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REPORT ON POLITICAL PARTICIPATION OF MOBILE EU CITIZENS: PORTUGAL

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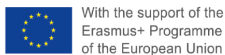
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Report on Political Participation of Mobile EU Citizens

Portugal

*Catarina Reis Oliveira**

*Isabel Estrada Carvalhais***

Abstract:

Portugal is an old emigration country with a recent immigration profile, a fact that impacts on its options about political organization and concession of political rights. Non-resident Portuguese citizens have the right to vote and to stand as candidates in national and European Parliament (EP) elections, while non-citizen residents from the EU have the right to vote and to stand as candidates in local and EP elections. However, electoral registration is not automatic for non-citizen residents which is a challenge to their political participation. Until 2018, non-resident citizens faced the same obstacle but the reform of the electoral law now makes registration automatic. Still, several difficulties remain, such as the lack of campaigns targeting specifically the political rights of non-citizen residents, particularly EU citizens.

Resumo:

Portugal é um velho país de emigração com um perfil de imigração recente, facto que influencia as suas opções sobre a organização política e a concessão de direitos políticos. Os portugueses não residentes têm o direito de votar e de se candidatar nas eleições nacionais e para o Parlamento Europeu (PE), enquanto os cidadãos não-cidadãos da UE têm o direito de votar e de ser candidatos nas eleições locais e para o PE. No entanto, o registo eleitoral não é automático para os residentes não-nacionais, o que dificulta a sua participação política. Até 2018, os cidadãos nacionais não-residentes enfrentavam o mesmo obstáculo, mas a reforma da lei eleitoral torna agora o registo automático. Ainda assim, persistem várias dificuldades, como a falta de campanhas visando especificamente os direitos políticos dos residentes não-nacionais, em particular os cidadãos da UE.

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1. Introduction

Portugal is an experienced emigration country with a recent country of immigration profile, which explains why for every 1 non-citizen resident in Portugal there are 5 non-resident Portuguese citizens abroad. Such migratory experience has a direct influence on Portugal's options on citizenship policy, political organization and concession of political rights (Oliveira and Carvalhais, 2017).

Non-resident Portuguese citizens have the right to vote and to stand as candidates in national and European Parliament (EP) elections (see Table 1). National citizens abroad can cast their votes in person at diplomatic missions and designated places. Electoral registration was not automatic until August 2018.

Non-citizen residents from the EU have the right to vote and to stand as candidates in both local and EP elections. The voter registration is not automatic, but once the registration is done it is automatically renewed for subsequent elections.

Table 1. Conditions for electoral rights of non-resident citizens and non-citizen residents in Portugal

Type of voter	Election type	Right Voting	Right Candidacy	Automatic registration	Remote voting
Non-resident citizens	National Legislative	YES	YES	YES	YES ¹
Non-resident citizens	European Parliament	YES	YES	YES	YES ²
Non-citizen residents	Local Legislative	YES ³	YES	NO ⁴	N/A
Non-citizen residents	Local Mayoral	N/A	N/A	N/A	N/A
Non-citizen residents	European Parliament	YES	YES	NO ⁵	N/A

Source: Originally based on the data provided by GLOBALCIT CER 2017 and updated by the authors.

Legend: N/A (not applicable).

¹ Personal voting prior to elections at diplomatic missions and designated institutions.

² Personal voting 10-12 days prior to elections at diplomatic missions and designated institutions.

³ The following categories have electoral rights: EU citizens residing in the municipality where the election is held; Brazilian citizens who have resided in Portugal for at least three years; Cape-Verde citizens who have resided in Portugal for at least four years; citizens of Argentina, Chile, Iceland, Norway, Peru, Uruguay and Venezuela, who have resided in Portugal for at least five years (on the basis of reciprocity agreements between Portugal and aforementioned countries).

⁴ Active registration for all other nationalities, including EU citizens. However there is automatic registration for Brazilian citizens, who enjoy the status of Equality of Political Rights.

⁵ One-off active registration automatically renewed for subsequent elections, as long as the voter does not change his/her address of residence.

1.1. Demographic Characteristics of Non-citizen Residents and Non-resident Citizens

From a negative net migration extending back for decades, Portugal shifted into an immigration country by the end of the 20th century. Although the inflows to Portugal became more prominent than the country's net migration in the past decades, the outflows of Portuguese to the world continued. After 2009, due to the fragile economic and financial situation of Portugal and the growth of unemployment in the economic sectors where immigrants were mainly incorporated, non-citizen residents in Portugal (mainly Third-country nationals - TCN) started to decrease, and the country returned to a negative net migration between 2011 and 2016 (Oliveira and Gomes, 2018). Negative net migration has also been explained by the upsurge of the Portuguese outflows in the past years. This has impacted on the number of Portuguese citizens with residence abroad registered to vote, which has increased. In contrast, the decrease of inflows in the same period impacted on the number of non-citizen residents in Portugal that are registered to vote.

Non-citizen residents

In the 1970s and 1980s, immigration flows were mainly unqualified and originated in African Portuguese-speaking countries (PALOP), with which Portugal had historical and cultural links anchored in the previous colonial experience. The immigration cycle began to diversify after the mid-1980s, as Portugal increased its demand for labour, and simultaneously became a more attractive destination due to its entrance into the EU. Accordingly, Portugal's immigrant population, though still dominated by TCNs, began also to include immigrants arriving from Western Europe, particularly from the EU. At the end of the 1990s significant new immigration flows occurred (mainly from Eastern Europe), doubling Portugal's immigrant population within a few years and further diversifying the nationalities, the education and the professional profile of immigrants (Oliveira and Gomes, 2014).

After 2010, due to the economic and financial crisis, the stock of foreign residents in Portugal decreased. This decrease resulted from the decline of the labour market opportunities (Oliveira and Gomes, 2014: 46) and the increase of the acquisition of Portuguese nationality by foreign residents⁶. The stock of foreign population only started to increase again since 2016.

In 2017, the total non-citizen residents in Portugal represented 4.1% of the total resident population (421,711 individuals: 205,874 male and 215,837 female), and EU-citizen residents represented 1.3%. Although it increased with regard to 2016 (397,731 individuals), this total of 2017 is still far from that of 2009 (451,742 individuals).

In the top 10 most represented nationalities among the non-citizen residents in Portugal, are the Brazilian (representing more than 20% of the total foreign population in Portugal), the Cape Verdean (9% in 2016 and 8% in 2017) and the Ukrainians (9% in 2016 and 8% in 2017) (Oliveira and Gomes, 2018: 73).

The relative importance of EU citizens in Portugal has increased in the past decade: their share in the total of non-citizen residents has increased from 19.2% in 2008 to 32.5% in

⁶ Between 2007 and 2016, more than 400 thousand persons become 'new' Portuguese citizens, of whom about 90% resided in Portugal (Oliveira et al., 2017: 39).

2017.⁷ Also in absolute numbers the EU citizens grew from 84,727 residents in 2008 to 136,886 in 2017.

Among the EU citizens residing in Portugal, the most represented nationalities are from Romania (30,750 residents, representing 22.5% of the total EU citizen residents in Portugal), United Kingdom (22,431 residents), France (15,319), Italy (12,925) and Spain (12,526). Compared to 2016, in 2017 Italians (+51,6%), French (+35,7%) and British (+15,7%) were the EU citizen residents that increased the most in Portugal.⁸

In contrast with TCN residents in Portugal (with overrepresentation of females), men are overrepresented among EU citizens. Again, contrasting with TCN residing in Portugal (who tend to be highly concentrated in younger age groups), EU citizen residents have an older age composition, reflecting the different profile of inflow that Portugal has been receiving in the past decade (inflows of EU retired citizens). Among the EU citizen residents in Portugal, Romanians citizens have a younger age composition (72.2% of residents with ages between 20 and 49 years old); in contrast citizens from United Kingdom have a higher concentration in older age groups (38.8% of residents are over 65 years old) (see Figure 1 in Annex 1).

The EU citizen residents in Portugal that are employed are overrepresented in professional activities, reflecting higher qualifications and resulting in higher incomes when compared to TCN residents and (even) to Portuguese resident citizens (Oliveira and Gomes, 2018) (see table A in Annex 1). In the last years, there has also been an increase of university students from EU countries in Portugal: in the school year of 2016/2017, 34.5% of the total foreign university students in Portugal were EU citizens (Oliveira and Gomes, 2018: 122).

Non-resident citizens

Portugal has a long tradition as an emigrant country. In the past years, due to the economic crisis, the outflows from Portugal increased, reaching their highest number in 2013 when 53,786 citizens left the country

According to the United Nations database, in 2015, there were around 2,306,321 Portuguese emigrants worldwide. The most common continent of destination for Portuguese emigrants is Europe. In 2015, 62.2% of the total citizens born in Portugal living abroad were residing in Europe (corresponding to an estimated stock of 1,433,482 citizens – see Table B in Annex 1). In Europe, the main destination countries of Portuguese emigrants are France (615,573 residents born in Portugal), Switzerland (216,378), United Kingdom (131,000), Germany (112,430), Spain (100,000) and Luxembourg (60,897).

The second most common continent is America, where 33.6% of the Portuguese emigrants resided in 2015, equivalent to circa 775,000 citizens (in 1990, the percentage was 44.2%, corresponding to 911,000 emigrants). In North America, Canada and the United States of America are relevant destinations: in 2016 around 143,160 and 148,208 citizens born in Portugal were living in those two countries. Furthermore, Brazil and Venezuela are still important destinations for Portuguese emigrants: in 2016 there was an estimated 137,973 citizens born in Portugal living in Brazil and 37,326 living in Venezuela.

According to OECD data, the Portuguese emigrant population is gender balanced (men represent 51% and women 49%) and is in an process of becoming progressively older⁹,

⁷ Source: Serviço de Estrangeiros e Fronteiras.

⁸ Source: Serviço de Estrangeiros e Fronteiras, SEF (see <https://sefstat.sef.pt/forms/relatorios.aspx>)

⁹ In the past decade, citizens with more than 65 years old increased from 9% in 2000/01 to 17% in 2010/11

reflecting mainly flows of individuals with more than 10 years of stay (81%) (see Table C in annex 1). The majority of citizens born in Portugal living in OECD countries are low-educated (89% in 2010/11) and are concentrated in low-skilled occupations (ISCO 4/5/6/7/8 with 58% - see Table C in annex 1). In the past decade, however, there has been a noticeable increase of emigrants with less than five years of stay in host countries (from 7% in 2000 to 11% in 2010) and who are more educated (the rate of highly educated emigrants increased from 6% in 2000 to 11% in 2010).¹⁰

1.2. Summary of the Electoral Rights of Non-citizen Residents and Non-resident Citizens

In general terms, taking 2015 as a reference, and according to the voting rights indicators (VOTLAW¹¹) developed by the EUDO Citizenship, 13 of the 28 EU countries still did not grant any electoral rights to TCNs (Germany, Austria, Bulgaria, Cyprus, Croatia, France, Greece, Italy, Latvia, Malta, Poland, the Czech Republic, and Romania score zero).¹² The remaining countries of the EU had varying results in this index in accordance to a series of indicators: if electoral rights are granted to only one foreign nationality, to a few or to all resident nationalities; if granting electoral rights requires that the non-national resident has legal residence of a certain length of time before accessing such rights; and if access to electoral rights is automatic, voluntary or condition the registration. The maximum value recorded in this index in relation to TCNs for the EU28 in 2015 was 0.97, registered in Denmark, Finland and Sweden. Still in this group of countries with higher values in the index, there were Ireland (0.95), the Netherlands (0.90), Luxembourg (0.85), Belgium (0.85), Lithuania (0.85), and Estonia (0.85). Portugal with 0.56 is slightly above the theoretical mean of the scale and also the mean of the observed distribution, reflecting that the right to vote in local elections by non-EU residents is limited to a restricted number of nationalities, and is not an automatic process, but is dependent on the voluntary registration of foreign residents (Oliveira, 2017: 3)¹³.

The VOTLAW index, measuring electoral inclusion, result in an aggregated score of several indicators that varies between 0 and 1. The index captures both the eligibility restrictions (based on the length and status of residence or limiting the right to vote to citizens of specific countries) and the access restrictions (based on electoral registration procedures).¹⁴ Regarding eligibility restrictions for TCNs in local elections, Portugal scores 0.67 in the indicator related to the concession of electoral rights, because it restricts those rights to certain TCN nationalities (and not all non-national residents), based on cultural and

¹⁰ OECD based on Census data of 1 OECD countries (prepared by Observatório da Emigração).

