Strong market, weak state: the case of recent foreign immigration in Portugal

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João Peixoto

Abstract *This paper examines the relationship between labour migration and national migration policies, taking the case of recent foreign immigration to Portugal. Two distinct types of flow are observed. Firstly, the low-skilled workers who have come into the Portuguese labour market since the late 1970s. These were initially mostly Africans and more recently Eastern Europeans. The difficulties of controlling these flows led to an inflection of Portuguese migration policy since the early 1990s, reflected in two regularisations of illegal immigrants and, recently, in the establishment of temporary labour permits. Secondly, the highly skilled segment of the labour force will be studied. Here we observe independent flows, coming mainly from Brazil, and others occurring within the framework of the internal labour markets of multinational corporations. These flows were hardly controlled, particularly as regards the recognition of foreign qualifications. The conclusion points to the relative strength of labour markets, at both national and organisational level, in originating flows, and to the relative weakness of states in regulating them. A first justification for this discrepancy is the increase of regulation problems resulting from globalisation. A second justification is the action of social networks: in fact, labour markets do not act strictly by themselves, but are activated by powerful social ties.*

KEYWORDS: LABOUR MIGRATION; MIGRATION POLICIES; HIGHLY SKILLED MIGRATION; PORTUGAL

Introduction

The strength of market forces may be recognised not just by their political defendants but also by anyone who proves their explanatory value over other facts of life. Alternatively, any blame over the role of the nation-state nowadays may occur for the same reasons, i.e. expressed by those who are critics of its intervention or who show it to be increasingly powerless. The point that I want to stress in this paper derives from the latter of these positions. I argue that, with regard to international migration, state intervention is experiencing increasing constraints, largely due to labour market dynamics. The idea of a crisis of political control is not new in migration literature (see, for example, Cornelius *et al*. 1994). It is known that, especially since the 1990s, migration flows are increasingly defiant of national political rules and tend to create new political and social realities. In this article I want to extend this line of reasoning for a particular empirical flow – recent foreign immigration to Portugal. On the theoretical front, I aim to emphasise the dual action of labour market forces, at the national and the organisational level, within the new globalisation

context, and the importance of social relationships in which labour markets are embedded.

In the following analysis I will discuss, firstly, the role of the different factors explaining labour migration. After a brief description of the main causal factors of contemporary international migration flows, the growing difficulties of controlling migration in industrialised labour-importing countries will be referred to. Secondly, the paper will review the main trends of immigration to Portugal. The history of these flows is a fairly recent one, but displays significant variety: the flows range from a 'traditional' presence of Europeans and Portuguese-speaking individuals (Africans and Brazilians), to a very recent wave of labour migrants coming from Eastern Europe. In this section, reference will be made to the main skill characteristics of immigration. Although the majority of migrants are low-skilled, and are engaged in the more precarious segments of the labour market, there is a significant proportion of highly skilled individuals. Thirdly, a brief review of immigration policies in Portugal will be made. This will focus both on the general lines of official regulations towards migration, including regularisation policies, and on the specific field of the recognition of credentials, relevant mainly for the highly skilled segment of the migrants. The conclusion will stress the relative strength of labour markets in stimulating migrant flows and the relative weakness of the state in regulating them.

Market, society and state

The factors that explain labour migration – or its absence – are multiple. The interdisciplinary nature of migration studies has long helped to capture this diversity, relating economic, social and political domains (King 2002; Massey *et al.* 1993). In the economic field, explanations based either on a push–pull or on a segmented perspective of the labour market are common. The push–pull analysis underpins mainstream economic approaches. The idea is that migration occurs whenever there is an imbalance of incomes or employment. Typically, countries or regions with low incomes or high unemployment may potentially face outflows directed to others with higher incomes or lower unemployment. This elementary theoretical framework is often confronted nowadays with a more structural approach, that of the segmented labour market. The idea here is that, in contrast to an 'individualised' explanatory framework that instils migratory decisions in the minds of (rational) migrants, a structural imbalance often occurs, attracting migrants to secondary or marginal positions in host labour markets. These peripheralised jobs can be formal or, increasingly, mix with the unregulated and informal areas of labour markets.

