
**Brazil and International Migration
in the Twenty-first Century
Flows and Policies**

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Introduction

International migration is constantly changing in terms of flows, origins and destinations. The economic crisis that began in 2008 had profound changes on the international migration scenario and these effects were felt in Brazil, decisively changing society's views on migration. In the early twentieth century, Brazil was known as a 'country of immigration,' where economic reliance on foreign labor was aligned with government policies designed to support and even encourage foreigners to come to the country. The government's actions targeted not only economic interests, but also eugenic 'whitening' of the population.

In the postwar period up until the early 1980s, international migration flows were not very significant. Changes in legislation, even before the Second World War, signaled a change in attitude of the Federal Government, which did not view the arrival of immigrants in a good light. Laws that set immigrant quotas by nationality began to regulate international migration to Brazil. During the postwar period, such a legal framework had little effect because the movements were not significant, and, in the view of society, the issue of international migration ceased to be important.

The military dictatorship (1964-1989) resulted in the reformulation of the issue of migration for several reasons. During this historical moment which lacked democratic leadership, the military dictatorship instituted new legislation, treating international migration as a national security issue and creating various restrictions for immigrants, which still exist today. At the same time, political exiles left the country to seek refuge in Europe or other countries that admitted them. Towards the end of the dictatorial period and until the mid-2000s, the country experienced a notable degree of net negative migration. However, this was the result of economic rather than political reasons, since the country was in a deep economic crisis. Moreover, in terms of legislation, these outflows did not greatly concern the Federal Government, which remained more interested in the remittances of Brazilian emigrants than their wellbeing abroad.

It was only with the election of the socialist leaning Labor Party in 2003 that international migration, understood as Brazilian emigration and immigration of foreigners, came to be seen as an issue to be treated in the context of human rights and citizenship rather than from the perspective of national security. Despite the strong commitment of the Federal Government and major support from civil society to modernize the institutional apparatus, in order to create a migration policy for the country, these proceedings have progressed at a slow pace. Recently, with the intensification of migration flows into Brazil, the issue has resurfaced in the political scene. Various sectors of civil society have mobilized to pressure the authorities to meet their demands. This pressure has paved the way for discussion of an immigration policy for Brazil. Perhaps for the first time in more than seventy years, it will be possible to have an institutional and legislative framework that can implement such a policy.

This text aims to analyze the current scenario of international migration flows in Brazil with particular focus on recent flows of immigration. It discusses the role of the various governmental and non-governmental organizations in the proposition and implementation of immigration policies. The historical aspects of international migration in Brazil in the nineteenth and early twentieth century are presented in a quick overview, highlighting the importance of these flows in the formation of migratory networks in the 1980s. The paper specifically analyzes three aspects of international migration in the twenty-first century: return migration, skilled immigration, and the inflow of Haitian immigrants and residents of MERCOSUL¹ countries. The second section of the text presents the governmental and civil society organizations' role in the management of international migration policy in the country. Following this, the third section discusses the propositions of government policies and actions in regards to international migration. The last section deals with the future prospects of Brazilian migration and the expected changes to the legal framework of migration flows to Brazil.

1 Mercado Comum do Sul – Marché commun du Sud

Migration profile of Brazil

Historical aspects

Brazilian migratory history can be characterized as a series of distinct moments, alternating between processes of attraction and/or repulsion, and, as such, acting in favor of either immigration or emigration.

A broader analysis reveals that until the middle of the last century, the country was a major destination for many flows of people, both European as well as African. In the latter case, this was due to the shameful and revolting history of slavery.

Initially, after Brazil's discovery by European colonial powers, the arrival of immigrants coincided with the political and economic interests of the Portuguese Crown. This contrasts with the nineteenth century, during which the majority of those who landed in Brazil were inserted in the migration process to meet the growing demand of labor in the agricultural sector. Over time, this contingent, mostly comprised of Europeans, predominantly Italians, began to receive other nationalities as well. From the early nineteenth century to the end of the third decade of the twentieth century, more than four million foreigners would come to Brazil.

As you can see in Annex II, Portugal appears as the most important point of origin of immigrants (31.9 per cent), followed by Italy (29.0 per cent) and Spain (11.2 per cent). In the early twentieth century, another important group of immigrants arrived from Japan; this Japanese presence will be critical when the emigration process of Brazilians begins at the end of the 1990s.

Post-Second World War, migration flows into Brazil progressively and steadily decreased until the 1970s, when very little inflow was recorded, and at the same time, low emigration existed. This could be characterized, roughly speaking, as closed population migration. However, during this decade, there was intense internal population migration, increasing the rate of urbanization and reducing the overall population

living in rural areas. This led to the creation of large cities that, within a short period of time, joined the group of largest megalopolises of the world, cities such as São Paulo and Rio de Janeiro.²

In the early 1980s, another process began. Brazil experienced, for the first time, negative migration flows, shifting from a country of immigration, as it was during the beginning of the century, to a country with a steady population outflow.

Data from the Ministry of Foreign Affairs, collected from the Brazilian consulates, indicate that in 1997, 1.5 million Brazilians were living outside the country and that by 2002 this number had increased to 2 million (Amaral, 2005). Other sources indicate that this number reached approximately 4 million by 2006 (Cabral, 2006: 94). Most of these Brazilians lived in the United States (approximately 30 per cent), followed by Paraguay (11 per cent), Japan (9 per cent) and all combined European countries (25 per cent). Except in the case of Japan, where the numbers provided by the Brazilian consulates and those gathered by local government agencies correspond,³ in other countries, the official data does not reveal the real magnitude of the Brazilian immigration, indicating that it occurred largely as the result of undocumented persons.

New migratory flows

The economic crisis of the world economy, which began in 2008, and centered on the major capitalist societies, had an impact on the flows of international migration in virtually all countries.

Regions which were formally targets of migration no longer seemed attractive and, in some cases resulted in both migrant labor and citizens leaving these areas, reversing the global trends that had prevailed for thirty years.

2 São Paulo is 6th and Rio de Janeiro 14th place, respectively, among the largest urban agglomerations in the world. In The 30 Largest Urban Agglomerations. UN - 2011 (<http://esa.un.org/unpd/wup/CD-ROM/Urban-Agglomerations.htm>).

3 In the case of emigration to Japan, entry into the country is by legal means, on a regular basis and is a process reserved for descendants, children and grandchildren of Japanese who arrived in Brazil in the early twentieth century.

In this new situation, the process of emigration that placed the major centers of the northern hemisphere as a prime destination underwent a reversal. Immigrants returned to their regions of origin, and a new flow emerged, composed of immigrants from countries with a higher level of development who possessed high levels of education. In most cases, they sought placement in the labor market in developing countries, which due to economic advances, generated jobs not occupied by nationals.

In the case of Brazil, these two aspects, return migration and immigration, created a new framework which has transformed the dynamics of international migration in the country.

