

## ORIENTATION GUIDE



INTERNATIONAL SOLIDARITY ASSOCIATION

# ABC MIGRANT



THEORETICAL GUIDE FOR EFFECTIVE INTEGRATION OF IMMIGRANTS IN THE HOST SOCIETY



# ORIENTATION GUIDE

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## FRAMEWORK

The Orientation Guide presented here is a useful tool that was born with the aim of bringing together in a single document the services and resources that the various institutions offer in order to satisfy the needs of immigrant people in their most basic aspects.

Effective integration of immigrants in the host society is a prerequisite for the evolution of the economy and for mutual benefit. For this reason, it is necessary to encourage more information and knowledge of the host society, to promote access to education for this population (especially those with lower levels of education and their children), to promote employment opportunities appropriate to their skills, promote access to the health system thus guaranteeing their well-being, promote access to housing with minimum living conditions, etc. It is important to invest in the training of the various social agents, with the objective of achieving a more technical and targeted intervention, in terms of the areas of health, employment, housing, legal, fiscal, educational, social protection, etc. On the other hand, it is also important to increase the relations between migrant associations and state entities, promoting a network work that fully resolves the situations presented by this population.

According to data presented by the study carried out by the International Solidarity Association – ISA (pt.ASI), called “Psychosocial and Social Factors Predicting Good Integration in the Migrant Labor Market”, only 2.82% of the total respondents used the help of state institutions. The majority of this population uses the social network as a source of help in their main problems, namely in the search for jobs (59.79%). It is in this sense that this Guide aims to be an asset in supporting immigrants, aiming to transmit written information about the social agents and institutions that work with this population in order to avoid the errors associated with a more informal style of information. The information collected within the scope of this Guide, is grouped into 13 sections, in which an approach is made to the most basic aspects, which may affect the integration of this population.

## DOCUMENTATION FOR COMMUNITY AND NON-COMMUNITY CITIZENS

All foreigners who do not prove to have Portuguese nationality are considered foreigners. Based on this statement and in order to determine the origin of any foreign citizen in Portugal, it is necessary that they display their internationally recognized identification document, which has a personal and non-transferable character. Documents that prove identity, as well as permanence / residence, are essential to know the ownership and access to the exercise of rights by immigrants / foreigners, as well as to facilitate their social and work integration in our country. The immigrant must, before entering Portuguese territory, meet certain legal requirements stipulated for the entry of any citizen in the national territory. These requirements vary depending on whether the citizen is a national of a member state of the European Union or not:

### Community Citizen

You are allowed to enter Portugal as long as you present a valid identification document (Identity Card / Citizen Card) or passport.

### Non-Community or Third State Citizen

- Valid recognized travel document (passport). This must have a duration greater than the duration of the stay in Portuguese territory;
- Valid entry visa suitable for the purpose of travel;
- Have sufficient means of subsistence for the period you intend to remain in Portugal, a condition that you can prove by submitting a declaration (\*);
- Document that proves the purpose and conditions of your stay in Portugal.

(\*) The term of responsibility / Letter of Call must be issued by a Portuguese or foreigner who has a Residence Permit, which must state that this guarantees the food and accommodation of the foreigner during his stay in Portugal. In fact, it is not only necessary to have a valid visa (within the validity period) but also it should be suitable for the purpose of travel. Therefore, it is important to clarify the types of visas that exist and what their purpose is.

## CONCEPT AND TYPOLOGY OF VISAS

Following the adjacency of the sovereign power regarding the defense of its borders and the socio-legal security of the nation, the State determines that the entry of a foreign citizen in its territory is previously authorized, being necessary to present the purpose or objectives of its stay. This authorization is called “Visa”, which is physically registered on the immigrant's international identification document (passport) and is only granted by the state of origin.

There are several types of visa:

**Stopover visa:** allows immigrants access to the international zone of the airport or sea port, without the possibility of crossing the border, that is, it allows only the holder to pass through an airport or sea port in order to continue their journey.

**Transit visa:** allows entry into Portuguese territory, to anyone who goes to a third country in which admission is guaranteed. This visa only allows you to stay in Portuguese territory for a maximum period of 5 days.

**Short-stay visa:** allows immigrants to enter Portuguese territory whose purpose of travel does not fit with other types of existing visa. This visa is valid for one year, however, its holder cannot stay in Portugal for more than 3 months per semester.

**Residence visa:** allows its holder to enter Portuguese territory for a period exceeding one year, in order to apply for a Residence Permit at FBS - Foreigners and Borders Service (pt.SEF). It is valid for two entries and for four months. These can be requested for the exercise of a subordinate professional activity, for the exercise of an independent professional activity, for the exercise of an entrepreneurial activity (Startup Visa), for teaching, highly qualified or cultural activity and highly qualified activity performed by a subordinate worker, for research, study, exchange of students of secondary education, internship and volunteering, for the purposes of family reunification and for the establishment of residence of retired, religious and people who live on income.

Temporary stay visa: allows its holder to enter Portuguese territory for less than one year. This is valid for the duration of the stay and for multiple entries into the national territory. These visas are requested for seasonal work for a period of more than 90 days; to exercise an independent activity; for the exercise of a scientific research activity in research centers, of a teaching activity in a higher education institution or of a highly qualified activity for less than 1 year; for the pursuit of an amateur sports activity; for the purpose of transferring workers between countries belonging to the World Trade Organization (WTO), for the provision of services or professional training; for stays of more than 3 months; frequency of study programs, student exchanges, training, unpaid professional internship, volunteering or commitments arising from international conventions or agreements; for course attendance at an educational or vocational training establishment; for medical treatment; to accompany a family member subject to medical treatment; for stays of more than 3 months, in exceptional cases, duly substantiated;

Schengen Visa: issued by a Member State, for the purpose of mobility within the Schengen Area, which consists of the following countries: Austria, Germany, Belgium, Denmark, Slovakia, Slovenia, Estonia, Spain, Finland, France, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Liechtenstein, Luxembourg, Malta, Norway, Czech Republic, Netherlands, Poland, Portugal, Sweden and Switzerland. Thus, it is intended for stays of up to 90 days in each period of 180 days and can be granted for the purposes of tourism, family visits, business, seasonal work, transit, among others.

All of these visas must be obtained by third-country nationals (before entering Portuguese territory, at Portuguese embassies or consular posts).

Visa information as well as necessary documents, printed documents and other documents can be found on the website of the Ministry of Foreign Affairs - <https://www.vistos.mne.pt/pt/>

#### Residence Card (pt.CR)

It is a document issued in the form of a residence permit, which allows foreign nationals who are family members of EU citizens, from the states parties to the European Economic Area (Iceland, Liechtenstein, Norway), the Principality of Andorra and Switzerland, to remain in Portugal for a certain period of time or indefinitely. This replaces the identity card / identification document of the foreign citizen. Only spouses are considered family members to request this document, descendants under 21 years of age (or older if they are still in charge of the resident citizen) and ascendants who are in charge.

The Residence Card can be:

-Temporary: It has a validity of 5 years and the request must be made within 30 days after three months after entering the national territory. At the end of this period, you can apply for the Permanent Residence Card.

-Permanent: It is valid for 10 years, and your application must be submitted before the residence card expires.

The family members of the Union citizen who enjoy the right of temporary residence or the right of permanent residence in national territory have, regardless of their nationality, the right to exercise subordinate or independent professional activity.

Residence Permit - RP (pt.AR):

It is a document issued in the form of a residence permit, which allows foreign nationals of third countries to remain in Portugal for a certain period of time or for an indefinite period. This replaces the identity card / identification document of the foreign citizen, with the exception of Brazilian citizens, to whom the respective identity card / identification document (Citizen Card) can be issued, provided that the latter has applied for the Equality Statute provided for in the Treaty of Friendship, Cooperation and Consultation between the Portuguese Republic and the Federative Republic of Brazil.

RP can be:

- Temporary: valid for 1 year and renewable for successive periods of 2 years, the said renewal must be requested at least 30 days in advance before its validity expires. It is granted provided that certain requirements are met:

- Possession of a residence visa, valid for a period of six months;
- Presence in Portuguese territory;
- Absence of any fact that, had it been known to the authorities before the visa was granted, would have prevented the visa from being granted;

There are, however, certain cases in which the possession of a residence visa is waived in order to obtain the RA. Thus, they are exempted:

- a) Minors, children of foreign citizens holding a residence permit, born in Portuguese territory;
- b) Minors, born in national territory, who have stayed here and are attending pre-school or basic, secondary or professional education;
- c) Children of holders of residence permits who have reached the age of majority and have habitually remained in national territory since the age of 10;
- d) Seniors, born in national territory, who have not been away from here or who have remained here since the age of less than 10 years;
- e) Minors, obligatorily subject to guardianship under the terms of the Civil Code;
- f) Who have ceased to benefit from the right of asylum in Portugal due to the cessation of the reasons on the basis of which they obtained the said protection;
- g) Who suffer from a disease that requires prolonged medical assistance that prevents them from returning to the country, in order to avoid risks to their own health;
- h) Who have performed effective military service in the Portuguese Armed Forces;
- i) That, having lost Portuguese nationality, they have remained in the national territory for the last 15 years;
- j) Who have not been absent from national territory and whose right of residence has lapsed;
- k) Who have minor children residing in Portugal or with Portuguese nationality over whom they effectively exercise parental responsibilities and to whom they provide sustenance and education;
- l) Who are diplomatic and consular agents or their dependent spouses, ascendants and descendants and have been accredited in Portugal for a period of not less than three years;

m) Who are, or have been, victims of a serious or very serious criminal or administrative offense related to the employment relationship, under the terms of paragraph 2 of this article, that there are evidences evidenced by the service with the inspection authority of the ministry responsible for employment area, provided that they have reported the infraction to the competent entities and collaborate with them;

n) Who have benefited from a residence permit granted under article 109;

o) That, having benefited from a residence permit for secondary school students, granted under article 92, or a residence permit for students of the 1st cycle of higher education, granted under article 91, and completed their studies intending to pursue a professional activity, whether subordinate or independent, in the national territory, except when that authorization has been issued under cooperation agreements and there are no compelling reasons of national interest that justify it;

p) That, having benefited from a residence permit for study in a higher education institution under the terms of article 91 or a residence permit for research under the terms of article 91-B and, having concluded, respectively, the studies or the research, intend to take the maximum period of one year to look for work or create a company in national territory compatible with their qualifications;

q) Who, having received a temporary stay visa for research or highly qualified activity, intend to carry out a research activity in Portugal, a teaching activity in a higher or highly qualified, subordinate or independent institution;

r) Evidence of the investment activity, under the terms referred to in subparagraph d) of article 3.

- Permanent: it has no validity limit, although it must be renewed every 5 years. It is granted to foreigners who have legally resided in Portugal for at least 5 years.

With all the referenced documentation having an expiration date, it is necessary to pay special attention to its expiry date, since it is necessary to renew it, it is necessary to identify the requirements for this, proceed with the necessary schedules for this purpose, know the values associated with the processes, etc. (see FBS (pt.SEF) - Foreigners and Borders Service)

Once in Portugal, the immigrant must make a “Declaration of Entry” to be provided to the FBS (pt.SEF) (Foreigners and Borders Service) within 3 working days from the date of entry.

However, there are situations in which compliance with this obligation is waived. Are they:

a) Foreigners who enter through a border post subject to the control of persons (eg: airports in the country of destination), the obligation being maintained on flights with a stopover;

b) Residents or those authorized to stay in the country for a period exceeding six months;

c) Foreigners who settle after entering the country, in a hotel or similar establishment, in which the accommodation form is filled out;

d) Foreigners who benefit from the community or similar regime.

