third category of skilled immigrants highlighted in this report relates to all the potential highly qualified immigrants and/or those foreign nationals that have a higher 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 higher education (employees with a bachelor, a degree, a master or a PhD) matches into socio-professional positions (see Table 11). In 2009, according to data coming from *Quadros de Pessoal*, only 55.8% of the third-country nationals with higher education were working in a 'higher' profession (groups 1, 2 or 3). In contrast, the equivalent proportion for Portuguese with higher education in those professions was 80% and for EU graduate employees was 86.4%.



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Table 11. Foreign and Portuguese graduate employees by socio-professional groups in 2009

Socio-professional groups	Portuguese graduate employees		Third-country nationals graduate employees		EU nationals graduate employees (Portuguese not included)		Difference between third-country nationals and Portuguese	Difference between third-country nationals and EU nationals
	N	%	N	%	N	%		
(1) Managers	85,041	18.89	1,243	15.42	1,365	29.14	-3.47	-13.72
(2) Professionals	170,578	37.89	2,125	26.35	1,898	40.51	-11.53	-14.16
(3) Technicians and associate professionals	104,438	23.20	1,133	14.05	783	16.71	-9.14	-2.66
(4) Clerical support workers	63,627	14.13	993	12.32	405	8.64	-1.82	3.67
(5) Service and sales workers	18,058	4.01	997	12.37	131	2.80	8.35	9.57
(6) Skilled agricultural, forestry and fishery workers	1,012	0.22	89	1.10	27	0.58	0.88	0.53
(7) Craft and related trades workers	3,163	0.70	559	6.93	20	0.43	6.23	6.51
(8) Plant and machine operators, and assemblers	1,675	0.37	326	4.04	29	0.62	3.67	3.42
(9) Elementary occupations	2,616	0.58	598	7.42	27	0.58	6.84	6.84
Other workers without specific profession	43	0.01	0		0			
Total	450,251	100	8,063	100	4,685	100	0	0

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

Furthermore, a comparative analyse was made, allowing to conclude that there are less highly qualified third-country nationals in the three higher socio-professional groups (1/2/3) when compared with Portuguese graduate employees (-24.1%) or with EU nationals graduate employees (-30.5%). On the other hand, there are more third-country nationals with higher education in the three lower socio-professional groups (7/8/9) than Portuguese with the same qualifications (+16.7%) or other EU nationalities (+16.8%).

These situations of *overqualification* and/or of highly qualified 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



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rules in the development of certain activities (Oliveira and Pires, 2010: 113). In this context, it is possible to identify immediate negative consequences of this, namely higher exposure to work accidents. As highlighted by Oliveira and Pires (2010: 139) 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.

4. Legislative review of immigration policies

The immigration policy defined in Portugal at the turn of the 21st century (with Law 4/2001) culminates exactly in the regulation of inflows in accordance with the necessities of the labour market. For the first time residence visa issuing was dependent on annual labour opportunities reported by the Portuguese government every year. Over the past decade these annual reports – that define the quota available to immigrants' entrance – mainly stated the needs for unqualified activities of the Portuguese labour market.

Although the diversity of socio-professional characteristics of the different foreign nationalities is recognized, in the past decades political attention has been focused on the immigration inserted in the more precarious and manual sectors of the Portuguese labour market (Peixoto 2000:67). The extraordinary regulatory 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 necessities of foreigners integrated in the manual and less qualified part 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).



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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 high levels of qualifications of the inflows that arrived in the country, especially in the transition to the 21st Century – the Eastern European case (Peixoto, 2002:67).

Exactly acknowledging that more should be done and aiming to attract highly qualified immigrants and/or facilitate the entrance of academic researchers, professors and other higher educated professionals coming from third-countries, Portugal introduced several and institutional changes after 2007 aiming to improve the lives of immigrants with higher education. Furthermore, important revisions were introduced 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.

4.1. Present legal framework targeting skilled immigrants

The 2007 legislation - approved after broad public consultation and with both of the two major parties voting in favour - simplified procedures and reduced bureaucratic requirements. 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 a regime for granting visas to immigrant entrepreneurs and highly qualified immigrants.

Under the 2007 Immigration Act, it was also underlined for the first time a special article (83^o) that specified the rights that all immigrants obtain immediately upon receiving a residence permit: education, work, training or access to other qualifications, health and justice. It is further stated that immigrants have equal rights to natives, namely in respect to social security, fiscal benefits, trade unions filiations, diplomas recognition (second point of Art. 83^o).

According to the present legal framework, the mobility of highly skilled workers can be subjected to two different types of statures - *temporary visas* or *residency permits*. The different requirements and specificities for each type of application are described in Table 12. Both legal statures underline that the skills or qualifications of the immigrants are recognised directly by the



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labour market and/or by who contracted those immigrants. In other words, this Immigration Act does not mandate that highly qualified immigrants have to have an official recognition of qualifications or equivalences prior to entering in the Portuguese labour market. The law foresaw that only in case of doubt, the Ministry of Science and Higher Education is contacted to provide its official position.

