

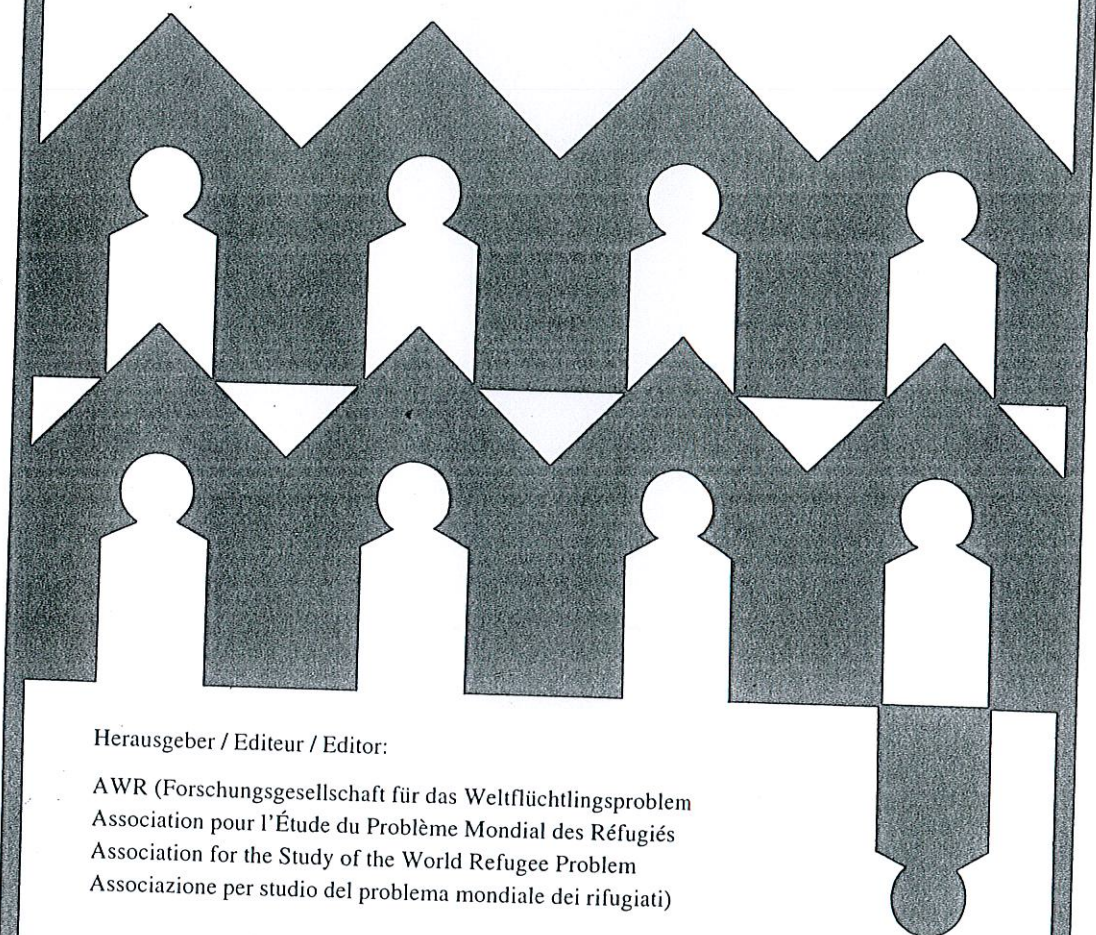
40. (49.) Jahrgang / Année / Volume

No. 4/2002

# AWR

## BULLETIN

Vierteljahresschrift für Flüchtlingsfragen  
Revue trimestrielle des problèmes des réfugiés  
Quarterly on Refugee Problems  
Rivista trimestrale sui problemi dei rifugiati



Herausgeber / Editeur / Editor:

AWR (Forschungsgesellschaft für das Weltflüchtlingsproblem  
Association pour l'Étude du Problème Mondial des Réfugiés  
Association for the Study of the World Refugee Problem  
Associazione per studio del problema mondiale dei rifugiati)

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## Asylum and Integration of refugees in Portugal\*

### Introduction

Firstly place I would like to thank the Organisation for the invitation which enables me to intervene in the session about the asylum and integration of refugees in some European States, in this case in Portugal.

In view of the broad scope of the theme, I want to focus my intervention in 3 points:

- First, the general characteristics of the asylum procedure in Portugal.
- Second, the status of asylum seekers, their social and economic rights which are important as a first step to their integration in the host society
- Finally, I would like to describe the general characteristics of the legal framework for the integration of refugees, that is to say, their legal status in Portugal.

Before that, I want to refer that Portugal ratified the Geneva Convention (1951)<sup>1</sup> in 1960, and the New York Protocol (1967) in 1975.<sup>2</sup> These international instruments are directly applicable in the Portuguese legal framework.

On the other hand the Portuguese Constitution enshrines the fight to political asylum, which, pursuant to Sub-section 8 of Article 33 "is guaranteed for foreign citizens and stateless persons who are being persecuted or are under serious threat of persecution, as a result of their activities in favour of democracy, social and national freedom, peace amongst peoples, freedom and the fights of human beings."

The fight to political asylum is thus conceived as a subjective fight of the persecuted, and is guaranteed by the constitution.

This concept of asylum as a fight of persecuted people, rather than the State's sovereign prerogative, underpins the entire framework of legal protection for refugees in Portugal.

The Law no. 15/98, dated 26 March (Asylum Act), which came into force on 25 May 1998, establishes the legal framework for asylum and refugees currently in force in Portugal.<sup>3</sup>

According this law the Right of asylum shall be granted to aliens or stateless persons, who meet the criteria of constitutional asylum or the criteria of Geneva Convention. Once asylum has been granted, the recognition of refugee status is automatic.

On the other hand, according article 8 of the Asylum Act, aliens or stateless persons, who not meet the criteria set out for the recognition of refugee status, but are objectively or subjectively unable to return to their country of origin, as a result of armed conflicts or systematic violation of human rights, have a subjective Right to a residence permit on humanitarian grounds, which is no longer subject to the authorities' discretion.

The Portuguese Asylum Act enshrined a single procedure for granting asylum and granting subsidiary protection.

Prior to the 1998 Asylum Act, different procedures had been used to deal with asylum and subsidiary protection applications, and the humanitarian protection was conceived not as a right, but a subject of the discretion of the Minister of Home Affairs, without procedural guarantees.

Dealing with humanitarian protection cases in the single procedure substantially improves beneficiaries' procedural position, and allows a greater number of people seeking refuge in Portugal to be protected. The same entities now analyse all requests in the light of subsidiary protection

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