Labour market structures and behaviours can also be approached from the organisational side. The main question is to know whether organisations recruit labour in their external labour markets – the usual view – or in their internal labour markets (Doeringer and Piore 1971; Salt and Findlay 1989). This latter notion deals with the type of organisational structures and their consequences on human resources. Examination of these structures allows identification of the main flows: vertical (going upward in the hierarchy), functional (related to changes in the function performed), lateral (moves to similar tasks) and geographic (between locations). Frequently, there is an overlapping of flows, and migrations result from, and express themselves as, one or more of the above types. The more frequent references within migration theory are related to

careers (vertical movements). Since each career path in an organisation depends not only on the agent's decisions but also on the organisational framework (and the organisational need of allocating resources), this perspective combines a 'micro' and a 'macro' view on human action. The internal labour market approach has mainly been used to explain highly skilled mobility. The possession of skills (or human capital) enables individuals to pursue job changes, and hence to benefit from the given organisational framework.

In the social field, migrants' social networks are decisive in explaining flows (Faist 2000; Portes 1995; Portes and Böröcz 1989). First, we can mention the effect of informal social networks. Individual ties amongst family and kinship members, and amongst friends and neighbours, have a strong impact on migration. They help to spread information (even imperfect), they act as economic and social support for movements, and they can even instil a culture of mobility (penetrating individual decisions). Second, formal social networks are relevant. Today, it is the case of trafficking that is usually referred to – if by 'formal' we mean not its juridical character but its organised nature (Salt 2000; Salt and Stein 1997). Trafficking is increasingly responsible for human movement, especially since the political restrictions to migration have become stronger. The action of networks implies a non-individualistic view of migration (and, therefore, a less economic and rational one) and also explains some of its apparent anomalies. In this latter case, we must mention both its durable character, even when the original economic rationale for moving has ceased, and the linkage between very specific geographical (sending and destination) areas.

Finally, political variables deserve mention. As Zolberg (1981) has stated, national migration policies erect concrete barriers in the (sometimes supposedly abstract) economic labour market. It is precisely the role of nation-states, and their sovereignty over the territory, that differentiates international migrations from internal moves. National migration policies act in a number of domains. In a direct way, they intervene in the direct control of borders (the entrance of foreigners), the granting of rights to stay (the concession of residence and work permits), and the granting of citizenship (naturalisation policies). In a less direct way, they act over the concession of particular rights. These include, among others, policies on equivalence of qualifications and recognition of diplomas. Thus, even if a foreigner is granted the right to stay, the process of accepting his or her skills and of recognising the true potential of his or her human capital is a complex one; the institutional nature of skills is deeply rooted in national states and restrains labour changes (Marsden 1992). Recently, the link between national migration policies and international regulations has also been stressed. Multilateral agreements, the constitution of supranational entities such as the European Union (EU) and international principles on human rights – all confront national policy-making and play a growing role in international migration nowadays (Cornelius *et al*. 1994; Faist 2000; Sassen 1998).

The efficacy of national political regulations over international migration has been the object of intense scrutiny. It is widely accepted that nation-states have always devoted attention to the subject, due to practical labour market reasons or because the movement of people can erode the very basis on which they are built. It is meaningful that migration issues have resisted attempts to subject them to international regulation, contrary to that which has occurred for trade or finance. It is also not by chance that migration is one of the areas where

supra-national entities like the EU have more difficulties in defining a common policy. Migrants not only engage in a problematic way with the rights conceded in the framework of each national welfare state, they may also disturb the cultural and ethnic basis on which national identity is built. It is also generally accepted that, after a period where different national policies towards immigration diverged in several aspects, a common trend towards restriction then became visible. Considering only the period since World War II, labour-importing countries firstly presented a large variety of regulations. Then, the main common trend was that inflows were generally tolerated, under temporary (guestworker) or permanent regimes. Later, after the mid-1970s, policies became more similar and a general restrictive climate emerged, both in the former settlement countries such as the United States and Canada, and in the new European host countries (Cornelius *et al.* 1994).

The idea of a 'crisis of political control' has been developed since the 1990s. A lag between policies and real movements was suggested by Cornelius *et al.*, stating that 'the gap between the *goals* of national immigration policy (laws, regulations, executive actions, etc.) and the actual results of policies in this area (policy *outcomes*) is wide and growing wider in all major industrialized democracies' (1994: 3). The declining efficiency of control measures was due, according to the authors, to the continuous demand for migrant labour in host countries, the supply mechanisms in sending countries, the action of social networks and the rise of a rights-based politics. The role of this last-named variable was emphasised by authors such as Faist (2000). His idea is that after a first phase where nation-states can exert a significant control over inflows, the acquisition of a legal status – and subsequent rights – by the first migrants gives them the possibility to develop new and self-feeding movements. Family, marriage and illegal migration (not to mention refugees) all follow the path of the first migrants, benefiting from the protection of human, civil and social rights in democratic host countries. The setbacks of immigration policy can also be viewed under the dual action of economic globalisation and the new international human rights regime. According to Sassen (1998), the novel 'transnational regimes' – capital and human rights – confront traditional national policy-making and oblige the state to adapt to a new framework for action.

