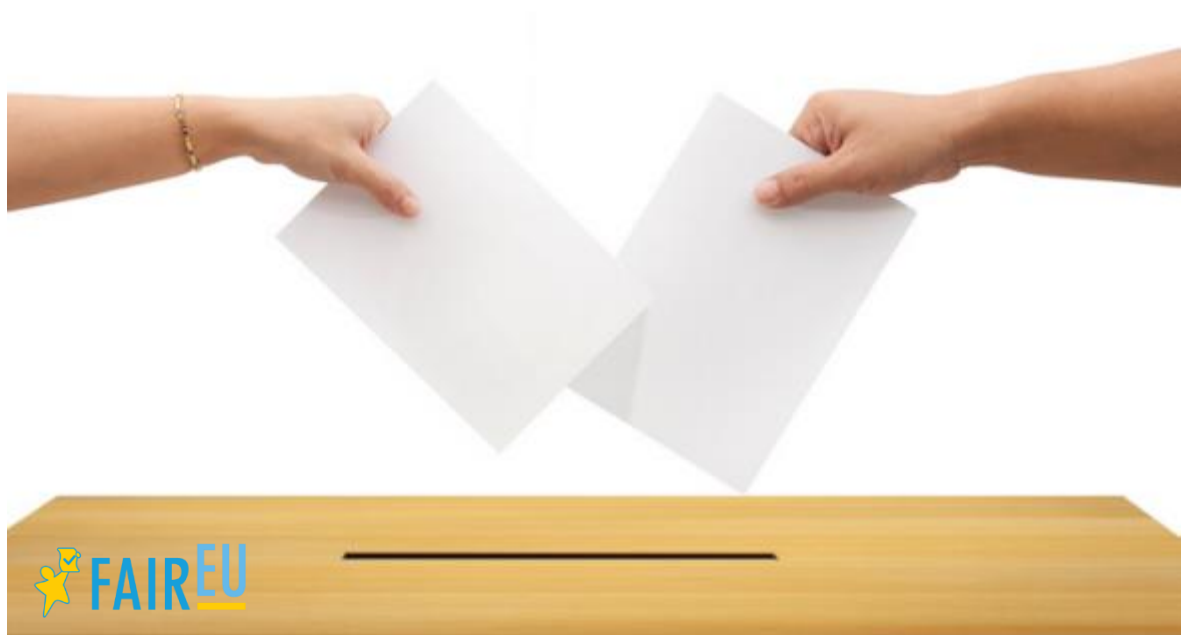


OBSTACLES TO FREEDOM OF MOVEMENT AND POLITICAL PARTICIPATION OF MOBILE EU CITIZENS



**Report from the
Focus Group in
Lisbon**

ECAS Brussels, February 2019

Co-funded by the Rights,
Equality and Citizenship (REC)
Programme of the European Union





Report from the FAIR EU Focus Group in Lisbon (EN)

7 December 2018

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FAIR EU was funded by the European Union's Rights, Equality and Citizenship Programme (2014-2020). The content of this report represents the views of the author only and is his/her sole responsibility. The European Commission does not accept any responsibility for use that may be made of the information it contains.

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Introduction

FAIR EU (Fostering Awareness Inclusion and Recognition) aims to foster the successful inclusion of EU mobile citizens in their host EU country's civic and political life through the provision of a holistic approach to tackling obstacles they face when exercising their rights. Within this framework a focus group was organised in Lisbon, Portugal, on 7 December 2018.

The aim of the focus group was to identify and analyse the links between obstacles to free movement and the exercise of political rights of EU mobile citizens in Portugal.

The following people participated in the focus group:

Participants:	Brenda Johnson (Instituto de Segurança Social I.P.), Cátia Almeida (ACM - Alto Comissariado para as Migrações), Cristina Casas (ACM - Alto Comissariado para as Migrações), Deolinda Machado (Liga Portuguesa dos Direitos Humanos - Civitas and Confederação Geral dos Trabalhadores Portugueses - CGTP), Emellin Oliveira (CEDIS - Centro de I&D sobre Direito e Sociedade), Gabriele de Angelis (IFILNOVA - Instituto de Filosofia of NOVA University), Jorge Freire (translator), Jorge Malheiros (IGOT - Instituto de Geografia e Ordenamento do Território), José Leitão (former Alto Comissário para a Imigração /MIET - Migrações, Inter-etnicidades e Transnacionalismo of NOVA University), Margarida Marques (MIET Migrações, Inter-etnicidades e Transnacionalismo of NOVA University), Rui Bajouca (Graduated in Communication Sciences)
Moderator:	Manuel Macaísta Malheiros
Observer:	Anna Zaremba, ECAS
Operational Staff:	Alexandra Rosado and Margarida Alexandrino

Background on situation in Portugal

Although EU mobile citizens may vote in local (autárquicas - municipal elections) and European elections (European Parliament) for their integration at political level in Portugal, local elections are far more relevant. Therefore, our report is mainly based on local elections and EU mobile citizens participation.

