

**South Asian migrants' lives on hold  
in Portugal: between regularisation  
challenges and strategies  
to address them**

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## **Abstract**

This work explores the challenges faced by South Asian migrants in seeking regularisation in Portugal, and the strategies they adopt to deal with them. Using an inductive approach, interviews with the migrants themselves and observations were conducted, the study reveals dysfunctions within the Portuguese administrative system that make the process of acquiring a residence permit difficult. In response, migrants use their agency and resilience to implement solutions. The study highlights the central role of the community network, both as a solution and as a relay of information on possible strategies. However, the power to decide whether to grant a residence permit is concentrated in the hands of the administration responsible for managing migration, thus limiting the influence of South Asian migrants' strategies on the outcome of their case. In short, the regularisation procedure in Portugal traps South Asian migrants in an administrative spiral, leaving them in a “suspended life”.



# Table of Contents

Abstract .....	3
Table of Contents.....	5
List of figures .....	7
List of abbreviations.....	9
1. Introduction.....	11
2. Conceptual framework.....	15
3. Context.....	19
3.1. Legislative framework and migration authorities .....	19
3.1.1. Evolution of the legislative framework on migration .....	19
3.1.2. Actors in migration management .....	22
3.2. Steps of the regularisation procedure .....	24
3.3. Migration flows in Portugal : a historical overview.....	27
3.4. Characterization of South Asian migrants in Portugal .....	29
4. Methodology .....	33
4.1. Field access .....	33
4.2. Data collection.....	34
4.2.1. Interviews .....	35
4.2.2. Participant observation.....	39
4.3. Data analysis .....	41
4.4. Ethical considerations .....	42
5. Data analysis .....	45
5.1. Challenges of regularisation.....	45
5.1.1. Lack of knowledge of the bureaucratic system .....	45
5.1.2. Language barrier .....	47
5.1.3. Waiting for documents .....	48
5.1.4. Relationship between regularisation and the right to work.....	50

5.1.5.	Forced immobility .....	51
5.2.	Strategies .....	52
5.2.1.	Lawyers: “No solution, only money” .....	53
5.2.2.	Community support.....	55
5.2.3.	« Agent » .....	56
5.2.4.	Associations .....	57
6.	Discussion .....	59
7.	Conclusion .....	69
8.	References.....	71
9.	Annex .....	81
9.1.	Interview grid .....	81
9.2.	Socio-demographic characteristics of study participants .....	83

## List of figures

<b>Scheme 1:</b> Steps of the regularisation procedure and the public entities involved.....	27
<b>Scheme 2:</b> Most represented nationalities in Portugal.....	31
<b>Scheme 3:</b> Sociodemographic characteristics of the interviewees.....	38
<b>Scheme 4:</b> Listing of problems encountered during the regularisation procedure and the respective strategies adopted.....	52



## List of abbreviations

<b>AIMA</b>	Agência para a Integração, Migrações e Asilo (Agency for Integration, Migratios, and Asylum)
<b>EEC</b>	European Economic Community
<b>IRN</b>	InstitutE dos Registos e do Notariado (Registry and Notary)
<b>NIF</b>	Numéro de Identificação Fiscal (Tax Identification Number)
<b>NISS</b>	Numéro de Identificação de Segurança Social (Social Security Identification Number)
<b>PALOP</b>	Países Africanos de Língua Oficial Portuguesa (African Countries of Portuguese Official Language)
<b>SEF</b>	Serviço de Estrangeiros e Fronteiras (Service for Foreigners and Borders)
<b>SOLIM</b>	Solidariedade Imigrante



# 1. Introduction

Four hundred thousand. This is the number of regularisation procedures waiting to be processed in Portugal in June 2024 (Diário de notícias, 2024). Considering this, the government of Luís Montenegro has set up a Action Plan for migration, demonstrating its determination to not only restructure the management of migration issues, but also, and most importantly to speed up the regularisation procedures pending. More specifically, this Action Plan for Migration identifies the main challenges in terms of migration, such as the the existing laws for entry into Portuguese territory, the administrative reorganization that led to the abolition of the Serviço de Estrangeiros e Fronteiras (SEF), and the creation of the Agência par a Integração, Migração e Asilo (AIMA), which is experiencing operational difficulties, the overloading of public services, shortcomings in the border control system, difficulties in the integration and reception of migrants, and the development of human trafficking, exploitation and irregular immigration networks (Presidência do Conselho de Ministros, 2024).

While proposing measures to improve the situation, the government is also highlighting the scale of the problems involved in managing migration. In addition to being at the heart of the political agenda, migration issues have been, since 2021, the subject of increasing media coverage (Peixoto & al., 2021). In particular, the migrant population from South Asia has been at the center of this media attention. Indeed, following investigations into human trafficking and slavery, police violence and the exposure of precarious living, working and housing conditions and pending regularisation procedures, migrants from South Asia have been one of the most discussed migrant populations.<sup>1</sup>

According to Góis (2018 in Torres & al., 2022), these issues are linked to the significant increase in migratory flows, which are diversifying in terms of profiles, countries of origin and motives, putting Portugal's capacity to absorb and manage these migrations to the test. More specifically, the regularisation procedures that led to the numerous pending files could be linked to the “deficient organization of procedures, lack of support structures, lack of coordination between different public services, slow bureaucracy” (Góis, 2019 in Torres & al., 2022).

But, in practical terms, what do we know about how migrants experience the regularisation procedure in Portugal? Although the media, political and administrative circles and

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<sup>1</sup> Cf Jornal de Notícias, <https://www.jn.pt/1351386344/imigrante-indiano-foi-executado-em-setubal-por-motivacao-racista/>; Diário de notícias, <https://www.dnoticias.pt/2020/6/15/47482-cinco-militares-da-gnr-em-tribunal-por-agressao-a-imigrantes-indianos/>; Visão, <https://visao.pt/atualidade/sociedade/2021-05-06-odemira-viagem-ao-mundo-dos-emigrantes-explorados-e-invisiveis/>

associations, among others, address issues linked to regularisation procedures from a variety of angles, the perceptions of those directly affected by them - migrants - remain poorly documented in Portugal. Considering this, our research aims to go beyond what is circulating in the public sphere, by exploring the reality experienced on the ground by those seeking regularisation.

This thesis focuses specifically on migrants from South Asia for several reasons. Firstly, the media coverage they have received, which has increased their exposure in the public arena, was the starting point for our questions. Secondly, because there has been a significant increase in their presence on Portuguese territory, making South Asia one of the most represented origins, outside Europe, among migratory flows to Portugal (AIMA, 2024). Furthermore, these individuals stand out due to their non-membership in Lusophone communities, such as those from Brazil or the Portuguese-speaking African countries (PALOP), which has historically accounted for the majority of migration to Portugal. And finally, because South Asian countries are still under-represented in academic research on migration in Portugal (Pereira & al., 2021).

Our research question is formulated as follows: To what extent do the lived experiences of South Asian migrants in Portugal influence their strategies to address the challenges they face during their regularisation process? In other words, we aim to explore migrants' experiences throughout the process of obtaining a residence permit, and to understand the concrete effects that such a process has on the lives of those directly affected by it. The aims of this research are, through the lived experiences of the migrants themselves, to map the difficulties they encounter and identify the ways in which they cope with them, in order to contribute to the understanding of the case of South Asian migrants in Portugal. In addition, we aspire to propose some practical avenues that could improve migrants' experiences during their regularisation.

Our thesis was conducted using a qualitative method, adopting an inductive approach, aiming to develop theory from the data collected (Glaser & al., 1967). To this end, we were hosted at SOLIM - an association for the defence of migrants' rights - which provides migrants with social, cultural, political and service support<sup>2</sup>. At SOLIM, we were able to meet and interview South Asian migrants through semi-directive interviews. In addition, during the data collection phase, we also carried out observations within the association but also by visiting the AIMA sites, during the April 25 and May 1 commemorative demonstrations or during the South Asian migrants' protest against the waiting times of regularisation procedures. As for the analysis, we

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<sup>2</sup> Cf <https://solidariedadeimigrante.wordpress.com/>

coded the data collected, as recommended by the Grounded Theory (Glaser & al., 1967; Charmaz, 2006). In order to address our research question, this dissertation is structured into several chapters. Firstly, despite our inductive approach, we do not deny the existence of theoretical knowledge prior to our research, and dedicate a chapter to the conceptual framework in which we discuss the management of migration in Portugal, the administrative regularisation procedure, the interactions between street-level bureaucrats and migrants, and the consequences for the latter's lives. The following chapter is dedicated to the contextualization of migration in Portugal. Specifically, we will outline the evolutions of the legislative framework - Law n.º 23/2007 - governing the entry, stay, exit and removal of foreigners, the institutions responsible for managing migration and, finally, we outline the landscape of migration to Portugal, with a focus on migration from South Asia to Portugal. Then, we will explain the methodology used to carry out this research. We will look at the various stages, such as access to the field, data collection, methods of data analysis and, finally, the ethical considerations that arose throughout the production of this dissertation. The fifth chapter is dedicated to the analysis of the data we collected from migrants. It is divided into two sub-chapters, one focusing on the challenges of the regularisation process and the other on the strategies implemented to overcome these challenges. The penultimate chapter will be devoted to a discussion of the results obtained. Finally, we will present the conclusions of the research.



## 2. Conceptual framework

First, it is important to clarify the function and implications of developing a conceptual framework in a research study, such as ours, conducted using the inductive method. Indeed, while apologists of Grounded Theory (Glaser & al., 1967; Charmaz, 2006) advocate for approaching the field without any theoretical preconceptions, we argue that, on the one hand, the researcher is inevitably influenced by his or her prior knowledge and cannot completely detach himself or herself. On the other hand, it is important to have a solid understanding of and be informed about one's research issue (Labelle & al., 2012 in Proust-Androwkha, 2022; Glaser & al., 1967). Given this, the present conceptual framework was developed with the aim of having a tool capable of demystifying our initial problematic and questioning, while keeping an open mind. Thus, our conceptual framework remains "broad and flexible" (Mucchielli, 2005). For this reason, our aim is not to summarise all the existing theories on this subject, but rather to highlight concepts that help us to better understand and situate our research question and, more broadly, our problematic.

In order to draw out theories from our data, we limit ourselves in this chapter to contextualizing our research question, which seeks to understand the extent to which the lived experiences of South Asian migrants in Portugal influence on their strategies for responding to the difficulties they encounter when regularising their status. Conceptual framework traces our reasoning, beginning with how migration is managed, leading us to discuss the notion of regularisation, which suggests an administrative procedure entailing interactions between street-level bureaucrats and migrants, the outcome of which impacts on migrants' lives, pushing them to adapt to new realities. Through this conceptual framework, we aim to clarify our position and set out the starting points for our reflection.

Portugal, often considered a host country with less rigid migration legislation than other European countries, conveys the image of a country where access to legal status is more attainable (Pereira & al., 2021). Indeed, as we will see in a later chapter, under certain conditions, migrants can enter in the Portuguese territory, for work purposes, and apply for regularisation ex-post, that is, when they are already in the country (Malheiros & al., 2023). This possibility, according to Malheiros & al. (2023) "seems to indicate recognition of the inability to adjust formal immigration channels to migratory pressure and labor needs". Consequently, having entered the country irregularly, i.e. without a visa to that effect, they remain in this condition until they obtain regular residence status. Thus, migrants are placed in

an irregular situation which, at first glance, is temporary, in order to achieve the goal of legal status (Glytsos, 2005). For them, this is also synonymous with being able to join other European Union countries, making Portugal a kind of gateway to Europe for South Asian migrants.

Despite being in an irregular administrative situation when they arrive in Portugal, South Asian migrants can, under certain conditions, initiate a regularisation procedure (Santella, 2023). Regularisation, broadly defined, refers to “any state procedure by which non-citizens who reside illegally, or who are in breach of national immigration rules in their current country of residence, are granted legal status” (Kraler, 2009). This is the opportunity for migrants to legalize their stay on the territory and access more rights (Chauvin & al., 2012 in Santella, 2023). This implies that migrants initiate a procedure with the public administration, more precisely with street-level bureaucrats (Santella, 2023; Tuckett, 2015). This term refers to civil servants who interact directly with migrants and are responsible for interpreting and applying public migration policies (Lipsky, 2010). Their work is characterised by the exercise of a discretionary power, which gives them room for maneuver in their decision-making, depending on the specifics of each situation and their personal assessment. Lack of time, information or resources often push street-level bureaucrats to exercise their discretionary power (Lipsky, 2010).

According to Costa (2020), the public administration in charge of migration management have a structural problem and a lack of coordination between them, which translates into inefficiency in the operation of the administration and, consequently, affects the progress of regularisation procedures. More specifically, these systemic failures can limit migrants' access to legal status, which in turn leads to unequal access in terms of employment, health, housing conditions, among others (Köhler & al., 1976). In the words of Galtung (1990), this could be a form of structural violence.

Their role is therefore likely to be decisive in the experience of new arrivals (Chang & al., 2023; Lipsky, 2010; Edri-Peer & al, 2024; Bentley, 2023; Geoffrion & al., 2021). In fact, officials' decisions have direct consequences on migrants' lives, in terms of integration, access to services, among others, as their daily lives are conditioned by whether or not they obtain documents (Lipsky, 2010 in Costa, 2020). Far from being a mere formality, bureaucratic processes generate a strong emotional charge for migrants (Geoffrion & al., 2021; Triandafyllidou, 2019). The expectations, hopes and dreams invested in them, clash with the reality of administrative procedures, generating frustration, uncertainty, a sense of powerlessness and even vulnerability among migrants during interactions with state agents

(Geoffrion & al.,2021). In this context, migrants develop strategies to adapt to constraints and satisfy their personal aspirations (Sandoz, 2021). Indeed, migrants are not passive nor powerless agents in the face of the host country's bureaucracy, they have an agency that gives them the ability to act, to respond and to adapt, thus shaping their own migratory path (Smit, 2020).

In addition to contextualizing our research question, this conceptual framework has been drawn up with a view to transparency, in order to make explicit the preconceptions we had prior to the research, and in an attempt to limit their influence. However, since we are conducting inductive research, it is important to emphasize that this framework will not be imposed during our analysis, the goal is to bring theory out of our field.



## **3. Context**

The aim of this chapter is to situate our research within the broader framework of migration in Portugal. To this end, we will first examine the legislative framework governing migration and the changes it has undergone over time, in order to clarify how South Asian migrants are governed by the law. In the same vein, we outline the stages in the regularisation procedure, as well as the institutions in charge of managing it. We also look at the history of migratory flows to Portugal, before proceeding to characterise South Asian immigration to Portugal.

### **3.1. Legislative framework and migration authorities**

#### **3.1.1. Evolution of the legislative framework on migration**

To better understand the Portuguese migration context, we believe it is important to look at the legal framework in which it operates. In this chapter, we will highlight the legal provisions in force, as well as the modifications made to them, which are most relevant to our research.

In the 1980s, Portugal carried out a legislative systematization, bringing together existing laws into a structured legal framework to regulate the migratory flow from former Portuguese colonies (Tsagkroni, 2024; Padilla & al., 2012). In 1986, following Portugal's accession to the European Union, this framework had to be aligned with EU regulations (Tsagkroni, 2024). Then, between 1995 and 2002, changes were made to regulations in order to manage migratory flows and respond to problems linked to job shortages (Peixoto, 2009). Until then, migration policies favoured migrant groups with linguistic, cultural and/or social ties to Portugal (Góis & al., 2009).

In 2007, Law No 23/2007, more commonly known as the Foreigners Law, was passed, defining the “legal regime for the entry, stay, exit and removal of foreign citizens from the national territory”. The law was designed to combat illegal immigration and reduce bureaucracy (Costa, 2020). More concretely, it introduced a new typology of residence permits, established an annual quota of labor entries based on existing demand in the country and also brought changes to the mechanisms for regularising irregular immigrants (Peixoto & al., 2009; Padilla & al., 2012; Carvalho, 2018; Costa 2020).

