Ukrainian migration to Portugal. From non-existence to the top three immigrant groups

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Introduction

Like in other southern European countries, immigration into Portugal did not become an academically and politically relevant subject until the 1980s. Historically, Portugal has been a country of emigration. The number of immigrants was relatively low until 2000 and immigration was supported mainly from the Portuguese-speaking countries. The emergence and development of sizeable groups of immigrants in the 1990s imposed on the state the necessity to elaborate policies of immigration and to develop institutional and legal apparatus, and consequently to translate these policies into practice.

Between 2001 and 2004 Portugal endorsed 100,282 stay permits to immigrants from Eastern Europe (Moldova, Ukraine, Russia and Romania). Stay permits granted through Law 4/2001 reveals the development of immigrant communities that previously were quantitatively of small significance. For the first time, Ukrainian, Romanian, Moldovan, and Russian immigrants appeared among the main immigrant groups in Portugal. This new migratory flow allowed taking conscience that immigration in Portugal was no longer confined to the traditional regions of destiny, but was increasingly spreading all over Portugal. More surprising than the post-colonial migration to Portugal however, has been the emergence of Eastern European migration where previous cultural links and existing migratory networks had been absent. Available empirical evidence obtained since this period, confirmed that this population is highly distinct from the previous migratory waves to Portugal. Two major surveys conducted by the research team of the Centro de Estudos Sociais in 2002 and 2004, characterized the migration from Eastern Europe to Portugal as a labour movement, rooted in the economic disparities existent between the two regions. In accordance with the results obtained, this movement occurred because: a) profit seeking organisations, particularly in the Ukraine, promoted migration to Portugal; b) the ongoing regularisation process of immigrant workers; c) an increase in demand for foreign workers in economic sectors, such as construction and tourism verified during the second half of the 1990s and the early years of the new millennium. However, what is today is an already a recognised fact is that even without new arrivals and with some departures, this

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The sudden and unexpected migratory wave has drastically and substantially changed the composition of the immigrant population in Portugal and consolidates the position of Portugal in the European migratory system as a receiving country.

The Development of Immigration Policies

In this brief text we would like to outline the development of recent immigrant policies in Portugal and to focus more thoroughly on the political measures that had a greater impact on the development of the migratory flow, especially that of Ukrainians to Portugal and their legal and labour market integration. It is possible to characterise Portuguese immigration policies of the late 1980s and early 1990s as mainly reactive. Its main objective was to respond to an increasing immigrant population. A substantial part of the migrants entered the country legally but overstayed their permission to be on Portuguese territory. The laws that gave a material expression to this policy aimed, therefore, to regularise the situation of foreigners who were staying without the necessary authorisation in Portugal. It also preferentially targeted immigrants from Portuguese-speaking countries, which comprised more than 80% of the total number of foreigners regularised during the two regularisation processes of the 90's (1992 and 1996). Positive discrimination provisions towards citizens from former Portuguese colonies were also present in other legal instruments (e.g. nationality law), thus reflecting the intense political, economic, and socio-cultural relations that continued to exist between these countries and their former colonial power.3

Policies adopted in the beginning of the new millennium gradually moved away from the preferential treatment of immigrants from Portuguese-speaking countries and adopted a more universal approach to immigrant groups present in Portuguese territory. The development of a massive migratory flow with its origin in countries with no previous historical, cultural and economic links to Portugal (Baganha et al., 2004b) and the political will to modify the framework on immigration led to the enactment of a new legislative framework on entry, residence, and expulsion from the Portuguese territory. Through law nº 4/2001, which came into effect on January 10th, the government tried to develop a more active approach to immigration that, at least theoretically, should allow the Portuguese state to better plan and control the entrance, work and residence of foreign citizens. The elaboration, for the first time in the brief history of Portuguese immigration law, of an annual report that foresaw the employment opportunities and the sector of activity where they exist (article 36, nº 2) was seen as an instrument to control the total number of labour immigrants entering the country. Since this report had to first be produced, it could not be useful for the thousands of immigrants living and/or working illegally in the country.

