MIGRATION IN CAPE VERDE ISLANDS LEGAL AND POLICY FRAMEWORK[368]

Varela, Odair Barros (PhD.)
Institute of Law and Social Sciences and University of Cape Verde (Cape Verde)
Barbosa, Carlos Elias (MA)
Center of Social Studies of Coimbra University (Portugal)

Abstract

This article, in the first place, presents a brief overview of the Cape Verdean emigration, highlighting their route to the West African region. After that it opens the discussion on immigration in Cape Verde, essentially, presenting some data from *National Institute of Statistics* (NIS), *Direction of Foreign and Borders* (DBF) and *Interministerial Commission for the Study of the Bases and Proposition Immigration Policy* (CIMI). It also launches a brief discussion on the challenges of immigration for an insular state like Cape Verde. In the third place, the paper presents the legal framework and the weaknesses in the management of immigration in this country.

Keywords: Transit migration; labour migration; readmission agreement; legal migration policy; migration paradigm.

Introduction
Geographic, socio-economic and political overview

Alongside the African continental shelf, in the Atlantic Ocean lies the archipelago of Cape Verde islands, composed of ten small islands, of which only nine are inhabited, and five islets, forming a total land mass of 4,033 square km. Situated approximately 500 km off the Cape Verde peninsula in Senegal, the archipelago is divided in two groups: the windward islands (Santo Antão, São Vicente, Santa Luzia, São Nicolau, Sal and Boavista); and the leeward islands (Brava, Fogo, Santiago and Maio). Let us say that the archipelago is devoid of natural resources, and it is subject to the semi-arid climate, with a dominant dry northeastern wind and a too short and irregular rainy season from August to October. However, the islands can count on the sun most of the year, which has attracted some tourism and more recently aroused the potential of renewable energy. Moreover, as a result of their condition of insularity, Cape Verde has a long coastline, thus, the Exclusive Economic Zone of Cape Verde is around 700.000 km ², which constitutes a major challenge in terms of its control and economic exploitation for a small country with a population approaching half a million.

Figure 1 - Geographic location of Cape Verde
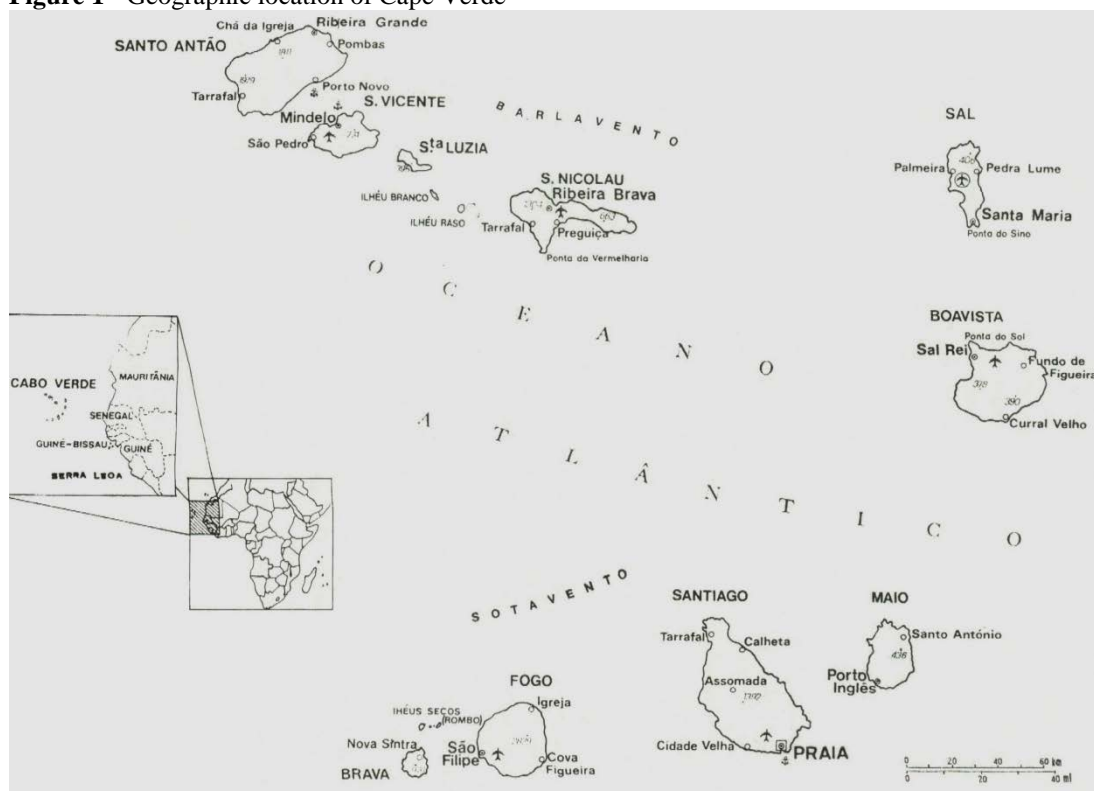
Source: (Amaral, 2001: 3)

However, the country is carrying a secular experience rooted in emigration which is spread over several countries in Africa, Europe and the Americas. The reasons for emigration from Cape Verde are as a result of several reasons, but two of the most mentioned have always been the fact that natural conditions are scarce and country is insular; these two give strength to the tradition and history of migration linking Cape Verdeans to the four corners of the world.

From the discovery in the fifteenth century (1460-1462) until 1975 Cape Verde was one of the five Portuguese colonies in Africa. With independence on July 5, 1975 a one party system of government was installed which was replaced by multiparty system in 1990. It is often said that Cape Verde has a population living abroad which far exceeds the number of those residing in the country. However, in recent years there has been a steady growth of immigration to the islands, enriching the demographic profile in Cape Verde.

Its relative proximity to the African promontory may be regarded as an important factor in reducing costs of transport and communication, or even the difficulties of movement. Moreover, its geostrategic position can be seen as another element of human contribution to the circulation in the region. By this we mean that migration appear to be far more complex than the idea centred on the final destination in Europe or North America. Eventually, they may represent, in the regional West African coast, a dynamic level of major corridors and transit of "South-South". However, Cape Verde as a nation-state in a globalizing world cannot escape the asymmetries of the dominant occidental modernity (Ferguson, 2006; Escobar, 1995; Thomas, 2002; Bordonaro e Pussetti, 2006). Consequently, the challenge that the processes of globalization have imposed in the contemporary world does not fail to raise the risk problem in human beings. For example, hundreds of people arriving by sea in overcrowded boats have been one of the problems that the Cape Verdean authorities have been facing in recent decades. So the country has experienced numerous weaknesses in terms of mastery of this situation, accumulating a set of challenges for the country.