Between 2012 and 2024, Law No 23/2007 was amended 14 times. Among these revisions, we focus on those made to article 88.º, concerning “residence authorization for the exercise of a salaried professional activity”. This article is particularly important in the context of this

research because, according to the Report on Migration and Asylum published by AIMA, in 2023, after the granting of residence permits for citizens of the Community of Portuguese-speaking Countries (art. 88° A) and the Certificate of Residence for EU citizens (CR 0), residence permits for the exercise of a professional activity were the most frequently cited reason for the granting of residence permits.

Indeed, one of the major changes introduced by Law No 59/2017, of July 31, has made it possible to regularise residence on Portuguese territory for the purpose of carrying out a professional activity, whether salaried or self-employed, without requiring a valid visa for this purpose, but by resorting to an expression of interest. This is a request addressed to AIMA, the administrative department responsible for granting residence permits, expressing the desire of the migrant, already present in the country, to regularise his situation. However, as explained below, this amendment is no longer in effect since June 2024, which means that expressions of interest can no longer be applied in residency authorization procedures. Another significant amendment to Law No 23/2007, of July 4, was made by Law No 28/2019, of March 29. This amendment establishes a presumption of legal entry into Portuguese territory for the granting of a residence permit for the purpose of exercising a professional activity, provided that the applicant has regularised his or her situation with the Social Security system for at least 12 months. Thus, any foreigner who has entered Portuguese territory illegally can obtain legal status, provided he or she has paid contributions for one year. These motivations enabled migrants without residence visas to regularise their status in Portugal. In view of this, Portugal no longer respects the principles of the Schengen area, given that the EU's visa policy stipulates that people from third countries are obliged to present a visa to enter the Schengen area, unless an exemption or facilitation agreement has been signed, as is the case for nationals from the Indian subcontinent in Portugal<sup>3</sup>.

Thus, at the beginning of 2024, during our fieldwork phase, the article of law governing the conditions for obtaining a residence permit for the exercise of a subordinate professional activity was formulated as follows:

Article 88.<sup>04</sup>

Residence permit for subordinate employment

1 - [...] The residence permit for the exercise of a subordinate professional activity is only granted to third-country nationals who have an employment contract under the terms of the law and who are registered with the social security system.

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<sup>3</sup> Cf [https://home-affairs.ec.europa.eu/policies/schengen-borders-and-visa/visa-policy\\_en](https://home-affairs.ec.europa.eu/policies/schengen-borders-and-visa/visa-policy_en)

<sup>4</sup> Translated by DeepL

**2 - By means of an expression of interest lodged on the AIMA, I. P. website or directly with one of its regional offices, the condition laid down in Article 77, paragraph 1, point a), is waived, provided that the foreign national, in addition to the other general conditions laid down by this provision, meets the following conditions:**

a) have a contract of employment or a promise of a contract of employment or an employment relationship certified by a trade union, by a representative of the migrant communities sitting on the Migration Board or by the Working Conditions Authority.

b) entered the national territory legally

c) be registered with the social security authorities, except in cases where the document presented under point a) is a promise of an employment contract.

[...]

**6 - The legal entry referred to in paragraph 2, point b), is presumed when the applicant is working on national territory, and his/her social security situation has been regularised for at least twelve months.**

7 - Once the employment relationship has been established and formalised within the 180 days referred to in Article 57a(1)(c), an application for a residence permit may be made to the competent body on the date of the appointment indicated on the visa, provided that the applicant meets the general conditions for granting a residence permit, under the terms of Article 77.

These changes would have resulted in an increase in the granting of residence permits for subordinate activities and, according to the Presidency of the Council of Ministers (Decree-Law no. 37-A/2024, of 3rd June) would have generated a “call effect”, as they offered a guarantee of regularisation for migrants in an irregular situation in an EU member state (Oliveria, 2023). In fact, this legislation conveys the image of an accessible Portugal in terms of regulations, opening the doors of Europe to migrants from third countries, who use Portugal as a “waiting room” before moving on to another European country (Coelho, 2024). In practical terms, when they enter in Portugal and are regularised, they also join the EU.

In addition, these articles have contributed to “the situation in which the country finds itself in terms of regularisation and documentation of foreign citizens, with the formation of hundreds of thousands of files waiting analysis and an inability of the competent services to respond effectively” (Decree-Law no. 37-A/2024, of 3rd June). To remedy this situation, the government has drawn up a “Migration Action Plan” (Presidência do conselho de ministros, 2024), comprising 41 measures on migration policy. The first chapter, entitled “Regulated Immigration”, begins with a sub-chapter devoted to the revision of entry rules. Among the main measures, this revision sets out to repeal articles 88.º and 89.º (paragraph 2) of Law No 23/2007,

of July 4. More specifically, this repeal removes the possibility of submitting an expression of interest, which allowed foreign workers in an irregular situation, who had contributed to Social Security, to apply for a residence permit. From now on, only migrants holding a residence visa or a work search visa can apply for a residence permit (Law No. 23/2007 art. 77.º & art. 88º). However, despite this change, our report is in line with previous legislation, given that at the time of data collection, the interviewees were subject to Law No. 23/2007, of July 4, which allows the submission of an expression of interest when individuals do not have a residence visa or a job search visa. In fact, until June 3, 2024, any person registered in Social Security and having contributed for 12 months, regardless of whether or not they have submitted an expression of interest, will have their file managed in accordance with Law No. 23/2007, of July 4, in its previous wording, this therefore applies to the people we met during our field phase (Law No. 40/2024, of November 7, art. 3.º).

It should be noted that the changes made to Law No. 23/2007, of 4 July, particularly affect individuals from non-EU countries, including South Asian nationals, who constitute the population at the center of our study. Indeed, these new provisions require migrants to obtain a visa to enter in Portugal, which forces them to begin their process at Portuguese consulates before being able to enter in the national territory. However, in some countries, the absence of Portuguese diplomatic representation, or their distance from the migrants' areas of residence, considerably complicates the migration project. These reforms to the law could therefore lead to a decrease in the arrivals of South Asian migrants in Portugal or, have a negative effect, by increasing illegal immigration to Portugal.

### **3.1.2. Actors in migration management**

Migration management in Portugal is carried out by key actors, whose mission is to implement migration policy. This chapter therefore aims to map the administrative bodies responsible for this management. To do this, we will describe the roles and missions of each of these actors throughout the procedure for obtaining a residence permit.

The Serviço de Estrangeiros e Fronteiras (SEF), created in 1986, has long been the central actor in the implementation of Portuguese migration policy. The SEF's missions ranged from border control and document management of foreigners' to processing asylum applications, as well as fight against criminal activities related to illegal immigration and human trafficking (Serviço de Estrangeiros e Fronteiras-ePortugal.gov.pt, n. d.; Decreto-Lei No 252/2000). In 2019, the findings of the Serviço Jesuíta aos Refugiados (2023) highlighted a "state of rupture" within

the SEF leading to long processing times for applications, preventing many migrants from obtaining or renewing their residence permit or reuniting their families within the time limits set by law. This is manifested by a “systemic, institutionalized and organic violation of the fundamental rights of immigrants” (Serviço Jesuíta aos Refugiados, 2023). In other words, the violation of migrants' rights occurs regularly, being favored by the rules and structures put in place by the administration responsible for migration, thus becoming an integral part of the system.

Faced with the dysfunctions observed within the SEF, the 22nd Portuguese Constitutional Government<sup>5</sup>, of which the socialist Antonio Costa was the Prime Minister, expressed its intention to have, within the Public Administration, "a more humanistic and less bureaucratic approach" to the migratory phenomenon. However, in March 2020, the accusation of 3 SEF inspectors of the murder of Ihor Homenyuk<sup>6</sup>, a Ukrainian citizen who tried to enter illegally in the Portuguese territory, generated allegations of abuse of power and violation of Human Rights, further discrediting the institution.

These wishes were, initially, concretized by the Resolution of the Council of Ministers No 43/2021, of April 14, which redefined the missions of the SEF by separating the police functions from the administrative functions related to the management of migrants (Resolução do Conselho de Ministros No. 43/2021). Then, in a second phase, the Assembly of the Republic adopted Law No. 73/2021, November 12, approving the restructuring of the Portuguese border control system by eliminating the SEF and transferring these police functions to the security forces and entrusting the administrative tasks related to the reception and integration of migrants to the new Agency for Integration, Migration and Asylum (AIMA). Furthermore, the Institute of the Registry and Notary (IRN) has been assigned the issuance of electronic passports and the renewal of residence permits.

Taking over the responsibilities of the High Commission for Migration and the SEF, the Agency for Integration, Migration and Asylum (AIMA), created by Decree-Law No. 41/2023, of 2 June, is now at the heart of Portuguese migration policy. From now on, in addition to regularising the stay of foreigners and welcoming asylum seekers, AIMA is responsible for implementing international cooperation policies on migration and asylum, managing refugee resettlement programmes, promoting the integration of migrants and combating racism and discrimination.

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<sup>5</sup> Cf <https://www.portugal.gov.pt/pt/gc22/comunicacao/documento?i=programa-do-xxii-governo-constitucional>

<sup>6</sup> Cf Publico, <https://www.publico.pt/interactivo/cronologia-sef>

<sup>7</sup>Since its inception on 29 October 2023, AIMA has inherited a significant number of cases not processed by the SEF, to which new cases have been added, bringing the total number of pending procedures to around 400,000.

AIMA is experiencing a difficult start, which is reflected in 1,750 complaints, 53% of which concern the wait for regularisation via a residence permit. As for making an appointment, complaints represent 14.4%, a percentage equivalent to those of complaints concerning documents finalized but not received by migrants. Furthermore, 12.1% of complaints concern difficulties in communicating with AIMA officials or telephone assistance, while 3% of complaints concern problems encountered on the AIMA online platform<sup>8</sup>. In addition, AIMA is facing numerous legal proceedings relating to delays in granting residence permits (Nunes, 2024).

Other services are also involved, such as Segurança Social, which is responsible for assigning the identification number (NISS) essential for accessing social benefits, and Finance, which issues the tax identification number (NIF) that allows migrants to fulfil their tax obligations. These two elements are fundamental for migrants when they wish to reside and/or exercise a dependent or independent professional activity on Portuguese territory.

### **3.2. Steps of the regularisation procedure**

Any person wishing to settle, temporarily or permanently, in Portuguese territory must initiate a regularisation procedure, that is, undertake administrative procedures that allow them to obtain a residence permit in order to reside legally in the country. Indeed, regardless of the legal provision under which migrants wish to initiate their procedure for obtaining a residence permit, they will be required to interact with various public administration entities to carry out the administrative procedures required for regularisation (Santella, 2023). Given this, it seems relevant to us to discuss the stages of the regularisation procedure in order to dissect the administrative steps necessary to obtain a residence permit, to know the various administrative services through which migrants must navigate, to identify at what times migrants are led to interact with the administration and for what reasons they go there.

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<sup>7</sup> Cf Portugal.gov.pt, 2023

<sup>8</sup> Cf Rattner, <https://www.publico.pt/2024/11/19/publico-brasil/noticia/aima-termina-ano-existencia-1750-reclamacoes-portal-queixa-2112573>

According to the Migration and Asylum Report (AIMA, 2023), the procedures for obtaining residence permits were mainly carried out according to 3 provisions: Art. 87.º - A Residence permit for citizens of the Community of Portuguese-speaking Countries according to which, any national of States where the CPLP agreement is in force, who is in possession of a short-term visa or a temporary residence visa or who have entered in Portuguese territory legally may, once in the national territory, apply for a CPLP residence permit (Law No 23/2007, art. 87.º-A); the certificate of residence for EU citizens which is a document for nationals of EU Member States who wish to reside in the territory for a period exceeding 3 months provided that they meet one of the following conditions: exercise a subordinate or independent professional activity, be a student or in training, have sufficient financial resources and health insurance, be a family member of an EU citizen covered by one of the conditions cited (Law No 37/2006, art. 7.º 37/2006); and art. 88 No 2 Residence permit for the exercise of a subordinate professional activity with exemption from a valid residence visa, more precisely this article concerns citizens of Third States who are not required to have a residence visa or a work search visa to obtain a residence permit provided that they have an employment contract or a promise of an employment contract, have entered the territory legally and are registered with the Social Security (Law No 23/2007, art. 88.º). Among these, it is the last article mentioned, Art. 88.º No 2 (Law No 23/2007), that is the most used by South Asia migrants who enter in Portuguese territory mainly for professional reasons (Oliveira, 2023). Given this, we will only detail the administrative steps specific to migrants benefiting from Art. 88.º No 2 (Law No 23/2007), relating to the Residence Authorisation for the Exercise of a Subordinate Professional Activity, with exemption from the residence visa.

As the administrative body responsible for migration and asylum which examines, grants and/or renews residence permits, the AIMA is the service through which migrants carry out their regularisation procedure. Art. 88º No 2 (Law No 23/2007), provided for the regularisation of migrants without a residence visa through an expression of interest. In other words, any foreign national who has legally entered Portuguese territory, is registered and in a regular situation with Social Security and has an employment relationship may submit an expression of interest. To do this, according to the AIMA website, he must be in possession of the following documents: valid passport; proof of legal entry; copy of the promise of employment contract or sworn statement from the employer attesting to the employment relationship; criminal record of the applicant's country of origin or the country where he resided for more than one year

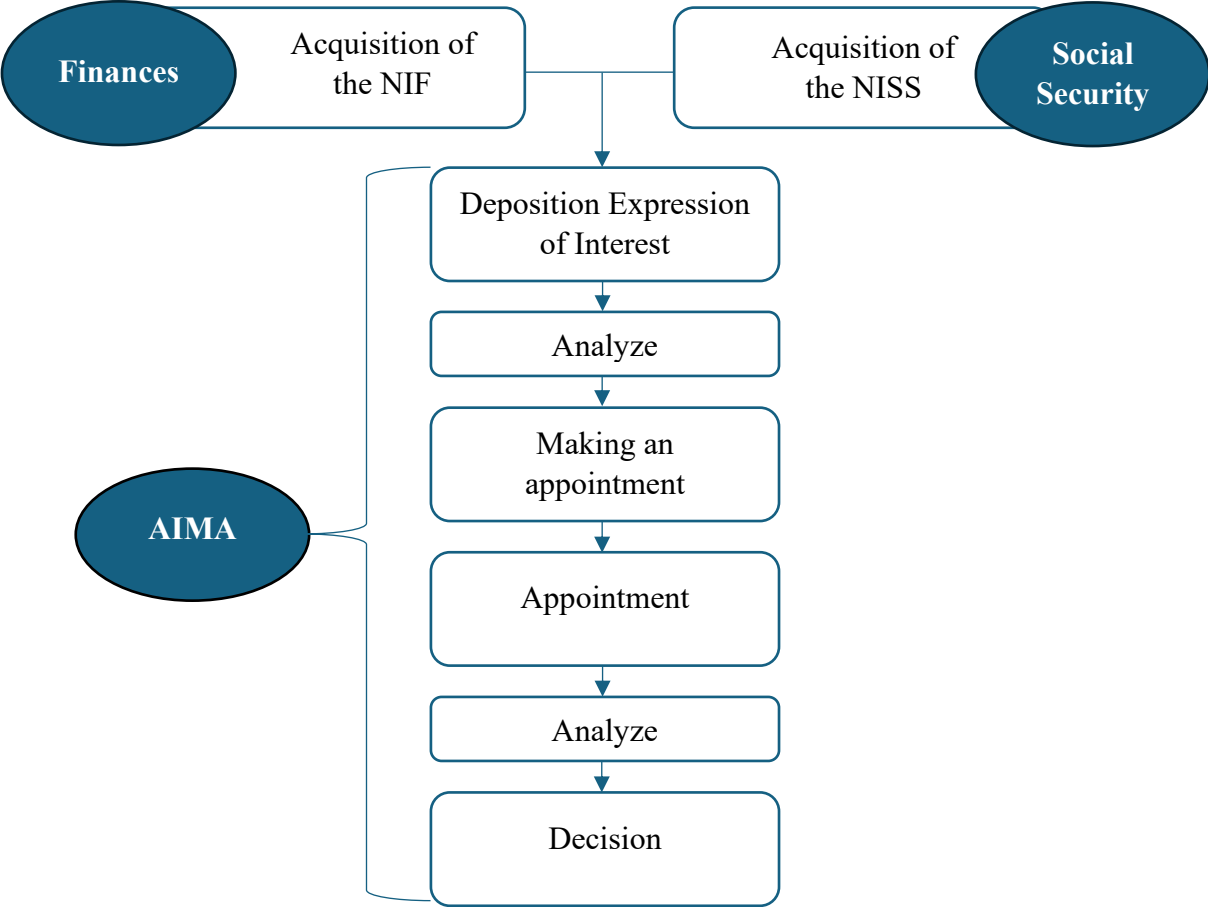
before residing in Portugal; declaration of residential address; proof of registration with the tax authorities; proof of registration with Social Security.