¹¹ The VOTLAW indicators measure the degree of inclusion of electoral provisions regulating the voting rights of residents in a state where an election is held, comparing both citizens of the state and foreign residents there. For the EU, it further distinguishes between residents who are citizens of another EU Member State and those who are citizens of a third country (TCNs). Further at <http://ind.eudo-citizenship.eu/acit/topic/votlawcitres> and in Schmid, Arrighi e Bauböck (2017: 26-30).

¹² The exclusion of non-national residents from political rights is sustained by relevant instruments of International Law, such as the Convention on Civil and Political Rights (Article 25) or the European Convention on Human Rights (Article 16) which recognizes the right of national governments to use their discretionary powers to raise legal restrictions to the rights and political activities of those individuals.

¹³ Available at

<https://www.om.acm.gov.pt/documents/58428/418987/Boletim+Estat%C3%ADstico+OM+%23+2+-+Recenseamento+Eleitoral+Estrangeiros+-+certo.pdf/11cceb3f-1b2f-4389-ab30-c1efee4d6c93>

¹⁴ For further see [ELECLAW explanatory note](#)

linguistic affinities with certain countries or based on reciprocity interests in relation to emigrants destinations. Portugal scores 0.58¹⁵ in the indicator that measures the number of years of residence required for those non-national residents to become eligible to vote (3 to 5). Finally, in relation to access restrictions, Portugal scores 0.50 because non-national residents have to actively register to vote, while it is automatic for nationals. This index further identifies that among non-national residents in Portugal, EU citizens have more favourable electoral inclusion than TCNs, with a score of 0.95 (above the 0.56 scored by the country in relation to TCNs).

Another index that assesses the Portuguese framework of electoral rights for non-citizen residents is the MIPEX (*Migrant Integration Policy Index*). Among the 38 countries analysed, and regarding the indicators of political participation of immigrants (including electoral rights, political liberties, consultative bodies and implementation policies), Portugal ranks as number four, with 74 points (after Norway, Luxembourg and Finland). Focusing only on electoral rights, Portugal is evaluated as halfway in the MIPEX indicators mainly because it limits the non-EU voting rights to reciprocity, and only a constitutional reform could open conditions reserved so far to certain nationalities.¹⁶

Regarding non-resident citizens, the prevailing political understanding is that the exercise of political rights must imply a certain level of commitment to and knowledge of the local reality, as this is necessary for active participation in the making of relevant decisions for local life. Therefore, local electoral rights are not granted to diaspora citizens (Rodrigues, Freire, Carvalhais et al., 2013: 191-193).

Non-citizen residents

In Portugal, national citizenship is not an exclusive precondition for political rights. Non-citizens residents enjoy the right to vote and stand for office under certain conditions (Oliveira and Carvalhais, 2017). According to the Portuguese Constitution (article 15.1), non-citizens and stateless persons residing in Portugal enjoy the same rights and are subject to the same duties as Portuguese citizens. However, article 15.2 underlines that political rights, the exercise of public office that is not not predominantly technical, as well as the rights exclusively reserved to Portuguese citizens are exempt from the provisions of the previous article. In the following articles the Constitution sets the *principle of reciprocity* as the rule under which the terms of access to such rights are defined. Therefore non-citizen residents may access both passive and active rights at the local level, under reciprocity agreements with their home countries that also provide equal rights to Portuguese emigrants residing there.

The principle of reciprocity underlined in the Portuguese Constitution highlights how the migratory experience of the country has influenced the concession of political rights, “considering that it has been fostered as a political and diplomatic tool to enhance the rights of the Portuguese Diaspora” (Oliveira and Carvalhais, 2017: 7-8). Under a reciprocal basis, the conditions set by the Electoral Law of Local Organs (Organic Law no 1/2001 of August 14, article 2, paragraph 1) for national citizens of 18 years or more to access local passive and active electoral rights are the same for EU citizens resident in the country (Oliveira, 2017: 62).

¹⁵ In 2015, this indicator for EU28 varies between 0 (to countries that required 9 or more years of residence to non-national residents) and 0.88 (to countries that concede the right to vote after 1 or 2 years of residence).

¹⁶ For further details see <http://www.mipex.eu/portugal>

EU citizens residing in Portugal may also access the right to elect and be elected to the European Parliament (EP) through a formal declaration that they will not vote for that body in the country of their nationality. If no statement is done, then they may exercise such rights in their home country, while keeping the local political rights in Portugal.

Although subject to the principle of reciprocity, as consented to through European and international Law, it becomes clear that EU citizens benefit from positive discrimination when compared to TCNs regarding the access to local political rights.¹⁷

- First, to make their electoral registration, EU citizens only need a valid document of identification, whilst the law requires other non-national residents to present a valid certificate of legal residence in Portugal.
- Secondly, EU citizens resident in the country are not subjected to temporal restrictions, while TCNs face restrictions that apply positive discrimination rules. Thus, non-national residents from Portuguese-speaking countries may enjoy active (voting) political rights at the local level if they have been legal residents for more than two years. Other TCNs must reside for at least three years to access such rights.
- Third, the local political rights of EU citizens comprise both passive and active rights, while TCNs often face more restricted reciprocity conditions that usually only cover voting rights, not the right to eligibility for candidacy. In the cases where agreements may contemplate the right to candidacy, there is also discrimination between TCNs from Portuguese-speaking countries (who may be eligible after four years of legal residence in Portugal) and other TCNs who must have had five years of legal residence.

It is relevant to note that the effective use of political rights requires electoral registration, which is not automatic for non-citizen residents.¹⁸ The individuals have to register at the local Census Commission (Comissão Recenseadora) in their area of legal residence.

Non-resident citizens

According to article 14 of the Portuguese Constitution, Portuguese citizens residing abroad enjoy the protection of the Portuguese State in fulfilling all their rights and are subjected to all the duties that are not incompatible with their physical absence from the country. However, emigrants enjoy limited political participation as they do not have electoral rights at the local level, and their participation in referenda is limited to the national level. With the Democratic Constitution of 1976, Portuguese emigrants have been granted the right to vote in legislative elections. Later, with Portugal's entry into the European Economic Community (EEC), Portuguese citizens also gained access to the EP elections. At first, only emigrants living in another Member State could exercise such rights, but this was ultimately extended in 2005 to all Portuguese citizens residing abroad (allowing the vote in EP elections to around 900,000 Portuguese emigrants residing in other continents). As for access to the presidential elections, this was granted in 1997, after a constitutional revision.

¹⁷ Presently, the list of non-citizen residents with some kind of access to political rights at the local level, and according to the latest declaration (Declaration 30/17 of 3rd May) that preceded the local elections of 2017, is as follows: (i) Voting rights: EU citizens; citizens from Chile, Uruguay, Venezuela, Norway, New Zealand; Argentina, Peru, Colombia, Iceland; (ii) Voting and candidacy rights: EU citizens, Brazil and Cape-Verde.

¹⁸ The only exception goes to Brazilian citizens under the Special Status regime, in which case the registration in local elections in Portugal becomes automatic. Annex 2 of this report details this particular case.

In the elections to the Assembly of the Republic, Portuguese residents abroad may vote since the national parliament is “the representative assembly of all Portuguese citizens”, and not just of those residing in the country. This has been the case since 1976, when the first version of the Constitution in the aftermath of the democratic revolution emerged. Accordingly, the Electoral Law for the Assembly of the Republic determines the right of suffrage to all Portuguese citizens over 18 years old, with the exceptions determined by the general law (article 1, Law 14/79 of 16 May). In this regard, even the Portuguese who have other nationality or nationalities can vote to elect MPs, reproducing in essence the constitutional principle of the universality of suffrage (article 49 of the Constitution).¹⁹

Emigrants legally capable of exercising their rights can vote and be elected to the Assembly of the Republic, through electoral districts: one covering all EU28 countries (electoral constituency of Europe) and one covering all other countries worldwide (number 4 of article 12 of Law 14/79). These two constituencies elect 4 of the 230 seats in the national parliament. These are the only electoral districts with an a priori fixed number of seats, since the other 226 seats are elected following the Hondt Method²⁰ according to the distribution and weight of the population in the country’s districts.

More recently voter registration of non-resident citizens became automatic for the first time (in accordance with the new Law 47/2018 of 13 August).²¹

2. Non-national EU Citizens’ Franchise in EP and Local Elections

2.1. Overview of Relevant Administrative Regulations

The active and passive suffrage of EU citizens residing in Portugal (and TCN residents) are regulated by a set of Electoral Laws, which instruct those citizens on the conditions according to which they may or may not enjoy electoral capacity:

- Electoral Law for the President of the Republic: Organic Law no. 3/2010, of December 15;
- Electoral Law for the Assembly of the Republic: Law no. 47/2018, of August 13;
- Electoral Law for Referendums: Organic Law no. 1/2011, of November 30;
- Election Law for the European Parliament: Law no. 14/87, of April 29, articles 3, c) and 4²²;

¹⁹ Nevertheless, those holding another nationality (whether or not residing in Portugal) cannot be candidates of the constituency where the country of such nationality is included, because of the possibility of conflicting interests and also the possible lack of loyalty to Portugal.

²⁰ The 'd'Hondt method' is a mathematical formula used widely in proportional representation systems, although it leads to less proportional results than other systems for seat allocation such as the Hare-Niemeyer and Sainte-Laguë/Schepers methods. The d'Hondt method is used by 17 EU Member States for the elections to the European Parliament. Source:

[http://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS_BRI\(2016\)580901](http://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS_BRI(2016)580901)

²¹ This new legal framework will be analyzed in this report. See also a summary of the changes introduced to the electoral registration of Portuguese citizens residing abroad in Annex 4.

²² <https://dre.pt/application/conteudo/457201> . The changes introduced by the Organic Law no. 1/2005 to Law no. 14/87 of 29th April did not alter the rules for EU citizens.

- Electoral Law for Local Authorities: Organic Law no. 1/2001, of August 14, article 2, no.1, b).

These laws regulate the elections to the political organs in the country, and specify to what extent non-nationals residing in Portugal are able to participate in political decisions in Portugal. For the purposes of this report, only the last two regulations are relevant, as the access to political rights by non-national EU citizens is restricted to these two types of elections. As for TCNs political rights are restricted to local elections, with the exceptional case of Brazilians with the special status afforded by the Treaty of Friendship (see details in the box of Annex 2).

EP elections

Regarding the EP elections, only national citizens (resident either in Portugal or abroad) and EU non-citizen residents in Portugal are entitled to the right to vote and to be elected (Law 14/87 of 29 April and Law 1/2005 of 5 January). The legal dispositions setting the conditions to vote and to be elected, regarding EU non-citizen residents in Portugal, follow the general terms specified in the European Directive 94/80/EC of the Council of 19 December 1994.²³

Local elections

Article 15 of the Portuguese Constitution is relevant for the participation of non-nationals in elections, as it establishes the possibility of accessing political rights for non-citizens residing in Portugal, under conditions of reciprocity. Such political rights have been mainly restricted to local elections and there is a political debate on whether they should be extended to national elections²⁴ (Oliveira, Carvalhais and Cancela, 2014). Furthermore, the existence of this reciprocity principle has been questioned, as according to some political actors it makes the political engagement of immigrant communities at the local level hostage to a legal precept, while other actors consider it to be quite reasonable because reciprocity opens new possibilities for the political engagement of the Portuguese Diaspora elsewhere (Carvalhais and Oliveira, 2015).

²³ http://cne.pt/sites/default/files/dl/legis_diretiva_94-80-ce_atualizada2013.pdf. Also relevant is the Directive 93/109 / EC of 6 December. Together they set the general rules for the exercise of the right to vote and to stand for election at local elections, to EU citizens residing in a EU member state that not the one of origin. The basic message is that Member States should apply to EU citizens the same requirements applied to their resident nationals, regarding Elections to the European Parliament and to the municipal level, in particular regarding the duration and proof of residence. This rule does not apply however to any EU member-state where the proportion of citizens of the Union of voting age who reside in it but who are not nationals of it, exceeds 20% of the total number of citizens of the Union residing there who are of voting age (article 14 of Directive 93/109/EC). This possible exception is justified by avoiding polarization between lists of national and non-national candidates, contrary to the integration process. In these cases, it is possible to stipulate additional measures concerning the composition of the lists of candidates, in particular specific residence requirements: maximum of 5 years for the right to vote and 10 years for the right to be eligible for the European Parliament.

²⁴ The position of political parties varies from supporting total access to political rights at the local and national levels to non-national residents regardless of reciprocity agreements (Bloco de Esquerda); access at the local level only but not at the national level (PCP – Portuguese Communist Party and Ecologist Party *Os Verdes*, discard the possibility of foreigners voting at national level); to a more strict position of the centre right parties (PP - Popular Party and PSD - Social Democrat Party) that consider that the reciprocity principle should only be kept at the local level, not being feasible the foreign political participation at national level (Oliveira, Carvalhais and Cancela, 2014).