Table 12. Specifications underlined in the 2007 Immigration Act to immigrants that came to Portugal to perform a highly qualified activity

Law 23/2007	Temporary visa for academic research and/or highly qualified activity	Residence permit for academic research and/or highly qualified activity
General description	For third-country nationals that aim to develop a research activity, teach in university or develop a highly qualified activity for less than 1 year.	For third-country nationals that aim to develop a research activity, teach in university or develop a highly qualified 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 qualified 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 qualified 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). The application cost for an extension of permanency is 30 euros. ⁸	Valid for 1 year and renewable for periods of 2 years. After a period of 5 years, an application for a permanent residence permit with no expiration but subjected to renewal every 5 years can be filed.
Administrative costs	Administrative costs are 75 euros. As outline in Directive nº2005/761/CE, the Portuguese law foresee that short-duration visas for the purpose of academic research are exempt from payment. ⁹	Administrative costs are 90 euros.

⁸ According to Law 1334-E/2010, Ministry of Internal Administration:

<http://www.dre.pt/pdf1s/2010/12/25302/0033000333.pdf>

⁹ Consulate costs table defined in Law 320-C/2011, Ministry of Foreign Affairs:

<http://www.dre.pt/pdf1s/2011/12/25002/0027500285.pdf>



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Portugal was (until July 2012) among the six countries¹⁰ that have yet to transpose the Council Directive 2009/50/EC of 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment. In June of 2011, the Commission issue 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 Release¹¹ identifying the three countries¹² - which included Portugal - that had not responded to the Commissions' first notice, the second step of the infringement procedure.

Portugal is presently in the process of transposing the Directive. On the second semester of 2012 it was approved in the Portuguese Parliament a revised version of the 2007 immigration act aiming, among other aspects, to transpose several European directives (including the Directive 2009/50/EC).¹³ Among other aspects that were revised in the 2007 Immigration Act – as required in the Directive - a change on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment, and establishing the means to process and monitor the European Union Blue Card system. The transposition in Portugal will raise an important challenge: guarantee an articulated and quick recognition of qualifications process to provide an answer to EU Blue Card applicants. 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 qualified 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. Under the same article it is also underlined that in case “the contract requires a regulated profession with highly qualifications, those should be validated and/or officially recognised as foreseen in the Law 9/2009 or other specific laws that applies to the recognition of professional qualifications”.

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Under Article 121^o-A of this new version of the immigration act it is further clarified the transposition of the directive, specifying the legal framework for EU blue card beneficiaries.

¹⁰ Germany, Italy, Malta, Poland, Portugal and Sweden

¹¹ European Commission Press Release:

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

¹² Italy, Malta and Portugal

¹³ Further details at

<http://www.parlamento.pt/ActividadeParlamentar/Paginas/DetalleDiplomaAprovado.aspx?BID=17125>



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Under this framework is underlined that those immigrants have to perform highly qualified activity in the labour market and have the right to family reunification. The same article states some situations of third-country nationals that cannot apply/benefit from a EU blue card residence permit in which are included the foreigners that have a *residence permit for academic research and/or highly qualified activity* (article 90º) described above.

Table 12 (cont.). Specifications underlined in the 2012 revised version of the 2007 Immigration Act to residence permit for EU blue card

2012 revision of the immigration act	Residence permit for EU blue card
General description	For third-country nationals that aim to develop highly qualified activity in Portugal.
Requirements	Valid residence permit or residence visa according to the aim of stay in Portugal and presence in Portuguese territory.
	Labour contract compatible with a highly qualified 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 have to present a document that certifies the profession / In case of non-regulated professions, have to present a document proving highly professional qualifications in the activity or specific sector of the contract.
	Criminal Record
	Absent in the Schengen information system
	Absent in the Portuguese border policy (SEF) system for not admission
	Income requirements
	Health insurance or inscription in the national health system
time frame	Social Security inscription
Administrative procedure	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
Rights / equal treatment to nationals	The request of an EU blue card can be done by a Third Country national or by his/her employer in a border control policy (SEF) branch. The decision has to be notified in no more than 60 days.
Long term residence	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)
	EU blue card beneficiaries can get a long term statues after a period of 5 years of legal residence in EU with a EU blue card statue, with no absences from EU territory for periods of less than 12 months and in total no more than 18 months absent.



4.2. Matching Labour needs to recruitment policies – quotas and contingents

The *Annual Prevision of Labour Opportunities Report*, annually elaborated since 2001 by the Employment and Vocational Training Institute (IEFP) and approved by the government, has attempted to coordinate movements of the foreign labour force. The admission of immigrants based on the labour opportunities report has revealed a few problems. Among them, the labour market necessities are not stable and in most cases demand a more immediate response than the process predicted by law. In other words, the process subjacent to the arrival of immigrants using this channel¹⁴ is not compatible with the response time demanded by the market.

The recruitment policies regarding highly qualified workers is not (yet) regulated by quotas and contingents in Portugal. As of this moment, the quota system in effect relates to subordinate work.¹⁵

4.3. Bilateral agreements

Bilateral Agreements aim to facilitate the insertion of nationals of the given countries into the labour market, school system or training opportunities. Their existence is beneficial for all parties involved (the country of origin, host and the immigrant him/herself), since it regulates the necessities of the countries and defends the rights of the individual, taking into consideration the best each has to offer. The Bilateral Cooperation Agreements that Portugal established have been celebrated 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, training, research and experts.