Return migration

It is estimated that return migration has reduced the number of Brazilians living abroad by more than 35 per cent. In the case of Brazilians living in Japan, approximately 45 per cent have opted to return, some with support from the Japanese government. In Europe, even while lacking the precise numbers, the countries of the Iberian Peninsula, Spain and Portugal felt the biggest impact, where, in recent years, requests for repatriation assistance to international institutions giving support to migrants have more than doubled.⁴

The impact of this return migration on the region of origin (former migration destination) has not been very significant, except in few very specific communities. On the other hand, in the new region of destination, it has transferred the same crisis observed in the countries where the migrants previously resided. If, in the past, the lack of jobs or even minimum conditions for basic survival constituted factors that contributed to the decision to emigrate, the economic situation improved in these locations with the remittances of funds from migrants. In some cases, these funds contributed to the creation of new jobs, especially in civil construction, the preferred area for the application of remittances from abroad.

4 Between 2007 and 2012 the Voluntary Return Program, administered by the IOM office in Portugal, supported the return of 2,915 immigrants, of which 2,383 were Brazilians. The program is supported by the Portuguese government.

The outbreak of the crisis in 2008 affected the remittances of funds, and with the return of these migrants, they ceased altogether. Between 2008 and 2011, remittances of Brazilians living abroad fell by 26.7 per cent. This reduction was stronger in the case of remittances of funds of emigrants living in Japan where the reduction was 56.6 per cent and in the United States, where remittances fell 53.2 per cent. This situation severely impacted the communities of origin of the emigrants by reducing jobs and forcing newly returned emigrants to undertake a new migration, this time internal, seeking more dynamic economic centers.

Immigration

With respect to the arrival of foreigners in Brazil, one should consider not only the problems in the countries of origin, affected by the economic crisis, but also the situation of the Brazilian economy in recent times. During the past twenty years, the Brazilian economy has undergone profound transformations, where the fight against inflation, the highest priority during the second half of the twentieth century, gave way to policies leading to economic growth and social inclusion. In the mid-1990s, the Plano Real created the means for sustained economic growth in Brazil.⁵ This period was followed by a government with a strong neoliberal tendency which undertook a vast plan of privatization of public enterprises,⁶ mainly in the area of telecommunications, which are now managed by foreign capital. During this period, the growth rates of the economy were not high and, for a time, even null, however these actions were decisive for the country's entry in the global market.

At the beginning of the twenty-first century, a president was elected who proposed a government program based on social inclusion, open to dialogue with society and which gave special attention to the migration issue.⁷ When the global crisis began in 2008, the country was undergoing an economic boom, fueled by private and government investment in the area of heavy construction and oil drilling.⁸ At the same time, policies of income transfer and labor insertion of a portion of the

5 The economic stabilization plan implemented in 1994 and that was successful in fighting inflation, which had become endemic in Brazil.

6 Government of President Fernando Henrique Cardoso, mandates from 1995 to 1998 and from 1999 to 2002.

7 President Luis Inacio Lula da Silva, mandates from 2003 to 2007 and 2008 to 2011.

8 Construction for the 2014 Soccer World Cup, 2016 Olympics and expansion of electricity production. In the area of petroleum, it includes the exploration of pre-salt oil fields.

population that was previously marginalized, contributed to the creation of a sizeable domestic market, which increased the purchasing power of the population. This situation caused the impact of the global economic crisis hardly to be felt and, in subsequent years, the GDP growth rates would lead the country to occupy a place of prominence in the world economy.

To attempt to sum up this favorable situation, with respect to international migration to Brazil, one has to highlight the internationalization of the Brazilian economy. In the 1990s and in the following period, the growth of the economy, on the one hand, demanded skilled labor to meet the investment in infrastructure and industry. On the other hand, this created job opportunities for immigrants with lower technical qualifications who replaced local labor which moved to higher paying sectors. All of these aspects should be considered within the context of rapid demographic transition,⁹ which led to a reduction in the population in the following twenty years.

In this context, international migration starts to play an important role in the development strategies of the country. The end of the demographic window of opportunity indicates that the import of labor will become a latent need for maintaining economic advances. On the other hand, since the institutional mechanisms are unable to cope with the demands that are already present, it is of the utmost importance to define immigration policies and administrative responsibilities.

The following sub-section presents the most important flows of immigrants who currently seek to come to Brazil.

The data

Because of the recent aspect of this migration, it is not possible to measure accurately, or even indicate clearly, the profile of these immigrants. What is proposed, using data from various sources, is to present some of the characteristics of these immigrants, stressing what they have in common, alongside data which comes from administrative records to determine information about regular migration.

⁹ Between 1960 and 2010 the total fertility rate of Brazilian women (average number of children per woman) fell from 6.3 children per woman to 1.86 children per woman. The average geometric growth of the population in 1950 was 3.0% and in 2000 1.6%.

The most comprehensive source of information on international migration is the Census, which uses household surveys to record data on the place of birth and migration status of the general population.

The table below presents data on foreigners (aliens and naturalized¹⁰) living in Brazil in 2000 and 2010.

Table 1 Stock of foreigners according to the country of origin Brazil, 2000 and 2010

Country of origin	2000		2010	
	Number	%	Number	%
Portugal	213,203	31.18	137,973	23.28
Japan	70,932	10.37	49,038	8.27
Italy	55,032	8.05	37,146	6.27
Spain	43,604	6.38	30,723	5.18
Paraguay	28,822	4.21	39,222	6.62
Argentina	27,531	4.03	29,075	4.91
Uruguay	24,740	3.62	24,031	4.06
Bolivia	20,388	2.97	38,826	6.55
Germany	19,556	2.86	16,227	2.74
Others countries	180,022	26.33	190,349	32.12
Total	683,830	100.00	592,610	100.00

Source - IBGE, Censo Demográfico 2000 e 2010.

10 Aliens - foreign-born people, residing in Brazil at the time of the census, who do not have Brazilian citizenship. Naturalized - foreign-born people residing in Brazil, at the time of the census, who acquired Brazilian citizenship. (This group does not include the native Brazilians born abroad)

Data from the 2000 and 2010 censuses show that there was a reduction in the number of international immigrants living in Brazil of approximately 13 per cent. This is explained by the fact that the majority of those who migrated from countries in the Northern Hemisphere, notably European countries and Japan, arrived to Brazil during the 1950s and 1960s. Thus, the numbers from this group suffered due to the aging of these immigrants and the ensuing mortality rate. This situation does not apply to those who came from countries in South America who arrived more recently and in larger numbers.

In both periods (2000 and 2010), the Portuguese continue to be the largest group of immigrants, followed by the Japanese. In 2000, the Italians and Spaniards occupied 3rd and 4th place respectively. However, by 2010, they were supplanted by the Paraguayans and Bolivians.

