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'Bringing the state back in': A political economy analysis of Portuguese immigration policy

João Carvalho

CIES-IUL, Centro de Investigação e Estudos de Sociologia, Lisbon, Portugal

ABSTRACT

Southern European states are recurrently represented as 'safe havens' for irregular immigration in face of powerless national governments. Drawing from an interdisciplinary approach combining the domestic politics approach and the political economy of migration, this investigation explores the effectiveness of the Portuguese policy towards labour and irregular inflows during the 1990s and the 2000s. Against the increasing exclusion of politics and national governments in immigration studies, this research focuses on the agency of the Portuguese state. This article associates the intensity of irregular inflows with the covert expansive approach towards immigration adopted by the Portuguese state, driven by economic objectives.

Introduction

Traditionally, regarded as an emigration country, Portugal received significant immigration flows from the final quarter of the twentieth century onwards. In 2006, estimates highlighted that half of the 437,000 foreign citizens settled with a regular status in this country benefited from the implementation of regularization programmes (Peixoto et al., 2009). By contrast, the dimension of asylum is residual whilst the intensity of family reunion has been low.¹ Within this context, this article will probe the effectiveness of Portuguese immigration policy by focusing on the management of labour and irregular inflows from the 1990s to the early 2010s. Instead of focusing on the overall effects of immigration control on the shape of this social phenomenon, policy effectiveness considers the relationship between the policy objectives set by the legislator and the outcome of the implementation stage (see Czaica & Haas, 2013). Thereby, this study will evaluate the congruence between the political inputs set by the Portuguese party governments and the consequences of the implemented policy options.

Comparative research undertaken during the mid-1990s in the southern Mediterranean countries associated the enactment of immigration policy

with these states' accession to the European Community (EC) and their participation in the Schengen Agreement (Baldwin-Edwards, 1997). Thus, policy developments were driven by exogenous pressures independently of domestic idiosyncrasies. Further research conducted in the late 1990s interpreted the high intensity of irregular immigration and the weak politicization of this social phenomenon as distinctive features of the southern Mediterranean countries, which constituted an 'Eldorado' for irregular inflows (King et al., 1999). However, there is increasing dissatisfaction with the categorization of southern European countries under a single umbrella and as a 'deviant' case in the European context, which neglects the divergent patterns observed across these states (Baldwin Edwards, 2012; Pastore, 2014). Within this wider context, the Portuguese experience can be conceived as a crucial case that should closely fit the theory of Southern European exceptionalism.

Following the mainstream 'deviant' perspective, in-depth analysis of Portuguese immigration policy considered its effects on immigration as very limited, whilst the control of this social phenomenon was deemed to overwhelm this state's capabilities (Peixoto et al., 2009). This trend was explained by a combination of exogenous pressures (multiple push mechanisms and compromises with the EC) and internal factors mostly related to the existence of a large informal economic sector (Peixoto et al., 2009). This structural idiosyncrasy is frequently highlighted the most important independent variable driving the intensity of irregular inflows (Peixoto et al., 2012).² In short, the intensity of irregular immigration into Portugal was regarded as a consequence of structural factors in disregard of the intervention of the different national governments. This investigation questions the recurrent interpretation of Portuguese immigration policy as an endemic policy failure by focusing on the agency of the host state and its policy preferences regarding the control of labour and irregular inflows.

This investigation is supported by an interdisciplinary approach that combines the domestic politics approach and the political economy of migration (Freeman & Kessler, 2008). Drawing from a pluralist approach, the former strand of analysis of immigration control focuses on interest-based explanations to enhance understanding of policy developments. The economic analysis of immigration explores the impact of this social phenomenon in the labour market, the wage effects and the fiscal balance (Freeman & Kessler, 2008). The interdisciplinary approach to politics and economics developed in this article enhances the analysis of the policy process and the interpretation of the main actors' policy preferences (Boswell & Mueser, 2008). Against the increasing exclusion of politics and national governments in the research on immigration control, this article adopts a statist approach to explain the intensity of irregular immigration in Portugal in the selected timeframe. Notwithstanding the recurrent pledges of strict immigration control, the Portuguese state's implemented a covert expansive approach to immigration to attain economic objectives. Moreover,

this investigation will identify the outline of a client politics model in the early 2000s following the domestic politics approach.

To attain the proposed objectives, this article develops a single-case research design and employs a qualitative research strategy labelled 'process tracing' (George and Bennett, 2005). Supported by deep contextual knowledge, this research strategy enhances the study of political processes through the examination of empirical data with a qualitative and quantitative character (Hall, 2006). The analysis of policy developments is implicitly supported by an analytical framework of the policy process divided in four stages: public policy discourses, policies on paper, policy implementation and policy outcomes (Czaica & Haas, 2013). The policy inputs will be identified through the presentation of empirical evidence extracted from the in-depth analysis of the parliamentary debates on immigration laws and the government's statements in the media. The outcomes of the policy implementation will be evaluated through the analysis of secondary sources due to the lack of official statistics on the impact of immigration. Ergo, the first part of this article examines the theoretical approach that supports this empirical research. The second part of this article analyses the development of Portuguese policy towards labour and irregular immigration in the 1990s and the 2000s. The last section will explore the Portuguese experience from a comparative perspective towards two south European counterparts: Spain and Italy. The conclusions present the general contributions of this research to the literature on immigration control.