### IT IS CONSIDERED THAT THERE IS AN ILLEGAL ENTRY OR PERMANENCE OF THE FOREIGNER IN PORTUGAL WHEN:

- It is considered illegal for foreign nationals to enter Portuguese territory in violation of the provisions of articles 6, 9 and 10 and article 32;
- Your entry is made through an unqualified border post or outside your opening hours;
- The entry is verified without a valid recognized travel document (when applicable);
- Entry without a visa is verified (when applicable);
- Your name appears on the Portuguese State's non-admission list or in the Schengen Information System;

Illegal permanence exists when it has not been authorized in accordance with the Immigration Law, or in the regulating law of the right of asylum, as well as when illegal entry has occurred under the terms referred to above (example: the foreigner allows the period of validity of the authorization visa that you hold).

As a result of illegality, the foreigner may suffer certain penalties:

- The situation of illegality is detected during the voluntary abandonment, by the immigrant, of Portuguese territory: in this case, a fine is imposed on the immigrant, which may increase or decrease depending on the period in which the immigrant remained in Portugal in a situation of illegality, which can range from 80 to 700 €;
- The situation of illegality is detected during the immigrant's stay in Portuguese territory: in this case, an order for voluntary abandonment of the country is issued, in which he is given a period of 20 days for this purpose. If this does not occur within the aforementioned period, a process is created that aims at a possible expulsion of the citizen from the territory, and a fine is imposed under the terms referred to above.

The amounts of the fines applicable in situations of illegality are provided for in the system of administrative offenses contained in the Immigration Law (article 192)

### FOREIGNERS AND BORDER SERVICES –FBS (pt.SEF)

The fundamental objectives of FBS are to control the movement of people at the borders, the permanence and activities of foreigners in Portugal, as well as to study, promote, coordinate and execute the measures and actions related to those activities and migratory movements. Its mission is to implement Portugal's immigration and asylum policy, in accordance with the provisions of the Constitution and the Law and the guidelines of the Government. The duties of FBS are:

At national level:

- to watch and inspect at border posts, including the international zone of ports and airports, the movement of people, which may prevent the disembarkation of passengers and crew of vessels and aircraft, undocumented or in an irregular situation;
- to prevent the disembarkation of passengers and crew from vessels and aircraft that come from health risk ports or airports, without the prior consent of the competent health authorities;
- to proceed to control the movement of people at border posts, preventing the entry or exit of national territory of people who do not meet the legal requirements required for this purpose;
- to authorize and verify the entry of people on board vessels and aircraft;
- to control and supervise the permanence and activities of foreigners throughout the national territory;
- to ensure the carrying out of mobile controls and joint operations with similar national or Spanish services or security forces;
- to proceed to investigate crimes of aid to illegal immigration, as well as investigate others related to them, without prejudice to the competence of other entities;
- to emit opinions regarding applications for consular visas;
- to grant national visas, extensions of stay, residence permits, as well as travel documents under the terms of the law;
- to recognize the right to family reunification;
- to maintain the necessary collaboration with the entities that are responsible for monitoring compliance with the law regulating the work of foreigners;
- to insert, instruct and decide the administrative expulsion processes of foreigners from the national territory and execute the administrative and judicial expulsion decisions, as well as trigger, instruct and decide the readmission processes and ensure their execution;
- to carry out escorts of citizens who are subject to expulsion measures;
- to decide on the acceptance of the analysis of asylum applications and proceed with the investigation of the granting processes, determination of the State responsible for the analysis of the respective applications and the transfer of the candidates between the member states of the European Union;
- to analyze and give an opinion on the processes of granting Portuguese nationality by naturalization;
- to analyze and give an opinion on requests for the granting of equality statutes made by foreign citizens covered by international conventions;
- to ensure the management and communication of data related to the national part of the Schengen Information System (NSIS) and other information systems common to the member states of the European Union, within the scope of the control of the movement of people, as well as those related to the Base of Passport Issuance Data (BADEP);

- to cooperate with diplomatic and consular representations of other States, duly accredited in Portugal, namely in the repatriation of their nationals;
- to ensure the fulfillment of the attributions provided for in the legislation on the entry, stay, exit and removal of foreigners from the national territory;
  - to ensure cooperative relations with all State bodies and services, namely with other services and security forces, as well as with legally recognized non-governmental organizations;
- to coordinate cooperation between national and other security forces and services in the area of the movement of persons, the control of foreigners and the investigation of crimes in support of illegal immigration and others related to them.

At the international level:

- to ensure, by determination of the Government, the representation of the Portuguese State at the level of the European Union in the Strategic Committee on Immigration, Borders and Asylum and in the High Level Group on Asylum Migration, in the Budapest Group and in other international organizations, as well as to participate in the groups. police cooperation work dealing with matters related to FBS's (pt.SEF) duties;
- to guarantee, as determined by the Government, the representation of the Portuguese State, in the development of the Schengen Collection within the scope of the European Union;
- to ensure, through liaison officers, the commitments assumed in the scope of international cooperation under the terms legally provided for;
- to collaborate with similar foreign services, being able to establish forms of cooperation.

## MINISTRY OF FOREIGN AFFAIRS (pt.MNE)

It is the Government department responsible for the formulation, coordination and execution of Portugal's foreign policy.

Some attributions of the MFA (pt.MNE) are:

- Preparing and executing Portuguese foreign policy, as well as coordinating interventions, in matters of international relations, of other departments, services and public administration bodies;
- To defend and promote the Portuguese language and culture abroad;
- To promote Lusophony in all its aspects and value and strengthen the Community of Portuguese Speaking Countries;
- To define and execute the development cooperation policy, especially with the African Portuguese Speaking Countries and Timor-Leste, and coordinate the action performed in this matter by other departments, services and public administration bodies;
- To conduct international negotiations and responsibility for the process with a view to the international link of the Portuguese State, without prejudice to the powers attributed by law to other public entities;

-To represent the Portuguese State to subjects of Public International Law or other entities involved in the area of international relations.

The Diplomatic Representation of Portugal under the tutelage of the MFA (pt.MNE) extends to 146 posts, spread over 70 embassies, 10 diplomatic missions to international organizations and 66 career consulates (see: Ministry of Foreign Affairs).

## MINISTRY OF JUSTICE

The Ministry of Justice is the government department whose mission is to design, conduct, execute and evaluate the justice policy defined by the Assembly of the Republic and the Government. Within the scope of its duties, the Ministry of Justice ensures the Government's relations with the courts, the Public Ministry, the Superior Council of the Judiciary and the Superior Council of the Administrative and Tax Courts.

Some attributions of the Ministry of Justice are:

-To ensure the proper functioning of the justice administration system at the judicial level and in the areas of legal traffic security, the prevention of litigation and the non-judicial resolution of conflicts;

-To manage the human, financial and material resources allocated to the administration of Justice, without prejudice to the provisional competence of other administrative bodies and departments;

-To ensure relations in the field of Justice policy with the European Union, other governments and international organizations, without prejudice to the specific powers of the Ministry of Foreign Affairs and within the scope of the objectives set for Portuguese foreign policy.

## THE LAW OF NATIONALITY

When comparing the term “Nationality” with the term “Citizenship”, the preference for the second expression is clear, as it configures a more humane socio-global context. Therefore, we can define the concept of Citizenship as a “legal bond through which an individual integrates the people of the State and accesses, through this way, the ownership of a set of rights”. In Portugal, the regime for this institute is provided for in the Portuguese Nationality Law.

Nationality can be original (by Attribution) or derived (by Acquisition).

Those considered Portuguese of origin (original nationality) are provided for in paragraph 1 of article 1 of the Nationality Law, in words:

"Article 1 - Original Nationality

1. Of Portuguese Origin are:

a) The children of a Portuguese mother or a Portuguese father born in Portuguese territory;

b) The children of a Portuguese mother or a Portuguese father born abroad if the Portuguese parent is there at the service of the Portuguese State;

- c) Children of a Portuguese mother or Portuguese father born abroad if they have their birth registered in the Portuguese civil register or if they declare that they want to be Portuguese;
- d) Individuals born abroad with at least one ascendant of Portuguese nationality of the 2nd degree in the straight line, who has not lost that nationality, if they declare that they want to be Portuguese, have ties of effective connection to the national community and, once these requirements are verified, register the birth in the Portuguese civil registry;
- e) Individuals born in Portuguese territory, children of foreigners, if at least one of the parents was also born here and has resided here, regardless of title, at the time of birth;
- f) Individuals born in Portuguese territory, children of foreigners who are not at the service of the respective State, who do not declare that they do not want to be Portuguese and provided that, at the time of birth, one of the parents has legally resided here for at least two years;
- g) Individuals born in Portuguese territory and who have no other nationality.

With regard to derived nationality, which requires a voluntary act in this regard, and specifically as regards the naturalization process, the law requires, as a general rule, the cumulative fulfillment of four assumptions. Thus, the following are requirements to be fulfilled: legal majority, legal residence within a minimum period of five years in Portuguese territory, sufficient command of the Portuguese language and no convicting sentence passed for a crime punishable by a maximum prison sentence equal to or greater than three years old.

These requirements may, however, not be cumulative, particularly taking into account the particularities of each situation. In fact, this happens in the case of minors born in Portugal, children of foreigners, in which the minor applicant is required to comply only with the determinations of having mastery of the national language and not having been legally condemned under the terms referred to above. However, in addition to this, it is necessary that one of the two new prerequisites be adhered to, which are: legality of the father or mother in Portuguese territory for a period of not less than 5 years or have completed in a national educational institution 1st cycle of basic education.

Likewise, Portuguese law also allows the acquisition of nationality through naturalization, dispensing with the fulfillment of particular determinations in the following cases: to individuals who had Portuguese nationality and have lost, having never acquired any other nationality; to citizens born abroad, at least with a 2nd degree ascendant of the straight line who is Portuguese and who have not lost their nationality; to the children of foreigners born in Portugal, who provide proof of habitual residence in Portugal in the last 10 years prior to the application and also to those considered special cases, which are the cases mentioned in paragraph 6 of article 6 of the Nationality Law:

"Article 6 - Requirements

(...)

6. The Government may grant naturalization, with exemption from the requirements set out in paragraphs b) and c) of paragraph 1, to individuals who, not being stateless, have Portuguese nationality, to those who are considered to be descendants of Portuguese, to members of communities of Portuguese descent and foreigners who have provided or are called upon to provide relevant services to the Portuguese State or to the national community."

It is determined, even in the context of derived nationality, that in the case of marriage or de facto union with a national citizen, in the latter case of judicial recognition, the acquisition of nationality by the foreigner is allowed. Likewise, the minor foreigner fully adopted by a Portuguese national also acquires the right to Portuguese nationality.

The lack of effective contact between the foreigner and the Portuguese community is considered to be an impediment to the acquisition of Portuguese nationality, as well as any conviction in a condemnatory sentence passed by a crime punishable by a maximum prison sentence equal to or greater than three years according to and, finally, to have provided optional military service to a foreign State or to exercise public function without predominantly technical characteristics.

As for the procedure for acquiring nationality, it can be more or less complex depending on the originating or derived nationality. Thus, the original national has legal confirmation of his nationality at the time of making the respective registration with a Civil Registry Office.