When analyzing the data from the 2010 Census in greater depth, one can observe that the number of Europeans who arrived in the country in the five years before the Census, after 2005, is fairly large. In the case of the Spanish, 12.5 per cent arrived in the five years preceding the 2010 Census, and 42.5 per cent were between the ages of 20 and 34 years old. This fact may indicate a migration of young people in search of better working conditions. Another important aspect is that those young immigrants tend to have a higher education level than Brazilians of the same age group.

The data also indicates that there are, for some nationalities, two generations of migrants: one that came to Brazil in the mid-twentieth century and another in more recent years. This latter group has characteristics very different from the previous generation. Those who arrived in Brazil in the 1950s and 1960s live without regular immigration status and are integrated into society with families which go up to the third generation, including children and grandchildren. Those who arrived between 2005 and 2010 are younger. They are in search of employment and yet they have no clear option of staying in the country permanently. This latter group has characteristics very different from the previous generation and has very specific demands in terms of labor immigration, such as facilities for the regularization of immigration status that the current legislation does not allow. This situation forces most of these young immigrants to stay illegally in the country.

Two pieces of information stand out from the administrative records' material on international migration: the records of the National

Coordination of Immigration of the Ministry of Labor and Employment and those of the Federal Police of the Ministry of Justice. Both sources are related to regular migration. The first allows for the construction of a chart of the flow of work permits that are granted by the Brazilian government, and the second presents data on the numbers of registered foreigners in the country.

From the records of the National Coordination of Migration of the Ministry of Labor and Employment, it is possible to assess some of the recent labor aspects of migration. Since 2009, the number of foreigners seeking work permits from the Brazilian government has increased on average 25 per cent per year, from 42,914 in 2009 to 70,524 in 2011, reaching 73,022 in 2012. The participation of women is still low, accounting for only 8.8 per cent of the total work permits granted in 2009, and rising to 10.3 per cent in 2012.

In reports released by the National Immigration Council (CNIg), two types of visas stand out, namely the temporary permits of up to two years and the permanent visas. The first category includes professionals of technical missions, those working on vessels, including oil exploration, and artists, among others. Permanent authorizations are given mainly to company managers, individual investors, and most recently Haitians. Between 2009 and 2012 the issue of temporary permits of up to two years grew by 37.3 per cent, while permanent permits increased by 239.8 per cent.

Foreigners, usually, first obtain a temporary visa. However, in the case of company managers and individual investors, the permanent visa is justified by activities performed by these immigrants involving the use of services not accessible to immigrants with temporary visas, particularly in the financial area. For Haitians, access to the permanent visa was a unique political decision by the government, as no other nationality has immediate access to this type of visa.

With respect to those requesting temporary permits in 2012, it is observed that among the professionals granted an employment contract for two years, the Portuguese received the largest number of permits (14.5 per cent), followed by the Chinese (10.4 per cent) and the Americans (7.4 per cent). It is important to note that in 2011 and 2012 the number of work permits granted to Portuguese increased by 81.2 per cent.

With regards to requests for permanent work permits, in 2012 the Portuguese lead the list with 16.1 per cent of the total, followed by the Italians with 13.2 per cent. In regards to specific requests for permanent work permits for entrepreneurs and directors of multinationals, the Japanese, Spanish and Portuguese respectively occupy the first three places of the total number of requests.

Considering the permanent work permits in 2012 from the perspective of requests submitted by individual investors, Portuguese immigrants occupy the first position, with investments of 27.78 million euro, 27.2 per cent of the total invested by those requesting this type of permit. They are followed by Italians who invested 22.96 million euros, 22.4 per cent of the total volume, and the Spanish with 0.92 million euro, 9.1 per cent of the total. These investments are made in the area of catering and hospitality, and generally in the Northeast region of the country, an area with a low-income population, but strong tourist appeal. This permits the hiring of local labor, which is usually unskilled. In summary, these investors greatly contribute to regional development in areas where the state is hardly present.

The information provided by the Federal Police,¹¹ on the number of foreigners with active records,¹² which comprises the total number of international migrants, reveals that between 2006 and 2012 the number of foreigners in Brazil increased by 34 per cent, from 1,175,353 to 1,575,643. With respect to the immigration flow, based on the origin of those from countries of the northern hemisphere, in 2012 the number of Portuguese immigrants was 330,860, representing 21 per cent of the total number of immigrants, followed by the Japanese 133,931, 8.5 per cent of the total, the Italians 99,336, 6.3 per cent of the total, and the Spanish 83,926, corresponding to 5.32 per cent of the total number of immigrants registered with the Federal Police.

In terms of the spatial distribution of these immigrants in Brazil, 805,668 (51.1 per cent) reside in the state of São Paulo and 325,622 (20.6

¹¹ Entity under the Ministry of Justice that has the competence, besides the function of policing the border, to deal with the registration and the process of regularization of foreigners in Brazil.

¹² Active record refers to foreigners who have a residency permit, temporary or permanent, whose documentation is in order and within the validity period, regardless of whether they reside at present in Brazil.

per cent) in Rio de Janeiro, leaving all the other states with less than 30 per cent of the foreign population.

Although the information discussed in this topic comes from several sources, and therefore cannot predict the actual number of immigrants, it is possible to affirm that there is a process of labor migration in Brazil. This includes, on the one hand, skilled immigrants, represented, for example, by the second 'wave' of Europeans coming into the country in the twentieth century; and on the other hand, low-skilled immigrants from the countries of MERCOSUL and, more recently, Haiti. This second group will be discussed in greater detail below.

New flows: the Haitians and relationships within MERCOSUL¹³

By separating these two groups (Haitians and migrants from MERCOSUL), the intention is not to highlight their numerical importance, but to determine what they represent in terms of migration policies in Brazil. The flow of Haitian immigrants began after the earthquake that struck Haiti in 2010, an event which was greatly publicized in the media, but also associated with the attempts by the Brazilian government to assume a more prominent role on the international scene. The second group, the Latinos, is important because of the economic integration of South American countries and the recent agreements of free movement of persons in the region, which has led to the regularization of thousands of immigrants. However, it is important to note that even with the legal option available, some have chosen to remain in the country illegally.

The number of Haitians currently living in Brazil is unknown, although this migration is almost all regular. There are already indications that this figure would be more than 20,000, a very high number, given that this flow only began in mid-2010. This situation where the exact number of legal immigrants is unknown is the result of lack of coordination between the sectors involved in the management of international migration in the country.

¹³ This topic was inspired by the text of Patarra, Fernandes (2012).

There are two possible routes of entry for these migrants into Brazil. The Brazilian Consulate in Port-au-Prince can issue a visa and travel is direct from Haiti to Brazil. The other possibility is to travel across the Northern Border, crossing Ecuador and Peru, with the help of 'coyotes.' Upon arriving at one of the border cities between Brazil and Peru, documentation for refugee status is filled out.