2.2. Voter Registration

For non-citizen residents in Portugal the electoral registration is not automatic. EU citizens who want to participate in local and/or EP elections, and TCNs who want to take part in local elections have to actively register to vote.

Non-citizen residents may register at the voting commissions or at the Foreigners and Border Service (*SEF – Serviço de Estrangeiros e Fronteiras*), according to the address indicated in the valid title of residence, or Certificate of Registration, or Certificate of Permanent Residence. Once the registration is active for the first time, there is no need to renew it in subsequent elections, as long as the citizen has not changed the residence address.

EU citizens can register at the registry commissions (*comissões recenseadoras*). They are registered in the constituency corresponding to their place of residence as stated on their valid residence card (*título de residência*), registration certificate (*Certificado de Registo*) or EU citizen' permanent residence certificate (*Certificado de Residência Permanente do Cidadão da UE*). For this purpose EU citizens must submit a valid identity document; provide proof of legal residence in Portugal, in the form of an EU citizen registration certificate (*Certificado de Registo de cidadão da UE*) or an EU citizen permanent residence certificate (*Certificado de Residência Permanente de Cidadão da UE*).

The non-automatic registration has been subject to divergent positions among various political actors and stakeholders in previous fieldwork (Oliveira, Carvalhais and Cancela, 2014). For some civil society organisations (e.g. leaders of immigrant associations) non-automatic registration is perceived as one of the obstacles that explains the lack of more political engagement by non-citizen residents with political rights in Portugal (Carvalhais and Oliveira, 2015). This has been confirmed in the course of the present report, as the interviewees mentioned the non-automatic registration as an obstacle for the political participation of non-national residents in Portugal. As for the practicalities of electoral registration, they were seen as rather simple, the problem being the need to organise time in daily life to go out and register (and before the process is suspended in the 3 months before the election day).

In the concession of political rights in Portugal, there is clearly a positive discrimination that favours EU citizens with regard to other TCNs and within this category there is also a positive discrimination of Lusophone communities in comparison to other nationalities. Once legally resident in Portugal, EU citizens do not need a minimum period of legal residence to access political rights at the local level while TCNs do. This period is shorter, however, for Brazilians and Cape Verdeans (two years) and longer for other TCNs communities (three years). This is in line with what the literature has described (Waldrauch, 2003; Carvalhais, 2006) as the existence of positive discrimination triggered by various factors that may vary from economic and political ones (such as in the case of the EU) to historical/cultural/linguistic ties with specific communities. In the Portuguese case, the linguistic and historic ties with Lusophone countries (Portuguese speaking countries) explains a more generous regime of access that includes both active and passive electoral rights at the local level for Brazilians²⁵ and Cape Verdeans (Oliveira and Carvalhais, 2017). Since accessing political rights depends on the dispositions of article 15 of the Portuguese

²⁵ Due to the possibility of applying to the Special Status, Brazilians with such status will automatically get registered for local elections, as they stay equivalent to Portuguese citizens under the *Estatuto Especial de Direitos* (see Annex 2).

Constitution (already mentioned in this report), only these two nationalities among TCNs access such rights thanks to reciprocity agreements with their countries.²⁶

There is also a difference between access to active and to passive rights, with the latter being more restricted than the former.²⁷ This is also in line with what has been noted as the tendency of states to keep protecting the political dimension of citizenship as the very last sphere of its national competence.

For an EU citizen to stand as a candidate she/he must submit a formal statement indicating the nationality, place of residence in Portugal and the last residence in the country of origin and provide evidence that he/she has not been debarred from the right to be elected. Should there be any doubt about this last point, the competent court may require the competent authorities of the country of origin to testify that the candidate has not been debarred from the right to be elected in that country, or that the authorities in question are not aware of any such impediment.²⁸

There are no electoral records for non-national residents at the individual level. However, given that voting rights are not automatically conceded to non-citizen residents (unlike the procedure for Portuguese citizens), we can at least assess the extent to which non-national residents register to vote (Oliveira, 2017). According to the data of the Ministry of Internal Affairs published in the Official Journal *Diário da República*,²⁹ there were a total of 27,106 non-citizen residents registered to vote in 2017 (14,194 EU citizens and 13,701 TCNs). It is worth noting that those non-citizen residents who registered to vote do not have a homogenous distribution in Portugal (Oliveira and Gomes, 2018: 259-260): in 2017 (as in other years) a big concentration of EU residents is observed in the Algarve region (Faro's Administrative Region concentrates 5,694 EU citizens registered to vote, the equivalent to 40.1%), as TCNs are overrepresented in the Lisbon region (7,961 TCNs residents registered to vote, the equivalent to 58.1%).

However, the number of non-national residents registered is quite low – only 8% of the total non-citizens residents of voting age or 13% of the total non-citizen residents that fulfil the legal criteria to register to vote / to be elected according to each case (13.4% in the case of TCNs with electoral rights and 12.3% in the case of EU citizens).

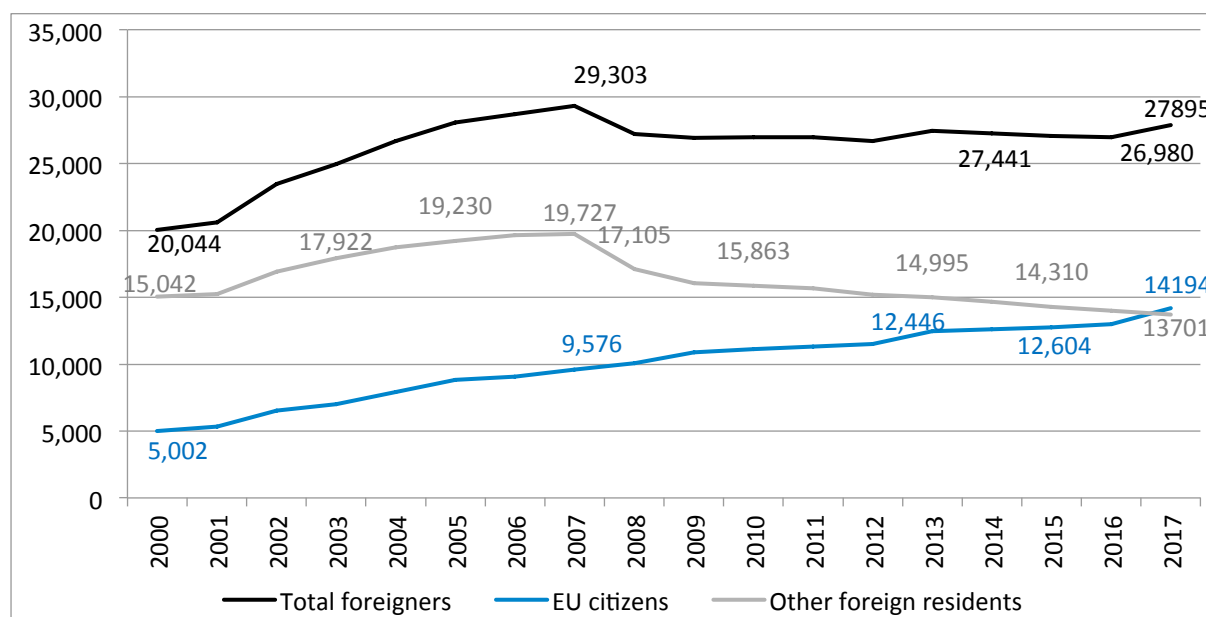
²⁶ It may be questioned why there are not more of these reciprocity agreements with the rest of the lusophone countries. The answer is complex and goes beyond this report's goals. It is predominantly related to the external political interests of each lusophone countries and the relationship that each one has presently with the colonial past.

²⁷ As illustrated by the list of TCNs able to be elected versus those able to vote - see subchapter 1.2 of this report.

²⁸ See more at https://europa.eu/youreurope/citizens/residence/elections-abroad/municipal-elections/portugal/index_pt.htm

²⁹ Mapa no.1/2018 available at <https://dre.pt/application/conteudo/114786982>

Figure 1. Number of Non-citizen Residents in Portugal that registered to vote between 2000 and 2017



Sources: DGAI/MAI - Administração Eleitoral (prepared by Oliveira and Gomes, 2018: 257).

From 2000 to 2007 the number of non-citizen residents registered to vote increased 46% (from 20,044 in 2000 to 29,303 in 2007). However, since 2008 there has been a decrease of non-citizen residents registered to vote, mainly caused by the reduction in TCNs registered to vote in Portugal (from 19,727 in 2007 to 13,701 in 2017, a 31% decrease) (see Figure 1). This decrease over the past decade is a consequence of two facts:

- (1) the upsurge of “new” Portuguese citizens since 2007, as a result of the new citizenship act (Oliveira et al, 2017) led thousands of foreigners (especially TCNs) to disappear from the list of foreign voters, because as Portuguese citizens their electoral registration became automatic (Oliveira and Carvalhais, 2017);
- (2) the decrease of the immigrant population in Portugal since 2010 due to the economic crisis also had an impact on the list of non-citizen residents registered to vote (Oliveira and Gomes, 2018).

Contrasting with the TCNs trend, the EU citizens registered to vote in Portugal have increased in a constant way (from 5,002 in 2000 to 14,194 in 2017, i.e. tripling in the past 17 years). Nevertheless, the rate of voter registration (percentage of citizens registered to vote by total number of residents of voting age³⁰) varies according to nationality (Oliveira, 2017). Among EU citizens, Germans reflect the highest registration rate (25%), followed by Luxemburgers (24.5%), Belgians (21.8%), Dutch (20.5%) and Spanish (19.4%) (see Table 2). In contrast, EU citizens residing in Portugal with the lowest registration rate are Bulgarians (4.8%), Romanians (3.2%) and Polish (2.1%). It is worth noting that while the Romanians have the lowest registration rates, they are among the biggest communities, representing 22.5% of the total EU citizen residents in Portugal.

³⁰ In the data sources the age group is divided in above 20 years old. The correct would be above 18 years old, as that is the age of acquisition of political rights in Portugal.

Table 2. The number of non-citizen residents registered to vote, according to nationality (in 2016)

Nationality	Registered to vote (A)	Number of residents (B)	Residents with more than 20 years old (C)	Rate of registration (A/C)
Germany	2,288	10,030	9,137	25.0
Luxemburg	37	166	151	24.5
Belgium	561	2,853	2,570	21.8
The Netherlands	1,267	6,838	6,177	20.5
Spain	1,963	11,133	10,103	19.4
United Kingdom	3,087	19,387	17,963	17.2
Denmark	97	658	597	16.2
Austria	100	757	704	14.2
Ireland	122	1,031	932	13.1
France	1,342	11,293	10,431	12.9
Italy	689	8,523	7,851	8.8
Finland	71	998	963	7.4
Sweden	142	2,633	2,504	5.7
Bulgaria	282	7,019	5,895	4.8
Romania	820	30,429	25,294	3.2
Poland	30	1,576	1,460	2.1
Total UE	12,992	118,169	105,311	12.3
Cape Verde	9,233	36,578	30,654	30.1
Argentina	57	438	399	14.3
Norway	49	573	519	9.4
Brazil	4,489	81,251	69,594	6.5
Venezuela	121	2,356	2,190	5.5
Total TCN with electoral rights	13,998	122,821	104,800	13.4
Total non-citizen residents with electoral rights	26,990	240,990	210,111	12.8
Total foreigners in Portugal	26,990	397.731	340,215	7.9

Source: DGAI – Direção Geral de Administração Interna –Administração Eleitoral and INE – Estimativas Anuais da População Residente (prepared by).

EP elections

Regarding the rights of EU citizens resident in Portugal to participate in the EP elections, for that matter they must be aged 18 or over on the day of voting, and registered on the electoral roll of the municipality in Portugal where they are resident. They can register at any time until 60 days before the election day³¹, as there is no need for a minimum of time of legal

³¹ In the previous 60 days of the election day the whole registration process is suspended . However, if they are to complete 18 years old until the day of the election, they can register to vote until the fiftieth day prior to the voting day (article 5, Law 13/99).

residence to access the right to electoral registration, provided that they can present a valid title of residence proving their regular residence in Portugal (Article 4 of Law 13/99).