In cases of derived nationality, all necessary documents must be submitted to confirm the particular situation at the Civil Registry Office, or at the Central Registry Office. Subsequently, a summary analysis of the action is made in order to determine whether it complies with the applicable legal determinations, which must not exceed the 30-day period. If you do not comply with the aforementioned determinations, the action is outright dismissed and the interested party is notified to comment within 20 days. Once compliance is verified, the process is initiated, at which point the Central Registry Office requests information from the Judiciary Police and SEF. From the moment you receive the required information, you have 45 days to comment on the process. In case of rejection, the applicant has 20 days to comment. If, on the contrary, there is approval, the process will be submitted to the Minister of Justice for decision, the interested party being informed about his decision.

Residents outside Portugal are allowed to apply for the acquisition of Portuguese nationality at the Portuguese consulate in their area of residence.

## HOUSING

The immigrant must, as far as possible, define his / her conditions of stay / accommodation before his / her arrival in Portugal, under the risk of placing himself / herself in a precarious situation. In some situations it appears that this planning is not carried out properly, or unexpected situations occur that prevent accommodation as planned, being necessary, in these cases, to guarantee the existence of minimum housing conditions.

A possible and immediate solution to this problem is the Hotel Establishments / Local Accommodation, which require a certain economic capacity on the part of the immigrant since their services are not free of charge.

This being a provisional solution while the immigrant cannot find a definitive place to live, he will necessarily have to establish his residence as soon as possible in a certain place. For this, a possible solution would be to purchase or rent a home (see: Housing Portal).

It is possible to find offers, both for purchase and for renting housing, in advertisements on websites intended for sale / rental of housing, through real estate agencies that aim to find people interested in the purchase or rental of real estate, through advertisements fixed in the properties buildings, etc. Once the immigrant finds the place that meets their needs, it will be necessary to attend to various types of situations that they may encounter, in order to provide the necessary care and ensure respect for contractual rights. Thus, it may be necessary to conclude one of the following contracts:

- Lease Agreement

Contract through which the owner (landlord) delivers an immovable property to another (tenant) so that he can enjoy it through a fee (rent).

The contract must contain certain elements such as the identification of the contracting parties (tenants, landlords and, in some cases, guarantors who guarantee the fulfillment of the debt, in case the tenant does not pay), the location of the dwelling, the date of conclusion of the contract, its duration, the income regime and amount and its form of payment. The landlord must give a receipt of the rent received. It is normal practice that with the first payment of the rent, one more month of rent will be paid in advance, with the payment of subsequent rent to be made in the month prior to the one to which the rent relates. Water, electricity and condominium expenses are normally paid by the tenant. This contract establishes certain duties for both the landlord and the tenant:

Landlord's duties:

- Duty to provide the tenant with the enjoyment of the property;
- Duty to respect the annual increase in income;
- Duty to inform the tenant of the increase in rent;
- Carry out ordinary conservation works, that is, works that make it possible to maintain housing in the state it was in at the time of the conclusion of the contract;
- Give preference to the tenant in case you intend to sell the house.

Tenant Duties:

- Duty to pay rent between the first business day of each month and the following eight days;
- Do not use the house for purposes other than the one for which the house is intended;
- Do not sublet the property to another person, without the express authorization of the landlord;
- Do not carry out works that significantly alter the housing structure or deteriorate it, without the landlord's authorization.

#### - Hosting Agreement

The contract that aims to rent only one room or part of the dwelling, and not the entire dwelling. This contract can be concluded in written or verbal form, and requires the payment of a certain amount of money. It may or may not include food and laundry.

#### - Purchase Agreement - Sale

The contract through which the ownership of a thing is transferred, for a price. It is formalized through a document designated by public deed, in a Notary's Office chosen by the parties. The notary, in order to mark the deed, usually requires the parties that sign the contract to deliver certain documentation, without which it is not possible to mark the public deed. Most of the time, this buy-sell contract precedes the so-called buy-sell promissory contract, whereby only the obligation to enter into a buy-sell contract is created in the future. This contract essentially aims to allow the parties to create conditions for the fulfillment of the promised contract (eg, to allow the acquisition of bank credit, updated Land Registry certificate, etc.). Similar to the Buy-Sell contract, this contract must be executed before a notary.

In drafting these contracts, legal aspects must be taken into account, so the intervention of qualified persons (lawyers and solicitors) is of great importance in order to guarantee the defense of the rights of both parties, both in their wording and in the identification of the necessary documentation. You should always choose to enter into written contracts (in certain contracts, as in the case of the Real Estate Purchase and Sale Agreement, the lack of a written form originates until its invalidity) once the evidence of the existence of a contractual relationship they are not always evident and palpable in merely verbal contracts. In case of conflict, it will be necessary to use witnesses who confirm the existence of a contractual relationship between the parties.

Exceptionally, in situations of extreme precariousness that justify it, it is possible to resort to Temporary Reception Centers, where it is possible for immigrants to enjoy, free of charge, accommodation with daily meals and other essential goods. The analysis of the situations that determine the possibility of welcoming foreign citizens is the responsibility of the respective reception centers.

#### Institute of Housing and Urban Rehabilitation, I.P. (IHRU)

It is the public entity that promotes the national housing policy, with the nature of a public institute integrated in the indirect administration of the State, and continues the duties of the Ministry of Infrastructure and Housing. Some of its main duties are:

-Preparing the Strategic Plan for a Social Housing Policy, as well as the annual and multi-annual investment plans in the housing and urban rehabilitation sector, and managing the Housing Portal;

- Dynamize and participate in actions, at national and international level, of analysis and evaluation of interventions in the fields of housing, leasing and urban rehabilitation;
- Develop, support, monitor or disseminate statistical, technical and research studies aimed at keeping knowledge up-to-date and proposing measures in the areas of housing, leasing, urban rehabilitation and management of housing heritage;
- Manage specific programs committed to it, namely in the areas of support for housing, urban leasing, housing management and urban rehabilitation;
- Assign subsidies and other forms of support and incentive to urban leasing;
- Follow the execution of housing and urban rehabilitation projects financed or subsidized by it and proceed with the legal certification of social interest projects and housing, namely promoted under controlled costs;
- Manage, conserve and dispose of the housing stock, equipment and soils that constitute its heritage, in compliance with the policy defined for housing of social interest and in the perspective of its conservation and self-sustainability;
- Acquiring or leasing properties for the accommodation of people in need of housing or for the installation of equipment for collective use in social neighborhoods;
- Give technical support to local authorities and other institutions in the areas of management and conservation of the housing stock and urban rehabilitation and requalification, encouraging rehabilitation;
- Ensure the functioning of the Observatory on Housing and Urban Rehabilitation (OHUR).

#### Temporary Reception Centers

They are reception establishments and are intended for people in need and / or social emergency and essentially aim at the inclusion, with a social character, of especially disadvantaged populations, through the elaboration of a life project that helps in their socio-professional reintegration. It can include services such as: accommodation, food, laundry, psychological and social support, health support, legal support, medical support, etc.

#### Hotel Establishments / Local Accommodation

They are tourist developments designed to provide accommodation and other services with an ancillary character, for a fee, whether or not they include meals. Hotel establishments are classified as: hotels, pensions, inns, inns, motels, apartment hotels, tourist villages, tourist apartments and guest houses.

## LABORAL INSERTION

In fact, the exercise of a professional activity by the immigrant is one of the biggest problems related to immigration issues. In fact, most immigrants who decide to start a migratory process

do so with the aim of improving their quality of life, which necessarily involves an improvement in working conditions.

Any foreign citizen who is in a regular situation in Portugal, can start a work activity. However, to do so, it is necessary that certain requirements are met.

Requirements:

- a) Have a work visa or residence permit;
- b) He must not have been sentenced to a term of deprivation of liberty lasting more than 6 months;
- c) It cannot be indicated in the FBS (pt.SEF) integrated information system;

Once these requirements are met, there are no obstacles for immigrants to start their professional career in Portugal, having at their disposal numerous ways of accessing available job offers, such as:

- Job ads on job sites;
- Employment centers (see contacts: IEFP);
- Immigrant Associations or Associations that provide support services to immigrants;
- Family and friends;
- Professional Insertion Offices (PIO's);
- Recruitment and Selection Companies;
- Parish Councils, Parishes, supermarkets and other public places.

Through the consultation of job advertisements, it is possible to know the type of needs that exist in the labor market regarding the recruitment of workers, thus making it possible for them to apply.

Usually, job advertisements indicate what form of response they want, it is generally required to send a Curriculum Vitae, accompanied by a Cover Letter. The CV is a formal tool used to obtain an interview and serve as a personal presentation that arouses, in the employer, a feeling of curiosity.

This should be:

- Adapted to the intended function, try not to send the same to several places, as the professional data desired by the companies may be different;
- Clear and direct;
- Visually pleasing;
- Argued and validated;
- Written in a positive language;
- Dated and signed.

When preparing your Curriculum Vitae, you should take into account certain aspects:

- “Positioning of information”: positioning can be synonymous with organization;
- “Powerful information”: it is the most important part of a Curriculum Vitae, so it should include qualifications, training and qualities, which meet the company's selection criteria;
- “Personality”: this aspect refers to the personal field; this is one of the main elements to show your image;
- “Professionalism”: the job seeker is the product and the seller; your CV is your advertising pamphlet. To highlight your professionalism, make your CV consolidate your idea.

On the other hand, the cover letter is a formal instrument that aims to briefly explain the information contained in the CV, to express, on the part of the subject, the desire to apply, and to explain the reason for sending it. You must mention the identification of the job applicant, the job to which you apply and the sending of the CV, for more detailed analysis and the expression of availability for a possible interview.

The cover letter must be simple and brief, preferably handwritten on a white, smooth sheet of A4 format.

Sample cover letter:

Porto, March 12, 2019

Subject: Application for job vacancy for Warehouse Employee. Ref .: 535 (if any)

I, Sónia Silva Pereira, hereby submit my application for the job offer as a Warehouse Employee at your institution, published in the YYYY Journal of March 11, 2007, since I consider this opportunity of great interest for the evolution of my professional career.

As you can see through my CV, which I send as an attachment, I completed secondary education in Brazil in 1995. During my academic and professional training I acquired theoretical and practical knowledge at various levels, as well as competencies in terms of organizational capacity, meaning responsibility, teamwork, which I consider to be of great interest. I now express my availability to conduct an interview, in the hope of being able to add value to your institution.

Thank you for your attention!

Best regards,

(Signature)

Once the interest of the employer is aroused, the employer can schedule a job interview. Here, it is important to highlight some precautions to take into account:

The job interview has main objectives:

For the interviewee

- Sell your services (namely by promoting your image);

- Convince the employer that you are the ideal candidate for the position / company;
- Check that the job matches your interests.

For the interviewer

- Clarify your impression after reading your Curriculum Vitae;
- Check if your profile is suitable for the position;
- Collect other information and make other assessments, which will allow you to complete the image you have built of yourself.

Before the interview, it is important to:

- Prepare yourself, as the more anxious you are, the lower the chances of success;
- Do simulations (using mirrors or videos to train);
- Assess your skills, as well as your strengths and weaknesses;
- Think about questions that can be asked, preparing to answer them;
  - Evaluate your training, as well as your skills and abilities, analyzing how they relate to the job you are applying for;
- Try to find out what the company needs / looks for, as well as the culture of the organization in question;
  - Take care of your presentation;
  - Prepare documentation that you think may be necessary to present at the interview (certificates, letters of recommendation, diplomas, etc.);
  - Go to the interview rested, trying to sleep well the night before;
  - Do not risk being late, however, do not arrive too early. You should try to arrive 10 minutes before the scheduled time for the interview.