In synthesis, the growing prominence of national restrictive policies on migration does not always correspond to an effective curb on international flows. As Cornelius *et al.* (1994: 10) write, 'it is the confluence of *markets* [the push–pull factors] and *rights* that explains much of the contemporary difficulty of immigration control in Europe and the United States'. In the rest of the paper, I will follow this general line of reasoning but develop it differently. I will look mainly at the market side, exploring the national and organisational dimensions of labour markets and their interlinkages with social networks. My main point is that current market forces are a direct cause of migratory trends that are increasingly oblivious to national policies. And this is certainly occurring in the Portuguese case, to which I now turn.

Migration flows to Portugal

Foreign immigration has become significant in Portugal mainly since the mid-1970s, when the country became politically modernised with the establishment of democracy, when the economy was opened up to a more intense exchange

with foreign countries, and when the ex-colonies became independent. Immedi-ately after their independence, and following processes of civil disturbance (or even civil war) in these new countries, a mass departure of Portuguese individ-uals occurred to the home country. This mostly consisted of people born in Portugal (as now defined) or of Portuguese descent, although some 'native' individuals – mainly from the middle or high social strata – also migrated. The number of so-called '*retornados*' reached half a million people in a very short period of time (1974 and 1975). In the later years of the 1970s, a significant inflow of people coming from the ex-colonies was still verified. This was now com-posed of foreign individuals, following the new political status of their countries and the change in nationality rules in Portugal (which prevented them from keeping their former Portuguese citizenship). Although many evinced 'econ-omic' motives for departure, they were moving at a time of political turbulence, and therefore did not represent a typical 'labour migration'. These migrants were in reality a continuation of former flows, either the ones started in the 1960s from Cape Verde or those immediately following independence. They were responsible for the first strong upsurge in the total number of foreigners in Portugal.

The numbers of foreign individuals living legally in Portugal since 1980 may be found in Table 1. In 1980 foreigners amounted to just over 50,000, or 0.5 per cent of the total Portuguese population. Africans constituted the major foreign group, accounting for just under half of all legal foreigners (49 per cent). Europeans were the second major group, with 30 per cent of the total; and Americans (North and South) the third, with 18.5 per cent of the total. Taking single nationalities, the predominance of Cape Verde was very clear, with 41 per cent of the total, followed at some distance by Spain and Brazil. By 1999, the total number of foreigners had increased almost fourfold to more than 190,000, or 1.9 per cent of the whole population. Regarding relative positions, little had changed: Africa was still the major group, with 47 per cent, followed by Europe (30 per cent) and America (19 per cent). Taking single nationalities, Cape Verde was still the leading group – but now with only 23 per cent of the total, thus revealing a strong decrease in its dominance – followed by Brazil. These figures express the three major components of foreign immigration in this period: African labour migrants, mostly coming from the ex-colonies; European profes-sionals and retired citizens; and a direct counter-current of former Portuguese emigration coming from America (many of these individuals were of Portuguese descent).

Despite broad stability in the quantitative evolution of the major groups of nationalities over the last two decades, some qualitative changes were verified. First, a true economic migration directed to the Portuguese labour market has been established since the early 1980s, mostly grouping low-skilled workers coming from the ex-colonies in Africa. This flow was initially dominated by Cape Verdeans, following strong social networks already in place, but then progressively gave way to migrants from Guinea-Bissau and Angola. Second, the adhesion of Portugal to the European Economic Community in 1986 created a strong stimulus for both new and existing flows. The surge in foreign direct investment and the availability of European structural funds created new economic initiatives and sparked off an overall economic expansion. This reinforced European professional inflows, often coming within the framework of multinational corporations. The same economic boom also increased the attrac-