¹⁴ The employer must declare the necessity for an employee to the IEFP (a vacancy job announcement must be backed up by a favourable position from the Inspectorate-General for Labour). This information must then be included in the opportunities report and subsequently sent to the consulates. Finally, immigrants should apply to those vacancies while in the country of origin.

¹⁵ IEFP keeps an internet-based permanently updated system of information highlighting job opportunities that have not been filled, which can be directly accessed by the general public as well as in embassies and consulate posts. A job opportunity that is posted and is not fulfilled within 30 days by a national employee is then made available to third-country nationals that can then apply electronically directly to the employers and, if selected, the employer sends the applicant a work contract, which, together with a declaration from IEFP, qualifies the applicant to request a visa at the Consulate (Art.º 58, 59 e 60 residency for subordinate work visa).



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Portugal 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, they underline the circulation of students and professionals and establish mechanisms to regulate and simplify the movement of these individuals. As opposed to what happens in the cases of the agreements of health care professionals mentioned above as examples, which were recruited to specifically fill an urgent gap in the national labour market, the latter do not have the same objectives, urgency and temporality.

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 most recently updated in 2000 (Annexe II).

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 is the Health sector agreements formulated regarding the circulation of highly qualified health care professionals. The agreements originated from the necessities felt in the health service in Portugal and the offer of qualified doctors in some Latin America countries. These bilateral and multilateral agreements between countries and health institutions for the regulation of health professionals normally foresee 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). In 2008, 2009 and 2011 (being expected more for this year) several special agreements were defined for the recruitment of health professionals from Uruguay, Cuba, Colombia and Costa Rica. Those agreements, respecting the guiding principles of *WHO's Global Code of Practice on the International Recruitment of Health Personnel*, were operationalised 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

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Algarve); or explicit 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.

4.4. Recognition of qualifications

The recognition of qualifications and higher education is also a part of the labour integration process. Nevertheless, as discussed by Reis (2007: 171) the immigrants' recognition of competences and/or professional 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 economy and the host society.

Considering that in the past decades Portugal have been mainly attracting and receiving immigration flows that are 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 and to ensure equal opportunity for foreigners, the framework was structurally revised. The higher education structure suffered an alteration 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 (341/2007) for the recognition of academic titles, Bachelors, Masters and Doctorate of foreigners and the Regulating Law (29/2008) which followed, gave a better national answer to the challenges and opportunities presented, facilitating the recognition process and making it more transparent. This new law indicated the constitution of a national commission for the recognition of foreign academic titles. In order to be attributed the recognition, it is first necessary to register the diploma, by signing in at: any public Portuguese university; the Directorate-general for Higher Education; in the cases of Bachelor or Master academic titles, a



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public Polytechnic Institute. The registry of the academic title has a maximal duration of one month since the reception of the requirement and a cost that should not exceed 26€¹⁶ – value updated on March 1st 2012 from 25€ (contrasting with the previous long and expensive process).

This new legal framework resulted in a significant rise in the number of successful applications and attribution of academic recognitions. Furthermore, new simplified procedures were introduced concerning transfers and changes to the course of study.

The Portuguese legal framework also underlines the recognition of professional qualifications for regulated professions. Law 9 of March 4th, 2009¹⁷ 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 in national territory. The statement must include: proof of nationality; document declaring that the worker is legally inserted in a Member state establishment for the execution of the profession at hand, and that it is not, at the time of the statement, barred from practicing this profession, even if temporarily; training certificates; proof of practicing this profession for at least two years in the last ten years, in the case of those unregulated professions in the EU; and a clean criminal record. The recognition of qualifications gives access to equal treatment to those practicing the profession in national territory.

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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 in this report about the academic recognition of diplomas apply.

¹⁶ http://www.dges.mctes.pt/NR/rdonlyres/34FF1667-904E-4D4E-88E4-A2198195A190/3045/DL341_08.pdf

¹⁷ Full diploma is available in <http://dre.pt/pdf1s/2009/03/04400/0146601530.pdf>



5. Integration policies targeting highly skilled migrants

5.1. Integration measures

The process of integration can be facilitated through national policies and programmes that target immigrants' needs and vulnerabilities. It is not enough to declare that a country is now receptive to immigrants, it is crucial to create the conditions for a successful integration. In the case of Portugal, and particularly in regards to the policies aimed at highly skilled migrants, alterations in the immigration and recognition of qualifications and academic title laws, as well as the National Plans – the two National Plans for Immigrant Integration and the National Health Plan – and specific programmes aimed at highly skilled migrants, have helped shape a much more flexible, transparent and less bureaucratic process, particularly since 2007:

National Action Plans for Immigrant Integration (PII): The High Commissioner for Immigration and Intercultural Dialogue (ACIDI) pushed forward two PIIs. The first plan (2007-2009)¹⁸, involved the commitment of 13 different Ministries and defined 122 measures, out of which three measures were directly linked to the highly qualified migrants: creation of a Support Office for the recognition of foreign qualifications and identification of the national necessities in the National Immigration Support Centres; a more adequate legal frame work for the recognition of academic titles (Annexe III). The evaluation report of the Plan reflected the positive impact of these measures, which were successfully implemented in collaboration with the relevant public institution.

