



Immigrant workers, Portuguese workers a common struggle!

There is a growing number of workers from several countries – namely from Africa, Brazil and more recently from Eastern Europe, whose labour is being used throughout the country and in several activity sectors. In spite of holding jobs, there are thousands of workers who cannot fulfil the legal requirements to obtain a “stay permit”.

There are thousands of immigrant workers living underground. Their clandestine situation and other forms of precariousness leave them at the mercy of unscrupulous agents and bosses, who deny them the most basic rights. They are deprived of fundamental rights such as having a work contract, do not enjoy minimum safety nor the right to social security, education or housing.

Government is conniving with this situation, as it only persecutes those immigrants in an irregular situation without punishing the companies that exploit them. However, the work of these immigrants is necessary. The State needed this labour force to develop great public works such as Expo/98, the Vasco da Gama Bridge, among others. It also needs them for other ongoing developments. Immigrant workers are being used in the private sector in areas like construction, hotels and agriculture.

The immigrant workers are used as part of a wage-restraint strategy, with a high precariousness and exploitation of all workers.

The situation under which most immigrants live and work shows the increasing social inequality and injustice suffered by most workers, foreign and national. The struggle for jobs with rights, better wages and working conditions is a common struggle that concerns and should unite all.

New law on foreigners. A precarious solution!

With the enforcement of law 4/2001 which regulates the conditions of entry, stay, exit and dismissal of foreigners from the country, there has been a strong flow of workers to the Immigration and Border Office (Serviço de Estrangeiros e Fronteiras - SEF), justly aiming to find a solution, although temporary, to the illegal situation they are in. This temporary permit only gives them the right to work and does not guarantee any other rights associated with the other foreigners who hold a “residence permit”. At the end of their labour contract, these workers “will have to leave the country” or continue underground.

The obligation of holding a labour contract has created a double exploitation of immigrant workers in an illegal situation by the networks of illegal labour, those who carry out a new and flourishing business of “a sale of labour contracts”; of bosses who make them pay one or two salaries for the contract or dismiss them when they demand one.

Law 4/2001 establishes that immigrant workers in an illegal situation can apply for a “stay permit” if holding a work proposal or labour contract. This “stay permit” is granted for a period of one year, renewed for equal periods, not exceeding five. These applications can be made at the central offices or regional branches of the Immigration and Border Office.

This way, a new category of immigrants is created. Workers who obtain the «stay permit» are not granted the same rights awarded to the immigrants who hold a “residence permit”. This law does not put an end to illegal labour. This law continues to give excessive power of administrative decision to the Immigration and Border Office (SEF).

This law leaves out family regroupings (only one visit visa is allowed to relatives, without the right to work) and self-employed immigrants. There is not possibility of judicial appeal, with timely effect, in case of a “stay permit” being refused.

The Portuguese Communist Party exposed in Parliament the number of hours and sometimes days immigrant workers have to spend in those offices to sort out any business. **The Portuguese Communist Party demanded that the government** takes steps to open up new SEF offices. **The Portuguese Communist Party considers** that, although this 4/2001 law is a temporary solution, those immigrants who can use it, should do so.

It is essential that immigrant workers take the initiative of joining the Unions affiliated to CGTP-IN. Unions can intervene and urge the General Labour Inspection (Inspeção Geral de Trabalho), in cases of refusal of formalization of contract by the employer, as well as ensure a correct enforcement of labour contracts to those workers who are entitled to them.



The PCP - Portuguese Communist Party defends the immigrant’s rights,

The PCP will continue to strive for a law of entry, stay, exit and dismissal of foreigners from the country that safeguards:

- The granting of a residence permit to those foreign citizens who live and work in Portugal;
- The limitation of SEF’s discretionary powers. In particular on matters concerning foreign citizens’ expulsion, strengthening the guarantees as to the possibility of appealing judicially, with timely effect, on administrative decisions affecting their rights;
- The adoption of a more open and less police-like regime for obtaining work visas;
- The fight against the illegal exploitation of foreign workers, by defining a regime of dissuasive sanctions;
- The extension and effective guarantee of family regrouping.

These and other proposals were dismissed in Parliament by the Socialist Party.

Portugal’s double condition as a country of emigration and immigration justifies a policy of welcome and integration of immigrants in the Portuguese society based upon the respect for their civic, social and cultural rights, support for their harmonious integration, valorisation of their contribution to the country’s development.

This has not been the main characteristic of the policy adopted by the present government on immigrants and on foreigners in general: deepening repressive and discriminatory actions and initiatives, which negatively affect the immigrants’ everyday life; penalising those who come to Portugal in search of a better life, but in practice leaving them unarmed in relation to big business, that feed on the networks of illegal immigration and underground labour.

The full social integration of foreign citizens who work and live in Portugal is an indeclinable duty of the Portuguese State, and the only way to put an end to the infamous exploitation of these workers, to respect their most elementary rights and fight any racist or xenophobic displays.

It is indispensable to adopt non-discrimination policies that guarantee the rights of immigrants, on equal terms with other citizens, namely their right to education, social security, culture, sport and housing, based upon the concept of citizenship which privileges the exercise of rights.

It is necessary to guarantee an education policy based upon a multicultural concept of the Portuguese society, with a positive policy in relation to family and school at all levels, fighting racism and xenophobia and valorising the different cultural identities, respecting differences and promoting an effective inter-cultural dialogue.