During the interview it is important to:

- Make a good impression and, if possible, obtain information about what is being asked for the job in question (ie what the company is looking for). The first impression is obtained essentially by the non - verbal behavior (namely during the initial fulfillment);
- Strive to forget that you are in an interview. Relax and try to transform the interview into a pleasant conversation;
- Do not invent qualifications;
- Reveal energy, dynamism and motivation. If the employer has to choose between two candidates in the same situation, he will choose the one who has been most enthusiastic;
- Show self-confidence. Don't brag, but show confidence in your abilities;

- Do not monopolize the conversation;
- Demonstrate technical interest, taking into account that employers are looking for people who like the area in which they work;
- Be frontal in the statements you make, even if it goes against the expectations of the company (trying not to contradict yourself);
- Avoid phrases or buzzwords. What is assessed is your reasoning ability;
- Avoid long sentences;
- Pay attention to your body language and facial expressions;
- Use positive phrases, avoiding the use of the word "no".

In the final stage of the interview, it is important to:

- Clarify any remaining doubts;
- Underline your strengths that were not highlighted during the interview;
- In the end, thank the interviewer and say goodbye cordially, expressing pleasure in eventually seeing you again;
- Ask when a decision will be made, and when you can call.

Five common mistakes:

1. Let the interview focus exclusively on your Curriculum Vitae;
2. Talk first about the benefits that the job can bring you;
3. Respond extensively to each question. Be succinct and precise;
4. Having an overly humble attitude, as if this job were your last alternative;
5. Having an overconfident and arrogant attitude.

#### NOTE

The foreigner sometimes has a work and curricular experience that can be very relevant. However, it usually faces some difficulties in realizing the transferability of the knowledge and experience acquired to the desired job. Since work experiences are more or less transferable, always safeguarding the need for equivalence of titles, it is essential to convey that these are always an added value, within the scope of the functions that may come to perform.

The Portuguese Labor Regime:

Since the issue of employment is a determining factor in the social insertion of migrants in the host country, there is an urgent need to develop and apply measures that enable the effective labor integration of this population. The existence of an employment relationship in labor relations is still an object that requires some intervention.

In the negotiation phase with a view to establishing the employment relationship / relationship, and as a result of checking, in certain situations, the exploitation of foreign labor, it is necessary that the immigrant has knowledge about the regime applied in Portugal, in terms of employment relationships, in order to safeguard their rights and avoid the situations of exploitation referred to.

The emergence of the employment relationship presupposes the existence of an employment contract concluded between the worker and the employer. In fact, it is through it that rights and duties are created for both parties, which must be respected by them in order to avoid conflict situations that are normally painful and sometimes difficult to resolve.

According to the Labor Code (Law no. 93/2019, of 04/09), the employment contract is one by which a natural person is obliged, by way of retribution, to render his activity to another or other persons, within the scope of organization and under their authority.

In Portugal, five types of employment contracts can be concluded:

- Fixed-term employment contract or fixed-term contract: contract which duration is limited to a certain period of time which is agreed by the parties. They can only be concluded in the cases expressly provided for in the Labor Code. Except for certain specific situations, fixed-term contracts can be renewed up to a certain time limit, and at this point, if the desire to have it terminated by any of the parties is not communicated, it can be converted into an open-ended contract;
- Employment contract for an uncertain term: a contract that aims to solve, temporarily, situations of shortage of labor in the company that has an indefinite character. They can only be celebrated in the cases expressly provided for in article 140º Labor Code. The contract exists for the time necessary to replace the absent worker or to complete the activity, task, work or project whose execution justifies its conclusion. The continuation of the work provided by the worker after the reasons that determined his hiring have ceased, leads to the conversion of this contract into an open-ended contract;
- Temporary employment contract: a contract concluded with companies (temporary employment companies) that act as intermediaries between the demand and the offer of employment, and as such its function is essentially to recruit labor for the development of execution activities. Its definition is provided for in the Labor Code (see contacts: IEFPP);
- Part-time employment contract: a contract under which the employee is bound to exercise his activity, during a normal weekly working period equal to or less than 75% of that practiced full-time in a comparable situation (the situation is only comparable if the same type of work is involved). The part-time employment contract must be concluded in writing, expressly stating the number of weekly hours and working hours;
- Permanent employment contract: contract of undetermined duration, that is, in which there is no date foreseen for its termination. A worker who concludes this type of contract is in a

position of effectiveness in the company. They are usually concluded when continuous activities of unlimited duration are involved.

#### NOTE

The lack of a written contract between the worker and the employer, whenever there is an employment relationship, presumes the existence of a permanent employment contract (effective situation). This situation can be proved through witnesses or any other document that proves the exercise of functions of the employer. An employment relationship exists when, on the one hand, the worker is integrated into an organizational structure and is dependent on the employer or whoever represents him, and on the other hand, he is carrying out his activity under the orders, direction and inspection by that employer, receiving a fee for that purpose.

In the specific case of foreign workers, the employment contract must be in written form (unless otherwise provided by law). However, nationals of the member countries of the European Economic Area and of countries that provide equal treatment with national citizens do not have to comply with this formality. There are certain elements that must be included in the employment contract, regardless of the type of contract, namely:

- a) Identification, signatures and domicile or headquarters of the parties;
- b) Reference to the work visa or the residence permit or residence permit of the worker in Portuguese territory;
- c) Employer's activity;
- d) Hired activity and the employee's remuneration;
- e) Place and normal working hours;
- f) Amount, periodicity and form of payment of remuneration;
- g) Dates of the signing of the contract and the start of the provision of activity.

The worker must attach to the contract the identification and domicile of the pension beneficiaries in the event of death resulting from an accident at work or an occupational disease, as well as attaching the documents proving that the legal provisions regarding entry and stay in Portugal have been complied with.

## NOTE

Some contracts require, in addition to these, other requirements which vary according to the type of Contract in question (eg, in fixed-term contracts, it is necessary that this state the stipulated term and the respective justification reason, among others).

Once the contract is signed, the employer must communicate this fact, in writing, to the Working Conditions Authority (WCA) of the company's area of activity, which must be accompanied by a copy of the Contract, which will be filed in competent service (see contacts: WCA (pt.ACT) - Authority for Working Conditions).

### The work contract

a) Vacation allowance: it is a complement to the basic remuneration, with equal value, and is mandatory. Therefore, it is part of the remuneration to which the worker is entitled in return for his work. It is held on an annual basis and aims to ensure that workers are more easily paid for their vacations;

b) Christmas allowance: like the holiday allowance, it is a complement to the basic remuneration, with equal value and is mandatory. It is also part of the remuneration to which the worker is entitled in return for his work. It has an annual periodicity, aiming to ensure greater liquidity of the worker during the Christmas season;

c) Sickness allowance: if the employee becomes ill during the term of the contract, it continues to produce its effects except with regard to the employee's remuneration during the period of absence from work. In this case, to compensate the lack of remuneration, the worker can apply for sickness benefit, however, it is necessary that he / she be registered with Social Security, that he / she has records of remuneration and that the disease can be proven by the health services;

d) Parental allowance: in case the worker is in a situation of pregnancy, maternity or paternity, he is entitled to benefit during the maternity / paternity leave, of a pecuniary allowance in order to replace the lost earnings of work by the beneficiary. In cases of high-risk pregnancies, the allowance may be awarded during the period of impediment to work (before delivery);

e) Unemployment benefit: aims to compensate for the loss of work remuneration, due to involuntary unemployment and to promote job creation. If the employer dismisses the worker, involuntary unemployment occurs and as such there may be an unemployment benefit or unemployment benefit. In order to have access to unemployment benefit, it is necessary: to have been bound by an employment contract or equivalent, capacity and availability for work, to be enrolled in the Employment Center of the area of residence, to file the application with Social Security or the Employment Institute and Professional Training (IEFP), both from the area of residence, through their own form, and having fulfilled the warranty period. The beneficiary may request the attribution of the social unemployment benefit (subsequent) when the period of attribution of the unemployment benefit has elapsed, which is normally of a lower amount.

#### • The right to claim several types of pensions:

a) Disability pension: if an accident occurs that incapacitates, totally or partially, the worker for the exercise of his professional activity, he may request to be granted an invalidity pension, which is intended to compensate the incapacity in monetary terms referred to;

b) Old-age pension: if the beneficiary has reached the legally required age (66 and a half years) and provided that they have fulfilled the obligation to pay Social Security discounts, during a certain period, consecutive or interpolated, with a record of remuneration ( Guarantee Period), you can apply for an old-age pension, which is for life. In order to comply with the guarantee period, it is possible to use the total of contributory periods, verified in other social protection regimes, national or foreign, provided that there is at least one calendar year with a record of remunerations, in the general regime. .

- The right to be paid according to the National Minimum Wage:

There are certain limits imposed by law, which the employer must meet when determining the amount of pay to be paid to the worker, which is usually called the National Minimum Wage, and which is updated annually. Thus, the remuneration for the activity carried out by the full-time worker cannot be less than this amount. The entity must pay the employee's remuneration by the end of each month on a date to be agreed by the parties. However, if the employer does not comply with this obligation, the employee can assert his or her right through:

-Suspension of the provision of work, when the non-payment extends for a certain period on the obligation's maturity date, which implies that the employment relationship continues to exist, being only suspended. To this end, the worker must communicate the suspension of the employment contract to the employer and the Working Conditions Authority (ACT). This suspension only ends when the worker communicates to the entities referred to above that he terminates it (due to unilaterally resolving the contract with just cause), when the entity pays the debt contracted with the worker or when an agreement is reached between the parties to debt settlement;

-Unilateral resolution (sometimes also called Termination) of the contract with just cause, when the non-payment extends for a certain period on the obligation's maturity date. The declaration of resolution must be made in writing, indicating the facts that justify it. In this case, the employer is obliged to compensate the worker, who is subject to the unemployment benefit regime.

#### NOTE

In order to enjoy the rights resulting from the Employment Contract, namely those that concern certain types of benefits and pensions, workers are advised to check with the Social Security, the regularity of their contributory situation by requesting the discount map. In this way, it is possible to check if the Employer is currently making mandatory Social Security discounts for the worker.

In the employment relationship, there may be situations that lead any party, whether a worker or an employer, to lose interest in the continuation of the employment contract. These can be, for example, the verification of a better job offer or non-payment of the salary by the employer (with respect to the worker) or the continued verification of unjustified absences from work or disobedience in relation to the guidelines transmitted by the superiors in the scope of existing subordination (with respect to the employer).

Thus, there are several ways to end the employment relationship:

#### I-Denunciation

The worker can terminate the contract regardless of just cause, by means of written communication addressed to the employer at least 30 or 60 days in advance, depending on whether he has, respectively, up to 2 years or more than 2 years of seniority in the company. When a fixed-term employment contract is involved, the worker who wishes to terminate the contract before the agreed term has elapsed, must notify the employer at least 30 days in advance (when the contract has an equal duration or more than 6 months) or 15 days (when the contract has a duration of less than 6 months). Failure to comply with this notice period stipulated by law, may determine the payment of compensation by the worker.

#### II - Expiry

The employment contract entered into expires, that is, it ceases to have its effects, for one of the following reasons: the verification of its term, (that is, the expiry of the term stipulated in the contract for its duration); the existence of a supervening impossibility that prevents the worker from doing his job or the employer from receiving it; the retirement of the worker (due to disability or old age). Therefore, the verification of the term of the contract is one of the causes of forfeiture, but for this to happen it is necessary that there is a communication, either from the employee or the employer, expressing the will to make it cease, and that varies depending on the issue a fixed-term or uncertain-term employment contract.

Thus, in the case of a fixed-term contract, the employee must communicate to the employer, in writing and at least 8 days before the deadline expires, his willingness to terminate the contract. In the case of the employer, the deadline for communicating to the worker is 15 days.