Regarding the immigrants from MERCOSUL, Paraguayans and Argentines have a historical presence in Brazil. The reason behind Paraguayan immigration is associated with the Brazilian occupancy of the agricultural frontier between the two neighboring countries. Encouraged by the local government in the 1970s and 1980s, favorable conditions were created for a strong flow into the states of the border region. The Argentinean presence is more noticeable in the cities of southern Brazil and in the service sector.

Still, among the immigrant flows into Brazil, the case of the Bolivians stands out. Several factors have driven emigration from Bolivia to Brazil, among which we can highlight the poor social and economic structure existing in Bolivia, as well as political instability and poverty affecting different regions of the country. In South America, Brazil and Argentina form the major poles that attract most of the low-income migrants, mainly due to the low travel costs, and from sharing such an extensive common border (Cacciamali; Azevado, 2005).

According to the results presented by Silva (2008), the 2000 Census recorded 20,388 Bolivian immigrants residing in Brazil, and 38,826 in 2010, indicating a growth of approximately 90.4 per cent during this period. These immigrants are not evenly distributed spatially. Generally, they are concentrated in metropolitan areas (such as São Paulo) and in border areas including municipalities such as Corumbá (Mato Grosso do Sul) and Porto Velho (Rondonia).

In sum, the current flow of immigrants to Brazil is composed of three distinct groups. The first consists of skilled immigrants seeking opportunities available as a result of the expansion of certain sectors of the economy. This group includes both those who come to work officially in companies or make investments, as well as young people who come and work illegally or are in search of employment.

The second group is composed mostly of low-skilled immigrants, mainly from countries in South America that border Brazil, such as Peru and

Bolivia. These immigrants reside in urban areas, are employed in low-paying activities such as the garment sector, and, in some cases, experience situations of extreme vulnerability. Even in these occupations, these migrants are able to remit funds to relatives in their countries of origin. Although they are able to regularize their immigration status, due to the free residence agreements within MERCOSUL, they prefer to remain undocumented, given the high regularization costs when compared to the wages that they receive.

The third group is formed by Haitians, and like the immigrants from South America, they are mostly unskilled, with the majority employed in the construction industry. The big difference, when compared to the other groups, is that these immigrants reside in Brazil legally as permanent residents.

Migration policy : actors and partners

Governmental structure: agencies dealing with the immigration issue

The Brazilian Constitution states that the execution and control of migration policy is the responsibility of the federal government. Under current legislation, three ministries are responsible for the governance of migration, each dealing within their specific field of expertise, with the situation of foreigners in Brazil and Brazilians abroad, as indicated in Annex I.

The first is the Ministry of Justice which has two entities; the National Justice Secretariat and the Federal Police (PF), both of which deal directly with foreigners. Linked to the Federal Police are the National Committee for Refugees (CONARE), which is in charge of decisions granting refugee and asylum to foreigners, and the Foreigners Department (Departamento de Estrangeiros), which is responsible for handling legal issues regarding foreigners in the country.

The Ministry of Labor and Employment houses the Coordenação Geral de Imigração and the National Immigration Council (CNIg), which assess requests for work permits and residence permits of foreigners in the country. The Council was created by Law 6.815 of 1980 and its structure and function were defined by Decree 840 of 1993. However, the first normative resolution of the Council was only published in 1997. The functions of the Council, as defined in the decree of its creation, are: a) to formulate objectives for the development of immigration policy; b) to coordinate and direct immigration activities; c) to promote studies of problems related to immigration; d) to periodically assess the demands of foreign skilled labor; e) to establish rules for selecting immigrants; f) to clarify questions and solve cases, with regard to immigrants to which there are no defined regulations; and g) to provide insights on amending immigration legislation.

The structure of the Council is collegial, formed by twenty members, made up of nine representatives from government ministries and other entities, five from the business sector, employers' confederation, five representing workers, five representing trade unions, and one representative of civil society, defined in the Decree, as a representative of the academy, indicated by the Brazilian Society for the Progress of Science-SBPC. All permanent members of the Council are appointed by their respective representations and by the President. In addition to the permanent members, in recent years CNIg has invited various sectors of civil society to participate in its meetings as observers, thus serving as a forum for discussion of immigration issues.

Observers may either be members of civil society, or from government agencies not listed in Decree 840. With the successive changes in the composition of government ministries, the participation of new actors in the meetings of CNIg is only possible in the form of observers. On the part of civil society, the Pastorate for Human Mobility of the National Conference of Bishops of Brazil (CNBB), represented by the Institute of Migration and Human Rights (IMHR), is a constant presence at these discussions. On the other hand, it is important to note that the choice of observers is the prerogative of the President of CNIg, so there are no defined criteria. In the Council meetings, only full members have the right to speak and vote. Observers only have the right to speak.

Because of its structure, which incorporates sectors of the employers' and workers' confederations, and the unions, the CNIg also functions as a sounding board to meet the demands of different groups. If an industrial sector, for example, wants to hire several foreigners, this demand is discussed within CNIg. Depending on the case, a working group is formed to analyze the problem and to recommend what action should be taken by the Council. When considering such demands, the proponents are invited to present them to the plenary session of the Council, which decides whether it is relevant or not to create a specific working group.

The Council ordinarily meets ten times a year and, in extraordinary circumstances, can be convened by its chairman. The Council issues resolutions that can have the status of Recommended Resolutions (RR), directed to the public authority dealing with immigration, or the status of Administrative Resolutions, creating standards for the management process granting visa applications. The most important prerogative of this Council is the editing of Normative Resolutions (RN) that define and regulate situations that have no support in the present legislation and, therefore,

contribute to advances in the area of immigration policies. Among these is RN No. 77 of 2008, which deliberates on criteria granting temporary or permanent visas, or residence permits, to companions of a stable relationship, without distinction of sex, and recognizes homosexual unions for granting visas, even before such unions had been the subject of analysis in the sphere of the legislative or judicial branch. There is also RN No. 97 and No. 102 which were passed to regularize the immigration status of Haitians in Brazil.

Thus, except in cases explicitly defined by law, all other conditions for granting residence permits go through the National Immigration Council, such as work permits for foreigners in all categories, family reunification processes, and residence permits for foreigners married to Brazilians. In a broad sense, Council resolutions have the power of law and also define administrative procedures with regards to migration issues in the government sector.

Actions by the Council have contributed to advances in the area of migration policy, even though in other spheres, such as in the legislative branch, debates remain blocked for political, religious or moral reasons. A good example of this is the recognition of the union of persons of the same sex for the purpose of granting a residence permit due to family reunification.

The Ministry of Foreign Affairs, with respect to migration issues, is active in two main areas: the first in assisting the needs of Brazilians living abroad and the second in issuing documents to foreigners, such as tourist visas and labor permits, among others.

