

IRREGULAR MIGRATION IN PORTUGAL

Elaborated by



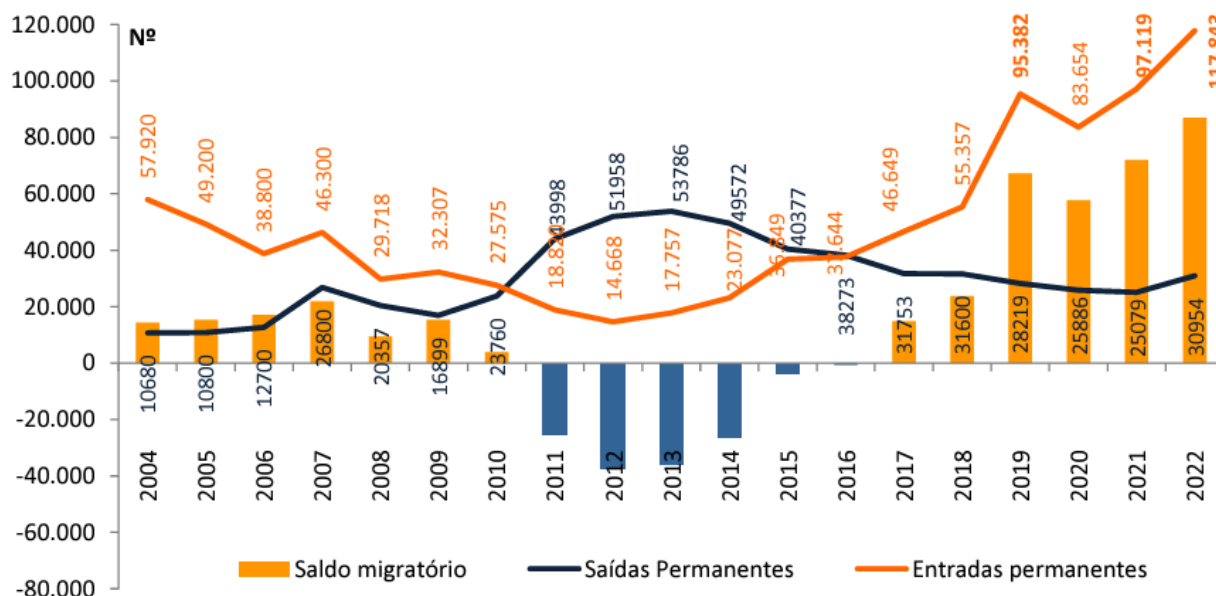
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1. Data on Irregular Migration

Since 1980, Portugal has struggled to maintain its demographic replacement rate, relying on migration to address its aging population. Except for the period between 2011 and 2016, Portugal has generally experienced a positive migratory balance¹.

Graphic: Movements of permanent arrival (immigration) and exit (emigration) and migration flux, between 2004 and 2022



Source: INE, *Indicadores Demográficos e Estimativas Anuais da Imigração e Estimativas Anuais da Emigração (sistematização e gráfico da autora)*.

Irregular migration has not been a significant issue in Portugal. Since irregular arrivals have not been quantitatively significant, data on this matter has not been included in the European databases published by Frontex.

¹ Reis de Oliveira, C. (2023). *Indicadores de Integração de Imigrantes. Relatório Estatístico Anual*. Observatório das migrações. Available at: <https://migrant-integration.ec.europa.eu/system/files/2023-12/Relatorio%20Estatistico%20Anual%20-%20Indicadores%20de%20Integracao%20de%20Imigrantes%202023.pdf>

More recently, the Atlantic Centre, a center related to the Portuguese Defense Minister, has provided data², shedding light on the latest trends. Irregular migration arrivals became noticeable from mid-December 2019 to November 2021. During this period, 134 migrants arrived at Portuguese shores in irregular situations, all originating from *El Jadida*, Morocco. Even though this route has not been increasingly used in 2022 and 2023, it has been monitored. Experience from other migration routes demonstrates that when security tightens along one route, alternative routes often emerge; and *El Jadida-Algarve* (Portugal) route might be a feasible option for migrants troubled to reach Spain from Morocco. (De-Sousa-Ferreira, 2023)

