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**LEGAL STATUS AND EMPLOYMENT OPPORTUNITIES:
IMMIGRANTS IN THE PORTUGUESE LABOUR MARKET**

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Paper: Legal Status and Employment Opportunities: Immigrants in the Portuguese Labour Market

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Abstract: The existence in Southern Europe at the end of the 80's of close to 1.4 million regular migrants and of an estimated 1.3 to 1.5 million irregular migrants implied that the economic insertion of immigrants in Italy, Greece, Spain and Portugal, was taking place primarily in the informal labour market. Immigrants' prevalent mode of economic incorporation in the informal labour market came thus to be perceived as one of the distinctive feature of the migratory process occurring in Southern Europe.

It was this distinctive feature that lead the MIGRINF research team to raise in their research agenda the following two questions:

Is the high number of illegal immigrants economically incorporated in the informal economy, in Southern Europe, related to some specific inner societal characteristics of Southern European countries? And if it is, does it imply any self-selectivity process at departure, which explains the profile(s) of the immigrants (particularly of the illegal immigrants) currently inhabiting these countries?

The main objective of this paper is to answer these two research questions anchored on the empirical evidence uncovered by our research for the Portuguese case, we will particularly rely on the results of our qualitative survey on illegal immigrants which included 33 interviews to Key-informers and 51 interviews to immigrants that applied for regularisation in the Extraordinary Regularisation Process of 1996 (all the interviews were conducted in 1997).

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Legal Status and Employment Opportunities: Immigrants in the Portuguese Labour Market ¹

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During the 80's, Southern European countries became for the first time a powerful magnet to a growing number of immigrants coming mainly from neighbouring Eastern European countries and from Africa. Furthermore, while in the EC the stock of the foreign population was growing at an average rate of approximately 2 % per year, in Southern Europe this same process was occurring at the much higher rate of 10 % per year ², leading roughly to the tripling of the volume of the legal foreign population within the borders of Italy, Spain, Greece and Portugal between 1981 and 1991.

The existence in Southern Europe at the end of the 80's of close to 1.4 million regular migrants and of an estimated 1.3 to 1.5 million irregular migrants ³ implied that the economic insertion of immigrants in Italy, Greece, Spain and Portugal, was taking place primarily in the informal labour market. Immigrants' prevalent mode of economic incorporation in the informal labour market came thus to be perceived as one of the distinctive feature of the migratory process occurring in Southern Europe.

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¹ This paper is a very short version of the work: Immigrants Insertion in the Informal Economy - The Portuguese Case. First Report. December, 1996 and Second Report. February, 1998. These Reports contain the results, for Portugal, of an ongoing research project 'Migrants Insertion in the Informal Economy Deviant Behaviour and the Impact on Receiving Societies', co-ordinated by Emillio Reyneri and funded under the TSER-PROGRAM - ERBSOE2.CT95.3005.

² Only 10 countries were considered. Figures for 1981 and 1991 in, Sopemi, 1994, Eurostat, 1994 and Baganha, 1996.

³ Figures are for 1988/1989.

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I will begin by presenting some notes on the evolution of the Portuguese labour market.

1. The Portuguese Formal Labour Market

Under the impact of its entry into the EEC in 1986 the re-structuring of the Portuguese economy speed-up, further deepening the process of terciarisation of the economy that has been going-on since the 1970's. Re-structuring that is well illustrated in the next table, where we present the relative contribution by sector to the Gross Value Added (GVA) for the years of 1986, 1989, 1993.

Sectorial Structure, 1986, 1989, 1993 in % of the GVA

Sector	1986	1989	1993
Agriculture	7.5	6.1	3.5
Electricity	3.8	3.7	4.5
Construction	5.0	5.3	5.7
Manufacturing	31.6	34.2	25.7
Restaurants/Hotels	3.1	2.9	4.9
Services	49	47.8	55.7

Source: INE (1993), OCDE- Contas Nacionais (1986 e 1989), in Baganha et al., 1998

Between 1981 and 1995, the effects on the labour market of this economic restructuring were noticeable and can be summed up as follows:

1. Employment in the primary sector decreased markedly during the all period (-5% per year).
2. Employment in manufacturing shrunk considerably, particularly in the Metropolitan Area of Lisbon, where the most modern industrial activities are located ⁴. When job creation did occur in manufacturing it took place in the most traditional and export-led industrial sectors. In fact, between 1981 and 1991, 74 percent of the job creation that occurred took place in the Textiles, Garment, Shoe and Leather Industry, traditional industries overwhelmingly located in the Northern regions of the country.
3. Job creation took place essentially in tertiary activities, particularly in the most modern sectors as Banking and Finance, but it also occurred in more traditional branches such as Commerce, Restaurant and Hotel. In fact, the volume of employment in the traditional tertiary activities remained quite significant.
4. Between 1981 and 1991, male employment decreased at an annual average rate of 0.3 % while female employment increased at 2.4% ⁵ ⁶. Between 1992 and 1995, the number of male employed decreased an annual average rate of 1.3 % while female employment decreased at 0.3% (Employment Survey for the given years).
5. Female participation rates are remarkably high ⁷ and show a tendency to increase since job creation seems to tend, in the long-run, to benefit specially female entrance into the employed population;

⁴ 85 % of all male job losses occurred in this region.