To be eligible to vote in Portugal for the European Parliament, EU citizens must also not have been disqualified from voting in Portugal by any criminal or civil judicial decisions. When making the electoral registration, they must inform the Portuguese national authorities where they intend to vote for the EP elections. If they wish to vote in Portugal only, they must declare so. Voting simultaneously for the EP in Portugal and in any other Member State is punished with a prison sentence of up to one year and a penalty payment up to 50 days (article 14-B on multiple voting, law 14/87 of 29 April). Under the Portuguese law, voting is a right as well as a civic duty, but it is not compulsory, thus voting in the EP elections is not compulsory either.

Local elections

As for the EP Elections, the registration for local elections is not automatic, but an active process both for EU citizens and for TCNs who are able to participate in local elections. In Portugal, the right to vote in local elections is accessible for non-national EU citizens and for TCNs from Brazil, Cape Verde, Argentina, Chile, Colombia, Iceland, Norway, New Zealand, Peru, Uruguay and Venezuela. In contrast, the right to stand as candidates in local elections are restricted to EU citizens, Brazilians and Cape Verdeans.³²

At the end of the year of 2017 there were 14,194 EU citizens registered to vote in Portugal and 13,701 TCNs, representing respectively 12.3% and 13.4% of the non-national residents eligible to vote in local elections. The non-automatic voter registration has been identified as an explanation for this low registration rate of non-national residents in Portugal (Freire et al., 2013; Carvalhais and Oliveira, 2015).

EU citizen residents in Portugal do not have a homogenous distribution in the country, being more concentrated in the Metropolitan Area of Lisbon and in the south of the country (overrepresented in Alentejo and Algarve regions). This residential distribution is reflected in the electoral registration. In absolute numbers, in 2017, EU citizens registered more to vote in the Lisbon municipality (1,678 EU voter registrations in 2017), followed by the Algarve municipalities (Loulé municipality: 1,051 voter registrations; Tavira: 777; Lagos: 684; and Silves: 625). In several of these municipalities EU citizens are the majority of the non-citizen residents in Portugal registered to vote. This is particularly true in the Algarve municipalities where EU citizens registered to vote represent around 90% of the total non-citizen residents registered to vote (e.g. in the Tavira municipality 92.6% of non-citizen residents registered to vote are EU citizens; in Lagos EU citizens represent 96.6% and in Silves, they represent 88.5%). In the Alentejo region, it is in the municipality of Odmira that EU citizen residents are overrepresented and/or register more to vote (94.8% of the total non-citizen residents registered to vote in the municipality) (see details in Table 3 and Map 1 in annex 1). In relative terms, in 40 municipalities (out of 278) more than 20% of the EU citizen residents are registered to vote in those municipalities (municipalities represented in darker blue in the map 1 in Annex 1).

Table 3. Top municipalities with most EU citizens registered to vote in the end of 2017³³

³² Declaration 30/2017 of May 3: http://www.cne.pt/news/al-2017-capacidade-eleitoral-cidadao-estrangeiros_6051

³³ Map no.1/2018 available at <https://dre.pt/application/conteudo/114786982>

Portuguese municipalities	Total registered to vote	Total Non-citizen residents registered to vote	EU citizens registered to vote	% EU citizens registered to vote by total non-citizen residents registered to vote in the municipality
Lisboa	488,955	2,945	1,678	57.0
Loulé	58,463	1,519	1,051	69.2
Tavira	21,598	839	777	92.6
Lagos	23,541	708	684	96.6
Silves	29,644	706	625	88.5
Albufeira	33,927	1,143	513	44.9
Cascais	176,517	1,026	558	54.4
Odemira	20,078	477	452	94.8
Lagoa (Algarve)	18,369	413	339	82.1
Portimão	48,154	585	372	63.6
Oeiras	145,944	1,594	313	19.6
Sintra	311,795	1,699	277	16.3
Porto	213,226	381	219	57.5
Total	9,360,940	27,895	14,194	50.9

Sources: DGAI (Direção Geral de Administração Interna) da Administração Eleitoral (prepared by Oliveira and Gomes, 2018: 261, Observatory for Migration).

2.3. Information during Election Campaigns

Several Portuguese authorities have the role to inform non-citizen residents about their electoral rights, whether for EP elections or local Elections. The National Commission of Elections - *Comissão Nacional de Eleições* (www.cne.pt) - objectively inform (only in the Portuguese language) on its website about which non-citizen residents have active and passive political rights.³⁴

The Portuguese public institution for the integration of migrants – the High Commission for Migration (ACM) - also develops several services in this field. On the official website of the institution, available in full in Portuguese and English, there is a specific area³⁵ with guidance on who can vote³⁶ in Portugal and the rules related to the registration to vote.³⁷ Furthermore, since 2013, the ACM also has a Support Office for Voter Registration (*Gabinete de Apoio ao Recenseamento Eleitoral*) in the National Migrant Integration Support Centers (the Portuguese One-stop-shops) in Lisbon, Porto and Faro. This service resulted from the implementation of a measure (number 58³⁸) of the second Action

³⁴ http://www.cne.pt/news/al-2017-capacidade-eleitoral-cidadaos-estrangeiros_6051

³⁵ <https://www.acm.gov.pt/viver/cidadania/recenseamento-eleitoral>

³⁶ See <https://www.acm.gov.pt/-/sou-cidadao-estrangeiro-e-resido-em-portugal-posso-votar-nas-eleicoes-portuguesas->

³⁷ <https://www.acm.gov.pt/-/como-funcionam-os-postos-de-recenseamento->

³⁸ Under measure 58 of the Plan was underline the need to further promote in Portugal the registration of the immigrant population eligible for voting in elections, being specified the need to reinforce services to immigrant citizens via the creation of a Voter Registration Office within the CNAI, with the mission of providing support for the registration of immigrants.

Plan for the Integration of Immigrants.³⁹ As other support offices of the one-stop-shops in Portugal, the service offers mediators with migrant backgrounds that explain the rights and duties of non-national residents in Portuguese or, if necessary, in 12 other languages. This support office works in collaboration with the Internal Administration responsible for the voters' registration, informing users about the conditions, requirements and schedules for registration for each election (such as not being able to register in the 60 days before election). It also provides guidelines about the exact location where non-national residents have to register according to their address and provides information about the conditions and requirements to become a candidate.

On-line resources such as [EUROPA.EU](http://europa.eu), the European Union website in the Portuguese version (<http://europa.eu>) and the site of the ACM (www.acm.gov.pt) also provide useful and updated information on elections and on the political rights of non-nationals in general.

These forums are directed, as said, to any citizen and do not target EU citizens specifically. The aforementioned websites collect detailed information often in the form of FAQs that are meant to answer several questions on diverse topics, political citizenship included. Below are examples of websites with practical information on the political rights of non-national residents, such as the process of registration, the required documents, the periods to register, etc:

- High Commission for Migrations (<https://www.acm.gov.pt/cidadania>);
- National Parliament (http://www.parlamento.pt/Legislacao/Paginas/Leis_area_Imigracao.aspx)
- Portal do Eleitor (Elector's portal) run by the Ministry of Internal Affairs - SGMAI (<https://www.portaldoeleitor.pt/paginas/estourecenseado.aspx>)⁹
- Eurocid Site http://www.eurocid.pt/pls/wsd/wsdwcot0.detalhe?p_cot_id=2797

These sites provide versions in English and Portuguese, which are normally the languages available on various sites gathering information on the political rights of non-national residents.

There are no systematic and regular informative campaigns designed specifically to target EU citizen residents for EP or local elections. Our interviewees have referred to this as one obstacle to better political integration of the immigrant communities. In 2013, however, a campaign took place under a European funded project in which Portugal also participated - Campaign *Operation Vote* - targeting EU citizens specifically to participate in local and EP elections.⁴⁰ Since then, there have not been other similar examples.

However, several immigrant associations (e.g. AIPA, Casa do Brasil) and local communities of non-national residents (e.g. British in Algarve) have been pro-active in promoting the political participation of their populations, whether by their own means (bulletins, newsletters, informal gatherings) or using the information available at official channels.

³⁹ For further details about this Action Plan developed between 2010 and 2013 see https://www.acm.gov.pt/documents/10181/222357/PII_2010_2013_ing.pdf/2de54891-737b-4263-ba2c-16fb8538ba60

⁴⁰ See Picture 1 in Annex 3.

EP elections

There are no systematic campaigns designed specifically to target EU citizen residents for EP elections but there are some examples of pro-active actions with that purpose. In 2013, and as already mentioned, there was an intensified interest in promoting EU citizens political participation (Oliveira, 2014: 28), namely throughout the *Operation Vote* campaign⁴¹ and the creation of the Support Office for Voter Registration (*Gabinete de Apoio ao Recenseamento Eleitoral*) in the National Migrant Integration Support Centers (the Portuguese ACM's One-stop-shops). Leaflets were launched and disseminated to clarify the required steps for electoral registration, on the ACM's webpage and with exhibitions presented in one-stop-shops in Lisbon, Porto and Faro, where EU citizens could refer to leaflets in four languages (Portuguese, English, Romanian and Castilian Spanish).

The *Operation Vote* campaign included also proximity campaigns with the dissemination of information and of clarifications by the members of the Portuguese team for this European project (Oliveira, 2014: 28-29), in close collaboration with associations and embassies⁴², and advertisement through social networks (particularly Facebook) and periodical publications by the communities.⁴³ Several privileged actors from EU communities in Portugal were contacted and informed about political rights to promote themselves the participation of the members of their communities, and in two municipalities (Cascais and Oeiras of the Metropolitan Area of Lisbon) circuit billboards were granted free of charge consisting of back-lighted posters displayed for 20 days in historical centres and places of major circulation (Oliveira, 2014: 29).

Local elections

The *Operation Vote* campaign was also active in promoting the registration of EU citizens (before 29 July 2013, two months before the ballot) to cast votes in the September 2013 local elections.⁴⁴ This was a unique campaign focused on EU citizens, framed by a European project that has not been repeated since then.

However, several projects and campaigns undertaken by public institutions, national and local, and civil society organizations have targeted all foreign residents in Portugal. Several municipalities and *freguesias* (parishes), particularly from the Lisbon Metropolitan Area, develop on a regular basis online campaigns and disseminate leaflets on their official web pages to promote the vote of foreigners, including EU citizens.⁴⁵ Most of these actions taken by local authorities are not strictly targeted to EU citizens, although they differentiate the political rights according to foreign resident status and nationality.

In the past years, immigrant associations have been also pro-active in trying to motivate their communities to vote, whether by their own means (bulletins, newsletters,

⁴¹ The *Operation Vote* campaign was a European funded project promoted in Portugal, Italy, Austria, Spain and Sweden, between November 2012 and October 2014, to promote the political participation of EU citizen residents in other Member States, both to local elections and EP elections.

⁴² e.g. British Consul in Portimão - Algarve, House of Spain, Mica Romanie association in Setúbal.

⁴³ e.g. newspapers addressed to British expatriates – *The Portugal News weekly magazine* with a circulation of 17.000 readers, the *Algarve Resident* with a circulation of 5.000 -, newspapers in English, newspapers addressed to Spanish businessmen working in Portugal – *Club de Empresarios Españoles* with a circulation of 1.200, magazine *Actualidad€* with a circulation of 6.000 readers.

⁴⁴ <http://theportugalthnews.com/news/ngo-in-unprecedented-push-for-expat-vote/28774>

⁴⁵ See for example <https://www.jf-estrela.pt/para-si/apoio-comunitario/recenseamento-para-estrangeiros/> and under the European Year of the Citizens (2013), the Lisbon City Council has developed an online campaign to promote the vote of foreigners.

informal gatherings) or using the information available at official channels. In the Azores islands, the Association AIPA for immigrants' integration have been promoting over the past six years the project for foreign residents *Who does not vote... does not count*⁴⁶, informing all foreign residents (both EU nationals and non-EU citizens) about their political rights and the need to register to vote and disseminating leaflets (see picture 2 in Annex 3).

2.4. Political Parties and Candidacy Rights

The available data show that there is no specific party activity in Portugal targeting EU citizens in the context of elections, no matter the position on the political spectrum. There is a total absence of initiatives by political parties for mobile EU citizens in the areas of information gathering (for studies or surveys), awareness-raising actions, dissemination of information and campaigns (Oliveira, 2014: 30; Oliveira and Carvalhais, 2016). Oliveira (2014: 30) has discussed that this choice of political parties to not involve themselves in the promotion of voting and candidacy rights is linked to a 'moral' reservation with regard to doing campaigns that focus exclusively on certain groups of residents, namely EU citizens.⁴⁷

This does not mean, however, that EU citizens have not been mobilized and recruited to party lists for local elections and local bodies. The recruitment of non-national EU citizens to parties' local lists has been mainly linked to the recognition of the local impact of certain nationalities as nodules of social networks. In a few Algarve municipalities, for example, where some EU nationalities are overrepresented in local electorate, some EU citizens have been mobilized: for example a British citizen in the parish of Almancil (Loulé municipality of Algarve) registered for several years in PSD lists in a non-eligible position.