In view of the documents required to submit an expression of interest, it is first of all necessary to have a tax identification number (NIF) which can be obtained, online or in person, from the Finance Services. Mandatory for any person, it is the identifier of the people who contribute fiscally to Portugal. It is necessary to have it to conclude an employment contract, declare income in order to pay taxes, rent a home, acquire property, open a bank account (Deco PROteste, 2024). To obtain it, it is sufficient to provide an identity document, and for non-European nationals, they must appoint a tax representative, i.e. a Portuguese citizen or a permanent resident (DECO PROteste, 2024). In addition, it is also essential to have a Social Security Identification Number (NISS) to submit an expression of interest in order to obtain a residence permit. The NISS allows access to social services and rights such as subsidies, pensions and aid: unemployment, sick leave, retirement, family allowances, opening a bank account, access to public health care (DECO PROteste, 2024). To obtain it, it is necessary to present an identity document, proof of employment status, such as an employment contract and, for citizens of a third country, it is also necessary to provide proof of the application for residence permit. However, since in order to make this application, it is imperative to have the NISS in one's possession, third-country nationals must provide a declaration from AIMA declaring the need to grant the NISS (Segurança Social, 2024).

After collecting all the documents, the foreign national can submit an expression of interest via the internet, more precisely via the Automatic Pre-Booking System. AIMA is then responsible for analysing and evaluating the request. Following the analysis of the expression of interest, migrants must make an appointment to go to AIMA offices, depending on the locations throughout the country, with an available date. During this, the information previously provided by the migrants will be verified and the biometric data of the individuals will be collected. At the end of this meeting, a new phase of analysis of the application for a residence permit follows. AIMA then has 90 days to decide on the applications, i.e. to decide whether, or not, to grant a residence permit. If this deadline is not respected, and this is not due to the applicant, the residence permit must be issued immediately (Art. 82.º paragraph 5 & 7, Law No 23/2007). The scheme 1 groups together the various stages of the regularisation procedure and the public entities involved in it.

This sequence of procedural steps applies to all migrants who have started their procedure for obtaining a residence permit under Art.º n.º2 until 4 June 2024. This date corresponds to the

entry into force of the new migration legislation. Indeed, under the new legislation, applications for a residence permit, the possibility of submitting an expression of interest no longer apply. These changes were motivated by the previous law which contributed to fuelling the image of Portugal as a “gateway” to Europe attracting many migrants, which had the consequence of overloading the public administration (Presidência do Conselho de Ministro, 2024). From now on, migrants from third countries, such as migrants from South Asia, must enter Portuguese territory in possession of a residence visa or a work search visa in order to be eligible for obtaining a residence permit.



Scheme 1: Steps of the regularisation procedure and the public entities involved

### 3.3. Migration flows in Portugal : a historical overview

Over time, Portugal has established itself as a country of both emigration and immigration, which is why it is important to trace the evolution of these migratory dynamics that have marked it. Thus, this chapter aims to historically overview the migratory context of Portugal by trying to situate migrations from the Indian subcontinent.

Before the 1970s, Portugal was known as a country of emigration, from where its citizens left for colonization emigration, political exile to escape the repression present in the country or family reunification resulting in a negative migratory balance (Borrego, 2016; Góis & al., 2018; Peixoto, 2009). As for the foreign population residing in the country, it was mainly composed of people from Europe, more precisely from Spain, the United Kingdom, France and Germany, and on the other hand, from Brazil (Benešová, 2015).

However, the Carnation Revolution, which ended the Salazar dictatorship in 1974, reversed this trend. The country then experienced an increase in entries and a decrease in exits (Góis & al., 2018; Cruz & al., 2014). Thus, the first flow of immigrants to Portugal is intrinsically linked to the colonial past, historical, cultural and economic ties with other countries (Baganha & al., 2004 in Góis & al., 2018; Marques & al., 2012). Indeed, the independence of the colonies led to the return to the national territory of Portuguese citizens, living in the former colonies, commonly called "retornados", and the arrival of individuals from the PALOP (Baganha & al., 2009; Borrego, 2016; Góis & al., 2018; Pinho & al., 2021). The arrival of these individuals was motivated by the unstable political-social context resulting from the decolonization process (Benešová, 2015).

The second cycle of the migratory flow corresponds to Portugal's accession to the European Economic Community (EEC) in 1986, which granted funds that were invested in the modernization of the country's infrastructure, such as road and rail networks, telecommunications networks, thus leading to an increase in demand for labour in the civil construction sector, also booming due to the organization of Expo '98 and Euro 2004, and in the tertiary sector, more specifically in marketing, IT, finance (Baganha & al., 2009 ; Borrego, 2016 ; Costa, 2020). This attracted the usual migrants from the PALOP but also allowed a diversification of the origins of the migratory flow with the increase of immigrants from Asia, Eastern Europe and Brazil (Marques & al., 2012; Góis & al., 2018; Anastácio, 2019; Baganha & al., 2009). It should also be noted that Portugal became more attractive to migrants since the signature of the Schengen Convention, allowing freedom of movement in the European Union for nationals of countries that signed the agreement (Padilla & al., 2012; Benešová, 2015). In the 1990s, the origins of migrants diversified, with the arrival of migrants from Asia, more specifically from China and the Indian subcontinent (Mapril, 2007; Padilla & al., 2012; Benešová, 2015).

The migratory flows presented so far arise from the colonial past and the historical and cultural relations of Portugal with other countries and, from the economic growth of the country due to public and foreign investment that has generated a need for labour (Baganha & al., 2009)

In the early 2000s, emigration increased (Peixoto & al., 2012). Regarding immigration, the number of migrants from Eastern European countries and Brazil increased significantly. They headed to Portugal in search of work opportunities (Baganha & al. 2009; Góis & al., 2018 in Coelho, 2024). This was followed in 2004 by a period of economic recession and stagnation of the Portuguese economy, which led some migrants to leave the country (Baganha & al., 2009; Borrego, 2016). Then, between 2005 and 2009, Portugal witnessed again an increase in the number of foreigners, mainly from China, Brazil, Moldova and Romania (Fonseca & al., 2019).

In 2008, Portugal observed a decrease in entries for the exercise of subordinate activities, giving way to a flow associated with studies, research, qualified people, self-employed workers, retirees. This change in the profile of migrants entering Portuguese territory is explained by the reduction in job opportunities due to the economic situation in Portugal (Oliveira, 2022). In fact, in 2009, shortly before the crisis, the numbers regarding immigration to Portugal began to decline (Padilla & al., 2012, Benesová, 2015). During the economic and financial, between 2010 and 2016, the foreign population resident in Portugal decreased and the exits of Portuguese from the national territory increased, thus causing a negative migratory balance (Coelho, 2024).

Finally, as a consequence of the favourable economic situation, particularly the growth of employment opportunities, there has been, since 2017 until today, a consecutive increase in the foreign population resident in Portuguese territory (AIMA, 2024).

### **3.4. Characterization of South Asian migrants in Portugal**

The purpose of this chapter is to provide an overview of migration from South Asia to Portugal. Using the available statistical data, we will show how the presence of these individuals on the national territory has evolved over time. Particular attention will be given to data from the year 2023 in order to have a better understanding of the characteristics of this population at the time of the study. More specifically, we will profile this population by presenting their socio-demographic characteristics such as age, gender, level of education, types of employment, among others. We note that some nationalities that we encountered during our fieldwork are not systematically included in migration reports, nor are socio-demographic data.

The first nationality from the Indian subcontinent that we have traces of in Portugal is the Indian (Ávila & al. 1993; Sant'ana, n.d.). In fact, on the one hand, individuals from Goa, belonging to Portugal until 1961 and, on the other hand, the Indians who were present in Mozambique, former colony of Portugal, due to commercial activities, left the country to join Portugal in 1975 (Ávila & al. 1993; Sant'ana, n.d.). This intensified between 1980 and 1985 as the socio-political and economic situation in the country deteriorated, leading to the second migration of Indians to Portugal (Sant'ana, n.d.). This was followed by a migratory flow motivated by family reunification. However, in 2005, the number of men arriving from India increased due to the growing demand for labour (Sant'ana, 2008). Furthermore, religious reasons, terrorism, political instability, poverty and the consequences of climate change could also, according to the thematic factsheets on the European Union concerning South Asia (Parlement Européen, 2024), be factors behind the emigration of nationals from Bangladesh, India, Pakistan and Nepal.

In 2018 and 2019, despite the fact that none of the nationalities of the Indian subcontinent were among the most represented nationalities in the Portuguese territory, nationals of Bangladesh, Nepal and India stand out for the growth in terms of residence permits obtained for 2018 while in 2019, this trend is mainly observed for Nepal and India (SEF, 2018, 2019).

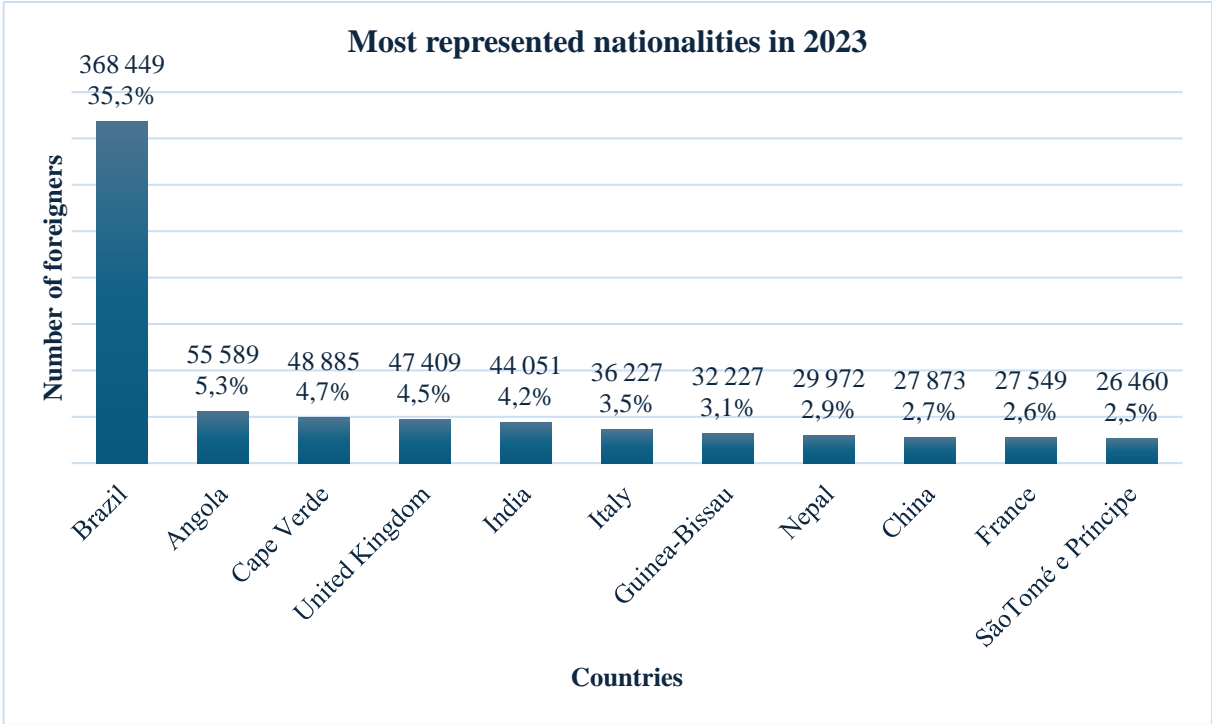
In 2020, Indian nationality entered, in 9th place, among the nationalities most represented in Portugal, with 24,550 people, which represents an increase of 39.3% compared to 2019. In terms of obtaining residence permits, Indian nationality and Nepalese nationality stand out for obtaining residence permits for professional activities, with 7,312 individuals and 3,880 respectively (SEF, 2020).

In 2021, the Indian population increased by 9.4% compared to 2020 and reached 30,819, becoming the 4th most represented nationality in Portugal. While nationals from Nepal, Bangladesh and Pakistan obtained, respectively, 2,759, 2,132 and 2,006 new residence permits (SEF, 2021).

The following year, India remained at the same rank while Nepal entered, in 9th place, among the most represented nationalities with 23,839 individuals, an increase of 10.6% compared to 2021. Regarding the titles issued to nationals of India, Bangladesh and Pakistan, they are among the nationalities that received the most titles for reasons of professional activity (SEF, 2022).

Portugal has experienced growth in terms of foreign population in recent years, recording in 2023, an increase of 33.6% compared to 2022 of its foreign population holding a residence

permit, which now stands at 1,044,606 individuals (AIMA, 2024). Among the 10 foreign nationalities most present in Portugal in 2023 (cf scheme 2), we find, respectively, Brazilians, Angola, Cape Verdeans, United Kingdom, Indians, Italians, Angolans, Guinea Bissau, Nepal, China, or 66.2% of the total foreign residents. It should be noted that among them, we find 2 nationalities from South Asia, including Indians with 44,051 individuals and Nepalese with 29,972, or, respectively, 4.2% and 2.9% of the foreign population resident in Portugal (AIMA, 2024). As for foreign residents by continent, Asia is in fourth position with 165,430 (+33.5% compared to 2022) behind South America, Africa and the EU.



**Scheme 2: Most represent nationalities in Portugal**

Regarding the geographical distribution of the migrant population, the data reveals an overrepresentation in coastal and urban areas, such as Lisbon, Faro and Setubal, which have 63.5% of the foreign population resident in the territory (AIMA, 2024). This could be explained by the fact that there are more employment opportunities that allow faster professional integration in these regions.

In 2023, Portugal issued 328,978 new residence permits (AIMA, 2024). To a large extent, individuals obtained a residence permit due to the CPLP agreements, according to Art.º 87A (149,174), EU Citizen Residence Certificate (39,118), and Art.º 88 No 2 Residence Authorization for the Exercise of a Subordinate Professional Activity with Exemption from a Valid Residence Visa (32,087). As for the nationalities that obtained the most residence permits, Brazilians are in the lead. Residence permits issued to South Asian nationals represented 11.3%

of all issued permits. Specifically, 12,185 people from India were granted residency, 10,077 from Bangladesh and 7,837 from Nepal (AIMA, 2024).