Under the present PII (2010-2013)¹⁹, with 90 measures in collaboration with nine Ministries, three measures (Annexe IV) are directly linked to highly qualified immigrants include: measure 17 “*Simplifying the qualifications recognition process*”; measure 19 “*Creating an information system on highly-qualified immigrants*”; and measure 73 “*Reinforcing support for circular migration*”. Although the process of recognition of qualifications had a significant improvement

¹⁸ 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%AAs>

¹⁹ This second Plan was approved under the socialist government in 2010, however it was kept by the present government (elected in June 2011) - a colligation of the two more important right wing parties with representation in the Portuguese parliament – being however the closure of the Plan postpone to 2014. This was one of the most important signs of the continuity of integration policies investment.



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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 qualified immigrants is particularly important giving the fact that – as reported before – immigrants face higher *overqualification* 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.

National Health Plan: one of the more needing sectors regarding the mobility of highly qualified migrant work is the health sector. This reality is reflected in this plan for 2011-2016²⁰. Portugal underlines, however, that the need of health professionals should never justify the recruitment of professionals from countries with lack of those professionals (framed by the WHO code). Accordingly it underlined that national needs should be answered namely by special cooperation agreements established between the health ministries of Portugal and other countries. The Plan also underlines the responsibilities of Portugal in the field of health as a Member State of the European Union, the Council of Europe, the United Nations and the Community of Countries with Portuguese as the Official Language (CPLP). 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.

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5.2. Service provision to highly qualified immigrants

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 feel the process transparent enough; in the past years several support services targeting highly qualified immigrants and holders of foreign degrees have been created both by State institutions and civil society organisations:

²⁰National Health Plan for 2011-2016: <http://www.scts.pt/files/section/Documentos%20Diversos/PNS-2011-2016.pdf>



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National Recognition Information Centre (NARIC): Being still under the responsibility of the Universities the decision of the recognition of qualifications, the Directorate-general of Higher Education of the Ministry of Science, Technology and Higher Education has been mainly promoting the dissemination of information about the recognition process, including the applicable national and European legislation. Part of this department is NARIC²¹, created in 1986 to facilitate the sharing of relevant and adequate information on this matter. NARIC was responsible for elaborating an electronic guide - “Recognition of Qualifications: A guide for foreign students” -, as a direct consequence of the first PII (measure 45), containing useful and necessary information for welcoming and integrating foreign university students, as well as informing those interested in recognizing their foreign academic titles.

ACIDI’ Office for the Support of Academic and Skills Recognition: ACIDI created in 2003 a support office incorporated in 2004 in the Lisbon’s National Immigrant Support Centre (CNAI²²). Because the process of recognition of qualifications was considerate a big handicap, as well as the dispersion of the responsible services and 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. The great majority of the total universe of cases originated from African Countries with Portuguese as an Official Language (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 permit the service to properly give an integrated answer to the difficulties presented by the immigrants. It reopened in

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²¹For further information consult NARIC’s website:

<http://www.dges.mctes.pt/DGES/pt/Reconhecimento/NARICENIC/>

²² The National Immigrant Support 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. The support offices are managed by ACIDI, being the service provided by intercultural mediators coming from immigrant associations and that are trained by ACIDI. The One-Stop-Shop service is a policy that approaches integration from the perspective of the adaptation of the receiving society and the services that it provides, combined with a consultative and cooperative process working with immigrants, to further the integration of both immigrants and the receiving society. For further details on the One-Stop-Shop approach see Oliveira *et al* (2009) or visit the website www.oss.inti.acidi.gov.pt



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2009, after the new Law and Regulation for the Recognition of Higher Education Qualifications. The Office continues to be located within the CNAI, and since it reopened to the public over 2.269 cases were attended to, showing an increase in the number from year to year (see Table 13).

Table 13. Number of cases of ACIDI Office for the Support of Academic and Skills Recognition

Year	Monthly average	Total
2009	87,8	540
2010	106,4	776
2011	118,8	842
2012* * data only for January	111*	

Source: ACIDI (data not published)

Qualified Immigrants Support Office: in 2011, 248 immigrants requested the support of this Office and 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% are working in a related field, 22% in the specific field, while 28% are still actively looking for integration in the labour market. This support office has been also promoting several projects (further in Annexe V).

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5.4. Special programmes for highly qualified immigrants

In the past years several special programmes 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 more recently got the support and the sponsorship of public administration.

Doctors/Nurses Programmes: 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* (PAPMI). The pilot project was originally implemented by the Calouste



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Gulbenkian Foundation (provided scholarships and financed fees – see Annexe VI) and the Jesuit Refugee Service (managed the project). The main goal was to put together the conditions to allow the recognition of qualifications of foreign doctors, in order for them to be able to exercise their profession in Portugal. The project's timeframe was from June of 2002 to December of 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 related to the Medical Schools, to the Portuguese Medical Association and 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 took place from 2005 until the end of 2007. This project found improvements, namely in the solidity of partnerships, better Portuguese language courses modalities and better labour market integration²³. The project received 350 applications and after the selection team analysed the applications, 59 candidates met all required criteria (43 women and 16 men). A variety of activities were identified, directed at going beyond the professional integration of these professionals but towards a wider perspective of integration (see Annexe VII). In order to consolidate the necessary work positions for 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%.