Local elections

Since 1997 – the first time some TCNs and EU citizens were able to vote and to be elected in local elections in Portugal⁴⁸ – political parties have been attentive to the opportunities that these communities represent in terms of electoral gains. The strategies, however, have been dispersed, inconstant and often criticized by TCNs in particular.

To register as candidates, EU citizens as well as TCNs residents must be entitled to passive electoral rights, that is, they must belong to one of the nationalities that benefit from the existence of reciprocity agreements with Portugal for that matter. As already stated, this includes only Brazil, Cape Verde and the EU member states. A candidate in these circumstances may be invited as an independent, or he/she may be already a member of a

⁴⁶ Further at <http://www.aipa-azores.com/projectos/vota.php?indiceMenu=3>

⁴⁷ Oliveira (2014) identified that this 'moral' reservation is especially felt by the so called left wing parties, to which a separation of campaigns according to certain categories of foreign citizens would be seen as a form of discrimination: "parties such as the PCP-PEV [Portuguese Communist Party] and the Bloco de Esquerda [Left Bloc] rejected targeted campaigns for EU immigrants considering these as possessing a privileged starting situation when compared with the citizens of third countries. (...) Indeed, the immigrant category is seen as the legal and social status to be considered as a policy target, and there is a widespread refusal to create partitions of a different nature in its interior." (Oliveira, 2014: 30).

⁴⁸ 1997 sets the practical kick-off of the access of non-national residents to political rights, under the legal frame already described in this report. The Declaration 2-A/97 of 11th April became a landmark as the first that listed the groups of non-national residents who, under reciprocity rules, were able to vote or to vote and to be elected at the local elections.

political party, depending on whether the party allows or not the membership of non-national residents.

On some occasions, a few EU citizens have been on the lists of candidates of political parties for Local Elections and have been actually elected (Carvalhais, 2006; Ruivo, Zobel, Allegretti et al., 2013; Oliveira, 2014: 30). The numbers reported in those studies were however residual (under five cases) while there are no available studies at present regarding the last local elections. As reported elsewhere (Carvalhais 2006; Carvalhais and Oliveira 2015), non-national residents who have been ‘approached’ to be candidates, complain that frequently they are placed in non-eligible places, fulfilling only the purposes of attracting voters of their communities. On several occasions, this has led to the accusation that they have been used as elector baits.⁴⁹

A further current complaint concerns the fact that political parties tend to approach potential candidates only during the pre-electoral periods when the lists of candidates are being negotiated, but once the elections are over, there is a tendency to forget both these foreign candidates and their communities, as well as the Portuguese citizens of migrant/ethnic descent. Further studies (Carvalhais and Oliveira, 2015) suggest that younger generations of non-citizen residents and citizens of migrant origin are more aware of the relevance of taking a pro-active strategy. In other words, instead of waiting for political parties to approach them right before the electoral periods, they consider that it is important to develop a long-term lobbying strategy alongside the parties, so that they realize finally the relevance of such young politicians and, most of all, the importance of their communities of origin for electoral purposes.

2.5. Turnout

In Portugal, there are no statistics or estimates about the turnout of non-national EU citizens in local and EP elections. Portugal only provides available data on the nationalities of those who register to vote, but does not provide data on the nationalities of who has actually exercised the right to vote. As for the nationality of those who participate in the lists of candidates of political parties, it is basically up to the political parties to collate such information and make it available. However, as former fieldwork has revealed (Carvalhais and Oliveira, 2015), parties usually do not collect and provide such data. Researchers interested in accessing such information will have to consult each list of candidates presented by a political party or political independent movement and try to verify the nationality of each person.

The non-automatic voter registration process might offer, however, a viable explanation regarding the political participation of non-national residents, as Nuno Oliveira notes (2017: 64):

“Voluntary electoral registration leads us to assume that there should not be a great difference between levels of registration and electoral participation, that is, it is accepted as a consequence that whoever registers is effectively interested in voting. Although speculative, this conclusion seems admissible because we are in the presence of small numbers that confirm other national experiences, although recognizing the

⁴⁹ The same complain has been conveyed by Portuguese citizens of migrant background (in particular those of African descent), who consider that parties tend to address invitations to citizens who due to their black phenotype, for instance, and prestige within their communities of origin, may work as attractors for votes.

limitations already pointed out by others (Freire et al., 2013: 168) regarding the objective impossibility of knowing the dimension of abstention. On the other hand, comparisons between foreigners and nationals are prevented because nationals are registered automatically. As pointed out several times in the studies devoted to the electoral participation of immigrants, the registration rates for most groups are never more than 25% when considered in isolation (Oliveira, 2017; Carvalhais and Oliveira, 2015; Oliveira et al., 2014; Freire et al., 2013; Carvalhais, 2007).”

Parallel to this, it should also be noted that there is no evidence of national debates or mass media reports specifically on non-national EU citizens' political participation in Portugal. However, more fieldwork would be needed in order to identify all the possibly existent cases: e.g. analysis of smaller newspapers, local clubs, and associations, where such debates may be taking place.⁵⁰

In general terms, the exercise of political rights by non-national EU citizens is still rather modest. Although this is not exclusive to Portugal, it is important to explore what might be the reasons for such low participation. One fundamental task is thus to listen to what the non-national EU citizens identify as the main obstacles for reaching higher levels of political participation. This is very relevant since, as Nuno Oliveira notes, “(...) European expatriates are ‘migrants of a particular kind’ as the data show that their interest in politics is greater than that of resident populations, even though they do not make that interest a reality (Muxel, 2009: 159; Reeccho e Raffinni, 2012: 17).” Moreover, work conducted on TCNs (Carvalhais and Oliveira, 2015) has pointed to a series of obstacles that impede stronger political participation. Some identified obstacles are, nevertheless, common to those identified by EU citizens in the course of another research project focusing only on EU citizens (Oliveira, 2014) and in the course of the interviews for this project as well. The main obstacles identified include:

The country’s prevailing political culture anchored in several historical reasons (among which and most importantly, is the dictatorial period of 1928-1974 which set a difficult relationship between civil society and an autocratic State that inhibited freedom of speech and political opposition) might explain a sense of political detachment and mistrust of national citizens regarding politics. This would in turn end up affecting the way non-national residents also relate to politics in Portugal. Although this may reasonably explain, partially, the present attitude of Portuguese national residents towards politics, the ‘transfer thesis’ to immigrants is nevertheless quite questionable, as it presupposes a kind of paternalistic behavioural ascendance of national citizens over non-national residents, while ignoring the citizenship capital that each immigrant builds on the basis of life experiences, education, etc.

Language may be a major obstacle to improving the individual’s general integration (Matias, Oliveira and Ortiz, 2016). In the specific case of EU citizens resident in Portugal, language as an obstacle might have some explanatory capacity (Torkington, 2010: 99-111). However, language skills cannot be dissociated from other more relevant variables such as the level of education and the economic empowerment of individuals, which, ultimately, will play a major role in achieving higher levels of social integration. Looking at some EU communities in Portugal, such as the British, their lower propensity to adhere to the Portuguese language is compensated by the fact that they are among the non-national residents with the highest levels of economic empowerment, education and schooling (see Table A annex 1). This profile, along with the parallel fact that Portugal has encountered in the last years increasingly higher numbers of national citizens who speak a second language

⁵⁰ As an example, there is the local newspaper “The Portugal News” (www.theportugalnews.com) edited in Algarve by British citizens.

(namely English), concur with a context in which mastering the Portuguese language is not that relevant in empowering individuals who already possess high standards of social integration, political awareness, and civic consciousness.

On the contrary, and following the literature on the relevance of language skills in the economic and social empowerment of immigrants (Chiswick, Miller, 2002; Bleakley and Chin, 2004; Dustmann and Fabbri, 2003), the combination of language difficulties with low levels of social and economic integration, may have a completely different result. The Romanian case may be taken as paradigmatic of this. Being by far the largest EU community resident in Portugal (with 30,429 legal residents in 2016), it is also among those who struggle the most with economic and social integration. The fact that only 3.2% of this population is registered to vote reveals a lack of political commitment, but this fact cannot be explained without attending to the economic and social variables, as well as to the educational levels, that all together create a profile of social vulnerability. In this case, the access to the Portuguese language, integrated in a global strategy aiming to increase the education levels of the Romanians, as well as their social and economic integration, could facilitate new patterns of political engagement.

The universe of economic and labour difficulties (e.g. unemployment, precarious jobs, the burden of family responsibilities especially in the case of women) does not allow for the individual to become engaged with other spheres of life, such as politics. This, however, is far from being exclusive to immigrants' daily lives, being instead common to many national citizens as well.

Perhaps more relevant in Carvalhais and Oliveira's study (2015) was the reference made by some participants to the economic (ir)relevance of certain communities of immigrants as a condition that further dictates their (ir)relevance in the eyes of the political elites. This would explain therefore the bigger attention that political parties have occasionally devoted at the local level to communities such as the British, in municipalities located in the Algarve (in the form, for instance, of British citizens invited to be part of the local lists of candidates, some of them in eligible places) and in parallel the smaller interest devoted to other immigrants, such as the Romanian, by far the biggest EU resident community in Portugal which has, however, the lowest level of electoral registration, a fact that Portuguese authorities have not tried to reverse yet (Oliveira, 2014).

The principle of reciprocity as proclaimed in Article 15 of the Constitution, has been on several occasions identified as one major cause for keeping immigrant communities politically apart (since only a few communities are formally entitled to political integration). This of course, is not applicable to EU citizens since they all benefit from reciprocity as declared by EU obligations. Thus, this obstacle would have no explanatory strength in regard to EU citizens' low political participation, as our interviewees agree.

Another legal obstacle seems to have much explanatory capacity: the lack of automatic electoral registration for immigrants. Indeed, the registration process may seem simple, but it still has some bureaucratic practicalities that assumes, to begin with, that the non-national resident is aware of his/her political rights and actually committed to engage voluntarily in the electoral registration process. This obstacle was mentioned in the interviews and was in fact the one which one of the interviewees sees as explaining much of the lack of political involvement of foreigners with electoral rights in Portugal.

Political parties were identified also, by themselves, in the course of previous field work (Oliveira and Carvalhais, 2017) as being too complex, overprotective about their internal codes of functioning, and marked by strong internal competition. One of the

interviewees to this project, presently a Portuguese city councillor in Oxford and with a long experience with party politics in Portugal, also shared this view. This might explain partially the resistance of political parties to create strategies aiming at integrating immigrants in their internal structures as campaigners or in their lists of candidates, as well as in promoting external campaigns targeting non-national residents with political capacity. However, this does not mean that parties have not been developing strategies to become closer to certain communities, as this report has already mentioned. A closer look may also reveal that the aforementioned case corroborates our previous idea about the effects of the economic relevance of certain communities on their recognition by political parties as being politically relevant.

3. Non-resident Citizens' Franchise in National and EP Elections when Residing in Other EU Member States

3.1. Overview of Relevant Administrative Regulations

On the organization of the electoral process abroad, the most relevant regulations are the Decree-Law 95-C/76⁵¹ which sets the terms of how the electoral process must be organised abroad and the Decree-law 411-B/79.⁵² Until quite recently, non-resident Portuguese citizens had to register in Portuguese embassies and consulates of the countries of residence, in order to access the right to vote in national elections in Portugal and in the European Parliament, as the process was not automatic. In accordance, though, with a new law that came into force starting from August 2018 (Law 47/2018 of 13 August), the voter registration of non-resident citizens is now automatic (see a summary of the changes resulting from the Law in Annex 4).

This legal change to the electoral procedures is rooted in a series of precedents that span over several years. In 2008, for instance, the Socialist Party (PS) presented a project of Law (Project of Law 562/X) designed to overcome what was already acknowledged as the bureaucratic difficulties of voter registration abroad. The aim of the project was to put emigrants on equal terms with national residents whose electoral registration is automatic. The proposed "Amendment to the Electoral Law of the Assembly of the Republic" intended also to finish the vote by correspondence, since there was a long list of incidents reporting, again, the vulnerability of the system (including delays in the receipt of the envelopes containing the bulletins; loss of envelopes on their way back to Portugal, etc.). The project was welcomed in general terms by the Communist Party (PCP), solicited the abstention of the Left Bloc (BE) and raised doubts among the Social Democrat Party (PSD) which rejected it and considered this to be a political manoeuvre to obstruct the access of emigrants to voting, since they would have to dislocate physically to exercise their right to vote. In parallel, the Popular Party (PP) also rejected this project, whilst presenting another one that foresaw the possibility of electronic voting. This was however criticized by political opponents that saw it as incompatible with the rights of data protection.

