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MIGRATION STATISTICS MAINSTREAMING

**Conciliating policy makers and statistical needs on immigration
the Portuguese experience**

Note by Statistics Portugal*

I. INTRODUCTION

1. Traditionally a country of emigration, immigration flows in Portugal emerged in the 80's. In early 90's scientific community, official bodies and Statistics Portugal began to acknowledge the major importance of the non-nationals immigrant flows in the population change and its impacts on different levels, as well as the relevance of a reliable statistical data for policy making and legislation production.

2. Since 1980 Statistics Portugal had a gentleman's agreement with the Portuguese Immigration Service (SEF) to publish, on the statistical demographic yearbook, data on the number of foreigners with a legal resident permit. In 1992 Statistics Portugal and The Portuguese Immigration Service launched a statistical project on foreigners who applied for a resident permit and also on number and characteristics of those who have lost their resident permit. Conciliating the Portuguese immigration legal framework evolutions within the last two decades, as well as the international recommendations on migration statistics, Statistics Portugal and Portuguese Immigration Service have been working on the conciliation of policy making and statistical information needs on immigration, both in a national and European Community level. With this aim, in 2009 a new statistical methodology was adopted, with clear gains in terms of reliability of statistical information and available for 2008 reference year.

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3. This note presents the main goals, achievements and constraints the two institutions found and try to overcome in the last years to achieve a better co-ordination between the actors involved in the production of migration data (flows and stocks), a more efficiently use of administrative sources and a harmonisation of methods and concepts.

II. PORTUGUESE MIGRATION AND LEGAL FRAMEWORK

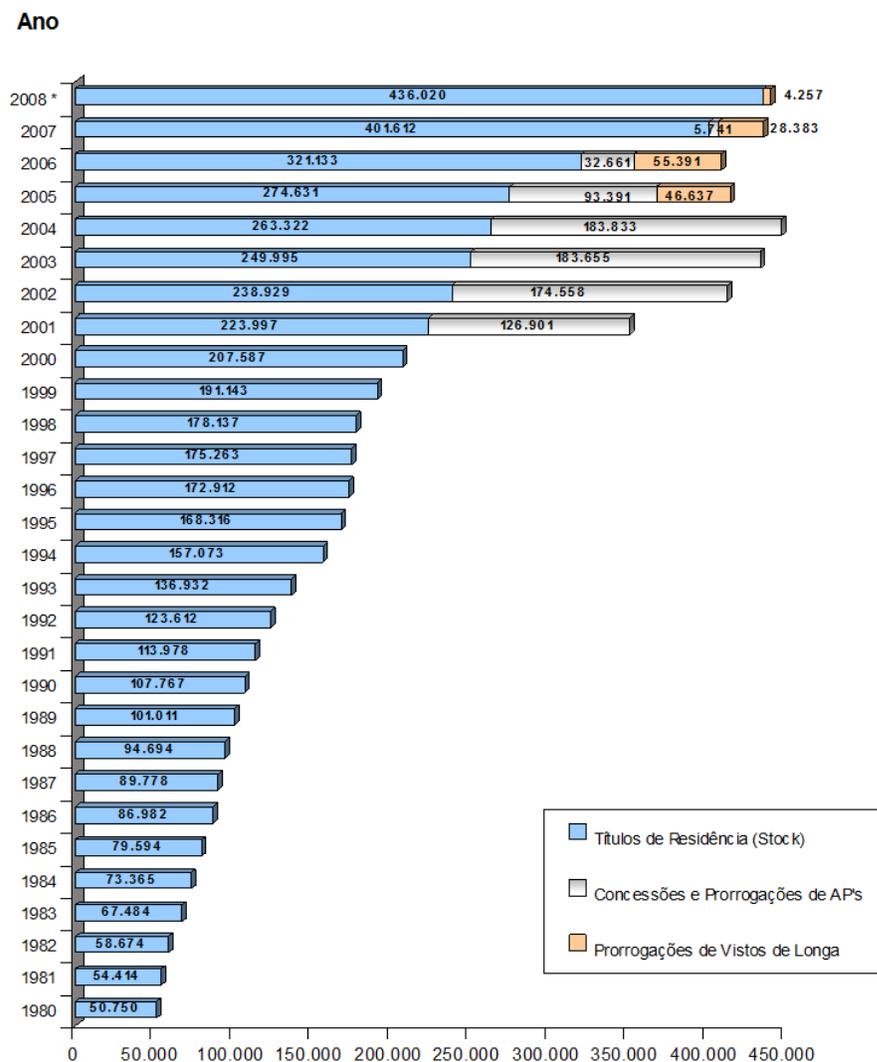
4. Until the 60's of last century, Portugal was a predominantly an emigrating country. Due to the exit of national citizens, namely to Europe and to the Portuguese Overseas provinces at the time, the migratory flows in Portugal registered a clearly negative balance. This phenomenon changes deeply with the 25 April 1974 revolution and subsequent independence of the actual Portuguese speaking African countries. Then, we saw a massive return of citizens from those territories, either born in Continental Portugal or in those territories.