In 2008, taking into consideration the immigrants' high qualifications already available in Portugal and the national necessities in 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 also the 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

²³ Marques V. Recognition of immigrant doctors' qualifications, Jesuit Refugee Services. In: Health and migration in the European Union: better health for all in an inclusive society. Lisbon, Instituto Nacional de Saude Doutor Ricardo Jorge, 2009



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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 (details of the official requirements listed in Annexe VIII), the attendance of Portuguese language training sessions and exam, equivalence of medical diploma, professional internship, theoretical medical exam and finally 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 having their qualifications recognised and registering in the Portuguese Medical Association. This project has been considered a good practice regarding the professional integration of highly qualified immigrants.

Project for the Support of Qualified Immigrants (PAIQ): in December of 2010, the Jesuit Refugee Service in partnership with Lisbon's City Hall launched a new project aiming at the recognition of immigrant qualifications and academic titles and their integration in the national labour market. According to the contract²⁴ between the two responsible entities, PAIQ has the following aims: to identify the qualifications of the highly qualified immigrant population; to identify the Portuguese highly qualified labour market; to create strategic partnership with entities linked to equivalences; to provide informative support regarding equivalence/recognition processes; to promote an integrated methodology of both giving support to the recognition of qualifications and the insertion in the labour market; and to promote the access to Portuguese language courses.

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²⁴Contract for Project for the Support of Highly Qualified Immigrants: http://www.cm-lisboa.pt/archive/doc/P_753.pdf



6. The challenge of circular talent management of highly skilled migrants

Taking in consideration the existence of three different profiles of highly qualified immigrants in Portugal, it should also be acknowledged that they face diverse challenges of integration. The challenges are mainly linked to whether immigrants' qualifications are being used or not in the labour market, and/or being officially recognised or not. Hence, it is possible to identify four possible ideal types of highly skilled immigrants in Portugal:

Table 14. 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

The differences of these four Ideal types raise, as a consequence, different opportunities, challenges and integration needs for the immigrants that belong to each. In other words, although the legal framework that defines the possibilities of the official recognition process of qualifications and equivalences is very important; is furthermore relevant to analyse how the country is effectively using immigrants' skills in the labour market (or, in contrast, is wasting human capital gathered with no costs to the country) and/or if it attracts highly skilled immigrants.

As illustrated in the table above, the more vulnerable situation in highly skilled Ideal types is of those immigrants that although having higher education, his/her qualifications are not being used in the labour market nor have been officially recognised (**Ideal Type D**). The amount of paperwork required for the application process of recognition of qualifications, with all documents translated into Portuguese, can prove to be a long and sometimes difficult and expensive process. This reality can affect external recruitment by employers and applications by qualified potential foreign employees. On the other hand, the *overqualification* situations can have several negative consequences to immigrants: in a study on immigrants' work accidents it was proven that individuals that work in sectors below their qualification are far more vulnerable to work accidents (e.g. Ukrainians) than those who have work experience in unqualified



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activities and/or have lower education (e.g. Cape Verdeans), 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 situation is linked to those immigrants that went through a process of recognition of qualifications or equivalences (with all the expenses related to that), 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.

One of the biggest challenges described by the professionals that work with the recognition of qualifications and the integration of highly qualified immigrants in the labour market is the resistance offered by the Professional Associations.²⁵ Even when the overall picture of the country shows particular necessities in certain fields (the medical field, for example), the Professional Associations have contested the adequacy of the qualifications of these professionals, often forcing them to long waiting periods for registry. For a process of successful integration, it is important for the negotiation among all factoring elements to be transparent and have the same future objectives, be it on a more personal level - the perspective of the employee or of the employer - or be it in a more global sense - in the perspective of the welcoming country or of the country as origin.

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Finally, and in contrast, the two better situations of highly qualified immigrants are of those that are using their skills in the labour market (**Ideal Types A and B**), being their qualifications officially acknowledged or not. Those are of course the ones in better positions of integration in Portugal. Portugal has since 2008 been actively recruiting highly qualified health professionals through bilateral agreements with Latin American countries. As described before, the process of recruitment involved all relevant actors in the process (Ministry of Health, Medical Schools and

²⁵ Recently, the Medical Association made an official declaration in their website – further at <https://www.ordemdosmedicos.pt/?lop=conteudo&op=ed3d2c21991e3bef5e069713af9fa6ca&id=96671501524948bc3937b4b30d0e57b9> - explicitly targeting Cuban doctors, questioning the need for their recruitment and the salaries being paid in detriment to the recruitment and salaries of national doctors/medical students. Considering the present economic situation, the negative tone of the communication implies preference for foreigners over nationals.



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Medical Association) and followed the WHO Guiding principles of the conduct code for international recruiting, which alerts to the dangers of *brain drain*.

Unlike the other groups of highly qualified migrants described, for which the greatest concern lies in the danger/problem of *overqualification* and *brain waste*, the main concern on recruiting highly qualified 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 by both countries, keeping in mind the necessities of the recruiting country and its labour market but also sensitive to the *brain drain* effect in the country of origin (Lowell 2008:64).

