

# Migration Governance Snapshot: The Federative Republic of Brazil

**July 2018**

In 2015, the International Organization for Migration (IOM) developed a [Migration Governance Framework \(MiGOF\)](#) to help countries define what “well-managed migration policy” might look like at the national level. The MiGOF was welcomed by IOM’s Member States in the same year. The Migration Governance Indicators (MGI)<sup>1</sup> were developed to assist countries operationalize the MiGOF by using a standard set of approximately 90 indicators that could be applied across six key policy domains.

The MGI is a tool based on policy inputs, which offers insights on policy levers that countries can use to develop their migration governance. The MGI is not intended to function as a measurement of outcomes related to migration policies and institutions. Instead, it operates as input-based benchmarking framework that offers insights on policy measures that countries can use to strengthen migration governance.

The MGI is not meant to rank countries in the assessment of the comprehensiveness of their migration policies, or to identify gaps and areas that could be strengthened. The MGI aims to assist countries while advancing the conversation on migration governance by clarifying what “well-governed migration” might look like in the context of the [Sustainable Development Goal Target 10.7](#), “Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies.”

This country snapshot presents a summary of well-governed areas of the Federative Republic of Brazil’s (hereafter referred to as Brazil) migration governance structures, as well as the areas with potential for further development, as assessed by MGI.

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<sup>1</sup> The MGI initiative is a policy-benchmarking programme led by IOM and implemented with the support of the Economist Intelligence Unit and financed by IOM Member States.

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With research and analysis by

# Key findings

## I. Adherence to international standards and fulfilment of migrants' rights

### I.1. International conventions ratified

The table below follows a standard format and looks at the ratification of specific international conventions. The list of conventions covered is by no means exhaustive.

Convention name	Ratified
International Labour Organization (ILO) Migration for Employment Convention (Revised), 1949 (No. 97)	Yes (1965)
United Nations Convention relating to the Status of Refugees, 1951	Yes (1960)
United Nations Convention relating to the Status of Stateless Persons, 1954	Yes (1996)
United Nations Convention on the Reduction of Statelessness, 1961	Yes (2007)
ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)	No
United Nations Convention on the Rights of the Child, 1989	Yes (1990)
United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990	No

### I.2. Migration Governance: Examples of well-developed areas

Rights of access to health-care services, education and social security are universal and encompass all immigrants, regardless of migratory status. These rights are protected by the new Migration Law (No. 13,445 of 2017) and by the Federal Constitution, besides the specific legislation of each area. The new Migration Law brought important improvements regarding the fulfilment of migrants' rights, such as article 120, which provides for the creation of a National Policy on Migration, Refuge and Statelessness. Furthermore, with this law, the Office of the Federal Public Defenders becomes part of the Brazilian migratory governance's structure, as a reference for the judicial and administrative defence of vulnerable immigrants.

Immigrants can access all levels of care in the public health services, which are free and covered by the Brazilian State, with some exceptions applying to prescription medicine. Similarly, all immigrants, regardless of their legal status, have access to both levels of public education: basic education (kindergarten, elementary and high school) and higher education (undergraduate, graduate and postgraduate).

Immigrants also have access to a range of social assistance benefits, including *Bolsa Familia*, which is the main federal cash transfer programme. (In December 2017, 34,794 people born outside Brazil received aid from *Bolsa Familia*). In order to ensure effective access to legally established rights, recommendations and clarifications regarding the provision of services for immigrants were issued in the areas of health, education and social assistance, including measures of flexibilization of documents requirements, such as proof of residence.

Brazil guarantees access for immigrants to social security benefits and to the labour market in a non-discriminatory way. Furthermore, the country has agreements in place for the portability of old-age pensions. Brazil is part of the Multilateral Ibero-American Agreement, which allows citizens of signatory countries to benefit from a range of social security benefits across borders, including pensions. The current members are: Argentina, Bolivia, Brazil, Chile, Ecuador, El Salvador, Spain, Paraguay and Peru. In 2014, Brazil signed a bilateral agreement with Canada in which the two countries would account for public pension contributions for citizens.