⁵ The figures presented in the following paragraphs came from the Census of 1981 and 1991 respectively.

⁶ In fact, while 260 thousand male job disappeared, only 183 thousand male jobs were created; female employment lost 105 thousand posts and gained 438 thousand. In other words, 71,1 percent of the extinguished jobs affected male employment, and furthermore, 77 percent of all the newly created jobs for males occurred in very specific areas Commerce, Restaurants and Hotels.

⁷ Female share of the active population was in 1991 42 percent. Active females between 15 and 64 years of age represented 71 percent of the females in this age cohort.

The first comment this evolution suggests is that it is remarkable that after Portugal joined the EEC in 1986 and that substantial amounts of funds were transferred, such infusions of capital have failed to generate some labour increases in male employment, particularly on construction and public works, where a significant part of these funds were invested on highways, bridges, and other infra-structures⁸.

Also noticeable is the fact that, particularly for males, if job creation continues to take place in the most modern tertiary activities, which are basically dependent on qualified candidates, and job losses in activities demanding intensive and low qualified workers, a mismatch is occurring in the Portuguese job market.

What essentially means that we should expect prospects to find a job to be high for qualified immigrants and practically nil for unqualified or poorly qualified immigrants.

Lets thus turn to the characteristics of the immigrant population in order to see if their economic profiles are in accordance with the labour market needs.

The Foreign Resident Population

Until the Revolution of 1974, the foreign population was small (around 30 thousand immigrants) and relatively homogeneous in its composition. From 1980 onwards the resident foreign population increased first at an average rate of 6 percent per year and after 1990 at an average rate of 9 percent per year⁹ and became more diversified, not only in terms of countries of citizenship, but also in terms of spatial patterns of settlement within Portugal, age structure, professional status and occupational structure (see Table 1).

At present, the foreign population, with and without a valid resident permit, is around 200 thousand persons. Furthermore, taking into account the results of the special regularisation that took place during the 90's (1992 and 1996),

⁸ In terms of effectives this sector employed 408 345 males in 1981 and 399 310 in 1991, and 325.000 in 30/06/94.

⁹ During the last 10 years the stock of foreign residents increased at an annual rate of 6.4 percent, and became internally more diversified, particularly due to a renewed in-flow from Brazil. Finally, during the last five years, the growth of the foreign population became more intense, on average 9.3 percent

we may say that around 25 to 30 percent of the immigrant population were illegally/irregularly in the country at some point during the recent past (see Table 2). For analytical purposes the foreign population may be divided into three numerically significant sub-groups: citizens from the former Portuguese colonies in Africa (from now on referred to as citizens from the PALOP¹⁰; citizens from an European country; and citizens from Brazil. Quantitatively the largest of these groups is formed by the citizens from Portuguese speaking African countries (around one hundred thousand persons) representing more or less 50 percent of the foreign population; - of them live and work in the Metropolitan area of Lisbon, and the most numerically significant nationality among this group is Cape Verdean.

On economic grounds alone the foreign population can be divided into two main groups. The first comes mainly from Europe and Brazil and includes a large share of highly qualified people; the second group comes mainly from the former Portuguese African colonies and includes an overwhelming share of unskilled people.

Accordingly, both Brazilians and Europeans present an extremely biased occupational distribution towards professional, technical and managerial occupations. The percentage of these occupations in total employment ranges from 51 percent for Brazilians to 56 percent for Europeans. Between 1992 and 1995, the corresponding figure for this set of occupations was, for the domestic employed population, approximately 28 %. The relative distribution of the employed population from the PALOP by occupations is, comparatively to the national average, over-represented in the residual occupational category 'workers in industry, transports, construction, and similar' and under-represented in all the others.

In sum, the occupational structure of the foreign population, comparatively to the occupational structure of the domestic population, is both biased towards the top (Brazilian and European occupational structures) and to the bottom (PALOP occupational structure) of the occupational ladder.

As it was pointed out the most modern tertiary activities, namely Financing, Insurance and Business Services are increasing considerably. The labour needs of this group of activities may in part explain the growing in-flow that

per year, and its composition more heterogeneous.