The Process of Legalisation

The same law therefore introduced a provision that allowed these immigrants the possibility of legalisation. Unlike the former regularisation processes (in the 1990s) which were directed towards all immigrants irrespective of their position in the labour market, the 2001 legalisation was directed toward immigrants working in Portugal without the necessary permit. The 2001 legalisation was thus directed to immigrants who, albeit without the necessary documents, were active in the Portuguese labour market. Another particularity of this legalisation process was that it remained open from January 2001 until November 2001 and so covered both those immigrants already in Portugal at the time of the approval of this law and those immigrants who where able to come to Portugal almost without obstacles until the end of the legalisation period. This window of opportunity created by Law nº 4/2001 was readily taken up by a large part of potential immigrants, entrepreneurs and a set of other entities involved in the ‘migratory business’ (Marques, and Góis, 2005). As recognised by the Portuguese authorities, after the beginning of the legalisation process thousands of citizens from non Schengen member states entered Portuguese territory in order to obtain legal status in an EU country. Some quantitative surveys conducted among the immigrant groups most represented in this recent migratory flow also confirmed the attraction effect exercised by the possibility to obtain a legal permit to stay and work in Portugal. For example, in a survey “When the ends touch each other: Eastern European Immigrants in Portugal” conducted in 2004 with immigrants from Ukraine, Russia and Moldova, almost a quarter of those surveyed affirmed that they had chosen Portugal as their migratory destination due to the possibility to become legalised⁴ and more than a third of the interviewees mentioned that their entry in Portugal took place between January and October 2001. This survey also showed that the end of the exceptional legalisation period created by Law nº 4/2001 did not stop the migratory flow of citizens from Eastern Europe, since 24% of the interviewees affirmed that they had entered Portugal after the end of this exceptional period, that is, after January 1, 2002⁵ (Marques, and Góis, 2005).

The new legal framework created by Law nº 4/2001 transformed the Portuguese immigration landscape in several ways. First, it introduced a new type of permit (the stay permit) in the set of existent legal documents which allow foreign citizens to stay and work in Portugal, thereby dividing the foreign population between the holders of a permanent residence permit and the holders of a four times renewable annual stay permit. This last group of immigrants remained in a very unstable situation, both because their legal presence in the country was determined by their ability to renew their permit each year and also because it was politically unclear what would happen after the achievement of the maximum number of renewals allowed (that is, after a

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⁴ Survey carried out for the research project ‘When the ends touch each other: Eastern European Immigrants in Portugal’ financed by the Portuguese Foundation for Science and Technology. For a overview of the main results of this project see Baganha et al. (2004a)

⁵ According to Law 4/2001 the exceptional legalisation period should only be open until the approval of a report that defines the work opportunities available in Portugal that could not be fulfilled by national or EU workers.
five year residence in Portugal). Second, it contributed to a fast quantitative rise in the foreign population (see below) and to a change in their socio-demographic characteristics. The most visible feature of this modification was the sudden presence of dozens of thousands immigrants coming from an Eastern European country that, independently of their academic qualification, were economically incorporated into the 3D (dirty, dangerous and difficult) jobs on the labour market. The increase in demand for foreign workers in economic sectors like construction and tourism, verified during the second half of the 1990s and the early years of the new millennium, were met in large part by immigrants who came from entirely new supply sources, and particularly from Ukraine, Moldova and Russia. This was particularly unexpected because Portugal had not adopted any pro-active recruitment policies aimed at Eastern European workers, nor did it have any privileged and intense economic, historical or cultural links with that region that could explain the sudden and massive influx of immigrant workers (Baganha et al., 2004b).