On the other hand, when faced with an uncertain term contract, the employer must inform the worker of his / her willingness to terminate the contract, as the situation that determined his / her hiring has ceased to exist, at least 7 days in advance. days (in contracts lasting up to 6 months), 30 days (in contracts lasting between 6 months and 2 years) or 60 days (in contracts lasting more than 2 years).

In both situations, the termination of the contract resulting from the employer's communication, gives the worker the right to compensation, which must be calculated under the terms of the labor law.

#### III-Revocation

The revocation reflects an agreement signed between the worker and the employer, with the objective of terminating the contract, which must be reduced to writing in a document signed by both parties. This document must contain the date of conclusion of the agreement and the date of the beginning of its effects. The parties may also agree to produce other effects. The worker can always terminate the revocation agreement, provided that he does so by written communication addressed to the employer until the 7th day after the date of its conclusion.

#### IV-Resolution

There are several ways to terminate an employment contract, either on the initiative of the employee or on the initiative of the employer.

#### V-Dismissal due to a fact attributable to the worker

Whenever the guilty behavior of the worker makes it impossible to maintain the employment relationship, whether due to the severity or the consequences that the behavior has caused, there is a just cause for dismissal.

The law discriminates against several culpable behaviors that constitute a just cause for dismissal:

- a) Illegitimate disobedience to the orders given by the hierarchically superiors;
- b) Violation of the workers' rights and guarantees of the company;
- c) Repeated provocation of conflicts with other workers of the company;
- d) Repeated disinterest in the fulfillment, with due diligence, of the obligations inherent to the exercise of the position / position;
- e) Injury to the company's serious patrimonial interests;
- f) False statements regarding the justification of absences;
- g) Unjustified absences from work that cause serious losses or risks to the company or when, regardless of the losses, the number of unjustified absences reaches 5 in a row or 10 interpolated;
- h) Culpable lack of observance of the rules of hygiene and safety at work;
  - i) Practice, within the scope of the company, of physical violence, injuries or other offenses punishable by law on company workers, members of the corporate bodies or on the individual employer, its delegates or representatives;
  - j) Kidnapping or other crimes against the freedom of the persons referred to in paragraph i);
  - k) Non-compliance or opposition to compliance with judicial and administrative decisions;
  - l) Abnormal reductions in productivity.

#### VI-Collective dismissal

The termination of the employment relationship promoted by the employer and operated simultaneously or successively on at least 2 workers (in the case of micro and small companies) or 5 workers (in the case of medium and large companies), in a period of 3 months. These redundancies must be based on the closure of one or more sections (or equivalent structure) or the reduction of personnel determined by market reasons (eg: reduction of the company's activity due to the decrease in the demand for goods or services), structural (ex. : change in the company's activity) or technological (eg change in manufacturing techniques or processes). The employer must communicate, in writing and with an express mention of the reason, the

dismissal decision to each worker. Once this communication is made, the worker acquires the right to compensation.

#### VII-Dismissal due to extinction of the job

This form of termination of the employment relationship can only take place when the following requirements are met:

- a) The reasons given for the dismissal cannot be related to the guilty behavior of the worker or the employer;
- b) It is practically impossible to maintain the employment relationship, that is, the employer does not have another job compatible with the professional category of the worker; c) The existence of fixed-term contracts for the tasks corresponding to those of the extinguished job is not verified;
- d) It is not possible to apply the collective dismissal regime;
- e) The due compensation is made available to the worker.

As in the case of collective redundancies, it is necessary for the employer to communicate to workers covered by the extinction of the job, and there is also the employee's right to compensation.

#### VIII - Dismissal due to unsuitability

It occurs when it becomes practically impossible to maintain the employment relationship due to the supervening non-adequacy of the worker to the functions for which he was hired.

The worker is unsuitable in the following situations:

- a) Continued reduction in productivity or quality;
- b) Repeated failures in the means assigned to the workplace;
- c) Situations of risk to the safety and health of the employee, other workers or third parties;
- d) Failure to meet the objectives previously set and accepted, in writing, by the worker, when he performs positions of technical complexity or management.

In the situations provided for in points a), b) and c), dismissal can only take place as long as the following requirements are met:

-Changes have been introduced in the workplace resulting from changes in manufacturing or marketing processes, the introduction of new technologies or equipment based on different or more complex technology, in the 6 months prior to the beginning of the worker communication process;

-A training course appropriate to the changes introduced in the workplace has been given, under the pedagogical control of the competent authority or entity accredited by it;

- The worker has been given, after training, a period of not less than 30 days of adaptation to the job post, or out of it, whenever the exercise of functions in that post is likely to cause damage or risks to the health of the self, other workers or third parties;
- There is no other job available in the company and compatible with the professional qualification of the worker;
- The situation of inadequacy has not been determined by the lack of conditions of safety, hygiene and health at work attributable to the employer;
- Due compensation is made available to the worker.

In the situations provided for in paragraph d) dismissal can only take place as long as the following requirements are met:

- The introduction of new manufacturing processes for new technologies or equipment based on different or more complex technology that implies changes in the functions related to the workstation;
- The situation of unsuitability has not been determined by the lack of conditions of safety, hygiene and health at work attributable to the employer;
- Due compensation be made available to the worker.

As in the case of collective redundancy, there must be a communication from the employer to the worker covered by the redundancy, and there is also the employee's right to compensation.

#### IX- Termination of the Employment Contract at the initiative of the worker

The worker can end the employment relationship with the employer, by means of a written declaration, provided there is just cause.

The following behaviors of the employer constitute just cause:

- a) Culpable lack of timely payment of remuneration;
- b) Culpable breach of the worker's guarantees;
- c) Application of an abusive sanction;
- d) Culpable lack of hygiene, health and safety conditions at work;
- e) Culpable injury to the worker's serious patrimonial interests;
- f) Offenses against the physical or moral integrity, freedom, honor or dignity of the worker, punished by law, practiced by the employer or his legitimate representative;
- g) The need to comply with legal obligations incompatible with the continuation of the service;
- h) Substantial and lasting change in working conditions in the legitimate exercise of the employer's powers;

i) Not guilty of non-culpable payment of the fee.

j) Transfer to the acquirer of the employer's position in the respective employment contract, as a result of the transfer of the company.

This statement must indicate which of the aforementioned facts justify the termination of the contract, and must be carried out within 30 days following the knowledge of the same.

#### NOTE

Based on the experiences of assisting the immigrant, within the scope of the CLAIM Porto Itinerante activity (Local Support Center for the Integration of Migrants), the immigrant, in the course of a conflict with the Employer, usually chooses to leave the workplace, leaving this way to provide the services for which he had been hired. In these cases, it is warned, under penalty of losing the rights conferred by law and the employment contract, on the importance of the worker turning to the Working Conditions Authority (WCA), in order to obtain information on the rights possibly conferred on it as a result of the conflict situation in question. Another recurring situation is the signature by the worker of addenda to the employment contract, in which he expresses his agreement to decrease the salary and / or professional category provided for in the Contract. This being a harmful situation for the worker, often verified without the necessary awareness on the part of the worker of the implications that result from it, it is advisable that he makes a detailed reading of the documentation provided by the employer placing them, if this is the case, doubts that arise.

According to data obtained by a research study carried out by the International Solidarity Association (ISA): "Psychosocial and Social Factors Predicting Good Integration in the Migrant Labor Market", approximately 90% of employed migrants, whether in a declared situation or not declared, have an employment relationship.

Although there is a decrease in situations of informal employment, from a percentage of 23% seen in the first job, this dropped to 7% in the last job, respondents still refer to contractual informality as the second most used type of employment. In a gender analysis, it appears that this situation of informal employment is also more noticeable among migrant women, 15.6% of respondents.

In order to combat this problem, it is urgent to apply measures to formalize this type of situation and to intensify the fight against illegal activity. Clandestinity can never be a way of integration, it is a source of economic exploitation and an increase in the number of social conflicts.

In fact, a measure that can be developed in this direction will be the awareness of the migrant population to union issues, in order to increase their level of knowledge of their rights and duties as a way to combat their vulnerability in the labor market.

Raising the awareness of employers, particularly regarding the requirements and procedures to be followed when hiring a migrant citizen and the possible ways of encouraging employees and valuing their talents, would be of great relevance to mitigate clandestinity.

## AUTHORITY FOR WORKING CONDITIONS (AWC)

The Authority for Working Conditions is a service of the State that aims to promote the improvement of working conditions throughout the continental territory by monitoring compliance with labor law in the context of private labor relations and by promoting safety and health in the workplace. work in all sectors of public and private activity.

Its main duties are:

- Promote, control and supervise compliance with the law regarding labor relations and conditions, namely the legislation on safety and health at work;
- Develop awareness-raising, information and counseling actions in the scope of relations and working conditions for workers and employers and their representative associations;
- Promote specialized training in the fields of safety and health at work, supporting workers 'and employers' organizations in the training of their representatives;
- Participate in the elaboration of health promotion policies in the workplace and prevention of occupational risks and manage the process of authorization of occupational safety and health services;
- Coordinate the training and certification process for technicians and senior technicians in occupational safety and hygiene;
- Collaborate with other public administration bodies with a view to fully respecting labor standards under the terms provided for in Community legislation and in the conventions of the International Labor Organization, ratified by Portugal;
- Ensure the procedure of labor offenses;
- Exercise foreign labor skills;
- Prevent and combat child labor in conjunction with other public departments;
- Assess compliance with the rules on the posting of workers and cooperate with the inspection services of working conditions in other Member States of the European economic area.

## INSTITUTE OF EMPLOYMENT AND VOCATIONAL TRAINING (IEVT)

The IEFP is the national public employment service. Its mission is to promote the creation and quality of employment and to fight unemployment, through the implementation of active employment policies, namely vocational training.

This institute has a vast network of employment, training, vocational rehabilitation and support centers for business creation. It encompasses services such as employment, professional training, professional certification, solutions for Entities, job exchange.

Within the scope of the IEFP, decentralized services called PIO's - Professional Insertion Offices are also developed, some of which are directly dedicated to immigrants.

### Recruitment and Selection Companies

The aim of recruitment and selection companies is to provide their clients (usually companies) with certain processes and techniques that allow them to choose candidates for a particular job / function with the most appropriate profile. To this end, its activity essentially seeks to search, track, research and select candidates as well as assessing the personality and psychological characteristics of the candidates. In this way, and seeking to facilitate the company's activity, they carry out the entire screening process, presenting only a few proposals of candidates to the employer, with the sole responsibility of deciding which one is the right person for the position.

### Contributions and Taxes

Once any professional activity has started, on the part of the immigrant, in the host country, he / she is subject to certain legal obligations. In fact, with some exceptions, any person inserted in the labor market must make discounts, on a monthly basis, on the remuneration resulting from their work.

These discounts are made for two large entities, which will be referred to below.

## FISCAL ADMINISTRATION (MINISTRY OF FINANCE)

The fulfillment of obligations to the Tax Administration, which normally occurs with the beginning of a professional activity, presupposes the accomplishment of an enrollment, having to do so to go to the Finance Department of the area of residence. This inscription is for life and leads to:

- Link to the tax system;
- Assignment of the tax identification number (TIN,pt.N.I.F.) and the type of taxpayer.

In Portugal, there is an annual income statement that gathers, in each calendar year, all the information related to the income earned by a certain person, being mentioned here the amounts of the monthly discounts made, as well as the expenses incurred by that person. This declaration allows the calculation of the Personal Income Tax (pt.IRS), which is mandatory.

