

DE-SECURITIZATION OF THE IMMIGRATION POLICY IN PORTUGAL: SEPARATION BETWEEN MIGRATION MANAGEMENT AND INTERNAL SECURITY

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Abstract

The extinction of the Foreigners and Borders Service (Serviço de Estrangeiros e Fronteiras - SEF) on 29 October 2023 and the subsequent transfer of its responsibilities for managing immigration and asylum procedures to the newly established Agency for Integration, Migration, and Asylum (Agência para a Integração, Migrações e Asilo - AIMA), marked a significant shift in Portugal's migration policy. This institutional reform represents the culmination of a process aimed at de-securitising the state's approach to international migration by distinctly separating migration management from internal security considerations. From October 2023 onwards, the management of migratory flows is no longer a police function, with the documentation of immigrants being entrusted to a purely administrative agency. To comprehend the implications of this reform, it is essential to examine both the evolution of Portuguese immigration policy and the unique characteristics of SEF. The first section of this article explores the general evolution of immigration policy in Portugal, characterised by the country's transformation in the 1990s into a significant destination for diverse migratory flows. The second section provides an overview of the now-defunct Immigration and Borders Service. Finally, the article discusses the rationale behind its dissolution and the replacement of its functions in immigration and asylum management by an administrative (non-police) agency that has also inherited the integration and anti-discrimination responsibilities of the High Commission for Migration.

Keywords

Immigration and Borders Service; Agency for Integration, Migration and Asylum; de-securitization of migration policy.



Resumo

A extinção do Serviço de Estrangeiros e Fronteiras (SEF), em 29 de outubro de 2023, e a subsequente transferência das suas responsabilidades em matéria de gestão da imigração e dos procedimentos de asilo para a recém-criada Agência para a Integração, Migrações e Asilo (AIMA), marcaram uma mudança significativa na política de imigração portuguesa. Esta reforma institucional representa o culminar de um processo que tem como objetivo a dessecuritização da abordagem do Estado em relação às migrações internacionais, separando claramente a sua gestão de considerações de segurança interna. A partir de outubro de 2023, a gestão dos fluxos migratórios deixou de ser uma função policial, tendo a documentação dos imigrantes sido confiada a um organismo puramente administrativo. Para compreender as implicações desta reforma, é essencial examinar tanto a evolução da política de imigração portuguesa como as características únicas do SEF. A primeira secção deste artigo explora a evolução geral da política de imigração em Portugal, caracterizada pela transformação do país num destino significativo de diversos fluxos migratórios. A segunda secção apresenta uma visão geral do extinto Serviço de Estrangeiros e Fronteiras. Por último, o artigo discute a lógica subjacente à sua dissolução e à substituição das suas funções de gestão da imigração e do asilo por uma agência administrativa (não policial) que herdou igualmente as responsabilidades de integração e de luta contra a discriminação do Alto Comissariado para as Migrações.

Palavras-chave

Serviço de Estrangeiros e Fronteiras; Agência para a Integração, Migrações e o Asilo; dessecuritização da política de migração.

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Introduction

The dissolution of the Foreigners and Borders Service (Serviço de Estrangeiros e Fronteiras - SEF) on 29 October 2023, and the transfer of its responsibilities for managing immigration and asylum procedures to a newly created administrative body, the Agency for Integration, Migration, and Asylum (Agência para a Integração, Migrações e Asilo – AIMA), represent a landmark change in Portugal’s migration policy.

Understanding the scope of this reform requires an appreciation of the unique characteristics of the Portuguese migration management system in place until October 2023, which involved two public entities: the SEF and the High Commission for Migration.

The Foreigners and Borders Service (SEF) combined a range of competencies related to border control, immigration, and asylum — functions that, in other countries, are typically divided among various police and administrative agencies. SEF’s role in managing documentation for immigrants and asylum seekers has now been transferred to AIMA. Its border control and policing responsibilities have been distributed among other police forces, including the Public Security Police (responsible for air border control), the National Republican Guard (responsible for maritime border control), and the Judicial Police (responsible for investigating migration-related migration-related crimes such as smuggling, recruitment of irregular foreign labour, marriage of convenience as well as human trafficking).

The High Commission for Migration, a public administrative entity, was responsible for defining and evaluating public policies on migration, promoting the attraction of immigrants (despite not having competencies in visa issuance or residence permits), and supporting their integration and social inclusion. It also combated discrimination and fostered intercultural and religious dialogue (article 3 of Decree-Law No. 31/2014, of 27 February, repealed by Decree-Law no. 41/2023, of 2 June). Curiously, it was also responsible for the inclusion of the Roma community, even though they are predominantly Portuguese citizens, not immigrants. The High Commission for Migration was also abolished in October 2023, with its responsibilities absorbed by AIMA.