Migration is a central element in the Portuguese political agenda. With the transposition of Directive 2014/54/EU¹ into national law, through Lei 27/2017², the ACM - Alto Comissariado para as Migrações (High Commissioner for Migration) which until now addressed mainly the issue of citizens from third countries resident in Portugal, now includes on its agenda, matters relating to EU mobile citizens in Portugal.

Registering to vote is voluntary for EU mobile citizens in Portugal. Although there were 136 886 EU mobile citizens residing in Portugal in 2017, mostly from Romania (30 750), United Kingdom (22 431) and France (15 319), only 14 194 citizens were registered to vote. Concerning European citizens, the voter registration was of only 12,3%, although an increase on the number of EU migrants registered to vote in Portugal was noticed even surpassing the number of non-EU citizens registered to vote in 2017 under reciprocity agreements. The number of EU migrants registered is however still very low, which demonstrates that exercising their political rights isn't one of the main priorities of EU citizens when living in Portugal.

There is still a relative distance between EU citizens and national institutions and a relative indifference of national institutions in creating the necessary conditions for the full exercise of their political citizenship. There are also limitations to the participation in political life in Portugal by EU mobile citizens due to various factors: from language barriers and difficult communication with institutes and local government, to lack of knowledge concerning electoral processes and procedures (municipal and European Parliament elections), among many others.

The situation of these citizens, however, is not uniform. The ostracization, stereotypes, economic, professional and family problems and cultural barriers aggravate the separation of these citizens from Portuguese society, generating small national communities, some of which close in on themselves, resulting in a lower social and political visibility of EU migrants in Portugal and in their non-active participation at social and political level. We must take into consideration that some nationalities face more difficulties, for instance, the Romanian citizens when compared to British or French nationals.

¹ Directive 2014/54/EU of the European Parliament and of the Council of 16 April 2014 on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers.

² Lei 27/2017 de 30 de maio que aprova medidas para aplicação uniforme e execução prática do direito de livre circulação dos trabalhadores, transpondo a Diretiva 2014/54/UE, do Parlamento Europeu e do Conselho, de 16 de abril de 2014 (Law 27/2017, of 30 May, transposes Directive 2014/54/EU of the European Parliament and of the Council, of 16 April 2014, establishes measures facilitating the uniform application and practical execution of the free movement rights of workers).

Discussion

Obstacles to the exercise of free movement rights of EU migrants in Portugal

It was generally agreed that significant obstacles remain to the free movement of EU nationals in Portugal. Several hindering factors to the free movement rights of EU mobile citizens in Portugal were identified in the course of the meeting, of which the following were highlighted:

- The exercise of the right to vote depends on registration to vote³;
- Uncertainty on how to face the required procedures for a registration on the electoral roll;
- Difficulties in integration;
- Difficulties in accessing information;
- Linguistic barriers;
- Complexity of local government. For example, the distinction between Freguesia [civil Parish - a subdivision of a Município (municipality)] and the Município itself (Municipality) that doesn't exist among other Member States which makes the electoral process and vote less clear;
- Frustrating experiences with Portuguese public administration, for instance, difficulties in accessing employment due to administrative formalities or to the non-recognition of academic and professional qualifications and disproportionate linguistic requirements; disproportionate requirements and delays in the issuing of residence cards for non-EU family members at the Serviço de Estrangeiros e Fronteiras (SEF) (Immigration and Borders Service); difficulties in establishing as self-employed. Consequently, citizens are mainly concerned about their registration on Social Security and face bureaucratic difficulties regarding social benefit payments (namely, family benefits) and difficulties in calculating said benefits; delayed answers from the Social Security services regarding retirement or invalidity pensions entitlement; excessive requirements in order to recognize documents related to family situations: birth and marriage certificates if issued by a non-EU country;
- Consular staff and visa service providers are unaware of, or wrongly apply, EU rules.

Obstacles to the exercise of political rights of EU migrants in Portugal

Article 15 (4) and (5) of the Portuguese Constitution (CRP) regarding «Foreigners, stateless persons, European citizens» states that under reciprocal terms EU migrants may exercise their political rights in Portugal. This contradicts what is established in EU law according to which that reciprocity conditions may not be imposed.

