

Portugal Immigration Detention Data Profile

	Quick Facts	
	Immigration detainees (2016)	2,444
	Detained minors (2017)	11
	Persons expelled (2018)	305
	International migrants (2019)	888,162
	New asylum applications (2019)	1,822

NOTES ON USING THIS PROFILE

- Sources for the data provided in this report are available online at: <https://www.globaldetentionproject.org/countries/europe/portugal>
- "Observation Dates" indicate the timeframe statistical data correspond to or other data were last validated. More than one statistical entry for a year indicates contrasting reports.

STATISTICS

Detention, expulsion, and incarceration statistics

		Observation Date			Observation Date
Total number of immigration detainees by year	2,444	2016	Top nationalities of detainees	Brazil	2016
	2,071	2015		Brazil	2009
	2,896	2009			
Total number of detained minors	11	2017	Number of detained accompanied minors	1	2016
	1	2016		2	2015
	2	2015			
Number of apprehensions of non-citizens	4,760	2018	Estimated capacity of dedicated long-term immigration detention centres	36	2015
	4,530	2014			
	5,155	2013			
	9,110	2012			
Number of persons removed/returned (voluntary returns and deportations)	305	2018	Number of deportations/forced returns only	295	2018
	820	2014			
	1,135	2013			
	1,330	2012			
Percentage of persons removed in relation to total number of people placed in removal procedures	21.3	2014	Criminal prison population	13,943	2017
				14,399	2014
Percentage of foreign prisoners	16.5	2017	Prison population rate (per 100,000 of national population)	135	2017
	18.1	2014			

Demographics and immigration-related statistics

		Observation Date			Observation Date
Population	10,200,000	2020	International migrants	888,162	2019
	10,350,000	2015		837,300	2015
	10,700,000	2012		893,800	2013
International migrants as a percentage of the population	8.1	2015	Refugees	2,375	2019
	8.4	2013		2,136	2018
				1,623	2017
				1,129	2016
				853	2015
				598	2014
				699	2014

Ratio of refugees per 1000 inhabitants	0.12	2016	Total number of new asylum applications	1,822	2019
	0.07	2014		1,397	2016
	0.05	2012		641	2015
				442	2014
				299	2012
Refugee recognition rate	93.2	2014	Stateless persons	14	2018
				14	2016
				14	2015
				553	2014

DOMESTIC LAW				
LEGAL TRADITION				
Legal tradition	Name		Observation Date	
	Civil law		2017	
LAWS AND REGULATIONS				
Constitutional guarantees?	Yes/No	Constitution and Articles	Year Adopted	Last Year Amended
	Yes	Article 27: Right to freedom and security	1976	2005
LAWS AND REGULATIONS				
Core pieces of national legislation	Name		Year Adopted	Last Year Amended
	Act 27/2008 (Asylum Law)		2007	2014
	Act 23/2007 of 4 July 2007, Legal framework of entry, permanence, exit and removal of foreigners into and out of national territory. No. 23/2007. 4 July 2007.		2007	2017
GROUNDS FOR ADMINISTRATIVE IMMIGRATION-RELATED DETENTION				
Immigration-status-related grounds	Name		Observation Date	
	Detention to prevent unauthorised entry at the border		2017	
	Detention during the asylum process		2017	
	Detention to effect removal		2017	
	Detention for unauthorised entry or stay		2017	
GROUNDS FOR ADMINISTRATIVE IMMIGRATION-RELATED DETENTION				
Non-immigration-status-related grounds providing for administrative detention in immigration legislation.	Name		Observation Date	
	Detention on public order, threats or security grounds		2017	

CRIMINALIZATION OF IMMIGRATION-RELATED OFFENCES				
Does the country provide specific criminal penalties for immigration-related violations?	Fines	Incarceration		Observation Date
	No	No		2014
LENGTH OF DETENTION				
Maximum length for administrative immigration detention in law.	Number of Days		Observation Date	
	60		2017	
LENGTH OF DETENTION				
Maximum length of time in custody prior to issuance of a detention order	Number of Days		Observation Date	
	2		2017	
PROCEDURAL STANDARDS				
Provision of basic procedural standards	Name	In Law	In Practice	Observation Date
	Right to appeal the lawfulness of detention	Yes		
NON-CUSTODIAL MEASURES (ALTERNATIVES TO DETENTION)				
Types of non-custodial measures	Name	In Law	In Practice	Observation Date
	Supervised release and/or reporting	Yes	infrequently	2017
	Electronic monitoring	Yes	infrequently	2017
	Designated non-secure housing	Yes	infrequently	2017
	Release on bail	Yes	infrequently	2014
	Registration (deposit of documents)	Yes	infrequently	2014
VULNERABLE PERSONS				
Is the detention of vulnerable persons provided in law? Are they detained in practice?	Name	In Law	In Practice	Observation Date
	Accompanied minors	Provided	No	2020
	Unaccompanied minors	Provided	No	2020
	Accompanied minors	Provided	No	2016
	Unaccompanied minors	Provided	Yes	2016
MANDATORY DETENTION				
Mandatory detention	Filter	Name	Observation Date	
	No		2017	
EXPEDITED REMOVAL AND RE-ENTRY BAN				
Re-entry ban	Name		Observation Date	
	Yes		2017	