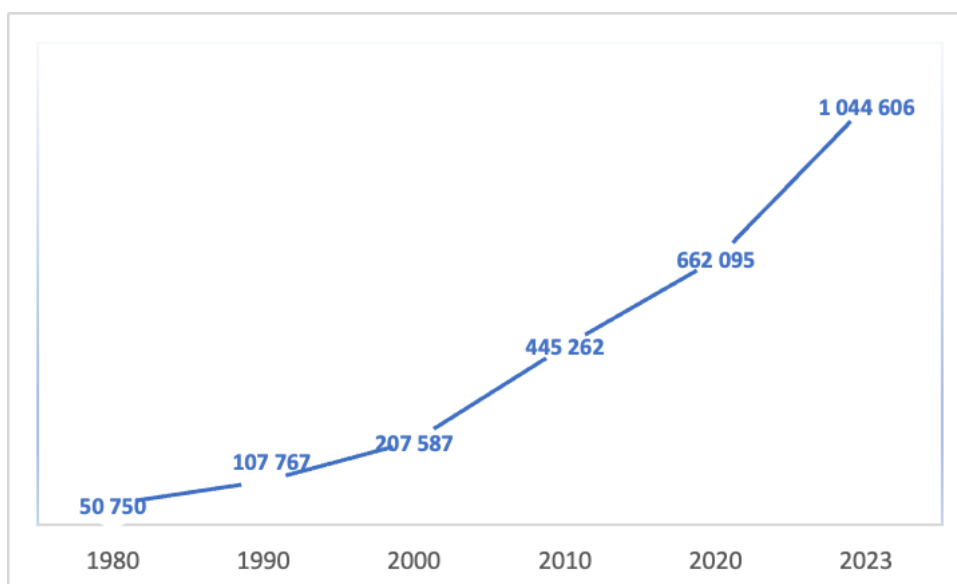
To fully understand this reform, it is necessary to consider both the evolution of Portuguese immigration policy and the unique role that SEF played in this context. The first part of this article reviews the general evolution of immigration policy in Portugal, which was significantly influenced by the country's transformation in the 1990s into a destination for diverse and growing migratory flows. The second part provides a brief overview of the now-defunct Foreigners and Borders Service. Finally, the article examines the factors that led to its dissolution and the establishment of a new administrative agency focused on immigration and asylum management, as well as integration and anti-discrimination policies, previously overseen by the High Commission for Migration.

1. Portuguese Immigration Policy: An Overview

Portugal, traditionally a country of emigration, has in recent decades transformed into a significant destination for immigration, attracting a growing number of immigrants from increasingly distant and diverse origins.

Until the 1974 Revolution, which established democracy in Portugal, the dictatorial regime's primary focus was on controlling emigration. The state imposed strict regulations to prevent the departure of young men needed for the colonial war, and to forestall potential anti-regime movements abroad (Galvanese, 2020). It was only after 1975 that a substantial number of immigrants, primarily from Portugal's former African colonies, began arriving, with immigration accelerating significantly in the 1980s (Pires & Pinho, 2007).

Evolution of Legal Immigrant Numbers in Portugal (1980-2023)



(Source: SEF, 2023; AIMA, 2024)



In 1980, Portugal had only 50,000 immigrants, mostly from Portuguese-speaking countries. By the end of 2023, this number had surged to 1.04 million immigrants with residence permits (AIMA, 2024), constituting around 10% of the population. Additionally, there are about 400,000 immigrants undergoing regularisation processes managed by AIMA, which succeeded SEF in its administrative role regarding immigration and asylum (Decree-Law No. 41/2023 of 2 June).

Over recent decades, the immigration landscape in Portugal has not only grown quantitatively but also evolved structurally. While Brazil remains the primary country of origin for migratory flows to Portugal, the number of immigrants from distant countries such as India, Nepal, and Bangladesh has increased exponentially in recent years (SEF, 2023).

Unlike other European countries, international migration in Portugal has not been a significant topic of political debate until recently. However, the increasing diversity of migratory flows has introduced greater ethnic, religious, and cultural diversity, which, unfortunately, has fuelled the far-right narrative portraying immigration as a threat to national identity. On the other hand, the securitisation of international migration, coupled with media coverage of irregular migration flows and associated humanitarian tragedies—especially in the Mediterranean, the world’s deadliest border—has contributed to a perception of invasion and security threats. Such negative perceptions, largely driven by the far-right, can lead to restrictive regulatory frameworks that end up causing more dramatic and inhumane flows of irregular immigration (Sousa, 2019).

Until 4 June 2024, when Decree-Law No. 37-A/2024 of 3 June came into effect, which made the 15th amendment to the Immigration Law (Law No. 23/2007 of 4 July), Portugal had a permanent mechanism for regularising immigrant workers who entered without the appropriate visa but were engaged in professional activities. This mechanism prevented immigrant workers from being trapped in irregularity, which would have heightened their vulnerability, increased exploitation, and hindered integration. However, the current centre-right government (PSD/CDS) repealed this scheme, arguing that it was too lenient and reflected a so-called ‘open-door’ policy that failed to control migratory flows from the outset. In particular, the government considered regularisation to be a powerful pull factor for irregular immigration, such as entry under visa exemptions for short stays or with short-stay visas that do not qualify for residence, resulting in hundreds of thousands of pending cases. Consequently, from 4 June 2024 onwards, any immigrant worker entering without a residence visa would be unable to regularise their residence status.

