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## Migrations and the Red Cross

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### INTRODUCTION

There are more people on the move than at any other time in history. Around 224 million are Migrants (3,3% of the world's population), more than 22 million are Refugees. (World Migration Report 2018 - International Organisation for Migration)

To work with and for vulnerable migrants is one of the long-standing traditions of the International Red Cross and Red Crescent Movement. The Red Cross plays a significant role in the unconditional support to all migrants because it puts a duty of humanity above all other considerations and recognizes that the humanity of a person does not depend on which borders they cross.

The Red Cross has defined generic priority areas of response to forced migration, namely, the **Humanitarian Response** - distribution of food, psychosocial support, medical assistance and restoring family bonds; **Integration** - information on the rights, duties and obligations of migrants and asylum seekers, promotion of the integration or reintegration through monitoring, guidance and referral; and **Raising Awareness** - prevent and reduce vulnerability, defending at a national and international level the promotion of human rights of migrants, sensitizing Governments, the media and the general public in favor of a humanitarian migration policy.

The intervention of the Portuguese Red Cross in the field of integration and reception of Refugees is in line with the priority activities that the Red Cross and Red Crescent International Movements have been drawing.

This Handbook contains useful information for Third-Country Nationals potential candidates in Portugal.

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### KEY CONCEPTS

#### International Protection

In Portugal, it is the law number 27/2008 ("law for the granting of asylum"), with the changes of the law number 26/2014, which establishes the conditions and procedures for the granting of international protection. International protection may be granted through the acknowledgment of the status of refugee or subsidiary protection. The definitions of these status derive from the adoption of the directive 2011/95/UE, as conforming, concerning the status of refugee, to the Geneva Convention of 1951.

#### Asylum Seeker

It is a person applying for international protection (asylum procedure) for which a definitive decision has not yet been taken.

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#### Refugee

It is a person who, fearing with good reason of being persecuted because of race, religion, nationality, political opinions or membership of a particular social group, is outside the country of which he/she is a national and cannot, or, because of that fear, does not want to ask for the protection of that country.

#### Relocation

Transfer of seekers for international protection between Member-States of the European Union, as a solidarity measure to relieve the most overloaded asylum systems, like the Italian and the Greek systems. It depends on the agreement of the Member-State and the seeker and grants the access to the asylum procedure in the host State.

#### Resettlement

The resettlement is, besides the local integration and the volunteering return, one of the three durable solutions to the refugees' situation.

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Resettlement consists in the selection and transfer of the refugees from a first country of asylum, where they are often in precarious conditions, many times for generations, to a country that accepts to foster them and grant them a right of permanent residence.

### Vulnerable Groups

Among all populations of refugees, there are particularly vulnerable people, namely, unaccompanied and separated minors, women, disabled, sick and elderly. It is estimated that women and children represent more than two-thirds of the world's refugee population.

### Unaccompanied Minors vs. Separated Minors

According to the Convention on the Rights of the Child, a child is anyone below the age of 18 years old, except if it exists any specific (national) legislation.

The word "separated" refers to minors who are separated from both their parents or from who usually takes care of them, but not necessarily from other relatives. They may, therefore, include children accompanied by other adults in the family.

Unaccompanied minors are children who were separated from both their parents and other members of the family and who are not in the care of an adult who, by law or custom, is responsible for providing it. To this vulnerable group, during the hosting, procedure and integration, must assist some applicable principles, namely the "Principle of Best Interest," which means that all decisions concerning minors will consider the best interests of the child and the "Principle of Non-Discrimination."

### The Principle of Non-Refoulement

The principle set in article 33<sup>rd</sup> of the Geneva Convention and article 3<sup>rd</sup> of the European Convention on Human Rights which states that no refugee shall be expelled or sent back to a country where their life or freedom are threatened because of their race, religion, nationality, membership in a particular social group or political opinions. According to the United Nations High Commissioner for Refugees (UNHCR), it

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must always apply, regardless of formally acknowledging their status of refugee.

### Family Regrouping

The application of the Principle of Family Unity stipulates that "*family is the natural and fundamental group unit of society and is entitled to protection by society and the State.*" This principle ensures that the refugee's family unity is kept, also granting the status of refugee to their dependent relatives.

### Dublin Regulation

Countries belonging to the European Union(EU), even using varied approaches about refugees, are part of a common asylum system, which sets the rules and regulations about the refugees' reception and permanence in the countries' territory. The Dublin Regulation is a European Union(EU) law to quicken the application procedure for the refugees who seek asylum under the Geneva Convention within the EU's territory. It determines which Member State is responsible for a set asylum seeker, ensuring the management of the application procedure. Usually, it will be the Member State through which the asylum seeker first entered the EU. In 2003, this regulation was replaced by what is known as Dublin Regulation II. Later, in 2008, the European Commission proposed amendments to the Dublin Regulation, creating an opportunity for the reform of the Dublin System.

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### THE REFUGEES' RELOCATION SYSTEM IN THE EUROPEAN UNION

In 2015 there has been a significant increase in the number of people who sought international protection in the European Union (EU), especially in Greece and Italy.

