

Law No. 115/99 - Official Gazette No. 179/1999, Series I-A of 3 August 1999

Legal framework for immigrants' associations

Pursuant to Article 161(c) of the Constitution, the Assembly of the Republic decrees the following to be valid as general law of the Republic:

Article 1

(Object)

- 1 - The present law establishes the regime for the establishment and the rights and duties of associations representing immigrants and their descendants.
- 2 - In all matters not specifically regulated by the present law, the legal regime for associations shall apply to immigrants' associations, in accordance with their statutory nature.

Article 2

(Definition)

- 1 - Immigrants' associations are associations established in accordance with general law, endowed with legal personality, without profit-making purposes, of national, regional or local scope, and that include in their by-laws the aim of protecting the specific rights and interests of immigrants and their descendants residing in Portugal, namely with a view:
 - a) To defend and promote the rights and interests of immigrants and their descendants in everything that concerns their valorisation, so as to enable their full integration and insertion;
 - b) To develop actions to support immigrants and their descendants with a view to improving their living conditions;
 - c) To promote and stimulate the cultural and social capacities of immigrant communities or their descendants as a fundamental element of the society in which they live;
 - d) To propose actions necessary for the prevention or cessation of acts or omissions by public or private entities that constitute racial discrimination;
 - e) To establish exchanges with similar foreign associations or promote common information or training activities.
- 2 - For the purposes of the present law, unions and federations created by immigrants' associations are deemed equivalent to immigrants' associations.

Article 3

(Independence and autonomy)

- 1 - Immigrants' associations are independent from the State and political parties and have the right to freely draft, approve and modify their by-laws, elect their governing bodies, approve their business plans and administer their assets.
- 2 - The granting of any type of State support to immigrants' associations cannot condition their autonomy and independence.

Article 4

(Rights of associations)

- 1 - Immigrants' associations shall enjoy the following rights:
 - a) Participate in the definition of immigration policy;
 - b) Participate in legislative procedures relating to immigration;

- c) Participate in consultative bodies, under the terms of the law;
 - d) Benefit from the right to airtime on public radio and television services through the respective national representative associations;
 - e) (Repealed);
 - f) Benefit from stamp duty exemption;
 - g) Request and obtain information and documentation from the competent authorities to enable them to monitor the definition and implementation of immigration policies;
 - h) Intervene with public authorities in defence of immigrants' rights;
 - i) Participate, together with local authorities, in defining and implementing local policies that directly affect immigrants;
 - j) Benefit from technical and financial support by the State, under the terms of this law.
- 2 - The rights provided for in paragraphs (a) to (f) of the preceding paragraph may only be exercised by associations which representativeness is recognised under the terms of the following article.

Article 5
(Recognition)

- 1 - The High-Commissioner for Immigration and Ethnic Minorities (ACIME) shall grant the recognition of representativeness for the purposes of this law to those associations that request it and demonstrate that they cumulatively meet the following requirements:
- a) They have published by-laws;
 - b) They have regularly elected corporate bodies;
 - c) They are registered in the National Register of Legal Persons;
 - d) They include in its object or company name the promotion of the specific rights and interests of immigrants;
 - e) They develop activities that prove a real promotion of the specific rights and interests of immigrants.
- 2 - The recognition of representativeness is preceded by an opinion of the Advisory Board.

Article 6
(Associative patronage)

The law on patronage regulates the terms and conditions under which subscriptions and other contributions from individuals or legal persons intended to finance activities or projects of immigrants' associations may be considered for tax deductions.

Article 7
(State support)

- 1 - The support to the associations foreseen in Article 4(1)(j) of this law shall be granted through protocols entered into between the associations and ACIME.
- 2 - The signing of the protocols referred to in the preceding paragraph is based on projects submitted by the associations and is preceded by the opinion of the Advisory Board.
- 3 - In the granting of any type of support by the State, no immigrants' association may be privileged or disadvantaged in relation to others for reasons of ethnicity, ideology, religion or geographical location.

Article 8
(Budgetary allocations)

The budgetary allocations to support the financial costs arising from the granting of the support set forth in this law shall be registered annually in the State Budget, under its own heading.

Article 9
(Advisory Board)

Articles 2 and 3 of Decree-Law No. 39/98, of 27 February, are amended to read as follows:

"Article 2

[...]

The Advisory Boards for Immigration Affairs, hereafter referred to as the Advisory Board, is responsible for:

- a) Giving its opinion on draft legislation on the rights of immigrants;
- b) Participating in defining social integration policies aimed at eliminating discrimination and promoting equality;
- c) Participating in the definition of measures and actions aimed at improving the living conditions of immigrants and monitor their implementation;
- d) ...
- e) Exercising other competencies conferred by law.

Article 3 [...]

1 - The Advisory Board is composed of:

- a) ...
- b) One representative from each of the Portuguese-speaking immigrant communities, elected each by the immigrants' associations of the respective community, as well as three representatives elected by the immigrants' associations of other communities with a presence in Portugal;
- c) ...
- d) ...
- e) ...
- f) ...
- g) Two citizens whose merits are recognised and who have been honoured by the other members of the Board.

2 - ...

3 - The Board meets ordinarily every three months and extraordinarily when convened by the president, or when at least one third of its members so request, in which case they shall indicate the subject they wish to be included on the agenda".

Article 10
(Regulation)

It is incumbent upon the Government, in consultation with immigrants' associations, to regulate the provisions of this law that require such within 90 days of its entry into force.

Article 11
(Entry into force)

Without prejudice to its entry into force under the general terms, this law shall only produce financial effects after the entry into force of the State Budget Law subsequent to its approval.

Signature

Approved on 17 June 1999.

The President of the Assembly of the Republic, António de Almeida Santos.

Ratified in Ponta Delgada, Azores, on 20 July 1999.

To be published.

The President of the Republic, JORGE SAMPAIO.

Endorsed on 22 July 1999.

The Prime Minister, António Manuel de Oliveira Guterres.

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Supplementary Information

The consolidated legislation hereby presented contains amendments from the following legal acts:

- a) Decree Law no. 34/2008, of 26 February;
- b) Law no. 36/2021, of 14 June.

Law no. 115/99, of 3 August (in Portuguese):

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