It is important to acknowledge the practical difficulties associated with the regularisation regime due to the significant increase in applications for residence permits by immigrant workers. However, these challenges largely stem from insufficient human resources in the responsible government departments, inadequate investment in digital solutions, and the inability of Portugal’s consular network to keep pace with the realities of migration. In any case, a restrictive immigration law will not prevent Portugal from being a destination for migratory flows; it will merely render them irregular. This is a lesson taught by the evolution of Portuguese immigration law, which has consistently demonstrated the inefficacy of restrictive measures in managing immigration effectively.



1.1 Immigration Laws in Portugal: From 1980 to 2007

Before the 1980s, the regulation of the entry, residence, and expulsion of immigrants was fragmented across various laws enacted in the 1960s and 1970s.

In 1981, Decree-Law No. 264-B/81 of 3 September consolidated immigration legislation into a single framework, representing the first comprehensive immigration law in democratic Portugal. Under this law, immigrants were generally required to possess a consular visa to establish residence in national territory (Article 11). Furthermore, engaging in professional activities required a prior work visa issued by the Foreigners Service (Article 16), an autonomous entity within the Public Security Police that was the precursor to the SEF, established in 1986 (Decree-Law No. 440/86 of 31 December). Legalising residence within Portugal was only allowed under exceptional circumstances (Article 15). This legislation, aimed at curbing the influx of immigrants and the creation of a specialised police force for this purpose, reflects a reactive immigration policy in response to the growing immigrant population during the 1980s (Pires & Pinho, 2007).

Despite the emphasis on legal immigration from the source, an increasing number of foreigners continued to reside and work illegally in Portugal. As a result, the first extraordinary regularisation process for immigrant workers took place in 1992 (Decree-Law No. 212/92 of 12 October), enabling the legalisation of approximately 16,000 individuals (Sousa, 2000; Malheiros & Baganha, 2001).

Portugal's accession to the Schengen Agreements required a new legal framework for migration, particularly in terms of combating irregular immigration. Consequently, in 1993, the centre-right Social Democratic Party government enacted a new Immigration Law (Decree-Law No. 59/93 of 3 March). According to Baganha (2005), this law aimed at a policy of "zero immigration," being highly restrictive and selective concerning entry, effectively curbing migratory flows (except for family reunification purposes) and preventing irregular settlement on national territory (Baganha, 2005: p. 32).

The law required immigrant workers to enter the country with a work visa issued by Portuguese consulates, following a favourable opinion from the General Labour Inspectorate (Article 26). This visa allowed a stay of up to 90 days, extendable for a maximum of 60 days (Article 18). To obtain a residence permit, immigrants needed a residence visa (Article 19), provided that their purpose for residence was deemed viable and they had means of subsistence and adequate housing conditions (Article 28). Only in exceptional cases of recognised national interest could a residence permit be granted to those who had not entered the country with a residence visa (Article 64). The Decree-Law also reinforced the legal framework for combatting irregular immigration by introducing sanctions for carriers transporting individuals denied entry (Article 101) and criminalising immigrant smuggling (Article 93). However, this stringent legal framework did not prevent irregular immigration, as many immigrants continued to enter with short-term visas or under visa waiver arrangements and remain in the country illegally (Baganha, 2005).

The implementation of the Schengen Agreement in March 1995, which abolished border controls with other member states, allowed immigrants from Eastern European countries to enter Portugal on short-term visas issued by other states, subsequently remaining



illegally. This, combined with the demand for labour and what Góis and Marques describe as the “integration of the Portuguese market into the expansion plan of global migration industries” (Góis & Marques, 2018: p. 130), led to a structural shift in immigration patterns in the 1990s. Besides a significant increase in immigration, there was a diversification of origins, with a notable rise in immigrants from Eastern Europe and Brazil, rather than predominantly from Portuguese-speaking African countries (Malheiros & Baganha, 2001; Baganha, 2005; Góis & Marques, 2018).

As Góis and Marques (2018) note, since Portugal no longer controlled the issuance of Schengen visas by other countries, nor the entry of immigrants under visa waiver regimes, migration management policy began to be influenced by market forces. Consequently, a new pool of irregular immigrant workers emerged, prompting a second extraordinary regularisation process in 1996, regulated by Law No. 17/96 of 24 May. This process granted residence permits to approximately 30,000 immigrant workers (Sousa, 2000; Malheiros & Baganha, 2001). It was also a sign that the management of immigration from the outset, through the issuing of work visas by Portuguese consulates, was inadequate, as it did not prevent the entry of more immigrants to meet labour needs (Góis, 2022).