Domestic politics approach

Within this theoretical perspective, the continuous expansion of immigration after the Second World War into European states against a backdrop of public hostility is explained by endogenous factors within liberal democracies rather than by exogenous pressures such as globalization (Joppke, 1998). Pluralist models envisage the liberal state as a neutral arena for societal interests such as interest groups and political parties, while neo-Marxist approaches frame the state as the arbitrator between competing interests which decides the policy outputs (Meyers, 2004). Consequently, immigration policy is interpreted as the outcome of a compromise between the diverse, competing and sometimes contradictory interests of the social actors involved in the policy process (Boswell, 2007). This process can involve different members of coalition governments, factions within party governments, government agencies and bureaucracies, interest groups, sections of the electorate and the media (Czaica & Haas, 2013). Thereby, the capacity of host states to control immigration expanded in recent decades, but the political and legal processes within liberal democracies undermine the enforcement of strict border controls (Joppke, 1998).³

Drawing from a pluralist approach, the client politics model supposes that immigration entails structural regularities that favour the expansion of

immigration. This proposal contends that immigration generates concentrated benefits and diffuse costs, which helps to determine the politics on this topic (Freeman, 1995, 2006). The benefited social actors encompass a narrow segment of interest groups formed by employers in labour intensive industries, businesses that profit from population expansion, immigrant associations and the immigrants themselves. In opposition, the costs of this social phenomenon are widespread and distributed across the overall society. Therefore, the benefited interest groups possess stronger incentives to organize themselves to lobby for the expansion of this social phenomenon and to capture the public interest of this policy than the disorganized public opinion (Freeman, 1995). This structural regularity enhances the observation of client politics models in this policy area. Politicians are supposed to be more prone to promote the interest of organized groups driven by their vote-maximizing strategies. Consequently, mainstream political parties are expected to engage in consensual politics to remove immigration from the public agenda and prevent its politicization by populist parties (Freeman, 1995).

Notwithstanding the merits of this seminal proposal, the client politics model contains a few shortcomings. First, the host state is excluded from the range of actors potentially standing to benefit from immigration. Nonetheless, recent research highlighted the British state among those directly benefited from the liberal policy towards the admission of highly skilled immigrants during the 2000s (Carvalho, 2014). Secondly, the focus on economic motives only can entail the negligence of the potential influence of foreign policy considerations. States can deploy preference policies towards particular countries to promote military, trade and cultural ties at the external level or to sustain political links established in the past (Meyers, 2004). Lastly, the client politics model fails to provide theoretical premises that help to interpret the policy preferences of the social actors involved in the policy process (Freeman and Kessler, 2008). Thus, the insights of political economy of migration can help to overcome this shortcoming, which are developed in the next section (Boswell and Mueser, 2008).

Political–economy of immigration

Investigations in economics over the subject of immigration can be disaggregated into three main strands of analysis: consequences on the labour market, the wage and income effects of migration and the fiscal impact of migration (Freeman & Kessler, 2008; Ruhs, 2008). Research on the labour market explores the linkages between admissions of newcomers and rates of domestic labour demand. There is a long-term debate over the contribution of immigrants to reduce contingent labour shortages in specific economic sectors, potentially created by a mismatch of skills or due to their unattractive social character (Piore, 1979). While it is difficult to estimate the number of newcomers required to tackle this problem, particular labour shortages can be eliminated by raising

wages and improving the attractiveness of those jobs. Therefore, the dimension and occurrence of labour shortages are closely intertwined with the price of labour (Ruhs & Anderson, 2010).

In addition to the hiring of foreign workers to tackle labour shortages, other policy options are available to employers of the most affected economic sectors, such as: the modernization of the production process, outsourcing, shifting to less labour-intensive industries or the training of the workforce. Nonetheless, the disposal of these policy options varies according to the different areas of economic activity due to causal factors like: dependence on public funding, intense market competition, concerns about profitability and the reliance on low-cost employment strategies (Ruhs & Anderson, 2010). Therefore, the employers of economic sectors with fewer options to tackle labour shortages should have stronger incentives to influence the policy process in favour of the expansion of immigration. This structural pattern enhances the observation of client politics model (Freeman, 1995). Thus, the first hypothesis explores the potential causal linkage between the Portuguese state's liberalism towards irregular inflows and the observation of shortages in the labour market.

A second strand of economic analysis of migration policy examines the impact of immigration on the wage structure of the domestic labour market. According to neoclassical models, the inflow of immigrants expands the pool of available workers and the availability of productive assets, contributing to the expansion of national wealth. At the same time, this phenomenon generates a redistribution of income from the domestic workers, who face increasing competition in their tier of the labour market, in favour of immigrants and employers (Borjas, 1995). The cornerstone of this model is the extent to which the benefits derived from immigration by particular groups will offset the losses suffered by those most affected by this social phenomenon (Freeman & Kessler, 2008). Thereby, the second hypothesis explores the extent to which the Portuguese state's expansive approach towards irregular inflows can be associated with significant levels of income differential between immigrant and native workers.