The Consequences of New Immigrant Policies

The 2001 regularisation/legalisation process produced a change in the hierarchy of the main nationalities present in Portugal. Immigrants from Portuguese-speaking countries ceased to be the leading nationalities, this position being occupied by citizens from Eastern Europe. The immigrants from the Ukraine, Moldova and Russia appear to figure among the largest immigrant groups, and Ukrainians even became the largest immigrant group in the country. Under the dispositions of article 55 of Law nº 4/2001 introduced January 10th, the number of stay permits granted to illegal immigrant workers during 2001, 2002, and 2003 was 183,655. More than half of these permits were given to Eastern European immigrants and specifically to Ukrainians (35%). In just one year, the number of immigrants residing legally in the country jumped from 208,198 in 2000 to 350,503 in 2001, i.e. in a single year, the immigrant population legally residing in the country registered a growth of 68% (Baganha et al., 2004a; 2004b).

Law nº 4/2001, albeit permitting the legal integration of immigrants working illegally in the country, was politically conceived as a short-term measure to deal with the increasing demand for a labour force. Thus it managed to bring, at least temporarily, to the formal labour market thousands of illegally working immigrants that were formerly active in the informal economy. This did not automatically mean that the legal framework created in 2001 achieved the legalisation and integration into the formal economy of all recently-arrived immigrants and their maintenance in these positions. A non-negligible part of these immigrants remained illegally in the country since they did not succeed in fulfilling the necessary conditions (above all, the existence of a valid work contract) to be eligible for a residence permit. For example, in the 2004 survey mentioned above, almost 13% of the interviewees did not have any authorisation to stay in Portugal (Baganha, et al. 2004; 2004b).

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6 Currently the Portuguese Government is preparing legal measures to clarify the situation of the immigrants after the end of their last possibility to renew its stay permit. If the immigrant lived in Portugal uninterruptedly for the last five years, his authorisation will be transformed in a authorisation of residence (Portuguese Government, 2006).
The regulatory Law nº 6/2004 launched a special regime for the regularisation of foreigners who were in Portugal irregularly once they fulfilled certain conditions. This process allowed the legalisation of foreigners who had entered Portugal before March 12th, 2003 and who had at least 90 days of social security payments. During the pre-registration of this process, CTT (the post office branch) received 53,197 pre-registrations of which 8,328 were from Ukrainians. Of the 53 thousand pre registered individuals, 40 thousand were left out remaining illegal in the country, what took the Government to open a new exception. Since September 2006 the Foreigners and Border Police (SEF) have been contacting these 53 thousand pre registered individuals in order to extend their residence permit. However, only the irregular ones that made the pre-registration in CTT between May 3 and June 14, 2004 will be summoned by SEF. Of these, those who are unemployed will have access to a visa of 90 days to find a job and those who can prove they have a labour contact receive a visa of one year "with authorisation to work.”

The New Development in Recent Years

In recent years however, and especially since 2003, a reduction in the number of new immigrants in Portugal was noted. The data of the Migration Report of the OCDE (2006) show a reduction in all nationalities, with the exception of British citizens. This report shows a continuous declining trend in the case of immigration from the countries of Eastern Europe, which is most intense among Ukrainians and Russians, while Moldovan and Romanian immigrants seem to maintain a constant level. The number of Ukrainian immigrants that entered Portugal legally diminished 98% during the last 4 years. In accordance with the above-mentioned OCDE Report, the reduction in the number of foreign immigrants entering Portugal is to a large extent the result of a substantial rise in immigrant unemployment rates. In the case of Ukrainian immigrants the unemployment rate doubled during the period 2002-2004. This fact seems to suggest the existence of a self-regulation mechanism in the migratory flows, since immigration occurs during periods of higher job creation and decreases in the inverse periods (OECD, 2006).

Simultaneously with the reduction in the number of entrances, thousands of Ukrainians had abandoned the country in recent years. The economic crisis verified in Portugal, which was particularly intense in the main economic sectors where Eastern European immigrants worked (e.g. the construction and building industry), is the main reason for the departure of thousand Ukrainians. Alongside this reason it is possible to add others that help to explain why Ukrainians are leaving Portugal. Almost all of these reasons are of an economic nature: the improvement of living-conditions in Ukraine, the facilitation of Ukrainian immigration to Russia, economic growth in Spain and the better wages offered in countries such as France and the United Kingdom.