Table: Irregular migrants arriving on Portuguese shores

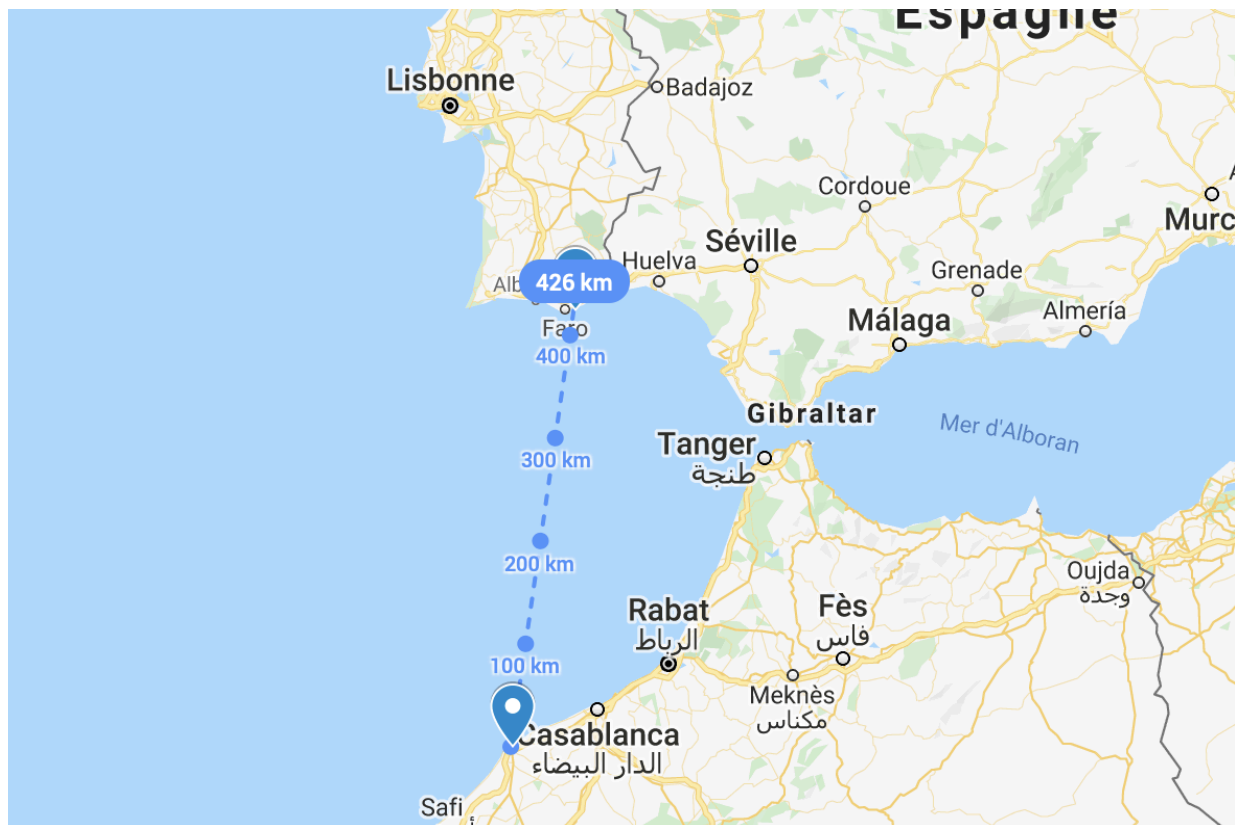
Date	Detection point	Number of migrants aboard	Vessels rescued
December 11, 2019	Monte Gordo	8	1
January 29, 2020	Ilha da Armona	11	1
June 6, 2020	Ilha da Culatra	7	1
June 15, 2020	Vale de Lobo Beach	22	1
July 21, 2020	Ilha da Culatra	21	1
September 15, 2020	Ilha Deserta	28	1
November 10, 2021	High Seas	37	1
December 31, 2022 ³	Vila Real Santo António	15	1
TOTAL		134/149	7