5. At the beginning of the 80's that process generated an atypical increase of the number of resident foreigners in Portugal, and we should point out that many of the citizens nowadays with the status of "foreigner", were previously Portuguese citizens¹. The most significant case occurred with the Cape Verde resident community, which continues to occupy prominent position among the foreign communities in Portugal. The 90's were characterized by the consolidation and growth of the non-national resident population, with the highlight on the communities from the Portuguese speaking African countries and from Brazil. At the beginning of the new century came the new flows from the Eastern European countries, namely from Ukraine, which quickly became relevant among the most representative foreigner communities in Portugal. During the first decade of this century we saw the sustainable growth of the foreigner community resident in the country, with special enhancement of those coming from Brazil.

¹ With the appearance of the new Nationality Act in 1981 the conditions of access to the Portuguese nationality are defined and the nationals from those countries are included.

Figure I

Foreigner population with legal status



6. The analysis of the foreign population evolution in Portugal cannot be dissociated from the legislative amendments occurred in the periods under reference. In fact, we have verified that the positive peaks are directly associated to the legislative amendments which, in the same period, allowed the regularization of foreign citizens.

7. When materializing the above stated remark, in light of the registered legislative amendments it was possible to establish that:

- The Extraordinary Regularization of 1992² resulted in the issue of residence permits as established in the general law during years 1993 and 1994, lead into an increase of the foreign population that goes from an annual average of 5%, to 8% and 10%, respectively.

² Decree-Law no. 212/92, of 12 October, which allowed the grant of a provisory permit for one year.

- The Extraordinary Regularization of 1996³ produced its effects in 1999 and 2000, with an increase of the non-national resident population between 7% and 8%, through the issue of residence permits.
- In 2001, the foreigner's amendment law⁴ allowed the regularization of foreign workers with a legal work contract, through a "stay permit" (AP), which after five years granted the access to a residence permit. In this process, stand out for the first time immigrants from Central and Eastern Europe (approximately 101 000 out of the 183 000 AP granted between 2001 and 2003), with the highlight going to the Ukrainian nationals with a total of 65 000 grants.
- From 2005 until 2007, the extended stay permits quantitative decreases substantially in relation to the initially granted number of permits. Besides the conversion of the stay permits into residence permits it should also be considered that some of their holders might have also benefited from other schemes foreseen in the law⁵ or, eventually returned to their countries of origin.
- As to the stay permit extensions, mostly associated to work permit holders, there was also a notorious drop in 2007, contrary to what happened in the two previous years. In fact, in 2005 and 2006 the values achieved were due to specific legal frameworks, namely the 'pre-registration' of foreigners according to the established in article 71 of Regulative Decree no. 6/2004 of 26 April, and the exceptional scheme applicable to Brazilian citizens deriving from the "Portuguese-Brazilian Agreement on reciprocal contracting of its nationals". In 2007 there is a significant drop, considering the previous years, due namely to the new foreigners law coming into force (Act 23/2007, of 4 July).
- 2007 "should be qualified as a transition year". In fact, the full application of the new foreigner's law led to changes in the way and substance, respectively that cannot be ignored in the analysis of foreign population data in 2008. In this sense, 2008, is seen as "year zero" of a new stage in the immigration cycles for Portugal. In relation to Act 23/2007, within this context, the effect of its transitory provisions takes a special meaning (*e.g.* art. 217), on the conversion of all types of long term Visas and stay permits into residence permits and also in the issue of residence permits under the exceptional scheme foreseen, namely in its article 88, no. 2.