¹⁰ The term PALOP means Portuguese Speaking African Countries.

we saw occurring from Brazil and from some European countries, the remained growth, particularly from the PALOP, does not seem to be promoted by the recent evolution of the job market.

This is, it does not seem to be promoted by the evolution of the formal economy, because in order to care for themselves immigrants must be working outside the formal economy and consistently and significantly substituting native labour, the analysis of official statistics leads to no other logical conclusion.

These results are not totally unexpected since, as we have seen, around 25-30 % of the immigrants population was at some point residing illegally in the country, and consequently whatever they were doing to provide for themselves it has to be done either in the informal economy or in the illegal economy, since the access to the formal economy is dependent of a social security number and of a valid resident permit, none of which illegal immigrants possessed.

The Portuguese Informal Market¹¹

Either to help bridge the gap between expectations and reality, or because "it has always been like this", with no negative stigma attached to informal economic arrangements, and a state tolerant, inefficient and in some cases even an informal employer, the informal economy in Portugal is not a sort of residual economic form, but an integral and sizeable part of the national economy. Undeniably, a well accepted social way of living that touches all socio-economic groups, although patterned both geographically and by economic activities.

In the major cities, namely in Lisbon and Oporto, ample and heterogeneous opportunities for informality exist according to a person placement in the urban social and economic fabric. Thus while for liberal professionals plenty and relatively well economically rewarding opportunities for second activities in Financing, Health, Business Consulting or Education do exist, for young

¹¹ The content of the term informal economy that I will be using is: the informal economy comprises economic actions that bypass the costs and are excluded from the protection of laws and administrative rules covering 'property relationships, commercial licensing, labour contracts, torts, financing credit, and social security systems'(in Feige 1990: 990-992).

and poorly qualified persons such opportunities also exist but mainly in activities connected with personal, domestic, construction, or retail trade where the economic rewards and the social status attached are low.

In the Northern and Centre regions the traditional combinations, for men, of farming with another activity in industry, construction or commerce and, for women, of farming and domestic work with at-home piece work or factory work in garments, textiles and footwear offer the main opportunities for economic informality, while in the South opportunities for informality are greater for men and women in activities connected with the food and beverage industry, construction and above all tourism (Lobo,1990, 1985:561-562,).

Thus, in the Portuguese case, and contrary to what is happening in Spain or in Italy, immigrants insertion in the informal economy is not taking place in agriculture nor in the traditional, export-led, intensive labour industries in the North of the country. This discrepancy between Portugal and his neighbours will probably be maintained because informal work in these markets constitute a prevailing form of social exchange that have so far rendered these markets impermeable to outside influences.

Instead, abundant economic opportunities are open to irregular or newly arrived immigrants on the major urban areas (see Table 3).

Immigrants insertion in the informal urban economy

The Reports on Internal Security from the Ministry of Interior state, repeatedly, that the overwhelming majority of the immigrants who have an unlawful status of residency are from the PALOP. Thus, for example the Report for 1991 states: "So far, irregular immigration in Portugal, seems to be, in the overwhelming majority of the cases, more the result of a lack of complaisance to the formal legal procedures than the result of network of recruitment of clandestine immigrants ¹². Among the immigrants economically

¹² It is also referred, in these Reports, that the usual practice for the immigrants from the PALOP is to enter the country with short term visas, and only after being in the country, when they do not simply overstay, to request a permit of residency. This practice was much more used than the request of a consular visa. Such a practice, was made possible by the special provisions conceded in article 15 of the Law 264-A/81, which was so widespread, that even when article 5 ceased to exist, after the revision of Law 264-A/81 was done in the Law 59/93, and residency permits could only be issued by a Consulate abroad, still the number of requests in the country were higher than the number of requests in the Consulates.

active in irregular situation, Cape Verdeans have the dominant share, followed by the immigrants from Guine-Bissau. The overwhelming part of the immigrants in these situation work in building and construction—men—and in domestic services—women—and live in the suburban areas of Lisbon/Setubal and Oporto, as well as, from the mid-80s onward in Faro and Braga.”¹³.

The official portrait of illegal immigrants in Portugal as mainly overstayers from the PALOP, that inhabit the suburbs of the Metropolitan Area of Lisbon, and work in building and construction, if males, and in domestic services, if females was repeatedly confirmed during our qualitative survey on illegal immigrants. In fact of the 28 male respondents from the PALOP, 23 worked in construction while of the 14 female respondents 7 worked in cleaning or domestic services.