Regarding the socio-demographic characteristics of the foreign resident population in Portugal, the AIMA report (2024) reveals that migrants are 53% men and 47% women. This difference tends to decrease in recent years as a result of the feminization of migration (Oliveira, 2023). In terms of age, the foreign resident population has a younger age structure than the Portuguese population (Oliveira, 2023). In fact, foreign residents are concentrated in the age groups between 25 and 44 years, corresponding to an active age, thus reflecting the economic and employment reasons underlying migrations to Portugal (AIMA, 2024). Among the ten nationalities most represented in Portuguese territory, Indian nationals stand out for a demographic profile marked by a concentration in the age groups of 20 to 49 years and had the highest proportion of men, 79.9% in 2021 (Oliveira, 2023).

Regarding the Portuguese labour market, segmented by nationality, it concentrates foreign workers in low-skilled jobs, with precarious working conditions and low pay, with an increased risk of work accidents (Oliveira, 2023). Thus, according to 2021 data, foreigners are more concentrated in jobs without the need for qualifications (30.8%), in the service and sales sectors (20.1%) and finally in the industrial and construction sector (13.6%) (Oliveira, 2023). As a result, the average monthly basic wage paid to foreign workers is also lower than that paid to Portuguese workers.

In 2021, in the labour market, workers from India and Nepal are more assigned to jobs that do not require qualifications, with respective rates of 44.2% and 58.2% (Oliveira, 2023). Workers from Asia have the lowest average basic salaries, more specifically individuals from Nepal, Bangladesh, Pakistan, India. Their level of education corresponds to secondary I, at 40.6% for Nepalese and 34.5% for Indians (Oliveira, 2023).

## **4. Methodology**

This chapter aims to detail the methodology used in this thesis. It outlines the different stages of the research, including access to the field, methods of data collection such as interviews and participant observation, and approaches to analysing the data collected. This chapter also includes reflections on the choices made and the ethical issues that emerged throughout the research.

### **4.1. Field access**

This section presents the steps taken to reach our target population, South Asian migrants. It describes the process from initial field reconnaissance to making contact and negotiating access to the migrants' voices. We also address the challenges encountered during this phase.

In March, we travelled to Portugal to familiarise ourselves with the research field (Louis & al., 2016). Once there, we tried to get to know the state institutions in charge of migration issues, particularly those dedicated to helping migrants integrate in the southern region of Portugal, a region that had attracted media attention due to cases of people in an irregular situation and cases of labour exploitation. This first contact with the field allowed us to observe the measures put in place to manage migration, the scale of the phenomenon but also to highlight the population's perceptions of South Asian migrants.

When considering the angle of approach to take to answer our research question, we opted for a perspective that focused on the perceptions of the migrants themselves, rather than those of the institutions. This desire is based on the observation that the perspectives of migrants who use administrative services are less highlighted than those of street-level bureaucrats (Sandoz, 2021). This choice oriented us towards non-state institutions, such as associations offering support to migrants. The decision to go through associations to access migrants was also motivated by the difficulty that approaching migrants directly in the streets can represent. Indeed, this could lead to mistrust that could result in a refusal to participate in research. Through an association, we wanted to create a framework that would inspire confidence and give the researcher a sense of legitimacy. However, by opting for this approach, our sample is limited to individuals who frequent associations when seeking support. This has the effect of excluding the experiences of migrants who do not use associations and/or who have other sources and forms of support. Furthermore, the Lisbon region seemed to us to be the most

relevant for conducting the research field given that it concentrates the most migrants in the Portuguese territory (AIMA, 2024).

The next step was to contact the associations in order to present my research and the importance of their cooperation for my approach. This step proved to be particularly difficult. First of all, we carried out online research to identify South Asian migrant associations as well as other migrant associations in the Lisbon region. Our selection was based on two criteria: the association had to either be specifically dedicated to migrants from South Asia or offer administrative support services. We thus chose four associations that we first contacted by email. The latter included a description of the study, including research questions and its objectives. Having received no response, we decided to go directly to the offices of each association to introduce ourselves and present our project. However, this approach was also unsuccessful. The reasons for this could be a fear of the real aims of the research, the vulnerability of the object of study or the debates it had provoked during our fieldwork, or the lack of time to respond to our request. Faced with this situation, we decided to change our strategy and choose a single association. In fact, we selected the association Solidariedade Imigrante (SOLIM), an association for the defense of migrants' rights in Portugal. We chose this association because it is a very committed association and whose president is an active player in the media coverage of migration-related issues, often speaking out in the media to denounce the dysfunctions of the system.

After several attempts on site, we managed to reach the president of the association, the association's gatekeeper, who granted us an interview. Our interview covered various topics such as the reasons why migrants go to SOLIM, the Portuguese migration context, the people who work in the association, how it works, their role with migrants, the public statements of the president of the association, among others. This allowed us to learn more about their work and their role as an association helping migrants. At the end of our discussion, we explained our desire to carry out observation work within the association and to be able to interview their users, after which the president gave us his agreement. It was agreed that we would carry out observations and interviews only in the mornings, without any set deadlines.

## **4.2. Data collection**

As part of this thesis, which is based on a qualitative research method, data was collected, between April 17, 2024, and May 1, 2024, via semi-directed interviews, carried out with South

Asian migrants, as well as through observations within the SOLIM association and during various events. These research techniques, which are described in more detail in the following subchapters, allowed us to gather data to understand the experiences of our target population in terms of the difficulties they encountered during their regularisation process and the strategies they used to overcome them.

It should also be noted that we followed the news in the media not only during our fieldwork but also during the writing of this report. Indeed, given the strong media coverage of the issue, this allowed us to be constantly informed about the evolution of the context, to be aware of events such as the organisation of the migrants' demonstration, and also to access the government's position through its statements in the media. It also allowed us to have new inputs and avenues for reflection throughout our research.

#### **4.2.1. Interviews**

This subsection aims to justify the choice of the type of interview used, the criteria which guided the selection of participants as well as the conduct of the interviews.

First, to understand the experiences of South Asian migrants in terms of the regularisation procedure, we decided to conduct semi-directed interviews. These allowed us to balance between previously targeted questions and moments where the respondent freely delivers his or her story, allowing him or her to highlight elements that are important to them (Pin, 2023). To do this, an interview grid was developed in advance and was modified as themes emerged from the field, such as details on strategies or problems (cf Annex).

The interviews took place during the month of April in a room provided by SOLIM. We conducted 27 interviews lasting between 10 minutes and 1h30. In addition, we also conducted brief, unrecorded interviews with migrants waiting for their appointment in front of the AIMA or during the demonstrations they organized in front of it.

Regarding the choice of interviewees, two criteria were used. First, the individuals had to be from South Asia, that is, from countries such as Bhutan, Sri Lanka, Maldives, Bangladesh, India, Nepal and Pakistan. Given the statistical data on people present in Portugal from these countries, it was more likely that we would encounter migrants from the last 3 countries mentioned, since these are the countries that are found in the various reports on migration issues (Oliveira, 2023). Secondly, it was essential that they could express themselves in English, Portuguese or another language mastered by the researcher. In order for the interviews to take

place, it was necessary for the interviewee and the interviewer to have a common language so they could communicate. The use of interpreters or translation software was not considered. In fact, the first would involve having financial resources and the second could impact the fluidity of the exchange but also introduce translation biases of the interviewee's speech. However, once, a member of the association and, another time, a friend of the interviewee intervened to do the translation. Language difficulties were noted during the interviews, which may sometimes explain the short duration of some interviews. In fact, the latter were conducted in English, the only common language between the interviewee and the researcher, but the basic knowledge of this language made it difficult for the interviewees to express themselves in a continuous, coherent manner and with a syntax that had a direct impact on the quality and depth of the stories collected. To overcome this, the vocabulary used by the researcher was simplified, the use of short sentences and reformulation techniques were favored (Guittet, 2013).

Given that the SOLIM welcomes migrants of all nationalities, it was impossible to determine, in advance, who would be from South Asia and the reasons why they were going there. Thus, integrating other criteria, such as having recently arrived in Portugal, being awaiting a residence permit or having experienced difficulties with bureaucracy, would have considerably reduced the sample and limited the themes that could be addressed during the interviews. In addition, this information was difficult, if not impossible, to obtain before the first exchange with the migrants. This is why our sample includes a diversity of migrant profiles, ranging from people who arrived only a few days ago to others who arrived years ago, people with a residence permit and people who did not, people who not only have problems related to regularisation but also to work and/or housing problems. This last type of problem will not be mentioned in our analysis due to lack of data.

The migrants who came to the association were gathered in a room with several chairs lined up, where the migrants waited to be received by a member of the association, who was our main point of contact with them. Several strategies were put in place to identify and select potential participants:

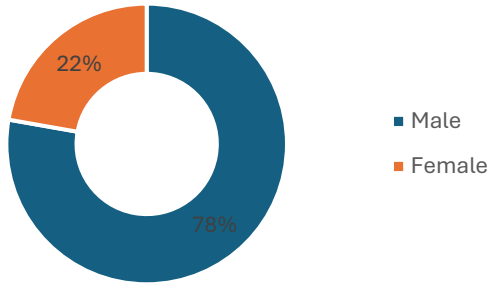
1. Contact in the waiting room: we identified people who were likely to be from South Asia, then introduced ourselves to them to explain the research and ask for their agreement for an interview.
2. Presentation by a member of the association: a member of the association addressed the migrants in their mother tongue, often Nepali, presenting the research project to them and inviting them to talk with me.

3. Referrals from members of the association to the researcher: after their appointments, the South Asian migrants were referred directly to us by members of the association, who briefly presented our research to them.

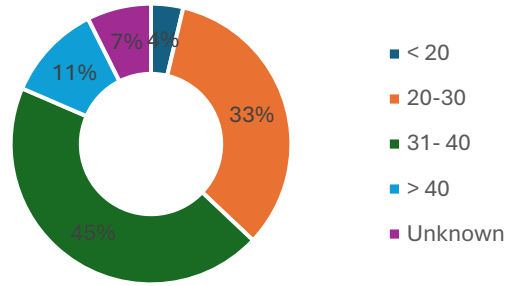
These combined tactics allowed us to assemble a sample of South Asian migrants willing to share their experiences in terms of the regularisation procedure. It is worth highlighting the essential role played by the members of the SOLIM as an intermediary in the formation of our sample of participants. Their ability to speak the same language as the migrants facilitated the establishment of a relationship of trust between the researcher and the migrants.

Regarding the socio-demographic characteristics of the 27 migrants interviewed (Figure 1), 78% of them were men and 22% were women. 4% of the interviewees were under 20 years old, 33% were between 20 and 30 years old, 45% between 31 and 40 years old, 11% over 40 years old and 7% did not reveal their age. As for the nationalities of the interviewees, those from Nepal and Pakistan each amount to 33%, those from India to 19% and finally those from Bangladesh to 15%. The percentage of people interviewed who arrived in 2020, 2022 and 2023 is 22% for each year, 15% for 2021 and 19% for 2024. As for their status, 70% are waiting to be regularised, i.e. to receive a residence permit, 11% have obtained status through family reunification, 8% have obtained a residence permit, 7% have not yet started the regularisation procedure and 4% have applied for nationality. It should be noted that 42.3% of the migrants interviewed entered Portuguese territory with a visa, either a Schengen visa or a tourist visa. When asked about their jobs, 37% of the migrants interviewed said they worked in restaurants or hotels, 19% said they had other jobs such as delivery services, call centers, public transport, stores or factories, 11% were looking for a job, 7% worked as a painter, 4% said they were students and 4% did not reveal their job. 41% of the migrants interviewed said they had completed university studies, either a bachelor's or a master's degree, 22% had completed high school, 19% had no studies, 4% had completed professional courses, 4% had only completed primary school and 7% did not reveal their level of education. Only 24% say they have family or friends in Portugal.

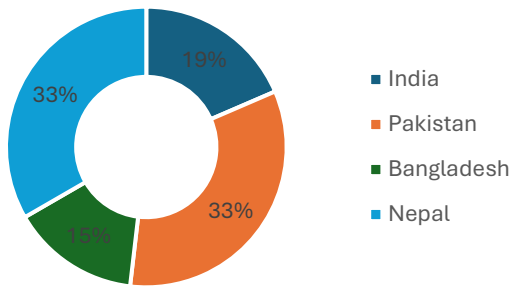
### Gender



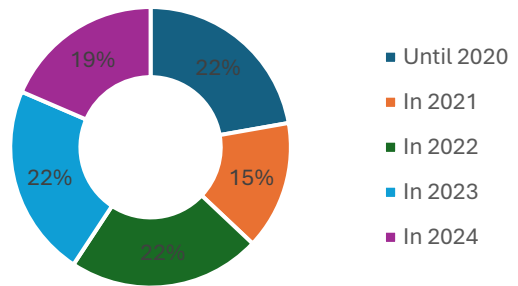
### Age



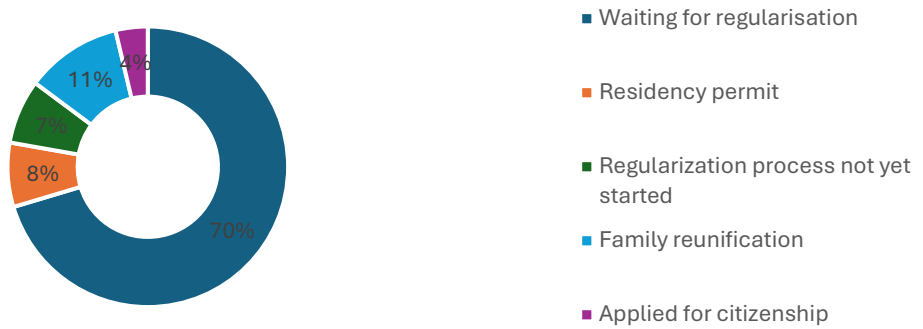
### Nationality



### Year of arrival in Portugal

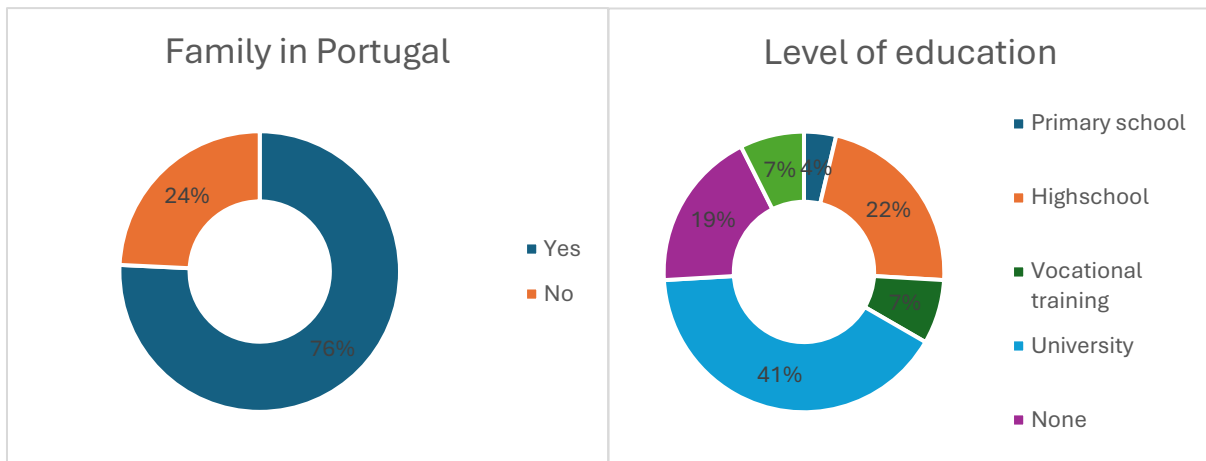


### Status in Portugal



### Employment





**Scheme 3: Sociodemographic characteristics of the interviewees**

More specifically, regarding the conduct of the interviews, we systematically began by recalling the objectives of the research, who and what it was intended for, we introduced ourselves and also recalled the confidentiality framework of the exchange. In addition, we asked for agreement to record the interviews, which was refused several times. Over the course of the interviews, the reason for this refusal was revealed to us by several migrants who shared their concerns with us about the impact the interview might have on their regularisation process, but it may also have been due to the language in which the interviews were conducted.