Immigrants with temporary or permanent visas can apply for family reunification, which includes (a) spouses or partners, without any discrimination, under the terms of the Brazilian legislation; (b) children; (c) stepchildren or siblings (provided that they are under 18 years of age, students under 24, or of any age if

economically dependent); (d) relatives of ascending or descending line up to second degree; or (e) the guardian of a Brazilian citizen.

Immigrants who have been living in the country on a temporary visa are free to apply for an indefinite residence permit. Immigrants can apply for citizenship after four years of residence in the country, provided they fulfil certain requirements (civil capacity, knowledge of Portuguese and a clean criminal record).

Non-nationals with a residence permit have the right to work. Residents have the same rights as nationals to access private sector employment and self-employment, but there are some restrictions to access public sector employment.

Brazilian citizens living abroad are able to vote if they are registered with a consulate. Voting in all elections is mandatory for citizens residing in Brazil, but citizens living abroad can vote only for President and Vice-President.

### **1.3. Areas with potential for further development**

Political participation is an area for potential improvement, considering international good practices of electoral rights at the local level for resident immigrants. According to the Constitution of Brazil, only Brazilian citizens have the right to vote at any level. The only exception is a convention between Brazil and Portugal, which allows Portuguese citizens who have had residence permits for more than five years to request full political rights. The Senate is currently considering a proposal to amend the Constitution to allow immigrants with permanent residence to vote in municipal elections.

The employment of immigrants by the federal public sector is not provided for by law, except in the case of universities and other federal research institutions. In addition, there are cases of direct and indirect limitations (such as through immigrant-prohibitive documentation requirements) that preclude access to public employment in the three federative spheres.

Finally, despite recent efforts to facilitate immigrants' access to legally protected rights, there are still some practical obstacles in place. One example is the language barrier: most public services are not able to assist immigrants who do not master the Portuguese language.

## **2. Formulates policy using evidence and whole-of-government approach**

### **2.1. Migration Governance: Examples of well-developed areas**

Immigration and emigration are regulated by the new Migration Law (No. 13,445 of 2017), which aggregates and reformulates previous legislation concerning migration policy. The law was developed with a rights-based perspective, building on international human rights and migration instruments of which Brazil is a signatory, as opposed to the previous legislation, which focused on national security and national labour market protection. The law has introduced a variety of safe, orderly and dignified migratory alternatives, and has regulated means of access to several universal rights provided for the Federal Constitution, generating greater legal security for the implementation of public policies by the different governmental bodies dealing with migration-related issues.

The Migration Law establishes the conditions and procedures for the entrance, stay and departure of non-nationals in Brazilian territory. It also outlines immigrants' rights, as well as different types of visas (including humanitarian visas) and residence permits for different migrant types. It contains chapters dedicated to emigration, with provisions on citizens' rights, consular assistance and protections. Information on migration regulations is readily available to the public online.

The National Immigration Council (CNIg) is a platform for collaboration among various ministries, employers' associations and workers' unions to discuss labour migration. It is managed by the Ministry of Labour and is responsible for formulating labour migration policy. CNIg meets 11 times per year. Furthermore, non-governmental organizations and international organizations participate in the council as observers.

CNIg has a think tank called the International Migration Observatory ([OBMigra](#)), in partnership with the University of Brasilia and the National Institute of Geography and Statistics, which is responsible for data production. Through the Ministry of Labour, CNIg publishes annual and quarterly reports on immigration. These reports include the number of labour-related immigration requests received, broken down by age, sex, education, profession, origin and destination, along with their approval status.

## **2.2. Areas with potential for further development**

Multiple entities within the Federal Government are responsible for enacting immigration policy, and the work is not spearheaded by a single organization. Article 120 of the Migration Law indicates that a "National Policy on Migration, Asylum and Statelessness" is to be created and implemented by the Executive Branch in cooperation with federal, state and municipal governments, as well as non-governmental organizations, the private sector and international organizations. The Government is currently working on the regulation of article 120. The upcoming introduction of a national policy is a crucial step towards the improvement of governance among the diverse federative bodies and civil society actors involved in migration management.