It was precisely in this context of a reduction of Ukrainian immigrants both residing and arriving in Portugal that a temporary labour migration agreement
was settled between Portugal and Ukraine (Law 3/2005 of 14th February\(^7\)). Like comparable agreements made between Portugal and other countries (e.g. Portugal-Bulgaria\(^8\), Portugal-Romania\(^9\)), the main objective of this legal diploma was to prevent the illegal work of immigrants and therefore the major part of the articles of the agreement are about the procedure to be followed by a Portuguese employer who wants to recruit a Ukrainian employee. The effect of this agreement on the migration flow of Ukrainians to Portugal is difficult to assess since statistical data on the number of visas issued in each year by Portugal doesn’t distinguish between the issuing of a visa through the general law on entrance and residence in Portugal and through the Portuguese-Ukrainian agreement. However it is possible to assume that due to the unfavourable labour market conditions, it didn’t have a sizeable impact on the entrance of Ukrainian labour migrants. In fact, the number of labour visas issued since 2001 by Portugal to Ukrainian citizens remains very small, increasing from 109 in 2001 to 335 in 2003, decreasing then to 312 in 2004 and increasing again in 2005 to 376 (MNE, unpublished data).

**Conclusion**

Overall, the presence of immigrants in Portugal was, until 2000, relatively low and the main migratory movements occurring were clearly rooted in the country’s colonial past, its historical and cultural links, as well as its main economic connections. From 1996, when there was a special regularisation period and Portugal entered the Schengen space, the number of illegal immigrants in the country had been growing. This was particularly so after 1998 when the possibility of obtaining a permit of residence for those with illegal status in the country was introduced in a bill on immigration. The marked growth in demand during the second half of the 1990s was caused by a boom in the construction and building sector and was met in large part, not only by the traditional supply sources, the former Portuguese colonies in Africa and Brazil, but also by entirely new supply sources, namely immigrants coming from Eastern European countries, and particularly from the Ukraine, Moldova and Russia. This was a most unexpected change in the Portuguese migratory patterns of the 1980s and 1990s. Particularly because Portugal had not adopted any pro-active policy\(^{10}\), at that time to recruit Eastern European workers nor did it have any privileged economic, historical or cultural links with that region that could explain the sudden and massive inflow of immigrant workers. The fact that the main determinants usually referred to in the literature - post-colonial relations, direct recruitment, state-sponsored migration, bilateral agreements, strong historical, cultural or economic links, existent migratory networks - were all absent in this case made it particularly interesting.

As demonstrated in this paper, the migration of Eastern European citizens to Portugal was an intense movement that essentially took place during the year 2001 and mainly overlaps with the extraordinary process of regularisation of

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\(^10\) At least till the first bilateral agreement Portugal-Bulgaria in 2003 (Law 23/2003 from May 17).
immigrant workers, that took place between January and November of the same year. Since then, the movement diminished significantly and given the economic recession experienced by the country, it is realistic to suppose that it will remain at low levels during the next few years. As the characterisation of this immigration flow shows, the migration of Eastern Europeans can be qualified as a labour movement based on the existing economic disparities between the two regions.

The movement occurred because organisations with lucrative objectives, and organized networks of migration assistance, particularly active in Ukraine, promoted migration to Portugal, using the fact that an extraordinary regularization of immigrant workers was taking place as a main attraction, alongside the labour force scarcity felt by some of the Portuguese economic sectors (mainly civil construction, public works and the tourism industry). Despite the high qualification level that the majority of them declared to posses, their labour market insertion took place in the so called 3D jobs which are usually badly paid. This means both that immigrants from Eastern Europe suffered an occupational downward mobility and that Portugal is losing a chance to partially improve the overall qualification structure of its active population; an occurrence of ‘brain waste’. It is premature to try and foresee the evolution of this latest migratory wave. However, what today is already a recognised fact is that even without new entrances and with some departures, this sudden and unexpected migratory wave changed drastically and substantially the composition of the immigrant population in Portugal and consolidates its position in the European migratory system as a receiving country.

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