Table 1. *Foreigners with legal residence in Portugal, 1980–99*

Nationality	1980		1990		1999	
	Total	%	Total	%	Total	%
Total	**50,750**	**100**	**107,767**	**100**	**190,896**	**100**
Europe	**15,380**	**30.3**	**31,412**	**29.1**	**56,728**	**29.7**
EU/15	*14,830*	*29.2*	*29,901*	*27.7*	*52,429*	*27.5*
Germany	1,959	3.9	4,845	4.5	9,606	5.0
Spain	6,597	13.0	7,462	6.9	11,152	5.8
United Kingdom	2,648	5.2	8,457	7.8	13,344	7.0
Other EU	3,626	7.1	9,137	8.5	18,327	9.6
Other Europe	*550*	*1.1*	*1,511*	*1.4*	*4,299*	*2.3*
Africa	**24,788**	**48.8**	**45,255**	**42.0**	**89,515**	**46.9**
*PALOP**	*24,491*	*48.3*	*43,297*	*40.2*	*84,930*	*44.5*
Angola	1,482	2.9	5,306	4.9	17,695	9.3
Cape Verde	21,022	41.4	28,796	26.7	43,797	22.9
Guinea Bissau	678	1.3	3,986	3.7	14,140	7.4
Mozambique	594	1.2	3,175	2.9	4,503	2.4
São Tomé Principe	715	1.4	2,034	1.9	4,795	2.5
Other Africa	*297*	*0.6*	*1,958*	*1.8*	*4,585*	*2.4*
America	**9,405**	**18.5**	**26,369**	**24.5**	**35,989**	**18.9**
North America	*3,826*	*7.5*	*8,993*	*8.3*	*9,987*	*5.2*
Canada	754	1.5	2,058	1.9	2,012	1.1
USA	3,072	6.1	6,935	6.4	7,975	4.2
Latin America	*5,579*	*11.0*	*17,376*	*16.1*	*26,002*	*13.6*
Brazil	3,608	7.1	11,413	10.6	20,887	10.9
Venezuela	1,705	3.4	5,145	4.8	3,412	1.8
Other	266	0.5	818	0.8	1,703	0.9
Asia and Oceania	**1,053**	**2.1**	**4,509**	**4.2**	**8,391**	**4.4**
Other	**124**	**0.2**	**222**	**0.2**	**273**	**0.1**

Note: * Portuguese-speaking African countries.
Source: National Statistical Institute.

tion of low-skilled Africans and gave new reasons for the entrance of Brazilians. The latter, attracted by the new European status of the country, possessed skills necessary for the new economic environment (for example, marketing skills). Along with the economic rationale for moving, migrant groups quickly became self-renewing, a mechanism which guaranteed their continuous increase.

Third, strong pressures for irregular migration arose. Growing labour demand, the new era of economic flexibility, the lack of regulation of the civil construction sector, more stringent immigration policies and continuous pressure in the departing areas – all led to the structural presence of illegal immigration. A contradiction was evident between, on the one hand, an economic logic that favoured the informalisation of the labour market and, with it, the recruitment of illegal immigrants and, on the other, a political discourse defending immigration control. The intensification of civil construction and public works, including an extensive network of highways and the building of the Expo-98 site (the Universal Exhibition of Lisbon), was ultimately responsible for an increased informalisation. Informal social networks seemed to be, then, the main vehicle for migration. In a sense, individual actors' interests (the

employers' or even the migrants' ones) were prevalent over the generic call for citizenship. As a result, throughout this period, a growing component of illegal immigration was verified, which was subsequently largely included in the legal segment after two legalisation processes in 1992–93 and 1996.[1]

In the late 1990s, a significant new inflow took place – from Eastern European countries. In the legal numbers of foreigners presented above, this group is practically absent. Just a few people from Eastern Europe resided legally in Portugal in 1999. However, estimates used by the Portuguese media during 2000 pointed to the existence of around 50,000 Eastern Europeans at the turn of the decade (see Portella 2000). A process of legalisation launched in January 2001, to be described in the next section of the paper, produced some figures that suggest a still larger volume. Statistics available in September 2001, referring to the first eight months of the legalisation – and not complete, since the process was prolonged until November – had already reached the aforementioned estimate (see Table 2). These data refer to foreigners who were granted 'permits to stay', a status that does not entitle the migrant to the right of residence and, therefore, does not add further numbers to the total of 'legal foreigners'. In early September 2001, migrants from Eastern Europe attained 50,000, with a clear predominance of Ukranians (more than 33,000), followed at some distance by Moldovans, Romanians and Russians. The figures also confirm a general turning-point in recent immigration to Portugal. The 'traditional' sources of migration – Brazilians and Portuguese-speaking Africans – are present, but with a lesser weight than before (particularly Africans). Instead, new sources of labour are evident, namely from Eastern Europe and, to a lesser degree, Asia.

