

ORGANISATION OF MIGRATION AND ASYLUM SYSTEM IN (MEMBER STATE)

2020



INTRODUCTION

This document provides an overview of how asylum and migration policies are organised in **Portugal**, including the organisation of the institutional and regulatory context and framework for dealing with third-country nationals coming for the purpose of legal immigration or for international protection. It is based on the information provided by Portugal in **September 2020**.



OVERVIEW OF ORGANISATION OF LEGISLATIVE AND INSTITUTIONAL FRAMEWORK

THE INSTITUTIONAL CONTEXT

The implementation and monitoring of immigration and asylum policies are the responsibility of the **Ministry of Home Affairs (MAI)**, which oversees the entry, stay, exit and removal of foreign nationals. MAI's performance, in particular the **Portuguese Immigration and Borders Service (SEF)**'s intervention, focuses on all aspects of immigration and asylum policy. Sectoral contributions also add to these policies, namely:

- *Integration policy, in charge of the Presidency of the Council of Ministers (PCM);*
- *External representation and visa granting, depending on the Ministry of Foreign Affairs (MNE);*
- *Employment, qualification and social security policies, by the Ministry of Labour, Solidarity and Social Security (MTSSS).*

NGOs also play a very important role, namely:

- *The Portuguese Council for Refugees (CPR), legally recognised for defending and promoting the right of asylum in Portugal;*
- *The International Organisation for Migration (IOM), legally recognised for assisting migrants to voluntarily return and to be reintegrated in their origin countries.*

THE LEGAL SYSTEM

The preliminary project of the usually called "Foreigners' Law", led by the Ministry of Home Affairs, was submitted to a wide public debate, and it was broadly participated.

Many Departments within different Ministries provided contributes, in particular those from Foreign Affairs, Labour and Social Solidarity,

the Presidency of the Council of Ministers, Justice, Higher Education, Science and Technology. The Economic and Social Council, the Public Prosecution Service, the National Data Protection Commission, the Autonomous Regions and the Consultative Council on Immigration Affairs were also heard.

Many interlocutors in the area of immigration also contributed with their inputs - Associations of Immigrants, Union Associations, Non-Governmental Organisations and other civil society stakeholders.

The related legislation is:

- *Organic Law No. 21/2019, Diário da República no. 39/2019, Series I of 2019-02-25, which regulates the transfer, by air carriers, of passengers' identification record data, as well as the processing of such data, transposing Directive (EU)2016/681 of the European Parliament and of the Council of 27 April 2016; and proceeds to the third amendment to Law No. 53/2008, of 29 August, which approves the Internal Security Law;*

- *Law No. 27-A / 2019, Diário da República no. 62/2019, 1st Supplement, Series I of 2019-03-28, which approves contingency measures to be applied in the event of a departure from the United Kingdom of the European Union without an agreement;*

- *Law No. 28/2019, Diário da República no. 63/2019, Series I of 2019-03-29, which establishes a presumption of legal entry when granting a residence permit for the exercise of professional activity, making the seventh amendment to Law no. 23/2007, of July 4, which approves the legal regime of entry, stay, exit and removal of foreigners from national territory (amendment to Article 88, paragraph 6 and Article 89 (5));*

- *Law No. 102/2019, Diário da República no. 171/2019, Series I of 2019-09-06, which welcomes the provisions of the Council of Europe Convention against Trafficking in Human Organs, amending the Penal Code and the Penal Procedure Code.*

- *Resolution of the Council of Ministers no. 47/2019, Diário da República no. 44/2019, Series I of 2019-03-04, which authorizes the Portuguese Immigration and Borders Service (SEF) to make expenditure under the Contingency Plan of Action for the UK to leave the European Union;*

- *Resolution of the Council of Ministers no. 33/2019, Diário da República no. 33/2019, Series I of 2019-02-15, which approves the III National Action Plan for the Implementation of the United Nations' Security Council Resolution No. 1325 (2000) on Women, Peace and Security 2019-2022;*

- *Assembly of the Republic Resolution No. 109/2019, Diário da República No. 139/2019, Series I of 2019-07-23, which recommends the Government to promote the mutual protection of the rights of Portuguese citizens in the United Kingdom and British citizens in Portugal within the framework of the future bilateral relationship;*

- *Ordinance No. 99/2019, Diário da República no. 67/2019, Series I of 2019-04-04, which proceeds to the first amendment to Ordinance No. 328/2018, of 19 December, which defines the certification scheme for companies with a view to welcoming third country nationals wishing to develop a highly qualified activity in Portugal;*

- *Ordinance No. 111/2019, Diário da República no. 73/2019, Series I of 2019-04-12, which defines the streamlining of visa issuance procedures for foreign students;*

- *Order No. 4135/2019, Diário da República no. 75/2019, Series II of 2019-04-16, which establishes suitable entities, namely travel agencies, tour operators and artistic promoters, for the purposes of paragraph 7 of article 10 of the Regulatory Decree 84/2007 of 4 July, which approves the regime for legal entry, stay, exit and removal of foreign citizens from national territory;*

- *Order No. 7554/2019, Diário da República no. 162/2019, Series II of 2019-08-26, which Determines the number of immigration liaison officers to be placed with embassies,*

representation missions and consulates and their distribution;

•• *Recommendation from the Public Prosecutor's Office No. 1/2019, on removal and expulsion of foreign citizens from national territory; and identification of foreign citizens.*

The Portuguese migration and asylum systems are fully aligned with the EU and the Portuguese Government's vision for migration. That is, recognising a very present demographic challenge, the Portuguese authorities (mainly the Ministry for Home Affairs (MAI) through the Portuguese Immigration and Borders Service, the Ministry for Labour, Solidarity and Social Security through the Institute for Employment and Vocational Training and the Institute for Social Security and the Presidency of the Council of Ministers, through the High Commission for Migration) work together to attract and promote integration within legal migrant workers; this system also works for refugees, after first reception assistance contacts. Of course, the migration, asylum, return and integration processes are only possible with the commitment of public and private institutions, and the financial support of the dedicated EU Funds (AMIF and ISF).