## SOCIAL SECURITY

In order to have access to the benefits / benefits attributed by the Social Security system, it is necessary to register, through which this entity is informed, the beginning of the exercise of a professional activity by the worker. It has a lifelong character, and leads to:

- Link to the social security system;
- Assignment of the Social Security Identification Number (pt.NISS) and the type of beneficiary;

The form of making the discounts and their amounts, once enrolled in the different entities, varies depending on whether they are employees (dependent worker) or self-employed (self-employed).

Regarding the discounts to be made under the Personal Income Tax (pt.IRS), the entity to which the work is provided, whether dependent or self-employed, proceeds to the so-called “withholding tax” of the tax that falls on the remuneration of the worker. In the first case, the withholding tax is always verified and the rate applied is variable and usually lower, while in the second case the withholding tax may not be verified (in the case of reduced levels of income that may be covered by the exemption regime). ) and the tax rate is fixed and higher.

The amount withheld as an PIT (pt.IRS) is paid monthly by the employer to the Tax Administration, which constitutes a deduction (reduction) from the total amount of tax due by the employee, depending on the income earned, at the end of the calendar year.

In contrast, with regard to contributions / discounts to be made within the scope of Social Security, these are made by the employer in the case of dependent work, being made by the beneficiary (in this case immigrant) in the case of self-employment. In the latter case, it may be necessary to make three payments on account, during the fiscal year, which constitutes an advance on the total amount of tax due by the worker.

## OTHER FORMS OF TAXATION

- CIT - Corporate Income Tax (eg, companies, etc.);
- VAT - Value Added Tax: applies to consumer activities in general);
- MPT - Municipal Property Tax: applies to the assets owned by a specific person, whether natural or legal;
- MTT - Municipal Tax on Transmissions: applies to any and all transfers to another subject / person of a certain immovable property;
- SD - Stamp Duty: applies to all types of documents, contracts, acts and other situations provided for by law;
- Emoluments - applies to all acts practiced by the Registry and Notary services;

-UF - User Fees: applies to services provided in public institutions related to health care.

## SOCIAL PROTECTION

An adequate framework for immigrants within the legal framework of social protection is of great importance if we want a society that is characterized as being inclusive.

The Portuguese legislation that regulates this matter stipulates that everyone has the right to Social Security, which is enforced by the Social Security system (article 63 of the Constitution of the Portuguese Republic and article 2 of Law 4/2007 of 16 January - Basic Law of Security Social).

Social Security is a system that aims to ensure basic citizens' rights and equal opportunities, as well as promoting well-being and social cohesion for all Portuguese or foreign citizens who exercise professional activity or reside in the territory.

In this sense, the Social Security system has as its main objectives:

- a) To guarantee the realization of the right to Social Security;
- b) To promote the sustained improvement of conditions and levels of social protection and the reinforcement of the respective equity;
- c) To promote the effectiveness of the system and the efficiency of its management.

As a way to achieve its objectives, the system currently covers 3 protection systems:

## SOCIAL PROTECTION SYSTEM FOR CITIZENSHIP

It aims to guarantee basic citizens' rights and equal opportunities, as well as to promote social welfare and cohesion. It is divided into several subsystems:

a) Social Action Subsystem: aims to prevent and repair situations of social and economic deprivation and inequality, social dependency, dysfunction, exclusion or vulnerability, as well as the integration and promotion of people and the development of their respective capacities.

It is especially aimed at the most vulnerable groups, such as children, young people, people with disabilities and the elderly, as well as other people in a situation of economic and social need. It takes place through the establishment of partnerships, involving the participation / collaboration of several public and private entities with recognized public interest.

b) Solidarity Subsystem: intended to ensure essential rights, in order to prevent and eradicate situations of poverty and exclusion, as well as guarantee benefits in situations of proven personal or family need, not included in the social security subsystem.

It applies in situations of lack or insufficiency of economic resources of individuals and households to satisfy essential needs and to promote their progressive social and professional

insertion, disability, old age, death and insufficient provision of substitutive income from work or the contributory career of the beneficiaries.

This subsystem considers only national citizens, however it can extend, in certain circumstances, to stateless persons, refugees and foreigners residing in Portugal.

c) Family Protection Subsystem: aims to ensure the compensation of increased family charges when certain eventualities stipulated by law occur, especially in situations of dependency and disability, through the provision of cash benefits.

In certain cases, it can also determine the provision of benefits in kind when it is considered that through it there is a better coverage of social risks. This subsystem applies to most people, that is, both nationals and foreigners, however, for the latter to have access to this protection, they must reside legally in Portugal.

## SOCIAL SECURITY SYSTEM

It aims to guarantee cash benefits substitutive to income from work that you no longer have access to due to legally stipulated situations.

The social protection guaranteed by this system considers eventualities such as illness, maternity and paternity, unemployment, accidents at work, occupational diseases, disability, old age and death. This protection may be extended or reduced depending on new specific situations. It is mandatory for employees (or legally equivalent) and self-employed / self-employed, and may be subject to coercive collection in the event of non-payment.

In order to have access to this protection, it is necessary to register as a beneficiary in Social Security and fulfill the contributory obligations (payment of Social Security contributions) by both the employee and the employer, if that is the case.

In this way, all workers who are working in Portugal, regardless of their nationality, are covered by the social protection resulting from the general Social Security regime as long as they fulfill their respective obligations.

## COMPLEMENTARY SYSTEM

It aims at the attribution of complementary benefits / benefits in order to reinforce the social protection of the beneficiaries.

It comprises, on the one hand, a public capitalization regime and, on the other, complementary schemes of individual and collective initiative. The public capitalization regime is voluntary and individual, which essentially aims to provide complementary benefits other than those provided under the social security system. It presupposes the creation of individual accounts managed under a capitalization financial regime. The complementary schemes of individual initiative (retirement savings plans, life insurance, etc.) and collective, are optional

for the benefit of a person or a specific group of people. These can be managed by public, cooperative or private entities, created for this purpose.

The District Social Security Centers (pt.CDSS) are the responsible services within each district, for carrying out the measures considered necessary for the implementation, development and management of the benefits of the Social Security system mentioned above (see contacts: District Social Security Centers) .

#### NOTE

Any person or entity subject to obligations under Social Security can request that a statement be issued proving the regular fulfillment of these obligations. The Social Security web page allows you to register on the Direct Social Security tab, which allows you to access all the data resulting from your relationship with social security, among other situations, for example, to check if the employer duly discounts .

## SOCIAL PROTECTION IN THE FRAMEWORK OF THE EUROPEAN UNION

Its regime is provided for in Regulations (EEC) No. 1408/71 and No. 574/72, covering the 27 States of the European Union, as well as Iceland, Lichtenstein and Norway, which are part of the European Economic Area, and Switzerland, within the framework of the Agreement on the free movement of persons concluded between the European Community and its member states and the Swiss Confederation;

Regulation (EEC) No. 1408/71 defines the application of Social Security schemes to dependent, self-employed or civil servants of a member state or stateless persons / refugees residing in the territory of a member state and to members of their families who are have moved within the European Economic Area.

Under this regulation, persons residing in the territory of one of the member states are subject to obligations and enjoy the benefits of the legislation of any member state under the same conditions as nationals of that state, however, a citizen can only be subject to the legislation of one of the member states.

The guarantees offered by this diploma are as follows:

- Disability, old age and death benefits: citizens benefit from all the benefits acquired in the different member states, cumulatively;
- Unemployment benefits: any unemployed person who meets the conditions stipulated by the legislation of a member state, to be entitled to those benefits, retains that right even if he moves to another member state to look for a job;

-Family benefits: those who are working for others in any member state, are entitled to family benefits in relation to the respective family, even if the latter is in another member state;

-Sickness and maternity benefits: all citizens are entitled to health care even if they reside in a member state other than the one in which they are registered.

The regime provided for in this regulation has undergone some changes through Regulation 859/2003 in order to extend the said regime to immigrant workers with legal residence in any member state, who come from third states, and who move within the European Union.

## SOCIAL PROTECTION OUTSIDE THE SCOPE OF THE EUROPEAN UNION:

Portugal has entered into several agreements with different states in order to facilitate the social protection of immigrant workers and their families, treaties that are enunciated with reference to the identification of the country with which they were signed:

Andorra: Convention and Administrative Agreement in effect since 01/07/1991;

Argentina: Convention (10/21/1967) and Administrative Agreement (12/28/1971);

Australia: Revised Convention (10/01/2002) and Administrative Agreement (11/01/1992);

Brazil: Complementary Agreement and Adjustment in force since 04/16/1995;

Cape Verde: Convention and Administrative Agreement in force since 12/1/87;

Canada: Agreements with the Federal State, Administrative Agreement in force since 5/1/1981, Agreement with the Provinces of Ontario: Adjustment referring to the repair of accidents at work and occupational diseases in force since 8/1/1984, Agreement with Quebec : Adjustment and Administrative Agreement (01/07/1981), Complementary Adjustment and Administrative Agreement (11/01/1992) Chile: Convention and Administrative Agreement in force since 11/01/2001;

USA: Pension Export Agreement (01/05/1968); Social Security Agreement and Administrative Agreement (08/01/1989);

Guinea-Bissau: Convention and Administrative Agreement that have not yet entered into force;

Morocco: Convention in force since 10/1/2000; United Kingdom: in relation to the Channel Islands (Jersey, Guernesey, Herm, Jethou and Man);

Uruguay: Administrative Agreement on the application of the Ibero-American Social Security Convention (12/01/1987);

Venezuela: Convention and Administrative Agreement in force since 01/01/1993;

Social Security Convention between the Portuguese Republic and Tunisia and the respective Administrative Agreement.

In addition to these conventions, the Portuguese State is making efforts to conclude agreements with Angola, São Tomé and Príncipe, South Africa, Mozambique and Bulgaria.

## INSTITUTE OF SOCIAL SECURITY, IP

The Institute of Social Security, IP, has the mission of managing social security systems, recognizing rights and fulfilling obligations arising from social security systems and exercising social action, as well as implementing international agreements on matters social security and social action.

Some of the attributions of ISS, IP are:

- a) To manage the benefits of the social security system and its subsystems;
- b) To guarantee the realization of rights and promote the fulfillment of the obligations of beneficiaries of the social security system;
- c) To exercise supervisory action and impose fines on administrative offenses related to social support establishments, to beneficiaries and taxpayers;
- d) To develop and execute social action policies, as well as to develop measures for combating poverty and promoting social inclusion;
- e) To collect revenue from the social security system, ensuring compliance with the contributory obligations;
- f) Others.

## EDUCATION / TRAINING

Adult education has a decisive role in supporting the integration of immigrants in society and the economy, having an essential character to guarantee employability in the current labor market. In fact, in this way it will be possible to avoid the problems resulting from social exclusion as a result of the fact that people have only basic skills. It is therefore necessary to invest in the immigrant population through education and training actions that respond to their needs, thus allowing the verification of common benefits.

School Education in Portugal is divided into 3 levels:

Basic education

It is universal, mandatory and free of charge. Its duration extends over 9 years in which it passes through 3 sequential cycles:

- 1st cycle (duration and 4 years);
- 2nd cycle (duration of 2 years);

- 3rd cycle (duration of 3 years).

High school

Requires completion of basic education, the duration of which extends over 3 years:

- General Courses (aims to pursue studies);
- Technological courses (aims to initiate active life);
- Professional Courses (aims to initiate active life).

University education

It requires successful completion of secondary education. Its duration varies according to the academic degree that is intended:

- Graduation (duration of 3, 4 or 5 years);
- Master's (maximum duration of 4 semesters);
- PhD (variable duration).