Given the recent character of Eastern European migration to Portugal, no systematic research has yet been done on this flow. For this reason, only some sketchy material can be added to help elucidate certain of its features. The evidence suggests that the first inflows of this origin came into Portugal in the mid-1990s, partially targeting the Expo-98 building sites or trying to benefit from more relaxed immigration policies. Initially, the only sending country was Romania. After the 1996 regularisation (which was itself a motive for new entries), the number increased. Eastern European migrants are overwhelmingly engaged in the informal labour market. The large majority of them, maybe 90 per cent, are employed in construction (Portella 2000). Opportunities in this sector remain abundant, and the prospects for the future are promising (for instance, Portugal has been awarded the organisation of the European Football Championships in 2004, which will imply substantial modification of existing stadiums and the construction of new ones). The first wave of immigration was mainly composed of male workers, but some female immigration is now developing, targeting services like restaurants and domestic cleaning.

It must be emphasised that the Eastern European inflow was a complete novelty in Portuguese immigration history. All previous inflows were, in one way or another, linked to former Portuguese connections. African immigrants came mostly from the Portuguese ex-colonies (at its peak, some other African migrants came from border countries, like Senegal or Congo). Brazilian immigrants came from a country with many historical links with Portugal (formerly it was also a colony), and sharing the same language, or were themselves of Portuguese descent. Further inflows from America mainly resulted from Portuguese diasporas. The Asian inflow was also linked in various ways to the Portuguese colonial past (Malheiros 1996). These flows constituted what we may

Table 2. *Foreigners with 'permits to stay' issued from 22 January until 5 September 2001*

Nationality	Total	%
Total	**95,367**	**100**
Europe		
Bulgaria	1,090	1.1
Moldova	6,902	7.2
Romania	5,340	5.6
Russia	3,923	4.1
Ukraine	33,304	34.9
Africa		
PALOP		
Angola	3,858	4.0
Cape Verde	4,242	4.4
Guinea Bissau	2,604	2.7
São Tomé Principe	1,220	1.3
Other Africa		
Guinea	984	1.0
America		
Brazil	17,873	18.7
Asia and Oceania		
Bangladesh	723	0.8
China	2,431	2.5
India	2,268	2.4
Pakistan	2,562	2.7

Note: Only the 15 largest nationalities are presented.
Source: Servico de Estrangeiros e Fronteiras.

call an international migratory system united by the Portuguese language. Finally, European migration has a long history of economic, social and cultural links. However, no significant relationship ever linked Portugal to Ukraine, Moldova, Romania or Russia, the origin of the new flows.[2]

The natural question to ask is: why did such a flow occur? The probable answer is that this seems to be the first migrant flow functionally linked to Portugal's EU membership and, from another perspective, resulting from its insertion in a new worldwide framework. On the one hand, we must take into account the push factors existing in the sending countries. Economic weakness, linked to the dismantling of the pre-existing social and economic fabric and resulting in widespread poverty, explains departure (for instance, wages in some skilled occupations in those countries are inferior to low-skilled wages in the Portuguese economy). On the other hand, it is Portugal's intrinsic attraction as an EU member, the (real or perceived) idea that the immigration rules are less stringently enforced there than in other EU countries, or that the acquisition of legal status is easier there than elsewhere, and Portugal's buoyant labour demand (partially resulting from the EU funds) that collectively help to explain the flows. Additionally, it was perhaps the full implementation of the Schengen Convention in 1995, which made more straightforward the granting of visas to Eastern European nationals and allowed a free circulation in the Schengen space, that also explained the inflows (Malheiros and Baganha 2000). In fact, the typical

way of entering the country for East Europeans seems to be by getting tourist visas to Austria, Germany, the Netherlands or France (which all belong to the Schengen area) and, afterwards, accessing Portugal by land transportation (Portella 2000).

These inflows are also changing the nature of illegal immigration – and the role of migrant social networks – in Portugal. As Malheiros and Baganha (2000: 190) have stated, 'illegal immigration in Portugal seems to be undergoing remarkable structural changes. It seems to be changing from a flow mostly constituted by individual and volunteer movements, based on migratory networks active at both ends of the migration pathway, to another flow mainly composed of immigrants whose entrance and stay are linked to trafficking networks of labour migrants, orchestrated from the sending (or distributing) areas'. The authors add that this situation is linked not only to the change in the illegal immigrants' origins (from Africa to Eastern Europe), but also to the continuous 'inefficiency of the control mechanisms of the national labour market'.