Finally, a third strand of economic analysis explores the consequences of immigration on the domestic fiscal balance by assessing the distribution of the revenues and expenses engendered by this social phenomenon within public finances (OECD, 2013). The net contribution of immigrants can influence the coalitions of supporters and opponents to immigration in a different way to that of enhanced labour competition, because taxpayers, both at the local and nationwide levels, can resent the costs associated with immigration. Thus, this third hypothesis probes whether the Portuguese state's liberalism towards irregular inflows was associated with a positive impact of immigrants on public finances. To prevent the emergence of social conflict over immigration, the host state should design immigration policy that seeks to compensate workers most affected by enhanced labour competition or to balance the fiscal expenditure of immigrants (Freeman & Kessler, 2008). After this theoretical overview, the next

sections will examine how these propositions help to explain the evolution of Portuguese immigration policy throughout the last two decades.

Intense tolerance of post-colonial immigration

Portugal averaged a population of 10 million citizens living in the national territory from the 1980s onwards, whilst its geographic location prevented the observation of intense migratory pressures, unlike what is observed with its southern European counterparts. Immigration into Portugal took off after the 1974 Carnation Revolution and the subsequent de-colonization process of former African colonies. Throughout this downsizing process, the Portuguese state redefined the nationality law (Law no. 308-A/75) according to the principle of *'ius sanguinis'* to strip former colonial citizens of their former right to settle in Portugal. In this context, the subsequent inflows were formed by the Portuguese returnees and foreign citizens from the newly independent countries (nationals of the African Countries of Portuguese Official Language [PALOP] comprised 43 per cent of the 54,414 foreign citizens settled in Portugal in 1981; Baganha, 2009). The legal framework on immigration control was established through the 1980 asylum law (Decree Law no. 38/80) and the 1981 immigration law (Decree Law no. 264-B/81). The legislation was driven by the consolidation of the democratic transition process and the country's accession to the European Economic Community rather than by intense immigration pressure (Baldwin-Edwards, 1997). Due to the lack of endogenous or exogenous pressures, the legislative framework was left intact until the early 1990s.

Following the ratification of the Schengen Agreement (1992) and the Dublin Convention (1993), the centre-right party government led by the *Partido Social Democrata* (PSD) harmonized the legislation with that of its European counterparts. The Portuguese authorities' lack of experience on this topic enhanced the adoption of the paradigm of 'Fortress Europe' and the deployment of 'zero-immigration policies' (Carvalho, 2009). Consequently, the 1993 immigration law (Law no. 59/93) granted freedom of circulation to European Community (EC) citizens but adopted a clear restrictive approach towards immigrants in general (third-state nationals). The highly bureaucratic and inflexible procedures of the channels available to labour inflows contrasted heavily with the informal structure of the Portuguese economy. Notwithstanding the introduction of mechanisms to enforce strict border control, the tourist visas remained as the alternative route for the entry of labour immigrants, who then overstayed in the country with an irregular status (Peixoto et al., 2009).

Nonetheless, the centre-right government operated the first large-scale regularization programme (Law-Decree no. 212/92), which was justified on humanitarian grounds (Carvalho, 2009). Nonetheless, the selective criteria included in the new bill favouring nationals of the PALOP indicated the presence of vested interests tied with foreign policy objectives.⁴ The Portuguese state intended for

the maintenance of a special relationship with the PALOP to promote the trade linkages and political ties established with the former colonies. This objective became public in the subsequent term, led by the minority government of the centre-left party, *Partido Socialista* (PS). Under pressure from the Catholic Church, the second regularization programme (Law no. 17/96) was presented as especially designed for immigrants of the PALOP (reasserted the positive discrimination granted in 1992) and collected unanimous parliamentary support.⁵ In total, the Portuguese state issued 39,166 authorizations of residence to irregular immigrants in 1993 plus another 35,000 authorizations in 1996, and the PALOP nationals constituted the first wave of immigration into Portugal (in 1993, 72 per cent of accepted candidates were PALOP nationals, falling to 64 per cent in 1996) (Baganha, 2001).

The gradual intensification of irregular immigration throughout the 1990s was driven by high labour demand in a period of economic growth, fuelled by the expansion of the construction and public works sectors (OECD, 2008; Cabral & Duarte, 2011). Supported by the structural and cohesion funding from the EC, the Portuguese state launched an ambitious infrastructure plan that represented 2.98 per cent of the GDP between 1980 and 1990, a figure that increased to 4.38 per cent in the period from 1990 to 2000, and 4.52 per cent between 2000 and 2009 (Pereira, 2013: 107). Public investment fomented the development of major projects such as the creation of a national network of highways, the construction of Expo-98 in Lisbon, the new bridge over the Tagus River and the underground train system in Oporto. Parallel to this, consumption of private housing expanded substantially in the 1990s and early 2000s, enhanced by the lending spree observed in the late 1990s and by public policies geared towards home ownership (through public support for mortgages and absence of new housing taxes) (Malheiros, 2012).

Supported by these trends, the construction and public works sectors observed growth rates well above the national average from the mid-1990s to the early 2000s, severely increasing demand for unskilled labour. Moreover, the implementation of the Schengen Convention in March 1995 and the abolishment of internal border controls across the adhering states expanded the migratory pressure over Portugal, since this country became integrated in the international networks of labour smuggling which were active in other member states (Baganha et al., 2004). Indifferent to the new context,⁶ the centre-left government introduced an individual regularization mechanism for irregular immigrants on humanitarian grounds in the 1998 immigration law (Law no. 244/98) with parliamentary support from the main opposition party, PSD (Carvalho, 2009). Thereby, this legislative development represented the adoption of a covert expansive approach towards irregular immigration that enhanced the fulfilment of the demand for unskilled labour and the attainment of foreign policy objectives (Baganha, 2005). In parallel, the channels for regular labour immigration remained closed in conformity with the 'Fortress Europe' paradigm.

