

COUNTRY
CHAPTER

POR

PORTUGAL

BY THE GOVERNMENT OF PORTUGAL



Portugal Overview

Resettlement programme since: 2007	Selection Missions: No	Dossier Submissions: Yes
----------------------------------------------	----------------------------------	------------------------------------

Resettlement Admission Targets for 2011:

Admission targets for UNHCR submissions:	30
Total Resettlement Admission Target:	30

Regional Allocations for 2011:

Africa	
Asia and Pacific:	
Middle East and North Africa	
Europe:	
Americas:	

Sub-quota features:

Designated sub-quota/acceptance for:	2011 Description, additional comments:
Emergency resettlement procedures	
Medical cases	
Women-at-risk cases	
Unaccompanied children	
Family Reunion (within programme)	

1. Resettlement Policy

1.1 Description of Portugal's resettlement policy

Following consultations with UNHCR, Portugal, by Governmental Decision began a resettlement programme for a minimum of 30 refugees each year. Implementation of the programme began in 2007.

According to Portuguese resettlement policy, voluntary repatriation is considered to be the most preferred durable solutions for the plight of refugees. In circumstances where return is not possible, local integration is the second most desirable durable solution. If both these durable solutions are not available for a refugee within a reasonable time frame, UNHCR may submit refugees to Portugal for resettlement consideration. The quota applies to refugees identified and submitted by UNHCR on a dossier basis.

1.2 Ministries or Departments responsible for resettlement policy

The Immigration and Border Service within the Ministry of Interior is responsible for the provision and implementation of the Portuguese resettlement programme.

2. Criteria for Recognition of Refugee Status Eligibility: Asylum and Resettlement

2.1 National legislation defining refugee status eligibility

Portugal is a signatory to the 1951 United Nations Convention relating to the Status of Refugees and the 1967 Protocol. The Law No. 27/2008 of 30 June is the most relevant legal instrument in terms of national legislation defining refugee status eligibility.

Under the said legislation, any individual is entitled to apply for refugee status. Specific procedures are then followed for determining whether or not the individual meets the necessary criteria for the granting of this status.

2.2 Distinction between refugee status criteria for asylum-seekers, and that for resettled refugees

There is no distinction between refugee status criteria for asylum seekers and that for resettled refugees.

3. Criteria for Resettlement

3.1 Resettlement Eligibility Criteria

Under the Portuguese refugee resettlement eligibility criteria, it is important that other two durable solutions (voluntary repatriation and local integration) are explored and considered prior to submission of the case. Priority is given to refugees in need of serious legal and physical protection, women at risk (with or without dependants under her care), survivors of violence and/or torture and unaccompanied minors.

3.2 Admissibility criteria

There are a number of circumstances under which a refugee will not be accepted for resettlement consideration, namely, individuals who meet the exclusion criteria as per Article 1F of the 1951 Geneva Convention, individuals found to have a criminal background, and individuals found to pose a threat to Portugal's public order or international relations.

According to the Law on Asylum No. 27/2008 of 30 June, a resettled refugee in Portugal will be granted either refugee status or subsidiary protection.

4. Resettlement Allocations/Processing Priorities

Portugal does not have provisions for sub-quotas. Under the annual quota of a minimum of 30 persons, priority is given to persons coming from areas under the Regional Protection Programme (RPP). Refugees who are Women at Risk, Unaccompanied Minors, Survivor of Violence or Torture or experiencing serious Legal and Physical Protection needs are prioritized.

In 2011 Portugal has accepted 23 refugees submitted by UNHCR in the context of the 2011 **Global Resettlement Solidarity Initiative**, which called upon States to consider contributing resettlement places for refugees coming from Libya who were hosted at the borders of Egypt and Tunisia.

5. Submission and Processing via Dossier Selection

5.1. Dossier (RRF) submission policies and case documentation

Portugal does not conduct In-Country selection missions at present; therefore resettlement case selection is based on the dossier submissions presented by UNHCR. The following documentation should be included:

- (a) UNHCR Resettlement Registration Form (RRF) duly completed. Specifically, information relating to the Principal Applicant's family members should be adequately stated in the form.
- (b) Other relevant documentation which supports the case, such as copy of passport (if applicable), medical certificates, birth certificates, etc.

5.2 Routing of Submissions

With regards to the submission procedure, normally UNHCR forwards the resettlement submission to the Permanent Representation of Portugal in Geneva. The Permanent Representation will then forward the relevant documentation to the Immigration and Border Service within the Ministry of Interior, which, in accordance with the provisions of Law No. 27/2008, is the competent body to examine and review the resettlement submission. The Immigration and Border Service may request the advice of the Ministry of Foreign Affairs (International Relations), the Portuguese Refugee Council and the Ministry of Health (the latter in relation to cases submitted under the medical category). The final decision rests with the Ministry of Interior, and is communicated to UNHCR via Portugal's Permanent Representation in Geneva.

5.3 Processing times

The average processing time for submission is 4 months (from dossier reception by the Portuguese authorities to decision) and 1 month (from decision to departure of the refugees from their country of asylum). Thus, the overall processing time is 5 months. Portugal does not accept, at this point of time, emergency or urgent cases.

5.4 Recourses, appeals

There are no formal provisions that envisage an appeal against a negative decision to accept a resettlement submission; however a rejected case may be re-examined when warranted.

