



The New Portuguese Immigration Act

CONSTANÇA URBANO DE SOUSA*

I. Introduction

1. *Trends in Immigration in Portugal*

Up until the mid 1980's, Portugal was primarily a country of emigrants. The influx of immigrants became noticeable from 1975 onwards, as the Portuguese colonies in Africa gained their independence. Thus, during the 1980's, there was a continual flow of immigrants from Portuguese-speaking countries in Africa, as well as Brazil. The fall of the Berlin Wall brought about drastic changes to this predominantly lusophone immigration, causing an influx of immigrants from East European countries, especially the Ukraine and Moldova. As a result, the number of legally-resident immigrants in Portugal rose from around 50,000 in 1980 to 107,000 in 1990 and 220,000 in 2000. In 2000, 40,000 applications for residence permits on humanitarian grounds or in the national interest were in the throes of being processed.¹ The New Immigration Act came into force on 15 January 2001, enabling approximately 100,000 economic immigrants to obtain their papers. In other words, the number of legal immigrants in Portugal has almost tripled since 1990. Migratory pressure continues and the labour market is unchanged, particularly in the construction industry, thanks to large public projects (Euro 2004, Alqueva dam, motorways and other infrastructure).

2. *The 1998 Immigration Act*

Law 244/98, dated 8 August 1998,² which repealed Law 59/93 contains the legal provisions on the entry, sojourn and exit from Portugal of foreign citizens (from non-EU countries). It is known as the Immigration Act.

This legislation placed numerous restrictions on foreign citizens wishing to enter and remain in Portugal for the purposes of undertaking a paid or

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¹ Source of statistical data: The Borders and Immigration Service.

² Diário da República (Official bulletin) I, Series A, 8 August 1998, p. 3832.