Source: Own Elaboration; De Sousa

² De-Sousa-Ferreira, S. (2023). The rebordering of human mobility in the Atlantic: the risky maritime route between Morocco and Portugal. *Atlantic Centre*, 15. Available at: https://www.defesa.gov.pt/pt/pdefesa/ac/pub/acpubs/Documents/Atlantic-Centre_PB_15.pdf

³ This last detection was highlighted by the press when the report's author was writing it. (De Sousa-Ferreira, 2023)

Image: Map of the irregular migration route connecting Moroccan and Portuguese shores



Source: Lisbob

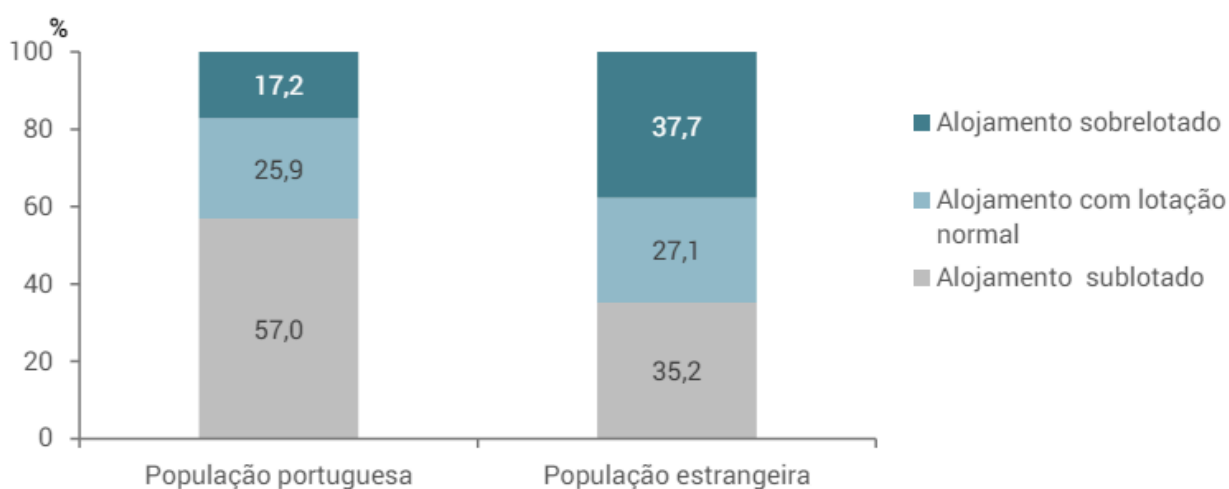
Regarding the stock of migrants in an irregular situation, in early 2023, more than 100,000 Brazilians were found in an irregular situation in Portugal. while the Portuguese border agency at the time, SEF, had over 200,000 people on the waiting list.⁴

⁴ Nunes, V. (30/01/2023). *Mais de 100 mil brasileiros estão em situação irregular em Portugal*. Correio Brasiliense Available at: <https://www.correiobrasiliense.com.br/brasil/2023/01/5069840-mais-de-100-mil-brasileiros-estao-em-situacao-irregular-em-portugal.html>

2. Socio-economic problems

Migrants are in general a group in a more vulnerable position to experience economic and social afflictions. The situation is especially dire in housing. Portugal has experienced a national crisis in housing accessibility, which has affected migrants. Most emigrants are living in overcrowded households.