The National Plans for the Immigrant Integration, the special programmes for the integration of foreign doctors and nurses, and the support offices to highly qualified immigrants, are examples of policies and investments made in Portugal targeting mainly the vulnerabilities of the two first situations – **Ideal Types C and D**. These initiatives originate, not only from public services but also from civil society organisations, often working together for better results. 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.

In the past decade policymakers have given more emphasis to policies of attraction (with the possibility for a highly qualified visa), of promotion and of retention (special programs to integrate highly qualified immigrants already living in national territory and working outside, often beneath, their qualifications profile) of highly qualified immigrants. Even so, if the special agreements, as referred before, are taking in consideration the concerns about the *brain drain*, being framed by rules that try to avoid that problem and/or aim to stimulate the *brain exchange* – either by defining articles in the law that reinforce the return to the countries of origin of the professionals after studying or working in Portugal, or even by respecting the WHO principles -; in contrast, the 2007 Immigration Act - because it foresees that highly qualified holders do not need to answer to any labour market quota to get a visa, but just need the labour market to acknowledge them as having the proper (higher) qualifications for the job that they are being contract to do – mainly take into account the *brain gain* to Portugal, not monitoring if



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immigrants that are coming as highly qualified are creating situations of *brain drain* to their country of origin.

The challenge is to be able to cross reference the highly qualified human resources and the national labour necessities, in order to fulfil the interests of both sides. A transparent and monitored process could serve as an attraction for the right candidates. Such process is described in the EU Directive for the implementation of the EU Blue Card, which is presently in the process of being transposed to Portuguese legislation. 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/labour market gaps. Although this allows for better control, it permits the Member State to justify acceptance/denial of entry with relative ease. Besides, if the purpose of the Directive is the harmonisation of the entry and permanency of highly qualified third-country nationals, the quota system rationalisation is not really harmonising. Secondly, following the same thought process, there is no harmonised system for the recognition of degrees and qualifications. The third problem identified as fragility 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).

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Regarding this last point, IOM’s 2008 World Migration Report concludes from their data that migratory movements are more influenced by cultural and regional affinities and common history, than with immigration policies (Lowell 2008:52). The high number identified in this report of migratory movements of highly skilled immigrants from Brazil and Africa to Portugal, instead of another more economically developed European Union Member State, is evidence to this argument. Egreja and Oliveira on their study found cultural proximity, common language and the existence of special regulation simplifying the bureaucratic process (result of the bilateral agreements) to be among the main reasons for highly qualified Brazilians to have chosen Portugal as their migratory destination (2008:3).

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 the highly qualified individuals to the



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European Union. Furthermore it should be further 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 qualified immigrants in the future? 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* because his/her only aim was to have a legal status in the EU and to have a higher income than the one they had in the country of origin (e.g. what happen with the Eastern Europeans)? Or even, in an inferior number, will Portugal still attract highly qualified immigrants that mainly came to answer to multinational companies requirements?

Furthermore, it should be discussed how Portugal can become more attractive to highly qualified third-country nationals, especially to answer to the demand of certain professional sectors, when presently under the fragile economic situation Portuguese professionals and young highly qualified are leaving the country because they have not found a job.²⁶ According to the National Statistics Institute (INE) in the third trimester of 2011 it increase in 17% the unemployment of individuals with higher education, as the number of unemployed with lower education decreased in -3.2% (Destaque INE, 16 November 2011).

In a comparative glance, we can say that the outflow of Portuguese nationals for the purpose of highly qualified work has historically not been very relevant, but that it has been increasing over the years. The increased number of emigration can be linked to many 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),

²⁶ The present situation that we are facing with the global economic crisis has also strongly impacted the youth labour force. 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. Although education is linked to a higher employment rate, further investment in education does not necessarily imply access to a (full time) job and especially, access to a job that matches the academic qualifications with the job description. Considering these preoccupying effects, ILO presents recommendations regarding the important area for intervention: *Macroeconomics and growth policies; Active labour market policies and programmes; Social protection for young people; Social dialogue and partnerships for youth employment; Labour market information and analysis systems* (ILO 2012: 3-5).



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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' 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 of immigrants (including of whom were educated in Portugal) and natives.

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; and Portuguese professionals emigration was low competitive, as inflows presented diverse characteristics (Peixoto, 2004: 15). This past decade – particularly after the beginning of the economic crisis - has shift, however, this reality and new scenarios had put forward a new outflow of Portuguese professionals, being Portugal particularly fragile in its competitive capacity to attract the worldwide talents, retain the best national talents and/or to assure the return of the highly skilled Portuguese.

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7. Conclusions

This report identified three distinct groups in order to better characterise the highly qualified immigrants in Portugal: (1) highly qualified immigrants at entrance to Portugal; (2) immigrants acknowledged as highly skilled after a process of equivalence/recognition of qualifications or after achieving a higher education in the Portuguese education system; and (3) potential highly skilled immigrants and/or those in situations of *overqualification* in the Portuguese labour market. Coming from the characteristics and the difficulties faced by these three different groups in the past years several policies and programmes have been developed. Progressively, a



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new legal framework on the recognition of academic titles, together with special programmes (governmental and civil society initiatives) have contributed to the prevention of the *overqualification* of immigrants in Portugal, as well as *brain waste*, which have resulted in an increase of successful applications and attributions of academic recognitions and (mostly in the health sector) in the rise of immigrants insertion according to their qualifications. On the other hand, the 2007 Immigration Act resulted in a significant rise in the highly qualified visas issued, meaning a *brain gain* for Portugal.