In this context, the Socialist Party, which came into power in 1995, implemented several changes to the immigration policy, incorporating programme objectives aimed at enhancing the social and economic integration of immigrants into its government agenda. In 1996, it established the High Commissioner for Immigration and Ethnic Minorities (Pires & Pinho, 2007), which was later succeeded by the High Commission for Migration. This institution was abolished in 2023, with its responsibilities being transferred to the newly created Agency for Integration, Migration, and Asylum (AIMA).

In 1998, a third immigration law was introduced: Decree-Law No. 244/98 of 8 August. This law continued to prioritise the regulation of migratory flows at their source (Góis, 2022), establishing a complex system of consular visas based on the purpose of the applicant’s stay (Article 27). Immigrant workers were required to obtain a work visa, valid for one year, with different categories depending on the nature of the professional activity (Articles 36 and 37). Alternatively, they could apply for a residence visa to undertake professional activities. These visas could only be granted with the approval of the Institute for Labour Development and Inspection (or, in the case of the Autonomous Regions, the relevant regional secretariat). The admission of immigrant workers was restricted to a maximum period of two years (Article 42) and was limited to job vacancies that could not be filled by EU citizens or immigrants legally residing in Portugal (Article 41). Although it was not formally a quota system, it effectively operated as one.

Overall, this law was restrictive and bureaucratic, leading to a new wave of irregular immigration, predominantly from Eastern Europe, to meet the labour demands in various sectors of the economy, such as construction and tourism (Baganha, 2005). Even the exceptional regime for the regularisation of immigrants in the national interest (Article 88) failed to curb the rise in the number of irregular migrant workers. Baganha argued that this regime made “Portugal a more attractive country for labour trafficking networks” (Baganha, 2005, p. 33). A new influx of migrants from Eastern Europe, particularly from Ukraine, Russia, and Moldova, further contributed to the increase in irregular migrant



workers. By the end of 2000, there were 41,401 pending applications for residence permits under the exceptional regime outlined in Article 88 of Decree-Law No. 244/98 at the Foreigners and Borders Service (Baganha, 2005).

In response to the potential need for another extraordinary regularisation process, Decree-Law No. 4/2001, of 10 January, significantly revised the legal framework for labour immigration. On the one hand, it introduced work visas within an annual quota system for job opportunities in specific sectors, based on a report approved by the government following consultation with the Institute for Employment and Vocational Training and after considering the views of employers' associations and trade unions (Article 36). On the other hand, it established the "stay permit," a type of residence permit that allowed irregular immigrant workers to regularise their status provided they had an employment contract, supported by information from the General Labour Inspectorate (Article 55). The stay permit was valid for one year and could be extended up to a maximum of five years (Article 55(5)). This mechanism of permanent regularisation effectively linked the control of migratory flows to the regulation of the labour market, as the administrative regularisation of immigrants was contingent upon the regulation of their employment relationship (Pires & Pinho, 2007).

Baganha argued that this regime validated "the functioning of the market a posteriori, tacitly acknowledging the complete ineffectiveness of existing regulatory mechanisms," and that the maximum validity of the stay permit implied that labour needs were seen as temporary and circumstantial (Baganha, 2005, p. 35). In Góis's view, the labour market's demand for cheap labour influenced immigration policy, shifting it from a restrictive approach to "a semi-open door based on the cyclical needs of the labour market" (Góis, 2022, p. 94).

Between 2001 and 2003, a total of 183,655 immigrants were regularised under this scheme (SEF, 2004). This included not only immigrants from Portuguese-speaking countries such as Brazil (37,920) and Angola (8,533), but also a significant number from Eastern Europe, particularly Ukraine (64,595), Moldova (12,632), Romania (10,926), and Russia (7,047).

In 2003, the newly elected centre-right government (PSD/CDS) concluded that this flexible regime for the permanent regularisation of immigrant workers had contributed to a substantial increase in irregular immigration. Consequently, the government introduced significant amendments to the 1998 Immigration Law through Decree-Law No. 34/2003 of 25 February. The main changes were as follows: First, the stay permit regime was abolished (Article 20), without prejudice to pending applications (Article 18) and the renewal of permits already granted (Article 19). New immigrants were required to obtain the appropriate visa from a Portuguese consulate. Additionally, the revised Article 36 of the 1998 Immigration Law established a system of mandatory annual quotas for the admission of immigrant workers. Finally, the right to family reunification was restricted to immigrants who had held a residence permit for at least one year (new wording of Article 56).

However, the system of compulsory quotas for the admission of immigrant workers introduced in 2003 proved to be a failure. It was highly bureaucratic and did not reflect the realities of migration. In 2004, only around 10% of the labour needs identified in the



mandatory annual quota were met through the admission of regular immigrant workers (Baganha, 2005). Consequently, labour shortages continued to be filled through irregular immigration.