In short, the Portuguese national governments adopted a two-pronged approach towards immigration policy throughout the 1990s: the enactment of new legislation with restrictive channels for labour immigration under exogenous pressures from the European Union (EU), while the regularization programmes reflected overt geopolitical considerations and covert objectives concerning the domestic labour market. The Portuguese immigration experience resembled that of a post-colonial-based regime, wherein 'immigration was never actively solicited but passively tolerated', though for purposes other than the maintenance of an empire (Joppke, 1998). Due to the restrictive character of channels available for labour immigration, the Portuguese state indirectly channelled the entry of foreign workers and their access to the domestic labour market through irregular means under a covert expansionary approach. However, this ambiguous approach contained unintended consequences in the short-term, as seen in the next section.

A 'laissez-faire' approach to irregular immigration from Eastern Europe

In 2000, the re-elected PS government unexpectedly received 41,401 requests for regularization of non-EU citizens, mostly origin in Eastern European countries, under the individual regularization mechanism introduced in the 1998 immigration law (Baganha et al., 2004). Surveys conducted with these individuals associated this sudden inflow with the combination of three factors: the intense activity of international networks of human smuggling; the pull effects of the 1998 immigration law; and the acute demand for unskilled labour fuelled by a boom in the construction sector. The number of construction licences issued by the Portuguese authorities peaked in 1999, demonstrating the intense expansion of the economic activity in this sector in the late 1990s and early 2000s (INE, 2013). Parallel to this, the media reported on labour bottlenecks, in particular in sectors like tourism, services and construction sectors, against the back of a low rate of unemployment (3.9 per cent in 2000 and 4.0 per cent in 2001). Considering past trends, this economic context would foster the growth of domestic demand for unskilled labour in the national economy.

The shortages of manpower were aggravated by the substantial rates of emigration of Portuguese unskilled workers to other European countries (Carvalho, 2009).⁷ In consequence of these trends, the employer associations from the construction sector publicly demanded the provision of a further 50,000 foreign workers, with preference for Eastern European workers. By contrast, the employers of the commerce and services sector proposed the reduction of unemployment benefits alongside an increase in wages to attract domestic workers to the regular job market (Soares, 2000). These statements indicate that employers' preferences on immigration are not uniform across the different economic sectors and can have an antagonist character. The end of the dominant paradigm of

low-cost employment could help to overturn the emigration rates of Portuguese unskilled workers but it would simultaneously impose the inflation of labour costs and greater investment to increase productivity levels (Ruhs, 2008).

The strict control of irregular immigration would have direct repercussions on the price of commodities produced by the economic sectors most affected by the labour shortages (Ruhs & Anderson, 2010). Subsequently, this potential upsurge would be reflected in the final cost of the public infrastructure projects. Under intense domestic pressure, the PS government deployed another regularization programme. According to the Minister of Home Affairs – Fernando Gomes statements in a radio interview: ‘everyone recognises the existence of labour shortages in particular sectors, and it is necessary that the country does not stop’. This minister added: ‘I am convinced that if we were really strict, many of the ongoing construction in Portugal would come to a standstill’ (Gomes, 2000). In addition to the recognition of the linkage between irregular inflows and the construction sectors, these statements indicate that the Portuguese state ruled out expanding the available internal and external controls on irregular immigration (a policy option that persisted throughout the 2000s; SEF, 2013) to prevent the observation of bottlenecks in the labour market.

Consequently, the 2001 immigration law (Law no. 4/2001) included the concession of an ‘authorisation of permanence’⁸ to irregular immigrants who possessed a valid work contract and entered Portugal before the end of November 2001. To maximize labour supply, the legislation adopted a *laissez-faire* approach towards irregular inflows, whereby the regularization of irregular immigrants was merely dependent on the capacity of the regular labour market to absorb the newcomers (Baganha, 2005; Carvalho, 2009).⁹ The positive discrimination granted in previous mass amnesties to nationals of the PALOP was, simultaneously, dropped by the legislator. This discontinuity raises questions over interpretations that national governments face insurmountable constraints either from past policy decisions or from the historical ties to former colonial citizens (Hansen, 2002). In a sign of greater awareness of the complexity of international migration, the 2001 law criminalized human smuggling and reinforced the penalties on the hiring of irregular immigrants (Peixoto et al., 2009). Furthermore, the government included a quota system in the new law, to regulate admissions of labour inflows to obtain the parliamentary support of the CDS-PP (Centro Democrático Social-Partido Popular). However, that quota system was never implemented during the legislature (Carvalho, 2009).