8. Notwithstanding the statistics serial drop of the foreign population under the already explained terms it is verified that the 2008 stock values give some continuity to the positive and sustained evolution that has been characterizing this population universe in later years. On the other hand, a compared analysis of the residents stock in 2007 and 2008 allows verifying that, the residence permits registered an increase of 8.6%. This value translates the extension of the changing of legal status from stay permits and long term visas to residence permits. In synthesis, in what concerns foreign residents in Portugal, in 2008 we estimate a provisional stock of 440 277 resident, a number that represents an increase of 1%, compared to 2007 values. In terms of the foreign community composition, we highlight the fact that 48% of population comes from Portuguese speaking countries: Brazil (24%), Cape Verde (12%), Angola (6%) and Guinea-Bissau (6%). On the other hand, Ukraine moves up and becomes the second most representative community (12%), surpassing Cape Verde. In terms of EU State Members, the United Kingdom is

³ Act no. 17/96, of 24 May, which allowed the issue of an annual provisory permit renewed for a period of three years.

⁴ Decree-Law no. 244/98, of 8 August, with the amendments introduced by Decree-Law no. 4/2001, of 10 January.

⁵ Namely the application for a residence permit with the exemption of a visa, due to the marriage to a national of the country or a national of the EU, for the fact of being the parent of a national citizen and by the acquisition of the Portuguese nationality.

replaced by Romania as the most representative community, an amazing historical situation in terms of statistics for residents in Portugal.

II. TECHNICAL AND STATISTICAL PRODUCTION FRAMEWORK

9. Since 1980 Statistics Portugal had a gentleman's agreement with the Portuguese Immigration Service (SEF) to publish, on the statistical demographic yearbook, data on the number of foreigners with a legal resident permit. Until 1991 this statistical information on foreigners legally resident in Portugal was exclusively concerned with the stock of foreigners on 31 December of each civil year. They were non-electronic data resulting from manual counting and manual characterization of foreigners using the individual paper processes.

10. Due to the national acknowledgement of the major importance of the non-nationals immigrant flows in the population change and its impacts on different levels, as well as the relevance of a reliable statistical data for policy making and legislation production, in 1992 Statistics Portugal and Portuguese Immigration Service launched a statistical project to characterize foreigners who applied for a resident permit and also on number and characteristics of those who have ceased their resident permits. Two paper questionnaires were created within the scope of the National Statistical System – first residence permits applications and residence cessation – which facilitated also the non-nationals stock statistics update. Questionnaires were issued in Portuguese, English, French and German and were fulfilled by those who applied for a resident permit. This was the solution found at that time to reach the main goal that was to have a profile of the migrant population, considering that the existing SEF database (SEF Information System) was not design to statistical purposes on foreigners and did not include the necessary socio-economic variables. In 1997, SEF and Statistics Portugal developed an IT project with the purpose to suppress paper support data collection and to be also used for the automatic update of foreigner's stock data. According to this, a non-web-based statistical application - called INE/SEF - started to operate in 1999 in every SEF regional delegations. The statistical data on the Residence Permits applications and cessations was produced and sent to Statistics Portugal. This application was in operation until 2008, with the last published data related to 2007. This was the privileged source to collect information on legal foreigners and the yearly produced database (INE/SEF⁶) contained the statistical information on foreign population holding a legal status of resident, which was the basis for the production of the annual stocks report. These stocks were dynamically updated, in accordance with this application for new residence permits and the cessing ones, but not at the level of the permits renewal. Considering that these were estimate values, these stocks did not necessarily mirror the administrative data on the foreign⁷ population included in the existing SEF Information System database.