In a time of economic crisis, it is absolutely crucial to make the best out of the human resources available and that obviously includes making the labour market and the process of recognition of academic and professional qualifications more accessible to immigrants.

The Directive on the creation of the EU Blue Card can greatly contribute to making the European Union an attractive destination for highly qualified individuals. One other important factor brought forward is 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 (Cerna 2008:5). As such, the transposition of this Directive to national legislation that is presently taking place in Portugal might reinforce the policies for the insertion and integration of this immigrant population.

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The main task for a successful integration is precisely having the circumstances work out for both sides of the equation, the immigrant/country of origin and the national citizens/host country. A transparent process matching supply and demand identifies qualifications and necessities at two different levels, individual and Nation, keeping in mind the characteristics not only of the worker but also of the situation in the country of origin.

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9. ANNEXES

Annexe I

Year	3 top nationalities	Gender	Residence Visas		Temporary visas	
			Total	For Highly qualified	Total	For Highly qualified
2007	Total	M	3,185	40	345	10
		W	3,247	13	347	7
		Total	6,432	53	692	17
	Brasil	M	714	12	31	2
		W	715	3	4	0
		Total	1,429	15	35	2
	China	M	185	7	3	2
		W	205	3	3	2
		Total	390	10	6	4
	India	M	45	9	10	2
		W	21	2	2	0
		Total	66	11	12	2
2008	Total	M	7,084	207	1,629	273
		W	7,648	85	1,325	171
		Total	14,732	292	2,954	444
	Brasil	M	1,566	62	171	59
		W	1,577	40	124	67
		Total	3,143	102	295	126
	China	M	611	30	34	9
		W	658	9	24	2
		Total	1,269	39	58	11
	India	M	142	15	72	10
		W	175	6	4	1
		Total	317	21	76	11
2009	Total	M	6,187	262	1,654	298
		W	6,554	142	1,460	167
		Total	12,741	404	3,114	465
	Brasil	M	1,228	75	193	73
		W	1,332	68	170	61
		Total	2,560	143	363	134
	China	M	548	22	17	8
		W	709	9	22	3
		Total	1,257	31	39	11
	India	M	232	56	80	27
		W	246	6	11	3
		Total	478	62	91	30

Source: Ministry of External Affairs of Portugal



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Annexe II - Agreement of Friendship, Cooperation and Consultation between Brazil and the Republic of Portugal

Law 83/2000 - Description regarding Highly qualified or recognition of qualifications:

Art.º28 (1) Stimulate cooperation in the fields of science and technology, (2) namely by the interchange of professors, students, scientists, researchers, experts and officers;

Art.º39 (1) recognition of academic titles and levels of specialties – academic titles or training by a recognized university - by both States, provided that they are certified by legal documents. (2) (...) levels and academic titles of post-secondary education with minimum duration of 3 years is considered higher education.

Art.º41 – Recognition will always be given, unless it can fundamentally be proven a significant difference in the content and skills of the title in question.

Art.º42 (1) Higher education institutions in Portugal and Brazil may celebrate agreements for the automatic recognition of academic titles achieved at these institutions, considering their course programmes. (2) Such agreements must be registered.

Art.º44 recognition is also granted for specialty titles, with the necessary adaptations.

Art. 46º nationals of each State can access and exercise a profession in identical terms as the nationals of the State where the work is being developed.

Source: Law 83/2000

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Annexe III - National Plan for Immigrant Integration (2007-2009)

Measures related to highly qualified immigrants:

Measure 1 “Consolidating National Immigration Support Centres” In 2009, the National Centre for Immigration Support in Lisbon, which is based on a One-Stop-Shop model²⁷, (re)opened a Support Office for Qualification. This Office is based on a partnership with the National Agency for Qualification and services the immigrant population by proving information and counsel in the most adequate processes of qualification, regardless of their level of education/training. The necessity of this service was previously identified by ACIDI and an attempt for the creation of this service was made in approximately 2004, however, its implementation failed because of the legal obstacles. With the introduction of the new legal framework, the conditions for the success of this Support Office were established.

Measure 6 “To facilitate entry of students who have attended higher education into Portuguese higher education and to simplify the recognition of foreign qualifications by introducing a specific service for dealing with this matter.” The alterations in the 2007/2008 legislation on transfer students and/or change of study subject or recognition of academic titles described in the previous section contributed directly to this measure. The final evaluation report of the 2007-2009 PII²⁸ indicated that there was an increase of 11% in the number of academic titles right after the diploma took effect, although the following years show a decrease in the number of applications/recognitions.

Measure 45 “Information Guide for foreign students”. The Guide was elaborated by the Directorate-general of Higher Education of the Ministry of Science, Technology and Higher Education and is available in NARIC’s website, as described in the previous section.