The growth of the Brazilian community abroad, in the late 1990s, brought new challenges to government authorities. From only a few hundred thousand in the early 1980s, the number of Brazilians living abroad surpassed two million by the year 2000. The increasing demands of this community found support in various government sectors in Brazil, such as the Federal Public Ministry in Brasilia, which, in 2002, proposed the first meeting of the international Brazilian community. This event, held in Lisbon, produced the Lisbon Charter, a document which lists the main demands of the community. In general, the demands requested a stronger commitment from the Brazilian government with regards to the regularization of the migratory situation of Brazilians living in Portugal. It also requested improvements of consular services in Europe. This meeting

was followed by others in Boston and Brussels as dissatisfaction with government actions with regards to this community grew.

Beginning in 2003, the Ministry began to work more closely with Brazilian emigrants in light of the change of attitude of the Federal government toward Brazilian expatriates. The milestone of this change was the Brazilian government's stance during the negotiations that led to the special regularization of Brazilians living illegally in Portugal, as requested in the Lisbon Charter of 2002. This became known as the Lula Agreement, because it was one of the first actions during the first mandate of the former president, which benefited migrants.

At the same time, in Congress, a Joint Parliamentary Committee of Inquiry about Illegal Emigration was instituted. The Commission investigated the issue of international emigration, especially the trafficking of Brazilians to Europe for the purpose of labor and sexual exploitation, as well as human smuggling networks specialized in facilitating emigration into the United States. In its final report in 2006, the Commission proposed, among other measures, the creation of a General Under secretariat of Brazilian Communities Abroad (SGEB) within the Ministry of Foreign Affairs.

The creation of the SGEB in 2007 allowed for significant advances regarding policies that protected the rights of Brazilian citizens abroad. These measures included, for example, improvement of facilities and modernization of the consular services in countries with the highest number of Brazilian immigrants; the establishment of itinerant consulates; and, the implementation of the Council of Representatives of Brazilians Abroad (CRBE), established by Decree No. 7214 of 2010. The question about who was to participate in this Council and the procedures to elect representatives were discussed at the conferences 'Brazilians in the World,' held in Brazil in 2008 and 2009. The election of these representatives took place at the 2010 conference. Thus, the Ministry of Foreign Affairs initiated a new policy that sought not only to better serve Brazilians abroad, but also to listen to them through their representatives.

Finally, with regards to the federal government, due to the increase of the relevance of international migration on the national political scene, it is worth mentioning the work of other entities such as the Advocacy General of the Union (DPU). Through its international office, it provides legal assistance to both Brazilian citizens abroad and foreigners in Brazil who find themselves in vulnerable socioeconomic conditions, in accordance

with national legislation and treaties and agreements signed by the country.

Civil society

Since the beginning of the century, Brazilian civil society has organized itself to incorporate thousands of European immigrants. Houses for immigrants, lodges, associations, clubs and other forms of support created during this period left a strong legacy of immigrant assistance. Today's migrants, however, have not found support in these pre-existing structures; instead new actors have become part of the network to support the country's recent immigrants.

Within this new context, it is worth highlighting the efforts of the Catholic Church through the Pastorate for Human Mobility of the National Conference of Bishops of Brazil. The CNBB has done an outstanding job in the reception of immigrants, via an extensive network of organizations covering almost the entire national territory; as a strong presence in the discussion forums on the rights of immigrants; and as an active presence in the National Congress and in such public agencies as CONARE and CNIg.

Other entities also support immigrants, but they are of a more local character and tend to be more welfare-oriented. Some recently created associations, such as those of the Bolivians in São Paulo and Africans in the city of Rio de Janeiro, focus on helping compatriots, but have poor visibility on the national political scene.

In addition to immigrants coming from developing countries with little technical qualifications, one should also consider the highly skilled migrants who, despite lacking explicit support from the consular authorities of their country of origin, on account of their irregular immigration status, have a strong ally in the Chambers of Commerce of Brazil. The Chambers aim to facilitate the regularization of residency of these professionals by increasing the awareness of government officials. Such actions have the support of the consulates of the countries they represent and are aimed at creating opportunities for dialogue, such as symposia, seminars and meetings, where entrepreneurs can discuss issues relating to the difficulties of hiring foreign labor with government officials and members of the legislative branch.

Despite their positive reception within some government sectors, these demands are strongly opposed by unions and professional entities that represent Brazilian workers. Such groups, which mostly represent categories of skilled workers, seek to maintain privileges and even reserve certain areas of the market. The most recent manifestation of this was the strong opposition of the medical regional councils to the government's proposal of hiring foreign doctors for the More Doctors Program, devised by the Ministry of Health to provide health care in underprivileged areas. For several months the councils denied the certification of these foreign doctors, preventing them from practicing. Their certification was made possible only after a court order was issued. In the case of engineering and architecture, in addition to the difficulties of recognition of diplomas, the architecture and engineering councils created additional obstacles, making it nearly impossible to hire a foreign professional in this field.

Migration policy in Brazil

Despite Brazil's long history of migration, in terms of both receiving immigrants and the outflow of its nationals, its migration policy has yet to adapt to the dynamics of present day migration movements. This is reflected in the obsolete Foreigners Act (Law No. 6815 of 19 August 1980) which is still in force today. Brazil is known as one of the countries where the immigration process is one of the most bureaucratic, and has one of the longest delays to regularize the permanent status of a foreigner. Although the administrative procedures are not very different from those adopted by other countries, some of its features cause difficulties for those who choose to reside in the country.

Regular migration to Brazil can be achieved through a work visa, except in the case of migrants from MERCOSUL countries where no specific visa is needed. Residents in some countries that have a visa reciprocity treaty with Brazil, such as several European countries, for example, can come to Brazil as tourists, without needing to obtain a visa from the Brazilian consulate abroad. However, when entering the country as a tourist, they are not allowed to exercise any labor activity. Should they perform any type of work, their situation becomes irregular.

In the case of the demand for a work visa, usually the process begins with the presentation of a signed employment contract between the applicant and a company based in Brazil at the Brazilian consular representation abroad. In the case of an investor, proof of the amount to be invested is required. The processing and approval of the visa is made by the National Immigration Council-CNIg and can be collected at the nearest Brazilian consulate of the residence of the applicant. The visa is simply permission to enter the country with a certain objective, for example, to work. When beginning his labor contract in Brazil, the person should register with the Federal Police and seek other documents such as the Natural Persons Register (CPF), an individual identification number and the Work Book. The entire process is quite slow and can take at least two to three months. This process could be further impeded if the activity to be undertaken requires a higher education diploma, since this document must

be validated by a Brazilian educational institution, which requires more time.

On the other hand, an immigrant who resides irregularly and undocumented in Brazil, or who possesses a visa that does not allow him to work, cannot rectify the situation or get a work visa in the country. He has to leave the country to regularize his situation or to obtain a work visa. To summarize, Brazilian law does not favor the immigration process. Quite the contrary, it widens the disparities between immigrants and nationals.

However, this position towards the foreigner is also stated in the 1988 Constitution, where Article 5 states that everyone is equal before the law, without distinction of any kind, guaranteeing to Brazilians and foreigners residing in the country the inviolability of the right to life, liberty, equality, security and property. In regards to this point, the Constitution clarifies the difference between the regular migrant, with the right to residence, and the undocumented person, who is guaranteed only partial access to these rights, such as health care in an emergency situation.