6. Submissions and Processing via In Country Selection

Portugal does not currently conduct In-Country selection missions.

7. Emergency Cases/Urgent Cases

Portugal does not currently accept emergency or urgent cases.

8. Special Categories/Special Needs

Under the 2010 annual quota of 30 persons, priority was given to persons coming under the Regional Protection Programme (RPP), Women at Risk, Survivors of Violence and Torture, unaccompanied minors and persons with medical conditions. In 2011 Portugal gave priority to similar profiles however medical cases were no longer prioritized.

9. Medical Requirements

Portugal does not require medical screening for refugees prior to their entry to the country.

For cases submitted under the “medical needs” category, or cases that involve the provision of medical care upon arrival to Portugal, urgent and specific information is first requested by the Immigration and Border Service from the Ministry of Health, in order to establish whether the medical condition can be successfully treated in Portugal within an appropriate time frame. Generally responses on such requests for detailed medical information take approximately one month to receive.

10. Orientation (pre-departure)

In order to promote self-reliance upon arrival to Portugal, minimize potential cultural misunderstandings, and facilitate integration into Portuguese society, a “Cultural Orientation” leaflet is forwarded, with UNHCR’s assistance, to the accepted refugees before departure.

The Portuguese authorities currently have no arrangement or agreement with any organization to implement pre-departure cultural orientation sessions.

11. Travel

The relevant Portuguese diplomatic missions will issue the necessary travel documents and visas (including transit visas if applicable).

Upon acceptance of the case and once all pre-departure formalities are finalised, the Portuguese Immigration and Border Service will proceed to book the flight tickets. They are then sent to the concerned UNHCR’s office for final departure formalities.

12. Status on Arrival and the Path to Citizenship

12.1 Immigration status on arrival and documentation issued

Refugees accepted by Portugal under the resettlement programme are granted refugee status. A renewable residence permit, valid for 5 years, is provided. In addition and when requested, refugees can obtain a 1951 Convention Travel Document. Both the Travel Documents and the residence permit are issued free of charge. Refugee status is automatically extended to family members born after arrival.

12.2 Requirements for citizenship

The requirements, costs and timelines for acquisition of nationality are regulated by the following instruments: Law Decree No. 237-A/2006 of December 14, and Law Decree No. 135/2005 of August 17.

In accordance with these provisions, the following individuals may acquire Portuguese nationality:

- Individuals born in Portugal to foreign citizens who, at time of birth, have been legally residing in Portugal for at least 5 years.
- Foreign citizens married to a Portuguese national for at least 3 years.
- Foreign citizens, having previously obtained judicial recognition of the said status, who have cohabited with a Portuguese national in a de facto union, for at least 3 years.
- Foreign citizens who have legally resided in Portugal for at least 6 years.

13. Domestic Settlement and Community Services

13.1 Reception and Orientation:

The reception of refugees arriving to Portugal under the resettlement programme is provided by the NGO Portuguese Refugee Council (CPR). Upon arrival, they organize the welcoming of the concerned refugees at the airport with interpreters of their native language.

13.2 Housing

Initially, the resettled refugees may stay at the Reception Centre managed by CPR for a period of up to 6 months in order to better prepare their integration and self-reliance in Portuguese society. CPR will assist refugees in their search for private housing arrangements. The Institute of Social Security provides for an initial financial support for rent and subsistence.

13.3 Health

With regards to medical support, immediate medical treatment is provided through the national health system. In addition, the NGO Support Centre of Victims of Torture facilitates psychological support to refugees in need of counselling.

13.4 Language and Vocational Training

Language training and vocational training are also provided. Refugees of school age are provided with preparatory instruction with the view of ultimately incorporating them into Portuguese regular school classes, according to their level.

13.5 Employment

Refugees admitted under the resettlement programme are legally entitled to seek and undertake employment in Portugal.

13.6 Engagement of partners

CPR is currently undertaking to create a national resettlement post-arrival programme that gathers the engagement of potential partners, namely municipalities.

14. Family Reunification of Refugees

14.1. Legislation regarding rights and restrictions to family reunification

In accordance with the provisions of Law no. 23/2007 of 04 July and Law No.27/2008 of 30 June, a refugee may apply upon arrival for the admission into the State of a member of his/her family.

A family member for the purposes of family reunification is:

- (c) A spouse, in circumstances where the person is married and the marriage is subsisting on the date of the application.
- (d) Children under the age of 18 years who remain single and
- (e) Refugees under 18 years of age may apply for the admission of his or her parents.

There is provision for permission to be granted in exceptional circumstances for other dependent members of the family, for instance, cases concerning unmarried or incapacitated adult children, or parents in cases where the applying refugee is over 18 years old. For these cases the dependency link must be demonstrated and the family members must have been listed in the original documentation submitted by UNHCR.

The decision on a family reunification application is made within a maximum of 6 months. Documentary evidence must be presented in order to prove family ties. Family members accepted under reunification must have travel documents.

Refugees and beneficiaries of subsidiary protection do not need to present sufficient and stable means of support in order to apply for family reunification.

Portuguese law recognizes common law spouses for the purposes of family reunification. The relationship must have been, at a minimum, two years in duration.

15. References/Resources

www.sef.pt, www.cpr.pt