There are correspondence tables, which allow to obtain knowledge of the relationship between the levels of education existing in Portugal and the levels of education existing in other countries (see contacts of the Ministry of Education and the General Directorate of Higher Education).

Regarding the process of equivalence of studies in basic and secondary education, this varies depending on the qualifications brought from the country of origin. To facilitate this task, equivalence tables are organized by country. Situations that do not fall within this table, may be granted by the Ministry of Education, making an analysis of the concrete situation.

There are several entities with competence to grant equivalence of studies, namely:

- 1st cycle of basic education: it is the responsibility of the regional education directors;
- 2nd and 3rd cycle of basic education and secondary education: with a view to further studies, it is the responsibility of the management bodies of official or private and cooperative education establishments, but it is necessary, however, to have pedagogical autonomy;
- All other equivalence situations not covered by the previous ones: it is the competence of the director of the General Directorate of Innovation and Curricular Development of the Ministry of Education. The equivalences at the 12th year level are included here.

On the other hand, foreign citizens can request the recognition or equivalence of diplomas or qualifications in the context of higher education in Portugal (D.L. nº 66/2018 of 16 August).

Recognition can be done in the following ways:

- a) Automatic recognition: an act that generically recognizes a foreign higher education degree or diploma, the level, objectives and nature of which are identical to the Portuguese degrees of bachelor, master and doctor or of a higher professional technician diploma, which is included in the list of degrees and diplomas fixed by the commission for the recognition of foreign degrees and diplomas.

b) Level recognition: the act that allows for the recognition of a foreign higher education degree or diploma by comparability in an individualized way as having a level corresponding to an academic degree or diploma of Portuguese higher education.

c) Specific recognition: an act that allows the recognition of a foreign higher education degree or diploma identical to an academic degree or diploma of Portuguese higher education, through a case-by-case analysis of the level, duration and programmatic content, in a given training area, branch of knowledge or specialty.

In addition to these equivalence or academic recognition processes, there is also the possibility of starting the so-called professional recognition process, which allows access to the exercise of certain professions in Portugal.

Professional recognition can be done at 2 levels:

At the top level

Requires a higher education diploma with a minimum duration of 3 years. It applies only to citizens from the European Union, Liechtenstein, Norway, Iceland and Switzerland. It covers only the professions regulated in D.L. nº 289/91 of 10/08, amended by D.L. nº 396/99 of 10/13 and D.L. 71/2003 of 10/04. It is the responsibility of the National Directorate of Higher Education to verify the requirements for the recognition application in question.

At no higher level

In the European Union:

It applies to citizens entitled to exercise a professional activity in a Member State. It covers professions regulated in DL nº 48/2003 of 20/03, which transposes Directive nº 2013/55 / EC. It is incumbent upon the Institute of Employment and Professional Training (IEFP), within the scope of the General System for the Recognition of Professional Qualifications, to verify the requirements for the application for recognition in question.

Outside the European Union:

It applies to all citizens in general terms, who are not qualified to exercise a professional activity. The citizen must have adequate professional training, or professional experience or professional title issued by another country. The recognition is materialized through the issuance of the Professional Aptitude Certificate (CAP). It is incumbent upon the Institute of Employment and Professional Training (IEFP), within the scope of the National Professional Certification System, to verify the requirements for the recognition application in question.

## QUALIFICATION CENTERS

Qualification Centers are centers specialized in the qualification of adults, dedicated to providing information, counseling and referrals for education and vocational training offers for people aged 18 or over who are looking for a qualification.

These centers seek to achieve the following objectives:

- Increase qualification levels and improve the employability of assets, providing them with skills adjusted to the needs of the labor market;
- Significantly reduce illiteracy rates, both literal and functional, while also combating semi-literacy and illiteracy;
- Valuing the system, promoting greater investment by young adults in education and training paths;
- Correct the structural backwardness of the country in terms of schooling towards greater convergence with the European reality;
- Adapt the offer and the training network to the needs of the labor market and to national and regional development models.

There are several types of adult education and training that can be accessed, namely:

- Training in basic skills;
- Adult education and training courses;
- Modular formations;
- Skills Recognition, Validation and Certification Courses (RVCC);
- Portuguese courses for speakers of other languages;
- Technological Specialization Courses (CET).

(see more information on the website: <https://www.qualifica.gov.pt>)

## PROFESSIONAL QUALIFICATION

Professional training in an integrated perspective, that is, with versatility characteristics where the person is seen as a whole, is considered to be the most effective when referring to the immigrant population. In fact, this way it is easier to achieve better results in the short term.

Currently, and taking into account the specificity of the problems that immigrants face, it is justified that there are specific professional training programs, however, it is necessary to make efforts so that this population can easily access general training programs, in order to avoid discrimination.

Learning the language of the host country takes on a very important role in this regard, as this problem is most often the main obstacle to attending vocational training courses or finding employment. To combat this problem, Portuguese courses for foreigners have already been created by various public and private entities.

## BOLOGNA AGREEMENT

In 1999, the Ministers of Education of 30 European states signed the Bologna Declaration, assuming the commitment to create a unity and uniformity in education that facilitates the mobility and employability of students and future professionals in Europe. Today, the countries that have ratified the provisions of the Bologna Declaration already have a total of 47 countries. With regard to Portugal, it is through Decree-Law No. 74/2006, subsequently amended by D.L. 107/2008 of 25 June, that the provisions of the Bologna Declaration came into force, adapting the entire national higher education system.

The innovations presented by the Bologna Process serve the following purposes:

- Develop Lifelong Education;
- To intensify the dispute and quality of European Higher Education;
- Place the titles at a European level on a single level;
- Streamline the recognition of Skills and Qualifications;
- Promote an academic life with greater involvement in the academic and university pathways;
- Expand access to higher education;
- Ratify the European Higher Education Area (EHEA).

Although the migrant potential is high and can bring obvious advantages to the country, we found that only 13.36% of the people surveyed in the scope of the research project “Psychosocial and Social Factors Predicting Good Integration in the Labor Market for Immigrants” carried out by ASI, asked for recognition of their qualifications. One of the measures to be developed to counter this trend will be to raise the awareness of the migrant population to make the most of their potential in order to increase their adaptation to the Portuguese working world. It was found in the study that this population bets on professional training courses in more transversal areas such as information technology, science and social and personal services. Raising the awareness of migrants to attend courses directly linked to their area of training, will make it possible to make the most of their capacities, increase their income, manifesting themselves as an added value for the Portuguese labor market.

On the other hand, it is in the best interest to simplify the process of certifying the equivalence of qualifications held in the country of origin, adjusting the demand and supply of jobs, while respecting the relationship: role to play vs. qualification of the employee. The data obtained seem to confirm the relevance of this adequacy, since when analyzing the transferability of the migrant's work experience, it was found that those who work in their area of basic training or perform functions similar to those of the country of origin, are those who have higher wages and greater success in professional integration.

Another crucial aspect for an effective integration of the migrant population, is the command of the language of the host country, in this case, of the Portuguese language. Also on this item, some gaps were detected where it is necessary to intervene. In view of this scenario, it is crucial to promote training actions at the level of the Portuguese language that are more flexible and adapted to this type of population.

## MINISTRY OF EDUCATION

The Ministry of Education (ME), has the mission of defining, coordinating, executing and evaluating the national policy related to the educational system, in the scope of pre-school education, basic and secondary education, as well as articulating, the national policy of education and the national vocational training policy.

Some of the attributions of the ME are:

- Define and promote the implementation of policies related to pre-school education, basic and secondary education, as well as special modalities and out-of-school education;
- Define and promote the implementation of education and vocational training policies, in conjunction with the government department responsible for the areas of Employment and Vocational Training;
- Participate in the coordination of education and vocational training policies with national policies, in particular those related to the promotion and diffusion of the Portuguese language, support for the family, social inclusion, the promotion of citizenship, the preservation of the environment and the health promotion;
- Ensuring the right to education and the observance of compulsory schooling, preventing early school leaving and promoting the qualification of the population in general, in a perspective of promoting lifelong education;
- Plan and manage the network of public educational establishments, taking into account initiatives in the context of private and cooperative education;
- Proceed to the regulation of the educational system, namely through the guidance, monitoring and inspection of the activities of educational establishments;
- Develop international, multilateral and bilateral relations, namely within the scope of the European Union, and the cooperation activities inherent to the education system, under the terms of the Portuguese State's foreign policy and without prejudice to the powers of the Ministry of Foreign Affairs.

## NATIONAL AGENCY FOR QUALIFICATION AND PROFESSIONAL EDUCATION, IP

The National Agency for Qualification and Vocational Education, has the mission of coordinating the implementation of education and professional training policies for young people and adults and ensuring the development and management of the system for the recognition, validation and certification of skills.

Some of the duties of ANQEP, I P are:

- a) Develop and manage the system of recognition, validation and certification of competences, of a school and professional scope, ensuring the coordination of the corresponding network of structures, as well as the monitoring, monitoring, evaluation and regulation of the system, in close collaboration with the other entities that are part of the National Qualifications System;
- b) Coordinate, streamline and manage the offer of education and vocational training with double certification for young people and adults, as well as the network of entities responsible for the application of the corresponding information and guidance devices, ensuring the complementarity of education and professional training systems and the quality of said offers;
- c) Guarantee the monitoring, evaluation and regulation of the offer of education and vocational training with double certification for young people and adults;
- d) Coordinate and promote the design of courses, curriculum development and specific methodologies and materials for education and vocational training with double certification for young people and adults;
- e) Establish, within the scope of its powers and without prejudice to the powers of the Ministry of Foreign Affairs, cooperation or association relations with other actors and entities, public and private, national or foreign, namely with a view to fostering the development of apprenticeships quality throughout life;
- f) Contribute to the development, at European level, of exchanges and cooperation mechanisms, as well as mobility between education and vocational training systems for young people and adults; Etc.

## HEALTH

Health Protection is a right of individuals and the community, always seeking the State to guarantee the equality of citizens in access to health care, in order to mitigate the effects of economic and geographical inequalities, etc. The official services that provide health care to the population are organized in the National Health Service - NHS (pt.SNS), which depends on the Ministry of Health, being administered in each region by the respective Regional Health Administration. The NHS offers a set of institutions and services , such as Centers and Health and Hospitals, which provide citizens with primary health care. (see sites: Regional Health Administration).

The Basic Health Law, which defines the National Health Service (Law 95/2019 of 04/09) stipulates that the beneficiaries of this service are all Portuguese citizens, citizens, with permanent residence or in a temporary stay or residence situation in Portugal, who are nationals of Member States of the European Union or equivalent, nationals of third countries or stateless persons, applicants for international protection and migrants with or without their legal status.

Likewise, Order No. 25.360 / 2001 determines access to the National Health Service by foreign citizens, under conditions of equal treatment given to beneficiaries of the National Health Service, provided that they reside legally in Portugal.

To fully access health services, the foreigner must, at the time of registration at the health center in the area of residence, present a residence permit, or if this is not possible, a residence certificate issued by the Parish Council of area in which you reside in which it is stated that you have been in Portugal for more than 90 days.

The definitive registration at the Health Center, leads to the issue of a number of NHS users. This number identifies its holder before the institutions and services belonging to the NHS, thus allowing him access to all existing public health services, as well as enjoying other benefits such as the purchase of medication reimbursed by the State. This number must always be presented for scheduling appointments or medical examinations at any public health institution.