Main Immigration Laws in Portugal

Year	Law
Decree-Law no. 264-B/81	Immigration Law
Decree-Law 440/86	Creation of the Foreigners and Borders Service (SEF)
Decree-Law no. 212/92	1st process of extraordinary regularisation of immigrant workers
Decree-Law no. 59/93, of 3 March	Immigration Law
Law 17/96	2nd process of extraordinary regularisation of immigrant workers
Decree-Law no. 244/98	Immigration Law
Decree-Law no. 4/2001	"Stay Permit" – permanent regularisation of immigrant workers
Decree-Law 34/2003	Immigration Law
Regulatory Decree no. 6/2004	Regularisation of immigrant workers
Law no. 23/2007, of 4 July	Immigration Law
Law 28/2019	Regularisation of irregular immigrant workers
Law 73/2021	Restructuration of the Portuguese border control system
Decree-Law 41/2023	Creation of the Agency for Integration, Migration and Asylum (AIMA)
Decree-Law 37-A/2024	Repeal the regularisation of irregular immigrant workers

Due to the inadequacies of this system, additional extraordinary regularisation processes took place in 2003. Firstly, under the Luso-Brazilian Agreement of 2003 (approved by Decree No. 40/2003 of 19 September), the residence status of approximately 30,000 Brazilian workers was regularised. Secondly, a regulatory measure (Article 71 of Regulatory Decree No. 6/2004, of 26 April) was adopted, which regularised the stay of over 50,000 immigrant workers (Baganha, 2005) whose status had been normalised with the Social Security and Tax Authorities. This further confirmed the structural shift in immigration to Portugal: it was no longer predominantly from Portuguese-speaking countries but increasingly from more distant regions with no historical ties to Portugal, including both European countries such as Ukraine, Romania, and Moldova, and non-European countries such as Pakistan and India (Baganha, 2005).

1.2. The 2007 Immigration Law: A Brief Characterisation

In 2007, Portugal adopted the current Immigration Law (Law No. 23/2007 of 4 July), which has since undergone 15 amendments, the latest introduced by Decree-Law No. 37-A/2024 of 3 June.

Until 2020, the issuance of residence visas for immigrants wishing to work in Portugal was subject to a non-binding quota of work opportunities (Article 59). However, the 2007 legislation recognised the challenges of enforcing a regulated migratory pathway from



the outset due to various factors, such as the inadequacy of the Portuguese consular network to address migratory flows, excessive bureaucracy, and the difficulty of reconciling supply and demand for labour remotely. To address these challenges, the law established a mechanism for the permanent regularisation of immigrant workers (Article 88(2)). It also extended this possibility to other categories of immigrants, such as self-employed individuals, students, family members of immigrants, or those with specific humanitarian needs (e.g., immigrant children or particularly vulnerable individuals, such as victims of labour exploitation). Additionally, the law aligned more closely with human rights principles by expanding the right to family reunification, enhancing procedural guarantees (Articles 98 et seq.), and setting legal limits on entry refusals and expulsions to protect immigrants' rights to private and family life—particularly those with minor children residing in Portugal, over whom they exercise parental responsibility, or those considered *de facto* Portuguese, having been born and lived in Portugal since before the age of 10 (Articles 36 and 135) (Sousa, 2023).

The non-binding quota system for the admission of immigrant workers failed to regulate labour immigration from the outset. Consequently, from 2020 onwards, it was successively suspended by the State Budget Laws of 2020, 2021, and 2022. In 2022, the quota system was repealed by Law No. 18/2022 of 25 August, which also introduced a work-seeking visa (Article 57-A) allowing foreigners to enter and legally reside for up to six months to seek employment. Upon securing a job, they could then obtain a residence permit. Furthermore, the so-called "expression of interest" regime (Article 88(2) of the Immigration Law), initially conceived as an exceptional mechanism, was made more flexible. It allowed for the permanent regularisation of immigrant workers who entered without the appropriate visa, or without any visa, provided they had a work contract and social security registration. Initially, this mechanism required that the immigrant had entered and remained legally in the country. However, Law No. 59/2017 of 31 July expanded this to include those who only had a job offer and had entered legally, even without a regular stay. As of 2019, the regime was extended to workers who had entered Portugal irregularly, provided their social security situation had been regularised for at least 12 months (new Article 88(6) introduced by Law No. 28/2019 of 29 March).

This flexible regularisation regime has faced criticism from those who believe it creates a "pull factor" for irregular immigration and encourages labour exploitation (Gil, 2022). Using this argument, the current centre-right government (PSD/CDS) adopted Decree-Law No. 37-A/2024 of 3 June, which abolished this regime.