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²⁷ For more information on the One-Stop-Shop model: <http://www.oss.inti.acidi.gov.pt/index.php?lang=en>

²⁸ Final evaluation report of the 2007-2009 Plan for Immigrant Integration :
<http://www.acidi.gov.pt/cfn/4d346c9b80687/live/Conhe%C3%A7a+o+Relat%C3%B3rio+Final+do+PII+%282007-2009%29>



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Annexe IV - National Plan for Immigrant Integration (2010-2014)

Measures related to highly qualified immigrants:

Measure 17 “Simplifying the qualifications recognition process”. The measure is divided in three aspects: (1) further simplification of the procedures for the recognition of qualifications; (2) making the information available to the public, through an e-flyer on good practices in the recognition of higher educational qualifications issued by foreign institutions and; (3) creation of a database of equivalences of foreign higher education diplomas recognized by the Portuguese universities.

Measure 19 “Creating an information system on highly-qualified immigrants”. The creation of a highly qualified immigrant’s database which can be used to cross with the national employment market necessities and training opportunities, in close articulation with the Network of Local Centres for Immigrant Support and the Occupational Insertion Offices.

Measure 73 “Reinforcing support for circular migration”. The promotion of circular migration in articulation with the countries of origin and the protection of acquired rights underlined in bilateral agreements.

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Annexe V - Imigrantes – Solidários Project

As part of JRS' Qualified Immigrants Support Office, this project aimed to target highly qualified immigrants that do not have their academic qualifications recognised in Portugal and are not working yet in their area of study. The project began in March 2010 and received 86 applications, six were selected (4 women and 2 men), between the ages of 21 – 55 years old. All the participants came from Eastern European Countries (Ukraine, Moldavia and Belorussia). The requisites of the project concerned academic documentation, legal situation in Portugal and not working in their field of study. Out of the six, only one is still waiting for the recognition of the diploma. As far as their insertion in the Portuguese labour market, the success rate was low, being that there was only one successfully employed.

The project involved supporting and motivating the participants in their search for adequate employment and contacting the Engineering and Economist Association. 178 contacts to potential employers were made and a Social Network was designed.

The innovated aspect of this project lies in the idea that the financial support that is initially given to the participant for the necessary bureaucratic documentation and service fees, is then returned by the beneficiaries to the project after his/her successful insertion in the labour market. This strategy allows for the sustainability of the project and seems to be able to create a stronger sense of responsibility in the candidate, knowing that the funding for another candidate might be dependent on their retribution.



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Annexe VI - Financial Support attributed to applicants of the Project of the Support to the Professionalization of Immigrant Doctors in Portugal (PAPMI)

Translation fees	800€ max.
Degree equivalence request	300€ max.
Recommended books for exams	
Internship stipend	500€/month
Registry in Medical Association	200€ max.
Installation stipend	1000€ max. (up to 3 months)

Source: Jesuit Refugee Centre, 2006

Annexe VII - Integration activities in the Project for Equivalence of Academic and Professional Qualifications of Immigrant Nurses:

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- (1) Selection of candidates;
- (2) Mobilize Nursing Schools;
- (3) Mobilize health care services;
- (4) Mobilize the Immigration and Borders Service;
- (5) Sensitise NARIC;
- (6) Create personal and family conditions (training);
- (7) Lessons on technical Portuguese and Citizenship;
- (8) Complementary training;
- (9) Mobilise Caritas and Catholic Orders;
- (10) Sensitise Nurses Association;
- (11) Periodic meetings;
- (12) Professional placement and integration;
- (13) Family reunification support;
- (14) Portuguese lessons for family members;
- (15) School integration of children;
- (16) Labour integration of spouse;
- (17) Evaluation;
- (18) Professional monitoring;
- (19) Project outline for the recognition of nursing training.

Source: Jesuit Refugee Centre



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Annexe VIII - Programme “Professional integration of immigrant doctors”

Requirements	Application documents	Programme documents	Programme activities
Foreign Medical Degree (except Dentists, Alternative Medicine professionals and Veterinarians), from a 3 rd country Higher Education Institution, from a country without automatic recognition bilateral agreements with Portugal.	Application form	Copy of Social Security Card	Submission of application
Third-country national or EU national	Identification Document with authenticated copy	Criminal record from the country of origin	Check fulfilment of application requirements and selection of candidates
Reside legally in Portugal	Residency Visa or proof of renewal request	Copy of academic diploma, transcript of classes, grades and duration	Training lesson in the Portuguese language before the beginning of internship
Regular Social Security situation	Copy of work contract (if applicable)	Copy of class descriptions and duration, translated to Portuguese	JRS requests equivalency of medical diploma at one of the Portuguese Medical Schools
Clean criminal record	Criminal record (from less than 3 months from application date)	Certificate of registry (Council or Order)	4 month professional internship
Haven't benefited already from a previous edition of this programme	Copy of Social Security card	Proof of professional honorability, issued by the competent entity for monitoring doctors in the country of origin	Training lesson in the Portuguese language during the internship, focus on medical technical terminology
	Medical declaration attesting good health by a registered doctor in Portugal	Professional card, if applicable, translated to Portuguese	Exam of Portuguese Language
	Foreign Medical Diploma (officially translated to Portuguese)	Bank account number	
	Curriculum Vitae in Portuguese		Theoretical medical exam at the end of the internship
	Social Security declaration attesting for the situation of subsidiaries		Registry in the Portuguese Medical Association
	3 photos		Integration in the medical labour market

Source: Ministry of Health, Regulation n. 25409-A/2008