During the last thirty years, since the enactment of the Foreigners Act in 1980 until the beginning of the second decade of the twenty-first century, few changes were made to the legislation. The changes that were enacted were primarily administrative, and for the suppression of entities indicated in the Act or the creation of new instances, despite several attempts by Congress. Proposals to change the legislation were introduced by representatives from the business sector or civil society groups fighting for the rights of immigrants.

However, attempts which sought more substantial changes encountered strong opposition from some of the more conservative sectors, usually in defense of the corporate interests of one of the many categories of workers organizations.

Thus, given the impossible task of changing the legislation, migration policy in Brazil could be characterized, until recently, by the amnesty processes which sought to regularize the situation of foreign residents in the country. There have been four amnesty decrees in total, the first in 1981 and the last in 2005.¹⁴ In addition to these, in 2005, special

¹⁴ First: in 1981, Law No. 6964/81 - 39,000 people. Second: in 1988, Law No. 7685/88 - 35,000 people. Third: in 1998, Law No. 9675/98, regulated by Decree No. 2771 of 7

procedures were enacted relating to the regularization of foreigners of Bolivian nationality residing in Brazil, which granted amnesty to approximately 20,000 people.

In 2006, after the re-election of President Lula, the migration issue took on new dimensions in the country. In addition to the increased pressure from Brazilian communities abroad, on a domestic level, advances in the economy created the need to consider a reform of international migration legislation. At this time, the focus was not only on the internal situation, but also on the question of emigration, a highly visible policy at the time.

The preparation process of the new law began with the submission of proposals by the Federal Government for public consultation. The proposals were submitted to the Ministry of Justice to prepare the elaboration of the final proposal, which was then submitted to Congress in 2009 (Draft Law - PL 5655/2009). However, during the three years between the public consultation and the delivery of the proposal to Congress, the global scenario and international migration were radically transformed.

It has been more than four years since the text was sent to the legislature, and there has been no progress in processing the proposal. Conservative forces linked to sectors that represent the interests of unions act to postpone the new legislation. The bill innovatively attempts to address the issue of migration from a human rights perspective. Rather than insisting on a vision directed toward national security, it suggests the transformation of the National Immigration Council into a National Migration Council, whose basic structure would be part of the Ministry of Labor and Employment. This council would expand the focus of migration and encompass the situation of the large contingent of Brazilians living abroad, and could provide the base for the establishment of a national migration policy.

Parallel to this process of proposing new immigration legislation, a series of discussions occurred in the country aimed at creating public policy with a focus on migrants. During these debates, it was important to emphasize the role of the entities that represent collective groups of

September 1998 – 40,909 people. Fourth: in 2009, Law No. 11,961 of 2 July 2009 – 41,816 people.

immigrants, such as the Bolivians in São Paulo. In the case of Brazilians living abroad, there was significant participation of associations in the countries of destination, via events conducted by the Ministry of Foreign Affairs, and also by Brazilian NGOs, including the Grito da Terra and the Movimento Sem Terra-MST. Both of these defended the rights of Brazilians returning home, such as in the case of those who were living in Paraguay and who returned to Brazil.

As a result, in 2008, the CNlg of the Ministry of Labor and Employment and the ILO promoted the seminar *Tripartite Dialogue on Public Migration Policies for Labor*. However, this process proved to be inefficient, since the proposed migration policy developed by CNlg, and approved by the Council, was sent to the Civil House of the Presidency, but was never put into practice. The *Tripartite Dialogue on Public Migration Policies for Labor* has been an important milestone in the discussion of policies with regards to migration, as it was attended by government agencies, unions and workers, representatives of associations that support migrants, as well as academics.

Despite efforts by the government, Sprandel and Patarra (2009) point out that there is still no coherent and integrated policy with respect to international migration in Brazil. The recent participation of Brazilian agencies and authorities in discussions on international migration can contribute to the improvement of institutional mechanisms. However, this interaction is difficult because the institutions act under pressure and are concurrently engaged in resolving emerging problems without concerns of a broader perspective. But the debate continues and should be able to promote the creation and implementation of effective laws, which enable a dignified life for the immigrants who choose to live in the country, as well as provide assistance to those who leave the country in search of work and a better quality life abroad (Milesi, 2007).

An example of migration policy: the Haitian case

Even though there is no formal migration policy in Brazil, it is important to note that there have been institutional initiatives that produce results for solving emergency problems, but cannot be considered true policies because they lack several attributes. The most recent case of this process is the case of the migration of Haitians. It is important to note that this

migration policy is, in the end, carried out by a single agency, the National Immigration Council (CNIg). It has the power, through internal resolutions, to set rules and regulations for international migration. This new situation, hailed by some as a 'unique moment experienced by Brazilian society in its relationship with migrants' (Fernandes, Milesi, Do, 2012: 82), in fact, was the beginning of an unfinished process posing new challenges for the Brazilian authorities.

Thus, shortly after the earthquake in January 2010, the first Haitian immigrants started arriving in Brazil. The main points of entry into Brazil are along the borders with Peru in the states of Acre and Amazonas. When they reach the border, these immigrants request refugee status, describing the appalling living conditions in Haiti and the inability to continue living in that country after the earthquake. Since Brazil is a signatory of conventions that accept refugees, the authorities at the border record these requests and forward them to the competent body, the National Committee for Refugees (CONARE), of the Ministry of Justice, for analysis. While they wait for the processing of their asylum application, migrants are given provisional documentation (Natural Persons Register (CPF), an individual identification number, and Work Book) allowing them to move around the country in search of work.

Since these migrants do not meet the requirements of the definition of a refugee, according to the 1951 Convention and national legislation, CONARE does not find legal support to grant the asylum requests. However, the law allows that these cases, rejected by CONARE, to be evaluated by the National Immigration Council (CNIg), which, supported by Resolution No. 08/06,¹⁵ has the option of granting residence visas to foreigners based on humanitarian grounds.

However, this was not just a case of a simple application of a legal procedure, but an extensive process, where the role of civil society was fundamental, especially the Human Mobility Pastoral Care (Pastoral da Mobilidade Humana), not only in welcoming these immigrants, but also in mobilizing various sectors of society, including within the state and federal government. This work bore its first fruits when, on 16 March 2011, over a

¹⁵ Article 1 recommends to the National Committee for Refugees (CONARE), entity under the Ministry of Justice, referral of asylum claims that are not subject to concession to the National Immigration Council (CNIg), yet at the discretion of CONARE, these foreigners can remain in the country on humanitarian grounds.

year after the arrival of the first immigrants to the country, the CNlg granted residence permits to 199 Haitians on humanitarian grounds.¹⁶

This deliberation, rather than contributing to reducing the flow of immigrants, led to an increase of the number of Haitians who came to the Brazilian border. These events placed the border municipalities in a disastrous situation due to the lack of infrastructure, and the lack of resources to meet the growing demand for the basic minimum requirements of the immigrants while they waited to receive their receipt of filing for refuge.