COVID-19 UPDATES

	Update Status	Observation Date
Latest Update	<p>Responding to the Global Detention Project's Covid-19 survey, IOM Portugal reported that no moratorium on new immigration detention orders has been established and that there has been no indication in the legislation that detention is to be halted. However, since the onset of the Covid-19 crisis, the number of detention orders issued by judges has decreased significantly. As previously reported by the Portuguese Ombudsman's office, responding to the GDP's Covid-19 survey (see 14 May update), IOM Portugal said that the temporary detention facilities at the Lisbon airport were closed following the declaration of the state of emergency and that people detained in those facilities were released. Nonetheless, it is unclear whether the decision was due to the pandemic or due to the death of a migrant in the facilities in March. IOM Portugal also stated that, to their knowledge, immigration detainees are tested for Covid-19. But the source was unable to provide details regarding what measures may have been taken as regards migrants or asylum seekers released from detention to prevent spreading Covid-19 and to ensure the care of this vulnerable population. Some removals have taken place during the pandemic. According to IOM Portugal, these were forced removals issued as a penalty for the commission of a crime, which entailed expulsion following the completion of a prison sentence. The country has also adopted rules to temporarily regularise migrants who had submitted their applications prior to 18 March 2020.</p>	2020
	<p>Global Detention Project Survey completed by Portugal's Provedor de Justiça (Ombudsman). IS THERE A MORATORIUM ON NEW IMMIGRATION DETENTION ORDERS? Yes. Migrants who have not legalized their presence in the country and had pending cases before the authorities, as well as asylum seekers, were granted a special temporary authorization of residence, with their cases being suspended until further notice. Asylum seekers who request international protection at the border do not remain detained at the temporary detention centers of the airports, being also granted a special visa that allows them to enter the country. At the moment, there are no cases of migrants arriving via air and being refused entry at the border, since most flights to/from Portugal have been halted and entry to those is reserved to Portuguese citizens or foreigners with residence permit (family reunion being one exception). HAVE IMMIGRATION DETAINEES BEEN RELEASED? Yes. Asylum seekers have been granted temporary entry visas. The same solution was given to 3 non admissible persons who it was impossible to send back. According to the latest information received, the detained population is comprised of: UHSA (the sole immigration detention centre in Portugal): seven migrants detained, pending the execution of their forced returns. EECIT Porto (temporary detention centre at the Porto airport): empty since the 15th of April, when two asylum seekers were granted temporary visas and allowed to enter the country. EECIT Lisboa: the temporary detention centre of the Lisbon airport was closed by decree of the Minister of Internal Affairs on the 8th of April, following the investigation of the alleged murder of an Ukrainian citizen by border police officers. It will remain closed until the 1st of June, according to the latest information received. When it closed, on April 8th, there was no citizen detained therein. EECIT Faro: it is open but without detainees in the last month. EECIT Ponta Delgada and EECIT Funchal: due to lack of international or even internal flights, these centres are not being currently used. FOR PEOPLE RELEASED FROM DETENTION, WHAT MEASURES ARE BEING TAKEN TO PREVENT SPREADING OF THE INFECTION AND TO ENSURE APPROPRIATE CARE? ARE ALTERNATIVES TO DETENTION BEING USED? IF SO, WHICH? Although not previously detained, some migrants and refugees have been placed in hostels and at two military bases (Tavira and Ota) which were converted into temporary shelters, testing them for COVID-19 and providing them with basic goods. The Government has not yet clarified which measures are being used for third-country nationals who benefited from temporary solutions. ARE IMMIGRATION DETAINEES TESTED FOR COVID? PLEASE DESCRIBE ANY MEASURES THAT ARE BEING TAKEN TO TEST AND PROTECT DETAINEES. Yes, at UHSA. Further, the authorities put in place a contingency plan in line based on recommendations from the Directorate-General for Health, which include special areas of confinement for suspicious cases and the strengthening of communication with local health centres, should there be a case for concern. No, at EECIT Porto. According to the authorities, tests would only be conducted when citizens show symptoms of COVID-19. HAVE DEPORTATIONS / REMOVALS BEEN HALTED BECAUSE OF THE PANDEMIC? TO WHICH COUNTRIES ARE REMOVALS TAKING PLACE? Yes. Portugal has suspended on March 13th the transfers pursuant to the Dublin Regulation. Because of the suspension of most flights in/out of the country, deportations/removals might be delayed. Repatriation flights organised by the respective country have occurred. BROADLY, HAS THE COUNTRY ADOPTED NEW IMMIGRATION AND/OR ASYLUM POLICIES AS WELL AS BORDER CONTROLS IN RESPONSE TO THE COVID-19 CRISIS? PLEASE BRIEFLY DESCRIBE ANY CHANGES. Yes. Besides what was already mentioned, according to the State of Emergency declaration (the first one was issued on the 18th March), the right to international movement was suspended, thus allowing for reintroducing border checks on persons and goods, including health checks at ports and airports, in liaison with the European authorities and in strict compliance with the Treaties on European Union, in order to prevent entry into national territory or to make such entry subject to compliance with the conditions necessary to prevent the risk of the spread of the epidemic or the overburdening of resources allocated to combating it, in particular by imposing compulsory confinement of persons in a place defined by the competent authorities. This suspension was maintained in the following two renewals of the State of Emergency and in the current situation (State of Calamity). On the Government's regulation of this declaration, flights for humanitarian reasons were maintained.</p>	2020
	<p>Several dozen civil society organisations as well as more than 100 individuals have issued an open letter calling for the immediate release of all immigration detainees. The letter, issued on 9 April, highlighted the risk of contamination of Covid-19 in immigration detention centres due to poor health care provision; hygiene conditions and overcrowding. Reports also indicate that the majority of centres do not have private rooms but rather dormitories, thus increasing the risk of contagion. The letter also mentioned the legal issues that arise from the situation especially as the justification of detaining people in view of deportation is no longer tenable since most flights have been suspended. The letter calls on the Portuguese government to, inter alia, release all persons detained in immigration detention centres and reassess the need for these centres.</p>	2020
	<p>On 28 March, the Portuguese government announced that all migrants living in the country are to be treated as permanent residents during the crisis. Persons must provide evidence of an on-going residency request before they can use the country's health service, welfare system, bank accounts, and work and rental contracts. These rules would apply from Monday 30 March. A spokesperson for the Interior Ministry is quoted as saying, "People should not be deprived of their rights to health and public service just because their application has not yet been processed ... In these exceptional times, the rights of migrants must be guaranteed." In effect, the measure grants all migrants and asylum seekers currently in the country full citizenship rights. The GDP has been unable to find any reports indicating that authorities have taken measures within immigration detention centres.</p>	2020

