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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 potential employers of Third-Country Nationals in Portugal.

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### KEY CONCEPTS

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#### **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.

#### **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 Covention 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.

## Refugees' Relocation Program in Portugal

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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.

## 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.

According to the information given until now to the members of the Work Group, the relocated applicants will get a Residence Permit for 5 years.

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.



## Candidates' Features and Profiles

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### SPECIFICITIES IN THE INTEGRATION MECHANISM OF REFUGEES WHEN COMPARED WITH THE ONES OF OTHER MIGRANTS' GROUPS

The specificities in the integration of humanitarian migrants (refugees, people who benefit from subsidiary protection or another protection status) are different in several aspects from the ones of other groups of migrants (mobility in the Eurozone, economic migrants, and migrants due to family reasons). Their features may differ regarding demographics and skills, as well as in the reasons to leave their countries of origin and their likelihood to establish a long-term residence in countries of destination.

Humanitarian migrants are an especially vulnerable group which clearly needs targeted, coordinated and broadening responses. Due to the nature of their forced migration and the traumatic experiences often associated with it, many have psychological suffering. They also face greater obstacles than other migrants in the successful transition to the labour market. They usually arrive with little or no connection to the host country and have gathered their qualifications and work experience in much different labour contexts. Many are not able to provide the adequate documents that might clarify their level of education or their skills.

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### CANDIDATES' FEATURES AND PROFILES

One of the biggest riches of a country comes from the sociocultural diversity of the people who live in it.

One of the things that distinguish Refugees from Migrants is the impossibility to return to their countries of origin, as well as, by the law of asylum, they are unable to work, legally, in other countries of the European Union.

## Candidates' Features and Profiles

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Another thing which also distinguishes Refugees from most Migrants is that Refugees do not have, in Portugal, social or family networks that provide support when other supports fail.

The origins are very varied and undergo changes, according to the realities lived in the countries of origin. Ukraine, Syria, Pakistan, Congo, Guinea Conakry, Eritrea, Mali, Iran, Iraq, are only some of the countries of origin of the citizens who, in the last few years, have requested international protection in Portugal. Among other aspirations and rights, they pursue the recognition of their skills and obtaining a job that allows them to live with dignity, seeking a better integration in society.

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### CULTURAL FEATURES

#### ERITREA

Officially named the State of Eritrea, Eritrea is a country in the Horn of Africa. It is bordered by Sudan in the west, Ethiopia in the south, and Djibouti in the southeast. The eastern and north-eastern parts of the country are on the shores of the Red Sea, having direct contact with Saudi Arabia and Yemen. The Dahlak Archipelago and the Hanish Islands are also part of Eritrea. Its territory has an area of around 118 000 km<sup>2</sup> and a population of around 5 million people. The capital is Asmara.

The dominant languages are the Tigrinya and the Arab, both belonging to the African-Asian line of the family of the Semitic Languages. Italian is used, in addition to the two main languages, in public and commercial business. English is used in the international communication, and it is the language of instruction in all formal education, from 6th grade.

Like many other African nations' economies, Eritrea's economy is largely based on subsistence agriculture, with 80% of the population working in agriculture or livestock. Droughts plaguing the region have created

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many difficulties in agricultural areas. The Eritrean–Ethiopian War severely hurt the country's economy.

Although there are no reliable statistics, it is estimated that 50% of the population of Eritrea is Sunni Muslim and 30% Orthodox Christians. Around 13% of the population is Roman Catholic, whereas other groups are less than 5% of the population, including, namely, Protestants, Seventh-day Adventists, Jehovah's Witnesses, Buddhist, Hindus, and Baha'is.

In 2014, Eritreans were the second most numerous nationality of origin of Migrants who reached Europe. During the Summer of 2015, it was the third country of origin of the Migrants who reached Europe by the Mediterranean Sea. Among those who lose their lives during the crossing, more than half are Eritreans.

### **SYRIA**

Officially named the Syrian Arab Republic, Syria is a country located in Western Asia. The territory borders Lebanon and the Mediterranean Sea to the west; Turkey to the north; Iraq to the east; Jordan to the south and Israel to the southwest. It is a country made up of various ethnic and religious groups, including Arabs, Greeks, Armenians, Assyrians, Kurds, Circassians, Mandaean, and Turks. The religious groups include Sunni, Christians, Alawites, Druze, Mandaeans, and Yazidi, the Sunni Arabs being the largest populational group in the country.

The country's official language is Arab. The Kurdish language (in its Kurmanji form) is widely spoken in the Kurdish regions of Syria. Armenian and Turkish are spoken among the Armenians and the Turkmen. Many Syrians with a higher level of education also speak English and French.

Syria is considered a developing country, with a diversified economy, based on agriculture, industry and the production of energy.

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The country is at war since 2011 to the present day. According to the United Nations High Commissioner for Refugees (UNHCR), it is estimated that 5.4 million of Syrian have sought security in other countries, the main of the host countries being Lebanon, Turkey, and Jordan.

### IRAQ

Iraq, officially the Republic of Iraq, is a country of the Middle-East bordered north by Turkey, Iran to the east, the Persian Gulf, Kuwait and Saudi Arabia to the south and by Jordan and Syria to the west. Its capital, is the city of Baghdad, in the centre of the country, along the banks of the Tigris River.

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It spans an area of around 437,072 square kilometers, and it is the 58<sup>th</sup> world's biggest country. Iraq has an ethnic-linguistic composition of an Arab majority and a minority of Kurds (15%), concentrated in the northern region of the country. The Arabic language is official and prevalent; whereas in Kurdistan, Arabic is taught as a second language after the Kurdish language.

Iraq is a country mostly Muslim. Islam represents around 95% of the population, while Non-Muslims (mainly Assyrian Christians) are 5%. It has a mixed population of Shia and Sunni.

The Iraqi economy is driven by the oil sector which has provided traditionally around 95% of the proceeds.

The conflict that began in 2014 between Iraqi forces and armed groups has persisted. This situation has been exacerbated by ethnic and sectarian tensions from long ago and by the effects of past violence.