It is understandable that, for those seeking better living conditions, the possibility of regularisation in Portugal is a decisive factor in their migratory project and their choice of destination. However, this regime only benefited immigrants already integrated into the labour market, preventing them from remaining in an irregular and vulnerable situation. It was also a humane and fair approach, as a state that accepts social security contributions from an immigrant cannot keep them in a clandestine status, which only exacerbates their vulnerability to exploitation. The abolition of this permanent regularisation mechanism will not halt immigration; it will only make it irregular. This is especially worrying given Portugal's structural labour shortages across various sectors, both skilled and unskilled, which are heavily reliant on immigrant workers.



It was in the context of a Portugal open to immigration that the Socialist Party, which governed from 2015 to 2024, promoted the dissolution of the Foreigners and Borders Service (SEF). Its responsibilities for immigrant documentation and asylum were transferred to a purely administrative agency, AIMA, which also assumed responsibilities in the field of integration. To fully understand the scale of this institutional reform in Portuguese immigration policy, it is essential to first comprehend what SEF was, as will be explored in the following section.

2. The Foreigners and Borders Service (SEF): A Unique Border, Immigration and Asylum Police Force

2.1. Immigration Management Before SEF

The precursor to SEF can be traced back to the political police of the dictatorship that ruled Portugal from 1933 until the Revolution of 25 April 1974, which established democracy and the rule of law. During Salazar's dictatorship, the primary concern was not immigration but emigration. The regime focused on controlling the emigration of Portuguese citizens, fearing the loss of young men needed for the colonial wars and the potential for organised opposition movements abroad (Galvanese, 2020). The State Surveillance and Defence Police, established by Decree-Law No. 22.992 of 29 August 1933, was tasked with preventing and repressing crimes of a political and social nature (Article 3), as well as controlling borders, detaining Portuguese citizens attempting to emigrate without proper documentation, preventing the entry of undocumented or undesirable foreigners, and maintaining records of foreign nationals (Article 4). In 1945, it was replaced by the International and State Defence Police (PIDE), under the Ministry of the Interior (Decree-Law No. 35.046 of 22 October 1945), which maintained its role in controlling emigration, border security, and the residence of foreign nationals.

In 1969, the General Directorate of Security (DGS) succeeded PIDE, maintaining its status as a political police force with authority over emigration, immigration, and border control (Article 3 of Decree-Law No. 49.401 of 24 November 1969, and Article 13 of Decree-Law No. 368/72 of 30 September). This included overseeing the entry, stay, and activities of foreigners in Portugal, issuing opinions on visa applications, granting residence permits, supervising the employment of irregular immigrants, and controlling land, sea, and air borders by its Foreigners and Borders Service Directorate (Article 43 of Decree-Law No. 368/72 of 30 September).

Following the 1974 Revolution, the DGS was abolished (Decree-Law No. 171/74 of 25 April), and its immigration and border control functions were temporarily transferred to the Judicial Police and the Tax Guard, respectively. In May 1974, Decree-Law No. 215/74 of 22 May granted the Public Security Police (PSP) powers over immigration matters, including overseeing the entry and stay of foreigners, issuing opinions on visas, granting residence permits, and supervising the employment of immigrant workers (Article 1). Border control, including the authority to refuse entry to undocumented, suspicious, or undesirable foreigners, was assigned to the Fiscal Guard (Article 2 of Decree-Law No. 215/74 of 22 May). Later that year, the Foreigners Service Directorate was established



within the PSP (Decree-Law No. 651/74 of 22 November). In 1976, this department was separated from the PSP and placed under the direct authority of the Minister of Internal Affairs (Decree-Law No. 494-A/76 of 23 June 1976), leading to the creation of the Foreigners Service, the direct predecessor of SEF, tasked with overseeing the entry, stay, and activities of foreigners in Portugal, granting residence permits, and issuing opinions on consular visas.

2.2. The Foreigners and Borders Service (SEF)

Established in 1986 under the supervision of the Minister of Home Affairs (Decree-Law No. 440/86 of 31 December), the Foreigners and Borders Service (SEF) was a specialised police force responsible for implementing immigration policy. Its duties included documenting immigrants (granting residence permits and work visas), processing asylum applications, deporting foreigners, and controlling air, sea, and land borders.

SEF was both a security service and a criminal investigation body, amassing a significant range of competencies that, in many countries, are typically distributed among multiple agencies. According to Article 2 of its Organic Law (Decree-Law No. 252/2000 of 16 October, as last amended by Decree-Law No. 240/2012 of 6 November), SEF's main competencies were:

- Border Control: Conducting document checks at border posts and refusing entry to foreigners who did not meet legal entry requirements.
- Immigration Administration: Issuing opinions on consular visa applications, granting and renewing residence permits, and providing opinions on naturalisation applications.
- Immigration Policing: Imposing fines for breaches of immigration law, overseeing expulsion or readmission procedures for irregular immigrants, and investigating crimes under immigration law (e.g., smuggling of irregular migrants, recruitment of irregular workers, marriages of convenience, and human trafficking).
- Asylum Administration: Assessing the admissibility of asylum applications and examining asylum cases.
- Management of Schengen and Visa Information Systems: Managing the national sections of the Schengen Information System – SIS (although only alerts on foreigners for the purposes of non-admission or return fall within its remit) and the Visa Information System -VIS (although this primarily serves not SEF but the consulates).