By the end of 2002, the Portuguese state granted 183,655 authorizations of permanence on behalf of the 2001 immigration law, which represented the duplication of the foreign population regularly settled in Portugal in under five years (increased from 191,143 individuals in 1999 to 413,552 foreign citizens in 2003; SEF, 2003). This second wave of immigration was mainly composed of nationals of Eastern European countries (42 per cent of the total), followed by citizens from Brazil (20 per cent of the total; SEF, 2003).¹⁰ According to secondary

Table 1 The integration foreign workers by economic sector according to the Portuguese Labour force survey

Economic sector	2000		2004		2008		2012	
	N	%	N	%	N	%	N	%
Construction	4,992	18.1	32,990	23.9	37,769	22.2	11,167	10
Commerce	2,643	9.6	15,363	11.1	19,781	11.6	16,665	14.9
Hospitality / Food and beverage sector	3,135	11.4	20,430	14.9	28,619	16.8	21,808	19.9

Source: Adapted from Peixoto, 2008; Oliveira e Pires, 2010; Oliveira e Gomes, 2014

research on the immigrants' impact on the labour market, the number of foreign workers integrated into the construction sector observed an almost 10-fold growth between 2000 and 2004 (Table 1). This growth indicated the structural dependence of this economic sector on foreign labour, followed by the hospitality industry. Parallel to this, the enhanced competition in the domestic labour market was deflated by the intense segmentation of the labour tiers and the continuous emigration of unskilled workers to other European states.

The repetition of another regularization programme faced weak resistance at domestic level, as the Portuguese trade unions sought to prevent the employment of undocumented workers and further downward pressure on national wages for the benefit of employees (Kolarova & Peixoto, 2009). According to recent research led by Oliveira and Gomes (2014), the wage differential between natives and foreign workers was estimated at around 17.1 per cent in 2002. Therefore, the hiring of foreign workers promoted flexibility in the labour market in direct benefit of national employers and supported the entrenchment of the dominant paradigm of low-cost employment. The Portuguese taxpayers in general also benefited by the lower cost of the public works produced by immigrant workers, which would otherwise have soared if labour costs had increased (Ruhs & Anderson, 2010). Lastly, the successive development of regularization programmes maximized the fiscal revenues from immigrants for the benefit of the public finances, which would otherwise have been swallowed by the informal economy.

Unlike the exogenous pressures observed in the 1990s, the 2001 immigration law was driven by domestic priorities of the Portuguese state in reaction to unexpected events. The '*laissez-faire*' approach towards irregular immigration adopted by the PS government reflected the capture of Portuguese immigration policy by the vested interests of employers from the construction sector (Carvalho, 2009). The observation of a 'client politics model' was also enhanced by the Portuguese state's stake in the construction sector through the national programme of public investment. In contrast to the thesis of a 'weak state versus strong market forces' (Peixoto, 2002), this article emphasizes the Portuguese state's renouncement from bolstering the available means of control over irregular immigration to attain endogenous objectives. The lack

of policy effects on irregular immigration was thus the outcome of the covert expansive approach adopted by the Portuguese state towards immigration rather than the consequence of strong market forces acting independently of the host state. Unsurprisingly, the sudden collapse of the centre-left executive in 2002 was followed by claims of employers of the construction sector that: 'a further ten or twenty thousand new immigrants will be required to finish the ten stadiums to be constructed for the Euro 2004 [European Championship Football]' (Botelho, 2002).

An overt consensus between mainstream parties

A rupture with past policy was expected after the formation of a centre-right coalition government between the PSD and the CDS-PP (*Centro Democrático Social-Partido Popular*) in 2002. Subsequently, a new immigration law (Law no. 34/2003) abolished the concession of authorizations of permanence in order 'to close the open doors' to immigration (Pereira & Branco, 2002). This legislation watered-down the '*laissez-faire*' approach towards irregular inflows by imposing the strict implementation of the quota system to manage labour inflows, which set a cap of 8,500 entry visas for labour immigrants in 2004 (carvalho, 2009). The new paradigm was deployed at a time of economic downturn, particularly in the construction sector despite the expansion of public investment on infrastructure (Pereira & Branco, 2002; INE, 2013). Two years later, the Director of Border Police considered the quota system the most restrictive in the European context and a 'complete failure' because only a few hundred of those visas were issued due to Portuguese employers' reluctance to hire foreign workers directly from origin countries (Felner, 2005a).

As in the past, an efficacy gap was observed on the channels for labour immigration, as the implemented policy output failed to prompt regular labour inflows, whilst the demand for foreign workers continued to be appeased through irregular channels. Following the Portuguese compromises towards the UE, the 2003 immigration law facilitated forced removals of irregular immigrants, expanded sanctions on human traffickers and on employment of irregular workers (Carvalho, 2009). However, the centre-right coalition government failed to escalate the annual rate of forced removals of irregular immigrants in opposition to other European countries.¹¹ A covert interparty consensus was therefore identified among Portuguese mainstream parties on tackling the networks that organized irregular immigration rather than to adopt large-scale programmes of forced removals of irregular immigrants. Notwithstanding the initial expectations, two limited regularization programmes were deployed by the centre-right coalition government.

Under the personal initiative of the PSD Prime Minister Durão Barroso, a bilateral agreement was signed with Brazil that exchanged the regularization of undocumented Brazilian citizens for a similar entitlement granted to Portuguese

citizens irregularly settled in Brazil (Peixoto et al., 2009). The non-extension of this agreement to other countries of the PALOP reflected Portugal's prioritization of the bilateral relationship with Brazil, following new geo-strategic and economic considerations beyond the European context, as well as the asymmetric relationship between the two countries.¹² Under this agreement, the Portuguese authorities received 31,000 requests for regularization, suggesting that domestic demand for unskilled labour was still significant. The prime minister's initiative fostered intense opposition from the junior coalition party – CDS-PP, which urged the executive 'to provide jobs to Portuguese workers in the first place' (Lourenço, 2003). The CDS-PP party leader's association between immigration and unemployment promoted widespread criticism from the broader political spectrum, including the main coalition partner itself.