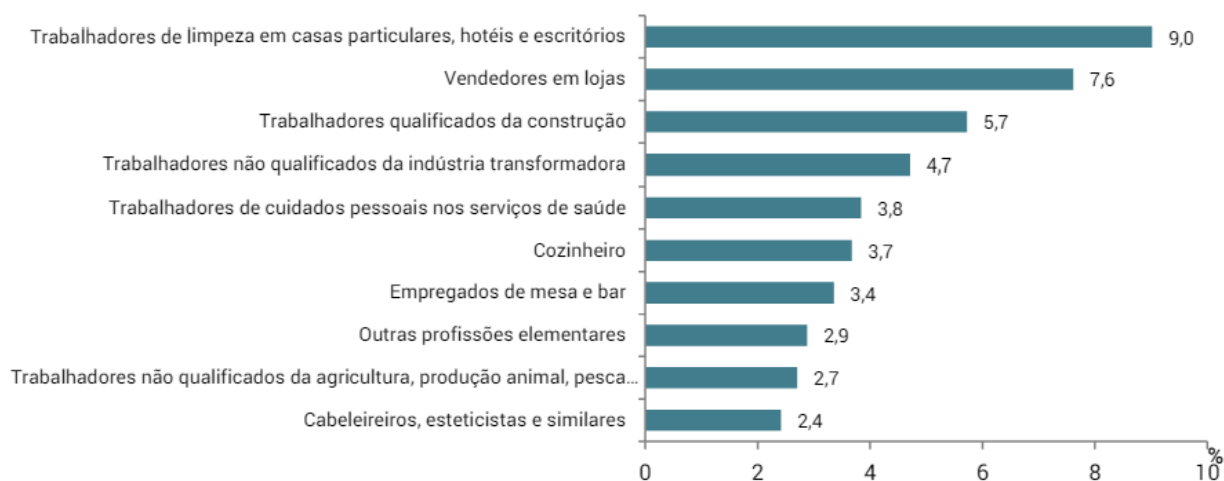
Graphic: Population of Portuguese and Foreign Nationality, by rate of capacity (%) in Portugal, 2021



Source: INE, 2021

The most common jobs among immigrants are house cleaners (9%), retail workers (7,6)% and construction workers (5,7%). The top 10 most common professions are low-paid, unskilled work.

Graphic: Population of Foreign Nationality by Employment, by Main Occupation (%) in Portugal, 2021