#### **4.2.2. Participant observation**

This subchapter introduces the second data collection technique used in this thesis: participant observation. We will detail the different observations made during the research. These were carried out in two different contexts. First, within SOLIM, where we were able to observe the interactions between the members of the association and the migrants and, secondly, during the various demonstrations commemorating April 25 and May 1, but also during a protest organized by South Asian migrants against AIMA, thus allowing us to grasp the expression of the demands of South Asian migrants.

While waiting to start our interviews within the association, we also went to the AIMA premises in Lisbon, in order to have an overview of the organization of the space and the behaviour of the migrants. During this observation, we were able to talk with some migrants who were waiting to be received by AIMA. Indeed, we questioned them on the appointment system, accessibility, speed and efficiency of services, waiting time. The information collected allowed us to have a first overview of the functioning of AIMA and the protests of migrants against them.

Regarding the observations within the association, they take place in a common room with various offices. Each office was occupied by a member of the association. In this place, the migrants were received in order to explain their problems and try to find a way to help them see a solution to their problem. These observations allowed us to see the type of requests that were made to the association which reflect the problems to which the migrants are exposed. It seems important to us to point out that, during these observations, we were led to translate for French-speaking migrants or to give numbered tickets to people in the waiting line. This, going beyond the role of researcher, sometimes placed us in a position of volunteers, seeking to contribute to the smooth running of the association. This situation results, on the one hand, from the lack of use of interpreters during the meetings and, on the other hand, from the strong influx of migrants into the association during the fieldwork. Consequently, in addition to leading us, sometimes, to lose sight of the objectives of our research, this may also have impacted the way in which the migrants perceived us, pushing them to believe that we belonged to SOLIM. On the other hand, we believe that this had a positive impact on the relationships between the association's staff and the researcher, who were fundamental to the creation of our sample, playing an intermediary role.

Furthermore, we participated in two demonstrations alongside migrants and SOLIM, on the occasion of April 25, the commemorative date of the Portuguese revolution, and on the occasion of May 1, Labor Day, in which we marched through the streets of Lisbon with placards demanding the rights of migrants. In addition, we also attended a demonstration of South Asian migrants in front of the AIMA in Lisbon, in which the migrants exposed the problems encountered in their administrative procedure, more specifically regarding the delays in the renewal and granting of residence permits that resulted in a long waiting period. They were therefore demanding the resolution of pending cases. During this protest, we had the opportunity to speak with several migrants who explained to us the reasons for their demonstration.

The data collected during the interviews and the observations proved to be very complementary. In other words, the data collected during the interviews coincided with the demands made during the demonstrations, while the data obtained during the observations were deepened by the stories of the migrants interviewed. These two data collection techniques highlighted the same issues concerning the regularisation procedure for South Asian migrants.

### 4.3. Data analysis

As suggested by Grounded Theory (Glaser & al., 1967; Charmaz & al., 2006), our data collection was carried out simultaneously with the data analysis, which was done manually. We proceeded to code our data in two phases (Charmaz, 2006). First, we carried out an initial coding in which we identified relevant passages to which we assigned labels, i.e. words that summarised the idea of the passage or identified concepts that we had thought of. On several occasions, we used *in vivo* codes, that is, we extracted words and/or sentences used by the participants in their narratives in order to preserve the meaning that the participants gave to the narrative of their experience (Charmaz, 2006). This first coding aims to bring out the ideas to be explored during subsequent interviews and/or observations (Charmaz, 2006), in fact it allowed us to adjust and reorient our interview grid in order to explore new ideas emerging from the participants' stories and which we had not yet thought about.

Subsequently, once the fieldwork was completed, we carried out a non-integral transcription of the interviews. More precisely, we listed in an Excel table the socio-demographic characteristics of each participant including gender, age, nationality, level of education, profession, status of the regularisation procedure, year of arrival and the motivations that led them to go to Portugal and the passages and/or quotes that seemed relevant for the analysis (cf Annex). Once this had been done for all interviews, we took the codes identified in the initial coding and added others that emerged during the course of the interviews. At this stage, we initiated the second phase of our inductive analysis (Charmaz, 2006). More specifically, based on the labels created during the initial coding, we performed axial coding (Charmaz, 2006; Lejeune, 2019; Glaser & al., 1967). That is, we grouped the most relevant and frequent codes into broader categories, in other words, we linked the codes together under a broader theme that they represent (Blais, 2006; Charmaz, 2006). In order to make the links between the categories visible and to explore them further, we looked at the circumstances in which the experiences cited by South Asian migrants took place, the responses they gave to them, and the consequences and/or outcomes of these experiences. By answering the questions about who, what, where, when, how, why and with what result, we were able to identify two analytical axes (Charmaz, 2006; Lejeune, 2019).

More concretely, after identifying codes such as lack of knowledge of the bureaucratic system, the language barrier, waiting for documents, forced immobility and the relationship between regularisation and work, we grouped them into a more general category: "problems encountered during the regularisation procedure". For each of these codes, we sought to determine when

they manifested themselves, in what circumstances, the consequences of these and how migrants deal with them. We also identified codes relating to the responses given when migrants were faced with a difficulty in their regularisation procedure. These codes were included in the category: "strategies for overcoming problems related to the regularisation procedure". Then, a link was created between the codes in the category "problems encountered during the regularisation procedure" and the category "strategies for overcoming problems related to the regularisation procedure" in order to understand what strategies were used for each of the problems.

It should be noted that due to the lack of a selection criterion for participants specifically related to people in the regularisation process or who have experienced problems during the process, some respondents reported problems related to housing and/or employers. However, as these are few in number, the data are not sufficient to account for these specific problems. For this reason, our research focuses only on issues related to the regularisation process.

#### **4.4. Ethical considerations**

Throughout the research, we were led to reflect on how the South Asian migrants, we encountered during our fieldwork, perceived us as researchers. This can be explained by the fact that, throughout our interactions with them, whether during interviews or observations, the migrants frequently questioned us about our role, our approach, and the impact of the research on their regularisation process and, more broadly, on their daily lives. Therefore, this chapter aims to shed light on our understanding of how the migrants perceived us and the reasons behind these perceptions.

First of all, some of the interviewees asked us, before saying anything, whether what they were going to say would have an influence on their procedure, i.e. whether it would advance it, allow them to obtain a residence permit or, conversely, harm the procedure in progress. Some migrants interrupted their story to ask whether there would be consequences, such as being denied a residence permit. These questions were sometimes reflected in behaviour: migrants reported that they did not want to give their name in order not to be recognised, or one interviewee asked us to delete the interview for fear of reprisals and the influence it could have on the regularisation procedure.

In our opinion, these situations reflect, on the one hand, a lack of confidence in the reliability of the research, which translates into doubts about the objectives of the research and a fear that

confidentiality will not be respected and that this will be detrimental to them. On the other hand, participating in the interviews has, for some migrants, fuelled the hope of finding a relay of their words who could advance their procedure or, at least, could send their story to the administrative office in charge of their file. The various attitudes observed in interview situations may be linked to the vulnerability in which South Asian migrants find themselves at the time of the interview. Indeed, the majority of those interviewed were waiting for regularisation, therefore in a rather uncertain administrative situation, which could make them to fear that their answers would be used, positively or negatively, against them.

Migrants' perceptions of our research may have been reflected in the speeches collected. Indeed, the interviewees may have chosen not to tell the whole story, omitting information that could have an impact on their regularisation. Faced with this, we adapted our approach in an attempt to limit the impact on the data collected. More specifically, before starting each interview, we explicitly asked them not to give us their name. This approach was intended not only to ensure the anonymity of the interviewees and the confidentiality of the data, but also to reassure the migrants and demonstrate honesty.

Regarding our role as a researcher, it was sometimes misunderstood. In fact, on several occasions, especially during the observations of the demonstrations, the migrants assimilated us to the role of journalists, by asking us if the recording of the discussion would be broadcast in the media and expressing the wish that this would be the case, because they wanted the political sphere and society to see that they exist and what they endure. Our presence generated a kind of hope among the migrants. Others, during the interviews, often took us by a volunteer of SOLIM. Thus, they asked us for help to solve the problems that brought them to the association, questioned us about the institutions, tried to obtain information about their regularisation process directly from us. The way we were perceived may have been influenced by the fact that the theme of this research was considerably publicized and politicized during the field phase. Furthermore, the various perceptions that the migrants had of the researcher may have guided their response and influenced the dynamics of the interviews.



## **5. Data analysis**

The purpose of this chapter is to present and analyse the findings of our research with South Asian migrants, with the aim of highlighting the extent to which the experiences of South Asian migrants in Portugal shed light on their strategies for overcoming the difficulties they face in the process of regularisation. The data collected during the interviews and participant observations revealed two main aspects: the difficulties they encounter during their regularisation procedure and the strategies they adopt to try to overcome them. Therefore, this chapter is divided into two parts. In fact, in the first part, we will present the problems that our interviewees faced during their regularisation. And, in the second part, we will highlight the strategies they adopted in order to overcome these difficulties.

### **5.1. Challenges of regularisation**

Regularisation is a crucial step in the migratory journey of an individual wishing to obtain legal status in the host country. However, the procedure that migrants must undertake in order to achieve regularisation is fraught with obstacles. Our research has allowed us to highlight challenges related to migrants' lack of knowledge of the bureaucratic system, the language barrier that manifests itself during interactions with the administration, the wait for documents, the relationship between regularisation and work, and unwanted immobility. In this chapter, through the testimonies of our interviewees, we will try to explain what each of these obstacles refers to, what they represent, how they manifest themselves and what their consequences are.

#### **5.1.1. Lack of knowledge of the bureaucratic system**

Upon arrival in Portugal, migrants are in unfamiliar lands. Having chosen Portugal for its flexible migration legislation, in which they can, a priori, easily obtain legal status, the country also represents an opportunity for them to reach Europe. The desire to obtain a residence permit leads migrants from South Asia to begin an administrative regularisation procedure. To do this, they will have interactions with the public administration in charge of migration and, therefore, understand and master the workings of the administrative system. Although essential for their regularisation, the process is often complicated because of the migrants' lack of knowledge of the Portuguese bureaucratic system. In fact, migrants report a lack of clarity regarding the steps to be taken to obtain residence permits, as pointed out by interviewee No 22 (Male, 24 years old, Pakistan) who arrived in Portugal a few days ago:

“I don’t Know how the process goes here!”

This kind of comments highlight a problem linked to a lack of knowledge about how to navigate and/or find their way around when a migrant has to take steps to regularise their situation. More specifically, when migrants talk about their administrative procedure, they say that they are not informed about how the regularisation procedure works, i.e. they are not aware of the steps to follow, do not know which bodies are responsible for migration, do not know what to do to obtain certain documents needed for their application or do not know the law.

Regarding the responsible authorities that migrants should contact to regularise their status, migrants mention AIMA, Social Security and Finance. However, they say they are uncertain about the order in which to contact these administrative services and do not know where their offices are located. Furthermore, like interviewee No 15 (Male, 40 years old, Nepal), several migrants express not knowing where to obtain the NIF and/or NISS, which are essential to be able to start their professional life and, consequently, obtain a residence permit. Furthermore, there are migrants who are unaware of the laws in force regarding migration in Portugal, like interviewee No 22 (Male, 24 years old, Pakistan):

“I’m new here, so I don’t Know the rules [...] When I came here, I didn’t know social workers, organisations, I didn’t know!”

The difficulties caused by the lack of knowledge of the bureaucratic system are more present among migrants who have just arrived in Portuguese territory or who have been there for a short time. They tend to fade over time, as migrants progress through their procedure.

This is why, on the contrary, there are other migrants who say they know the laws well, mention the articles under which they submitted their application for regularisation, explain all the conditions necessary to obtain a residence permit, the deadlines to be respected between each step, for example the number of taxes to be paid to be able to make the application, the maximum number of days that may elapse between the taking of fingerprints and the delivery of the residence permit.

According to the migrants, during the protest in front of the AIMA, this problem is linked to the lack of information on the progress of the procedure and a lack of clarity in the information obtained from the various administrative offices. In fact, the migrants mention that the administrative services pass the buck as if it were a “football match”, pushing the migrants to go from office to office without ever obtaining the information or the desired document.

Although none of the migrants were able to explain why this happens, we can assume that it is due to a lack of coordination between the services, lack of resources to respond to requests, an overload of work/requests, or even to avoid being held responsible in the event of a mistake

Lack of knowledge about how the bureaucratic system works is therefore a challenge that South Asian migrants must face in order to obtain a residence permit. In fact, beyond generating disorientation and frustration among migrants, it also leads them to use illegal intermediaries who provide them with the documents necessary to begin the regularisation procedure, such as the NIF and/or the NISS, or even promise them that they will obtain a residence permit in exchange for a sum of money.

### **5.1.2. Language barrier**

Another problem noted by South Asian migrants in Portugal is related to the difficulties they encounter regarding language. Indeed, since they do not speak Portuguese, and some do not even speak English, this impacts the communication with the civil servants of the administration that they face during their regularisation but also causes difficulties in terms of professional integration. We call this a language barrier. The words of interviewee No 18 (Male, 49 years old, Pakistan), show to what extent language is a problematic point for South Asian migrants who are in Portugal:

“I’m struggling in Portugal because of the language”

On the one hand, this language barrier is felt when South Asian migrants approach AIMA counters and engage in an exchange with the officials there. Sometimes, migrants try to speak English to them but they are required to speak Portuguese, as demonstrated by the words of interviewee No 18 (Male, 49 years old, Pakistan):

“When we speak English, they say: Fala português! Fala português”

In fact, several migrants report that in the AIMA office, officials only spoke to them in Portuguese and asked them to also speak Portuguese. Migrants perceive this request as a form of disrespect and contempt for them. Some migrants go so far as to claim that this is racism because some officials can speak in English but do not want to. Interviewee No 13 (Male, 33 years old, Bangladesh) expressed this:

“When people go to the AIMA counter some officers are nice, they speak English also, they are understandable. For me, the first officer was very rude to me because he didn’t speak any single word in English”

The communication problems between AIMA and South Asian migrants due to the language barrier have direct consequences on their mutual understanding. Indeed, it is difficult for migrants to understand the information communicated to them as well as it is difficult for them to request clarifications when something is not clear. This can therefore lead to misunderstandings and impact the progress of their procedure.

Furthermore, language is also pointed out as an obstacle to job search. Indeed, the Portuguese language is often required for available job positions. More specifically, when it comes to jobs requiring people with training, better paid. According to interviewee No 5 (Female, 28 years old, Nepal):

“People just want to employ Portuguese speakers.”

Several migrants tell us about their willingness to join Portuguese courses. However, the lack of a residence permit restricts their participation in Portuguese language courses. People with a residence permit can take the courses for free or even get paid to attend them. Given the increase in the migrant population in Portugal, classes, with limited places, are overwhelmed, leaving many people waiting to be able to take them, some are willing to pay or already pay to have Portuguese courses. Not to mention the fact that it is very rarely possible for working migrants to combine the two.

### **5.1.3. Waiting for documents**

In the regularisation process, South Asian migrants report that one of the major challenges is the waiting time for obtaining documents. This wait can occur at two different points in the process. In fact, it can occur at a rather initial stage of the process, when migrants are trying to get an appointment at AIMA, or at the final stage, once all the necessary steps have been completed and all that remains is to receive the residence permit.

Making an appointment at AIMA, based on the available dates provided by AIMA, is the first moment of waiting for migrants. In fact, few appointments are offered to migrants, and the few appointments that are offered are filled very quickly, given the large number of migrants waiting for an appointment. Consequently, migrants are required to make an appointment regardless of the date, time and location, which can also involve traveling to AIMAs very far from their place of residence, which can take hours of travel. Several migrants mention that between the transport they have to pay for, the hours of work lost, and the fatigue generated, the costs related

to these appointments are high. In addition, given the limited supply of appointments, it has led to the emergence of an internet market in which fake appointments are made available.