Perhaps more important is the fact that all the studies conducted in the last decade on this topic have consistently revealed that to work in the informal market is, indeed, the prevalent mode of economic incorporation for immigrants in Portugal, particularly male immigrants from the PALOP have shown to have, regardless of their legal status in the country, an extremely high level of concentration in Construction and Building, and a much higher propensity to be incorporated in the informal market than the domestic population or the remaining immigrant population ¹⁴.

A survey conducted last year on active immigrants in Portugal revealed that 47 percent of the men and 21 percent of the women worked without any type of contract, and that the percentage of males working without contract in the Construction and Building sector attained the astonishing value of 74 % ¹⁵.

¹³ The Report for 1994 stated: “Immigrants continue to prefer the clandestine path to remain on the national territory, this is they enter with a tourist, a business or a transit visa and they do not leave the country at the end of the period of validity of their respective visas.”

¹⁴ Members of the Angolan community do not hesitate to estimate in 50 % or more the share of students from Angola that complement their incomes by working informally in construction either during a part of the year or all the year around, particularly during periods when remittances from home are difficult or impossible to transfer (Key informers interviews)

¹⁵ Several other studies confirm these findings, thus, for example, a survey, also conducted last year, but in the Oporto Metropolitan Area, the percentage of active immigrants working without contract was also over 40 percent (Luvumba, 1997). Other surveys, although not totally comparable with the previous example since they target ethnic minorities and not exclusively immigrants reinforces what is being said. In fact, on a survey on the Cape Verdean population (this is, Portuguese citizens born in Cape Verde as well as Cape Verde citizens) (França, 1992:130-133) conducted in 1986, 26 percent of the working men and 37 percent of the working women worked without a contract, while a survey on ethnic minorities inhabiting urban degraded houses conducted in 1990 (Costa et al., 1991:62), refers that 75 percent of the active population hold unstable jobs; 47 percent had no contract, and of the remaining 20 percent had fixed term contracts. 55 percent of the men worked in construction and public works (41 were skilled workers and 35 were unskilled workers); 64 percent of the women

The distribution by type of contract was, in percentage, as follows:

Type of contract	Men	Women
Permanent	20.4	33.9
Fix-term	27.8	32.1
Temporary	0.9	0.0
Independent	1.8	10.7
No contract	47.2	21.4
Total	100	100

Source: Geoideia survey, 1997 (unpublished data)

Type of contract	Construction
Permanent	3.7
Fix-term	13.0
Temporary	0.0
Independent	9.3
No contract	74.1
Total	100

Source: Geoideia survey, 1997 (unpublished data)

In sum, considering the evidence so far presented (namely, the set of economic activities where we found the highest rates of non-declared employment and the distribution of the foreign resident population by occupations and countries of origin), as well as the results of the special legalisation of 1992, immigrants insertion in the informal economy may be summarised as follows:

1. When working in the informal economy Europeans tend to do so in Financing, Insurance and Business Services and in Social Services (namely Health and Education).

worked in personal and domestic services, essentially as cleaning houses activities (Costa et al., 1991:62, 72, and 111).

2. The Brazilians working in the informally economy tend to be connected with Financing, Insurance and Business Services (particularly marketing), and in Retail Trade, Restaurants and Hotels.

3. The citizens from the PALOP (exception made of the nationals from Mozambique), when working in the informal economy do so overwhelmingly in Construction and in Personal and Domestic Services.

The construction sector: the meeting ground of the main migratory dynamic

Clearly, Construction and Building is indeed, the sector where the insertion of male immigrants is essentially taking place. A finding that is not in itself particularly interesting, since this sector has been repeatedly pointed out as a main entrance door for newly arrived immigrants to the labour market of almost all receiving countries. What is interesting, in the Portuguese case, are the peculiar dynamics that are fostering this process which are substantially different from the ones usually described in the literature on this topic.

In fact, Portugal's full membership to the EC, particularly after 1986, had two main impacts in this sector. First, it allowed Portuguese construction and building firms to sub-contract their labour force within the EC space. A strategy that, particularly after the fall of the Berlin Wall, has been driving abroad several thousand workers each year, reducing the available domestic labour force in the country. Second, simultaneously with this accrued demand for construction workers abroad, Portugal full membership to the EC brought to the country substantial structural funds, of which a very sizeable share was applied to public investments in infra-structures and public buildings increasing temporarily the need for labour in this sector.

The combination of these two situations opened up numerous opportunities to Portuguese firms in this sector, some of which to profit fully from the ongoing boom at home and abroad resorted, in Portugal, to informal hiring, and to sub-contracting to informal firms, and by sending abroad their formally hired workers. Such situation attracted or at least opened up numerous opportunities for incoming or recently arrived illegal immigrants, above all in the Lisbon Metropolitan Area where immigrants, particularly from the

PALOP's, constitute a sizeable share of all the labour force in this sector bridging the way for the new arrivals.