Although these parliamentary initiatives did not result at the time in any change to the electoral law to the national Assembly, the problems with emigrant voting did not end. In

⁵¹ http://www.cne.pt/sites/default/files/dl/legis_95-c-76-processo-estrangeiro-2012.pdf

⁵² http://www.cne.pt/sites/default/files/dl/legis_411-b-76-mandatarios-estrangeiro-2012.pdf

fact, they seemed to have reached a peak in 2015, when the media reported numerous cases of non-resident citizens who found themselves unable to register to vote, or who complained about getting their vote bulletins too late, or not getting them at all. Emigrants residing in Brazil, for example, complained that due to a local strike in the mail services, they did not receive their bulletins on time. Similar cases were reported to occur in Macau, East Timor and the United Arab Emirates. According to an online newspaper, some Portuguese residents in East Timor had to travel to get their bulletins (since there was no door to door distribution), and once they got the bulletins, they were informed that these would get three weeks up to a month to arrive to Portugal, much after the election day (Observador, 2015⁵³). Other cases were reported by another newspaper (Público, 2015⁵⁴), identifying basically the same difficulties of non-resident citizens in registering to vote, or in exercising the right to vote abroad. As a result of these and other situations, several Portuguese emigrants organized petitions asking for the law to be changed.⁵⁵ Another example was the creation of the platform “Também somos Portugueses”⁵⁶ (free translation to “We are Portuguese too”), aiming at getting public support and visibility (mostly through the digital social networks) next to the political powers and to force consequently a legal change in the electoral law.

Hence, following this public and political discussion, the juridical framework of electoral registration was changed in 2018 (with the Law no. 47/2018 of August 13), dedicating special attention to the electoral registration of Portuguese citizens residing abroad. Among the most relevant change to the electoral registration of non-resident citizens was that it now becomes automatic, associated to the address that these citizens have in their Portuguese ID card or Passport.⁵⁷

EP elections

Regarding the EP elections, non-resident citizens have both the right to vote and to be elected. Portuguese citizens residing out of the national territory (whether inside or outside of the EU territory) may vote for the election of Portuguese MEPs, and likewise may be elected to the EP, as long as they do not opt explicitly to exercise those rights in another Member State of the EU.⁵⁸ As for the logistics of voting, personal voting can occur 10 to 12 days prior to elections at the diplomatic missions, consulates, external delegations of ministries and public institutions previously defined by the Ministry of Foreign Affairs.⁵⁹

National elections

Regarding legislative elections, non-resident citizens have both the right to vote and to be elected. As for presidential elections, they can vote (except if they are exercising equivalent rights in Brazil, under the Special Status) and can be elected (unless naturalized under another nationality, in which case they are excluded from candidacy).

⁵³ <https://observador.pt/2015/09/29/quero-votar-mas-nao-consigo-as-queixas-dos-emigrantes-portugueses/>

⁵⁴ <https://www.publico.pt/2015/09/24/politica/noticia/votos-mantidos-a-distancia-1708527>

⁵⁵ For example the online petition “Exercício Pleno do Direito de Voto para Cidadãos Portugueses Recenseados no Estrangeiro” (free translation to “Full-fledged Right to Vote to Portuguese citizens registered abroad”). See details at <https://peticaopublica.com/viewsignatures.aspx?pi=PT78249>

⁵⁶ https://www.rtp.pt/noticias/politica/peticao-tambem-somos-portugueses-chega-ao-parlamento_v977855

⁵⁷ See details about what change with the 2018 Law in annex 4.

⁵⁸ https://www.sg.mai.gov.pt/AdministracaoEleitoral/Legislacao/RecenseamentoEleitoral/Documents/Separata_Legislacao_PE2014.pdf

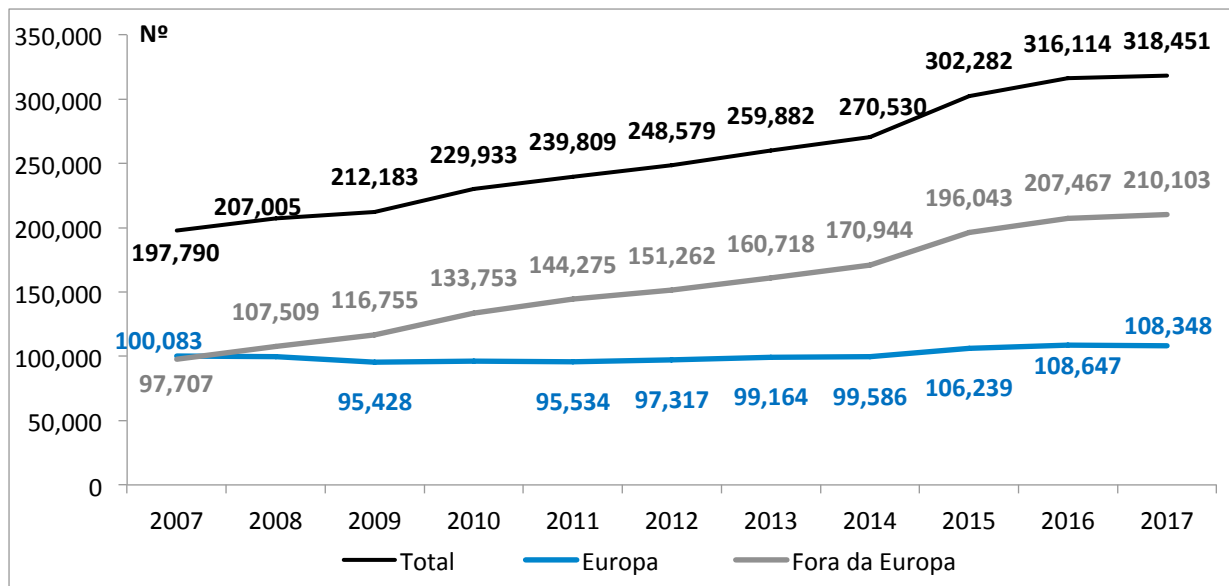
⁵⁹ <http://www.cne.pt/faq2/114/3>

Regarding local elections, non-resident citizens have no rights to vote or to be elected. The rationale behind this follows the idea that the exercise of political rights must imply a certain level of commitment to and knowledge of the local reality, as this is necessary for active participation in the making of relevant decisions for local life. Thus, it has been the political parties' understanding that local rights should not be granted to diaspora citizens who although emotionally (as well as often economically and culturally) attached to the country, are generally speaking quite distant from the daily matters of local life in Portugal.

3.2. Voter Registration

The Portuguese emigration experience and the countries of destination of the Portuguese outflows are reflected in the data on voter registration. Although the Portuguese Diaspora is more represented in Europe, in the past decade voter registration of non-resident Portuguese citizens was mostly dominated by the electorate from outside Europe: in January 2017 out of 318,451 Portuguese non-residents registered to vote, 108,348 resided in a European country (out of which 94,070 were in an EU country) and 210,103 resided outside Europe, mainly in America (177,601, out of which 127,194 resided in Brazil) (see Figure 2 and Table 4).

Figure 2. The number of non-resident Portuguese citizens registered to vote, according to the place of residence (total, in Europe and outside Europe), between 2007 and 2017



Sources: DGAI/MAI - Administração Eleitoral

Among the EU countries, there are more Portuguese registered to vote in top emigration destinations of the Portuguese Diaspora: in the end of 2017 56,765 voters in France were registered (representing 10.5% of the total estimated Portuguese residents in that country), followed by Germany with 18,433 Portuguese voters (13.5% of the Portuguese residents). Compared to the North American countries, the registration rates of Portuguese residents are much lower in EU countries than in the United States of America (26%) or in Canada (54.6%) (see Table 4).

Table 4. The number of non-resident Portuguese citizens registered to vote, according to the country of residence in 31 December 2017

Continent/ Principal country	Number of Portuguese registered to vote (A)	Number of residents in the country with Portuguese nationality (2016 or last available year) (B)	A/B (%)
Europe	108,348		
France	56,765	541,569	10.5
Germany	18,433	136,08	13.5
Switzerland	11,67	268,66	4.3
Spain	7,167	91,371	7.8
United Kingdom	2,973	213,000	1.4
Africa	12,251		
Southern Africa	8,035		
Mozambique	2,054	4,279	48.0
Angola	639		
Cape Verde	597		
America	177,601		
Brazil	127,194		
Venezuela	19,274		
United States of America	13,216	54,669	24.2
Canada	14,116	25,855	54.6
Asia and Oceania	20,251		
China	16,158		
<i>Macau</i>	<i>16,085</i>	<i>9,024</i>	<i>178.2</i>
Australia	1,929		
India	1,623		
<i>Goa</i>	<i>1,614</i>		
Total	318,451		

Sources: DGAI/MAI - Administração Eleitoral for Portuguese registered to vote and Observatory for Emigration (2017) for residents with Portuguese nationality in each country.

EP elections

As far as EP Elections are concerned, there was no automatic registration for non-resident citizens until very recently (see below information on National Elections, since the legislation in this regard is common to both types of elections). There is a possibility of remote voting and personal voting at the diplomatic missions and designated institutions 10 to 12 days prior to the elections.

National elections

Until 2018, the legal framework stipulated that Portuguese citizens residing abroad could register to vote as long as they were enrolled in the ‘caderno eleitoral’.⁶⁰ Voter registration was thus non-automatic for national citizens residing abroad, since the consular registration (a consular act whereby the identification of national citizens was recorded in the archives of the consular post) did not substitute the registration to vote. The registration abroad could be made in any of the census commissions present in the consular district, in the embassy (if available), or in the area of electoral jurisdiction of the consular posts. In order to register, the citizen had to present the citizen's card or the identity card, certifying his/her residence with that document or with the residence permit issued by the competent authority of the country where he/she resided.

From August 2018 onwards, the electoral registration is automatic and all Portuguese citizens residing abroad with a valid identity document will be so notified, and provided with a legal period to express whether they oppose that registration (since exercising political rights of voting or being a candidate is still subject to a voluntary act and it is not compulsory for any citizen).⁶¹ Following these recent legal changes, it is now quite likely that the number of people willing to vote will rise, which will also imply reinforcement in the number of polling stations available.

3.3. Turnout*EP elections*

According to the data made available by the Portuguese Electoral Administration, per electoral outcomes, it is possible to extract and compare the abstention rate of the Portuguese citizen residents and of the non-resident Portuguese citizens. Considering the two last elections for the EP (in 2009 and 2014), very high abstention rates for Portuguese residing abroad stand out boldly (97.1% in 2009 and 97.9% in 2014) (see Table 5).

The numbers of Portuguese citizens residing in the EU registered to vote in EP elections (and the numbers of those who effectively voted) have been declining since 1999. In the EP Elections of 1999, there were 94,957 Portuguese residing in the EU registered to vote, of which 15,647 did vote. The figures dropped gradually in the subsequent EP elections, achieving the smallest values in 2009 and 2014 when only 1,712 (out of 74,749 registered to vote) and 1,407 (out of 69,411 registered to vote) voted, respectively (Tavares and Rodrigues, 2015: 10). Hence, from abstention rates of 64.5% (in 1989), 75.5% (in 1994), 83.5% (in 1999) and 79.2% (in 2004), the Portuguese residing in the EU gradually increased their abstention rates reaching the highest values in the last two elections (97.7% in 2009 and 98.0% in 2014). Without disregarding other possible factors, the non-automatic electoral registration has definitely been a major obstacle that explains much of the non-resident citizens' turnout. As already referred to in this report (in section 3.1), several incidents were reported over the years by Portuguese residing abroad who had not been able to register or to vote, and most of such difficulties derived from the bureaucratic practicalities involving the process of registering and voting. Since 2018 the electoral registration is automatic and,

⁶⁰ The book of electoral records, present at the local consulates of residence.

⁶¹ <https://www.publico.pt/2018/04/30/politica/noticia/recenseamento-automatico-de-emigrantes-aprovado-por-consenso-1815662>
<https://observador.pt/2018/07/18/lei-eleitoral-muda-para-portugueses-que-vivem-no-estrangeiro/>

consequently, there is higher expectation regarding the next EP and legislative elections (both to be held in 2019) regarding the effects of this new framework on the electoral participation of Portuguese emigrants and mobile citizens abroad.