Cape Verde and the migration in Western Africa

Over the years, African migration has become a hot topic for debate and research, especially in Europe, but also in Africa. However, it is interesting to understand the fact that most African migrations are not directed towards the global North, but towards other African countries, while there is also substantial African migration to other world regions, such as the Gulf countries and the Americas (Bakewell and de Haas, 2007). Hence the relevance of this paper to strengthen the level of knowledge and understanding of contexts and migration experiences in the region.

Historically, emigration is a landmark in the Cape Verdean society. The country's history is unfailingly linked to the dynamics of emigration. The arrival of European navigators to the islands of Cape Verde in the second half of the fifteenth century recorded the first (factual) migrations to the islands. After the founding ("discoveries") there was an aim to settlement, and in this process we identify generally two different groups: a) European settlers, particularly the Portuguese and some Genovese, Spanish and some Flemish; b) and slaves of the West African coast regions moved to the islands of Cape Verde. In addition, as we see with other authors (Carreira, 2000; Andrade, 1996), there were some banished Europeans, and free Africans accompanying spontaneously traders, mercenaries and masters of vessels.

The records until the late nineteenth century point to a limited number of Europeans (free immigrants) and an important contingent of forced migrants ("the damned") and still a considerable body of slaves brought from the West African coast (Carreira, 2000). The Portuguese constituted the vast majority of Europeans and were mainly from southern Portugal, the Azores and Madeira, with a significant number of deportees to the islands (Andrade, 1996: 43). In addition, there were a residual number of Northern Europeans and Japanese (Simão Barros, s/d: 39 *apud* Andrade, 1996: 44). The persecution of Jews in the XVI century in which an entire colony settles in Cape Verde should also e highlighted. Later, in the XIX century a contingent of Jewish from Morocco reaches the archipelago (Andrade, 1996: 44).

It should be noted that (also if we talk in "transit migration") there is nothing new in this situation: in previous eras, the emigration of many Cape Verdeans to Dakar had exactly the same purpose; Dakar was a transit point of accumulation of resources and opportunities for new projects of migration, particularly for the United States of America and Europe (Andrade, 1996: 184). However, at this time, we can find new situations. For example, Pedro Marcelino's in *The New Migration Paradigm of Transitional African Spaces* (2011) examines the role of the Cape Verdean archipelago as a stopping point for continental Africans route to Europe. Marcelino, a Toronto-based expert in international development, believes that the increasingly rigid EU immigration policies have succeeded in "directing" potential Europe-bound immigrants to countries such as Morocco and Cape Verde. Due to these new restrictions, as well as the tourism investment growth in the islands, a growing number of migrants from the continent have remained in Cape Verde, a country typically known for its long history of emigration. Some of these migrants have stayed in the islands simply waiting for the right opportunity to migrate to Europe. However, the country has become an imposed, involuntary "final" destination in their migratory journeys. Today in a context marked by the existence of several thousands of immigrants, so the migration to Cape Verde Islands could be understood also by a relatively permanent nature (Barbosa 2011a; 2011b). We argue that the realization of migration towards this country has become significantly complex in the last two decades. There have been continuous migrations flows, possibly with an initial purpose of continuing the migratory journey in search of accomplishments, but for the most part the achievement of transit fails to materialize (idem).

Current trends of Cape Verdean emigration in Western Africa

According to Antonio Carreira (1983: 182), the earliest records of flows of Cape Verdean migration takes place in the late seventeenth century and early eighteenth century, especially to the United States of America. Emigration in Cape Verde starts presenting its orientation towards the industrialized countries as a result of the conditions from deprivation and lack of land (Andrade 1996: 182) and, eventually, to find a livelihood there.

It is possible to describe the historical connection of the migratory processes of Cape Verde established with the interior of the African continent by colonial penetration (Andrade, 1996). Naturally, the flow between the islands and coastal areas of the continent are recorded before this period of Cape Verdean migration in the early decades of the nineteenth century, or the early statistical records of the colonial era. To this historical relationship to the African context we find the factors of the processes of colonization which advocates a pre-social and economic infrastructure that enabled the occurrence of large-scale migration, as the specific actions of manpower forced recruiting (Haas, 2005: 21, Trindade, 2000: 201; Andrade, 1996: 182).

New forms of emigration had its expression in the late nineteenth and early twentieth century, particularly for the region of Dakar, Senegal. This could provide a setting or character of traffic then. Indeed, many Cape Verdeans, especially young people, because they could not pay the travel ticket to Europe or the United States of America, journeyed to Dakar where they worked toward the time required in order to fund the migration plan to the United States of America or Europe. Others were employed as seamen in ships (Andrade, 1996: 184). Still others ended up settling. After the Berlin Conference (1885), Cape Verdeans were encouraged to emigrate to Guinea-Bissau to occupy posts at various levels, so that between 1920 and 1940 over 70% of government jobs in Guinea-Bissau were occupied by Cape Verdeans or their descendants. As we can see, the Cape Verdean migration to Senegal occurs at the same time as that for Guinea-Bissau and subsists in its ancient form until the second half of the twentieth century with the "Luso-African"[369] who moved particularly in the sphere of trade (idem:183-184).

Today we witness a new scenario with a contingent of immigrants entering Cape Verde, especially from the ECOWAS (Economic, Community of West Africa States) region. This new phenomenon constitutes a set of challenges for an insular state.

About emigration, there is still a large gap relative to national studies on the extent of the Cape Verdean diaspora, especially with regard to Cape Verdean emigration in Africa. Also, there is a great difficulty in obtaining data capable of giving a more accurate view of the dynamics of emigration to African countries, which adds to the level of ignorance about the Cape Verdean diaspora in the continent.

The Cape Verdean emigration to Dakar had a strong impact and was mostly permanent. But this country was also a transit point to other host lands. In this context, some departed from Dakar to Europe, especially to France, or other African countries, including Côte d'Ivoire, Gabon, and Benin… According to the Institute of Communities (IC) Report (Santos-Rocha, 2012), Cape Verdean emigration to Senegal is relatively old, since the beginning of establishing in this country began at the inception of the last century, through the maritime career, first to the Gambia and later to Senegal. The similarity of immigrants from ECOWAS, who live and work in public works in Cape Verde, Cape Verdeans in Senegal worked in public works and left marks on the construction of the Port of Dakar, the palace of the Presidency and the National Assembly, building roads and many other works. Today Cape Verdeans are one of the better integrated foreign communities in Senegal (idem).