In addition to these administrative and policing responsibilities, SEF was also tasked with issuing passports to Portuguese citizens—a function typically associated with civil registry services under the Ministry of Justice.

The concentration of administrative functions for documenting immigrants and processing asylum applications (which are inherently different from immigration in political and legal terms), border control, and criminal investigation of immigration-related offences, resulted in the practical application of immigration and asylum legislation being influenced by a security-centric approach.



The bureaucratic and security-oriented way in which SEF managed an immigration policy that was supposed to be open and humanist and the high level of dissatisfaction among immigrants, who experienced a series of difficulties and delays in their documentation, led to a process of de-securitisation, culminating in the decision to dismantle SEF and remove immigration and asylum management from the realm of internal security.

3. The Dissolution of SEF and the Creation of the Agency for Integration, Migration and Asylum (AIMA): Corollary of a humanist immigration policy that does not see immigration as a police matter

In 2019, the Socialist Party included in its electoral programme a commitment to establish more flexible immigration regimes, including the creation of a mobility framework for citizens of the Community of Portuguese-Speaking Countries (CPLP). The party also advocated for a change in the way public administration interacted with immigrants, emphasising that “those who immigrate or wish to immigrate cannot be seen a priori as suspects... they must be seen as individuals seeking better life opportunities and who can make a valuable contribution to demographic sustainability and economic development” (Partido Socialista, 2019, p. 144).

This vision was driven by widespread dissatisfaction with the uncoordinated, bureaucratic, and excessively slow way SEF processed residence permit applications. Thousands of immigrants faced prolonged delays, which often resulted in significant hardships, such as the denial of the right to family reunification, restrictions on social and economic rights, and limited mobility. Immigrants risked being denied re-entry or subjected to repatriation decisions if they left the country without proper documentation.

In this context, the Socialist Party called for a humanist and less bureaucratic approach to immigration by public services, advocating for a clear organisational separation “between police functions and the administrative functions of authorising and documenting immigrants” (Partido Socialista, 2019, p. 145). While this did not necessarily imply the dissolution of SEF, it suggested a thorough reform of the service, particularly given that the party’s electoral programme included plans to expand its network of mediators to support foreign citizens.

However, it was the case of Ihor Homeniuk that catalysed the decision to abolish SEF. On 10 March 2020, Ihor Homeniuk, a Ukrainian citizen, was denied entry at Lisbon Airport because he lacked a residence permit or visa allowing him to work. Detained at the Temporary Detention Centre at the airport, he died on 12 March after being assaulted by SEF inspectors who were later convicted. This incident, which became public on 29 March 2020, shocked the nation and provoked strong reactions from the state and civil society. In response, the government reformed the Temporary Detention Centres at airports, compensated Homeniuk’s widow, and signed a protocol with the Portuguese Bar Association to guarantee free legal assistance to all foreigners denied entry. The most significant consequence, however, was the adoption of Law No. 73/2021 of 12 November, which restructured Portugal’s border control system. This law mandated the dissolution of SEF and the transfer of its police and border control responsibilities to other law enforcement agencies, with its administrative functions being assigned to a new agency



dedicated to the administrative management of immigration and asylum. Despite the complexity of the reform, an initial implementation deadline of 60 days was set, later postponed twice, finally coming into effect on 29 October 2023 with the creation of the Agency for Integration, Migration, and Asylum (AIMA) by the Decree-Law No. 41/2023.

AIMA assumed SEF's administrative responsibilities in the areas of immigration and asylum, which include issuing opinions on visa applications, granting and renewing residence permits, managing international protection requests, and making decisions on returns, among others. Additionally, AIMA inherited the responsibilities of the High Commission for Migration (ACM) related to the reception and integration of migrants, combating racism and discrimination, integrating ethnic groups (particularly the Roma community, despite their predominantly Portuguese nationality), and promoting intercultural and inter-religious dialogue—issues relevant to both Portuguese and foreign citizens.

SEF's authority over air border control was transferred to the Public Security Police (PSP), which also manages airport security, while control over land and sea borders was handed to the National Republican Guard (GNR), a military security force already responsible for maritime border surveillance. These security forces are now also responsible for enforcing return decisions for irregular immigration (as mandated by AIMA), executing judicial expulsion orders, and managing detention centres for irregular immigrants awaiting repatriation. Competence in investigating migration-related crimes, including human trafficking, was concentrated within the Judicial Police.

The responsibility for issuing passports to Portuguese citizens, previously handled by SEF, was transferred to the Institute of Registries and Notaries, which logically should have been responsible for this function, as the issuance of passports is more appropriately managed by civil registry services rather than an immigration service. It also began to receive applications for renewal of residence permits.