Table 5. Number of Portuguese citizens registered to vote to the European Parliament and abstention rate, according to the place of residence, in the last two elections (2009 and 2014)

Election to the European Parliament	2009		2014	
	Registered to Vote	Abstention rate	Registered to Vote	Abstention rate
Portuguese Citizen Residents	9,475,249	62.5	9,442,651	65.3
Non-resident Portuguese citizens	191,775	97.1	244,849	97.9
Total non-resident Portuguese in Europe	80,675	97.7	80,622	98.0
France	52,584		45,873	
Germany	11,382		14,134	
Switzerland	6,458		10,482	
Spain	1,809		2,317	
Belgium	2,270		1,995	
United Kingdom	1,273		1,299	
Luxemburg	1,786		1,138	

Source: DGAI/MAI - Administração Eleitoral⁶²

National elections

Again, the same tendency is observed in analysis about the participation of non-resident citizens in national elections. Between 1976 and 2015, the abstention rates of Portuguese citizens in national elections residing abroad increased constantly from 13.2% (the lowest rate in a national election after the abolishment of the Portuguese Dictatorial Regime) to 88.3% in 2015 (the highest abstention rate of the last four decades), reaching +75 percentage points (see Table 6).

Table 6. Number of non-resident Portuguese citizens registered to vote to the Portuguese Parliament and abstention, between 1976 and 2015

Electoral year (to Portuguese Parliament)	Non-resident citizens					Abstention rate of Portuguese Citizen residents (%)
	Registered to vote	Voters		Abstention		
		N	%	N	%	
1976	105,709	91,740	86,8	13,969	13,2	16.7
1979	132,273	88,379	66,8	43,894	33,2	12.5
1980	174,015	107,548	61,8	66,467	38,2	14.6
1983	184,683	83,877	45,4	100,806	54,6	21.4
1985	191,266	57,469	30,0	133,797	70,0	24.6

⁶² Available at

<https://www.sg.mai.gov.pt/AdministracaoEleitoral/RecenseamentoEleitoral/ResultadosRecenseamento/Paginas/default.aspx>

1987	187,538	49,696	26,5	137,842	73,5	27.4
1991	187,43	61,102	32,6	126,328	67,4	31.8
1995	192,329	45,852	23,8	146,477	76,2	32.9
1999	183,351	43,04	23,5	140,311	76,5	38.2
2002	162,612	39,707	24,4	122,905	75,6	37.7
2005	148,378	36,714	24,7	111,664	75,3	35.0
2009	167,007	25,472	15,3	141,535	84,7	40.3
2011	195,109	33,059	16,9	162,05	83,1	41.1
2015	242,852	28,354	11,7	214,498	88,3	43.0

Source: DGAI/MAI - Administração Eleitoral.⁶³

4. Conclusion

Portugal is an experienced emigration country and a recent country of immigration, which explains how for every one non-citizen resident in Portugal there are five non-resident Portuguese citizens abroad. Such migratory experience influences directly Portugal's choices with regard to citizenship policy, political organization and concession of political rights. This has not prevented Portugal however from achieving high standards as far as its policies of integration of immigrants are concerned.

In Portugal, national citizenship is not an exclusive precondition for accessing political rights. As such, several **non-citizens resident groups** may enjoy the right to vote and stand for office under conditions of reciprocity as set by the Constitution (Oliveira and Carvalhais, 2017). In the concession of political rights in Portugal, there is clearly a positive discrimination that favours EU citizens in comparison to other TCNs. EU citizen residents may thus have the right to vote and to stand as candidates in both local and EP elections. Despite this possibility, the rates of voter registration and turnout of non-national residents, EU citizens included, are still rather low in Portugal. Indeed, only 13% of the total non-citizen residents who enjoy electoral rights (13.4% in the case of TCNs with electoral rights and 12.3% in the case of EU citizens) are registered.

In parallel, there is lack of investment in initiatives designed to foster the awareness of non-national residents about their rights, political rights included. One exception was the Campaign *Operation Vote*, launched in 2013 targeting mobile EU citizens, the very first (Oliveira, 2014) and so far only campaign with such goal. The results seemed very good, and cases such as that of the Romanian citizens were quite revealing of this success, as the registration rate for the 2013 Local Elections grew 55% among this community, surely also as a result of this campaign (N. Oliveira, 2017: 73). However, as mentioned, there is lack of similar initiatives. We deem thus that the continuity of such good practices should be prioritized, also as a means to enable the monitoring of results, and the design of new and better initiatives meant to reinforce the TCNs and the EU citizen residents' awareness of their political rights, as well as the effective exercise of such rights.

⁶³ Available at <https://www.sg.mai.gov.pt/AdministracaoEleitoral/Publicacoes/SociologiaEleitoral/Documents/Atlas%20Eleitoral%20AR%2015.pdf>

In parallel, it seems also that other measures should be better explored. The Support Office for Voter Registration (*Gabinete de Apoio ao Recenseamento Eleitoral* of the National Migrant Integration Support Centres) seems one such case. This is a most valuable office, functioning since 2013 and especially designed to provide help and information on the electoral registration process of non-national residents in Portugal. The work of this office could be reinforced with the intervention of immigrant associations, in particular their associative leaders who may play a relevant role in bringing the communities closer to their rights. As already mentioned, associations have been on most occasions quite pro-active in promoting political participation of immigrants in Portugal. Perhaps what is still lacking is a more regular and systematized dissemination of information involving a bigger number of associations all around the country, next to their communities. Entities such as the ACM (the Portuguese Public Institute for the integration of non-national residents) might play a role (namely through its national and local one-stop-shops – the migrant integration support centres) in finding ways of bringing immigrant associations closer to combine efforts and resources around information campaigns to improve the communities' awareness of their rights.

Moreover, with regard to good practices, municipalities and *freguesias* (parishes), particularly from the Lisbon Metropolitan Area, organise online campaigns to promote voting among foreigners, including EU citizens. Again, it would be very important that such activities could be carried out in many other parishes and municipalities of the country. Here too, the existent local migrant associations may play quite a relevant role, by seeking to dialogue closely and regularly with local authorities in order to make them consistently more aware of non-national resident communities, their various specificities, their needs, and their rights, political ones included.

Finally, political parties too have been progressively more attentive to the opportunities that non-national resident communities represent in terms of electoral gains. The strategies however have been dispersed, inconstant and often criticized by immigrants, TCNs in particular (Carvalhais and Oliveira, 2015). Likewise, as this report has identified, the available data show that there is no specific political party activity in Portugal targeting EU citizens in the context of local and/or EP elections. In fact, there has been a total absence of initiatives by political parties for mobile EU citizens (and for immigrants with political rights in general). This too needs to be changed, considering the whole (economic, demographic, social and cultural) importance that immigrant communities have for Portugal and therefore, for the quality of its own democratic regime.

In relation to **non-resident citizens**, an increase over the past decades of very high abstention rates stands out quite boldly, both in EP elections (more than 97%) and in national elections (nearly 90%). Several difficulties related to the political participation of Portuguese residing abroad have been reported over the years, reaching a peak in 2015, when the media reported numerous cases of non-resident citizens who found themselves unable to register to vote, or who complained about getting their vote bulletins too late, or not getting them at all. As a consequence of these problems, several Portuguese emigrants associations organized petitions asking for the law to be changed. Furthermore, political parties represented in the Portuguese Parliament acknowledged bureaucratic difficulties with voter registration abroad, opening the discussion about the necessary amendments to the Electoral Law that could fix the vulnerability of the system (e.g. delays in the receipt of the envelopes containing the bulletins).

As a result, a new law came into force in August 2018 (Law 47/2018 of 13 August) and the voter registration of non-resident citizens became automatic. Although the automatic voter registration resolves several reported vulnerabilities of the system, it is not possible to validate yet if this new electoral framework for non-resident citizens will also have effects in the reduction of the abstention rates of Portuguese emigrants. The elections of 2019 (both EP elections and national elections) will be, thus, a first barometer of the effects of this new law.

It was also relevant to identify in this report that the distribution of the Portuguese Diaspora around the world is not reflected proportionally in the distribution of non-resident citizens registered to vote. Although Portuguese emigrants are overrepresented in European countries, it is outside the EU that more non-resident citizens have registered to vote for elections. It may be claimed that it is easier for Portuguese emigrants to come to Portugal and vote when residing in Europe, instead of voting from abroad, while from outside the EU, the travel expenses may pressure individuals to vote from abroad. However, to say that emigrants find it preferable to travel to vote rather than using the possibility of voting remotely from abroad means that the electoral system was not very user friendly. Although this report sheds some light onto the difficulties of the registration process that were faced mainly until 2018, further empirical data is needed in order to explore the validity of such a hypothesis. It would also be relevant to analyse what will happen in this respect in 2019 with the two expected elections (EP and legislative elections) that will already be framed by the automatic registration of voters put into force with the 2018 Law.

We consider that the recent reform of the electoral law that now makes the electoral registration automatic for nationals residing abroad will be worth being monitored in the near future as it may have positive effects in the mobilization of voters. However, looking at the high levels of turnout of resident nationals, the problem is most likely to persist.

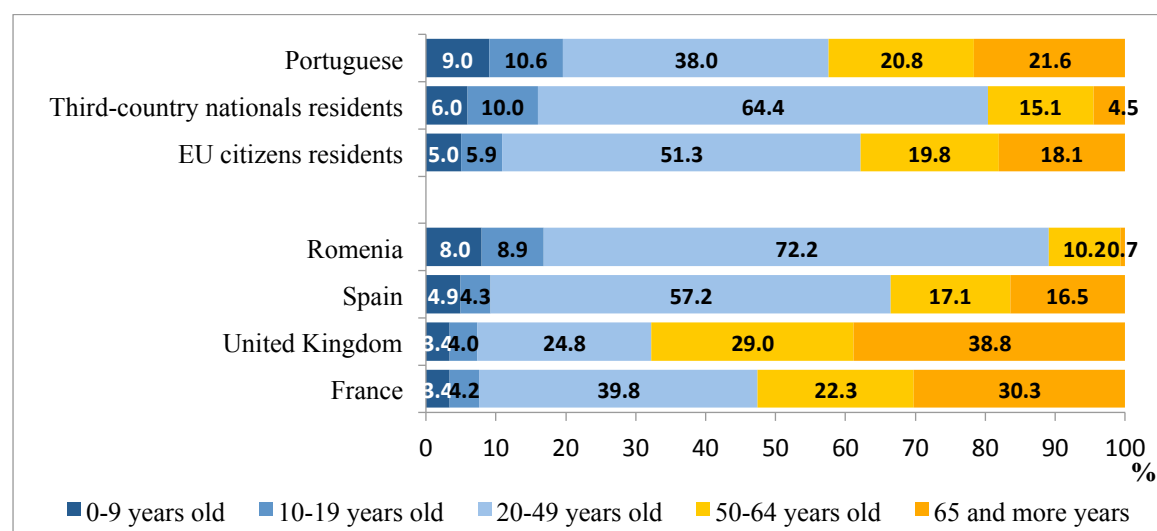
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ANNEX 1.

Figure 1. Age composition of residents in Portugal according to nationality, in 2016 (%)



Source: INE, Estimativas Anuais da População Residente Emigração (prepared by Oliveira e Gomes, 2018: 74, Observatory for Migration).

Table A. Discrepancy rate of average salary of non-national residents in Portugal in comparison with Portuguese, in 2016 (%)

Nationality	Total	Man	Women
Belgium	+169,0	+206,5	+99,8
The Netherlands	+132,8	+191,6	+44,5
United Kingdom	+113,5	+146,1	+73,1
Spain	+97,0	+121,1	+50,8
France	+85,7	+131,7	+33,6
Germany	+77,6	+116,4	+39,1
Italy	+70,7	+94,2	+38,6
Poland	+17,5	+21,0	+21,8
Portuguese	0,0	0,0	0,0
Total foreign workers	-4,5	-1,2	-12,9
Romania	-31,7	-34,9	-28,0
Bulgaria	-32,6	-34,4	-29,7

Source: Quadros de Pessoal (prepared by Oliveira e Gomes, 2018:163, Observatory for Migration).