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[369] The term "Luso-African", according to Andrade E. (1996: 184) indicates slavers and launched Portuguese and Cape Verdeans, mestizos and later freed slave or free, who joined them and then settled in Senegambia and on the coast. They were known as "Luso-African" because they were consider of Portuguese origin, even when they were blacks or mestizos.

Table 1 – Estimated number of Cape Verdean emigrants in some West African Countries

	Data from Cape Verdean Consulates and associations	Estimated data from other institutions
Guinea Bissau	---	3000
Ivory Coast	350	---
Ghana	---	9900
Senegal	8516	12600

Source: Cape Verdean Consulate in Dakar; DRC; IC; ACVOS; ACCI

Statistical data regarding the Cape Verdean emigration in Africa are very uncertain, and we can only count on some estimates. According to the Cape Verdean Consulate in Dakar there are 8,516 Cape Verdeans registered (Santos-Rocha, 2012). However, the *Development Research Centre on Migration, Globalization and Poverty* (DRC) estimated in 2000 about 12600 of Cape Verdeans living in Senegal (Carvalho, 2009: 48). Although, the *Association des Capverdiens d'origine au Sénégal* (ACVOS), the oldest Cape Verdean association founded in Dakar, presents an estimate of around 50 thousand Cape Verdeans living in Senegal (Santos-Rocha, 2012). This association was created by a group of friends in 1985. Today, Cape Verde receives the fruits for the integration of Cape Verdean that emigrated to Senegal, since many descendants of Cape Verdean returned to the country of origin of their parents to give their contribution to the development of the country.

Also, we can present other Western African countries as destination of Cape Verdean emigration. According to the estimate by DRC on the 2000 census, another country which has Cape Verdean immigrants is Ghana, about 9900 people (Carvalho, 2009: 48). The report of IC considers the number presented by "*L'Amicale des Capverdiens en Côte D`Ivoire*" (A.C.C.I.), located in Abidjan. This association refers to a small group of 350 people who have their origins from Cape Verde in Ivory Coast, although, stating that this number should represent 95 per cent of Cape Verdeans in that country. Though, the Cape Verdean Consulate in Abidjan presents only 300 Cape Verdeans enrolled, of which one part (about 100) hold Cape Verdean nationality, and the other part have dual or triple nationality (Cape Verdean, Senegalese and Ivorian) (Alfama, 2012).

Also according to the IC, it is estimated that Cape Verdeans residing in Guinea-Bissau are around 3000, including the children (Gomes, 2009). The Cape Verdean community residing in Guinea-Bissau is very peculiar and relatively old, so they are not considered as migrants, particularly because they moved to Guinea-Bissau since the nineteenth century to work during the colonial regime. In relation to other ECOWAS countries, there is no record of Cape Verdean residents.

Immigration to Cape Verde and its challenges

The early 1990 has seen a new environment that mirrors the increasing number of migrants to Cape Verde Islands. This new phenomenon, tendentiously, has been awakening more and more attention, either by their size, as new challenges the Cape Verdean society face. New possibilities of transport, communication and information undoubtedly favour a closer relationship between places and facilitate the movement of people. However, we cannot leave aside the colonial factors that brought new features and new migratory dynamics in the sub-region of the West African coast. But we must, likewise, emphasize the other side in technological advances that has provided nation-states tightening controls at its borders. Thus, there is an aspect in adversarial dynamic imposed on international migration. This is because before a certain anxiety on the part of States with regard to immigration and the control and selection of migrants has led to many people using informal routes in crossing borders. Indeed, this has intensified the political and social challenges in recipient countries.

In a brief characterization of migrants to this archipelago, groups have been identified from various origins, as we see in **Table 2** which, with the demonstration of the five big areas of the world, presents a generalized form of migrant populations resident in Cape Verde.

Table 2 - Foreign people on the Cape Verde Islands by nationality

	Total	%
TOTAL	14,373	100
ECOWAS	8782	61,10
PALOP (S/ GB)[370]	1209	8,41
Other African Countries	320	2,23
America (N/C&S)[371]	1104	7,68
Asia	498	3,46
Europe	2445	17,01
Oceania	18	0,13

Source: National Institute of Statistics (NIS) - Cape Verde, 2010 Census

As we see, according to data presented by the National Institute of Statistics – 2010 Census, there are 14,373 people residing in Cape Verde representing other nationalities. This figure is about 3% of the total population[372]. This data shows that the largest group, about 72 per cent, represent the entire immigrants from Africa. It is clear that ECOWAS countries represented in 2010 the largest group of African migration to the Cape Verde Islands totalling 8782 foreign nationals, approximately 61 per cent of the total immigrants, and only 8 per cent are from PALOP (excluding Guinea Bissau)[373]. Others countries from the African continent show an almost 2 per cent of the total number.

Looking at **Figure 2** Africa clearly has predominance of continental immigration to Cape Verde Islands with 72 per cent. The second group with 17 per cent is Europe. It is also interesting to note that although the differences at percentage level, there is the presence of multiple origin of migrants to the Cape Verdean archipelago. These increasing aspects of immigration reveal the multiple challenges to understand the attachment of the archipelago to the international market and the influence of the processes of globalization. However, as we see in the preceding paragraphs, the trends of immigration to Cape Verde highlight the regional movement of people.
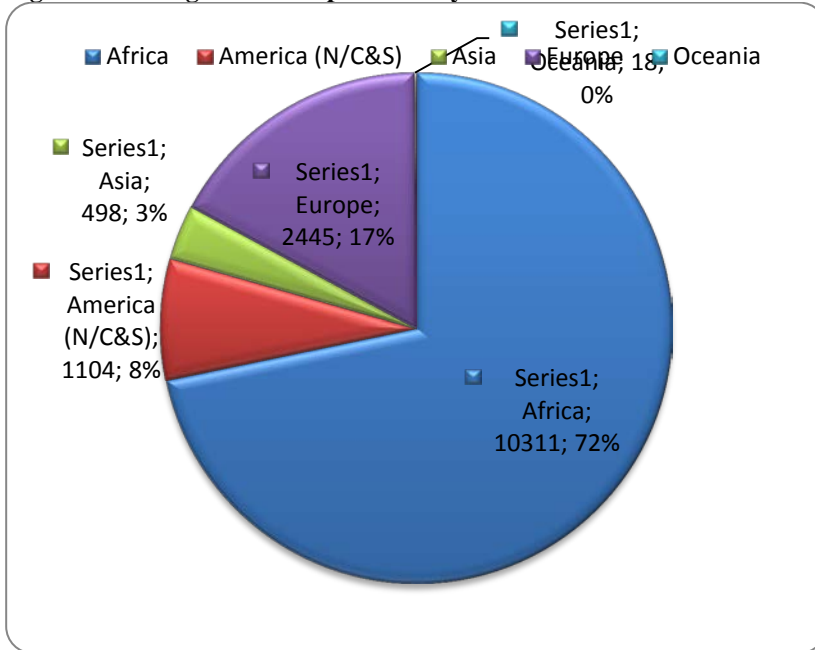
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[370] African Countries of Portuguese Official Language (excluding Guinea Bissau).