The National Policy may also favour the construction of formal and permanent cooperation mechanisms between federal, state and municipal authorities in issues related to the formulation of migratory policies.

There is potential for the integration of the different databases that contain information about immigrants, in order to improve evidence availability.

## **3. Engages with partners to address migration and related issues**

### **3.1. Migration Governance: Examples of well-developed areas**

Brazil performs strongly in terms of partnerships. Within the country, different sectors of society – such as civil society, the private sector and the diaspora – are engaged in agenda-setting and implementation of migration-related issues. The process that led to the new Migration Law was participative, involving governmental and non-governmental actors coming together in technical working groups, a national conference and hearings at the National Congress.

Both civil society and the private sector (mainly employers' associations and workers' unions) are represented on CNIg. Unions and private sector associations are represented as Council Members, with a right to speak and vote. Under government criteria, civil society organizations, international organizations and academia are present as observers in CNIg, with active participation but without voting rights.

Furthermore, there is a periodic meeting of the conference of the Brazilian communities abroad, held by the Ministry of Foreign Affairs. These conferences inform the Government of Brazil on issues regarding social security and other topics pertaining to citizens living abroad.

In the area of regional cooperation, Brazil is part of the South American Conference on Migration and of the *Mercado Común del Sur* (MERCOSUR), a regional economic alliance with other South American countries. Within the scope of MERCOSUR, there are coordination mechanisms in the areas of migration and refuge, as well as a Residence Agreement establishing facilitated conditions for residence permits between the following countries: Argentina, Bolivia, Colombia, Chile, Ecuador, Paraguay, Peru and Uruguay. The Government of Brazil has established a special visa policy for bordering countries that have not joined the Residence Agreement,

including the Bolivarian Republic of Venezuela, which currently is the main source of international immigration to Brazil.

Bilaterally, the country has established consultation mechanisms that include discussions on migration with several countries, such as Angola, Canada, Chile, France, Japan, Mexico and the United States.

Brazil is represented on the governing bodies of IOM and the Office of the United Nations High Commissioner for Refugees, and participates in the Global Forum on Migration and Development. Recently, the country has played an active role in the Global Compact for Migration negotiations.

### **3.2. Areas with potential for further development**

The potential for private sector participation in the area of immigrant integration could be further developed, since the absence of specific legislation regarding some areas of private engagement generates legal insecurity. For instance, there is vested interest of private actors on financing private refugee resettlement programmes, but currently there is no specific procedural normative with that purpose.

## **4. Advances the socioeconomic well-being of migrants and society**

### **4.1. Migration Governance: Examples of well-developed areas**

Brazil has several agreements related to labour migration. It has many bilateral technical agreements addressing labour issues with countries such as Canada, France, Germany, Italy, Japan, Norway, Spain and the United States. Furthermore, the MERCOSUR Residence Agreement allows nationals from signatory countries to obtain temporary residence, including work authorization, before receiving an offer letter. [OBMigra](#), which is part of the Ministry of Labour, publishes yearly reports with statistics on immigrants engaged in formal work in the country, including information disaggregated by sex and numerous other indicators.

International students face no restrictions when applying for tertiary education in Brazil. Tuition costs (free in the case of public universities) are the same, and international students are eligible for federal scholarships. Since the new Migration Law, student visa holders are also allowed to work, as long as it does not conflict with course hours, and can change the student visa to a residence permit during or after course conclusion.

As a member of MERCOSUR, Brazil is part of the agreement that resulted in the creation of the System of Regional Accreditation of Undergraduate Courses. To this point, undergraduate courses from seven academic fields were evaluated, accredited and included in the system's database.