The end product of the present situation has been a marked growth of informalisation, increasing substitution of the domestic labour force by immigrants, and a growing ethnicization of this sector of the economy.

Our perception of the main dynamics that are currently fostering immigration to Portugal, was further reinforced by the opinions of a key informer, trade unionist, who described the functioning of this sector as follows:

“(...) the illegal situation of workers, illegal work and unstable work, and of workers who already were in an irregular situations, makes this industry a 'dumping place'. Interestingly, Portugal within Europe is in a *sui generis* position because workers continue to emigrate to Europe in a new situation called 'workers transfer'. The building and construction workers emigrate to Germany, which becomes host to millions of workers for big public works. This migratory between the Portuguese who emigrate and Portugal receiving immigrants is *sui generis*. What we note is that this constitutes social dumping. Social dumping in the following way - the Portuguese here feel pressed by the arrival of immigrants. They feel pressed in the building and construction sector because their own salaries are affected by the lower salaries that the immigrants are prepared to receive, particularly in unskilled activities and so they emigrate to Europe. In turn, they earn salaries lower than the minimum in the countries where they work temporarily for 3 or 6 months which affects the entire chain and confirms a global lowering not only of salaries, but also of work conditions, hygiene and security at the work sites...”

The Processes of Regularisation of 1992 and 1996: Political Discourse

The obvious questions, these findings raise are why does such a large number of persons 'prefer' to remain illegally and to work informally in the country, and how is such situation possible? Leaving a side the bureaucratic complexities that may deter some people, and the slowness of public services, that some of the Key-informers argued was the major reason why a significant number of immigrants, who requested their regularisation in 1992,

saw themselves again in an unlawful situation soon after 1993¹⁶, several other reasons seem to be at play. First and paramount to all the others, is the perception that it is 'easy'. As a Key-informer stated "Portugal is not France, where it is difficult to over stay because there are controls". One of the immigrants interviewed, stated practically the same thing: "it's comparatively far easier to be illegal in Portugal then in other European countries." It is so easy that several of the Key informers and of the immigrants interviewed do not hesitate to indicate only two situations in which one is seriously at risk of being detected. These two situations are: travelling on a train without a valid ticket; and having a fight in a bar or a disco where police intervention is requested¹⁷. The opinions expressed by the Key informers received further confirmation in the statements of the immigrants interviewed. In fact, of the interviewees, to whom we asked if they have ever been asked to show their documents, either in a public or in the work place, only 8 in 46 respondents have been asked for their documents and, except for two of the Chinese respondents, these 6 respondents were asked for their documents in one of the above referred situations (on trains or discos), what mainly indicates that neither random controls of the population in public places, nor labour inspection are frequent or/and efficient.

Given that the risk of being expelled for unlawful permanence in the country is bellow 0.3%, the opinions of the key informers, and the experiences of the immigrants that lived through an unlawful stay, it seems reasonable to reach a first conclusion: it is safe and it is easy, particularly for immigrants from a Portuguese speaking country, to live and to work in an unlawful residency and work status. It is safe because controls are few, and when they do occur they mainly fail to bring sanctions to the immigrants detected in an unlawful situation, as the number of expulsions compared to the number of illegal immigrants in the country abundantly confirms. It is easy because, since there is no fear of being detected, no special care (except when travelling on trains without a valid ticket, and when getting involved in fights in public

¹⁶ It is interesting to note on this topic that the Internal Security Report for 1994 has the following statement: "Only in 1994 the regularisations [from the process of 1992] were included in the statistics, because many of the situations were not yet regularized due to lack of care of the foreigners or because inquires to verify eventual situations of fraud. The increase in the number of residents did not at all correspond to the number of legalized persons put forward by the media (39.166). In fact, during the year of 1994 there was just an increase of 16.091 residents.

¹⁷ One of the key-informers added to these two situations, a third one, to go to the emergency service of an hospital, it seems that no one detected without valid documents or undocumented was ever expelled. We believe that what this statement suggests is that most probably any immigrant with an unlawful residency status will deter any contact with the emergency public health system (the only service where a police is always present) as much as he/she possibly can, more for a perceived fear than for the real danger that such contact would entail.

places that may give cause for police intervention) is needed. It is also easy because gaining access to the labour market is not dependent of having a legal residency in the country or a work permit.