Within the Internal Security System, a new Borders and Foreigners Coordination Unit was established (Article 34 of Decree-Law No. 41/2023). This unit assumed SEF's responsibilities for security checks on foreign nationals (issuing opinions prior to the granting of visas and residence permits) and managing information systems used in border control, such as the Schengen Information System (SIS), the European Travel Information and Authorisation System (ETIAS), the Visa Information System (VIS), the Entry/Exit System (SES), and the Advanced Passenger Information System (APIS).

Overall, the reform, which came into effect on 29 October 2023, has been met with strong opposition from all right-wing parties (PSD, CDS-PP), the far-right (Chega), and even the Portuguese Communist Party. While the Communist Party supported the creation of a new administrative service for immigration and asylum functions, it opposed the abolition of SEF as a specialised police force for border control.

Some academic and civil society voices have also criticised the reform. The Observatory on Immigration, Borders, and Asylum (Instituto Superior de Ciências Sociais e Políticas, University of Lisbon) expressed a very negative view, arguing that the reform "contradicts the approach adopted by the European Union, characterised by a comprehensive vision of migration associated with integrated management." This



position draws an analogy with the European Commission's Directorate General for Migration and Home Affairs, although the comparison is misplaced, as DG-HOME has no role in implementing immigration, asylum, or border control laws. Gil (2024) also criticised SEF's abolition, arguing that "the existence of a specialised police force for immigration control" is beneficial. The Portuguese Bar Association similarly opposed the abolition of SEF, highlighting its value as a specialised immigration and border control police force.

In my view, this reform was inevitable in the context of a humanist immigration policy. Concentrating immigration and asylum policy implementation, as well as border control, within a specialised police force, resulted in the entire area being unduly influenced by security concerns—contrary to the fundamental principle that immigration policy should not view immigrants as a threat, but as human beings seeking to pursue a life project in our country. As Pires (2020) argues, this concentration of functions was toxic because it reinforced the perception that immigration is a security issue when it is not and should not be. Additionally, it institutionalised the view that immigration is a threat, which fosters xenophobia. Therefore, administrative tasks related to immigration and asylum should be entrusted to a public administrative service, not a police force. Immigration is a complex but inevitable and profoundly human phenomenon.

In the early days of AIMA's operation, the agency has faced challenges, particularly due to the 400,000 pending regularisation cases inherited from SEF, without the capacity to provide a prompt response. This has led to an increase in complaints from immigrants who continue to experience delays in regularisation or residence permit renewal processes, leaving them in a precarious legal situation. We can only hope that the government will provide AIMA with the necessary human and technological resources to improve its service, as the documentation of immigrants is a fundamental prerequisite for their integration into host society.

So far, the new centre-right government has not been influenced by the far-right Chega party, which seeks to reverse this reform and restore SEF. However, by abolishing the permanent regularisation regime for immigrant workers and signalling its intention to only admit immigrants who secure a consular residence visa with a pre-existing work contract, the government has adopted a restrictive immigration policy. Considering Portugal's ageing population and the fact that critical sectors of its economy, such as tourism and agriculture, heavily rely on immigrant labour, this measure will likely fail to stop migratory flows as intended. Instead, it will likely lead to more irregular migration, inconsistent with the humanist values that have guided Portugal's immigration policy in recent years.

Conclusions

The abolition of the Immigration and Borders Service (Serviço de Estrangeiros e Fronteiras) and the creation of a new, purely administrative entity (the Agency for Integration, Migration, and Asylum – AIMA) to manage immigration, asylum, integration, and intercultural dialogue represent a milestone in Portugal's migration policy, which has been characterised by a humanist openness to international migration.



This reform, promoted by the Socialist Party, which governed Portugal between November 2015 and April 2024, reflects its humanist perspective on migration, emphasising the regularisation and integration of immigrants. The permanent regularisation scheme for immigrant workers, in place until 4 June 2024, exemplifies this policy, encouraging regular immigration and the integration of those seeking new opportunities in Portugal.

The establishment of AIMA, a non-police administrative agency outside the internal security system, is the culmination of this humanist policy and a process of de-securitisation of migration. It signifies a fundamental shift in the state's approach to immigrants, viewing them not as security threats but as individuals seeking better living conditions in Portugal. In short, it marks a policy that sees immigration not as a security issue but as a positive factor for the country's development.

We can only hope that the current government, formed by the centre-right PSD and CDS parties, which opposed this reform, will not reverse it. The repeal of the permanent regularisation scheme for immigrant workers is a worrying sign of a shift towards a more restrictive, security-focused immigration policy. Such a policy is unlikely to control migratory flows effectively and will likely increase irregular migration, placing immigrants in vulnerable situations and hindering their integration. However, the government's announcement of additional investment in AIMA to enhance its human and technological resources, enabling it to respond more effectively to the thousands of pending regularisation cases, is a positive step. We must wait and see.

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