[371] America (North, Centre and South).

[372] According to data from the 2010 Census (NIS), the resident population in Cape Verde was 491,875.
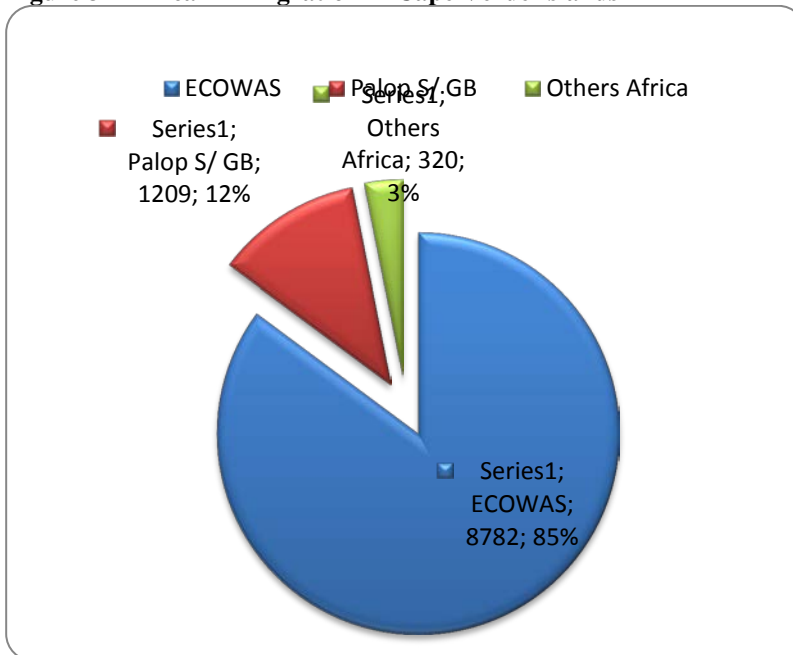
[373] PALOP – African Portuguese Speaking Countries.

Figure 2 - Immigrants in Cape Verde by continent:

Source: NIS -Cape Verde, 2010 Census

Figure 3 - African immigration in Cape Verde Islands

Source: NIS -Cape Verde, 2010 Census

In **Figure 3**, looking specifically to the total number of African migration to Cape Verde Islands (10311 people) we see that the large majority, about 85 per cent of immigrants, are from ECOWAS countries. Excluding Guinea Bissau from PALOP, this group of countries represents about 12 per cent of African immigrants in Cape Verde, and 3 per cent represents the other African countries.

If we highlight the ECOWAS region, it is interesting to note the values at a more differentiated level, attending to each nationality. Clearly as we see on **Table 3**, a total of 5544 nationals from Guinea-Bissau, as the predominant group of migrants, represent about 63 per cent of African migration to Cape Verde Islands. The second more representative group is

the Senegalese, with approximately 19 per cent of total foreign people, and then the Nigerian people with about 8 per cent.

Table 3 - Immigration in Cape Verde from ECOWAS by sex

	M	%	F	%	Total	%
ECOWAS	**7658**	**87,20**	**1124**	**12,80**	**8782**	**100**
Benin	13	0,15	2	0,02	15	0,17
Burkina Faso	6	0,07	3	0,03	9	0,10
Ivory Coast	19	0,22	5	0,06	24	0,27
Gambia	84	0,96	7	0,08	91	1,04
Ghana	53	0,60	14	0,16	67	0,76
Guinea Bissau	4940	56,25	603	6,87	5543	63,12
Guinea Conakry	390	4,44	66	0,75	456	5,19
Liberia	2	0,02	1	0,01	3	0,03
Mali	22	0,25	4	0,05	26	0,30
Niger	1	0,01	1	0,01	2	0,02
Nigeria	609	6,93	131	1,49	740	8,43
Senegal	1386	15,78	248	2,82	1634	18,61
Sierra Leone	111	1,26	30	0,34	141	1,61
Togo	22	0,25	9	0,10	31	0,35

Source: NIS - Cape Verde, 2010 Census

The general percentage of migrant men is considerably high in relation to the number of women, as we see in **Figure 4**, and considering that the pattern is common to all nationalities of ECOWAS represented. But it is possible to establish some consideration. First, it is an impacting sign of the especial need of workforce to construction and development of great structures considering the investments on tourism. Second, it is related to a young migration, normally considering that young boys migrates to look for a new way of life or to help their families. And third, although the general superiority number of men, the presence of about 13 per cent of women from the others countries of ECOWAS in Cape Verde may indicate a certain pattern of stabilization immigration of that region in the country, without neglecting other individual or group purposes in the framework of migration within the region.