I would add three further, complementary observations. First, it is the action of formal trafficking networks which channels the migrants from specific countries of origin to this (formerly) unknown destiny, following a strict logic of effective labour placement. In this sense, trafficking disrupts the traditional logic of migration systems, whereby most migration proceeds within the framework of an established system of relationships. Second, trafficking speeds up the process of migration. The sharp increase in Eastern European immigrants in Portugal would probably have been impossible in the context of informal social networks, where information, contacts and support develop more slowly than in organised migration. Finally, this flow approaches the 'migrant shopping market' concept recently discussed by King (2002). By individual 'shopping' or by trafficking routes, migrants get to the (supposedly) best possible destination, even a never-before-imagined one.

Immigration policies

Immigration policies in Portugal can be scrutinised under a double perspective. First, in regard to measures targeting the entry and stay of foreign individuals, defining the conditions of entry, establishment of residence and work, the legislation follows the general EU and Schengen Agreement guidelines. Considered in detail, the granting of visas by the Portuguese authorities and the control procedures exercised at external borders regarding non-EU nationals seem sometimes to be discretionary, not following an explicit orientation. Second, as regards measures for immigrants' integration, the Portuguese policy favours the principles of equality and non-discrimination among national and (legal) foreign citizens. Here again, the principles are common to other EU or Council of Europe countries. On the whole, the specific international links that the country might want to protect, including the ones with the Portuguese-speaking countries, are barely mentioned – although they are explicit in regulations such as the nationality law. However, it may be admitted that some recurrent behaviour exists in these domains, since some specific decisions often benefit those communities.[3]

The increase of foreign immigration and, particularly, the expansion of its irregular component, led to specific measures in the 1990s. In 1992–93, the first

regularisation was launched, in an attempt to integrate the tens of thousands of migrants who were estimated to be living illegally in Portugal since the mid-1980s. The result was the legalisation of around 39,000 individuals. In 1996, a second process of regularisation occurred. The aim was to capture the migrants who missed the first process, lost their legal status, or entered the country afterwards. This time, the result was the legalisation of 35,000 individuals. The underlying intention of improving the immigrants' situation – which can be considered a result of a human rights perspective – also led to the creation, in 1996, of a first governmental structure devoted to them: the High Commissioner for Immigration and Ethnic Minorities. In light of the continued presence of illegal migrants, the efficacy of the legalisation processes was questioned. From one perspective, these mechanisms were manifestly inadequate: through lack of information or through excessive bureaucracy, they excluded a significant part of the illegal population. From another perspective, they were responsible for the attraction of new (illegal) immigrants, given the prospects of obtaining legal status in an EU member state.

A new development in Portuguese migration policy occurred at the turn of the century. In 2001, a new law was launched that created, for the first time, a legal notion of temporary work stays. Instead of giving migrants only the possibility of applying for a 'residence permit' (*autorização de residência*), the sole administrative condition existing until then, they could now apply for a 'permit to stay' (*autorização de permanência*). This new status was conferred for one year, with the possibility of renewal until the maximum of five years. To obtain it, some conditions were asked, including the possession of a work contract and the absence of a criminal record in the country. If foreigners were entitled to this permit, they could bring in (temporarily) their family. At the end of the five-year period, they could apply for a residence permit. Simultaneously, the employment of illegal immigrants became a severely punishable offence, as did the trafficking of migrant workers. The obvious aims of these measures were, on the one hand, to give legal status to immigrants, thereby enabling them to avoid the more dramatic elements of an irregular situation. On the other hand, expectations of a permanent legalisation were diminished. Finally, this new law launched a policy of direct labour recruitment. The new permits were, in practice, labour visas obtained in the destination country. The explicit aim of the law was also to define specific labour shortages to be filled by immigrants, an objective that was only fully implemented in 2002. Thus, the government endorsed a flexible policy in this area, trying to meet a legal way of recruiting new labour but restraining the foreigners' length of stay.

Rather than discussing the potential benefits or perverse effects resulting from this policy, I just want to stress that, concerning the entry of illegal immigrants, the Portuguese state has always exhibited some tolerance, being influenced by the practicalities of the real movements and the labour market's demand. First, the control of non-legal immigrants has always been relaxed. The number of expulsions from the country has normally been low, even when more rigorous actions were attempted. For instance, the Eastern European flow was initially tackled rather firmly by the government, which in 1998 carried out a collective expulsion of Moldovans and then repeated the exercise in 1999 (Moldovans and Ukrainians amounted to half the foreigners then expelled). But these procedures were shown to be ineffective, given the durability of the flow (Malheiros and Baganha 2000; Portella 2000). Second, the different regularisation

approaches rewarded, more or less, the immigrant's intentions. In a first stage, in a more 'permanent' manner, the situation of illegal immigrants was settled, giving them the same rights as other legal foreigners (residence permits). Later, a more 'temporary' approach was created, moving the migrants to legality but excluding them from long-term stability. However, we must remember that the concept of 'temporary workers' which recent Portuguese legislation has endorsed was created by the main Western European migrant host countries decades ago, and it failed to realise its initial aims (most of the 'guestworkers' remained). As a result, it should be appreciated that a fraction of this new legal segment in Portugal will acquire, with more or less difficulty, a more permanent resident status. It is probable that some of the recent Eastern European immigrants are just waiting for their regularisation to call their families in. The strength of local family ties is well known as a factor of potential stability.