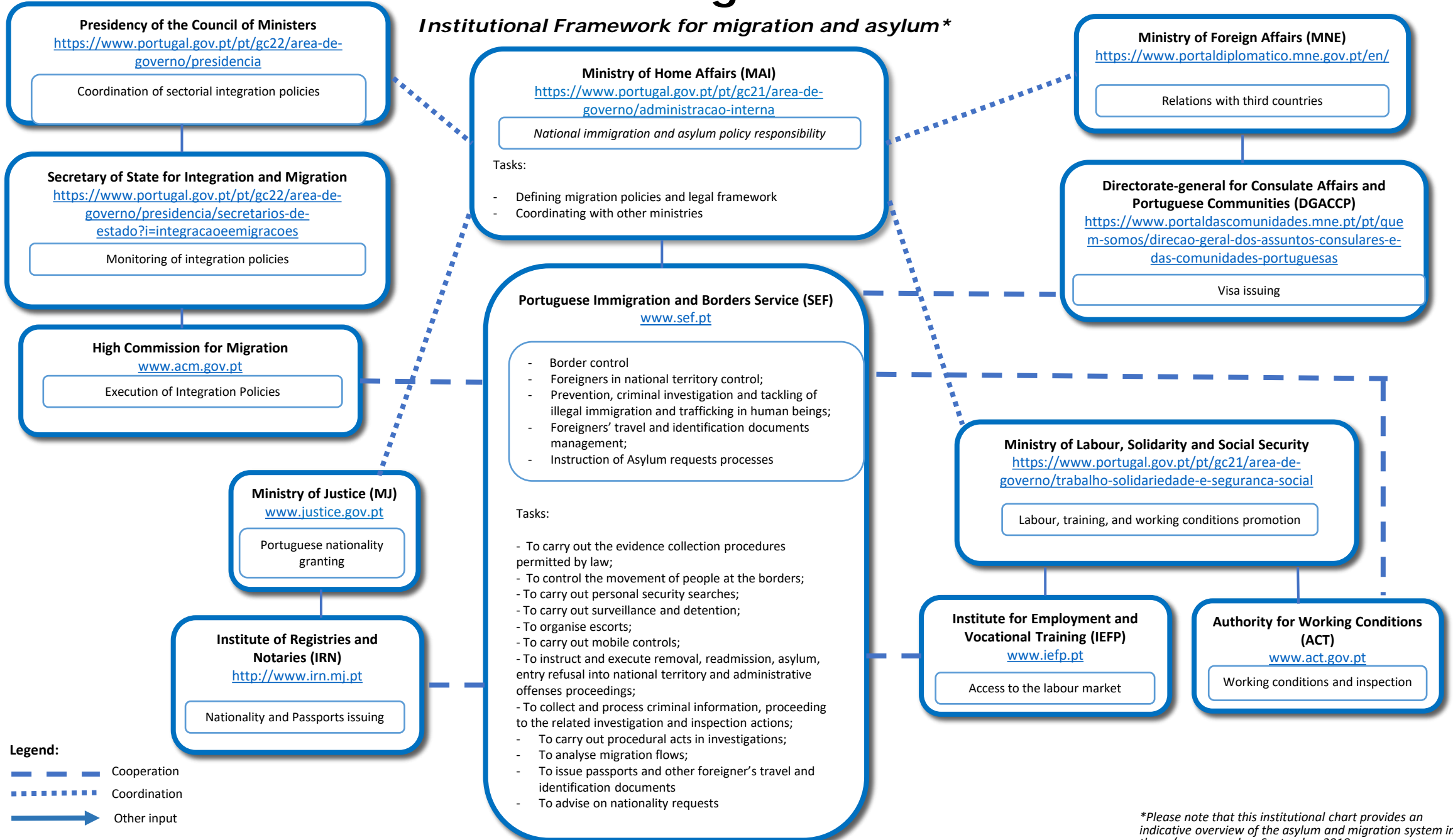
INSTITUTIONAL CHART

The most up to date Institutional Chart will be added in as an Annex.

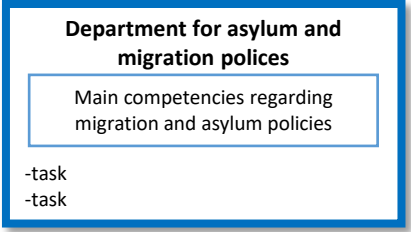
Portugal

Institutional Framework for migration and asylum*

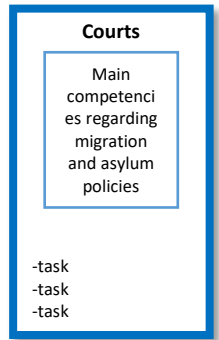
NATIONAL LEVEL



*Please note that this institutional chart provides an indicative overview of the asylum and migration system in the m/s concerned on September 2018



Ministry/Department/Office



Cooperation



Coordination



Other contribution/input