The statement that was transcribed from the Report on Internal Security for 1991, and which portrays the illegal immigrants, if male, as a construction worker from the PALOP, was repeated over and over again during the field research¹⁸. The overwhelming majority of the male immigrants from the PALOP interviewed were, in fact, working in building and construction. The driving forces behind this situation can also be gathered from the statements of the interviewees, and it can be summarised as follows. Because, many legal immigrants and former immigrants are well integrated in this sector¹⁹, contacts to get a job for a new comer are easy and usually done within the inner group, offers are abundant, no legal requirements are made, such as the 'proper papers', no qualifications are necessary, and no fear of being caught by labour inspectors exist. In fact, it seems to be very few objective reasons for fear, since as a former head of the labour office stated, when evaluating the performance of the labour inspectors, when an illegal immigrant is detected in a construction work site, he will just change to another construction site the next day, and the labour inspectors will not find him anymore.

Furthermore, positive discrimination, or in other words, the ethnicization of this economic sector of activity is taking place reinforcing the status quo. As a key informer from a trade union stated: "there is a kind of perverse positive discrimination [in construction and cleaning], that is the preference for immigrant labour in these areas." Or as a member of the Parliament, during the debate on the last process of regularisation, and who was the member of the government responsible for the regularisation process of 1992, stated: "The labour market issue is far more complicated since the existent law is done for the formal economy not for "contractors and sub-contractors" that do not exist legally and furthermore are very frequently run by citizens originally from the PALOP, who live illegally and have created an infernal net in which

¹⁸ In fact, one of the main findings of our interviews to Key -Informers is that the overwhelming majority of the interviewees equates the term immigrant and immigration with *immigrant and immigration from PALOP*. Even when the interviewee was knowledgeable about other flows, only exceptionally would he/she volunteer comments and observations on the immigrants and on the migratory flows other than from the PALOP, and only when directly questioned on other immigrant groups would he/she broaden up his/her comments and observations.

¹⁹ On this topic it was particularly revealing the interview with the Associação Cabo Verdiana, since this key informer made during the interview a historical overview of the community (transcribed later in this report). On this topic see also Monteiro, 1995:39.

the humanity and the rights of the immigrants get vanish.”²⁰ A statement with two remarkable features, the first is the identification of immigrants insertion in the economy with only one sector, the construction and building sector, and the second is the ethnic dimension given to the perverse functioning of the sector.

The next obvious question is what is the rational for the state apparent lack of efficiency in controlling unlawful permanence and the economic incorporation of immigrants? In a more or less elaborated form “the government will maintain them [the illegal immigrants] till the public constructions are done”, or “when the country will not need them, they will be kicked out” the dominant opinion, both among key informers and immigrants, is that the government is not an innocent bystander or a powerless agent but an interested part in the maintenance of the situation. If that is so, and we certainly put forward the same idea in previous works, and even the current Government seems to accept this view—in fact the Secretary of State of Interior, during the debate on the Parliament that preceded the last process of regularisation, stated: “We need to know better the needs of our economy in order to be able to establish rational bilateral agreements between the two people involved (the Portuguese and the PALOP) and to reinforce our own controls, be it in the area of the Ministry of the Interior (borders and permanence) be it in the combat to illegal labour, in the supervision of public construction contracts and in all these fields in which the Portuguese society is compliant and in which, in one sort or the other, profits from the non dignified conditions that tolerates, in order to take advantage and simultaneously be able to endorse either repressive or compassionate discourses.”²¹-- What then is the rational for the Special Regularisation of 1996? Was this process just a way of monitoring the evolution of the foreign population, or a change of political orientation (more in favour of immigrant’s rights), or a mix of both?

In our opinion, the existence or non existence of illegal immigrants in the country, does not have, as some of our respondents claim, to be necessarily dependent of the evolution of the building and construction sector, since bilateral agreements for the temporary transference of labour from the PALOP already exist, which if implemented may benefit everyone involved. In our opinion, the existence or non-existence of illegal immigrants in the country will essentially depend of the effective control of the borders, of a clear and co-

²⁰ In, Diário da Assembleia da República, I Série, N. 53, March, 1996:1698.

²¹ In, Diário da Assembleia da República, I Série, N. 53, March, 1996:1691.

ordinated policy on the granting of Visas, and of the effective regulation and control of the labour market. And until the government's practice on these matters reveals itself, it will be impossible to know if the process of Regularisation of 1996 served only to monitor the foreign population in the country, or if it represented a real attempt to change of the existent and perverse situation, and thus corresponds to a real change in political orientation.

It is probably too soon to evaluate the political rational of the last process of regularisation. It is, however, possible to evaluate the process of 1992, since regardless of the apocalyptic tone employed by the government, and supported by the government's party, concerning the need for tighter controls in 1992, no efficient measures were taken to reduce the number of illegal immigrants in the country, nor to detain new ones from settling in. This reality, well documented by the evidence presented on expulsions, received further confirmation in the statements of our respondents, who perceived well and profit from the situation. In fact, the majority of the immigrants interviewed (57 per cent) arrived in the country after 1992.