The intra-coalition divisions forced the prime minister to publicly emphasize the fiscal benefits of immigration, whose net contribution was estimated at around 350 million Euros in 2001 (*Diário de Notícias*, 2003). These statements indicate that the immigrants' fiscal impact on the public finances was closely monitored by the Portuguese state and supported the PSD's tolerance towards irregular inflows.¹³ Following the PSD liberal approach, another limited regularization programme (Regulatory-Decree no. 6/2004) was introduced in 2004 on the basis of the functional contradiction inherent to the Portuguese authorities' acceptance of fiscal contributions from irregular immigrants.¹⁴ However, these two limited regularization programmes were characterized by a low level of policy effectiveness. Only one third of the candidates applying under the 2003 Portuguese–Brazil agreement obtained an authorization of residence by December 2004 (*Público*, 2004). Furthermore, only 6 per cent of the 53,000 requests presented under the 2004 regularization programme were accepted by the Portuguese authorities by October 2005 (Felner, 2005c).

The divergence between the initial liberal policy outputs and the outcome of the implementation process reflected an implementation gap after the CDS-PP junior Minister of Home Affairs' imposed strict evaluation procedures for the submitted applications.¹⁵ The intra-coalition conflicts over immigration had also severely delayed the promulgation of the Regulatory-Decree no. 6/2004, which was ranked as the most difficult negotiation process of this term (Lourenço & Pereira, 2004). From a general perspective, a strong degree of continuity was observed on the maintenance of inefficient channels for labour migration coupled with intense tolerance towards irregular inflows. This tolerance was indebted to the PSD's intervention against the restrictiveness demanded by the CDS-PP. Subsequently, the acute divisions within the centre-right coalition government on this topic were associated with a lower level of policy effectiveness than in the past. Nonetheless, a new reform of the 2003 immigration law was prepared after the PS victory in the 2005 general elections.

According to the new Minister of Home Affairs – António Costa, the legislation was designed to 'facilitate the regularisation of irregular foreign workers'

due to labour shortages and as a means of supporting the national welfare system (Felner, 2005b). Thus, the intense tolerance towards irregular immigration was overtly associated by the legislator to wider economic and financial objectives. Following this expansive approach to immigration, the new government granted 20,318 authorizations of residence to irregular immigrants by the end of 2006 and lifted restrictions on freedom of movement to the new A-8 EU member states¹⁶ (Cotrim, 2006). Three years later, a similar entitlement was granted to Bulgarian and Romanian citizens (SEF, 2013). Furthermore, the cabinet's approval of a new immigration law coincided with the PS prime minister's visit to Brazil where he proactively encouraged new inflows. At this official event, José Sócrates announced the exceptional regularization of a further 6,500 irregular immigrants of Brazilian origin and presented the new bill as a tool to 'ease integration and accelerate access to an authorisation [of] residence' (Felner, 2006).

Therefore, the Portuguese state continued to channel the entrance of foreign workers through irregular means and favoured the settlement of Brazilian citizens following foreign policy objectives, now refocused on building a special relationship with Brazil rather than with the PALOP. Thus, the third wave of immigration into Portugal was formed by Brazilians, who became the largest legally settled foreign community in the country, at a time when the foreign population was diminishing (SEF, 2008: 19–20).¹⁷ An overt bi-partisan consensus between the PS and PSD was observed in the parliamentary debate of the new bill, which sought to prevent the politicization of this topic at the domestic level.¹⁸ The 2007 immigration law (Law no. 23/2007) performed the administrative reform of the typology of residence authorizations granted by the Portuguese authorities, reinstated an annual cap on labour inflows according to domestic demand and expanded the scope of the individual mechanism for the exceptional regularization of irregular immigrants (Peixoto et al., 2009).¹⁹ Thereby, the centre-left government's reform of the ineffective channels for labour immigration was followed by the improvement of the available mechanisms for the regularization of irregular immigrants to avoid the repetition of large-scale amnesties.²⁰

Notwithstanding the signature of the European Pact on Immigration and Asylum in September 2008 discouraging the development of regularization programmes, the junior Minister of Home Affairs restated the regularization of irregular immigrants according to the annual cap on labour inflows (*Público*, 2008). Following this covert expansive approach to immigration, the Portuguese authorities granted a total of 53,000 authorizations of residence to irregular immigrants by 2009 (Pereira, 2009). Nonetheless, the centre-left government reduced the labour cap from 8,500 to 5,000 labour visas in 2009 due to the effects of the 2008 economic crisis (*Público*, 2009). The policy towards irregular inflows was, thus, closely intertwined with the business cycles in the national economy. In 2011, the cap on labour visas was abolished by a new centre-right coalition government due to the economic downturn after the 2010 sovereign

debt crisis. This research highlights that the decline on the intensity of irregular immigration in the late 2000s diverges from the continuous annual growth of the informal economy during the 2000s (Afonso, 2014: 12). Consequently, the relevance of this structural characteristic to understand the intensity of irregular immigration into Portugal may have been overstated in past studies.