Table B. Estimative of stock of Portuguese emigrants (born in Portugal living abroad), by continent, between 1990 and 2015

Year	Total		Europe		America		Other continents	
	N	%	N	%	N	%	N	%
1990	2,060,790	100	1,092,141	53.0	910,907	44.2	57,742	2.8
1995	2,097,189	100	1,187,356	56.6	853,198	40.7	56,635	2.7
2000	2,174,444	100	1,301,084	59.8	815,315	37.5	58,045	2.7
2005	1,936,066	100	1,114,618	57.6	758,905	39.2	62,543	3.2
2010	2,098,897	100	1,308,130	62.3	712,886	34.0	77,881	3.7
2015	2,306,321	100	1,433,482	62.2	775,050	33.6	97,789	4.2

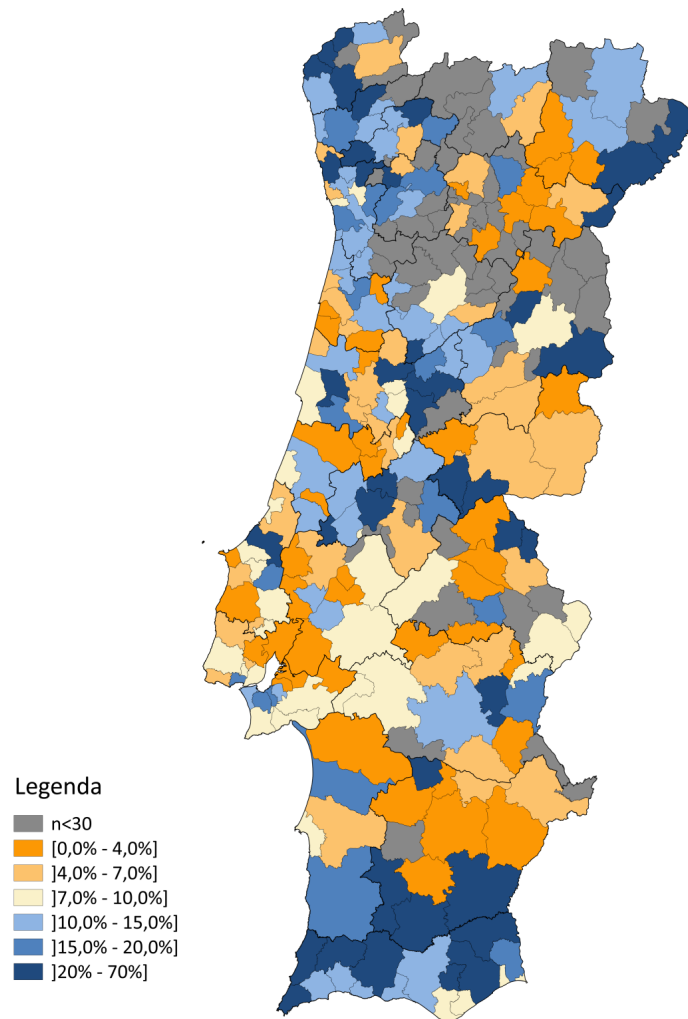
Source: United Nations database (prepared by Observatório da Emigração)

Table C. Citizens born in Portugal living in OECD countries, with 15 years old and more, according to several indicators, in 2000/01 and 2010/11

Indicators	2000/01	2010/11
Total (thousands) in OECD countries	1260.2	1435.8
Sex	%	%
Man	51	51
Women	49	49
Age Group	%	%
15 to 24 years old	7	5
25 to 64 years old	84	78
More than 65 years old	9	17
Duration of stay	%	%
Less than 5 years	7	11
Between 5 and 10 years	8	8
More than 10 years	85	81
Education level	%	%
Low-educated	94	89
Highly educated	6	11
Work Condition	%	%
Employed	66	62
Unemployed	5	6
Inactive	29	32
Occupation	%	%
Managers and professionals (ISCO 1/2/3)	21	19
ISCO 4/5/6/7/8	64	58
Unqualified workers (ISCO 9)	15	23

Source: OECD based on Census data of 1 OECD countries (prepared by Observatório da Emigração).

Map 1. Percentage of EU citizen residents registered to vote per total EU resident population in each Portuguese municipality, in 2016



Sources: DGAI (Direção Geral de Administração Interna) da Administração Eleitoral and INE. Note: In grey are municipalities with less than 30 EU inhabitants. (prepared by Oliveira and Gomes, 2018: 260, Observatory for Migration).

ANNEX 2.

The Brazilian case

The Treaty of Friendship, Cooperation and Consultation signed between Brazil and Portugal⁶⁴ offers Brazilian residents in Portugal the possibility of having access to an almost complete set of political rights, including voting in all elections. Brazilian who voluntarily request the «special status of equality of political rights» are eligible for voting for the Presidency of the Republic, the National Parliament and the Regional Parliaments in Portugal, though, they cannot present themselves as candidates in the case of the Presidency of the Republic.

The special status (*estatuto especial*) of citizenship rights and duties follows the principle of reciprocity here already mentioned and follows very specific legal rules: citizens must be legally capable, hold no criminal background, and have at least three years of legal residence. Furthermore, this access is only possible if the individual presents a written requirement making his/her intentions clearly explicit. This means that it is not an automatic concession, but one that must result from an act of initiative of the individual. By doing so, the individual is also agreeing on suspending her/his corresponding rights in her/his home country. Presently, and according to the Brazilian Electoral High Court (*Tribunal Superior Eleitoral*) only around 300 Brazilians residing in Portugal are under this special regime by their own initiative, with suspended political rights in Brazil by voluntary will. As such, the regime of equality of rights and duties of Brazilians and Portuguese is a specific legal figure that allows, under reciprocity, the expansion of citizenship rights only for those Brazilian residents who consider that their bond to this country justifies that they acquire higher and wider political rights, such as the right to vote on regional, legislative and presidential elections, or the right to candidate to public organs (except the organ of President of the Republic).

Still, it is important to understand that this legal frame here briefly summarized has no relation with the active and passive political rights that Brazilians have been entitled with since 1997 at the local level. As elsewhere explained: (...) *the special statute is simply a parallel mechanism that helps to deepen, under voluntary will, the intensity and quality of social and political integration of a specific foreign community, but which does not have any determinant reading upon the acquisition of full political rights at the local level. This is important to stress, as the special status cannot be evoked to explain, as often done, the low rates of electoral registering among the Brazilian community in Portugal.* (...) (Oliveira, Carvalhais and Cancela, 2014: 18-19).

⁶⁴ This Treaty was signed in 2000, following the 500th anniversary of the arrival of Portugal to what would be the Brazilian shores, and is in fact an update and reinforcement of the *Convenção de Brasília* signed by the two countries in 1972.

ANNEX 3.

Image 1. Operation Vote campaign, 2013 leaflet

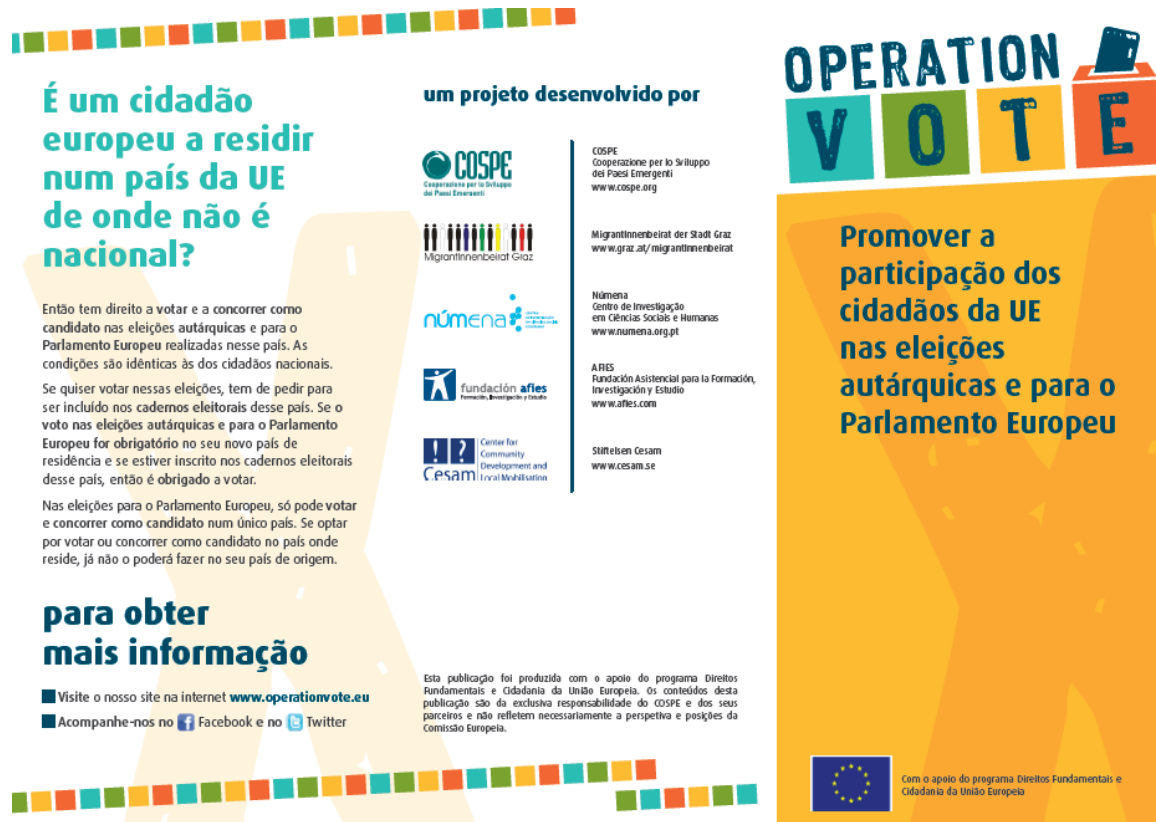


Image 2. Leaflet of AIPA Campaign for foreign residents “Who does not vote... does not count”⁶⁵



⁶⁵ Available at <http://www.aipa-azores.com/projectos/vota.pdf>

ANNEX 4.

Changes introduced to the electoral registration of Portuguese citizens residing abroad

Before (Law no. 1/2011 of 30 November)	Now (Law no 4772018 of 13 August)
Only national citizens residing in the national territory, older than 17 years, were officially and automatically enrolled.	All national citizens over the age of 17, whether residing in Portugal or residing abroad, are automatically and automatically registered, provided they have a citizen's card.
National citizens residing abroad to vote had to promote their registration in the census.	Only national citizens residing abroad who have an identity card must promote their registration in the census.
The census of Portuguese citizens residing abroad was voluntary.	The census of Portuguese citizens residing abroad continues to be voluntary, since, despite being automatically registered, they can request, at any time, the cancellation of the registration.
	<p>The registration in the census of Portuguese citizens residing abroad is converted into inactive when 12 months have elapsed after the expiration of the last valid national identification document or passport, without revalidation.</p> <p>The registration becomes active, officially, with the obtaining or revalidation of the card of citizen or with the voluntary enrolment in the census</p>
Voters who promoted their alien registration were identified by presenting their citizen's card or identity card and certifying their residence with that document or the residence permit issued by the competent authority of the country in which they are located.	The voters who promote their registration face-to-face abroad will identify themselves by presenting the identity card and certify their residence with a document proving their address in the country of residence
Regardless of the civil identification document held, all Portuguese citizens residing abroad who registered in the Portuguese voter register were registered at the places where the census commission (consular section of the Embassy or consular post) corresponds to the residence indicated in the residence permit issued by the competent authority of the country in which they are located.	The electoral district of citizens holding citizens' cards is the one corresponding to the permanent residence there. Portuguese citizens residing abroad, holders of an identity card and promoting their registration in the Portuguese electoral register, are registered in the places of operation of the census commission (consular section of the Embassy or consular post) corresponding to the documented address of the country where they reside.
In the elections to the European Parliament, and considering that Portuguese citizens residing in EU countries were not automatically registered and should promote their census, they made a formal statement at that time, electing to vote in the deputies of the country of residence or in the deputies of Portugal. Voters could change their choice later.	In the elections to the European Parliament, Portuguese citizens residing in EU countries and automatically registered in the voter register, when they do not present to the respective census commission, a formal statement opting to vote in the deputies of the country of residence, are electors of the deputies from Portugal. Voters are still able to change their choice later.
In the election to the Assembly of the Republic, Portuguese citizens residing abroad only voted by postal mail.	In the election to the Assembly of the Republic, Portuguese citizens residing abroad choose to vote in person or by postal vote, until the date of the marking of each electoral act and the respective census commission abroad (consular section of the Embassy or consular post).

<p>In the election to the Assembly of the Republic, Portuguese citizens residing abroad only voted by postal mail.</p>	<p>In the election to the Assembly of the Republic, Portuguese citizens residing abroad choose to vote in person or by postal vote, until the date of the marking of each electoral act and the respective census commission abroad (consular section of the Embassy or consular post).</p>
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Source: CNE, 2018, “Alterações no recenseamento eleitoral de Cidadãos portugueses residentes no estrangeiro”, available at <http://www.cne.pt/content/alteracoes-no-recenseamento-eleitoral-de-cidadaos-portugueses-residentes-no-estrangeiro> (adapted and translated by the authors).

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