Furthermore, although, when asked why Portugal was chosen as the country of destination, the majority of the respondents answered that Portugal was chosen because it was the country where family and friends were, the country with colonial links and the same language. Still, other respondents also answered that they had chosen Portugal because it was the only possibility they had to become legal, and others because it was easier than in other countries, namely France, Germany and Holland.

In sum, it seems that the perception of Portugal as a country where it is possible to get regularised, where it is easy to reside and work informally was in fact determinant for at least a part of our respondents when they chose the country of destination. Does this fact have any impact in the type of illegal immigrants who come to Portugal?

Before we attempt to answer this question, we need to consider the main types of illegal immigrants we were able to uncover.

1.2 - A Typology of Illegal Immigrants in Portugal

Currently, Portugal seems to be attracting four types of illegal immigrants. We labelled these types as follows: the transient; the overstayer; the uprooted/explorer; and the entrepreneur. The first type, for obvious reasons, was not documented on the interviews with immigrants, and we mainly constructed it from the Reports on Internal Security, all the other types were well documented in the interviews that were conducted.

A Typology of Illegal Immigrants in Portugal

Type 1 - THE TRANSIENT

For this type of migrant Portugal is simply a gateway to other destinations.

Examples of immigrants pertaining to this type of flux are:

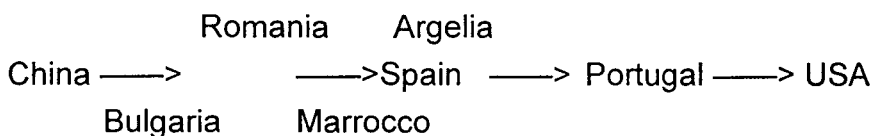
Romanians in route to USA or Canada

Chinese in route to USA, Canada or Germany

Bulgarians in route to Spain

This type of transient illegal migrants move usually inserted in complex and well organised webs oriented for profit. The more complex descriptions of this type of organisations described on the Reports on Internal Security concerned Chinese migrants. Two cases were described. The first case the diagram path was as follows:

Journey



For the falsification or usurpation of identity the web counted with corrupted government officials both in Guine-Bissau and Guine-Conacri, and with the usual difficulties of the authorities to discover differences, between the photo in the passport and the holder of the passport, to obtain visas to cross the borders.

The second case described, the journey was done from China to an European country and from there by land to Portugal usually in the company of a member of the web of traffickers of migrants (some of our Chinese respondents used exactly this same process, but remained in Portugal). From Portugal the migrants would follow to USA or Canada. The web used counterfeit passports from Japan, Singapore, Korea, and USA.

2. THE OVERSTAYER

This type corresponds to the majority of our respondents from the PALOP. This type of immigrant enters the country with a short-term visa and just remains afterwards. Inserted in a wide network active at both ends of the trajectory, he/she will 'disappear' in a highly concentrated residential area of the MAL where members of his/her inner-group already inhabit. Mainly from a rural origin, and with very low educational background, this type of immigrant will be economically incorporated in building and construction. The overstayer is part of a process of chain migration from the PALOP to Portugal, who just fails to comply with legal formalities. The major difference between the legal immigrant with similar background from the PALOP and the overstayer is that the last is trapped, economic sectorial mobility is blocked, and exodus from the community and the inner-group, even if desired is practically impossible.

3. THE UPROOTED/EXPLORER

We include in this type mainly the young adult males from Angola. Like the previous type, these immigrants entered Portugal with a short-term visa and remained after the term of their visas has expired. Of urban background and when uprooted (running away from army drafting) these immigrants can not count with the support of their own community of origin already established in Portugal because, the main stream in this community is an MPLA supporter. Regardless of their higher level of education when compared to the overstayer, this type of immigrants will also only find employment in building and construction; activity they are ill suited to perform or to accept. This type of illegal immigrant was the only type the researchers found who showed some propensity to get involved in criminal activities and deviant behaviour. In fact, of all our respondents only three (respondents number 27,

28, and 47) related problems with the authorities and the Portuguese justice. In common these respondents had the following characteristics: they were all from Angola and from Luanda, they were all students when they migrate to Portugal, and they all committed robberies and where condemned to prison for less than one year.

4.THE ENTREPRENEUR

In this type we include all our Chinese respondents.

These types of immigrants enter usually the country with the assistance of an organised web of traffickers of migrants, either undocumented or with documents belonging to someone else. Their journey is done directly from China to Portugal and with a concrete project: to succeed economically.