11. Both SEF and Statistics Portugal felt the need from the first hour of creating the required conditions so that all the information could exclusively and uniquely result as the output of SEF Information System database, in order to ensure that the updated administrative data included in it would be reflected in the annually produced statistical information. Nevertheless, technical and IT based constraints successively postponed this solution.

⁶ INESEF database, under the Protocol signed with Statistics Portugal, in 1999.

⁷ According to Part I, item 3, page 8 and following, of the 2007 Immigration, Borders and Asylum Activities Report.

12. Finally, as a consequence of Portuguese Immigration Service (SEF) investment in improving the quality of the statistical information, in 2008, and for the first time, it was possible to extract data exclusively from the Integrated Information System database of SEF (SIISEF)⁸. Thus, SIISEF becomes the single information source on foreign population residing in Portugal.

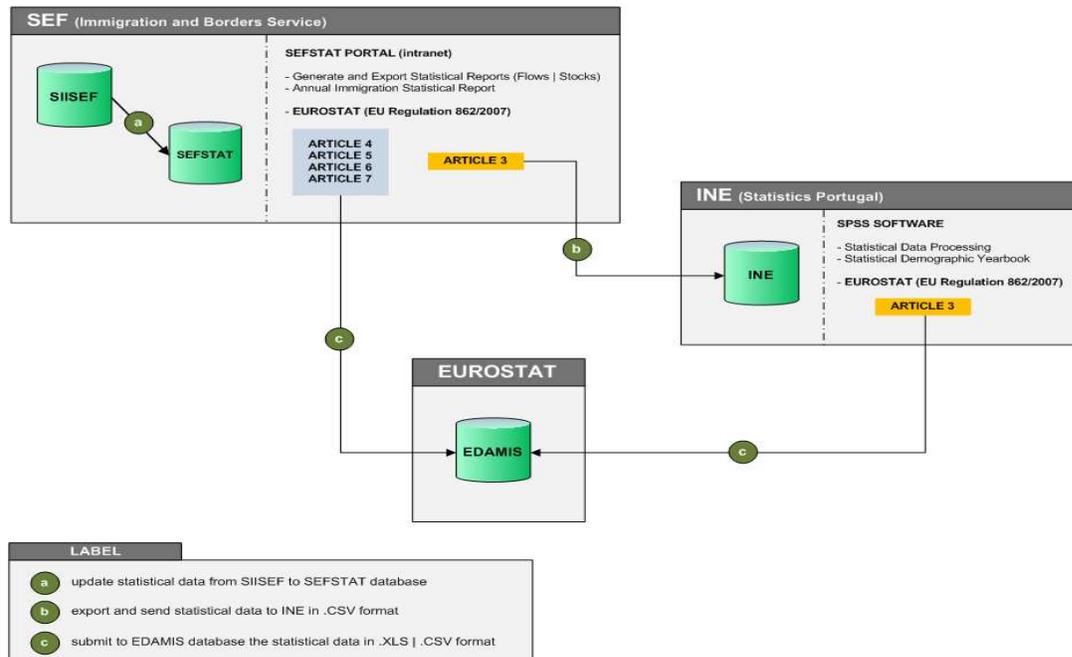
13. Therefore the shift to SIISEF represents a largely significant improvement in terms of quality and reliability regarding the statistical information on the foreigners residing in Portugal, which will lead to short term but also medium term effects.