To face the pressure these countries felt, in 2015 the European Commission developed a mechanism of emergency relocation for these people. As defined by the EU, Relocation is the transfer of persons in need of international protection from a Member State of the European Union (EU) to another EU Member State.

Thus, this relocation system estimates the distribution of 120,000 people over a period of 2 years, a period that may be renewed and a new number of people to be accepted, by the various Member States, negotiated. The main nationalities eligible for the program are Syria, Eritrea, and Iraq.

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### THE REFUGEES' RELOCATION PROGRAM IN PORTUGAL

Portugal has established, at the end of 2015, the **Work Group for the European Agenda on Migration** (dispatch number 10041-A/2015), to undertake the mapping of the existing resources in national territory to place and integrate refugees and individuals who benefit from international protection.

This Work Group, coordinated by the Foreigners and Borders Service (SEF), has focal points from various public institutions and civil society representatives, including the Portuguese Red Cross.

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### ASYLUM PROCEDURE

The asylum procedure is a set of rules, proceedings, and decisions of the competent authorities, on an application for asylum that leads to the grant or refusal of refugee status or subsidiary protection (humanitarian), according to the Law of Asylum.

The asylum procedure of the relocated is identical to the normal asylum procedure from any applicant, although being simplified in the initial phase that begins in the refugee camps of Greece and Italy. Thus, schematically, here is the presentation of the main stages of the process:

#### 1<sup>st</sup> Procedure Stage

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After the arrival to Portugal by air, the Foreign and Borders Service (SEF) collects the photo and fingerprints of applicants for protection, issuing a Statement certifying the application for asylum. This Statement ensures the access to the national system of health (enrolment in the Health Centre), to education (for minors), to the enrolment in the Social Security, as well as to the Tax System. **But it does not ensure the access to the labour market.**

#### 2<sup>nd</sup> Procedure Stage

The applicant will be notified for personal presentation to the SEF delegation that will be set up for such effect, to provide statements regarding the identity, nationality, family, former addresses, former applications for asylum, trip itinerary, description of the circumstances or facts that substantiate the application for asylum, among other important information.

At that moment, SEF gathers the biometric data of the applicants for protection. Based on the written report of that interview, a decision on the part of SEF will be issued.



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### 3<sup>rd</sup> Procedure Stage

The decision of admission of the application determines the issue of a **Temporary Residence Permit (ARP)**. This ARP is valid for a 4 months period, renewable up to the final decision. An important fact is that to the asylum applicants, bearers of Temporary Residence Permit, it is "*ensured the access to the labour market, in the terms of the general law,*" which means that **while the asylum procedure is pending they may work.**

If the **decision is favorable**, on the part of SEF it is granted, either the refugee status, or of subsidiary protection, and the following documents are issued:

#### **Residence Permit (Refugee)**

Issued after the decision of granting the refugee status. It is valid for a 5 years period, it is renewable, except if imperative reasons of national security or public order prevent it.

#### **Permit of Residence for Humanitarian Reasons**

Issued after the decision of granting the subsidiary protection status. It is valid for a 2 years period, it is renewable, after analysis of the evolution of the situation in the country of origin, except if imperative reasons of national security or public order prevent it.

All documents are issued and renewed with a fee waiver.

The asylum applicants to whom the status of refugee is acknowledged have the right to the family regrouping.



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### JOB APPLICATION PROCEDURES

To look for a job in Portugal is more than simply replying to advertised job vacancies.

Although the job search should be adapted according to the specificities of the various activity sectors, it is vital to:

- Elaborate the Curriculum Vitae;
- Reply to job Posts;
- Submit spontaneous job applications;
- Enrol in the Employment and Professional Training Institute (IEFP) site or in person in Employment Centre closest to the area of residence (<https://www.iefp.pt/>);
- Enrol in employment support offices (GAE, GIP - Professional Insertion Offices - see GIP network, local associations/institutions with specialised support in this area (Local Migrant Support Offices and Immigrant Specialized Support Office - "Gabinetes Locais de Apoio ao Migrante and Gabinete de Apoio Especializado ao Imigrante");
- Contact the network of relationships (family, friends, colleagues, and employers).

In Portugal, most employers, ask for an (attached) Curriculum Vitae from the potential candidates. This document is the professional and academic portrait, presenting the skills and experiences gathered throughout life, that might be determinant to be selected for a job vacancy. As a rule, the resumes are accompanied by a cover letter in which it is explained the interest in a particular job vacancy and where are emphasised the best features that can trigger the employer's motivation.

Candidates may ask for support to look up local and national newspapers, since that in all of these they may find a section of Employment with

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job offers so that they can select those that matter to them. However, they shouldn't be waiting around for the desired job to be advertised. They must find which jobs fit their individual profile and send a resume accompanied by a cover letter. This procedure is called spontaneous job application.