The provision of these services has as a counterpart the payment, by the user, of a symbolic amount called “moderator fee”. However, people who are in a situation of economic fragility are considered exempt from this payment. Therefore, they are exempt: pregnant women, children up to 12 years of age, the unemployed and their dependents as long as they are registered at the Employment Center, people in need who benefit from support from official entities.

#### NOTE

In the event of any impediment to attendance by any of the services and institutions that are part of the NHS, the foreigner / immigrant must mention Order No. 25.-360/2001 which determines access to the National Health Service by foreign citizens . If the situation is not resolved, you can request the presentation of the complaints book formulating in it, your complaint or, ultimately, resort to police intervention to guarantee the exercise of your right to health.

MINISTRY OF HEALTH

The Ministry of Health is a government department whose mission is to define the national health policy, exercise the normative functions related to this matter and promote its execution and evaluate the results.

Some of its attributions are:

- Ensure the formulation, execution, monitoring and evaluation of health policy;
- Exercise, in relation to the National Health Service, functions of regulation, planning, financing, guidance, monitoring, evaluation, audit and inspection;
- Exercise functions of regulation, inspection and inspection in relation to the activities and health services developed by the private sector, integrated or not in the health system, including the professionals involved in them.

Health centers

The Health Center is a basic unit of the National Health Service that aims to serve and provide health care to the population. In the national territory, these are distributed by areas, and the one that corresponds to our area of residence should always be used.

Health centers usually provide certain types of services, such as:

- Consultations of General Practice / Family Medicine;
- Public Health Service (Health Delegate);
- Nursing care;
- Social service;
- Vaccines and Consultations Service and Home Support.

## SOCIOPOLITICAL PARTICIPATION

The participation of women and men in community life is the most effective way to achieve a solid, harmonious, democratic and common welfare-oriented social structure.

In Portugal there are several associations and entities that work to guide and promote the improvement of the situation of immigrants in our country. These aim to provide them with general support, usually through requests made with the purpose of facilitating their integration process, sometimes with decisive participation in the immigrant's life.

The power of political representativeness that the immigrant achieves, demonstrates that a unit with organization, produces benefits for the immigrant community. Thus ratifying the rights it has, the right to diversity, the right to harmonious coexistence among all ethnicities.

The activities of Associations, Cultural Centers and non-governmental organizations that support immigrants deserve great consideration and relevance, as well as the initiatives of the

Portuguese government, which through the High Commission for Migration (ACM) has tried to promote immigrant associations in Portugal .

#### NOTE

Recent statistics from the High Commissioner for Migration (Infographics OM\_2020), refer with regard to active citizenship that: 64% of foreigners residing in Portugal have the right to vote, but only 12 out of 100 of these foreign residents are registered. Between 2007 and 2018 more than half a million (517,775) foreigners acquired Portuguese nationality, about 43 thousand 'new' Portuguese citizens per year.

[https://www.om.acm.gov.pt/documents/58428/72296/Infografia+OM\\_2020.pdf/e73e8ebd-a2c3-441c-8592-390ce2bd2824](https://www.om.acm.gov.pt/documents/58428/72296/Infografia+OM_2020.pdf/e73e8ebd-a2c3-441c-8592-390ce2bd2824)

### EQUAL REGIME OF RIGHTS AND DUTIES FOR BRAZILIAN CITIZENS

It is through the Treaty of Friendship, Cooperation and Consultation between the Portuguese Republic and the Federative Republic of Brazil that it is possible for a Brazilian citizen to exercise civil rights in Portugal. In the internal regime, it is Decree-Law no. 154/2003, July 15, which regulates this matter, thus proceeding to the registration of the equality status for Brazilian citizens residing in Portugal.

With the title of equality status, Brazilians enjoy the same rights and are subject to the same duties as national citizens, with the exception of the right to diplomatic protection that the Portuguese citizen receives in a third State and the right to access to the positions of President of the Republic, President of the Assembly of the Republic, Prime Minister, presidents of the Supreme Courts, fulfillment of service in the Armed Forces and reception in a diplomatic career.

Only upon request can a Brazilian citizen access the status of equal rights and duties or political rights. The recognition of political rights requires the granting of the equality statute, which must be carried out in a specific form, providing the law with the requirement for both situations.

The applicant is required, with regard to the acquisition of political rights, that, in accordance with Brazilian law, he is civilly capable and that there is no restriction on the rights required in his country of origin; that he is a habitual resident in Portuguese territory, within a minimum period of three years.

Only the Minister of Internal Administration has the competence to assign the Statute of Equal Rights and Duties and the recognition of the ability to enjoy political rights. However, the application must be submitted to the Aliens and Borders Service through its regional directorates.

## HIGH COMMISSION FOR MIGRATION (HCM)

It is a public institute that intervenes in the implementation of public policies in the field of migration. Considered an institution of European reference regarding the policies for the Integration of Immigrants in Portugal.

Portugal with the support of HCM and the partnerships established in 2017 is considered the EU country where the perception of immigrants is more positive. <https://www.acm.gov.pt/-/portugal-e-o-2-pais-da-ue-onde-a-percecao-da-integracao-de-imigrantes-e-mais-positiva>

Its mission is to promote the integration of immigrants in Portuguese society, to ensure the participation and collaboration of associations representing immigrants, social partners and institutions of social solidarity in the definition of policies for social integration and combating exclusion, as well as monitoring the application of legal instruments for the prevention and prohibition of discrimination in the exercise of rights for reasons based on race, color, nationality or ethnic origin.

HCM's mission is to:

- Promote Portugal as a destination for migrations;
- Welcome, integrate migrants, namely through the development of transversal policies, centers and offices to support migrants, providing an integrated response from public services;
- Collaborate, in articulation with other competent public entities, in the design and development of the priorities of the migration policy;
- Combat all forms of discrimination based on color, nationality, ethnic origin or religion;
- Develop social inclusion programs for descendants of immigrants;
- Promote, accompany and support the return of Portuguese emigrants and the strengthening of their ties to Portugal.

National Support Center for the Integration of Migrants – NSCIM:

The National Support Center for the Integration of Migrants, integrated in the HCM, is an organization of the Portuguese State, dependent on the Presidency of the Council of Ministers.

The National Immigrant Support Centers are spaces dedicated to welcoming and providing information with the integration of several branches of different public entities, namely: HCM, FBS, Social Security, Central Registry Office, PIO, Legal Office for Immigrant Support, Support Office for Family Reunification, General Labor Inspection, Support Office for the Recognition of Qualifications and Competences, etc.

NSCIMs work:

- In Lisbon, Porto and Algarve.

Legal Support Office (LSO)

The Legal Support Office's main objective is to develop a response in the areas of legal information and protection. Specifically, support can be given at the level of information provision, assistance in the forwarding of cases, in the preparation of requests, etc.

#### Social Affairs and Inclusion Office (SAIO)

The Social Affairs and Inclusion Office aims to:

Identify social difficulties and provide support to immigrant citizens who, for different reasons, are in a more vulnerable socio-economic situation, seeking to provide an adequate response, through the situation presented in attendance (a response that results from the articulation with different institutions and / or other CNAIM offices); establish an individual monitoring or integration plan (taken from the training of 25/09 "Procedures inherent to the National Register of Minors - Office of Social Affairs and Inclusion (SAIO)")

SAIO integrates the following features:

- 1 - Housing Support Service: Within this scope, support is provided for applications for social housing;
- 2-Social Support Service: provides information, support, referral, monitoring of situations of social vulnerability, namely, reception in reception centers, needs for food or clothing, also supporting the instruction of requests for social inclusion income;
- 3 - Support Service for Voluntary Return.

The SAIO of NSCIM Norte also provides information on access to health care and is co-responsible, together with the Ministry of Education, for the National Registry of Foreign Minors who are in an irregular situation in the national territory, under Decree-Law nº67 / 2004, of 25 March.

#### Qualified Education Support Office

Specialized service that aims to contribute to facilitating access to the labor market and support in the area of entrepreneurship, including the creation of one's own job, as well as advising and directing migrants to the most appropriate education and / or qualification processes for the job profile. each person.

It integrates the following features:

- Support Service in the area of Employability;
- Support Service in the area of Entrepreneurship;
- Support service in the area of Qualification;
- International Student Support Service.

The SOS Imigrante line provides general information on immigration issues, including counseling in case of serious situations, such as attacks on physical integrity, situations of labor exploitation or attitudes of discrimination. You can use this service anywhere in the country, from the fixed network, through the number 808 257 257.

Data on immigration statistics in Portugal - <https://www.om.acm.gov.pt/publicacoes-om/colecao-imigracao-em-numeros/boletins-estatisticos>

## MINISTRY OF INTERNAL ADMINISTRATION (MIA)

The Ministry of Internal Administration is the Government department responsible for formulating, coordinating, executing and evaluating policies that aim to ensure, within national territory, the authority of the State, the security of citizens and their property, public peace and order, free political participation by citizens through electoral acts and assistance to the population in the event of changes in the normality of life caused by a serious accident or catastrophe.

MIA's duties are:

- Keep public order and tranquility;
- Ensure the protection of the freedom and security of people and goods;
- Prevent and suppress crime;
- Control the movement of people at the borders, the entry, stay and residence, exit and removal of foreigners in the national territory, within the framework of the immigration management policy and to assess and decide the granting of equality and refugee status;
- Control the activities of import, manufacture, commercialization, licensing, detention and use of weapons, ammunition and explosives, without prejudice to the specific duties of the Ministry of National Defense;
- Organize, execute and technically support the registration and electoral and referendum processes;
- Prevent catastrophes and serious accidents and provide protection and assistance to the affected populations;
- Promote road safety and ensure traffic control;
- Adopt the normative measures appropriate to the pursuit of internal security policies defined by the Assembly of the Republic and the Government, as well as study, elaborate and monitor the execution of the integrated normative measures in the area of internal administration;
- Ensure the maintenance of relations in the field of internal administration policy with the European Union, other governments and international organizations, without prejudice to the specific duties of the Ministry of Foreign Affairs and within the scope of the objectives set for Portuguese foreign policy.

## USEFUL CONTACTS

### Links:

#### Public Administration Sites

[www.min-nestrangeiros.pt](http://www.min-nestrangeiros.pt)

[www.mj.gov.pt](http://www.mj.gov.pt)

[www.min-edu.pt](http://www.min-edu.pt)

[www.min-financas.pt](http://www.min-financas.pt)

[www.seg-social.pt](http://www.seg-social.pt)

[www.sef.pt](http://www.sef.pt)

[www.acm.gov.pt](http://www.acm.gov.pt)

[www.dgrn.mj.pt](http://www.dgrn.mj.pt)

[www.iefp.pt](http://www.iefp.pt)

#### Employment Sites

[www.bolsaemprego.com](http://www.bolsaemprego.com)

[www.neteuro.pt](http://www.neteuro.pt)

[www.emprego.pt](http://www.emprego.pt)

[www.pontodeemprego.com](http://www.pontodeemprego.com)

[www.net-empregos.com](http://www.net-empregos.com)

[www.universia.pt](http://www.universia.pt)

[www.bep.gov.pt](http://www.bep.gov.pt)

[www.central-emprego.com](http://www.central-emprego.com)

[www.classificadoscm.xl.pt](http://www.classificadoscm.xl.pt)

[www.superemprego.sapo.pt](http://www.superemprego.sapo.pt)

[www.qualidadeonline.com](http://www.qualidadeonline.com)

[www.emprego.comunidades.net](http://www.emprego.comunidades.net)

[www.eusei.com](http://www.eusei.com)

[www.netemprego.com](http://www.netemprego.com)

[www.planetasites.com](http://www.planetasites.com)