By contrast, national statistics highlight the construction sector as the largest employer of foreign workers until the early 2010s, a trend that was reversed by the severe downturn in the late 2000s (Table 1). The empirical research conducted by Oliveira and Gomes (2014) also identified a positive relationship between the rates of economic activity in the construction sector in the late 1990s and early 2000s and the intensity of irregular inflows into Portugal. Thereby, the Portuguese state heavy investment on public infrastructure enhanced the demand for unskilled labour in this economic sector and can be indirectly associated with the development of irregular inflows. According to the recent empirical research authored by Oliveira and Gomes (2014), the wage differential between native and foreign workers diminished to 14.3 per cent in 2009 and to 7 per cent in 2012. This trend suggests that immigration reduced labour costs during the 2000s at a time of salient emigration of unskilled workers.

The coincidence between the drop of foreign workers integrated in the construction sector and the decline in the wages differential suggests that employers and the main clients of the aforementioned economic sector were the most benefited from irregular immigration. On the other hand, the covert expansive approach towards irregular inflows during the 2000s was also encouraged by the positive fiscal impact of immigrants on public finances as it was recognized in different occasions. Longitudinal research conducted in the early 2010s led by Peixoto et al. (2010) highlighted the immigrants' positive net contribution from 2002 to 2010 against a backdrop of intense pressure on the welfare system.²¹ The impact of immigration on public finances could not solve the enduring welfare deficit but encouraged the Portuguese state's covert expansive approach towards immigration.

Comparative dimension

Drawing on the Portuguese experience, from a comparative perspective, the management of labour and irregular inflows in Spain and Italy during the 1990s was similarly driven by the integration process imposed by EU membership (Peixoto et al., 2012). The most striking parallel between these countries consists of the recurrent employment of regularization programmes. Spain implemented regularization programmes in 1985, 1991, 1996, 2000, 2001 and 2005, with Italy doing so in 1985, 1990, 1995, 1998, 2002 and 2009. Given the divergences in terms of population and GDP, the number of regularized immigrants in Spain and Italy largely surpassed those observed in Portugal, with 578,375 and 634,728 residence authorizations having been issued to irregular immigrants in 2005

and 2002, respectively (Finotelli & Arango, 2011). As with Portugal, the acute dimension of the regularization programmes observed in the 2000s suggests that the management of inflows was driven by endogenous objectives rather than exogenous pressures.

In 2010, Romanian, Moroccan and Ecuadorian comprised the three largest foreign nationalities settled in Spain, whilst in Italy they were Romanian, Albanian and Moroccan (Vasileva, 2011). Portugal and Spain diverge from Italy with the large presence of foreign citizens from former territorial colonies in South America and Africa. This trend reflects the preferential policies of the Spanish state towards immigrants with these origins, a policy option also observed in Portugal (Rosa, 2016). Whereas, most immigrants in Spain integrated the construction, tourism and agriculture sectors throughout the 2000s, foreign workers were mostly active in the domestic services, industry and agriculture in Italy. Portugal's experience seems to hold stronger similarities with the Spanish case study, where public investment in infrastructure was also particularly intense until the late 2000s. Notwithstanding the expansion of this social phenomenon in the three Southern European countries after the 1990s, immigration only became a politicized topic in the Italian political agenda, dissimilarly to Portugal and Spain.

Conclusions

This research identified a strong level of interdependence between the intensity of irregular immigration in the 1990s and 2000s, the labour shortages which were particularly acute in the construction sector and the intense public investment in infrastructure by the Portuguese state. Unlike the continuous expansion of the informal economy, the end of the expansionary business cycle in the construction sector was associated with the decline of irregular immigration during the 2000s. The Portuguese state's intervention in the economy was, thus, an important indirect pull factor behind the intensity of the irregular inflows observed in the selected time-frame. In the context of labour shortages, the Portuguese state adopted a covert expansive approach towards immigration through the strong tolerance to irregular immigration, *in order to attain economic targets and, to a lesser extent, foreign policy objectives*. Following the domestic politics approach, the Portuguese immigration policy presented the outline of a client politics model in the early 2000s, when the national government adopted a laissez-faire approach towards the regulation of irregular inflows.

This research suggests that the host state ought to be included in the range of interest groups potentially responsible for the observation of a client politics model. With the exception of the term led by the centre-right coalition government, a strong level of effectiveness was identified in the management of irregular inflows throughout the selected time frame. Notwithstanding the general pledges to enforce strict border controls, the high tolerance towards

irregular immigration enhanced the attainment of endogenous objectives set by national governments. At the same time, political factors, such as intra-coalition divisions over the management of inflows, should be considered as potential independent variables behind diminished levels of policy effectiveness. An inter-party consensus among the Portuguese mainstream parties was identified in the mid-2000s regarding the maintenance of ineffective channels for labour immigration alongside intense tolerance towards irregular immigration. As observed in Italy, this strategy minimized opposition to the expansion of immigration into Portugal from both domestic actors and the EU (Pastore, 2014). The lack of in-depth analysis of the policy preferences of national governments can engender flawed conclusions regarding the consequences of immigration control.