Figure 4 - Immigrants from ECOWAS in Cape Verde, by Sex
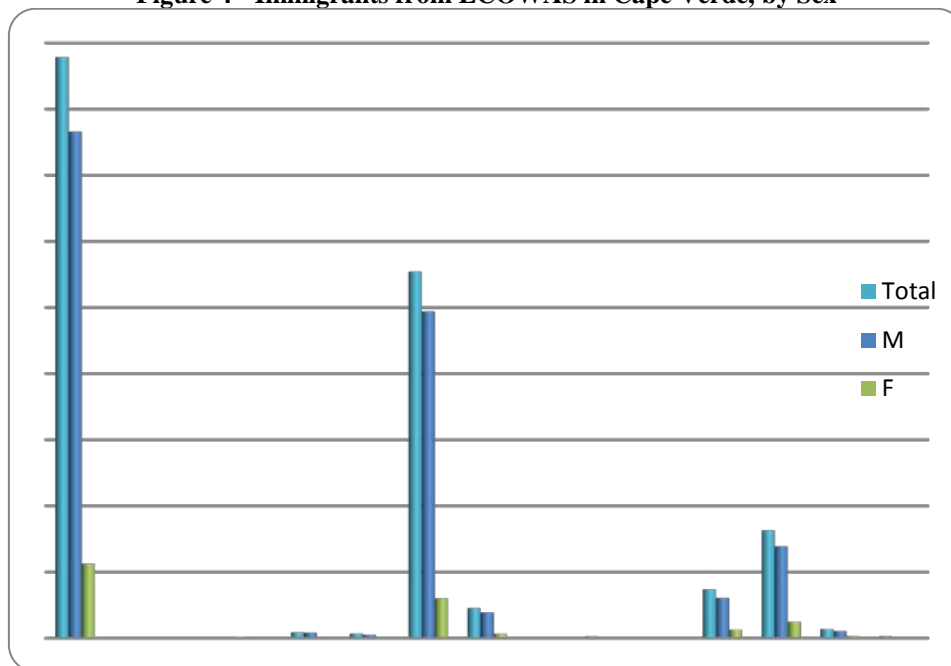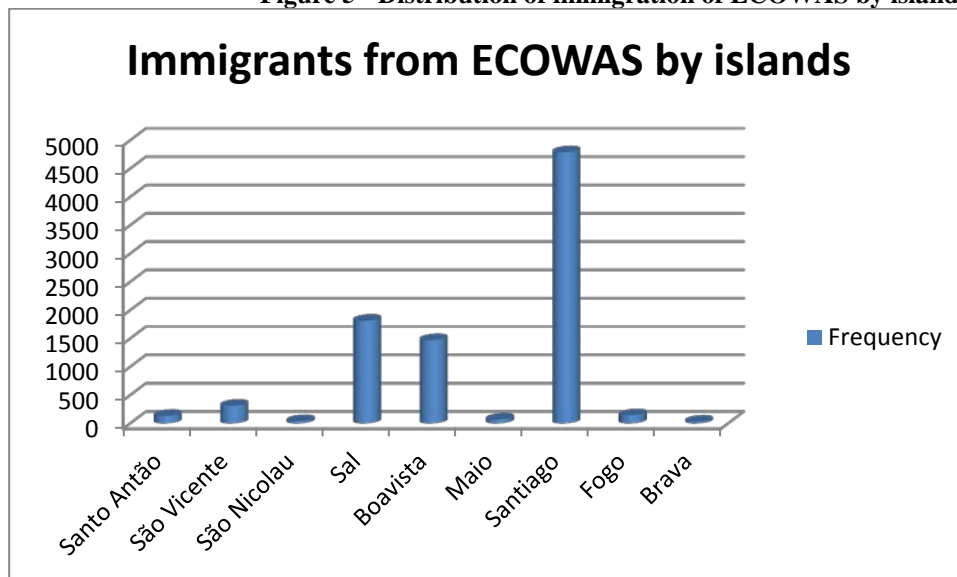

Source: NIS - Cape Verde, 2010 Census

It is, also, interesting to understand the distribution of immigrants by the islands in Cape Verde. Attending to the geographical distribution of immigration in the country, the data from NIS reveals that it are somewhat scattered throughout the islands, but the higher expression is in the island of Santiago, more precisely in the capital of the country, the city of Praia.

Table 4 - Immigrants from ECOWAS in Cape Verde by islands

Islands	Frequency	%
Santo Antão	131	1,49
São Vicente	309	3,52
São Nicolau	38	0,43
Sal	1812	20,63
Boavista	1469	16,73
Maio	67	0,76
Santiago	4785	54,49
Fogo	141	1,61
Brava	30	0,34
Total	8782	100

Source: NIS - Cape Verde, 2010 Census

Like we see on **Table 4** is outstanding that the great majority of migrant from ECOWAS are in Santiago with about 54 per cent. The islands of Sal and Boavista appear hereafter with approximately 21 and 17 per cent consecutively, and fourthly is the island of São Vicente only with 4 per cent approximately. So, it expresses the relevant presence of immigration on the biggest and most populous island, than the relevance of the island with the larges structures to development of tourism. The **Figure 5** represents more clearly the different presence of immigrants in the islands. And according to data from NIS the large majority of immigrants are residing in the urban area, about 90 per cent, and the remainder 10 per cent lives in rural areas.

Figure 5 - Distribution of immigration of ECOWAS by islands

Source: NIS -Cape Verde, 2010 Census

Legal and Policy Framework

Trying to understand the complexity of migration to Cape Verde Island, it should also highlight the historical importance of links on the mobility of people, which played a key role in disseminating information and contacts between the pre-colonial societies. It should also refer to the implications of European colonial process in migration dynamics in the African continent, with the delineation of borders, through the recruitment of work force, or by using strategies for planning political and administrative control of the populations (Andrade, 1996; Amaral, 2001; Carreira, 1983, 2000; Varela, 2013). At the level of migration of the West Coast for the African archipelago of Cape Verde two examples presented here may be expressing a very clear historical connection.

First it is pertinent to consider the colonial relationship as reflected in the settlement of the islands and the establishment of historical, political and very strong cultural administrative, especially in regions of Guinea-Bissau (Carreira, 1983, 2000).

Second, we cannot forget the flows of Cape Verdean migration to several neighboring countries on the African continent, already since the last century. This has contributed to the formation of bridges and migratory networks as supports for deciding to migrate and in the process of fixation. For example, Cape Verdeans constituted family in emigration countries (Senegal, Guinea-Bissau, etc.), and returned after some time later. Once started this process, therefore, will most likely attend the constitution of "cumulative causation" (Massey *et al.* 1998: 45-46).

These aspects favour the argument that led the current government to establish a special procedure for legal permission to stay for the nationals of Guinea Bissau, through Decree-Law nº 13/2010. Another bilateral agreement is established between the State of Cape Verde and the State of Senegal, in a resolution n. 151/V/99 of December 28, side or even approving, for purposes of ratification, the *Convention on Freedom of Movement and fixation of People and Goods*, signed between the Government of the Republic of Cape Verde and the Republic of Senegal. Both the first and second case, we consider the bonds of friendship between Cape Verde and these countries, consistent secular ties, geographical and cultural determination in achieving the fundamental objectives of the Organization of African Unity (OAU) and ECOWAS, as well as the desire to ensure the respective national destination within a special status under the ties of brotherhood existing basis of reciprocity, equality and mutual interest.