The second waiting period, and the one that comes up most in our interviews, is linked to the waiting period for receiving the residence permit. More precisely, the time that elapses between the moment when migrants have their appointment at AIMA and the moment when they obtain the residence permit. In fact, while the legislation stipulates that Aima has 90 days to decide on residence permit applications, the processing times are in reality longer, varying between 7 months and 15 months, thus far exceeding the expected deadlines.

In order to try to understand the slowness of their administrative procedure leading them to long waiting periods, migrants try to contact AIMA to find out the reasons and obtain a common response, like interviewee No 23 (Male, 37 years old, Nepal):

“AIMA say: Wait! We are processing it! Wait!”

The wait is thus justified by the long phase of analysis of each case but also by logistical difficulties such as what interviewee No 13 (Male, 33 years old, Pakistan), waiting for his residence permit for 11 and a half months, explains:

“SEF say wait, wait, wait, we are doing! Our computer is not good, our system is not good!”

Furthermore, migrants, such as interviewee No 11 (Female, 20 years old, Nepal) believe that this wait may be linked to the increase in migratory flows towards Portugal:

“I think because lots of people came here, and the AIMA is not able to handle this many people.”

Others believe that the long waiting times are linked to the demise of the SEF, which led to the creation of the AIMA in 2023. They point out that when the SEF was in charge, waiting times were shorter and it was easier to get in touch with them, facilitating the obtaining of residence permits. South Asian migrants believe that the SEF offered a more efficient service than the AIMA, as interviewee No 27 (Male, 34, Nepal):

“That time (referring to 2018), they were giving very quick! If someone ask me, SEF is the best, because many people are waiting for email, they are not receiving, they are waiting. [...] SEF was very quick!”

Some South Asian migrants also highlight the impossibility of contacting AIMA when they want to obtain information regarding the status of their procedure. Interviewee No 18 (Male, 49 years old, Pakistan) mentions that:

“Aima stopped working, people are calling to AIMA, but they are not responding. I daily call a hundred of calls”

The same thing happens with migrants who go in person to AIMA offices. In fact, during our observations, long queues appeared in front of AIMA doors. These individuals had gone there very early and waited for hours to ask for information, but many were refused entry into the building. In fact, only migrants with an appointment can access it. When migrants manage to contact AIMA to obtain information on the status of their procedure, the only response they get is that their case is being analysed.

Migrants consider the responses from AIMA to be insufficient, leaving them in uncertainty and incomprehension. They do not understand why they have to wait for a response regarding obtaining their residence permit beyond what is specified by law, after having complied with all the conditions such as paying taxes, providing the necessary documentation, paying the fees of the procedure.

This long wait, beyond slowing down the lives of migrants, it creates other difficulties in the lives of migrants such as increasing the difficulty of finding a better job or simply finding a job, accessing better housing conditions, impossibility of traveling to their country of origin to visit their family, prevents family reunification. Waiting is experienced as a form of suffering.

#### **5.1.4. Relationship between regularisation and the right to work**

One of the requirements to obtain the residence permit for the exercise of a subordinate Professional activity is to have entered the Portuguese territory legally by holding a visa. If the person has entered the Portuguese territory without the latter, art. 88º No 6 (Law No 23/2007) provides that the individual can be presumed to have entered legally when he works and has his Social Security situation regularized for 12 months. This means that migrants must have up-to-date contributions and obligations with the Social Security. That said, individuals who have entered the territory illegally are forced to work in order to apply for the residence permit. However, to get a job, many employers require migrants with residence permits. South Asian migrants express that not having a residence permit is synonymous with not being able to get a job. Interviewee No 15 (Male, 40 years old, Nepal), shared his experience with us and tells us about the exchange he had with certain companies:

“Some companies want residency card, [they ask] you have card? No? They will not give you [the job]”

Access to employment in the regulated labour market is linked to having a residence permit. More specifically, as interviewee No 8 (Male, 48 years old, Pakistan) tells us, this is more the case with regard to “reasonable” jobs. That is to say, even if they have, for example, training, companies do not accept to employ migrants without a residence permit.

Another problem related to employment arises when employers have not put the migrants’ situation in order with Social Security by paying social security contributions. In fact, some migrants realize that their employers have not paid their 12 months of contributions that presume legal entry into Portuguese territory, making it impossible for them to continue their procedure for obtaining a residence permit.

Thus, without a residence permit, migrants do not have work and without work, migrants who have entered the country illegally do not meet the conditions to be able to apply for their residence permit.

Another problem mentioned several times is the change of driving licenses from the countries of origin to the Portuguese driving license. In fact, migrants who do not have a residence permit cannot make this change. However, migrants whose job is to make deliveries or drive Uber, find themselves unable to work.

### **5.1.5. Forced immobility**

The South Asian migrants interviewed often stated that they chose to go to Portugal, convinced by the fact that it is a country where they can easily obtain papers, or even citizenship, which would open the doors to other European countries. However, once they arrive and are awaiting their regularisation, they find themselves faced with a gap between their expectations and the reality in Portugal. Instead of feeling free to move around Europe, they perceive themselves as stuck in Portugal. Indeed, forced immobility is a central element in our interviews. This refers to a situation where migrants are unable to leave Portuguese territory. More precisely, it is not their choice but rather they are forced to remain immobile as shown by the comments of interviewee No 8 (Male, 48 years old, Pakistan):

“It’s very difficult because you can’t move, you can’t go to any part of the world! If you want to go, you can’t come back because you can’t travel!”

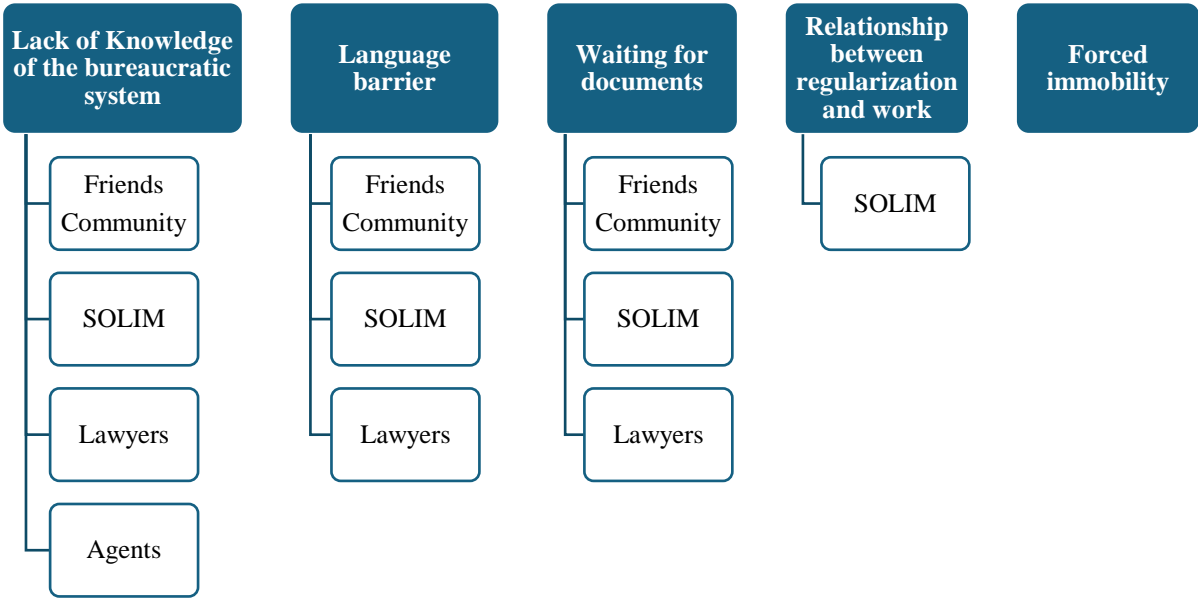
The cause of this impediment to free movement is the fact of not having a residence permit. Indeed, without a residence permit and especially without a visa, individuals find themselves in an irregular situation in the Schengen area, and when leaving Portuguese territory, they run

the risk of being checked and no longer being able to reach Portugal. This situation therefore prevents migrants from South Asia from going to their country of origin. They often cite the fact of not being able to visit their family as a source of suffering.

### 5.2. Strategies

Faced with difficulties related to regularisation, whether they are the difficulties in acquiring a residence permit or the consequences of not having one, migrants adopt strategies to overcome them. By strategy, we mean the way in which migrants use their resources and adopt certain behaviours in order to face the uncertainty related to their bureaucratic procedure and overcome the obstacles that arise from it.

Through our research, we find that the strategies adopted are often linked to the nature of the difficulties encountered as shown in the scheme 4 below. Indeed, when migrants are unfamiliar with the system, they turn to their agent, lawyers, the community/friends and/or SOLIM to fill their lack of information. As for the language barrier and waiting for documents, they seek help from friends, lawyers and/or SOLIM. For all difficulties related to regularisation between regularisation and work, they seek help from SOLIM. Finally, regarding forced immobility, no strategy is adopted, because this depends on obtaining a residence permit which results from a decision by the competent administration in this matter, with which they cannot interfere.



**Scheme 4: Listing of problems encountered during the regularisation procedure and the respective strategies adopted**

The aim of this chapter is to analyse in detail the different strategies implemented by migrants from South Asia. We seek to identify what each represents for migrants, where they obtain information and where they go to access these strategies, how they work and understand in which situations they use them. To this end, each of the strategies mentioned above will be developed in a sub-chapter.

### **5.2.1. Lawyers: “No solution, only money”<sup>9</sup>**

In the context of the regularisation procedures of migrants in Portugal, lawyers have become a recourse for migrants in the face of the many obstacles, particularly bureaucratic ones, that they encounter. In fact, the majority of those interviewed stated that they had called upon a lawyer in the hope of acquiring the residence permit more easily and, above all, more quickly. This is why the use of lawyers occurs when migrants have already started their regularisation procedure and especially when they have been waiting for their residence permit for several months.

More specifically, migrants often cited the fact of not knowing how the system and the laws work as a motivation to proceed via a lawyer who “seduces” them with the promise of having a residence permit. This is therefore linked to a misinformation existing among migrants. This was the case for interviewee No 5 (Female, 28 years old, Nepal):

“We, all people from Nepal, go to the lawyer for card because we don't know a lot of things here, so we feel scared, so we go with the lawyer.”

In fact, they see lawyers as people they can trust and who have mastered the law. As interviewee No 19 (Male, 35, India) expressed it:

“Because you are a lawyer, I will trust you!”

In addition, the use of lawyers allows them to start their regularisation process without having to take time off work. Several migrants reported that their professional obligations prevented them from having time to complete the various bureaucratic procedures. This is the case for our interviewee No 11 (Female, 20 years old, Nepal):

“It is impossible to go by ourselves, because we have to work, we do not have the time to call AIMA, like 24h”.

Through lawyers, migrants also manage to overcome the language barrier they face when going to various administrative services such as AIMA, Social Security or even Finance. Indeed,

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<sup>9</sup> Interview No 2 (Male, 35 years old, India)

lawyers speak the national language, Portuguese, which facilitates communication with officials.

Some migrants interviewed are convinced that not having had recourse to a lawyer has considerably lengthened the duration of their procedure to acquire the residence permit. They imply that migrants who have carried out the administrative procedures accompanied by a lawyer receive different treatment compared to those who have done it on their own.

Lawyers offer them services aimed at assisting migrants at all stages of the regularisation process. Specifically, they can help them obtain the NIF and/or NISS, make an appointment at AIMA for an interview or submit the documents necessary to build their file.

Their services are provided for a fee that can vary depending on the service. For example, when lawyers make an appointment with AIMA, they charge between 400 and 500 euros. The amount charged for services can go up to 800 and 1000 euros, according to some interviewees.

Convinced that lawyers can provide them with solutions, migrants quickly become disillusioned. Indeed, several testimonies highlight “corrupt” practices on the part of lawyers. In fact, most of the migrants interviewed who had recourse to lawyers say they paid a lawyer who did nothing for them. Once the payment is received, migrants say that the lawyers stop responding to them and do not provide the agreed services and that they are left without documents and without money. Interviewee No 11 (Female, 20 years old, Nepal) is one of these individuals:

“The lawyer is not cooperating with me. [...] Here are many consultancies in Portugal and they are cheating the people, they are collecting a lot of money from the people, but they do nothing for them. Just the people are suffering. [...] Why she joins me a lot of money and she did nothing, and she showed very irresponsible behaviour that she doesn't submit my documents”

“I have submitted my case to my lawyer, but my lawyer, here in Portugal, in Lisbon, mainly in Lisbon, lawyers can do nothing, really, they can't do. In Portugal, in Lisbon, lawyers are doing nothing”

Faced with the ineffectiveness of lawyers, migrants say that it is more of a business than a real help for them to obtain a residence permit. Migrants learn about these lawyers either because they are advised by other people belonging to the community of their country of origin who have also used this kind of service as was the case of interviewee No 1 (Male, 24 years old, Bangladesh) to whom a person from Bangladesh told him that lawyers could help him in exchange for money. Or, they find the information on the internet, more precisely on social

networks such as Facebook where lawyers present and offer their services. Conversely, some interviewees say that they have met migrants who advised them not to use lawyers because they had been deceived by them and instead encouraged them to contact SOLIM.

On the other hand, migrants also exposed that unqualified people pretend to be lawyers, as interview No 15 (Male, 40 years old, Nepal) tells us:

“There are lot of “Nepali lawyers”, that aren’t professionals, asking for money”

Moreover, the use of lawyers is indeed a strategy used to overcome the language barrier. The use of this type of person is based on the trust that the figure of a lawyer inspires. Migrants obtain the contacts of lawyers through other migrants, they communicate with them often by telephone and have very rarely met the lawyer in person, all the procedures are done remotely. Or, this information is found on the internet, more particularly on social networks such as Facebook.

### **5.2.2. Community support**

Throughout the interviews, the community was highlighted as a place where all information regarding employment, accommodation, residence permits, solutions for various problems seem to circulate, more broadly as a place of mutual aid. By community, we refer to a group of people of the same origin, more precisely to the group of people from South Asia. This is made up of people who have obtained a residence permit and people who have started their regularisation procedure, people who have been in Portugal for years and new arrivals. Within these communities, our interviewees distinguish two types of profiles of people who come to their aid. On the one hand, migrants with whom they become friends and who refer migrants to the association and on the other hand, migrants to whom, in exchange for their help, they pay a sum of money, but whom they also call “friends”. The latter can help in obtaining the NIF and NISS, other documents necessary for the constitution of the file, obtaining an appointment at AIMA. Interviewee No 26 (Male, 29 years old, Pakistani) explains that:

“[...] Here is many people who help out with lock file. [...] I paid money for one guy, and he took care of everything”

These migrants are going through or have gone through the bureaucratic procedure, even difficulties. In fact, for them to share this knowledge, they ask for money in exchange, as if they were paying for a service. They guide them to navigate through the system.

In the testimonies collected, the community mainly helped the migrants by finding them a room, a job, the NIFF, and directions on where to go.

Migrants provide their friends from the community to accompany them to the Portuguese authorities so that they can do the translation. That is, they will be accompanied by people who can speak Portuguese or English to support them in the procedures that must be carried out in the offices, such as those of AIMA.

### **5.2.3. « Agent »**

Agents, in the context of migration, can be defined as intermediaries who, for a fee, accompany migrants through the different stages of their migration journey. Our interviewees often had to deal with agents at two specific moments in their journey: for the organization of the travel from South Asia to Portugal and for support in administrative procedures on Portuguese territory. Indeed, according to interviewee No 14 (Male, 32 years old, Nepal):

"For us, Nepali agent, because we trust Nepal people, we are Nepali, we will go to Nepali people. It's like a travel agency, you don't need to meet, just contact: "Hello, I have these boys can you help them cross the border?"