Brazil provides reactive and proactive assistance to emigrant citizens, regulated by Decree No. 7,214 of 2010. In addition to establishing principles and directives of government policy for Brazilian communities abroad, the Decree formalized the Brazilians Around the World Conferences and created Councils of Representatives of Brazilians Abroad, which bring together spokespersons for Citizens' Councils of various consular posts.

Regarding remittances, Brazil is involved in the G20 Plan to Facilitate Remittance Flows, and submitted its formal plan in 2015.

Relevant progress has been made concerning the use of the social name by transsexuals and transvestites, since the migration management systems of the Ministry of Justice are being updated to guarantee this right in all stages of the administrative process.

### **4.2. Areas with potential for further development**

There is very limited information available, and reports (such as those produced by [OBMigra](#)) are not regular or comprehensive.

The process for revalidation of university and professional titles obtained abroad, either by non-nationals or by Brazilians, is costly and complicated, generating difficulties for immigrants and Brazilians who have studied abroad to work in their areas of studies.

Decree No. 9,199 of 2017 has a provision for the creation of labour visas to attract workers in strategic areas or areas with deficits of qualified professionals. The Government is currently working on the regulation of this provision.

The country has not yet developed measures to promote gender equality for migrants in the labour force.

There are no proactive policies for promotion of ethical recruitment of immigrants prior to migration. Reactive measures include the work of oversight bodies, such as the Federal Police and the Office of the Federal Labour Attorneys, to investigate and prevent violations of rights.

## 5. Effectively addresses the mobility dimensions of crises

### 5.1. Migration Governance: Examples of well-developed areas

The Ministry of National Integration has a monitoring system in place, with access available for states and municipalities to observe and manage disasters. The system collects information from multiple public reporting entities, and updates an interactive map in real time, allowing authorities to assess the dimension and appropriate response for each situation. The Ministry has also produced a national disaster and risk management plan that addresses issues such as the relocation of those displaced by disasters (*Programa 2040*). In addition, the country has a national disaster risk reduction strategy specifically for nuclear power plant accidents, which includes provisions on displacement impacts.

The federal classification of emergencies does not consider large migratory flows as an emergency or as a public calamity. Significantly, the new Migration Law (No. 13,445 of 2017) addresses displacements caused by environmental disasters within the protection provided by visas for humanitarian reception. State and municipal entities have already declared a “social emergency” when receiving intense migratory flows.

The Government of Brazil is responsive to extreme events, and there are good practices of ad hoc mechanisms put in place. Examples of such mechanisms are the granting of humanitarian visas to Haitians migrating to the country since the 2010 earthquake and assistance to their internal mobility, as well as the humanitarian visa policy established for Syrians escaping violent conflicts in their home country.

Recently, the Government has formally reacted to the migratory flow coming from the Bolivarian Republic of Venezuela by enacting multiple regulations. The CNIg Normative Resolution No. 126 of 2017 allowed the emission of temporary residence permits for Venezuelans (and nationals from other border countries which are not MERCOSUR members). This was replaced and enhanced by Interministerial Ordinance No. 9 of 2018. Measures of emergency assistance have been implemented and the Government has created a Federal Committee for Emergency Assistance (*Comitê Federal de Assistência Emergencial*), in charge of coordinating assistance and integration efforts.

The Ministry of Human Rights has a 24/7 service (*Disque 100*) for reports and complaints related to human rights violations. In light of the recent influx from the Bolivarian Republic of Venezuela, the *Disque 100* now offers services in Spanish, and prioritizes calls from the State of Roraima, where most of the Venezuelan immigrants arrive.

The Ministry of Foreign Affairs offers consular assistance for Brazilian nationals in hundreds of cities around the world and maintains the Consular Portal, which provides 24/7 emergency consular assistance to nationals living abroad in situations of crisis. There are contingency plans in place for natural disasters and other types of emergencies.