INTERNATIONAL LAW

Relevant international treaties and date of ratification

International treaties	Name	Ratification Year
	ICPED, International Convention for the Protection of All Persons from Enforced Disappearance	2014
	OP CRC Communications Procedure	2013
	OP ICESCR, Optional Protocol to the International Covenant on Economic, Social and Cultural Rights	2013
	OPCAT, Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	2013
	CRSSP, Convention Relating to the Status of Stateless Persons	2012
	CRPD, Convention on the Rights of Persons with Disabilities	2009
	CTOCTP, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	2004
	CTOCSP, Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime	2004
	CRC, Convention on the Rights of the Child	1990
	CAT, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	1989
	ICERD, International Convention on the Elimination of All Forms of Racial Discrimination	1982
	CEDAW, Convention on the Elimination of All Forms of Discrimination against Women	1980
	ICCPR, International Covenant on Civil and Political Rights	1978
	ICESCR, International Covenant on Economic, Social and Cultural Rights	1978
	PCRSR, Protocol to the Geneva Convention Relating to the Status of Refugees	1976
	VCCR, Vienna Convention on Consular Relations	1972
	CRSR, Geneva Convention Relating to the Status of Refugees	1960
Ratio of relevant international treaties ratified	17/19	

Relevant international treaties and date of ratification

Individual complaints procedure	Name	Acceptance Year
	ICPED, International Convention for the Protection of All Persons from Enforced Disappearance, declaration under article 31	2014
	ICESCR, Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, 2008	2013
	CRC, [Third] Optional Protocol to the UN Convention on the Rights of the Child establishing a communications procedure, 2011	2013
	CRPD, Optional Protocol to the Convention on the Rights of Persons with Disabilities	2009
	CEDAW, Optional Protocol to the Convention on the Elimination of Discrimination against Women, 1999	2002
	CAT, declaration under article 22 of the Convention	1989
	ICCPR, First Optional Protocol to the International Covenant on Civil and Political Rights, 1966	1983
	ICERD, declaration under article 14 of the Convention	1982