Regarding the second point, several interviewees told us that they contacted an agent once they arrived in Portugal or once they started their regularisation procedure. These people often belong to the community from which the migrants come. In fact, these agents help migrants obtain the various documents necessary for acquiring a residence permit, including the NIF, NISS, and a criminal record. Interviewee No 16 (Male, 32 years old, Nepal) told us that:

"I can buy a contract, I can buy taxes, I can buy everything else [...] If I have money, I can everything. This is the situation in Portugal"

This reflects a black market. For example, buying a contract on the internet costs around 200 euros.

Often these agents are contacted by migrants via the internet because they are often in India or other European countries. These are people who travel between their country and the Portuguese territory or people who are in other Schengen countries. These agents ask for a sum of money in exchange for the service. Interviewee No 16 (Male, 32 years old, Nepal) explains how they work:

"Many people are not here in Portugal, but they still paying taxes from outside, they have the legal papers here, it says that they are here, residing here, they have a NIFF number [...] Some people are using the NIFF number, the metro card from these persons. They are not here but the papers says that they are here!"

“There are a lot of people charging money, there are for examples: I have friends in another in another country, suppose in a Schengen country, they are charging 800-1000 to prepare all the documents, for example a contract, they can buy a contract, they can make social security number, they can make all of the things [...]they can make a file lock [...] It’s a very big black business”

The use of these agents is explained by the fact that they are manipulative, people trust them because they are often people of the same nationality and because they have no other option than to go through these people, or because they don't speak English or Portuguese.

#### **5.2.4. Associations**

The Solidariedade Imigrante, an association committed to defending the rights of migrants, which opened its doors to us and allowed us to access the testimonies of migrants, has proven to be a means by which migrants try to overcome the various difficulties and problems they face in Portugal.

The association is seen by migrants as a guide, guiding them through the maze of Portuguese bureaucracy, as interviewee 25 (Male, age unknown, India) points out:

“Here is a helping hand for the foreigners! They help people, guide the people to make papers or if something difficult is there”

It is a place where migrants hope to find people with good knowledge of laws, rights and administrative procedures that they could benefit from in order to enlighten them on the steps to take to overcome the challenges they face. As a result, migrants turn to the association at any time in their procedure, they do so when they have an obstacle in their journey and other means of resolving the problem, such as resorting to a lawyer, an agent, the community, have not worked. The use of the association is introduced rather as a last resort.

However, some new arrivals in Portuguese territory go to the association in order to learn more and understand how the bureaucratic system works, to get an overview of the procedure they are about to start. The majority of migrants we spoke to say they contact the association to find out the status of their procedure, to understand the reasons why they have not yet obtained a residence permit. As interviewee No 22 (male, 24 years old, Pakistan) tells us:

“They will give you advice and they will do all the paperwork here, so you can take the next step. They put everything to deal with the problem.”

On the other hand, migrants also contact the association when they have problems concerning their employment, their housing, their health.

Migrants learn about the association through word of mouth within the migrant community, between friends or even between family members. Indeed, migrants who have benefited from the association's support and who have been satisfied with the help they received, that is to say when the association's help allows them to obtain a residence permit or resolve a problem, frequently recommend the association to other migrants. In other words, the fact that some migrants have managed to overcome their difficulties thanks to the association's help strengthens the trust of others in the association and encourages them to turn to it.

Often, migrants have come to the association's offices several times, either because they are required to go there to get news about applications, to be updated on the status of their regularisation procedure or for any other problem that has arisen. It should also be noted that migrants are received with people who are also migrants and, therefore, can address migrants in their mother tongue, thus facilitating the exchange.

## 6. Discussion

The results presented in this paper have provided some answers to our research question, which aims to understand to what extent the experiences of South Asian migrants in Portugal shed light on their strategies for addressing the difficulties they encounter during their regularisation. Through exploring the experiences of the migrants themselves, our objectives were to map the difficulties they encounter and identify how they deal with them in order to contribute to understanding the specific case of South Asian migrants in Portugal, which has been little explored in the literature. Furthermore, we aim to propose some ideas to improve the experiences of migrants during their regularisation. To do so, our discussion will be structured as follows: first we will revisit each problem individually by linking them to the strategies used and then we will propose a set of ideas that could be considered by the State in order to reduce the difficulties experienced by migrants during their regularisation procedure.

The most cited problems encountered by South Asian migrants during regularisation are the lack of knowledge of the bureaucratic system, the language barrier, the waiting for documents, access to the labour market and forced immobility. First of all, the lack of knowledge of the bureaucratic system, i.e. a lack of familiarity with the rules, administrative procedures and consequently public administration, results in the disorientation of South Asian migrants. However, according to Santella (2023), one of the priorities of new arrivals is to “identify and navigate the formal circuits of incorporation at the different institutional levels”. In other words, first of all, migrants must know and understand the established procedures, in order to navigate through them and through the public institutions that are responsible for this matter to start regularising their situation. This is the first difficulty that South Asian migrants face when they arrive in Portuguese territory and want to start their regularisation, so it is a problem that mainly affects new arrivals and tends to disappear over time spent in Portuguese territory, as they advance in their regularisation procedure. In fact, the lack of knowledge of the bureaucratic system was not systematically cited by our interviewees. It depended on the stage of the procedure they were at. Thus, it was mainly cited in a rather initial phase when migrants seek to obtain their NIF or NISS. The reasons why this difficulty tends to fade over time and as migrants progress in their regularisation procedure can be found in the community ties, i.e. the relationships that are established, especially with people of the same language or even the same origin, therefore people who have been in the territory before them and who are at a more

advanced stage of the procedure and are therefore able to inform them about the different administrative offices and the steps to follow.

This problem may arise from the lack of knowledge of migrants but also from the way the State manages the bureaucratic procedures related to regularisation. Indeed, given the various offices that migrants must go to in order to regularise their status, including Social Security, Finance, AIMA, they are lost and do not know where to go to and why. A lack of coordination was highlighted by migrants who tell us that the administrative services lead them to go back and forth between different offices, i.e. they pass the buck, making the administrative procedures more complex, long and expensive. This would be part of what Pereira & al. (2021) describes as a “labyrinthine legalization process”. In other words, the opacity of the procedures makes them difficult for migrants to understand and follow. This may be the consequence of the limited resources that street bureaucrats have at their disposal. In fact, faced with a high demand from migrants, administrations do not have the time, staff, budget, or equipment to cope with it. In order to reduce the disparity between the resources at their disposal and the number of files to be processed, bureaucrats implement coping strategies, which can result in redirecting migrants to other public entities, which has the effect of temporarily lightening their workload (Giauque & al., 2016; Peeters & al., 2023). To compensate for their lack of knowledge of the bureaucratic system, migrants first turn to the community made up of people of the same origin or with whom they have linguistic proximity. This brings together individuals who have completed or are in the process of completing their regularisation procedure, which transforms it into a place where migrants find information on what they need to do and the steps to follow. This is consistent with what van Meeteren & al. (2018) argue, pointing to “migrant networks” as sources of information that can play a role in assisting other migrants with housing, employment, obtaining documents, among other things. In addition, they provide information on other strategies to adopt. This is the case with regard to recourse to lawyers or SOLIM. When they have just arrived in the territory and do not yet have a community link, they turn to “agents”, i.e. the people who brought them to Portugal. Through the use of these different strategies, South Asian migrants demonstrate resilience “by reacting positively and constructively to difficulties” (Hewlett & al., 2024). Indeed, South Asian migrants have a freedom of action that leads them to adopt coping strategies in order to face the problems they encounter during regularisation (Snel & al., 2001).

Another difficulty arises from the language barrier during interactions between migrants and street-level bureaucrats but also at the employment level as employers often require Portuguese

language skills. These language difficulties can affect the perception of street bureaucrats towards migrants (Williams, 2015). In addition, this difficulty would be more pronounced among migrants of South Asian origin, since the other nationalities, that arrive in greater numbers on Portuguese territory, are from the PALOP and/or Brazil, which means that they already know the language. This perpetuates the distinctions made between migrants according to their historical, more precisely colonial links with Portugal, thus influencing the care and treatment of non-Portuguese-speaking migrants (Tzagkroni, 2024). The solutions to this problem are to use members of the community who have been able to acquire skills in Portuguese and who accompany migrants in difficulty at AIMA in order to do the translation. To lawyers, because they speak Portuguese and facilitate exchanges. Or to SOLIM, which can take care of certain administrative procedures, so that they can avoid interacting as much as possible with street-level bureaucrats. In the longer term, South Asian migrants express a desire to learn the Portuguese language through courses, but access to these courses is conditional on them because they do not have a residence permit and because there are not enough for all migrants. Another aspect at the linguistic level is the constraint that this imposes on migrants in terms of access to the job market. Since the Portuguese language is a requirement for most jobs, South Asian migrants are doomed to accept more precarious, lower-paid employment positions or not find a job. This leads South Asian migrants to enter a vicious circle: the migrant does not speak Portuguese, he cannot find a job, without a job, he cannot apply for regularisation, without regularisation no one wants to hire him. The language requirement has the consequence of giving priority to Portuguese-speaking migrants on the job market.

Another difficulty, and in our opinion, the one that weighs the most on South Asian migrants, refers to the long waiting times to obtain a residence permit. Mentioned by all the migrants interviewed, the wait for documents granting them legal status would be directly linked to dysfunctions at the level of the administration services, more particularly AIMA, which migrants are confronted with when they are in the regularisation procedure. Whether it is to obtain an appointment at AIMA or to receive the response on whether or not they have obtained a residence permit, migrants have no control over the situation and are therefore unable to change the course of the situation, the decision-making power being in the hands of the bureaucracy. We relate this to what Le Cardinal (2023) calls “silent legalization”. He refers to situations where regularisation is hindered due to the negligence, lack of will or cooperation of the agents involved in the regularisation procedures (Le Cardinal, 2023). Bureaucrats behave in this way because of the asymmetrical power relations that oppose them to migrants. The

latter, being dependent on the administration to access regularisation, are powerless against the administration (Giauque & al., 2016). This has the consequence of forcing South Asian migrants to remain in what we call bureaucratic fog. That is, in the dark about the state of their procedures because they cannot obtain information, do not obtain precise justifications, as to the reasons for their wait, and cannot contact the administration. Contrary to what Tuckett (2015) found in the Italian context, our research tends to believe that the fact that the application for regularisation of South Asian migrants in Portugal is blocked, is not due to the lack of documentation of which the migrants were not informed, but would originate from a deeper problem linked to the structure and functioning of the administration. Migrants are therefore subject to the "bureaucratic time" that directs their daily life by pushing them to readjust their lifestyle to meet the requirements of their procedure and the operating speed of administrative institutions. In other words, legal deadlines, uncertain waiting periods for decisions or appointments, hours of waiting in queues to be received at AIMA, hours of travel to reach its offices that are far from their residence, deprive migrants of owning their own time (Borelli, 2019 in Chakkour & al., 2024). Their lives are as if on hold between the moment they meet the administration to begin their regularisation procedure and the moment they are actually regularised. This suspense wielded by the slowness of the administration creates dependency on obtaining a residence permit, and more concretely on the decisions of officials. Several aspects of their live are affected and put on hold, such as visiting family, changing their driving license, finding a less precarious job, etc. Knowing that the delay in administrative decisions exceeds the time limit set by law to issue the decision on the procedure, migrants find themselves pushed into a "prolonged temporality" perceived as interminable, incomprehensible and above all uncertain (Geoffrion & al., 2021; Spire, 2008 in Arborio & al., 2008). This expectation transforms individuals into "patients of the state" to the extent that they are dependent on the administration to obtain a legal status that would open the doors to a multitude of rights (Chakkour & al., 2024). The slowness in the execution of regularisation procedures could be due to a lack of operational capacity of AIMA, in terms of human and technological resources, which are unable to respond to the growing number of requests they receive (Presidência do Conselho de Ministros, 2024; Serviço Jesuíta aos Refugiados, 2021, 2023; Costa, 2020. It would therefore be due to a structural incapacity that the regularisation of migrants from South Asia is pending.

In short, what emerges from our study refers to what Chakkour & al. (2024) calls agency in waiting. Defined as "the ability to act in the present, in everyday time", i.e. to say that their

present is marked by waiting, they arrive by searching for strategies to try to overcome this difficulty, thus allowing them to have a certain mastery in the waiting situation. In fact, to get around this difficulty, or at least to try to do so, migrants turn once again to the community, then in a second time to lawyers, who promise them to obtain residency and, as a last resort, when none of the previous strategies have worked or they come out of it harmed, they redirect themselves to SOLIM.

The last two difficulties, which emerged from the narrative of the experiences lived by the interviewees are due to the fact that they have not yet succeeded to regularise themselves, more precisely they arise from the wait for their residence permit and are dependent on the resolution of the bureaucratic process. In fact, the South Asian migrants we met, exposed the existence of an interdependence between regularisation and access to the labour market. In fact, our research has demonstrated that beyond the link between legal status and employment conditions, there is also a link between employment and legal status (Sigona, 2012). That is to say, without work, and therefore without the respective taxes necessary to apply for a residence permit, South Asian migrants cannot begin their regularisation procedure and conversely, without the legal status employers refuse to hire migrants. The other is forced immobility, that is the inability to leave Portugal's borders. In fact, as Santella (2023) had already pointed out in his study, migrants associate "legalization with freedom of movement". This therefore also depends on obtaining a residence permit and therefore cannot be solved or, these consequences cannot be reduced by implementing a strategy. In fact, it depends solely on the administration.

All things considered, we are able to say that the difficulties encountered by migrants follow a logical and chronological sequence, that is to say that they follow one another as the migrant moves to another stage of regularisation. Indeed, the difficulties are initially linked to the lack of knowledge of the system that occurs at the beginning of regularisation or even at the beginning of the stay in Portugal. Then linked to the language barrier that involves interactions between migrants and the administration and finally the wait for documents that is strictly linked to obtaining a decision regarding residence status. Even if not all the migrants interviewed experienced all the difficulties mentioned, all were confronted with the wait for documents. The order in which the problems appear is related to the progress of the regularisation procedure. In short, our research highlights two levels of difficulties. The first is directly related to the steps that migrants must take to regularise themselves. The second involves difficulties that arise from the first level, they are rather consequences related to the lack of residence permit (Luís, 2023). More precisely, we denote 3 categories of difficulties:

those that are directly related to the skills of migrants, that is, that arise from their lack of knowledge of the language or the functioning of the bureaucratic system; the difficulties can originate from the dysfunctions of the administration such as, for example, part of the lack of knowledge of the system and the wait for the documents that allow migrants to be regularised; or the difficulties that arise from this wait for documents, that is, the fact of not having a residence permit that causes difficulties in terms of work and mobility. All the difficulties are interrelated and plunge migrants into a vicious circle: the language barrier does not allow migrants to get a job, without a job they cannot have documents but without documents they cannot have a job and the same goes for the driving license: without a driving license they cannot work in the delivery sector, without working they cannot regularise themselves but without regularising they cannot have a driving license.

The obstacles, linked to bureaucratic inefficiency, that South Asian migrants face reflect a structural violence that hinders their regularisation, leading them to be structurally vulnerable (Quesada & al., 2011 in Rylko-Bauer & al., 2016). In other words, not having a legal status due to the way in which the institutions have administered their procedure, they are exposed to inequalities and have fewer rights. This context pushes them to resist through the implementation of tactics (Miranda, 2022). In fact, the experiences of South Asian migrants in Portugal allow us to highlight various strategies to face administrative barriers and the obstacles that arise during their regularisation (Santella, 2023). We can examine strategies as an intermediary that allows migrants to build a bridge with the administration.