The relevant level is the political and economic relations between States. It also stressed that in the 1990s, there is a greater perception of migration to the islands of Cape Verde in conjunction with the entry into force of the *Protocol of Free Movement of Persons and the Right of Residence and Establishment*, within the framework of ECOWAS, signed in Dakar in 1979, and validated by the law nº 18/II/82 in Cape Verde. In the specific context of the member states of ECOWAS, the migration has been characterized by the density of mobilities, also largely facilitated by the agreement of free movement. More concrete examples that can be presented here go against two important aspects:

a) The Legal and economic links (such as Resolution nº 151/V/99 of December 28);

b) The connections based on common language serving as one of the channels in facilitating decision-making plan migrants (as in the case of Cape Verde and Guinea-Bissau). However, the Cape Verdean State has been debating for some limits on freedom of movement within ECOWAS. One of the key criteria set out is in keeping with internal security measures and access control to the foreign country, being the evidence of economic means of subsistence one of the requirements for entry into the country. The Legislative Decree nº 6/97 of May 5 - regulates the legal situation of the alien in national territory; and the Regulatory Decree nº 10/99 of August 9 - defines the nature and quantity of sufficient financial resources for entry and temporary stay of the foreigner in the country, cases of exemption and the manner of proof of ownership;

c) Cape Verde ratified in June 2003, the *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families*. In 2008 the new Labour Code entered into force and has since introduced a law that only foreigners in legal status have the right to work. Although in reality this is not what happens, theoretically this contradicts the spirit of the protocol.

The perception of increased immigration in Cape Verde has generated a set of measures that become part of the legislative body in order to regulate and monitor migration flows to the archipelago. However, immediately following the independence of Cape Verde in 1975, Decree-Law nº 17/76, in Official Bulletin No 9/76 of February 28, noted the regulations granting foreigners, visas for entry into the national territory. On the same year was created Decree-Law No 46/76 and 47/76, establishing, respectively, the laws concerning foreigners residing in the country and regulate the entry and stay of foreigners in the country.

In 1990 it signed the Decree-Law n.º 93/III/90 of October 27 to regulate the legal status of foreigners in the country and revoking Decrees nº 17/76 of February 28, nº 47/76, and Decree nº 46/76 of April 24. In 1991 Additional Protocols were ratified: A/SP1/6/89, (Law No. 34/IV/91), modifying the provisions of Article 7 of the Protocol A/A1/5/79 on the free movement of persons, right of residence and establishment of ECOWAS and A/SP2/5/90, (law No. 35/IV/91, December 30) on the implementation of the third stage (right of establishment) of that Protocol A/A1/5/79.

It is in this way that after seven years, May 5 of 1997, enters into force the Legislative Decree n. 6/97 to regulate the legal status of foreigners in Cape Verde, in order discipline and the legal processes to give greater speed relating to non-resident aliens who entered the country illegally. This decree comes as purposely proposed update, conformation and suitability of the text of the law in force until the height (Law no. 93/III/90, 27 October) to constitutional provisions and international conventions relating to foreigners. Indeed, that decree is entered in the proposal to make the formal refinement of some of its provisions, clarify doubts arising from the law enforcement and regular new aspects imposed by the movement of people and effective border management and access to the national territory.

Two aspects must be highlighted this legislative decree:

a) The possibility of political rights to foreigners, including active and passive electoral capacity for municipalities

b) The fact that Cape Verde belong to ECOWAS, which has specific provisions on the movement of persons, right of residence and establishment. However, each Member State is left with the responsibility or option for regulating fundamental aspects regarding the arrangements for entry and stay and the granting of the right of residence of foreign nationals of Member States, on the assumption that there are issues of sovereignty and reasons of state community to prevent the return of the power to regulate this matter exhaustively. Thus, measures to strengthen internal security and access control to the foreign country is considered to be imperative to review the grant of the visa and residence permit and measures to facilitate the process of refusal of entry and expulsion from entering or staying illegally in the country.

Though, it is relevant to analyse data from the *Direction of Foreign and Borders* (DFB), for foreign holders of *Residence Permit* (RP). Indeed, we are talking about a part of the total immigrant population in Cape Verde. On **Tables 5 and 6** is presented the cumulative number of foreign nationals with RP since 1976 to 2008.

Table 5 - Residence Permit in Cape Verde Islands in 2008 by nationality

Nationality	Nº immigrants	%
Total RP	6193	100.00
Guinea Bissau	**1229**	**19.84**
Portugal	856	13.82
China	850	13.73
Nigeria	**710**	**11.46**
Senegal	**701**	**11.32**
Others	1847	29.82

Source: Data from the *Direction of Foreign and Borders* worked by IOM, 2010

Table 6: Distribution of residence permit, according to economic sectors, 1976-2008

Economic sector	Frequency	%
Commerce, restaurants and hotels	2.617	46,57
Activities not defined	1.320	23,49
Public services, personal and social	783	13,93
Construction	331	5,89
Manufacturing industry	323	5,75
Transport and communications	106	1,89
Energy	91	1,62
Agriculture and fisheries	39	0,69
Banking and insurance	9	0,16
Total	5.619	100

Source: Calculations from the DFB database, presented by the IOM (Carvalho, 2009)

Considering the information on the RP (table 5) in 2008 had a total of 6193 people residing in Cape Verde Islands, sum equivalent to the period from 1976 to 2008.[374] Of this total prevalence is 74% male, 26% female (Carvalho, 2009). The same institution (DFB) presents values considering the main nationalities represented. In this case, the community from Guinea Bissau is the biggest one with approximately 20 per cent, and the second large community, the Portuguese with about 14 per cent, followed by the Chinese community residing in Cape Verde, near 14 per cent. The Nigerian and the Senegalese people represent simultaneously about 11 per cent. However, these five countries accounted nearly 70 per cent of RP allocated over the period under review.

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[374] See also Table 5.

As we see, these data are generally distinct from NIS's data. According to information obtained in Official Bulletin[375], the number of foreign nationals residing in Cape Verde is in good standing of 6688. Of these, 49.5% are of Bissau Guinean nationality. These tree official data presented here indicate the problem that we have in hands working with the phenomenon of migration, and this case particularly of migration from and to the Cape Verde is not an exception. Consequently, the data that we present here shows a clearly discrepancy between the RP and the size of the immigrants who do not fit to the formal level in the Cape-Verdean State.