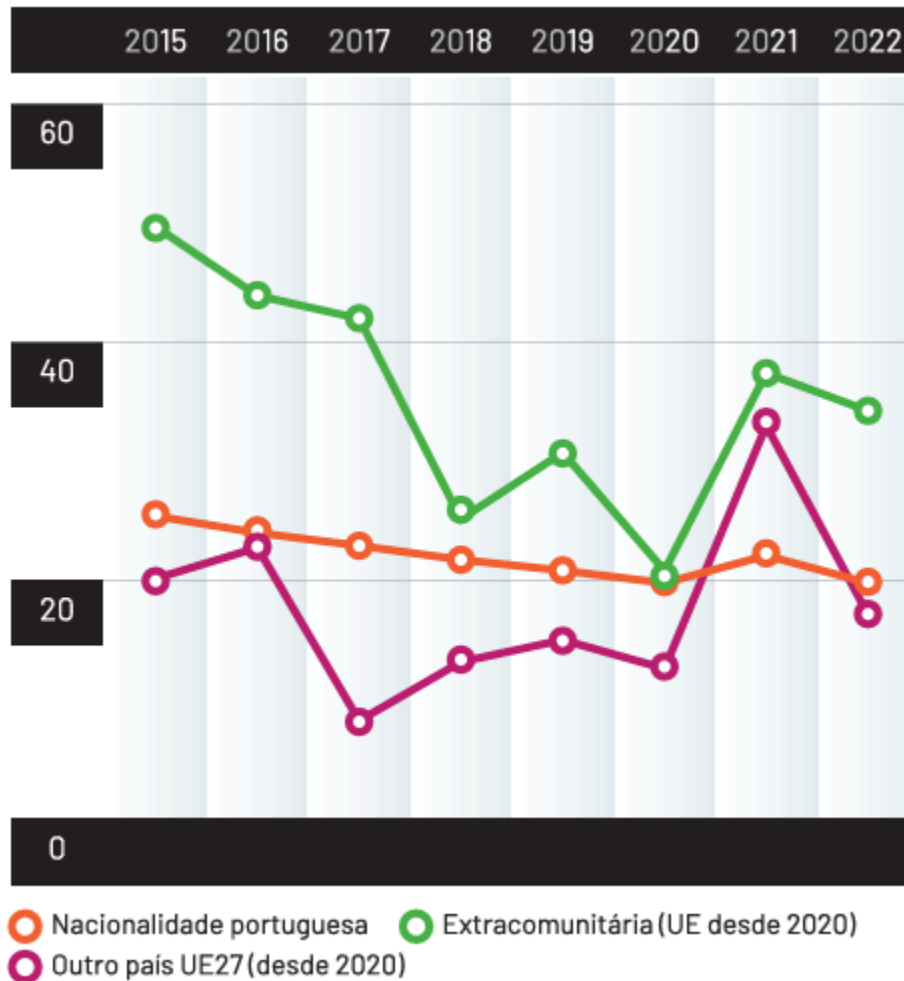


Source: INE, 2021

That helps explain the situation that migrants, especially those from non-EU countries, face: higher risks of poverty and social exclusion and a widened gap with nationals after 2020⁵.

⁵ Observatório Nacional de Luta contra a Pobreza. (2023). *Pobreza e Exclusão social. relatório 2023*. EAPN Portugal. Available at: https://www.eapn.pt/wp-content/uploads/2023/10/ONLCP_PES_relatorio2023015.pdf

Graph: Evolution of the risk of poverty or social exclusion rates by nationality group in Portugal, between 2015 and 2022



Source: Eurostat

The situation is more complicated for migrants in an irregular situation. According to the 2018 Report on International Migration by the OECD, sectors like agriculture, industry, construction, and domestic services have the highest numbers of irregular migrants, many of whom are seasonal workers. (OECD, 2018). This is true in the Portuguese case too, agriculture is one of the sectors where SEF usually did its inspections. In 2022, for example, it was the

sector where more workers in an illegal situation were detected, more than 100⁶.

Furthermore, cases of traffic and exploitation of irregular migrants are unfortunately common. In 2022, 32 migrants were found to be victims of human trafficking (Mota Lopes and Machado, 2023) a number that has considerably increased in 2023⁷, while a series of raids in 2023 found at least 100 irregular migrants in conditions amounting to slave labor⁸.

3. Public policies to mitigate the harm of irregular migration

3.1. Restructuring migration management

In 2021⁹, SEF (Serviço Estrangeiros e Fronteiras), the organization tasked with providing logistical and security management of migration, was restructured following social and political controversies. It could not handle increasing numbers of asylum requests and was subject to allegations of abuse of power and corruption. The main purpose of the reconfiguration was to divide security and administrative functions. The first set of functions was transferred to different bodies (GNR, PSP, Judiciary and Maritime Police) while the later ones were transferred to the APMA (Agência Portuguesa para as

⁶ Mota Lopes, S. and Machado, R. (2023). *Relatório de Imigração, Fronteiras e Asilo 2022*. Serviço de Estrangeiros e Fronteiras. Available at:

<https://www.sef.pt/pt/Documents/RIFA2022%20vF2a.pdf>

⁷ Agência Lusa (15/02/2023). SEF sinalizou 357 vítimas de tráfico de pessoas em seis anos com "especial incidência" no Alentejo. *Observador*. Available at:

<https://observador.pt/2023/02/15/sef-sinalizou-357-vitimas-de-traffic-de-pessoas-em-seis-anos-com-especial-incidencia-no-alentejo/>

⁸ Marcelino, V. (21/11/2023). *Pelo menos 100 imigrantes estavam a ser explorados no baio alentejo*. Diário de notícias. Available at:

<https://www.dn.pt/sociedade/dezenas-de-detidos-em-operacao-contra-traffic-de-seres-humanos-no-alentejo-17374636.html/>

⁹ Resolução do Conselho de Ministros n.º 43/2021, de 14 de abril. Available at:

<https://diariodarepublica.pt/dr/detalhe/resolucao-conselho-ministros/43-2021-161386481>

Migrações e Asilo), a new agency established in 2023¹⁰. As a result, more than 350 thousand residence requests were delayed, and untrained and inexperienced professionals were tasked with the increasingly challenging task of providing competent service at our borders¹¹.