14. At the moment it is possible extract the statistical data from SIISEF, after discontinuing the above referred INE/SEF application, and creates a specific database for statistical purposes – SEFSTAT. Therefore, there’s a rupture of the statistics about the foreign population resident in Portugal. This rupture has mainly to do with the new functionalities that SIISEF adopts, constituting now the only data source for statistical database SEFSTAT.

15. This alteration shall also enable to respond the mandatory requirements of the Community Regulation on Immigration and Asylum Statistics (Regulation n° 862/2007) and concerning national data on foreign resident population.

16. We would like to add that this complex process was designed, validated and executed by SEF in close cooperation with Statistics Portugal. Within the technical scope, we should underline that the adoption of this new statistical source shall be maximized during the next years.

Figure II



⁸ Portuguese Immigration Service database where all the information regarding the entrance, stay and removal of foreigners from the national territory is registered.

III. USING ADMINISTRATIVE SOURCES AND ADMINISTRATIVE DATA FOR STATISTICAL PURPOSES – THE EU REGULATION EXPERIENCE

3.1 ARTICLE 3

17. Entering the 90s, Statistics Portugal made clear awareness of the need to continue the attempt to appropriate administrative data for statistical purposes in various statistical fields. Given the already historical institutional relationship between the SEF and Statistics Portugal, it was not hard to restart the dialogue that led to technical small but safe steps in achieving the goal of using the integrated information system of SEF to measure and characterize foreigners legally resident in Portugal. If, on one hand dialogue between institutions was always easier and the goal "to produce reliable and timely information" was shared by both institutions, some technical and conceptual constraints have emerged over the years.

18. First of all it should be noted that the two institutions have separate *core business*, so there was always the need to merge their interests. Nevertheless, the major concerns came when conciliating demographic and statistical concepts on immigration and migrant population and the legal framework. When using administrative data we are usually bounded by legal frameworks and irrespective concepts. In this particular case and as an example for this constrain, in the first stage of the cooperation Statistics Portugal started to use the number of applicants for a first resident permit as a "proxy" to the number of non-national immigrants, considering the minimum period of a first resident permit (one year). Another major concern was related to classifications and codes used, namely on what respects countries lists and socio-economic classifications. Nevertheless and if we take as example the experience of the exercise of calculating estimates of resident population by nationality as Statistics Portugal has conducted in 2009, to answer Article 3 of EU regulation, we see immediately the potential for using statistical outputs provided by the new SEFSTAT.

19. Since Portugal has no permanent register of population, Statistics Portugal prepared a new methodology for calculating stocks of resident population by citizenship. Consequently, to estimate the foreign population on 1 January, Statistics Portugal used as major input the official data on foreign citizens with a legal status by sex, age and citizenship, based on SEFSTAT. This database includes different types of legal status (resident permits, renewals long term visas) but not all types of legal permanence in Portugal, namely data on first long term visas issued by Portuguese consulates, because this data are provided by the Ministry of Foreign Affairs.

20. SEFSTAT's only includes data related to legal foreigner population and this fact doesn't correspond necessary to an immigration movement of that year. Currently isn't still possible to filter the data in order to be able to identify some situations of change of legal status that can't actually be considered as a geographical movement/immigration flow.

3.2 ARTICLES 4, 5, 6 AND 7

21. According PT legal framework, SEFSTAT database allows the extraction of statistical data in order to answer EU Regulation requirements - the mandatory data of the Statistics Community Regulation - namely to:

- Asylum – article 4;

- Detected aliens and refusals of entries – article 5;
- Residence permits – article 6;
- Removals – article 7.

22. Though, there are still challenges in progress to supply the lack of information for some categories required by the EU Regulation.

23. As well, the Portuguese legal framework does not foresee the issuance of resident permits with the validity between 3 and 6 months and between 6 and 12 months.

24. Nevertheless, SEF and Statistics Portugal continue to work together in order to improve the reliability and availability of the all statistical data regarding legal foreigner population and future works are being developed with the aim to become available from SEFSTAT variables characterizing the socio-economic status of foreigners.