This situation reached its climax in late 2011 when it was estimated that more than 4,000 Haitians had arrived in Brazil, a daily average of above 40 people. This scenario clearly indicated that this process was assuming a commercial form, with the involvement of 'coyotes' who facilitated the arrival of immigrants, and gave false promises of employment; in some cases, offering salaries exceeding US\$2,000 per month. At the same time, it became apparent that nationals from other countries, especially from Asia, began to use the same entry points into the country and similar procedures to claim refuge.

Realizing that the problem could grow to proportions of a humanitarian crisis in the border towns, the Brazilian government considered it essential to set some parameters that would, on the one hand, restrain the actions of the 'coyotes', and on the other, allow those Haitians wishing to immigrate the opportunity to do so safely and legally. With this in mind, at a special meeting of the CNlg on 12 January 2012, Normative Resolution No. 97 was approved, granting Haitians permanent visas, valid for five years, and setting a quota of 1,200 visas per year to be granted by the Brazilian Embassy in Port-au-Prince.

Once again, government action, rather than bringing tranquility to the situation, merely produced new paths, for while it was granting visas to Haitians in Haiti, it continued to grant humanitarian visas at the northern border. By the end of 2012, CNlg had granted 5,601 humanitarian visas and the Ministry of Foreign Affairs had granted over 1,200 visas at the Embassy in Port-au-Prince, under the quota established by NR No. 97. However,

¹⁶ By the beginning of 2012, 2,296 humanitarian visas had been granted to Haitians and 4,543 work permits were issued, not only to those who were already of legal standing, but also to those who were awaiting a position on their asylum application.

scheduled appointments, at the Embassy, to receive documentation for the analysis of visa applications, already covered the entire year of 2013, far surpassing the limit proposed by the resolution.

In May 2013, in the city of Brasília, Acre, the steady flow of Haitians at the northern border led to a situation of public emergency, which forced the government to send a task force to the region to process the documentation of more than 2,000 Haitians who were waiting for permission to enter the country. At the same time, RN No. 97 was amended by a new resolution (Normative Resolution No. 102) which removed the limitation on the number of visas per year and permitted the concession of visas to Haitians at any consulate.

It is still difficult to properly evaluate how these measures should be interpreted, beyond the process of just simply granting visas. Aspects linked to the integration of these immigrants in Brazilian society, ensuring their rights, and future issues of a legal nature related to the extension of the visas should be part of a government agenda.

The vision of the future

The official stance of Brazil, regarding migration and migration policies, can be clearly observed in a speech by former President Luis Inacio Lula da Silva made in 2009 when sanctioning the law offering amnesty to undocumented aliens in Brazil, the so-called Amnesty Law. Beginning by commenting on irregular migration, the President said, 'We believe that the issue of irregular migration has humanitarian aspects and should not be mistaken with crime'.¹⁷

These comments depict a vision of current migration issues, emphasizing points that civil society activists have been advocating in recent times with regards to a new national scenario, involving both immigration and emigration.

The speech began by emphasizing that Brazil is a country that is open, warm, and friendly, and claiming that immigrants have the same rights as other nationals. It stated that the new immigration laws are to be placed within the general conditions for economic and social development, included in the process of integration of South America:

*[...] Throughout many decades, Brazil has always welcomed Europeans, Asians, Arabs, Jews, Africans, and, more recently, we have received strong migratory currents of our brethren from South American, African and Latin American countries [...]*¹⁸

Recent immigration has been directed towards predominantly large urban centers like São Paulo and Rio de Janeiro, with little representation in other states. In addition to this urban flow, other immigration flows that worry the authorities include the movement along the tripartite border

¹⁷ Extract from the speech of the President of the Republic, Luiz Inácio Lula da Silva, during the ceremony to sanction the amnesty law of undocumented aliens in Brazil, hoisted at the Ministry of Justice in Brasília-DF, on 2 July 2009.

¹⁸ *Ibid*

(MERCOSUL) and the northern frontier (Amazonas and Acre), giving rise, in both cases, to the need for specific policy decisions.

In the large urban centers, the presence of these newly arrived immigrants has already become a part of social and cultural life, as demonstrated by the case of Bolivians in São Paulo. This flow of migrants has been occurring for nearly forty years and has constituted a community with their own associations, festivities, culture, food, etc., if not living harmoniously, at least in mutual acceptance.

It is the unsolved employment situation which complicates the lives of immigrants, beginning with the bureaucracy needed to obtain the documents allowing them to stay. Despite the speech by former President Lula, their needs were not met, nor the problems of discrimination, exploitation and ensuring basic human rights solved; all of which have remained as before the current legislation.

This situation has generated protests from various sectors of society, including charity and social institutions, mostly associated with religious orders, instrumental in the reception and processing of the Haitian immigrants who began arriving in 2011. Such institutions pressure the government for more decisive measures to handle migration flows.

At the other end, business groups with a strong presence in the global economic system, feeling the difficulties of obtaining skilled workers, needed to cope with an increasing demand for products and services. They organize actions to raise the awareness of government sectors dealing with the immigration issue and seek to reduce the barriers and requirements to bring international workers.

All these efforts have received timid responses from government sectors, which prefer to deal with isolated situations and to resolve emergency problems without a broad view of the real needs of society or even the future consequences of actions taken. This was the case with the migration flow of Haitians, where action, instead of contributing to a process of regular and safe migration, led to the increase in the number of immigrants at the country's borders.

Faced with so many challenges, the Ministry of Justice, through the Justice Secretariat, is proposing the realization of the National Conference on Migration and Refuge in mid-2014. The conference is to be preceded by a preparatory process, conducting state and regional meetings, giving rise

to a collective effort for a proposed migration and refugee policy for the country.

At the same time, the Ministry of Justice has proposed the formation of a working group, consisting of experts in the field of law, to prepare a draft of the Law on Migration and Migrant Rights in Brazil, which will replace the PL 5655, currently under discussion in Congress.

The hope is that this topic will become part of everyday life for many sectors in Brazil and will be debated by the executive, legislative and judiciary branches, and related institutions. It will have to face the pressure and demands of organized social groups and NGOs, both domestic and international, which are battling to open the doors to low income immigrants and victims of social and climatic disasters.

In this context, the governance of international migration in a globalized world must discuss and negotiate with international organizations due to their increasing participation, and with regard to respect for human rights and integration of new immigrants into (official) social policies in Brazil.

At this moment, at the end of 2013, it is not possible to predict the outcome of this process. Because migration is closely linked to economic issues, priorities can change quickly. So it was in the mid-2000s, when migration policies focused on Brazilians living abroad. At present, interest is focused on skilled migration and the new Haitian phenomenon, in other words immigration to Brazil.