The cases involving Ukrainian refugees are particularly worrying, as there are instances of refugees being received by pro-Kremlin Russian organizations, directly breaching the UN refugee convention¹². Even those who manage to avoid this political trap find themselves without legal documentation or support from the Portuguese authorities. Out of the 2,128 families that applied for asylum and support, only 614 were able to start the process of receiving legal recognition and support from the Portuguese state¹³.

Until they can clear the backlog of applications, AIMA will continue to be incapable of reducing the bureaucratic strain that may lead some migrants to make an irregular choice. The SAPA system used for Visas doesn't have any security checks on particular documents, allowing fake documents to be submitted without any immediate consequences. A system that was used by criminal organizations trafficking irregular migrants. (Marcelino, 2024)

In contrast, the Policia Judiciaria had far greater success in detecting situations connected with human trafficking and cracking down on these criminal organizations.

¹⁰ Decreto-Lei n.º 41/2023, de 2 de junho. Available at:

<https://diariodarepublica.pt/dr/detalhe/decreto-lei/41-2023-213881448>

¹¹ Instituto Nacional de Estatística. (2021). *O que nos dizem os Censos sobre a população de nacionalidade estrangeira residente em Portugal*. INE. Available at: https://www.ine.pt/ngt_server/attachfileu.jsp?look_parentBoui=589802592&att_display=n&att_download=y

¹² Lusa/DN. (22/02/2023). *Relatório diz que houve "insensibilidade" da Câmara de Setúbal no acolhimento de refugiados ucranianos*. Diário de notícias. Available at: <https://www.dn.pt/sociedade/relatorio-diz-que-houve-insensibilidade-da-camara-de-setubal-no-acolhimento-de-refugiados-ucranianos-15884037.html>

¹³ Gonçalves Martins, P. (05/03/2023). *Refugiados ucranianos sem acompanhamento do Estado português dependem de terceiros*. CNN Portugal. Available at: <https://cnnportugal.iol.pt/videos/refugiados-ucranianos-sem-acompanhamento-do-estado-portugues-dependem-de-terceiros/6404f3f70cf2665294d89358>

In 2023, SEF has identified 357 victims of human trafficking, a situation that has become harder to actively tackle due to the extinction of SEF and its replacement with AIMA, leading to the already large number of VISA requests to pile up, creating a limbo for would-be migrants and a golden opportunity for those that thrive on the back of irregular migration. There has been a concern since 2022 with cases of document fraud, being that in that year they increased by 123%.

In 2024, 15 individuals were charged with organized crime, aid to illegal migrants, and forgery of documents. This operation by the National Counter-terrorism Unit of the Judiciary Police found 300 transports on several European roads, involving over 6,000 irregular migrants.¹⁴

3.2. Alternatives for irregular migration

With the aim of promoting regular migration flows, a series of decisions have been made in recent years. Firstly, the approval of Law No. 18/2022 and Regulatory Decree No. 4/2022, which facilitate the entry and stay of citizens from countries of the Community of Portuguese Speaking Countries (CPLP) into Portugal, without the need for prior opinion from the SEF. To achieve this, the global quota of job opportunities to obtain a residence visa was eliminated and remote work was allowed. Additionally, temporary permits were introduced for job seekers and the labor activity of foreign students was made more flexible. (Reis de Oliveira, 2023)

After identifying a small peak in the irregular arrivals from Morocco, in 2022, the Portuguese and Moroccan governments established an agreement to allow Moroccan workers to enter Portugal legally, having all the same rights as Portuguese workers. This agreement was established to provide an alternative to irregular migration channels, allowing Moroccan workers to