Therefore, it is estimated a considerable national presence of "illegal" foreign (national immigrants of most West African coast countries) living and working in the country. Migration flows originating in the countries of West Africa, particularly in Guinea-Bissau and Senegal or Nigeria - which have more nationalities represented among migrant groups in the archipelago, are at the bottom of the socio-professional categories, as manual workers, especially in construction. We find many other immigrants as street vendors and some have already built their businesses and small businesses. This constitutes more strongly the visibility and the association of African migrant groups evolved on informal economy.

As a country considered of "transit" (Duvell, 2006; Ratha and Shaw 2007; Marcelino, 2011; Barbosa, 2011a, 2011b), Cape Verde has already had some experience of emergency reception of migrants seeking to reach the European continent. Examples include cases like "Djondad", "Awaid II", "Kabofumo" and "Case of 130" that have challenged the government of Cape Verde, as shown by the obstacles to the resolution of situations despite international treaties ratified by the country and a set of laws nationwide. These experiences of transit have been explored in the context of the African continent, especially in studies of movement of people from the Sub-Saharan Africa for the Maghreb region (Duvell, 2008; Haas, 2006). Authors such as Frank Duvell (2008) and Dilip Ratha and William Shaw (2007: 3) refers to Cape Verde as one of the transit points for the migration from West Africa, trying to obtain false documents as a means of reaching Europe. The archipelago has also been mentioned as a starting point skirting the migratory routes of the centre of the Sahara towards the Canary Islands (Haas, 2006: 4). However, is this purely a problem of illegal immigration? What have been their reflexes more broadly on social and political boundaries in Cape Verde?

It should be emphasized, nevertheless, that the country is far from a reversal of the index as a country of emigration, but the novelty is that the intensification of immigration to the islands and the importance that has received by the public authorities. In a study we considers some main hypotheses that facilitate de understood of an increasing migratory linkage of Cape Verde to the West Africa region (Barbosa, 2011a; 2011b).

Again, if we try to use the quantitative aspects on the regulation of migration flows to the Cape Verde archipelago, we find a certain absence of statistical data in the field and sufficiently reliable. However, using the report produced by the *Interministerial Commission for the Study and Proposition for the Bases of Immigration Policy* (CIMI), "Immigration in Cape Verde: Grants for National Immigration Policy", we make a brief analysis of the data collected from the DFB – see **Table 5 and 6**.

Table 7 - Emission and backorders of residence permits (RP) from 2000 to 2010, by nationalities

Nationalities	Emission of Residence Permit		Backorders		Total	
	N	%	N	%	N	%
Africa	3876	53,2	2005	87,3	5881	61,4
ECOWAS	3663	50,3	1984	86,4	5647	58,9
Benin	8	0,1	0	0,0	8	0,1

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[375] No. 16, I SERIES April 26, 2010.

Burkina Faso	5	0,1	0	0,0	5	0,1
Ivory Coast	15	0,2	3	0,1	18	0,2
Gambia	38	0,5	12	0,5	50	0,5
Ghana	124	1,7	20	0,9	144	1,5
Guinea Bissau	1485	20,4	723	31,5	2208	23,0
Guinea Conakry	99	1,4	95	4,1	194	2,0
Liberia	1	0,0	2	0,1	3	0,0
Mali	23	0,3	6	0,3	29	0,3
Niger		0,0		0,0		0,0
Nigeria	844	11,6	534	23,2	1378	14,4
Senegal	890	12,2	555	24,2	1445	15,1
Sierra Leone	112	1,5	32	1,4	144	1,5
Togo	19	0,3	2	0,1	21	0,2
Total	7287	100	2297	100	9584	100

Source: CIMI

According to this data there are about 7287 RP that was conceived a total of 9584 applications and ECOWAS represent about 50 per cent of residence permits issued. However, looking for the data provided by NIS (see Table 2) we found a considerable difference in terms of presence in Cape Verde of people of other nationalities. The comparison of the data with the data from NIS and DFB shows that more than 50 percent of the immigrant population is not in proper legal conditions for residing in Cape Verde. Admittedly before the legal Cape-Verdean framework (Decree n. 6/97 of May 5), the requirement that foreigners show proof of ownership of the means of subsistence and economic. We find evidence of an event that has most blocked or inhibited the settlement of most people who go beyond the 90 days allowed to stay. This is the contradiction and void in law between the Aliens Act and the Labour Code. To get the permit you need a work contract and need a RP in order to work (and having an employment contract). Therefore, one enters a vicious circle that has dictated the legal insecurity for a large proportion of immigrants in Cape Verde and hence limited their integration into the formal labour market, as well as a proper integration in the country.

Moreover, this mismatch data confirms the fact that in Cape Verde there is still no statistical field due to migration. It shows that there is a lack of knowledge, not only of the actual number of people who come from other countries, but also its distribution among the different islands and cities.

Indeed, the last two decades, Cape Verde "has become an attractive country not only as a route for migratory groups more easily reach Europe and North America, but also as a destination because it is a democratic country, economically promising and without conflict."[376] Besides the rapidly growing economic, social and political stability that permits the country to and graduate to the level of middle-income countries (reaching levels of developing country average), with GDP per capita exceeding all ECOWAS Member States (3400 in 2009), there is also the existence of a Special Partnership with the European Union (EU) since 2008. This partnership with the EU is estimated that the source of many people coming to Cape Verde in the hope of securing a visa to enter Europe after legalized. So, it is also seen as a hub aiming towards other alternative destinations: Western Europe and North America (facilitated by its geostrategic position at the crossroads Africa-Europe-America).

In conclusion, the country begins to face with the arrival of migrants from various backgrounds and with a diverse range of goals. Most of these migrants do not materialize the initial idea of transit. They eventually settle permanently in the country, going to be counted

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[376] National Commission for Human Rights and Citizenship - "The issue of illegal migration or Irregular: Recommendations" (CNDHC/Rec/GTPMR/01/2006:2). http://www.indexmundi.com/g/g.aspx?v=67&c=cv&l=pt.

in the number of immigrants illegal or not. There is a progressive and steely barrier control in Schengen Space and strengthening national borders, in partnership with the EU. In December 2007, the European Union chose Cape Verde and Moldova as pilot countries for a new approach to issues of immigration, facilitating the entry of Cape Verdeans in Europe and Europeans in the archipelago.

Since early 2008, Cape Verde has been negotiating the terms of mobility with the European Commission and with Portugal, Spain, France and Luxembourg. The Government of Cape Verde and the European Union signed in April 24 of this year, in Brussels, two agreements within the partnership for mobility: a facilitation of issuance of short-stay visas to citizens of Cape Verde and the EU and another for the readmission of illegal residents. Cape Verde is committed to working to strengthen the control of illegal migration from Africa to Europe.