Relevant international treaties and date of ratification			
Ratio of complaints procedures accepted	Number	Observation Date	
	8/8		
	8/8		
Regional treaties, regulations, and directives			
Regional legal instruments	Name		Year of Ratification (Treaty) / Transposed (Directive) / Adoption (Regulation)
	CPCSE, Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse		2012
	ECHR, Convention for the Protection of Human Rights and Fundamental Freedoms (commonly known as the European Convention on Human Rights)		1978
	ECHRP1, Protocol 1 to the European Convention on Human Rights (amended by protocol 11)		1978
	ECHRP7, Protocol 7 to the European Convention on Human Rights (amended by protocol 11)		2004
	ECPT, European Convention for the Prevention of Torture and Inhuman or Degrading Treatment of Punishment		1990
	ECHRP12, Protocol 12 to the European Convention on Human Rights		2017
	ECCF, European Convention on Consular Functions		1985
	CATHB, Convention on Action against Trafficking in Human Beings		2008
Regional treaties, regulations, and directives			
Regional treaty reservations	Name	Reservation Year	
	ECHR Article 5	1978	
Bilateral/Multilateral agreements linked to readmissions			
Bilateral/multilateral agreements linked to readmission	Name	Year in Force	Observation Date
	Bulgaria	1998	2017
	Spain	1995	2017
	Estonia	2003	2017
	France	1995	2017
	Hungary	2002	2017
	Lithuania	2001	2017
	Romania	2003	2017
	Russian Federation	2013	2017
	Morocco	2004	2017
	Guinea-Bissau	1981	2017
	Canada	2000	2017

Non treaty-based international human rights mechanisms			
Relevant recommendations of the UN Universal Periodic Review	Recomendation Issued	Year Issued	Observation Date
	No	2010	2017
	No	2014	2017

Institutional Indicators															
Institutions responsible for immigration detention															
Custodial authority		Agency		Ministry		Ministry Typology				Observation Date					
		Ministry of Interior				Interior or Home Affairs				2009					
Institutions responsible for immigration detention															
Detention Facility Management		Entity Name				Entity Type				Observation Date					
		Immigration and Borders Service				Governmental				2009					
Institutions responsible for immigration detention															
Types of detention facilities used in practice	Immigration detention centre (Administrative)	Immigration field office (Administrative)	Transit centre (Administrative)	Reception centre (Administrative)	Offshore detention centre (Administrative)	Hospital (Administrative)	Border guard (Administrative)	Police station (Criminal)	National penitentiary (Criminal)	Local prison (Criminal)	Juvenile detention centre (Criminal)	Informal camp (Ad hoc)	Immigration detention centre (Ad hoc)	Surge facility (Ad hoc)	Observation Date
															2015
Detention monitoring institutions															
Authorized monitoring institutions		Institution				Institution Type				Observation Date					
		Provedoria de Justiça (Ombudsman)				National Human Rights Institution (or Ombudsperson) (NHRI)				2016					
		European Committee for the Prevention of Torture				International or Regional Bodies (IRBs)				2016					
Detention monitoring institutions															
Is the national human rights institution (NHRI) recognized as independent?		Is the NHRI recognized as independent by the International Coordinating Committee of National Human Rights Institutions?										Observation Date			
		Yes										2016			
Detention monitoring institutions															
Does NHRI carry out visits?		Does NHRI carry out visits in practice?						Observation Date							
		Yes						2016							
Detention monitoring institutions															
Does NHRI have capacity to receive complaints?		Does NHRI have capacity to receive complaints?						Observation Date							
		Yes						2016							
Foreign sources of funding for detention operations															
Does the country receive external sources of funding?		Benefitted from non-state funding sources?						Observation Date							
		Yes						2018							

Foreign sources of funding for detention operations

Description of foreign assistance	Description of non-state assistance	Observation Date
	In 2017 the International Organization for Migration (IOM) decided to allocate 36900 US\$ of its 2018 budget resources "[t]o contribute to upholding human rights standards for migrants under administrative detention in Portugal by strengthening collaboration with the Immigration and Border Service on information and counselling for irregular migrants, and upgrading knowledge and capacities of staff working at detention facilities for migrants." (IOM 2017, 123)	2018

More information about immigration detention in Portugal is available at the website of the Global Detention Project (www.globaldetentionproject.org)