¹⁴ Marcelino, V. (21/01/2024). *Falha na lei de estrangeiros facilita tráfico de imigrantes*. Diário de notícias. Available at: <https://www.google.com/amp/s/www.dn.pt/6993924997/falhas-na-lei-de-estrangeiros-facilita-m-trafico-de-imigrantes/amp/>

have the ability to search for a better life in Portugal without having to go through criminal organizations or risky ventures.¹⁵

Despite this, not all government measures are effective in providing alternatives to irregular migration. This is the case of the law decree n^o1/2024, which implemented new tariffs in the already slow and overburdened AIMA VISA applications, demanding 400€ within a 10-day deadline from migrants, under the threat of eliminating their applications. This is a tall order for many applicants and an incentive for more migrants to become irregular migrants.¹⁶

4. Strategies to improve irregular migration

Irregular migration persists in Portugal mainly due to the lack of political will to engage the situation head-on.

Situations of bureaucratic inefficiency related to legal migration and refugees are a clear sign of a lack of serious interest in handling legal issues, creating incentives for irregular migration and leading legal migrants into despair.

To tackle this, AIMA must have the resources to tackle their massive backlog of Visa applications and access to systems that make the process faster and can verify the legal situation of the applicant efficiently.

Irregular migration is a Portuguese reality, and the only way to objectively address it is by recognizing it as reality and not getting lost in narratives that seek to only use the issue as a scapegoat, which will never bring forth an effective and humane solution. The effective use of border control, a forgiving outreach towards irregular migrants, and a harsh stance against

¹⁵ Agência Lusa. (12/01/2022). *Portugal e Marrocos assinam acordo sobre entrada de trabalhadores marroquinos*. Observador. Available at: <https://observador.pt/2022/01/12/portugal-e-marrocos-assinam-acordo-sobre-entrada-de-trabalhadores-marroquinos/>

¹⁶ Sousa, J. (12/01/2022). *AIMA altera regras para imigrantes. Governo culpa o anterior executivo mas não revela se as vai mudar*. ECO. Available at: <https://eco.sapo.pt/2024/05/10/aima-muda-regras-para-imigrantes-governo-culpa-o-anterior-executivo-mas-nao-revela-se-as-vai-mudar/>

organizations that seek to take advantage of irregular migrants for criminal activities are all part of the solution.

Portuguese authorities could take inspiration from one of Portugal's most successful policies, its drug policy. These policies take the approach of not delivering a harsh punishment to the victims who are found by need of circumstance forced to use narcotics while targetting the criminal organizations that thrive in their production and distribution. The same approach would incentivize irregular migrants to seek help from authorities without fearing legal retaliation or harm from the criminals that have taken advantage of them.¹⁷

Suppose irregular migrants already in Portugal know that they can start making their situation legal in exchange for some small fines and cooperation with authorities. In that case, they will be more likely to try to resolve this issue actively.

International cooperation is essential to tackle the main issues surrounding irregular migration properly. By incorporating countries of origin and transit as part of the solution, the issues of security and economic struggle can be mitigated, preventing the need for forced migration. These will allow international organizations to more effectively combat and disassemble organized crime cells that profit from the misfortune of irregular migrants. Integration into Portuguese society is key for the acceptance and prosperity of migrants, allowing them to create more prosperous lives and enrich Portuguese society.

A good example of this cooperation would be the alteration of the EU Asylum laws to facilitate the legal capability for Asylum seekers to integrate into the

¹⁷Lei n.º 55/2023, de 8 de setembro. *Diário da República*. Available at: <https://diariodarepublica.pt/dr/detalhe/lei/55-2023-221432122>

work market, reducing the incentive for these people to seek work opportunities as irregular migrants due to necessity.¹⁸

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¹⁸ European Council on Refugees and exiles. (01/2024). *POLICY PAPER: THE RIGHT TO WORK FOR ASYLUM APPLICANTS IN THE EU*. ECRE. Available at: https://ecre.org/wp-content/uploads/2024/01/ECRE-Policy-Paper-12_The-Right-to-Work-for-Asylum-Applicants-in-the-EU.pdf