Strategies originate from the agency of migrants, which provides them with the ability to make decisions that impact the course of their lives (Giddens, 1993). The implementation of strategies occurs when migrants arrive in Portuguese territory but tends to intensify once they begin their regularisation procedure with the aim of acquiring a residence permit. Migrants therefore seek solutions that could reduce their difficulties. In fact, we argue that strategies are adopted depending on the type of challenges, that is, whether they arise from the steps that migrants must take or whether they are the consequence of not having a residence permit, the moment in the procedure at which they occur, the people they meet when they face these difficulties. Furthermore, the strategies adopted from the initial phase of the attempt to regularise migrants tend to be the same throughout their procedure and to follow one another chronologically. Indeed, their institutional irregularity caused by "incompetent administrations" is at the origin of the triggering of the search for strategies (Bohning, 1983 in Ambrosini, 2010). For the difficulties related to the regularisation procedure, the first strategy that is triggered is the

recourse to the community, then to lawyers and finally to the SOLIM. With the exception of the "agents" to whom migrants turn only in the early stages of their stay in the territory. We assume that the fact that the agents appear as a response to a difficulty at an initial stage of the procedure, can be linked to the fact that migrants do not yet have knowledge of people in Portuguese territory so they turn to the person who accompanied them in their migratory journey to Portugal. Then, once the migrants have established a link with the community, from the same country as them, present in the territory, they no longer use the agents and prefer individuals who are going through or have gone through the same thing as them, turning to the community. We also note that when migrants are in the phase of waiting for the decision regarding obtaining the residence permit, their ability to act, to implement a strategy, tends to disappear because the decision-making power is strictly dependent on AIMA officials.

For difficulties directly related to the regularisation procedure, i.e. lack of knowledge of the system, language barriers and waiting for documents, agents or the community are the place migrants turn to first. While Van Meeteren & al. (2018) argue in their study that few migrants received help from friends or acquaintances in obtaining documents but rather from their family or institutions. Our study shows that migrants tend to turn to the community, and almost no interviewees turned to the family because few of them had their family in Portugal. This would also be a reason why they tend to turn to parallel structures (Bommes & al., 2011). Indeed, South Asian migrants turn to their networks of migrants, of the same ethnic origin, already present in Portugal who help them navigate through their difficulties. In this network, migrants find support and guidance in various areas of their lives, but they also gather other contacts. In fact, our study shows that the community is also a place where information circulates on informal markets. Migrants monetize the knowledge they have acquired during their own procedure and thus become intermediaries who help other migrants to circumvent administrative obstacles (Ambrosini, 2017). That is to say, they use the experience they have had, whether in relation to the conditions for obtaining a residence permit, in relation to institutions, in relation to documentation, to propose solutions to South Asian migrants and thus transform their knowledge into a monetary source. Here, migrants can encounter two types of relationships: strictly community ties that provide a form of disinterested help or market relationships (Ambrosini, 2017). In fact, the community bond evolves in many cases from a disinterested act to an informal market in which knowledge has a monetary value. In other words, migrants with knowledge of administrative procedures, who have acquired the ability to move within bureaucratic boundaries, tend to ask for money in exchange for information, or in

exchange for obtaining certain documents such as the NIFF. This gives rise to what Sigona (2012) understands as situations of exploration due to the dependence of one's own situation of fragility. Other migrants who have been in the territory for a longer time take advantage of the situation of vulnerability of these migrants. Furthermore, it is often thanks to the community that migrants resort to other strategies. Indeed, the community of the same origin plays a role in the strategies that South Asian migrants decide to adopt. Made up of several individuals who have already gone through this procedure, the community includes information on how to navigate the bureaucratic system and especially how to overcome difficulties, so they inform about all possible solutions to overcome difficulties. Once again, they rely on their own experiences and on the strategies that have worked in their case to advise other migrants. For example, information about lawyers circulates in this sphere. Often advised by other migrants, individuals resort to lawyers who promise them to obtain all the necessary documentation for regularisation and ultimately the residence permit.

Once migrants use other strategies and failed to succeed, they turn to associations. These are therefore often used as a strategy of last resort. Despite this, and contrary to what Santella (2023) found, in our study, the use of associations that deal with migrants' rights does not seem very limited. The choice to turn to an association is motivated by success stories of other migrants who have obtained a result after having contacted the association. It is within the community that this idea is conveyed. Despite the fact that it occurs late in the regularisation procedure, and that it is after they have had problems, South Asian migrants use it quite often and return several times. According to Ambrosini (2017), NGOs and other civil society actors involved in the field of migration can provide rather political support, by advocating for their rights or more "practical" support by offering bureaucratic assistance, on a case-by-case basis, to facilitate access to regularisation, as SOLIM does. We believe that, in the same vein as Ambrosini (2017), associations are "a valuable resource for survival and the transition to regular status". In fact, in the association, they can ask questions, try to have appointments at AIMA, are received in their mother tongue. Relations with associations constitute social capital for South Asian migrants (Santella, 2023). Beyond what our interviewees have mentioned, it is important to consider the growing role of social networks in the implementation of strategies, outside of official channels. In fact, when browsing Facebook, it is very easy to find advertisements that offer services such as the acquisition of documents, or appointments at AIMA (Van Meeteren & al., 2018).

South Asian migrants are caught in an administrative spiral. That is to say, each administrative step leads to a new difficulty which leads to the use of a strategy to deal with it and this throughout their regularisation but also each difficulty produces others. The type of strategy chosen is likely to have an impact on the initial temporality of the procedure but which stagnates for all when they are faced with waiting for their residence permit to be granted by the AIMA. Indeed, once they are faced with waiting for a decision, regardless of the strategy adopted, they no longer have control. As for the effectiveness of the strategies adopted by South Asian migrants, we find that it is in the community that they were able to find the most indications as to the progress of the procedure but also on the places to seek support but also through the structures set up by the communities have proven to be the most effective. Because sometimes it allowed them to obtain certain documents such as NIFF and NISS but also to discover the SOLIM. The action of the agents can be considered limited since it is only used in a rather initial phase of the procedure before the difficulties arise. The lawyers prove to be a failure in almost all the cases encountered, despite the money invested, this solution has almost never resulted in progress in the migrants' procedure. However, it is clear that when migrants use lawyers, not only do they not obtain any progress in their application for regularisation, but they also lose economic and individual capital. As for the use of the association, the interviewees are satisfied with the services offered there and often appear reassured by the fact of having found such an association.

The study also highlights a resilience that is created due to the difficulty of regularisation. We see that when migrants adopt a strategy that does not allow them to overcome the situation or, to a lesser extent, improve it, they turn to other strategies. This is seen by the fact that for problems related to the procedure itself, they try several strategies until they have only one advance in their procedure.

All things considered, the experiences of South Asian migrants in Portugal allow us to advance that the strategies adopted are implemented thanks to and depend on 3 forms of capital (Vasta, 2011). They must have social capital such as migrant networks (Van Meeteren & al., 2018), economic capital that is essential due to the many strategies that are based on monetary exchange and individual capital that refers to their motivation and resilience that makes them resort to several strategies to achieve their ultimate goal, obtaining a residence permit. In fact, acting according to the existing administrative constraints, the strategies adopted by South Asian migrants allow them to regain mobility within their regularisation while they were

constrained by the immobility of their irregular status and the suspended time caused by the slowness of their procedure.

Ultimately, given the difficulties raised by South Asian migrants, we approach the issue at an applied level, by giving recommendations that could improve their situation. First of all, by setting up legal advice, that is to say offices where migrants could go so that the administrative procedure of regularisation could be explained to them, as well as the role of each public service involved, the necessary documents, the existing associations. This service would be available at any stage of the procedure and would make it possible to inform and guide migrants in their procedures and could possibly relieve public services by reducing the number of people who approach them for information. Along the same lines, consider mediators who would go to the community, either in associations or in the neighbourhoods most inhabited by migrants, in order to understand the difficulties and needs of these communities. In order to avoid the displacement of migrants in several separate public entities, the establishment of a single office for the first stages of the procedure, such as obtaining the NISS and a NIF, could be considered. In addition, the creation of information channels, such as platforms grouping together information on the regularisation procedure in a more explicit way, for example by integrating explanatory videos on administrative procedures in several languages, the distribution of explanatory flyers in associations but also in public services, could see the light of day.

## 7. Conclusion

This thesis aimed to delve into the heart of the Portuguese migration context by focusing on the quest for regularisation of South Asian migrants in the country. More specifically, our research question sought to explore to what extent the experiences of South Asian migrants shed light on their strategies for coping with the challenges encountered during their regularisation procedure in Portugal. In other words, we sought to capture the problems encountered by South Asian migrants throughout their administrative procedure until the moment of obtaining the residence permit and the ways in which they manage to circumvent them. By adopting an inductive approach, based on interviews and observations, the aim of this research was to explore what the quest for regularisation represents in Portugal, while seeking to understand what its challenges are and how migrants cope with them.

Our study reveals that administrative inefficiency during regularisation procedures gives rise to a vicious circle of challenges. On the one hand, problems directly related to the administrative procedure, i.e. lack of clarity about the procedure and institutions, language barriers, and long waiting times for the granting of a residence permit; and on the other hand, challenges that are the consequence of administrative dysfunction, i.e. problems related to the lack of a residence permit, such as difficulties in finding a job or the inability to travel.

Faced with these challenges that arise during the process of obtaining a residence permit, South Asian migrants, thanks to their agency and resilience, adopt strategies to try to overcome them. The choice of strategy is guided by the moment of the procedure at which the challenges arise and the people they meet especially in their community network. Indeed, it is in the community that South Asian migrants find the most solutions to face the challenges. Beyond the knowledge acquired during their regularisation procedures, the South Asian migrant community has the most information on the strategies that can exert an influence and proposes them to migrants who are looking for them. The impact of the strategies is more visible in an initial phase of the procedure, when migrants have to obtain the necessary documents for the expression of interest. These tend to have no effect when their application is being analysed in order to announce the decision on whether or not to grant it. Indeed, regardless of the strategy adopted, migrants have no way of interfering because the decision-making power is strictly conferred on AIMA.

While strategies can help South Asian migrants cope with some challenges, they do not work all the time or for all migrants, and they are not sufficient to bypass the bureaucracy that places

them in an interminable wait for residence permits. The quest for regularisation has thus become an administrative spiral that places South Asian migrants in a suspended life.

At the end of this research, we have some reservations about the application of the results to the current context of South Asian migrants in Portugal. Indeed, a new legislative framework has been in place since June 2024, it has ended the possibility of asserting an expression of interest. This change may have modified the challenges that South Asian migrants encounter, for example, perhaps currently the challenges are concentrated upstream of the application for a residence permit since they must obtain a visa to be able to travel to Portuguese territory and apply for a residence permit and not, as soon as they begin the process to regularize themselves. Which may also lead to a change in the strategies adopted.

Thus, in view of the legislative changes, a new study could be conducted in order to report on how these have modified, or on the contrary not modified, the difficulties and strategies used by migrants to face the regularisation procedure. How this has influenced the procedure of migrants who had already started their procedure.<sup>10</sup>

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<sup>10</sup> Artificial intelligence software was sometimes used for syntax and sentence reformulation.

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## 9. Annex

### 9.1. Interview grid

	Questions	Follow-up questions
Travel/ Choice of PT	<p>To begin, could you tell me your story, tell me about your journey from your origin country to Portugal?</p> <ul style="list-style-type: none"> <li>• Arrival in Portugal</li> <li>• Visa? Work contract?</li> <li>• Travel to PT (countries)</li> <li>• Why Portugal <ul style="list-style-type: none"> <li>○ How you got to know about PT</li> </ul> </li> <li>• Came alone or with someone</li> <li>• Know someone in Portugal before being here</li> </ul>	
Arriving in PT	<p>What do you have done once you arrived in PT?</p> <ul style="list-style-type: none"> <li>• Status in PT</li> </ul>	
Regularisation	<p>How was the regularisation process?</p> <ul style="list-style-type: none"> <li>• Where did you go to get the papers?</li> <li>• What documents did you need to start the process?</li> <li>• Were there some difficulties for you? Like what? <ul style="list-style-type: none"> <li>○ Language?</li> <li>○ Bureaucrats?</li> </ul> </li> <li>• How long did the process take?</li> <li>• How did it affect your everyday life? <ul style="list-style-type: none"> <li>○ Work?</li> <li>○ Housing?</li> <li>○ Health?</li> </ul> </li> <li>• In your opinion, here there some kind of discrimination?</li> </ul>	
If there are any problems	<p>What have you done to overcome these difficulties?</p> <ul style="list-style-type: none"> <li>○ Friends</li> <li>○ Associations</li> <li>○ Consultants</li> <li>• Depending on what the person has done: <ul style="list-style-type: none"> <li>○ How did you get to know them? <ul style="list-style-type: none"> <li>▪ Who told you about them?</li> </ul> </li> <li>○ Why did you request them? Expectations?</li> <li>○ What they promise to you?</li> <li>○ What they actually did?</li> <li>○ Did you pay them? <ul style="list-style-type: none"> <li>▪ How much?</li> </ul> </li> </ul> </li> </ul>	

Personal info	<ul style="list-style-type: none"><li>• Nationality</li><li>• Age</li><li>• Work in PT and in origin country</li><li>• Education</li><li>• Family in Pt or not</li></ul>	
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## 9.2. Socio-demographic characteristics of study participants

Family/ Friends	Work	Education	Status	Year of arrival	Age	Country	Gender
None	Waiter	Bachelor	Waiting for permit	2021	24	Bangladesh	M
None	Agriculture/ Construction/Food delivery	None	Waiting for permit	2021	35	India	M
Yes	-----	Bachelor	No started regularisation	2024	30	India	M
None	Restaurant	Master	Waiting for family reunification	2022	33	Bangladesh	M
Yes (Husband)	Restaurant	None	Residency card	2017	28	Nepal	F
None	Restaurant	High School	Waiting for residency	2022	24	Pakistan	M
Yes	Searching for job	High School	Waiting for residency	2024	20	Nepal	M
None	Delivery	Master	waiting for residency card	2023	48	Pakistan	M
Yes (Kid)	Call-Center	Master	waiting for residency card	2023	42	Pakistan	F

Family/ Friends	Work	Education	Status	Year of arrival	Age	Country	Gender
Yes (sister)	Industry	High Scholl	Waiting for residency	2022	31	Nepal	F
Yes	Hotel	High Scholl	Permit family reunification	2022	20	Nepal	F
Yes (brother + mother)	None	Cours professionnel	Waiting for residency	2017	19	India	F
None	Painter	-----	Residency card	2016	33	Pakistna	M
None	Picking fruits/vegetables	BAachelor	Residency card	2018	32	Nepal	M
Yes (Wife +baby)	Restaurant	Hlight School	Waiting for permit	2023	40	Nepal	M
None	Restaurant	Graduation	Waiting for permit	2024	32	Nepal	M
Yes (father, mother, kid)	Restaurant	Graduation	Permit family reunification	2022	39	Pakistan	F
None	Shop	Highschool	Waiting for residency	2021	49	Pakistan	M

Family/ Friends	Work	Education	Status	Year of arrival	Age	Country	Gender
None	Agriculture	High School	Waiting for residency	2020	35	India	M
None	Searching job	Master	Waiting for residency	2024	30	Bangladesh	M
None	Painter	None	Waiting for residency	2021	--	Pakistan	M
None	No job	Bachelor	Not started the regularizaation	2024	24	Pakistan	M
None	Agriculture	High School	Waiting for residency	2023	37	Nepal	M
None	Metro	---	Waiting for permit	2022	37	Bangladesh	M
Yes (Son)	Restaurant + Agriculture	None	Waiting for permit	2023	--	India	M
None	Picking flowers	None	Waiting for residency	2023	29	Pakistan	M
None	Restaurant	Primary school	Applied for citizenship	2018	34	Nepal	M