## 5.2. Areas with potential for further development

Despite the existence of well-developed tools for reporting human rights violations, such as *Disque 100*, in the case of an emergency or public calamity, Brazil does not have communication channels dedicated to interacting with immigrants present in the country, considering language barriers or their specific needs.

The Brazilian Civil Defence is well prepared to deal with natural disasters and has a plan that includes prevention, monitoring and alert, as well as actions and mapping strategies. However, this plan does not account for the immediate displacement impacts of disasters, and there are still no strategies to address migratory movements resulting from the adverse effects of climate change and environmental degradation.

The National Committee for Refugees has recently undertaken efforts to improve its case management, as there is a large volume of unprocessed asylum claims that may have lost their *raison d'être*, including some people who have already left the country. There is a growing concern to differentiate refugees from economic and humanitarian migrations as established by the new Migration Law. Efforts undertaken by the National Committee for Refugees could be even more successful with the expansion of its administrative structure.

## 6. Ensures that migration takes place in a safe, orderly and dignified manner

### 6.1. Migration Governance: Examples of well-developed areas

The Brazilian Federal Police is a specialized body in charge of integrated border control and security, among other things. It is responsible for border controls and for overseeing the entrance, duration of stay and exit of foreigners in national territory. Federal Police agents receive regular training in various areas, including migrant entry and foreign languages. The Brazilian passport and border control systems, which are managed by the Federal Police, are internationally recognized for their security and efficiency. The [Federal Police Portal](#) gathers information regarding all services provided.

Immigrants' admission and eligibility criteria are clearly outlined. The [Consular Portal of the Ministry of Foreign Affairs](#) provides information about all available visa options, conditions for residence, refugee and asylum status, and special provisions for citizens of MERCOSUR countries. Although the visa-processing system is not fully online, but rather a mixed online and paper system, immigrants can have their visas awarded prior to arrival by applying in Brazilian consulates.

The National Secretary of Justice, within the Ministry of Justice, oversees operations against human trafficking, in collaboration with law enforcement agencies and non-governmental organizations engaged on the issue. However, the administrative structure of the body in charge of counter-trafficking at the Ministry of Justice is small, and the committee tasked with promoting the national strategy does not meet frequently. The Ministry of Justice publishes yearly reports with human trafficking statistics, including data on arrests, open cases, legal frameworks and the police response. The offices of Federal Attorneys and of Federal Public Defenders and the Federal and state police forces also have dedicated sectors in charge of countering human trafficking.

Brazil's humanitarian visa policies contribute to safe, orderly and dignified migration. Since the humanitarian crisis in Haiti, Brazil has established a humanitarian visa policy for Haitians. The Brazilian Embassy in Port-au-Prince currently manages a Brazilian Visa Application Centre in partnership with IOM to facilitate the issuance of humanitarian visas for Haitians.

### 6.2. Areas with potential for further development

Brazil does not have measures in place to attract Brazilian nationals living abroad. There is no formal governmental programme focused on facilitating the reintegration for returning citizens. However, the Ministry of Foreign Affairs has developed the Return Portal, which gathers useful information for this population.

A recommendation would be that border officials should receive human rights and gender training.

## Key sources

Federative Republic of Brazil, Chief of Staff of the Presidency of the Republic

- 2010 Decree-Law 7,214. Available from [www.planalto.gov.br/ccivil\\_03/ato2007-2010/2010/decreto/d7214.htm](http://www.planalto.gov.br/ccivil_03/ato2007-2010/2010/decreto/d7214.htm) (accessed 21 August 2018).
- 2017a Decree-Law 9,199. Regulating Law 13,445. Available from [www.planalto.gov.br/ccivil\\_03/ato2015-2018/2017/decreto/D9199.htm](http://www.planalto.gov.br/ccivil_03/ato2015-2018/2017/decreto/D9199.htm) (accessed 21 August 2018).
- 2017b Law 13,445 (Migration Law). Available from [www.planalto.gov.br/ccivil\\_03/ato2015-2018/2017/lei/L13445.htm](http://www.planalto.gov.br/ccivil_03/ato2015-2018/2017/lei/L13445.htm) (accessed 21 August 2018).