There are various Employment Support Offices ("Gabinetes de Apoio ao Emprego") that make the candidates' process of looking for the most adequate job, easier. To do this, an enrolment should be made at the Employment and Professional Training Institute ("Instituto de Emprego e Formação Profissional") nearest to the area of residence as well as in more specific existing offices or online employment platforms.

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To enrol you should:

- To be able and be available for work;
- To have the minimum age to work (16 years old);
- To have updated identification documents:
- Identity card of foreign citizen or passport;
- A title that allows your stay in Portugal, which provides access to employment.

### CONTRACTUAL FORMS

A work contract is one in which a person undertakes, through retribution, to render his intellectual or manual activity to another person, under this person's authority and direction. (Labour Code, Legislative-Decree nº 5/2007, of 16th of October).

There are different types of employment contract: contract of employment for an **indefinite term** (permanent or open-ended) and **fixed-term** employment contract (certain or uncertain).

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Employment contracts for an **indefinite term** should be considered as the general rule regarding the admission of employees.

An employment contract subject to **a term** is usually engaged to satisfy the temporary needs of the company, as a replacement of other employees or for an exceptional workload in the company's activity or to fulfill employment policies (as hiring long-term unemployed workforce or people looking for their first job) and launching new companies or activities.

A contract of **provision of services** is one in which one of the parties undertakes to provide a certain result of its intellectual or manual work to the other party, with or without retribution.

In this case, the employee is not in a situation of dependency or subordination, as it happens in the employment contract. In this case, the employee only undertakes to provide the result of his/her work to others, having the freedom to organise and adopt the strategies that they see as necessary to perform it.

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### RIGHTS AND DUTIES

**Without prejudice to other obligations, the employee must:**

- a) To respect the employer, the hierarchical superiors, colleagues and the people with whom the company interacts;
- b) To attend work with assiduity and punctuality;
- c) Performing work with care and diligence;
- d) To participate in a diligent manner in professional training projects provided by the employer;
- e) To comply with the orders and instructions from the employer concerning the execution or discipline of work and safety and health at work, which are not contrary to their rights or guarantees;

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- f) To act with loyalty towards the employer, namely not negotiating on their own behalf or the behalf of others in competition with the employer, nor disclosing information regarding the employer's organisation, production methods or businesses;
- g) To ensure that the conservation and good use of assets related to the work entrusted by the employer is maintained;
- h) To promote or carry out the actions for the improvement of productivity of the company;
- i) To work on behalf of the improvement of the security and health at work, namely using cooperation with the employees' representatives elected for that purpose.
- j) To comply with the requirements on security and health at work which arise from the law or any mechanism of collective work regulation.

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### **It is forbidden to the employer:**

- a) Oppose itself, in any way, against the employee exercising his/her rights;
- b) To prevent unduly to the effective performance of work;
- c) To pressure the employee so that he/she acts for the unfavourable influence of his/her or his/her colleagues work conditions;
- d) To change the employee to an inferior rank, except in the cases foreseen in the Labour Code;
- e) To transfer the employee to another workplace, except in the cases foreseen in the Labour Code or mechanism of collective work regulation, or when there is an agreement;
- f) To grant the employee for a third-party's use, except in the cases foreseen in the Labour Code or mechanism of collective work regulation;
- g) To force the employee into acquiring goods or services from the employer or a person indicated by the employer.

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- h) To terminate the contract and readmit the employee, even with his/her agreement, with the purpose of damage of right or guarantee from seniority.

For more information, please see: (<http://www.acm.gov.pt/-/direitos-e-deveres>)

### ACTIVITY SECTORS

#### Primary Sector

The primary sector is related to the production through the exploitation of natural resources. Examples of economic activities from the primary sector are agriculture, mining, fishing or livestock. It is also the primary sector that supplies the industry of transformation with raw materials.

#### Secondary Sector

It is the sector of the economy that turns the raw materials - produced by the primary sector - in industrial products - clothing, machinery, automobiles, processed foods, etc.

#### Tertiary sector

It is the economic sector related to services. Services are non-material products that are provided by people or companies to a third party to satisfy certain demands. Examples of activities from this sector are commerce, education, health, insurance, carriers, cleaning services, food services, tourism, banking and administrative services or transportation.

#### Quaternary Sector

It is the sector of robotics, cybernetics or computers. This sector has been growing in importance.

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### RECOGNITION OF SKILLS

The recognition of foreign qualifications can be made through academic recognition or professional recognition.

Academic recognition is the process by which a foreign academic qualification is equivalent to a Portuguese level qualification, regarding the level, duration, and content.

The professional recognition is the authorisation on the part of a competent authority - Ministry, Order, etc - for the pursuit of a specific profession or regulated professional activity.

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### EMPLOYMENT CENTRE AND OTHER INTERMEDIARY ENTITIES OF EMPLOYMENT

The Employment and Professional Training Institute (IEFP) and the Employment Centres have a number of resources and services available which make the inclusion in the labour market easier.

There are also online employment platforms from other organisations that are available both for those who look for a job in Portugal and for those offering job opportunities.