Even if the degree of uncertainty is high, it can be assumed that the proposals under consideration, and the move to create more open migration legislation, will allow for the creation of migration policy more favorable to immigrants, regardless of their professional status and origin.

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Annex

Annex I – Bodies Responsible for the Implementation and Control of Migration Policy in Brazil

Ministry of Justice

National Justice Secretariat. National Committee for Refugees (CONARE) - Entity that collectively deliberates on national policy on refugees. CONARE is chaired by the National Justice Secretariat, of the Ministry of Justice, being composed of one representative of each of the following agencies: Ministry of Foreign Affairs, Ministry of Health, Ministry of Labor and Employment (MTE), Ministry of Education, Department of Federal Police, Caritas Archdiocese of Rio de Janeiro and São Paulo, and the United Nations High Commissioner for Refugees - UNHCR.

National Justice Secretariat. Foreigners Department. - Entity that has the power to prosecute, give opinions and refer matters concerning nationality, naturalization and legal status of aliens; can prosecute, give opinions and forward issues related to compulsory measures of expulsion, extradition and deportation; can instruct on processes related to the transfer of prisoners to serve their sentence in their country of origin, based on treaties which Brazil has signed; can instruct on processes of recognition of refugee status and political asylum, and provide administrative support to the National Committee for Refugees (CONARE).

Federal Police – Maintains records of entry and exit of the country and includes data from the Information Service of Alien Registration, and Division of Maritime, Airport and Border Police Department of the Federal Police of the Ministry of Justice.

Coordination of the National Plan to Combat Trafficking of Persons and their Perpetrators – The National Plan to Combat Trafficking of Persons (PNETP) was established by Luiz Inácio Lula da Silva, by Decree No. 6,347, of 8 January 2008, and aims to prevent and punish trafficking in persons, arrest perpetrators and to ensure care and support to their victims. Both

the Policy (2006) and the National Plan to Combat Trafficking of Persons (PNETP), are part of the process of implementing the recommendations of the Protocol of the UN Convention against Transnational Organized Crime, held in Palermo, in 2000.

Ministry of Labor

The Constitution of 1988 states exclusive responsibility of the Union to legislate on emigration, immigration, entry, extradition and expulsion of foreigners (article 22, XV). Law No. 9649, dated 27 May 1998, which deliberates about the organization of the Presidency and the Ministries, states that immigration policy is the scope of the Ministry of Labor (art. 14, XVIII). In addition, Decree no. 3,129, dated August 9, 1999, defines the bylaws of this entity, and states the responsibilities of the Labor Relations Secretariat - SRT in article 17:

IX - to oversee and monitor activities related to work permits to foreigners in the country and maintain computerized databases on the labor market and labor, providing to Social Security data required for registration purposes;

X - to supervise and monitor activities related to the authorization of the Ministry and hiring of workers by foreign companies to work abroad;

XI – to support the National Immigration Council;"

The Ministry of Labor (MTE) exercises its competencies in the area of immigration in two areas:

National Immigration Council (CNIG) - This joint committee, is to be chaired by the MTE, and composed of representatives of the government, employers and workers. The Council is to direct, coordinate and supervise immigration activities (No. 6815, article 129).

General Coordination of Immigration (CGIg) – This is responsible for coordinating, guiding and supervising activities related to work permits, to foreigners and the hiring or transferring of Brazilians to work abroad.

Ministry of Foreign Affairs (MFA)

The Ministry of Foreign Affairs grants foreigners authorization to enter and stay in the country, once the initial requirements of the immigration legislation are met. The foreigner wishing to enter Brazilian territory may be granted a transit, tourist, temporary, permanent, courtesy, official or diplomatic visa.

Basic services provided by consulates include those of civil registration notaries and issuance of travel documents, plus others related to citizenship, where the consulate also acts as agent for the Military Services, the Electoral Justice Department and other government entities. It is here that the initial assistance, to be complemented by other forms, is given directly or indirectly to assure the basic rights of Brazilian citizens, such as legal assistance in matters of family law, for detainees, in case of accidents or situations of danger.

In the structure of the Chancellery, there exists the Division of Brazilian Communities (DBR), linked to the Consular Department and Brazilians Living Abroad, part of the General Under secretariat of Brazilian Communities Abroad (SGEB). The main duties of the DBR are to compile and process data on Brazilian communities abroad; to establish channels of communication between these communities and the Foreign Ministry; to help these communities organize themselves and form associations; to monitor and negotiate international agreements that benefit these communities; and to coordinate, with respect to other Brazilian government entities, actions and policies in their favor. DBR is a division of SGEB, responsible for implementing the system 'Brazilians in the World' Conferences, which is one of the main channels of dialogue between the Brazilian government and its citizens abroad.

The General Under secretariat of Brazilian Communities Abroad has a network of 167 stations, comprising 105 embassy consular sectors, 43 general consulates, 5 consulates and 14 vice-consulates. These stations give permanent attention to the work of communities, through instruments that support specific sectors, such as citizen councils, solidarity networks, itinerant consulates, joint programs with other ministries to carry out education equivalence exams, establishing schools and negotiating agreements in favor of Brazilians abroad. In addition, several other initiatives are undertaken by these stations that vary, depending on the region and circumstances, and include binational projects, which integrate and support border communities, stimulating the production and

publication of works and events for communities, and a whole range of services that go beyond traditional consular activity.

ANNEX II

Table 1- Countries of origin of immigrants per decade of arrival. Brazil (1810-1979)

Decade	Portugal	Italy	Spain	Germany	Others	Total
1810 - 1819					1,790	1,790
1820 - 1829				2,326	5,439	7,765
1830 - 1839	230	180		207	2,021	2,638
1840 - 1849	491	5	10	4,450	2,347	7,303
1850 - 1859	63,272	24	181	15,815	38,300	117,592
1860 - 1869	53,618	4,916	633	16,514	34,432	110,113
1870 - 1879	67,609	47,100	3,940	14,627	60,555	193,831
1880 - 1889	104,700	276,724	29,166	19,201	98,177	527,968
1891 - 1899	215,534	690,365	164,093	17,014	118,977	1,205,983
1900 - 1909	199,536	221,394	21,504	13,848	93,644	549,926
1910 - 1919	312,481	137,868	181,657	25,902	163,550	821,458
1920 - 1929	301,915	106,831	81,931	75,839	277,006	843,522
1930 -	102,544	22,170	13,746	13,746	165,617	317,823

1939						
1940 - 1949	47,556	11,359	5,003	6,885	2,865	73,668
1950 - 1959	241,520	94,012	94,693	16,827	139,618	586,670
1960 - 1969	74,124	12,414	28,397	5,659	76,993	197,587
1970 - 1979	5,641	3,382	2,196	3,817	31,219	46,255
Total	1,790,771	1,628,744	627,150	252,677	1,312,550	5,611,892

Source: Hernando, Asunción M. and Martínez, Elda G. (2006: 36)