Considering the past relationship between the business cycle in the construction sector and the intensity of irregular inflows, it is unlikely that the volume of this social phenomenon will return to past levels, following the 2012 sovereign debt crisis and the financial restrictions imposed on public investment. Nevertheless, the high rates of emigration of native unskilled workers alongside the expansion of exporting sectors based on intensive labour (such as agriculture) can promote these employers' reliance on foreign workers, as observed in Spain and Italy. Further research can explore the Portuguese and Spanish liberal approaches towards irregular immigration throughout the 1990s and the 2000s and the influence of the national governments over the domestic demand of foreign unskilled workers.

Notes

1. The intensity of asylum seeking has been residual with an annual average of 196 requests presented between 1999 and 2012 (SEF, 2013). In parallel, family reunion only accounts for 15 per cent of the total of residence authorizations granted between 2001 and 2010 with an annual average of 16,200 candidates (Marques et al., 2014).
2. According to estimates, the Portuguese informal economy represented 20 per cent of the GDP in 1996, 20.05 per cent in 1997, 19.92 per cent in 1998, 19.95 per cent in 1999, 20.25 per cent in 2000, 20.57 per cent in 2001, 21.01 per cent in 2002, 21.93 per cent in 2003, 22.07 per cent in 2004, 22.67 per cent in 2005, 22.82 per cent in 2006, 23.12 per cent in 2007, 23.20 per cent in 2008, 24.38 per cent in 2009, 24.80 per cent in 2010, 25.49 per cent in 2011 and 26.74 in 2012 (Afonso, 2014: 12).
3. However, judicial constraints are irrelevant in the Portuguese case, since the expansion of the foreign population followed intense irregular inflows rather than family reunion or asylum inflows.
4. DAR, I Série 44/VI/1 of 27-03-1992.
5. DAR, I Série 53/VII/1 of 29-03-1996.
6. In February 1998, the national border police reported the increasing detection of irregular immigrants at the Portuguese terrestrial border with Spain, mostly of India, Bangladeshi and Pakistani citizenship, which suggested the expanding

activities of international networks of human smuggling according to the subdirector Jarmela Palos (Rocha, 1998).

7. According to the available statistics, an annual average of 27,001 Portuguese citizens emigrated from Portugal in the period between 1993 and 2003 (Pordata, 2014).
8. Authorizations of permanence allowed their holders to settle in the country and access to the labour market with a regular status. These permits had an annual validity and could be extended four times.
9. The Regulatory Decree no. 9/2001 abolished the requirement for the production of a candidate's criminal record to increase the effectiveness of the regularization programme.
10. According to surveys conducted with the newcomers, this sudden flow of immigration was enhanced by a combination of factors: uncontrolled concession of short-term visas by other EU member states, freedom of movement within the Schengen Area, the proliferation of networks of human smuggling, wages inequalities between origin and host countries and the development of a regularization programme (Baganha, 2009).
11. The number of judicial processes related with forced removal of irregular immigrants from Portugal accounted to 2,138 in 2000, 1,231 in 2001, 2,726 in 2002, 1,948 in 2003, 1,382 in 2004, 2,003 in 2005, 2,659 in 2006, 2,536 in 2007, 1,965 in 2008, 2,476 in 2009, 2,729 in 2010, 2,486 in 2011 and 2,306 in 2012 (SEF, 2013).
12. Brazil possesses the seventh largest GDP in the world whilst Portugal is ranked in the 47th position in this same list. Furthermore, the Portuguese community legally settled in Brazil stood at 581.869 individuals in 2013 while the Brazilian community settled in Portugal stood at 111.445 individuals in 2012 (SEF, 2013).
13. According to research conducted by Peixoto et al. (2010), immigrants have a very positive fiscal impact in Portugal throughout the 2000s. In 2003, the net contribution of foreign citizens to the welfare system was estimated around 379,233 thousands of Euros against the backdrop of an overall negative balance of -703,886 thousands of Euros.
14. This practice was established under the direct initiative of the former secretary of state for Social Welfare of the PS government, a dysfunction which indicated this ministry's covert bias for the expansion of the immigrant population (Botelho, 2000; Boswell, 2007).
15. Unlike in 2001–2002, the junior Minister of Home Affairs demanded the presentation of a criminal certificate from all candidates plus the payment of a fine according to the length of their irregular settlement in Portugal.
16. the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, Slovenia.
17. In 2007, the statistics point that Brazilians formed the largest foreign community in Portugal and accounted for 24 per cent of the foreign population settled in the country, followed by Capo Verde's citizens with 12 per cent, Ukrainians with 12 per cent and Romanians with 6 per cent.
18. DAR I série Nº.95/XII/1 of 13 April 2012.
19. The conditions imposed on access to the individual mechanism for the exceptional regularization of irregular immigrants now included criteria such as integration in the labour market, possession of a national insurance number, human trafficking or having children enrolled in the education system (Peixoto et al., 2009).
20. The enactment of the 2007 immigration law (Law nº 23/2007, 4 July) almost provoked unintended effects as Portuguese border police was swamped by 900,000 information requests about the exceptional regularization mechanisms

(Felner, 2007). Learning from past events, the government suspended the enforcement of legislation temporarily and expanded the discretionary powers of the Portuguese border police over the management of the exceptional regularization (Regulatory Decree no. 84/2007).

21. The available research conducted by Peixoto et al. (2010) estimates the fiscal contribution of immigrants on annual average of around 369,812 thousands of Euros in the period between 2002 and 2010, whilst the welfare system accumulated annual losses estimated on an annual average of -2,473,973 thousands of Euros.

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