Federative Republic of Brazil, Federal Senate

- 2012 Constitutional Amendment Proposal No. 25. Available from [www25.senado.leg.br/web/atividade/materias/-/materia/105568](http://www25.senado.leg.br/web/atividade/materias/-/materia/105568) (accessed 21 August 2018).

Federative Republic of Brazil, Ministry of Education

- 2016 Foreign students will be allowed to work in Brazil. Available from [www.brasil.gov.br/educacao/2016/12/estudantes-estrangeiros-poderao-trabalhar-no-brasil](http://www.brasil.gov.br/educacao/2016/12/estudantes-estrangeiros-poderao-trabalhar-no-brasil) (accessed 21 August 2018).

Federative Republic of Brazil, Ministry of Foreign Affairs

- 2012 Guidance and legal orientation for Brazilians abroad. Available from [www.brasileirosnomundo.itamaraty.gov.br/cartilhas/Cidadania/cartilha-de-orientacao-juridica-aos-brasileiros-no-1.pdf](http://www.brasileirosnomundo.itamaraty.gov.br/cartilhas/Cidadania/cartilha-de-orientacao-juridica-aos-brasileiros-no-1.pdf) (accessed 21 August 2018).
- 2018 Entrance Visas in Brazil. Available from [www.portalconsular.itamaraty.gov.br/images/qgrv/QGRV-simples-ing-Fev18.pdf](http://www.portalconsular.itamaraty.gov.br/images/qgrv/QGRV-simples-ing-Fev18.pdf) (accessed 21 August 2018).

Federative Republic of Brazil, Ministry of Labour

- 2017a General Coordination for Immigration (CGI). Statistics. Available from <http://trabalho.gov.br/dados-abertos/trabalho-estrangeiro/estatisticas-imigracao/coordenacao-geral-de-imigracao-cgig> (accessed 21 August 2018).
- 2017b National Immigration Council. Members. Available from <http://trabalho.gov.br/images/Documentos/Trabalhoestrangeiro/lista-de-membros-cnig-2017.pdf> (accessed 21 August 2018).

Federative Republic of Brazil, Ministry of Justice and Public Safety

- 2016 Prevention projects. Available from [www.justica.gov.br/sua-protecao/trafico-de-pessoas/publicacoes](http://www.justica.gov.br/sua-protecao/trafico-de-pessoas/publicacoes) (accessed 21 August 2018).
- 2017 Consolidated report on human traffic in Brazil. Available from [www.justica.gov.br/sua-protecao/trafico-de-pessoas/publicacoes/relatorio-dados-2014-2016.pdf](http://www.justica.gov.br/sua-protecao/trafico-de-pessoas/publicacoes/relatorio-dados-2014-2016.pdf).
- 2018 Official Diary of the Union Section 1, No. 67. Available from <http://pesquisa.in.gov.br/imprensa/jsp/visualiza/index.jsp?data=09/04/2018&jornal=515&pagina=57&totalArquivos=130> (accessed 21 August 2018).

Federative Republic of Brazil, Ministry of National Integration

- 2012 National Plan for Risk Management and Response to Natural Disasters. Available from [www.planejamento.gov.br/apresentacoes/apresentacoes-2012/120808\\_plano\\_nac\\_risco\\_2.pdf](http://www.planejamento.gov.br/apresentacoes/apresentacoes-2012/120808_plano_nac_risco_2.pdf) (accessed 21 August 2018).

2016 2040 Programme – Risk and Disaster Management. Available from  
[http://www.mi.gov.br/documents/3958478/0/2040\\_Obj\\_0174\\_Caracterizacao.pdf/4f649ff2-992d-49a7-b9e1-4fe7157bb0da](http://www.mi.gov.br/documents/3958478/0/2040_Obj_0174_Caracterizacao.pdf/4f649ff2-992d-49a7-b9e1-4fe7157bb0da).