The need to register on the electoral registry (electoral rolls) makes access difficult and discourages political participation. EU mobile citizens do not perceive themselves in the structure of the

³ Artigo 4.º do Regime Jurídico do Recenseamento Eleitoral - Lei n.º 13/99 de 22 de março de 1999 com as alterações introduzidas pela Lei n.º 3/2002, de 8 de Janeiro, pelas Leis Orgânicas n.ºs 4/2005 e 5/2005, de 8 de Setembro, pela Lei n.º 47/2008, de 27 de Agosto e Declaração de Retificação nº 54/2008, de 1 de Outubro (Article 4 of Portugal, Legal Framework for Electoral Registration, Law 13/99 of 22 March amended by Law 3/2002 of 8 January, Organic Laws 4/2005 and 5/2005 of 8 September, and Law 47/2008 of 27 August and Statement of Rectification nº 54/2008, of 1 October) available at: www.cne.pt/sites/default/files/dl/legis_13_99_recenseamento_eleitoral_2008_2.pdf

Portuguese political system: they do not recognize their ideas and proposals and are not integrated into the platforms of Portuguese political parties and membership of political parties is still low. Only EU mobile citizens who wish to remain permanently in Portugal sometimes show a greater interest in participating in Portuguese political life.

In this respect, it was mentioned, for example, the active political participation of a Dutch resident in Odemira who had a newspaper in English and that after being invited by a political party to join its lists was elected by the community because of her prestige and influence in the community where she resided (please see *Revista das Migrações, Observatório das Migrações*, n.º 8, pág. 70).

Both Portuguese political parties and the Portuguese government do not invest in the political participation of EU migrants in the country by not supporting the promotion and communication about their voting rights in Portugal and the influence their vote may have in municipal elections. The lack of knowledge of their voting rights leads to the general lack of interest of EU migrants for representative / participative democracy. Many EU migrants gather in national associations within the country, not actively enrolling in the Portuguese political institutions. Unfamiliarity with the Portuguese language is also a setback to the political participation of EU migrants in Portugal.

It was mentioned, as an example, that citizens with dual nationality (e. g. Italian-Brazilian) remain frequently more engaged in political life in Brazil than in Portugal, not registering in Portuguese municipalities as EU migrants for voting purposes: they frequently vote in Brazilian elections to the detriment of municipal elections.

Examples of good practices to be adopted in order to facilitate free movement and encourage free political participation of EU mobile citizens in Portugal

An increase in political participation may be achieved in Portugal through facilitating everyday life and reducing bureaucratic obstacles concerning EU migrants free movement rights. As such:

- The centres of CNAIM - Centro Nacional de Apoio à Integração de Migrantes (National Support Centre for Migrants Integration) [Lisbon, Porto and Algarve (Citizen's Shop in Faro)] of the ACM - Alto Comissariado para as Migrações should be structurally adapted to handle EU migrants affairs (with special attention to Romanian and Bulgarian citizens), not just basing their work on third-country citizens as they did until now.
- The SEF - Serviço de Estrangeiros e Fronteiras – should be endowed with sufficient human resources in order to answer to all EU mobile citizens' demands and recognize, without bureaucratic excesses the rights of free movement and residence in Portugal of EU migrants and their third-country family members.
- Portuguese institutions, namely Social Security and, in particular, the IEF - Instituto de Emprego e Formação Profissional (Institute for Employment and Professional Training) through its Employment Centres, should be able to solve quickly the problems that EU migrants face when moving to Portugal. They should also be endowed with the necessary skilled staff to provide information and assistance in a foreign language in order to make communication more effective.
- Campaigns to raise awareness and dissemination of information regarding political rights of EU migrants held by local and national government and also political parties.

It is worth to mention that ACM - Alto Comissariado para as Migrações through the Observatório das Migrações (Migration Observatory) had published in November 2018 a Newsletter on «European Union citizens in Portugal».⁴

Conclusions

Despite the lack of interest in political participation of EU mobile citizens in Portugal, due to a variety of factors (ignorance of the voting process, the purpose or effect of the voting act, bureaucracy, language difficulties and lack of knowledge or familiarity with the local socio-political mechanisms), the integration of EU migrants into Portuguese society would establish a climate of tranquillity, confidence and a sense of belonging, which would motivate them to a greater presence in political life and civic participation and also a greater participation in municipal elections and in the enrolment in various associations and trade unions.

This integration is achieved through the dissemination of information on the electoral process and political rights in various languages, in particular, on the right to vote for municipal and European Parliament elections, with special attention to areas and cities with a higher concentration of EU mobile citizens.

An additional mechanism to promote the political participation of EU migrants in Portugal could be the automatic registration on the electoral rolls of these citizens when they register in the Municipalities as residents in Portugal. This would increase the universe of voters and of individuals voting, resulting in greater participation and political integration. However, such a mechanism would imply necessary amendments of the Portuguese legislation for both elections.

⁴ <https://www.om.acm.gov.pt/-/newsletter-om-cidadaos-da-uniao-europeia-em-portugal>) and it had already been published in 2017 in Newsletter #20 on «Immigration and political rights» (<https://www.om.acm.gov.pt/documents/58428/383927/Newsletter+OM+n.20.pdf/6d82d887-afc6-449d-be7c-22d47551325d>