These immigrants work without wages to pay their journeys (in the case of our respondents the time to repay the trip and assistance was three years), and afterwards save their earnings to set themselves into business (one of our respondents had already succeeded to do so). They rely on the support of the group and also of their employer, both for capital and legal problems.

From urban background, educated and from middle or upper class, to these immigrants more relevant, than the country they come to, is the realisation of their own/family project (two of our respondents stated they were sent by their parents).

The economic incorporation of these immigrants takes place in the economic niche the group controls.⁵ In the case of our respondents, Chinese restaurants. To have a formal or informal job seems to be mainly dependent of the immigrant legal status, since the accepted practices and rules followed by the group are inner established and thus have very little to do with the receiving society labour market.

Answering our research questions

It is difficult to disentangle if in the case of 'the overstayer' if the immigrant profile is determined by the country's tolerance towards illegal immigrants or by the existence of a large community able to create the opportunities for the new-comers 'to get lost' while securing him/her ample opportunities to work.

It can obviously be claimed that such opportunities only exist given the above-mentioned tolerance. Still, given the fact that 'the overstayer' is part of a chain migration process and that he/she shares the same residential and labour conditions of the majority of the legal immigrants from similar background, it is probably reasonable to claim that this type of immigrants do not present any specific profile when compared to their legal counterparts.

For the other two categories, we would tend to give the opposite answer. In fact, both in the case of 'the uprooted/explorer' and of 'the entrepreneur' we found evidence that there is a connection between the immigrant's legal status, age, expectations/projects, and the specific characteristics of the country of destination.

In sum four main factors seem to be at present determining the prevalent mode of economic incorporation of immigrants in Portugal: 1. The perception that it is easier and safer to live and work illegally in Portugal than in other European countries; 2. The web of information and contacts that immigrants and former immigrants detain in specific economic sectors that are characterised by high rates of informality, wage flexibilisation, and precarious labour relations; 3. The transplant of domestic labour abroad and the vacancies such transplant entails; and 4. The fact that the diffuse future costs implicit in the present situation do not generate sufficient societal pressure to lead the government to change the existent situation, which has clear short term benefits to the economy.

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TABLE 1 - LEGAL FOREIGNER RESIDENTS 1980-1995

YEAR	AFRICA*	NORTH AMERICA	SOUTH AMERICA	ASIA	EUROPE*	OTHERS	TOTAL
1980	27748	4821	6403	1153	17706	260	58091
1981	27948	6018	8123	1394	18931	278	62692
1982	28903	6855	10481	1663	19924	327	68153
1983	32481	8520	13351	2219	22053	391	79015
1984	37128	9887	15394	2860	23896	460	89625
1985	34978	7987	11567	2564	22060	438	79594
1986	37829	9047	12629	2958	24040	479	86982
1987	38838	8623	13009	3124	25676	508	89778
1988	40253	8338	14645	3413	27280	524	94453
1989	42789	8737	15938	3741	29247	559	101011
1990	45255	8993	17376	4154	31410	579	107767
1991	47998	9236	18666	4458	33011	609	113978
1992**	52037	9430	19960	4769	34732	621	122348
1993	55786	10513	21924	5520	37154	696	136932
1994*	72630	10739	24815	6322	41819	748	157073
1995	79231	10853	25867	6730	44867	768	168316

Source: 1980-1994: Estatísticas Demográficas, 1980-1994
 1995: sef, Relatório Estatístico, 1995.

* The statistics for 1994 include the special legalization (1992/93)

** The values for 1992 and 1993 vary from table to table in the statistics
 over 95% of the f. residents from África are from the former Portuguese
 colonies; for Eúrope over 90 % are from an EEC country

TABLE 2 - LEGALISATION OF 1992 AND 1996

Nationality	1992	1996
Total	39166	35082
From the PALOP	28345 (72%)	23403 (67%)
Angola	12525	9258
Cape Verde	6778	6872
Guiné-Bissau	6877	5308
Mozambique	757	416
S.Tomé Princ.	1408	1549
From Brazil	5346	2330
From China	1352	1608
From Senegal	1397	
From Paquistan		1745

Source: 1992, SEF Document; 1996, Público, 19, Dec, 1996.

TABLE 3- ACTIVITIES WITH THE HIGHEST RATE OF UNDECLARED WORKERS IN 1991

Activities	Census	MESS Difference	in % to Census
Retail trade	211412	162364	23.2
Leisure and culture	24363	18118	25.6
Construction	330935	180796	45.4
Personal services	92904	47512	48.9
Social services	327917	81221	75.2
Non specified Ind.	47284	10860	77.0

Source: Census of 1991 and, MESS, Quadros de Pessoal, 1991.

Note: the overall rate of nondeclared workers was 20.8%