Some observations will now be made about highly skilled migration and the policy on skills' recognition. The larger proportion of the foreign immigration to Portugal – as we have seen – is a low-skilled one, therefore it does not require procedures in this area. However, the European inflows, as well as a large share of the Brazilian one, are skilled migrants. A simple comparison of the occupational structure of foreign citizens with the average national one reveals that the situation is quite distinct (Baganha 2000; Fonseca 2001). Thus, whilst Europeans and, to a lesser degree, Brazilians are over-qualified in comparison with the Portuguese population, the opposite occurs with other nationalities, mainly Africans. Within the skilled segment, another difference occurs: whilst the European part is mostly made up of managers, especially those working for multinational corporations, the Brazilian component is more engaged in independent professional activities such as dentistry and architecture (Peixoto 1999). This difference has various implications as regards the migrants' strategies. Whilst the Europeans move in the framework of international organisations, being generally protected by the environment of the firm, the Brazilians must enact individual strategies to access the labour market. Even the skills required present distinct features. 'Organisational' migrants move in an international environment where the use of local skills, such as the Portuguese language, is of lesser importance. In contrast, 'individual' migrants face a higher demand for local skills, a condition that favours the migration of Portuguese-speaking individuals (or at least migrants coming from similar linguistic and cultural contexts).

Specific policies apply to the qualifications of skilled migrants. These encompass general policies of academic recognition of diplomas, largely inspired by Council of Europe or UNESCO norms on the issue, and specific EU policies on academic and professional recognition of diplomas. The overall picture seems to be that a large share of the skilled migration is not controlled. With regard to the migration that occurs in the framework of the internal labour markets of (mainly) multinational corporations, the skilled component of the movements seems to be largely invisible. When a firm decides to move personnel from one country to another, it is the firm itself which decides whether the specific skills are (or are not) adjusted to the job. In a sense, it is the firm that 'recognises' internationally the qualifications, in the framework of its own international space (the internal labour market). It is true that the local workforce will also verify to some extent the relevance of the international migrant's skills. But, even when some tensions arise, the existence of a formal hierarchy restores order. The main

obstacle to moving (if it is difficult at all) seems to be in obtaining a residence permit. The formal process of skill recognition is usually not applied, unless the professional activity is a 'regulated profession'. But, even in this latter situation, formal recognition is rarely carried out, being averted by the temporary nature of many stays and the possibility of allocating local personnel to certain tasks (Peixoto 2001).

The picture is more complex regarding independent migration, i.e. movements outside an organisational framework. First, the individual migrant is alone in confronting the national labour market and must comply with the regulations. Since the firm (or other employer) to which the migrant is applying does not know the quality of his or her skills, he or she must obtain an official certificate to prove them. Thus, the migrant must engage in a process of academic or professional recognition in order to access a skilled job. This process is even more stringent if it relates to a 'regulated profession' (for instance, medical doctors, dentists, engineers and architects). However, we may acknowledge that, even in these situations, some 'informality' occurs. In non-regulated professions (for example, marketing occupations), direct personal relationships or direct on-the-job performance are often more important than official credentials. Even in regulated professions, some exceptions arise. The most controversial case in Portugal was, until recently, that of the Brazilian dentists. According to the Portuguese professional order, these foreign professionals lacked sufficient skills to use their title (interestingly, the rationale was partially based on the EU directives on this). This position led to a long and intense conflict between Brazilian and Portuguese dentists, professional associations and governments. Nevertheless, it is worth pointing out that the Brazilian dentists never ceased to practise their trade; throughout the conflict, they kept many patients who 'recognised' them in practice (and also benefited from their lower prices), and they fulfilled a vital role in serving peripheral districts which had been abandoned by Portuguese dentists.