To us, the signature of the readmission agreement with the UE on 18 April 2013[377], despite not being official the outlines of such agreement, requires that one has to rethink the issue of repatriation of third-country nationals (Varela, 2014). According to Fortes and Lima (2012), due the agreements it has with countries like Portugal, Spain, France and the United States, Cape Verde carries the readmission of nationals expelled from those countries (although the very international law - despite the disputes, exceptions and failures - "force" states to readmit their citizens expelled from other countries). With the exception of the U.S., these agreements extend to criminal judicial cooperation, on the one hand serve as a tool for removing difficult immigrants (who have committed crimes or are suspected) and, secondly, as a means of access to national and expatriate immigrants who commit crimes and flee to the states of origin (Delgado, 2011).

With respect to foreign citizens, international law does not require that a state readmits or receive returnees from other countries. However, as there is no international law on migration in the true sense of the term, it makes room for the readmission agreements that may go to "compel" a state to receive returnees (reinstated) from other states. The Cotonou Agreement in its Article 13º acknowledges this possibility by setting the opening of negotiations for bilateral readmission of nationals and others. The bilateral treaties that Cape Verde has with the European countries mentioned above have predict that too.

Knowing that Cape Verde integrates ECOWAS, and that the citizens of this area have the right of residence and establishment in any member state, the possibility of Cape Verde signing a readmission agreements with the EU in the manner as has traditionally been done with other States (eg, incorporating the ability to expel undocumented immigrants to the country where they were last before reaching the territory of the EU), runs the serious risk of facing some unusual situations:
1) Given that, in light of the protocol on free movement of ECOWAS, Cape Verde cannot, in normal situations, expel citizens of this area, it may experience an increased flow of migrants this space that were repatriated from EU but which in Cape Verde enjoy the citizens status. Cape Verde shall be facing the real possibility of an overall increase of returnees / readmitted in Cape Verde and abroad;
2) Faced with the possibility and intention, in turn, of re-repatriate these foreign nationals it may face the opposition from neighbors and origin a political-diplomatic conflict of undefined proportions and may even endanger the process of integration of Cape Verde in the sub region despite the rhetoric of one of the pillars of the partnership to argue otherwise;
3) Instead, with the readmission agreement, Cape Verde seek to increase its policy for managing migration flows and security of its exclusive economic zone before the various international trafficking, Cape Verde might become, as the Global South, the labor "reserve

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[377]   See   http://www.portalangop.co.ao/motix/pt_pt/noticias/africa/2013/3/16/governo-cabo-verdiano-assinam-acordo-para-readmissao-migrantes-ilegais,746a586e-57d3-4251-9fae-7efac368374b.html (accessed 18 April 2013).

army" in the Global North (particularly the EU) and, as Libya in Kaddafi time, the foreman of Europe or the bodyguard of Europe, like an "gendarme".

Conclusion

In this study some notes are possible pointing. It is well known that the migration in the West Africa Region is historically a complex phenomenon. Furthermore, it should be analyzed in its complexity of experiences. The case of Cape Verde Islands, it is possible to speak in cases of expectancy to get in Europe. The archipelago began to have its prominence as a possibility for transit from the 90s. But it is likewise true that the geopolitical reality around the Mediterranean and Maghreb has served as justification for the resilience of European borders. This is in fact their control has extended along the Atlantic, reaching the Cape Verde islands as a way of retaining unwanted or illegal immigration. Thus, since the 90's and the turn of the new millennium have seen an intensification and increasing the retention of a greater number of nationals of ECOWAS member states. But it should also be noted that the experiences of sedentarization has been happening for decades, especially after the period of independence of Cape Verde in 1975.

The region is strongly marked by lifestyles around the trade. Thus, it is quite possible that some, having a greater possibility, known avail the facilities around the context of free movement in the region to develop or expand their business to a transnational scale. This is how the islands of Cape Verde, in the context of expansion of tourism investment and greater international openness, are becoming as a desirable target for small businesses in the region. This may justify or strengthen the expression of a long process of dynamic intra-regional migration, the West African context, intensifies covering the Cape Verde archipelago.

In accordance with data that we present in this paper, appears to be a large discrepancy between the numbers of people with foreign nationality residing in Cape Verde. It is also true that the lack of statistical control may contribute to a relative institutional discomfort when faced with the phenomenon of "irregular migration" (this refers especially those that go beyond the 90 days allowed to stay without obtaining the residence permit). Since then, particularly for immigration in the context of ECOWAS, it must be said that the origin of this phenomenon has become a political concern in Cape Verde, and may have developed a widespread notion that migrants generally are in "transit" (to Europe or to North America), so they will not be inclined to devote much attention to issues that may be of interest to them in Cape Verde. All these concerns largely have disturbed a migrants fixation in Cape Verde, given the migration being unable to contribute to the creation of improved living conditions in Cape Verde and hence creating economic, cultural, political and social gains either locally or nationally.

The problems and the potential offered by the complexities of migration flows in generally – particularly the migration to and from Cape Verde in the ECOWAS region - push us to rethink structurally the international system itself and its estate centric and Eurocentric character, to the extent that this feature has traditionally conditioned the policies implemented to manage these flows. When, for example, the main international institutions dominated by the major world powers, do not take into account the existence of other forms of governance that are situated out of the Western nation-state canon, it makes the measures taken (often top-down) in the field of migration completely inadequate - not to mention its neo-colonial nature.

Our strong recommendation is that - before prescribing policies or produce future studies - we must pay attention to the fact that on the African continent, particularly in the Economic Community of West African States (ECOWAS) region, there is, in our view, a clear collision between different forms of economic, political and social organization (Varela, 2008: 11). Using the term "contact zone" we can say that "governance" constitutes an "epistemological zone" where we face the confrontation between the cannibal and annihilating state centric model of governance and alternative models of political, economic

and social organization presents, for example, in many realities in the Africa region and in other latitudes such as the indigenous and black communities in Latin America. The confrontation and constructive resistance of these actors to the dominance of state model and its exclusive nature is one example, among many others, that occur in this world, that the "disciplinary power", centred in the sciences, according Boaventura de Sousa Santos (2002: 12), "(...) is increasingly, no disciplinary power in point of the sciences are losing their epistemological confidence and see themselves obliged to share the field of knowledge with knowledge rivals (...)" as are the knowledge of several distinct groups, companies or people from sub-Saharan region struggling to not dilute in the hegemonic model of governance (Varela, 2008: 18).

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