Final considerations

The main conclusion of this paper is that powerful economic forces currently preside over international migration flows, and that national states have increasing difficulties in regulating them. These economic forces are mainly centred in the functioning of labour markets. First, they concern national labour markets. The worldwide imbalance of income and employment levels constitutes a powerful stimulus for flows. Although it must be admitted that the classical push–pull model is never a sufficient condition to explain migration flows, it seems to be a good framing motive for them. From the individual's perspective, the notion that human capital can be used in a different location for a very different reward is, by itself, a reason to move, although other factors must be added to explain action. From a structural perspective, the presence of a 'dual' labour market which exerts a specific attraction over migrants completes that line of explanation. Second, we must emphasise the key role of the internal labour markets of large organisations. The creation of a homogeneous organisational space across international frontiers creates a new logic for migration. The possibility of international careers reinforces the possibility of moving, since career enhancement within the organisation becomes linked to a geographical move.

Undoubtedly, then, market forces have strengthened and state regulation has become weaker over the last two or three decades. Factors connected to globalisation are responsible for this trend. Concerning national labour markets, global differences in income and employment remain or have widened, given the close dependency of countries or the costs of structural adjustments; and their visibility becomes more evident as economic transactions expand, means of communication improve and transnational communities settle. As a result, formerly remote countries become connected. Concerning internal labour markets, international firms and organisations proliferate, and often represent powerful centres of decision-making. Given their strategic importance to individual countries, they acquire the capacity to influence countries' international – including human – resources.

Concerning nation-states, their recent dilemmas are well known. If they still constitute decisive centres for territorial regulation, they have also had to lose some of their sovereignty. Their sustaining of civil and social rights and of national identity is done hand-in-hand with their insertion in new transnational frameworks. These include, on the one hand, supra-national entities such as the EU, and multilateral agreements that set the stage for new global economic dynamics (based on free trade, investment and other financial flows) conducive to renewed labour flows and new regulations on migration. On the other hand, they include an international human rights regime that defies to some extent the national basis for the attribution of rights based on citizenship and not on personhood. Although states are actors within the new global regimes and hence are responsible for them (Sassen 1998), the fact is that they face increasing powerlessness. Their tolerance towards legal and illegal labour flows results from this. Given their dependence on supra-national regulations, they must comply with some of the resulting labour flows. Given their democratic nature and their protection of human rights, all inflows are ultimately followed by some tentative moves towards social and economic inclusion.

I must also stress again that labour market forces do not act exclusively by themselves, but are closely articulated with social relationships. In the migration field, this articulation may be found in two contrasting ways. On the one hand, the role of informal social networks has long been stressed to explain migration flows. They are useful to analyse the spreading of personal contacts, which link specific geographic (origin and destination) areas and allow a continuous migration flow to develop beyond the state's control; and they help to understand the momentum of such movements, even when an economic rationale for migration ceases to exist. On the other hand, formal social networks are becoming closely involved with the migratory phenomenon. The case of migrant trafficking is increasingly referred to in the literature, and explains some of the effectiveness of labour circulation despite official barriers nowadays. These formal networks also seem to subvert and escape from traditional paths of migration, linking formerly unknown receiving and sending countries and speeding up the whole process of migration.

Finally, I would argue that none of these situations – strong market forces and difficulties of regulation – is specific to Portugal. Despite the characteristics of the country, including a weak welfare state, law enforcement difficulties and a lack of experience with immigration (partially common to other Southern European contexts), many of the facts related in this article are common to more-developed countries. Consequently, the use of my empirical material – on

recent foreign immigration to Portugal – can be regarded as an illustration, at times exaggerated, of trends that are common elsewhere. Migratory pressure from less-developed countries occurs widely, and is aimed at diverse global economic centres; circulation of labour amongst international organisations (including firms) is common; tensions between integration and isolation, or between citizenship and segregation, are familiar to most immigration contexts; and difficulties of state regulation are not a novelty in this area. The advantage of studying Portugal may be, besides its newness in the group of host countries and the intensity of some variables, the time concentration of events. Modern Portugal 'arrived' very late in the twentieth century. In two decades it had to pass – not without contradictions – along the path followed by developed Europe since the 1950s, but keeping pace at the same time with the trends of a new migration era.

Acknowledgements

Notes

1 For a more detailed picture of foreign immigration until the late 1990s, see Baganha (1998); Baganha and Góis (1999); Baganha *et al.* (1999); Fonseca (2001); Machado (1997); Malheiros (1996); Pires (1993, 1999).
2 Interestingly, this novelty is double, since not only did Portugal never have contacts with these countries, but these countries have not seen any significant international emigration in recent times.
3 For a detailed view on immigration policies, see Leitão 1997; Rocha-Trindade 2000.

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